DEBATES

OF

THE SENATE

OF THE

DOMINION OF CANADA

1907-8

REPORTED AND EDITED BY

HOLLAND BROS.

Official Reporters of the Senate of Canada

FOURTH SESSION--TENTH PARLIAMENT

VOL. I.

OTTAWA

PRINTED BY S. E. DAWSON, PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

1908

SENATORS OF CANADA

ALPHABETICAL LIST

4th SESSION, 10th PARLIAMENT, 7th-8th EDWARD VII.

1907-8

SENATORS.	DESIGNATION.	POST OFFICE ADDRESS.
The Honourable		
BAIRD, G. T.	Victoria	Perth Centre, N.B.
BAKER, G. B.	Bedford	Sweetsburg, Que.
BÉIQUE, F. L.	De Salaberry	Montreal.
BEITH, R.	Bowmanville	Bowmanville, Ont.
BERNIER, T. A.	St. Boniface	St. Boniface, Man.
BOLDUC, J.	Lauzon	St. Victor de Tring, Que.
BOSTOCK, H.	Kamloops	Monte Creek, B.C.
BOUCHERVILLE, DE, C.E., C.M.G.	Montarville	Boucherville, Que.
BOWELL, (Sir Mackenzie), K.C.M.G.	Hastings	Belleville, Ont.
CARLING, (Sir John), K.C.M.G.	London	London, Ont.
CARTWRIGHT, (Sir Richard), G.C.M.G.	Oxford	Ottawa.
CASGRAIN, J. P. B.	De Lanaudière	Montreal.
CHOQUETTE, P. A.	Grandville	Quebec.
CLORAN, H. J.	Victoria	Montreal.
COFFEY, T.	London	London, Ont.
COMEAU, A. H.	Digby County	Meteghan River, N.S.
COSTIGAN, J.	Victoria, N.B.	Edmunston, N.B.
COX, G. A.	Toronto	Toronto.
DANDURAND, R. (Speaker).	De Lorimier	Montreal.
DAVID, L. O.	Mille Iles.	Montreal.
DAVIS, T. O	Prince Albert.	Prince Albert, Saskatchewan
DESSAULES, G. C.	Rougemont	St. Hyacinthe, Que.
DE VEBER, L.	Lethbridge	Lethbridge, Alberta.
DOMVILLE, J.	Rothesay	Rothesay, N.B.
DOUGLAS, J. M.	Tantallon	Tantallon, Sask.
DRUMMOND, (Sir G. A.), K.C.M.G.	Kennebec	Montreal.
EDWARDS, W. C.	Russell	Rockland, Ont.
ELLIS, J. V.	St. John	St. John, N.B.
FERGUSON, D.	Queen's	Charlottetown, P.E.I.
FISET, J. B. R.	Gulf	Rimouski, Que.
FORGET, L. J.	Screl	Montreal.
FROST, F. T.	Leeds and Grenville.	Smith's Falls.
GIBSON, W.	Lincoln	Beamsville, Ont.
GILLMOR, D.	St. George	St. George, N.B.
GODBOUT, J.	La Salle	St. François, Beauce, Que.
JAFFRAY, R.	Toronto	Toronto, Ont.
JONES, L. MELVIN.	Toronto	Toronto, Ont.
KERR, J. K.	Toronto	Toronto, Ont.
KING, G. G.	Queen's.	Chipman, N.B.
KIRCHHOFFER, J. N.	Selkirk	Brandon, Man.
LANDRY, P.	Stadacona	Candiac, Que.
LEGRIS, J. H.	Repentigny	Louiseville, Que.
LOUGHEED, J. A.	Calgary	Calgary, Alberta.
LOVITT, J.	Yarmouth	Yarmouth, N.S.

SENATORS.	DESIGNATION.	POST OFFICE ADDRESS.
The Honourable		
MACDONALD, A. A	Charlottetown	Charlottetown, P.E.I.
MACDONALD, W. J	Victoria	Victoria, B.C.
MACKAY, R	Alma	Montreal.
MACKEEN, D	Cape Breton	Halifax.
MCDONALD, W	Cape Breton	Little Glace Bay, N.S.
MCGREGOR, J. D	New Glasgow	New Glasgow, N.S.
MCHUGH, G	Victoria, O.	Lindsay, Ont.
MCKAY, T	Truro	Truro, N.S.
MCLAREN, P	Perth	Perth, Ont.
MCMILLAN, D	Alexandria	Alexandria, Ont.
MCMULLEN, J	North Wellington	Mount Forest, Ont.
MCSWEENEY, P	Northumberland	Moncton, N.B.
MERNER, S	New Hamburg	Berlin, Ont.
MILLER, W	Richmond	Arichat, N.S.
MITCHELL, W	Wellington	Drummondville, Que.
MONTPLAISIR, H	Shawinegan	Three Rivers, Que.
OWENS, W	Inkerman	Montreal.
PERLEY, W. D	Wolseley	Wolseley, Saskatchewan.
POIRIER, P	Acadie	Shediac, N.B.
POWER, L. G	Halifax	Halifax, N.S.
RILEY, G	Victoria, B.C.	Victoria, B.C.
ROBERTSON, J. E	P. E. Island	Montague, P.E.I.
ROSS, J. H	Regina	Moose Jaw, Saskatchewan.
ROSS, W	Victoria, N.S.	Halifax, N.S.
ROSS, G. W	Middlesex	Toronto, Ont.
ROY, P	Edmonton	Edmonton, Alberta.
SCOTT, R. W	Ottawa	Ottawa.
SHEHYN, J	Laurentides	Quebec.
SULLIVAN, M	Kingston	Kingston, Ont.
TALBOT, P	Lacombe	Lacombe, Alberta.
TESSIER, JULES	De la Durantaye	Quebec.
THIBAUDEAU, A. A	De la Vallière	Montreal.
THIBAUDEAU, J. R	Rigaud	Montreal.
THOMPSON, F. P	Fredericton	Fredericton, N.B.
WATSON, R	Portage la Prairie	Portage la Prairie, Man.
WILSON, J. H	St. Thomas	St. Thomas, Ont.
WOOD, J	Westmoreland	Sackville, N.B.
YEO, J	East Prince	Port Hill, P.E.I.
YOUNG, F. M	Killarney	Killarney, Man.

THE DEBATES

OF THE

SENATE OF CANADA

IN THE

FOURTH SESSION OF THE TENTH PARLIAMENT OF CANADA, APPOINTED TO MEET FOR THE DESPATCH OF BUSINESS ON THURSDAY, THE TWENTY-EIGHTH DAY OF NOVEMBER, IN THE SEVENTH YEAR OF THE REIGN OF

HIS MAJESTY KING EDWARD VII.

THE SENATE.

OTTAWA, Thursday, November 28, 1907.

The Senate met at 2.30 p.m.

NEW SENATORS INTRODUCED.

Hon. Mr. Belcourt, Hon. Mr. Campbell, Hon. Mr. Derbyshire.

The Senate adjourned during pleasure.

THE SPEECH FROM THE THRONE.

At Three o'clock, p.m., His Excellency the Governor General proceeded in state to the Senate Chamber and took his seat upon the Throne.

The senators being assembled, His Excellency was pleased to command the attendance of the House of Commons and, that House being present, His Excellency was pleased to open the Fourth Session of the Tenth Parliament of the Dominion of Canada with the following speech to both Houses :

Honourable Gentlemen of the Senate:

Gentlemen of the House of Commons:

In again meeting you at a period of the year most convenient for the despatch of business, it gives me great pleasure to be able to congratulate you on the remarkable expansion of the trade of Canada with other countries, the total trade of the past year far exceeding that of any of its predecessors. A gratifying result of this expansion was that the revenue of the last fiscal period of nine months was more than sufficient to meet expenses on Consolidated Fund, National Transcontinental Railway, Capital and Special outlays, all expenses of the Dominion of every kind, and leave a balance of vore three million dollars to be applied in reduction of the public debt.

The stream of immigrants coming to Canada continues to increase in volume, the year now drawing to a close showing a larger number than any preceding year, and it is gratifying to observe the many coming from the British Isles.

The Dominion has been blessed by a long series of prosperous years, and, though at the present moment its business is being restricted by the financial stringency which prevails throughout the world, I feel assured that this unfavourable condition will be temporary and that the illimitable resources of Canada and the world-wide recognition of them give us ample guarantee of continued material progress.

The conference held in London in the months of April and May last between the govern-

ment of the United Kingdom and the governments of the British Dominions beyond the seas satisfactorily dealt with many subjects in which the empire at large is interested. A copy of the minutes of the proceedings will be laid before you.

Two of my ministers, duly authorized by His Majesty for the purpose, and acting in conjunction with His Majesty's ambassador at Paris, have recently negotiated a convention with the government of the French Republic respecting the commercial relations between France and Canada, subject, however, to the approval of the French Chambers and the Canadian Parliament. A copy of this convention will be submitted to you immediately and you will be asked to give it your sanction.

The government of Newfoundland having become involved in a controversy with the government of the United States as to the true meaning of article 1 of the convention respecting fisheries, concluded in the year 1818 between the United Kingdom and the United States, and Canada being also interested in the question at issue, my government has joined with the government of Newfoundland in an agreement to refer all matters of difference arising under said article 1 to the Hague Tribunal.

The difficulty of obtaining labour and materials at a time of great business activity has somewhat retarded the construction of the National Transcontinental Railway. Nevertheless great progress has been made both on the eastern division and on the prairie section of the western division. A section of the latter of about two hundred and fifty miles has been available for handling the traffic of the present season. Contracts for the portion of the prairie section west of Edmonton are about to be let, and immediate steps will be taken for the commencement of work at both the eastern and western ends of the mountain division. Thus, in a very short time, the whole work from Moncton to the Pacific ocean will be under vigorous construction.

The unexpected influx of immigrants from oriental countries into British Columbia aroused a strong feeling of opposition. A member of my government has been deputed to proceed to Japan to confer with the Japanese government on this subject.

The sudden and unexpected collapse of the great cantilever bridge in course of construction across the St. Lawrence, in the vicinity of Quebec, may be regarded as a national calamity and the event has evoked much sorrow for the lives which were lost on that occasion. A commission has been appointed to inquire into the causes which led to the disaster. When received, the report of the commission will be laid before you. It will be necessary to devise means for the completion of the bridge within a reasonable time.

It is most gratifying to find that, notwithstanding the large reductions of postal rates, which have been made, the revenue of the Post Office Department has continued to increase rapidly. The large receipts of this branch of the government business will enable the department to make still more liberal provision for the extension of postal facilities throughout the Dominion.

The time has arrived when the public interest requires that telegraph and telephone companies holding federal charters should be placed under government control. A Bill will be introduced for that purpose.

Gentlemen of the House of Commons:

The public accounts for the nine months ending March 31 last will be laid before you without delay.

The estimates for the coming fiscal year will be submitted for your approval at an early date.

Honourable Gentlemen of the Senate:

Gentlemen of the House of Commons:

Among the measures to be submitted to you is a Bill for the extension of the boundaries of Manitoba and of other provinces ; also a Bill to provide for the issue of Government Annuities for old age ; a Bill respecting Insurance; and Bills to amend the Election Act and the Dominion Lands Act.

I commend to your thoughtful consideration the several subjects to which I have referred and I trust that in your deliberations you may be guided by Divine light.

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

The Senate was resumed.

BILL INTRODUCED.

Bill ( ) An Act respecting Railways.—Hon. Mr. Scott.

The Senate adjourned until Monday next at 3 p.m.

THE SENATE.

OTTAWA, Monday, December 2, 1907.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THE FISHERIES QUESTION.

INQUIRY.

Hon. Mr. LOUGHEED—Is my hon. friend the Secretary of State in a position to lay on the table the correspondence between the Imperial authorities, Newfoundland and Canada, as to the submission to the Hague Conference of the fisheries question?

Hon. Mr. SCOTT—I do not know that there is really any correspondence. There was an inquiry from Newfounddland whether we would concur with them in submitting the case, and I replied at once that we would. Whatever papers there are will be brought down. I think there are only one or two letters on the subject. Whatever there is I will have brought down.

THE ADDRESS.

MOTION.

The Order of the Day being called:

Consideration of His Excellency the Governor General's Speech on the opening of the Fourth Session of the Tenth Parliament.

Hon. Mr. BELCOURT—Hon. gentlemen. One of the principal features of the organic law of this parliament decrees that its proceedings shall be conducted in one or the other language spoken by the two great elements of our population, and the custom sanctioned by constant usage since confederation provides that the indispensable function which marks the commencement of each session, the address in reply to the speech from the Throne, shall be either proposed or seconded in the French language.

I should, less than anyone else, make an exception to the law and disregard the custom, because I am pleased to recognize the fact that my elevation to the Senate is a tribute to the French element of Ontario, more than a recognition of my past services and my feeble merits. Therefore, it is just and proper that the first words which I have the honour to address to this honourable House shall be in my mother tongue and the language of those of my fellow countrymen whom I am called upon to represent more particularly in the Senate.

For them and for myself I hasten to express my profound gratitude and my own appreciation of the honour which has been done them as well as myself by the government of the Right Hon. Sir Wilfrid Laurier in choosing one of them to replace in the Senate the Hon. Charles Eusèbe Casgrain, the first French Canadian senator coming from Ontario, and who through twenty years occupied a seat in this Chamber with such dignity and so honourably. My predecessor entertained a high conception of the great honour and real importance of the position of a senator, and he also discharged in a perfect manner the duties and the responsibilities which that position imposed. It shall be my ambition that some day I shall merit a eulogy as sincere and as just as that which I am pleased to address to his memory.

I also owe thanks to the hon. leader of this House for the honour conferred in inviting me to propose the address in reply to the speech which His Excellency made at the opening of this session—and I am impelled to say how I have been moved and gratified at the generous and cordial welcome which I have received from the hon. members of this House, a welcome which has been accorded me above all for the reason to which I have made allusion, and also a little, at least I trust I may be permitted to believe, because I have had the good fortune to be known to all of you and to have shared with you, though in the other Chamber, for a great many years, the work of the Canadian parliament.

The speech from the Throne this year, is singularly remarkable, and has, I am certain, already elicited throughout the country, sentiments of very lively satisfaction and profound thanks, first and above all, to Divine Providence, who has so generously treated our beautiful country for so many years, and particularly during this which will soon end, and also to the excellent government which has so wisely and patriotically made fruitful the abundant benevolence of the Universal Giver. We

cannot all, any more in this place than outside, entertain the same appreciation of the works and achievements of the present government, but there is one thing that here, as well as elsewhere, no one can reasonably deny to this government; that is, that under their administration, public affairs have grown and prospered in a manner, not only unprecedented and unexpected, but also most remarkable. The constant growing expansion of our commerce since the advent of the Laurier government has reached such a figure that the receipts of the public treasury for the last nine months are sufficient to cover the expenditures from the consolidated fund, for the National Transcontinental Railway, expenses on account of capital, special services, and all other disbursements of the country, leaving a surplus of $3,000,000 applicable to a reduction of the public debt.

These eloquent words of the representative of His Majesty, founded on the unanswerable argument of figures, establishes at the same time the measure of our prosperity and the mead of praise which the government has a right to expect for the accomplishment of that happy result. Further comment on my part could only diminish the real force of the first part of the speech from the Throne.

The country has a right to hope that the government will appreciate that this great expansion, this unexampled development of our wealth, of our industries and of our commerce, imposes new obligations, greater resposibilities and a redoubling of energy and of vigilance and of new efforts, and I do not think I am violating tradition or conventionalities in affirming that the record of the present government is such that the country may entertain the hope that they will not fail to assure us of a continuation of our material progress.

The constantly increasing volume of immigration suitable to the needs, to the abilities and to the aspirations of the Canadian nation constitutes a legitimate subject of rejoicing and will contribute in a large measure to the development and the general progress of the country, and the problem which present itself of peopling our vast domains yet unexplored raises at present as it probably will in years to come, new difficulties, there is good ground to believe that the genius of our people, their ambition and their patriotism will prevail and easily find a solution. Thus the present mission of the hon. Postmaster General to Japan will have, we can believe, for a result the disappearance of the uneasiness created by the opposition of our fellow citizens in British Columbia to the entrance of certain orientals into their province.

His Excellency informs us that the disputes between the United States and Newfoundland concerning fishery rights, rights and disputes which interest Canada, have been submitted to the tribunal of the Hague. A wise diplomacy, let us hope, will inspire that great peace tribunal to find an equitable and just solution of the rival contentions raised by that incident.

All classes of our society have learned with great satisfaction that the postal revenues, as we are told by His Excellency the Governor General, have continued to rapidly increase. They will see in that increase not only proof of excellent management of that important branch of our public administration, but also a corroboration of other and numerous proofs of our prosperity, and at the same time reason to believe that the government will proceed still further with a view to giving us a reduction in the cost of postal communication.

Not less gratifying is the announcement made to us that the work of construction on the National Transcontinental Railway has been prosecuted as rapidly as possible, notwithstanding the difficulty of procuring labourers and materials, and that there are already in operation 250 miles of that great artery of iron which will soon bind the coasts of the Atlantic to those of the Pacific, and which will furnish us an efficacious means of providing, at least in a large degree, for the urgent necessities of our material development.

There is also reason to believe that the government of the day, conscious of the constantly increasing commercial exigencies of the country, and anxious to assure its prosperity by utilizing all its natural resources, will give its earnest and most serious consideration to the projected Georgian Bay canal, to which, in the interests of the country as well as of the capital which I have had the honour to represent in the Commons for nearly twelve years, I

felt it my duty to consecrate the greater part of my time and of my efforts. In my view the canalization of the Ottawa is a work absolutely indispensable for our commerce, for the transportation of the products of our vast field in the west and the development and the progress of the country, and it is the only means by which we can assure ourselves of the supremacy in the transportation of the products of the American continent to which we are entitled by reason of our magnificent waterways, the St. Lawrence and the Ottawa, and our proximity to the great ports of Europe.

If I have allowed myself to change the order of the speech of His Majesty's representative, in order to analyze it, however imperfectly I have presented it, and if I have reserved to the end my views of the paragraphs of the speech which relate to the Imperial conference and the negotiation of a treaty between France and Canada, it is that, in my humble judgment, these paragraphs form the most interesting part, the most important and the most encouraging in a speech so full of interest and hope. The news that the Canadian government had, through the Finance Minister and the Minister of Marine, negotiated with the government of the French Republic a treaty in virtue of which our commercial relations with France will be greatly facilitated has been welcomed with general satisfaction. Everyone sees in that important event an immediate consequence, a happy result of the entente cordiale towards which His Majesty, our Illustrious King, has so largely contributed.

This treaty and the more direct and frequent intercourse and consequently more amicable relations which will flow from it, will contribute to the material progress of the parties immediately interested, and will serve at the same time to draw closer the ties of friendship and sympathy which the alliance of France and England have created.

This new treaty of commerce constitutes equal proof of the very real effect of the entente cordiale, and that it has already produced tangible result.

Canadians believe firmly that their loyalty to the British crown is in no wise incompatible with their desire and their determination to maintain and assure to the Dominion the most complete liberty in all that which concerns its interests and its own affairs, and they look upon the exercise of the right of negotiating their treaties of commerce, as a right which has been freely conceded to them under the circumstances, as the emphatic consecration of their national autonomy.

But the Imperial conference which preceded by some weeks only the negotiation of the treaty, had for its principal result the establishment of the real existence of our autonomy, and furnished the means, as well as the occasion, to proclaim it with solemn sanction. Through our eloquent and fully authorized representative, the first citizen of the Dominion, Canada refused to mix herself in the affairs of the United Kingdom, whilst claiming for herself complete liberty of action; this should be for all of us a subject of satisfaction and rejoicing. It should be for all of us a subject of gratification that the conference has served to consecrate and proclaim in a manner as solemn as explicit, the blessing of our national autonomy which a group of unenlightened and badly advised citizens appeared willing to have curtailed.

The parliament of Canada, in affirming its approval and its gratitude for the firm, dignified and enlightened attitude of its representative at the Imperial conference would only be faithfully interpreting the views of all the inhabitants of confederation. Everybody throughout Canada has applauded the admirable manner in which our representative acquitted himself on the difficult mission which had been confided to him at the Imperial conference, of which it is strictly true to say that he was the inspiring genius, the sure guide and the directing force.

The brilliant picture which His Excellency submits to us would not be a complete painting if it did not contain a shadow, and in the recital of the striking events of the year 1907 we would have felt that the speech of the representative of the King would have been defective if it had not made mention of the great disaster, the falling of the Quebec bridge and the terrible loss of life which resulted therefrom. It is to be hoped that the loss caused to the country, as well as to the families of the

unhappy victims, will be repaired as promptly and completely as possible.

His Excellency indicates the subjects on which we shall be asked to legislate. My duty for the present should be limited to expressing a certainty that these important subjects will receive the most serious and careful consideration of all of us.

One word more, and I shall cease to abuse your very complacent indulgence. The speech of His Excellency, the Governor General, will contribute, I cannot doubt, to strengthen the attachment of the Canadian people to their national institutions. It will make us better appreciate the great resources and national advantages of our beautiful country. It will serve to increase the confidence of all in the present, as well as in the future; it will inspire us to new energy, and encourage new efforts; it will powerfully contribute to the growth and the propagation of a sound, virile and permanent national sentiment. It will enlighten our patriotism, and aid us in the task which devolves upon Canada of giving modern democratic institutions the most complete and happy development of which they are susceptible.

May I be permitted to further trespass upon your indulgence, but for one moment only, to enable me to express in English, my sense of gratification and gratitude for the cordial and generous welcome extended to me upon my entering this honourable House, and the hope that I may always so conduct myself as to deserve your welcome and justify the choice that has been made of me as one of your colleagues. I move, seconded by the hon. Mr. Campbell,

That the following address be presented to His Excellency the Governor General, to offer the humble thanks of this House to His Excellency for the sagacious Speech which he has been pleased to make to both Houses of Parliament, namely:—

To His Excellency the Right Honourable Sir Albert Henry George, Earl Grey, Viscount Howick, Baron Grey of Howick, in the County of Northumberland, in the Peerage of the United Kingdom, Baronet, Knight Grand Cross of The Most Distinguished Order of Saint Michael and Saint George, &c., &c., Governor General of Canada.

May it please Your Excellency:

We, His Majesty's most dutiful and loyal subjects, the Senate of Canada in Parliament assembled, beg leave to offer our humble thanks to Your Excellency for the gracious Speech which Your Excellency has addressed to both Houses of Parliament.

Hon. Mr. BELCOURT.

Hon. Mr. CAMPBELL—I have very great pleasure in seconding the motion which has been made by my hon. friend from Ottawa. He has presented the subject in such an able and eloquent manner that it will not be necessary for me to trespass upon your time for more than a few minutes. I have had the honour of listening to and taking part in the discussion of many speeches delivered by His Excellency in years past at the opening of parliament, but I do not call to mind any occasion when a speech was presented which brought forward for discussion so many and so important subjects as the one now before us. His Excellency has drawn to our attention subjects that will require the very best consideration of parliament.

The great expansion of the trade and commerce of the country, the wonderful increase in the immigration to Canada, the recent treaty made with France, the progress made in constructing the Transcontinental Railway, the immigration from oriental countries, the great increase in the post office revenue, as well as the new measures which are promised in this speech are subjects of such importance as has rarely been presented to parliament, and which I believe will receive the greatest attention of hon. members of this House. It is only natural that His Excellency should refer with pardonable pride to the wonderful increase in the trade and commerce of this Dominion. I am sure it must be gratifying to every member, not only of this honourable Senate but also to every true citizen of Canada, wherever he may reside, to see the wonderful progress that our country has been making. We can all see evidences of this great progress and prosperity, but it is only when we come to digest the cold facts as presented to us in the Trade and Navigation Returns, and compare them with former years and other countries, that we can grasp the full meaning of the great progress that Canada has made. If we go back a few years, we will find that in 1886 the foreign trade of Canada was only $189,000,000. Ten years afterwards it had grown by $50,000,000, when it was $239,000,000 and methinks I can still hear the voice of the late Finance Minister of Canada resounding through the halls of the other chamber when he pictured the great pros-

perity Canada had experienced in those ten years, $5,000,000 of an annual increase in trade, and he attributed this wonderful prosperity to the wise administration of the government of that day. What are we to think now when we find that in the last ten years the trade of Canada has increased not five or ten or twenty or thirty million dollars, but nearly thirty-four million dollars every single year that this government has been in power. Last year, closing the eleventh of the administration of affairs by the present government, we find that the foreign trade of Canada had grown from $239,000,000 to no less than $617,000,000, an increase over the trade of 1906 of $67,000,000, and still the limit has not been reached. In the last four months of this present year our trade was still bounding forward and should it continue in the same ratio until the end of the financial year will show a trade of over $700,000,000. Where is there any other country in the wide world that can show progress like that? Go to the United States with all their boasted wealth and power and immense undertakings and you find that their trade is only about thirty odd dollars per head, while in this country, with its magnificent resources that we are only beginning to realize the extent of the trade is over one hundred dollars a head for every man, woman and child in the Dominion. This remarkable increase of trade naturally and rightly calls for comment by His Excellency in the speech from the Throne. Gratifying as it is, it shows also that the revenue of this country has gone up by leaps and bounds. It is exceedingly gratifying, especially at this particular time in the history of our country, when we are entering upon large expenditures, wise expenditures I believe, in deepening our harbours and improving our transportation facilities—in building transcontinental railways, and a hundred and one other important public works which the country requires and demands in order to keep pace with the times, that we have a revenue to meet all these expenditures without having to borrow in the markets of the old country as we formerly did. Not only that, but our revenue has been increasing without imposing additional burdens on the people—in fact there has been a reduction in the rate of taxation. In 1886, on every $100 of goods that came into this country, whether free or dutiable, the average rate of duty was $19.50 paid into the treasury of the Dominion. In 1896 the rate was $18.28, but this year we have reduced the rate to an average of $15.66. In other words, if we had to-day the same rate of duty that prevailed in 1896 the people of Canada would be contributing over eight million dollars more on the goods that they are importing than they now contribute, and that is the reason why we have lightened the burdens of the people. We have removed the barriers from trade and commerce, and as a consequence the trade of this country is going ahead at a rate never dreamed of before. The people are in a better position to purchase and they are buying goods because they want them, and because the duty they have to pay on them is so much less. His Excellency tells us that in the last nine months we have been able not only to carry on the great public works of the Dominion and pay all the expenses of every kind of this country, but we have put aside over three millions of dollars for the reduction of the public debt. Could there possibly be a more gratifying statement submitted to any parliament than that? I venture to say that never before in the history of this country has such a gratifying state of affairs been shown to exist as that which prevails at the present time. His Excellency very rightly refers to this with pardonable pride.

He refers also to the great increase in immigration. That is a problem that we have to solve. We possess millions of acres of land in our great Northwest and we have in the northern portion of Ontario and Quebec vast riches which have not yet been uncovered. We are only beginning to realize the enormous wealth of these regions. We want people from every land under the sun to come in here to help to bear the burden of developing and building up the Dominion. It is exceedingly gratifying to us to know that the mighty stream of immigration which formerly flowed to the United States has at last turned to the Dominion of Canada and is increasing in volume until within the ten months ending the 31st of October last no less than 254,077 immigrants

came into Canada, an increase of 59,103 over the number who came in the corresponding ten months of the previous year, and what is very gratifying indeed to know is that over 40 per cent of these come from the British empire. If the same ratio of increase is continued until the end of the year, nearly 300,000 people will have come into the country to settle. Gratifying as that is, it leads us to consider the obligations which this influx of population throws upon us. Those people come not only from the British empire and the United States, but from France, Germany, Holland, Scandinavia and other European countries. They speak different languages and hold different religious views. Some of them are ignorant, and have preconceived class prejudices with little conception of what free institutions mean, and little realization of the fact that citizenship carries with it duties and responsibilities as well as privileges. What are our duties towards these people? We must assimilate that vast and diverse mass of population and make them loyal not only to Canada but to the empire. They come from different countries, have grown up under different laws and institutions, and they naturally look back to the land of their birth, the home of their fathers and their own childhood with fond recollections, and in the words of one of Scotland's noblest poets may exclaim:—

Land of my sires what mortal hand can e'er untie,
The filial band that knits me to the rugged strand.

While we cannot help out admire their love and devotion to the land of their birth, at the same time it is our duty to impress upon them the advantages of our country and our free institutions, and make of them loyal citizens of Canada and of the British empire. It is of course only natural and right that our deepest loyalty should be to the land we live in, and while we rejoice in our heritage of British institutions, yet the memories of the past will suffice to solve the widely different problems of the future.

His Excellency also refers to the treaty with France. I do not know of any more important subject that can engage the attention of the House than this treaty. We have done a considerable trade with France. In 1896 it amounted to nearly ten million dollars. In 1907 it was eleven million dollars, but unfortunately for Canada it consisted largely of importations from France. In 1906 we imported from France $7,698,000 and we exported to France $2,120,000. Last year the imports from France were $9,273,517, while our exports were only $1,757,786. So that hon. gentlemen will see that while the aggregate trade was increasing, our exports to France were declining. Under the treaty which is to come before us for consideration, although we have not had time yet to digest and consider it, I believe the trade will be largely changed and that we will sell more of our products to France. There is no doubt that the trade will be mutually beneficial to the republic and to our own country, and my hope and expectation is that a great many of our manufactured as well as of our raw products will find their way to France under the benefits of the treaty, to the advantage of both countries.

Our trade in the last four months has been over $4,700,000; it has been constantly increasing, and under the conditions of this treaty, which I believe are mutually advantageous, I look forward in the near future to our trade with France being, not nine millions but twenty-five, thirty or forty millions. I am sure that that is something that every hon. gentleman of this House will be anxious to see accomplished. His Excellency has also referred to the very gratifying state of the revenue of the Post Office Department. I do not know that there is anything that enters so closely into the domestic and financial and other relations of the people as the manner of carrying the mails of His Majesty. Unfortunately in the past this has not been managed very well. The records show that there was for a number of years gross mismanagement in the post office, suffice it to say that in 1876 we mailed in Canada 41,000,000 letters. There was a deficit of $474,000 in the cost of the carrying of the mails. In 1886 we mailed 71,000,000 and the deficit rolled up to $911,000. In 1896 we mailed 116,000,000 and the deficit was $781,000. Now mark the change. The change of government took place in 1896. The hon. leader of this House filled the post of Secretary of State. The hon. Minister of Trade and Commerce guid-

ed the trade and commerce of this country. At the head of affairs was the Right Honourable Sir Wilfrid Laurier, who for the last ten years has guided the destinies of this country, and what a change came over public affairs. There had been only that small gain from 71,000,000 letters to 116,000,000 letters in ten years, but in the next ten years, from 1896 to 1906 we mailed no less than 323,000,000 letters in the Dominion of Canada, and instead of a deficit there was a surplus of over $1,000,000 to the credit of the department in the treasury of Canada. Gratifying as that statement may be, it has been brought about in a businesslike way. How was it done? Why, simply by stopping the leaks and the rat holes in the department, and using business ability in the management of the affairs of the country, by increasing the postal facilities, by bringing it more closely home to the people, by reducing the rate of postage. For instance in 1899, the last year the three-cent rate was in force, we mailed 150,000,000 letters; the next year the two-cent rate came into force and we mailed no less than 179,000,000—an increase of 29,000,000. It costs no more to carry a million letters in the mails through the country than it does one thousand, and so with the increase in the post office revenue, we opened over 2,000 new post offices; we carried the mails twelve million miles more than in 1896, and by increasing facilities by which the people could communicate their wishes to each other, they have taken advantage of it, and instead of a deficit on the transaction it has resulted in a large surplus. This matter is exceedingly gratifying. Everybody must admit that great progress has been made in the construction of the Transcontinental Railway. They have constructed 250 miles of the road west of Winnipeg, which is already carrying grain. Almost the whole of the eastern division is under contract, with thousands of men at work, with every facility to rapidly carry it to completion. It is a public enterprise that must receive the sanction and approval of every hon. gentleman in this House. Does any man believe that the Transcontinental Railway is being built one day too soon? Is there any doubt about the necessity for increased transportation? I observe that at a recent meeting of the Apple Growers' Association in Toronto, it was stated that there was $1,000,000 worth of apples in Ontario alone for which they could not obtain refrigerator cars to carry them to the market. That fact alone shows that we need more railways, that we need more cars, and that we require better facilities for the transportation of our products, and as that great and mighty Northwest is being peopled with thousands of hardy men with stout hearts and strong arms we must provide them with facilities for transport. We cannot stand still. We must either go forward or backward, and as the stream of immigration comes in, branch lines and main lines must be constructed to enable people to move their supplies in and their products out, and it would be the most foolish policy in the world if we did not proceed rapidly with the construction of this road and other roads where they are so much needed. His Excellency refers to a few Bills that are to be submitted for our attention. There is one in reference to the public control of telegraph and telephone lines. We have various problems before us to solve. We have the great problem of labour and capital. The Act passed by the government last year known as the Lemieux Act, to my mind largely solved the difficulty between capital and labour. It only refers to works of public utility, but I believe it has already settled and prevented many strikes on private undertakings, and as the years go by I have no doubt its scope will be enlarged and extended, until it will apply to industrial concerns as well as concerns of public utility. We have those national monopolies such as telegraph and telephone lines and the problem to solve is to how we can best handle them for the public good, whether by public ownership or public control, or otherwise. For my part I have never been convinced that it is a wise thing for government to own these large concerns. I do not believe that public ownership in that respect is a good thing or a wise thing. I am heartily in favour of the course the government is adopting, that they should control all those utilities. We grant these corporations charters, and we give them power to build lines across our property and erect their poles and to charge the public certain rates for the transmission of messages. We give them

large and wide powers, and I say that as guardians of the public interests of this country, the government should immediately take control and regulate all the rates and all the conditions pertaining to those public utilities, and I am very glad that the government propose to take this step. I do not know just what way it will be brought about, whether it will be placed under the control of the Railway Commission or dealt with in some other way, but at all events the end that is sought to be accomplished is one that I think ought to receive and will receive the hearty endorsation of the people of this country. The other measures are also of great importance. We have another problem to solve; that is the eternal struggle that is taking place between class and capital, for the privilege of exploiting the public. All these difficult questions we have to solve. Our progress may be slow and it may be difficult, but who will doubt that if we preserve a clear vision and a stout heart that we will succeed in our task of nation building? There are many other questions that might be properly considered which have been brought to our attention by His Excellency, but I do not wish, on account of the very able manner in which the hon. gentleman who proposed this motion has dealt with them, to take up any more time; but I wish to state that I am exceedingly thankful for the kind way in which I have been received as a member of the Canadian Senate. I hope, hon. gentlemen, that my entrance into this Chamber may be of some benefit to myself, and also that I may be useful in the interests of my beloved country, and that my relations may be, as I am sure they will be, pleasant and cordial and that no one will regret my entrance to this Chamber.

Hon. Mr. LOUGHEED—I am sure that this side of the House will join with hon. gentlemen on the other side in extending their hearty congratulations to the accession which we have recently received to our ranks, and that at the expense of the Commons. I always take fresh courage when I see an hon. gentleman from the House of Commons imbued with that speculative confidence which many of them seem to possess in resigning their seats in the Commons and accepting a seat in the Upper Chamber. The specter, so to speak, of our extinguishment through Senate reform is naturally ever before us, and when one finds that hon. gentlemen belonging to the dominant party who are, no doubt, in the confidence of their party leaders and of the government of the day, are willing to sacrifice the aspirations and the emoluments which the Commons of Canada hold out by way of cabinet positions and other satisfactory expectations, and are willing to remove from that mundane sphere to the higher altitude of this Chamber, we feel satisfied that the day of Senate reform, so far as our extinction is concerned, is somewhat distant. I know of no higher tribute that can be paid to the Senate than to find hon. gentlemen who at one time occupied, and to-day occupy, very leading positions in the Liberal ber. When I think of how my right hon. friend from Kingston at one time denounced the Senate and all its works, ably seconded by his efficient lieutenant, the hon. gentleman from Wellington, and when I look around the Chamber, and find a number of other hon. gentlemen who joined in the denunciations, which from year to year have been heaped upon our heads, and then find that these gentlemen have at last come here, I repeat that no higher tribute can be paid to the Senate. I join in the hope which I know has been expressed by hon. gentlemen on the other side of the House that these hon. gentlemen who have been introduced at the opening of this session of parliament into the Senate Chamber, may be long spared to occupy the seats which they already grace, both by reason of their appearance and of the abilities which they have displayed to-day in moving and seconding the address. I am satisfied that while they have left what is generally considered the more active Chamber of legislative work in the parliament of Canada they will find in this Chamber a sphere in which they can be equally useful to the country and equally active.

In looking over this address it would seem to me that the first clause of the address contains practically the creed of the Liberal party. I think it is full of heresies and of fallacies, so far as we, the unbelievers on this side of the House are concerned, and it shall be my duty for a few minutes, with the indulgence of hon. gen-

tlemen on both sides, to attempt to point out some of those fallacies. Let me say in the first place that the remarkable expansion of the trade of Canada, which is spoken of in such glowing terms, in the speech from the Throne, does not necessarily reflect upon Canada that degree of prosperity which at first blush we might attribute to the statement. The expansion of trade which has been referred to, if analysed, will be found to consist mainly of imports at the expense of our exports. Hon. gentlemen who will take the trouble to analyse the trade returns will find that notwithstanding the expansion referred to, our exports have fallen off within the last year, and to-day we practically face a balance of trade against the Dominion of about $118,000,000. Of course it has always been a controversial question between political economists as to what effect the balance of trade may have, but I think it must be conceded by hon. gentlemen on both sides of politics in Canada, that if prosperity is to reign in this Dominion of ours our exports must necessarily exceed our imports. When the present government came into power, the Finance Minister congratulated the country and congratulated the government upon being able to maintain a balance of trade in our favour, and for five or six years after the accession of the Liberal party to power the balance of trade was in our favour; but owing to what I contend to be the unwise policy of this government the balance of trade has been reversed, and we find confronting us to-day a balance of the magnitude which I have just mentioned. Canada is peculiarly a borrowing country, and until our resources are developed, and until the great public undertakings upon which we have entered are carried out in their entirety, we must necessarily be a borrowing nation. We must go into the markets of the world, and borrow money from time to time for the purpose of carrying out our great internal undertakings, and those obligations, I submit hon. gentlemen, can only be paid out of exports. The interest on our debt must be paid. That interest certainly cannot be paid out of imports. The interest contracted upon our great public debt for the purposes of our public works, as I say, must necessarily be paid out of exports. This being the case I submit that it is a matter for the careful consideration, not only of the government, but of the people of Canada, that the balance of trade should be reversed. I submit, in all seriousness to hon. gentlemen, that the government of the day has already recognized the fallacy of the doctrine to which they have adhered. While they have been congratulating the country upon the immense expansion of our trade, and while they join in the paeans of praise which have already been expressed, or I might say chanted so musically by my hon. friend from Centre York, there is the fact, nevertheless, that it is simply the boy whistling as he passes the graveyard, and the balance of trade of the immense magnitude which I have mentioned, namely $118,000,000, to-day faces the people of Canada. Why do we find the government of the day introducing as it did last year a very radical departure from the policy which it had adopted some years ago, namely as to preference to Great Britain? Since the adoption of the preferential tariff by the present government, the imports from Great Britain into Canada, at the expense, I say, of our exports, have increased to almost $50,000,000. Hon. gentlemen opposite will pin their faith, so far as expression is concerned, to the preferential tariff, but what do we find? We found last session a statute placed upon our statute-book, adopting an intermediate tariff which has the effect of at once reducing the preferential tariff to an amount not exceeding 10 per cent of preference. Why is that? If all this prosperity which hon. gentlemen of the Liberal party have been speaking of for so many years was well founded, was established by reason and by logic, would hon. gentlemen have been determining to recede from the position, which they did last session by the adoption of an intermediate tariff? What does the adoption of an intermediate tariff mean? It means that instead of extending to Great Britain the preference which we have already done of 33 per cent of our tariff, we have gone to the nations of the world and we have said to them 'we are prepared to extend to you preferential treatment provided we receive something in return—preferential treatment on a reciprocal basis—and all hon. gentlemen have to do, is to look at the trade of Great

Britain to-day and they will find that the best opinion there upon this question is that by the action of this government there has been a recession from the position which they have taken upon preferential trade in the adoption of an intermediate tariff which has practically reduced preference to an amount not exceeding 10 per cent. Why is that It is for the purpose of helping our exports. Why have we gone to France for the purpose of negotiating this treaty? Is it for the purpose of helping our imports? My hon. friend who seconded this motion touched the note which actuated and inspired in the adoption of this treaty. My hon. friend pointed out the volume of imports which we have been receiving from France at the expense of our exports. We have been importing eleven million and exporting about one million to France. What was the object of the government in negotiating the treaty with France? Was it not for the purpose of helping out the exports of the country, and for the purpose of reducing the imports of the country? What does that mean so far as its effect upon the preference with Great Britain is concerned? It means that we will buy from France where we can buy to greater advantage than in Great Britain, and, torture it as you may, I say it is a frank confession of the weakness of the policy adopted by the government some ten years ago in establishing a preference with Great Britain, and refusing to demand anything in return therefor. Now, this balance of trade which has been against us to the extent of about one hundred and eighteen million must necessarily represent something else. It represents the increased revenue which is to-day being enjoyed by the government. The government boasts of the revenue leaping ahead by bounds until we are now enjoying a revenue, fortunately or unfortunately, of about one hundred million dollars. The revenue for the coming fiscal year will doubtless reach the sum of one hundred million dollars. Hon. gentlemen congratulate the country upon the size of our revenue and upon its continuous increase. They point to the time when the Conservative government of 1896 had a revenue not exceeding $27,000,000. I think in 1896 upon the accession of the present government to office, the revenue of the Dominion of Canada represented $27,000,000.

Hon. Sir Richard CARTWRIGHT—$37,000,000.

Hon. Mr. LOUGHEED—$37,000,000 including all sources. Hon. gentlemen have persuaded themselves that taxation has not been increased. It seems to me that I have never in my experience come in contact with a section of the community who have so happily deluded themselves as hon. gentlemen of the Liberal party who take the position that notwithstanding the increased revenue that taxation has not increased. There is such a thing as self-interest deluding one's self into almost any conception. This I take to be the case which the hon. gentlemen who are congratulating themselves and the country that though taxation has not increased, that while the population has not increased more than one-fifth, the revenue of the country has increased almost 200 per cent. If the people of Canada paid $37,000,000 in 1896, and the people of Canada in 1907 are paying $100,000,000, will any hon. gentleman in this Chamber tell me seriously from whence comes the increase of $60,000,000? Does it not come from taxation? Of course, I am now speaking of the customs and excise revenue and the increase has been mainly in those directions. It is only the cant of phraseology, it is only a shibboleth to say that the taxation of this country has not increased from 1896 up to the present time, figured out as you may. There is the revenue. The revenue comes from the pockets of the people, and the increase has been up to the amount I have already indicated. Let me say in this connection, that it is immaterial what we call it, whether we say this increased revenue has been obtained from a protective tariff, or from a revenue tariff. I observe through the Liberal press that the Liberal party scouts the idea of this revenue being raised or derived from a tariff which is to be designated a protective tariff. Hon. gentlemen scout the very idea of their being protectionists, or in sympathy with the manufacturers, or of having adopted the tariff of their predecessors, and claim that they are only raising a revenue by means of the tariff. Every hon. gentleman knows full well that the people of this country or of any

other country could be bled to any extent by a revenue tariff, and if the government of Canada will raise one hundred million dollars by a revenue tariff as against thirty seven million dollars raised by a protectionist government, what difference does it make so long as the people have to put their hands in their pockets and pay the taxation imposed upon them? Therefore, from the standpoint which I have attempted to discuss this question, the increased expansion of trade and of revenue which has been referred to in such glowing terms—is not a matter for which the government should claim credit. My hon. friend who seconded this address went back to 1896, and dated the prosperity of the country from the time when my hon. friend the Secretary of State and my right hon. friend the Minister of Trade and Commerce took office. From that time on, he says, prosperity has been beaming upon us. It makes one feel that anterior to that date, though the Conservative party was practically the party of construction in Canada, the country was governed by Lilliputians in comparison with these hon. gentlemen who acceded to office in 1896. If the country owes its prosperity, as my hon. friend claims, to the genius for statesmanship exhibited by the government of to-day, it seems to me that at this time of stringency an opportunity has arisen for these gentlemen, for the sorcerers, the magicians and conjurers of the Liberal party to raise their wand and disperse the clouds which hang over the business world of to-day. If they will succeed in dispersing those clouds and changing the hard times of which we are the victims, particularly in western Canada, then we will freely ascribe to them the ability to create prosperity which they have claimed for so many years; but until they do so and relieve us of the financial stringency and depression, I must certainly remain an unbeliever.

Another matter that is worthy of consideration in connection with the first clause of the address is what might be termed the financial policy of the government in contradistinction to its fiscal policy. I will undertake to say that there is no gentleman who will be regarded as a financial authority and an authority upon sound banking who will approve of the course pursued by the government in expending its revenue. In the address the government boast of raising a revenue so large that it has been able not only to meet the expenses of consolidated fund but of the National Transcontinental Railway capital, and to apply a balance of three million dollars to the reduction of the public debt. Who will forget the time when my right hon. friend the Minister of Trade and Commerce used to denounce the government that had a surplus?

Hon. Sir RICHARD CARTWRIGHT—I did not do that. It was Sir Charles Tupper did that.

Hon. Mr. LOUGHEED—I think the right hon. gentleman agreed with him that the government had no right to a surplus. Will the people of Canada approve of carrying out the colossal capital expenditure which this country has entered upon from revenue? Will it agree to the diversion of our revenue from channels of circulation in which it should be, to being locked up in capital expenditure, thus creating a stringency in the money market and largely contributing to the depression from which we are now suffering? As I said before, Canada must necessarily be a borrowing country. Until our great undertakings are carried out, Canada must go into the money markets of the world and negotiate her loans and expend the proceeds of those loans on internal improvements. But we find the government of to-day imposing on the people of this country taxation for what? To meet the governmental expenses of this country? No, but actually to carry out the enormous capital expenditures upon which we have lately entered. Will the people of this country submit to the increasing taxation which will be imposed on them if this policy is continued? We have to face the building of the Grand Trunk Pacific Railway, an undertaking involving an expenditure of over one hundred million dollars. Is it the intention, as predicted in this address, that the revenue of the country should bear this immense responsibility? I undertake to say that no financial authority in Canada will approve of any such doctrine. What does it mean? Assuming that we were justified in raising a revenue of one hundred million dollars, it means that we have diverted at least fifty million dollars from the circu-

lation of the country, because I recall, and will refer to the rivalry which took place in 1893 between the various leaders of the Liberal party as to the amount of money required for running the Dominion upon the accession of the Liberal party to office. Who will forget the rivalry between my right hon. friend, the right hon. the Prime Minister and two or three other leaders of the Liberal party at that time as to the reduction which could be made in the expenditure on consolidated and other funds of the Dominion. We cannot forget the expression of the Liberal party in 1893 when they viewed with alarm the expenditure at that time of thirty-seven million dollars. We cannot forget even the Ottawa platform in 1893 when the hon. gentlemen said:—

We cannot but view with alarm the large increase of the public debt and of the controllabe annual expenditure of the Dominion, and the consequent undue taxation of the people under the governments that have been continuously in power since 1878, and we demand the strictest economy in the administration of the government of the country.

And then by a process of auction my hon. friends began to indulge in bidding against each other, so to speak, as to how much could be cut off that enormous expenditure of 1893. The right hon. the Prime Minister speaking upon this subject in 1896 in Brampton said:—

The expenditure of this country has grown until the people are unable to bear it. I promise you that if you put our party into power we will reduce that annual expenditure by two or three million dollars per annum.

And then again the right hon. the Prime Minister, thinking he could pare it down more, said:—

If we get into power we will follow the example of Mr. Mackenzie, and I say that although we may not be able to bring the expenditures to what they were under him, we can reduce the amount three million dollars per year.

Then my right hon. friend, the Minister of Trade and Commerce, appeared on the scene and was not to be outdone by the Prime Minister. He said:—

For my part I do not hesitate to tell you that I consider a yearly expenditure of 40,000,000—or $38,300,000—altogether too large for the present resources of Canada. I say that it is a disgrace and a shame to the government that have been entrusted with our affairs that they come down to us to ask for the expenditure of $38,300,000 a year for federal purposes. Sir, the thing is wholly unjustifiable.

Hon. Mr. LOUGHEED.

Hon. Mr. FERGUSON—Who said that?

Hon. Mr. LOUGHEED—The right hon. Minister of Trade and Commerce, and he emphasized that by adding:—

I repeat it now that $38,000,000, let alone $40,000,000, is, in my judgment, a monstrous sum for the people to be called on to provide. When the United States mustered 20,000,000 strong its total expenditure for federal purposes was barely $22,000,000.

And then some of the minor leaders came and underbid my hon. friends who were then leading the Liberal party. We find Sir William Mulock willing to give a guarantee almost that our taxation could be reduced by three or four million dollars, and then Mr. Charlton was prepared to reduce that by five millions, until finally hon. gentlemen on the opposite side, by the time they reached office, had the expenditure of this country whittled down to thirty millions. But what do we find to-day? We find an expenditure exceeding one hundred million. Hon. gentlemen were then in opposition, but they then expected to come into power. They had the prescience to look sufficiently ahead, to finding themselves in power, and could give pledges as of those who were on the threshold of power, but what have they done to reduce that expenditure? Instead of reducing it, they have practically trebled it. Another thing I would desire to point out in connection with this expenditure lies in this fact: that if hon. gentlemen intend to pursue the policy of carrying on public works out of revenue, it means the displacement of the specie currency which should go into circulation, and which I say now should be superseded by the importation of foreign money as has always been the policy of this country. It is quite manifest that if this government will put fifty millions of revenue into capital expenditure upon public works on which foreign loans could be negotiated, it prevents the circulation of that much money in our money market, and to that extent adds to the stringency. I might also point out that the administration of the post office savings is not calculated to help the present monetary difficulties from which Canada is suffering. I find that the government is practically maintaining a reserve of about twenty-five per cent upon note circulation and post office savings, or, in other words, we have

practically a gold reserve of about $40,000,000. We pride ourselves upon the soundness of our banking system, and I do not think that any man in Canada who is a judge upon financial questions would seriously criticise our banking system, yet we find that so far as the reserve of the banks is concerned they have only a reserve of about fifteen per cent against deposits and circulation and that reserve of fifteen per cent is regarded as sufficient to satisfactorily answer the financial requirements of Canada. We have not enough circulation at the moment for the needs of the country, while at the same time we find the government of the day maintaining a reserve of twenty-five per cent. My contention is simply this, that so far as that reserve is concerned, in times of financial stringency it might be considered, and by many would be considered, sound finance, that the government should from that reserve relieve the stringency from which we are now suffering so long as the reserve did not fall below the reserve maintained by the banks for circulation and deposit. The maintenance of any other policy seems to me to deprive this country of the circulation to which it is entitled. These deposits would under other conditions probably go into the banks. We have over sixty million dollars of deposits in the post office savings banks. If these deposits were not taken and administered by the government, they would doubtless be deposited in the chartered banks and go into circulation subject to the same reserves that apply to the circulation and other deposits of the banks. The point I desire to make is this: If the government of the day has diverted from ordinary circulation by the establishment of a reserve exceeding what is required, or by spending the amount of money of which we have been in receipt in capital expenditure which should have been made by foreign moneys, then the circulation of the country is restricted to that amount. I think this is a matter which is worthy the consideration of the government. It has been suggested to my mind by the clause in the address. I asked my hon. friend to-day if the correspondence could be put upon the table referring to the negotiations which have taken place as to the submission of the fisheries question to the Hague Tribunal. It would be very desirable in discussing this very important question that we should have some information upon it. International questions between the United States and ourselves frequently receive more serious attention in the United States than they do in Canada, and we invariably find a strong public sentiment at the back of all international claims made by the United States so far as this country is concerned; but in Canada, unfortunately, those questions are considered academic. We pay little or no attention to them. The consequence is we find no public sentiment behind the assertion of the claim when it is being considered by our own government or by tribunals of arbitration. Therefore it is very desirable that the people of Canada should be put in full possession of all available information relating to questions of this character. I must say that I am at a loss to understand how this question has come to be submitted to the Hague Tribunal. Up to a very recent date the Imperial authorities have taken strong ground upon the validity of the claims of Newfoundland and as we, apparently, have been joined in practically the same dispute, it becomes a matter of considerable importance to the Dominion that before the question is submitted to the Hague Tribunal, the people of Canada should have full information on the controversy involved. I had occasion to look into the matter in connection with this address, and it seems to me that the submission of this question is equivalent to our waiving to a very large extent the strong position taken by both Newfoundland and Canada and the Imperial authorities. Great Britain is the only civilized nation, so far as we know, that has conceded to aliens or foreigners the right of sharing with her own subjects, the fisheries wealth of the marine belt of territorial coasts of Newfoundland and Canada without any return therefor. When one takes into consideration that any concession granted to the United States has been entirely gratuitous on the part of Great Britain and has not been coupled with any consideration in return, it naturally evokes a sentiment of protest that any unreasonable demand should be made by the United States as has been done in this particular case. Under the treaty of independence, the United States claimed

that they were entitled to equal privileges in the fisheries of Newfoundland and the Canadian coasts that were enjoyed by the subjects of Great Britain. The matter remained in controversy until the Treaty of 1818, and from that date until the fisheries article of the Treaty of Washington were revoked, in 1885, there practically was no demand made by the United States for the enjoyment of those privileges which they now demand. It seems to me in this connection that the fact of acquiescence is a very important feature of the case as it was in the consideration of the Alaskan question. Acquiescence, which in this particular case continued one might say from the War of Independence until the revocation of the articles of the Washington Treaty, should certainly determine what the rights of Newfoundland and Canada are. To my mind the most unpleasant feature of submitting this question lies in the attitude of bluff and bluster and bullying adopted by the present United States Secretary upon this question.

Hon. Mr. POWER—Would the hon. gentleman be kind enough to read the first article of the Treaty about which the discussion arises?

Hon. Mr. LOUGHEED—It reads as follows:

Whereas differences having arisen respecting the liberty claimed by the United States for the inhabitants thereof, to take, dry and cure fish on certain coasts, bays and creeks of His Britannic Majesty's dominions in America, it is agreed between the high contracting parties that the inhabitants of the said United States shall have forever, in common with the subjects of His Britannic Majesty the liberty to take fish of every kind on that part of the southern coast of Newfoundland which extends from Cape Ray to the Rameau islands; on the western and northern coast of Newfoundland from the said Cape Ray to the Quirpon islands; on the shores of the Magdalen islands; and also on the coast, bays, harbours and creeks from Mount Joli, on the southern coast of Labrador to and through the Straits of Belle Isle, and thence northwardly indefinitely along the coast, without prejudice, however, to any of the exclusive rights of the Hudson Bay Company. And that the American fishermen shall also have the liberty forever to dry and cure fish in any of the unsettled bays, harbours and creeks on the southern part of the coast of Newfoundland hereabove described, and of the coast of Labrador; but so soon as the same or any portion thereof shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such portions so settled, without previous agreement for such purpose with the inhabitants, proprietors or possessors of the ground. And the United States hereby renounce forever any liberty heretofore enjoyed or claimed by the inhabitants thereof to take, dry or cure fish on or within three marine miles of any of the coasts, bays, creeks or harbours of His Britannic Majesty's dominions in America not included within the above-mentioned limits.

Provided, however, that the American fishermen shall be admitted to enter such bays or harbours for the purpose of shelter, and of repairing damage therein or purchasing wood and of obtaining water and for no other purpose whatever. But they shall be under such restrictions as may be necessary to prevent their taking, drying or curing fish therein, or in any other manner whatever abusing the privileges hereby reserved to them.

I might say that the point of difference between the British authories, including, of course, Newfoundland and Canada, and the United States, is in the last clause which reads as follows:—

But they shall under such restriction as may be necessary to prevent their taking, drying or curing fish therein, or in any other manner whatever abusing the privileges hereby reserved to them.

The United States claim now that they are not subject to the sovereignty of the imperial or colonial authorities, and they dispute the jurisdiction of both Canada and Newfoundland to legislate in any way as to restricting the greatest possible freedom on their part from fishing within the marine belt referred to.

Hon. Mr. SCOTT—No. In reference to the case of Newfoundland which the hon. gentleman first read, and the Magdalen Islands and part of Labrador.

Hon. Mr. LOUGHEED—I may be wrong perhaps in saying, and I did not intend to convey the idea, that they had the right to fish in our own ports. They have the right to come in for shelter and food and water, but the same contention is urged as to the jurisdiction of either the imperial authorities, or the Canadian authorities to legislate so as to restrict the enjoyment of any of their privileges. But I was referring to the spirit in which the Department of State has approached the settlement of this subject with the imperial authorities, a spirit I think which is to be condemned in the very strongest language so far as the Dominion of Canada and the colony of Newfoundland are concerned. Mr.

Root in writing to the imperial authorities in 1905 stated:—

I feel bound to urge that the government of Great Britain shall advise the government of Newfoundland that the provisions of the law which I have quoted are inconsistent with the rights of the United States under the treaty of 1818 and ought to be repealed, and that in the meantime and without any unavoidable delay the Governor in Council shall be requested by a proclamation which he is authorized to issue under the Act respecting foreign fishing vessels to suspend the operations of the Act.

A writer makes this comment:—

Lord Clarendon once commented in the House of Lords on the extraordinary tone of the President's message and the apparent studied neglect of that courtesy and deferential language which the governments of different countries are wont to observe when publicly treating on international questions, adding that if the British government accordingly did negotiate it would seem that it could only be upon the basis that England was unconditionally to surrender her pretensions to whatever might be claimed by the United States.

From Lord Bathurst's time down to Lord Salisbury's time, the Imperial government positively refused to give any concession to the claims of the United States, yet in the face of that long continued protest against these claims, we find the present Colonial Secretary, without apparently any reason, and in the face of the protest of Newfoundland, granting a modus vivendi to the United States and now submitting this question the rights of which have never been doubted by us to the Hague tribunal. I say that it is an indication of weakness, and that it is somewhat unfortunate that we are called upon to make allusion to the question without having that information before us which we could intelligently discuss the subject. I had intended to allude to various other clauses in the address, but having been tempted into remarks very much longer than I had anticipated, under the circumstances I hesitate further considering these matters. My hon. friends the mover and the seconder, set such an excellent example in delivering short speeches, though I am sure the House would have been gratified if they had continued much longer, that I hesitate to trespass further. I only desire to express the hope that these hon. gentlemen may be long spared to be useful members of this very important body.

Hon. Sir RICHARD CARTWRIGHT--I am glad to find that there is one subject at any rate in which I can heartily concur with my hon. friend. I join with him in extending a welcome and in bearing testimony to the ability with which the mover and seconder of the address have discharged their duty on this occasion. Both are old friends and comrades of mine, and I can assure the House from personal experience that they will find them worthy members of this distinguished body, and I again concur in my hon. friend's desire that they may long continue to adorn the Senate, no matter what threats evil-disposed people may make against it in another Chamber. There is an old proverb which my hon. friend is familiar with, that threatened men live long, and I am inclined to think that that proverb will be verified in the case of the Senate, as it has been in the case of similar bodies elsewhere. I can understand to a large extent the reason why my hon. friend is rather disposed to jeer at the unmistakable evidences to which my hon. friends the mover and seconder called attention of the extreme prosperity that has attended the people of Canada during the present administration. I am not surprised that my hon. friend, and some of his friends in other places think that perhaps on the whole Providence has not bestowed its favours with the discrimination which might have been expected. For myself, it has been my lot to take both the bad times and the good times turn about, and I have an extremely distinct recollection of the way in which the predecessors of my hon. friend were in the habit of holding up the government of Mr. Mackenzie and his colleagues to public reprobation, because under very exceptional circumstances they were not able to secure prosperity. They did their duty to the best of their ability on that occasion, but it is quite true that under the circumstances to which I have alluded that with three successive bad harvests and a universal world depression, they were not able entirely to preserve unbroken prosperity in Canada. I notice that when circumstances were reversed, however, and when the gentlemen who now lead the Opposition in the Commons were confronted with similar disasters they had very materially altered their view of the situation and had come to the conclusion that the

best of governments could not always preserve or even restore prosperity to the people of Canada. I can recollect perfectly well when Sir Charles Tupper and Sir John Macdonald, for the matter of that, laid down the position that no government was fit to remain in power unless they could create and increase the prosperity of Canada. Well, out of their own mouths let them be judged. The present government came into power at a period of very considerable depression in Canada, and, for eleven years at any rate, which is a reasonably long period of time, under the administration of the present government, Canada has enjoyed, in every respect, a prosperity which Canada never enjoyed before, and which contrasts very remarkably with the progress of Canada in the eighteen years, from '78 to '96. The hon. gentleman seems to be impervious to the distinction which exists between then and now. He is perfectly correct in saying that in 1896 I, and other gentlemen with me, thought that there was great need and very great need for economy, and the strictest economy in the administration of public affairs. We had reason for what we said. During the eighteen years it is a miserable and melancholy fact that Canada was losing the very best of her population, not by tens of thousands, not by hundreds of thousands, but by millions, and it was not until the present government took office that the exodus from Canada was stayed and in place of an exodus from Canada, we saw an exodus into Canada from almost every civilized country from which we desired to bring them, and notably from the United States, to whom we had formerly exported hundreds of thousands of our best subjects. The hon. gentleman was good enough to dilate at considerable length on the trade and commerce of this country. I have here the Trade and Navigation returns of this country from '73 to '97, and I will simply call my hon. friend's attention to this trifling fact. In 1882 I observe that the gross imports and exports of Canada amounted to $214,000,000 in round numbers. In 1896, after a period of fourteen years, or 1895, which is the closer to it, after a period of thirteen years, the total trade and commerce of Canada had increased from $214,000,000 to $218,000,000, a magnificent increase in fourteen years of $14,000,000. From 1896, when we took office, the trade and commerce of Canada had increased from $231,000,000 to $546,000,000 in 1906, a similar period of not quite thirteen years, a period of ten or eleven years. The increase in the one case I observe for a period of thirteen years being for about $4,000,000, and the increase in the other case over a period of ten years amounts to $316,000,000.

Now, with all due regard to my hon. friend, I think that there is a difference at the present time as compared with the time to which he alludes. I think there is some justification for the enlarged expenditure and enlarged revenue when you find the volume of the trade and commerce of Canada increasing by three hundred odd millions in a similar space of time as against an increase of four millions taking two periods of thirteen years. That is one illustration. It is only one out of many that I could give. The hon. gentleman thinks that we have been depleting the resources of Canada; that we have been consuming a great deal too much of the means which might otherwise have gone to aid in the development of Canada in the matter of the revenue we have collected. I will have a word or two to say on that subject later on, but in the meantime I desire to be advised as to the mode in which my hon. friend obtained some of the figures he has recently given. My hon. friend, if I correctly caught his figures—and I am open to correction if I have misreported him in any way—said that the balance of trade against us was $118,000,000. Was I correct?

Hon. Mr. LOUGHEED—It would be that amount this coming year, according to the present calculations.

Hon. Sir RICHARD CARTWRIGHT—I thought the hon. gentleman referred to the existing balance of trade, because, if he did, he was very much astray in the amount. As to how he made up his figures showing a balance of $118,000,000 until the calculation is verified, I cannot very well see; but for my own part, I have never been in the least degree afraid of seeing a very considerable balance of trade against us. If our exports are not equal to the amount we import, I do not know that it is a proof of any great loss or injury to the

people of Canada. I think I can remember —unless I am very greatly mistaken—that the balance of trade against England has been steadily increasing by hundreds of millions of pounds sterling, not dollars, for a longer period than either I or my learned friend can remember; I am inclined to think that England is not the poorer because it has had a very heavy balance of trade against it for a long time. It might be contended—and contended with a good deal of show of reason—that the balance of trade of which he speaks really to a very great extent—I do not know to the full extent—means that we have sold our exports at a very good profit, and that we have made very considerable profit in the imports coming back to us in exchange for the exports. That is as good a theory as the one my hon. friend propounded and has a good deal to recommend it. If my hon. friend will take the imports into Canada, he will find many items such as this, six or seven or eight million for household goods for settlers imported into Canada. Does he consider that that is an item which is very expensive to the people of Canada? Does he think that a balance of trade of that sort is likely to do us much harm? That is one point in which the balance of trade will always, I hope, continue to appear heavily against Canada. There is another consideration I would call his attention to, and that is this: when you talk of the balance of trade against the country, and particularly a country which is bringing in at this present moment between two and three hundred thousand immigrants per annum a very large number of them men possessed of considerable ability and considerable capital, you will bear in mind two things; that this large immigration indirectly, although it does not appear on the surface, accounts for a good deal of the balance of trade, and that immigrants such as we are bringing in alone are worth individually very large sums to the people of Canada. I would not like to place an absolute value per head on the immigrants we bring in. I know that high authorities in the United States have over and over again computed the value of immigrants to the United States as high as $1,000 per head. If my hon. friend is very much alarmed at the balance of trade against us, let him multiply these two or three hundred thousand by one thousand—I just give it as an illustration—and he will find that the balance of trade will be converted into a large sum in our favour, if we continue to import them at the rate we are doing.

Hon. Mr. LANDRY—What about Doukhobors?

Hon. Sir RICHARD CARTWRIGHT—If we bring in a few thousand Doukhobors and ten times as many other settlers, I think we can afford to have them. I am happy to inform the hon. gentleman who interrupted me that although there are a few fanatics among the Doukhobors, I am advised by the Department of Agriculture that there are a large number of industrious and thrifty people amongst them, and that their children and probably the Doukhobors themselves will make, under our institutions, as soon as they become a little more assimilated with our people, as valuable citizens as anybody could desire to have. As I observe, my hon. friend and myself may agree to differ on this question of the balance of trade. I do not think it at all likely that he and I will ever come to see eye to eye on this subject, but I would say to him that I think that we need not distress ourselves, and the country need not be very much alarmed at the fact that there has been a considerable balance of trade against us for a good many years, and unless I am wholly and entirely mistaken, if my hon. friend will condescend to look back to the years during which his friends were in power I think he will find that in most of those years there was a very considerable balance of trade against the Dominion of Canada. Take for instance any of the years that I referred to: Take 1882, our total exports were $102,000,000. There was entered for consumption $112,000,000. The total nominal imports were $119,000,000. Take 1893, the total exports were $98,000,000. The imports entered for consumption were $123,000,000, and so I might go on all through the whole list, showing that during the administration of the friends of the hon. gentleman, be it good or evil, there was always a heavy balance of trade against us, not that I attribute any blame to them or attach any great importance to the matter. As I said, he has only to look at the mother country and he will see that after making all pos

sible allowances for that portion of the imports which represent the interest on British capital invested in foreign countries, there has been for a great many years a very large balance of trade against Great Britain, and I might further point out to the hon. gentleman that if he is alarmed at the impoverishment of the people which has taken place in consequence of this heavy balance of trade, and in consequence also of the enormous amount of revenue that is being collected, it is a singular fact, and worth his consideration, that while we have been impoverishing the people at this rate, the deposits in the banks, mostly from the savings of the people, have risen from something like two hundred million—I speak from memory—to about six hundred million in the present year, being an increase of between three and four hundred millions of deposits saved from the incomes of the people, I presume, and apparently deposited in the banks. The hon. gentleman declares that it is very much to our discredit that the people paid thirty-seven millions in 1896, and that they now pay one hundred millions for general purposes. It would take too long, and I would not like to inflict the House with an analysis showing how much was really paid. I will remark that it would be more correct to say that the people paid thirty-seven million in 1896 and that in the current year just passed they paid something like sixty-seven million, the remainder arising from actual disbursements on account of consolidated fund.

Hon. Mr. LOUGHEED—May I point out that in '96 the revenue from customs and excise was twenty-seven and some odd millions, not thirty-seven.

Hon. Sir RICHARD CARTWRIGHT—I know that thoroughly, but the hon. gentleman spoke of the total expenditure on consolidated account, as I understood him.

Hon. Mr. LOUGHEED—If my hon. friend desires to eliminate from the revenue all other items with the exception of customs and excise, he should confine his argument——

Hon. Sir RICHARD CARTWRIGHT—You would have $27,000,000 in the one case It is true you would have $57,000,000 in the other, but as the hon. gentleman knows, that includes a very large surplus—a surplus ranging from sixteen to twenty million. He was in error on one point also, a very important point on which I will have to differ from him. He says that they paid $37,000,000 in 1896. The people paid a great deal more than that. The people at that time had really a very much heavier rate of taxation than now. The only difference is that to a much larger extent in 1896 the sums exacted from the people and paid by the people should have gone in the treasury. Under the system the hon gentleman approves of, part of those taxes went in the treasury, and a very large part, far more than at present, went into the pockets of friends of the hon. gentleman who had obtained from the parliament of Canada the right to tax the people at their own pleasure, the fact being that a very great deal more was paid by the people of Canada in that way than is paid at present. I would rather see much less paid by the people of Canada, but that is a question on which I am not at the present moment going into detail.

Hon. Mr. FERGUSON—Does my hon. friend take into consideration in this discussion the difference in value in goods imported at the present time, and those imported in 1896?

Hon. Sir RICHARD CARTWRIGHT—A perfectly good point. A good deal of the increase is a nominal increase. There is no doubt about that. Wages are higher, the cost of living, and cost of material is higher, and a good deal of the extra expense of which he complains is due to those causes, which are not under control of the government, but which have arisen in part, no doubt, from the great prosperity which has fortunately for a long time befallen the people of the country, and, I might add that there is this other difference; that in 1896, and for a longer period before it, the population of Canada had been perfectly stagnant, and since then the population and the income of the people of Canada have been increasing in a ratio infinitely greater than before. In another place I have laid before the other House satisfactory proofs of the fact that the growth of the population was far less than the number as given in the census returns. Now, to-day, if we are spending a great deal more—the

population of Canada has been increasing in a ratio infinitely greater than before, and I have not the slightest doubt that if the suggestion I had the honour to make at the time had been carried out, and a census had been called for in 1896 as I would have liked to have had, that this result would have been brought out that in eighteen years in all probability, the population of Canada had not increased by more than 500,000 or 600,000 if the truth had been known; whereas in the years that have elapsed since we came into power there is every reason to believe not merely that the relative ratio has been vastly larger, but that the absolute increase in those years has been double, if not treble, all that took place during the eighteen years during which our predecessors held power. The hon. gentleman wants to know—and it is a perfectly fair point and perfectly fair question—why the government of the day have preferred to take taxes from the people in place of borrowing money to carry on great public works. That hon. gentleman asks why we did not. I presume he means, reduce taxation and borrow money to carry on public works. If the taxation is oppressive on the country, if the taxation is retarding the progress of the country, there is not the slightest doubt that it would be a wiser thing to reduce the taxation and borrow money. If, on the other hand, the taxation is comparatively easily borne, then if there be a surplus it becomes a matter of fair question whether it is or is not better to reduce the taxation and borrow money, or to maintain the taxation and keep the public debt down for the benefit of our immediate successors, and perhaps for the benefit of ourselves. I am not in the slightest degree disposed to find fault with the hon. gentleman for calling the attention of the House to this matter. I think probably it would be wiser for us to pay a considerable portion of the expenditure we are incurring for these public works, and to borrow for what remained. I have not the slightest doubt myself that the colossal works to which my hon. friend has alluded will require that the government of Canada should at a convenient season go into the market, but I may point out to the hon. gentleman that it would be extremely inexpedient and unfortunate if during the present year or the past year or perhaps the year previous to that, the government of Canada had been obliged to borrow many millions in the English market. As matters stand, by using the surplus which we secured, we have been able up to the present time to avoid borrowing in a disadvantageous market, and I think the fiscal authorities my hon. friend alluded to would agree with me in saying that at any rate at present, and under existing conditions, it is better that we should, if we can, or as far as we can conveniently, pay our way without attempting to obtain money in the English market.

Hon Sir MACKENZIE BOWELL—I was going to ask the hon. gentleman if there is any of what is termed a floating debt at the present moment to the extent of about nine million dollars.

Hon. Sir RICHARD CARTWRIGHT—Very possibly. Our credit is fairly good, and we can pay our treasury bills, but it is not a question of nine million, but twenty-nine millions or fifty millions my hon. friend is alluding to. It is a fair debatable question. I do not object in the slightest degree to my hon. friend bringing it forward, but you must remember that from various causes, the Boer war for example, since the enormous destruction of capital that took place in the recent Russo-Japanese war, and since these panics that have taken place in more quarters than the United States, the hon. gentleman must remember that the English market, to which we must chiefly look for borrowing, has been in a very unsettled state, that English consols have touched a low point such as they have not touched for some thirty or forty years, and in making that statement I make full allowance for the fact that consols have been reduced from three to two and one-half per cent. It is not a favourable or desirable time for us to borrow money in England. Were circumstances more favourable, were things in a normal condition I could understand my hon. friend's criticism, and I would say it was a matter to be seriously considered whether it was or was not better for us to borrow the money rather than apply the surplus taxation to the construction of those public works. But in connection with that, I should like to ask my hon. friend a question. He has friends in another place. He seems to

think—possibly I may not entirely disagree with him—that although the real taxation of the people of Canada is less than it was in former years, that taxation is heavy and might be reduced. Why is it that the hon. gentlemen who lead the Opposition in the House of Commons have not, to the best of my recollection and belief—and there are gentlemen here who can correct me if I am wrong—moved to reduce the taxation? Why is it that in all their debates, their assaults and attacks on the present government, I have failed to see one single motion made by them for the purpose of reducing the taxation of the people of Canada? If my hon. friend knows of any motion they have made, I should like to know it. Possibly I might see my way to agree with him again in the desirability of such reduction, but I have heard none. I do not think that he will find—on the contrary if he will study those debates he will see that there have been attacks made by those hon. gentlemen and their supporters upon the present administration because they would not add to the taxes of the people of Canada when they were asked to do so. This has been the complaint, and that has been the claim of the hon. gentleman's friends outside of parliament and they have, I think, more than once intimated their conviction that we ought to have a tariff as high as Haman's gallows for the purpose of excluding goods, and for the purpose of doubling, trebling, and quadrupling, as the case may be, the taxes of the people of Canada.

Hon. Mr. LOUGHEED—I think it was a supporter of the right hon. gentleman who said that.

Hon. Sir RICHARD CARTWRIGHT—What is his name?

Hon. Mr. LOUGHEED—I do not desire to mention names.

Hon Sir RICHARD CARTWRIGHT—If he is a supporter he must be a recent convert. I know what you did while we were in opposition. I could find a use for a gallows as high as Haman's, but it would not be for the use my hon. friend would be disposed to put it to.

Hon. Mr. LOUGHEED—His appeal was to the present government of whom he is reputed to have been a consistent supporter for ten years.

Hon. Sir RICHARD CARTWRIGHT.

Hon Sir RICHARD CARTWRIGHT—His appeal was for increased taxation, and he did not agree with the views of the present government on that point. The hon. gentleman alluded to another matter of very considerable practical importance, and, if I followed him right, I think he was disposed to intimate that it would be a good thing for us to greatly diminish our gold reserve. The hon. gentleman, I think, is labouring under a confusion of ideas there. It is perfectly true that there is no occasion for maintaining a very large gold reserve for the purpose of protecting the genuine circulation which the government of Canada puts out, but the hon. gentleman is aware, no doubt, that the amount of circulation which we put out is really a very limited quantity. We have, no doubt, a circulation—speaking from memory—of some fifteen million dollars or thereabouts, of ones, twos, and fours. But what is called circulation, and against which a gold reserve is held, is a totally different thing. It is not against that comparatively trifling note circulation that we hold this reserve. We hold it in much the same way as the Bank of England does, for the maintenance of the credit of the banks and people of Canada. How did this reserve come into our hands? By legislation under which we practically took possession of the gold reserves heretofore held by the banks of Canada. At this moment, if the banks of this country saw fit they could, under the existing law, draw twenty or twenty-five or thirty millions of this same gold reserve at an hour's notice out of our vaults. There is nothing to prevent them doing so, because our law does not require that the banks shall retain any special amount of specie in reserve. It requires that of the reserve they have they shall hold at least forty per cent of legal tenders.

Hon. Mr. LOUGHEED—Twenty-five per cent.

Hon. Sir RICHARD CARTWRIGHT—The hon. gentleman is thinking of a different thing. The law provides that whatever bank reserves are maintained, forty per cent of these should be in legal tenders. That is what they require. You can, if you choose, possibly—but I do not think it would be at all a wise thing—relieve the government from the necessity

of holding dollar for dollar of the legal tenders which they hand to the banks. I do not think it would be a politic thing. I do not think that bankers of the best standing in this community would advise that it should be done. Let my hon. friend remember this—that is practically the only gold reserve existing in Canada. The amount of specie alone held by the banks is quite insignificant in comparison with their liabilities. All they hold is specie and legal tenders. These legal tenders they have a right to draw from the government at an hour's notice, and it would be highly impolitic for us to let that reserve be depleted. We should retain a much stronger reserve for this purpose than twenty or twenty-five per cent. I am in favour of retaining our reserve as we have always had it, and that is dollar for dollar after we have made reasonable provision for our circulation.

Hon. Mr. LOUGHEED—I have it from an authoritative source that the reserve is twenty-five per cent on the circulation up to thirty millions, and after thirty millions it is dollar for dollar.

Hon Sir RICHARD CARTWRIGHT—That is right. We are talking of rather different things. I was referring to the question as to whether it was not politic to diminish the gold reserve of forty-four or forty-five millions, or whatever it might be now in the hands of the government. My impression is that having regard to the fact that that is held by us in place of having had it remain in the banks, it would not be wise for us greatly to diminish it.

Hon. Mr. FERGUSON—Then the statement made by the Toronto 'Globe' two or three days ago, that it was the intention of the government to introduce a measure reducing the amount of the reserve to be held, was not made with authority.

Hon. Sir RICHARD CARTWRIGHT—No statement of that kind has been made with authority. The question is one for debate. It may be possibly found that we have a few millions more than are required. I doubt it myself—I am speaking here individually. The thing is a question which is far beyond and far above mere party interest or the mere necessities of the moment. The solvency and the credit of the Canadian banks depend, as everybody knows, upon their being able to pay in gold every obligation they have, and particularly for the notes that they put in circulation. Now it is quite true that where you have notes in circulation you do not require to maintain anything like so large a reserve as we hold against our legal tenders. My point is this : the reserve we hold, although nominally held against circulation, is not really so except so far as the ones, twos, and fours out in circulation—is not really held against circulation at all. It was originally taken from the banks. If we had let the banks alone they would have held instead of fourteen or fifteen millions in gold probably fifty or sixty millions gold to-day. I think they have fifteen millions and we have forty-five or sixty millions in all. I do not think that is too large a sum for us to base the whole fabric of our credit upon ; that is my opinion at any rate. As I say, it may be that we could dispense with a small portion of it, though I would be sorry to see that done. I say that frankly. I would rather preserve the gold reserve we have now. Our case is not the case which exists in England where, as hon. gentlemen probably know, they have a note circulation of large amounts. Five pounds, I think, is their lowest figure, whereas ours is about five shillings of paper money, and they have a very large amount of gold and specie in the hands of the public at large. We have nothing of that. Outside of the banks and government reserve there is no gold in Canada, and it is therefore doubly desirable that the government should retain a very considerable sum of gold in our hands. The hon. gentleman also referred to the desirability, as he thought, of our discontinuing our savings banks, and throwing the deposit receipts we now have into the general working fund. There again, of course, there will be differences of opinion. I am inclined to think that it is for the advantage of the people of Canada that they should have, those of them who choose, the absolute security for their savings which the government alone can afford. I have not the slightest doubt that the deposits in the vast majority of our banks are perfectly safe, but they are not always and invariably to be regarded as so safe as the security which the government affords,

and if our people, of their own option, and without compulsion, choose to deposit a very considerable amount of money—sixty millions or more—in the post office savings bank at a low rate of interest, I do not see why the government should deprive them of the right of doing so, and I do not know that any great advantage would result from throwing that money into the general market. My hon. friend is not, perhaps, aware that we have in one shape or another, taking into account our banking capital and reserves, deposits and circulation, something like eight or nine hundred million dollars available for carrying on legitimate banking operations. My own impression is that that is sufficient for our needs, and if there is difficulty, if there has been trouble, it has arisen to a very great extent from the fact that a very considerable amount which ought to have been invested only in ways that it could be easily returned, has been put in on one pretext or another to plant and fixed capital which it is not the business of the banks to supply.

Hon. Mr. LOUGHEED—That is the same trouble with the government.

Hon. Sir RICHARD CARTWRIGHT—But the government are not expected to supply the mercantile community with money to carry on their operations. The government's duty is to carry on the business of the government of the country, and if certain great public works require also to be carried on, to find the means required. The banks, as I understand their business, and as their charters would seem to indicate, are vested with large powers; are permitted to issue notes with certain restrictions and are given certain privileges for the purpose of supplying what might be called the fluid needs of the mercantile community, and if there is trouble in this case—and trouble I admit there has been although I hope it will pass off sooner than my hon. friend seems to think it will—that has occurred largely from the fact that the banks have put a considerable amount of the means at their disposal into fixed capital and engagements. That I think he will find to be the primary cause of any trouble that now exists, although we cannot hope that when such a convulsion as has overtaken the United States within the last two or three months occurs close beside us that we will not suffer to some small extent from the reflex action. But here I may take occasion to remark, and the thing is worth noting, that whereas twenty or thirty years ago such a disaster as has occurred in the United States would have most seriously and materially affected the prosperity of the people of Canada by reason of the fact that they were almost their sole customers for a great portion of the goods we produced, that partly owing, I think, to the injudicious legislation of the United States, our relations with them have been so altered that no matter how grave misfortune that may overtake them it will not affect us one-fifth or one-sixth part as injuriously as it would have done 30 years ago. Canada to-day is much better able to stand on her own feet than Canada was then, and that is a thing which our people may very well bear in mind. Not a single bank in Canada that I know of has shown the slightest symptoms of being seriously embarrassed under circumstances which have, as you perfectly well know, led to something very like suspension of specie payments from one end of the United States to the other and the people of the United States at this moment are looking with envy, I might say, and certainly with wonder at the remarkable stability that has been shown by Canadian institutions in passing through this extraordinary crisis.

The hon. gentleman alluded to the reference to which notice has been given in this speech, of certain matters in dispute between the United States and ourselves and Newfoundland to the Hague Tribunal. With respect to that, he is perfectly aware that until these papers come down it would not be possible or desirable for me to enter at any length into an explanation of the reasons which have induced us to take this step. All I can say to the hon. gentleman is this, that he must be aware that for very many years, probably ever since the commencement of last century, certainly ever since the war of 1812-14, these fisheries and the questions arising from them have been a source of constant friction and annoyance to the British government and to ourselves as well as to the United States; that over and over again the peace subsisting between the two countries has been

seriously imperilled by the difficulties that have arisen between the several local governments and the fishermen of both countries. If there is a reasonable ground of doubt as to the interpretation of a particular clause in a particular treaty, I put it to my hon. friend as a lawyer of repute, as leader of the Opposition in this House and as a gentleman who is entitled to take rank among the statesmen of Canada, whether it is not, bearing in mind the position of Great Britain and Canada, and the United States—whether it is not, if there be a reasonable doubt as to the construction or interpretation of a particular clause, to refer that to an impartial tribunal of independent jurists for the purpose of obtaining a reasonable interpretation thereof? One thing I may say to the hon. gentleman, and that is this: that so far as the present government are concerned, they will do nothing, knowingly at any rate, that will in the slightest degree imperil the rights or in any possible shape or way detract from the dignity or honour of the people of Canada, and with that explanation, which is all I can give at present, I shall conclude my remarks on the present occasion.

Hon. Sir MACKENZIE BOWELL—It was not my intention to speak on this motion, but as the right hon. gentleman has indulged in the usual attack on the late government, for which I consider myself somewhat responsible, I may be excused if I claim the indulgence of the House for a short time to-morrow. I move the adjournment of the debate.

The motion was agreed to.

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

THE SENATE.

OTTAWA, Tuesday, December 3, 1907.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

UNREVISED HANSARD.

Hon. Mr LOUGHEED—Before the orders of the day are proceeded with, may I direct the attention of my hon. friend the Secretary of State to the fact that the unrevised issue of the debates seems to have reverted back into the very objectionable form to which exception was taken during previous sessions. Last session the galley form was decided on, which is very much more preferable than the form we have received to-day. An unrevised form with a one-half inch margin for corrections is extremely inconvenient, and I would direct the attention of my hon. friend to the desirability and to the necessity of the galley form being introduced.

Hon. Mr. SCOTT—The management of that matter is usually with the debates committee, but I understand from one of the officials that an order has been given to amend in the direction given by the hon. gentleman.

Hon. Mr. LOUGHEED—If so, it has been disregarded in the issue of yesterday's report.

THE ADDRESS.

DEBATE RESUMED.

The order of the day being called:

Resuming the adjourned debate on the consideration of His Excellency the Governor General's speech on the opening of the Fourth Session of the Tenth Parliament.

Hon. Sir MACKENZIE BOWELL—I am in a position just now to be convinced how easily it is for one to violate a promise which he has made to himself. As I intimated last night, when I came to this Chamber, I had made up my mind not to take any active part in the debates during the session. But after the remarks which have been made in reference to the conduct, the actions, and the policy of the late government, I thought it incumbent upon me at least to say a few words in defence of its policy. I presume I may be permitted, like my hon. leader, to congratulate the gentlemen who have succeeded in obtaining seats in the Senate, a body that they have for years been condemning in language not at all polite. Be that as it may, I congratulate my hon. friend, I might say personal friend, the hon. member for Ottawa, for having deserted, if I may use that expression, the arduous duties pertaining to a representative of a city like this, to seek repose in the serene atmosphere of the Senate. From what I know

of him I am quite sure that he will do credit not only to himself but to the Senate. The appointment I look upon as being a good one.

Then as to my hon. friend from York (Hon. Mr. Campbell) we know what an arduous politician he has been, and we know, or think we know, why he has been appointed to the Senate. When we reflect upon the policy of the present premier in seeking colleagues from all over Canada, and ignoring in so many instances his sincere, ardent and constant followers in the House of Commons we no longer wonder that some of the most prominent and talented of his followers in that House feel aggrieved at being passed over, and preference given to men who have never held a seat in parliament. My hon. friend has been successful in obtaining what, to my mind, is infinitely better than a position in the cabinet. If he did not succeed in obtaining that which I think his merits and services to the party demanded, he at least has obtained a position which I have no doubt he will enjoy more than a portfolio in the government. Those of us who heard his speech yesterday listened with a great deal of attention and interest to his remarks. He displayed that energy and love of party which have always characterized him since he has been in public life. I noticed that in order to intensify the force of his remarks he quoted a little poetry. I shall quote from a newspaper a rhyme which has been published at the hon. gentleman's expense. Those of us who are familiar with the tariff know that there are certain initials put after some articles of import which have a special significance. For instance, N.O.P. is very often found in the tariff, and means, 'not otherwise provided for.' Some irreverent rhymster perpetrated the following at the expense of my hon. friend:

> Some imports in the customs house
> Were marked as N.O.P.
> Archie Campbell's now in the Senate
> Because he was of that degree.

Whether that be true or not I cannot say, but it is very apt under the circumstances, and I suggest that my hon. friend should clip it out and put it in his scrap-book for future reference. My hon. friend to the left (Mr. Derbyshire) is on the left of the Speaker, I suppose, because he cannot get a seat on the right. Let me hope that before long he will prefer this side to the other. Whatever dignity has been added to the Senate by the length and breadth of the addition which has come to it, we can all rejoice in the fact that we have an exceedingly good natured punster amongst us, and let me hope that he may live long to enjoy the position.

Having said this much in reference to the new-comers, I may express my surprise at some of the omissions in the speech from the Throne. There was a by-election a short time ago in Western Ontario, in which my hon. friend from Wellington (Hon. Mr. McMullen) took part. When addressing the Liberals of that constituency, he was taken to task as a supporter of the government because the government had failed to reform the Senate. My hon. friend rose in his might and declared—or at least he is so reported—that the reason why the Senate had not been reformed was because Sir Wilfrid Laurier had been so busy during the last ten years that he was not in a position to devote his time and talents to the reformation of this body; but it was to be done at once now that other great questions were settled. I see no reference in the speech from the Throne indicating that the Senate is to be reformed, and when I consider the close relations of the hon. gentleman with ministers and how often it is alleged that he gives them the benefit of his advice, I conclude that he must be speaking on behalf of the government, and that the government in this case, as in many others, has misled the hon. gentleman and the country, and that they feel that there is now no need to reform the Senate. What would the present government have done if there had been no Senate in which to shelve members of the Commons in order to secure vacancies for their outside cabinet ministers?

Let us look at it for a moment. The late Mr. Blair never had a seat in this House or in the House of Commons. It was alleged, and never denied, that he had made overtures to a venerable senator who has now gone to his reward, that he should resign and give him his place, and that when he could get a constituency he was to resign his seat here and that gentleman was to be reappointed. Those who knew

that gentleman would come to the conclusion that he would act just in the manner in which he did act, and that is to refuse pointedly to barter away his seat in the Senate, even for the position of a cabinet minister. How was it accomplished? It was not long before there happened to be a vacancy in the Commons. The hon. member who at that time represented Queens, N.B., in the Commons, found it convenient to resign; and Mr. Blair was elected, and Mr. King—I won't say got his reward—certainly found a seat in this Chamber. Then we find that in the selection of his cabinet he took Mr. Fielding in from Nova Scotia. Mr. Fielding never had a seat in this House or in the Commons hence a seat was required for him, and the gentleman who represented Queens in the province of Nova Scotia was appointed preventive officer with $25 or $50 a month, I forget which, in Prince Edward Island. However, that was not to be the end of it. It was not long before he was placed upon the bench and is now a judge. The vacancy occurred and Mr. Fielding got a constituency. Then Mr. Sifton was brought from the outside. He had no seat in parliament, and they managed to get him a constituency, and after certain negotiations he found a seat in the Commons. Then we have Mr. Aylesworth, the present Minister of Justice, who, I am glad to learn today, is recovering his health. Whatever we may think of his political antecedents, every one regrets his affliction and we hope that he may soon return in good health. Then it became necessary to obtain a seat for the present Minister of Railways and Canals. There was no seat vacant in this part of Canada, but there was a very good-natured representative who lived in the same town as himself in the person of our friend to my left. I saw it stated in the debate in the Commons—although I do not know that I have a right to refer to that—that the Premier denied that my hon. friend had resigned, or he corrected himself by saying that he did not resign for the purpose of getting a seat or implied that he did not resign for the purpose of giving a seat to the new Minister of Railways and Canals. The report in the newspapers from Ottawa made the statement that Daniel Derbyshire, Esq., member for Brockville, visited Ottawa, had an interview with the government, returned to Brockville, resigned his seat, to which Mr. Graham was subsequently elected, which enabled him to retain his portfolio. Then, whether by promise or not, we have had the pleasure of seeing our genial friend walk into the Senate and take his seat. Then we have another outsider in the person of Mr. Pugsley who, unfortunately for him, or unfortunately for the country, is now filling the place made vacant by one of the most brilliant members of the House of Commons, the member for St. John. Following it up, we find that Mr. Mowat was taken from his position in Ontario without a seat in the Commons, but he was brought into the Senate, and consequently no vacancy had to be provided for him. Now we have seven or eight gentlemen brought into the present cabinet who had never held seats in the House of Commons, thereby expressing as clearly as can be expressed the premier's want of confidence in the ability of the hundred or hundred and thirty supporters in the House of Commons. I do not wonder that some of them rebelled and made threats. In the case of my hon. friend from Centre York, before being offered a position in the Senate he was asked to speak at a political meeting in Toronto. I think it was for a nomination for the Ontario House or for the Commons. People who know his readiness to discuss all questions, more particularly of a political character, will be surprised to hear that he quietly said: 'No, Mr. Chairman, I have nothing to say.' and walked off. That indicated a feeling of revolt, for having been overlooked, and for the policy of the government in that particular respect. But as soon as he found a comfortable seat in this serene Chamber he was just as vehement and as eloquent in defence of the present government as he had ever been in times past. This is the state in which these gentlemen find themselves, and this is the reason we find them now in this Chamber.

I notice in the papers it is reported—and to my mind it is a very important concession, if it has been made—that the present government have acceded to the demands of the United States government for the abrogation of one of the clauses of the Treaty of 1818, or the Treaty of Utrecht, by

which no war vessels should be placed upon the great lakes in Canada. I should like to ask the leader of the House whether such is the fact, because I know the question has been agitated for years, and demands have been made on behalf of the United States time and again for permission to place war vessels on the great lakes. One of the wisest provisions that could have been made was in one of the articles of the treaty to which I have referred, to prevent the placing of war vessels on the great lakes, either by Great Britain or the United States. I know that when I was in Washington in 1892-3 the same request was made by Mr. Blain, of the late Sir John Thompson, Mr. Foster and myself, for permission to allow the United States to build vessels in Chicago for use on the great lakes, and also to encourage the building in that portion of the United States of vessels that would pass through the canal to a sea port on the Atlantic ocean. When we reflect upon the changed conditions which exist to-day as compared with those that existed when that treaty was signed in reference to conditions of war, we can easily understand why it is that the United States are anxious to secure permission to place war vessels on the upper lakes. In the event of difficulties between the two countries—which God forbid should ever occur—those who prepare in the time of peace are most likely to prevent war when difficulties and quarrels may arrive. If they have war vessels on the upper lakes they would be in a position to assail every port in Canada before it would be possible for Great Britain to place upon those waters gun boats or such boats as would be necessary to defend our frontier. That was very well expressed even so long ago as 1892 by Judge Chapman in discussing the report with the Secretary of State on the subject of war vessels on the great lakes. It was a subject of discussion at that time, and very serious discussion in Washington. Judge Chapman who had been for six years a member of the committee on foreign affairs used this language:

> He had long given the question of the abrogation of the clauses in the treaty with Great Britain restricting the number of war vessels on the great lakes a great deal of consideration. The Secretary of State is right, he continues in his communication to the Senate, when he asserts that the conditions have changed so much since the treaty has been made that this clause is now a burden instead of a benefit. I agree with him that the clause should be abrogated, but insist that it should not occur until we have deep water navigation from the lakes to the ocean. If we have that we can easily retain the mastery of the great lakes navigation both in war and in time of peace.

That is the feeling that has been actuating the people of the United States for years. It is a desire which they have. Under the old form of declaration of war, you all know that a certain time was given in order to allow foreigners to leave the country. At the present moment a blow is struck as soon as war is declared. We have an illustration of that in the case of Japan a short time ago, that before the world knew there was to be war, Japan had her war ships in certain ports that she wished to attack, and had attained a very great advance towards victory before even the war was fairly commenced. Now I ask in all sincerity whether any applications have been made on the part of the United States to Great Britain for the abrogation of those clauses in that treaty, and whether the government of Canada, as has been alleged through the newspapers, have expressed their willingness that it should be abrogated, is correct or not.

Hon. Mr. SCOTT—There has been no request from the government at Washington for the abrogation of that part of the convention, nor has any action been taken in connection with it.

Hon. Sir MACKENZIE BOWELL—I understand the hon. gentleman to say that no application has been made to the Canadian government?

Hon. Mr. SCOTT—None whatever.

Hon. Sir MACKENZIE BOWELL—Is the hon. gentleman aware that any such application has been made to the Imperial government?

Hon. Mr. SCOTT—I can say this much, that if any application had been made, there, we certainly would have heard of it the next day.

Hon. Sir MACKENZIE BOWELL—The inference I draw from that is that it is

not so. A good deal of stress has been laid upon the importance of the French treaty, and a good deal of satisfaction has been expressed by those who have referred to that subject. It has been stated among other things that greater privileges were given to Canada in the negotiation of that treaty than have ever before been conceded, and that the negotiations took place exclusively between the representatives of Canada and of the French government, and that no such concessions and privileges had been granted when Sir Charles Tupper was in Paris and negotiated the first treaty that we had with France. On reference to the articles of the treaty I find that that statement is a fallacy. When Sir Charles Tupper was negotiating the treaty with France, he had the assistance of Lord Dufferin, who was then the Minister Plenipotentiary in Paris. If you refer to the preamble of the present treaty, you will find that the first name mentioned is the representative of Great Britain in Paris, Sir Francis Levison Bertie, Knight Commander of the Grand Cross of the Most Distinguished Order of St. Michael and St. George, Knight Grand Cross of the Royal Victorian Order, Knight Commander of the Most Honourable Order of the Bath, His Majesty's Ambassador Extraordinary and Plenipotentiary to the Government of the French Republic. With him were associated the Hon. Wm. Stevens Fielding, a member of the Privy Council here, and the Hon. Mr. Brodeur, so that so far from that being a concession acknowledging the autonomy of Canada to a greater extent than was ever acknowledged before, the statement is not correct. Consequently the credit which is claimed for the government of having placed this country in almost the position of a separate nation is not warranted. In looking at this proposed tariff I hesitate not to say—and I am very much inclined to think that the Minister of Trade and Commerce will concur in the opinion which I am about to express—that it is next to impossible to come to a correct conclusion as to what the effect of the treaty may be when it is worked out. In order to ascertain precisely what the effect would be, you would have to first take each article to which a preference is given in the French market and ascertain what the French tariff is on that article; then refer to our own trade and navigation returns to ascertain whether we export that article to any foreign country, and, if so, to what extent to France and until that has been tested the people of this country cannot know what will be its effects upon either the revenue or industries of Canada. It is different, however, when you turn to the specific duties under schedule 'C' because there the ad valorem and specific duties are specified, and in looking at that part of the tariff it seemed to me that the negotiators must have had in their mind's eye the requirements of some of their colleagues, especially my hon. friends the Secretary of State and the Minister of Agriculture, because by that clause the duties upon wines are materially lowered; but what surprises me in looking at the report of the debate in the House of Commons is to find that when Mr. Borden said that the duties on champagne and light wines had been materially reduced, the statement was contradicted by the Minister of Finance, who said that the 30 per cent ad valorem duty which was charged upon champagnes in addition to the specific duty of $3.30 per dozen quarts, had not been changed, that some time ago the 30 per cent in addition to the specific duty had been repealed by the Canadian parliament. That I must confess somewhat surprised me. I hold in my hand the authorized tariff of 1907, and I find item 165 reads as follows:

> Champagne and all other sparkling wines in bottles containing in each not more than one quart, but more than a pint, old wine measure, per dozen bottles, $3.30, and thirty per cent ad valorem.

This copy of the tariff I obtained only the other day, and yet I find the following in the debates of the House of Commons:

> Mr. FIELDING. There is a reduction on light wines. There is no reduction on champagne at all. I think the hon. gentleman had better wait until we have the treaty before us in proper form.
>
> Mr. BORDEN. What is the present duty on champagne?
>
> Mr. FIELDING. There was a specific duty and ad valorem duty some years ago. The specific duty was retained and the ad valorem duty abolished. We retained the same rates of duty, the ad valorem being abolished. I forget the precise figure.
>
> Mr. BORDEN. Do you strike off the specific duty?
>
> Mr. FIELDING. No, there is no change in the rate on champagne.

Now, if you turn to the treaty itself, schedule 'C,' you find that there is a duty upon light wines, but a reduction of ten per cent, leaving it simply at 15 per cent. The 30 per cent ad valorem is not retained, so that the duty on light wines is lowered to 15 per cent. There is a reduction of the duty, so with other kinds of wines. Then you turn to champagnes and all other sparkling wines in bottles containing one quart, on which the duty in this treaty tariff is $3.30. There is no addition of 30 per cent ad valorem. Consequently, if this tariff is correct, and it is the one that has been placed in our hands to consider, you will find that the 30 per cent ad valorem is repealed, so that the importer of champagne will pay only $3 on a case of champagne and will be relieved of the 30 per cent upon the value of the champagne, which at a value of $12 per case the duty at 30 per cent will be $3.60, there is therefore a reduction of about 50 per cent in the duty on sparkling wines which are used almost exclusively by the rich people of the country. In that respect therefore, it is virtually nothing more or less than a rich man's tariff as against the poor man. If I am wrong I shall be very glad to be corrected. There is another clause in this tariff which I should like to have seen omitted. I frankly admit that the same provision was in the old treaty negotiated by Sir Charles Tupper. It is the eighth paragraph, which provides that in order to enjoy the benefits of the treaty, Canadian products shall be "conveyed without transhipment from a Canadian port or from a port of a country enjoying the French minimum tariff to a port in France, Algeria, the French colonies and possessions and the territory of the Protectorate of Indo-China." The effect of that clause of the treaty is, that unless products are carried from a Canadian port direct to a French port they cannot secure the advantages of the intermediate French tariff. The same applies to France but France having so many ports of her own at which she can export any article she has to send out of the country at all periods of the year, it does not affect that country in the least; but Canada for six months of the year, must either send goods through the United States or by the Intercolonial Railway to Halifax at great expense, and unless we ship from ports of the maritime provinces we will be deprived of the benefits of this treaty. It seems to me that our representatives with the experience we have had, should have insisted upon the admission of our goods under this treaty whether transshipped at Boston, New York or Portland during the period when we cannot reach the sea-board except through the maritime provinces. Perhaps my hon. friend when he rises to speak can explain why this defect in the treaty was not removed. I shall now refer briefly to statements made by the hon. Minister of Trade and Commerce as to the difference between the trade of to-day and the trade from 1874 to 1878. The right hon. gentleman, in his usual glowing language, repeated to the House what we have frequently heard, statements as to the exodus which occurred in the past, and the large immigration which has taken place since the advent of the present government to power. He also referred to the large increase in the trade of the country over and above the trade which existed while the Conservatives were in power.

He forgot, however, to state that in 1873 the trade of the country was very prosperous, that in 1878 it had dropped by millions, and that immediately after the Conservatives came into power in 1878 the revenues of the country began to boom and the trade to increase marvellously. All he had to do to prove this statement was to quote from the documents which he had under his hand while he was speaking. The prosperity of the country continually grew for ten or fifteen years under the late Conservative government, owing to the wise, beneficent national policy. Then the trade began to decrease. When these gentlemen came into power a similar thing happened; the country became again prosperous. Trade and immigration increased with the result that there was apparent prosperity throughout the country, which when closely analysed did not exist. A little by-play took place between the leader of the opposition and the Minister of Trade and Commerce on the subject of the balance of trade, and the right hon. Minister of Trade and Commerce gave a very humorous example of the excess in imports

over exports, and then asked if settlers' effects are entered as an import to the extent of a few thousand dollars over and above those exported, is that to be considered as impoverishing the country to that extent? It seems to me that my hon. friend, with his knowledge of trade and commerce, and his astuteness, would have avoided a comparison of that kind unless he came to the conclusion that he was speaking to a body of innocents, who knew nothing about the subject under discussion. If one hundred thousand dollars worth of settlers' effects were brought into this country and the settler comes with them, they become a permanency in the country. They are not put on the market for sale, and consequently, to the extent of the importation of the immigrant would the wealth of the country be increased. But is that the case with commodities which enter into the consumption of the people? Let me suppose that you purchase in this country a million bushels of wheat for which you pay $1,000,000. You export that to Europe and sell it for a dollar and one-half per bushel, realizing a profit on your investment of $500,000. You invest that $1,500,000 in European goods which you import into Canada, adding to it expenses which bring the cost up to nearly $2,000,000. If you have but the $1,000,000 received by the farmers for the wheat, and $2,000,000, the cost of the goods put upon the market, where is the money coming from to pay for the difference between the $1,000,000 received for the wheat and the $2,000,000 which you have to pay for the goods purchased for $2,000,000? Are we any richer? They say we are richer from the fact that we bring into the country goods worth $1,500,000 for which we paid only $1,000,000. I question whether any business man will tell you that if he has $150 and has only one dollar to do it with, which would be the case in the illustration I have given, he was getting rich. What is the cause of the bankruptcies which occur throughout the country every eight or ten years? They arise from the very fact that the importations exceed to so great an extent the exportations. When they are put upon the market, the people buy on credit, and cannot pay when the time comes, and the result is bankruptcy. Reduce it down to practical operations and that is the result. I admit when you take the economic theory of free trade and protection, and work it out theoretically you may come to the conclusion that Free Trade is best for the country, but like many other things when it is reduced to practice you find your theory fails. Now what has been the excess of our importations over our export for the decade before that? If you look at the figures in the Trade and Navigation returns, you will find these facts; during the five years ending 1896 the excess was per annum $8,250,900; for the five years ending 1902 it was $2,529,450, and for the five years ending 1907 it amounted to $57,432,200. The total adverse balance of trade in the five years ending the 20th June, 1907, amounted to $287,161,004. That was the excess of imports over exports. So that in the ordinary acceptation of the term we should be just that much poorer, but, according to the free trade theory, we are that much richer. Then we have imported into the country two or three hundred millions within that period more than we have exported, and if that two or three hundred million has been placed upon the market, where did the money come from to pay it? Because we did not realize the money in the foreign markets upon the exports which were made from Canada, hence not enabled to pay for the goods bought in the European market. That is really the result, to my mind, of the import and export trade.

I remember a year or two ago, during the existence of the present government, when there was an excess of exports over imports, there was a great deal of glorification over the fact, showing how prosperous and how rich we were becoming. We were exporting more than we were importing, and it was claimed then that the difference between the two was just to that extent added to our wealth and prosperity; but the moment it went the other way we were told the contrary. Let me now refer to the 'Globe's' article on the gold reserve. While I listened to the remarks made by the hon. Minister of Trade and Commerce it brought back to my recollection events in 1874, when the hon. gentleman did me the honour to visit my constituency and address an audience in midwinter when we were out of doors

on a platform, he wrapped up in a buffalo coat and I in a coon-skin coat and the mercury I think was about 10 degrees below zero. If my hon. friend has changed his views upon free trade and protection he certainly has not changed one iota in the views he held 33 years ago in those expressed last night upon the gold reserve question. He then advanced the same idea, only he went a little further. He modified his remarks last night. In 1874 he was attacking the policy of the Conservative government, and he held out the idea to the farmer that unless there was dollar for dollar—a dollar in gold held in the vaults for every paper dollar issued by the government—there was no telling what catastrophe would occur. I then held the same views as I hold to-day. I pointed out to the farmer what was to my mind the fact. I said: 'Which would you rather have, the dollar bill of the bank or the dollar bill of the Dominion, with the whole revenue and credit of the Dominion at its back, and even if there were not one single gold dollar in reserve to meet that note issue you would be perfectly safe in laying by, in order to meet your indebtedness, the Dominion dollar bills.' Well, I will go further: I believe the depression to-day in the money market can be materially relieved, and many of those now in difficulty relieved from the difficulties which surround them, if some $15,000,000 or $20,000,000 of the gold reserve, which is now hoarded in the vaults of the country to meet claims that may be made upon them for redemption of Dominion bills, were put into circulation. It would be better for the country and quite as safe for the community who hold the dollar bills as it is to-day. My own view is that this country has wealth enough at its credit for the government to issue its own bills without having to keep a large reserve of gold which is taken from the resources of the country, and which might be used in the development of the trade of the country and doing that to-day which it is said cannot be done under existing conditions, that is, to move the products of the great west to the markets of the world. I know that has been considered by financiers to be heterodox; be that as it may, I believe that the banks themselves would be better enabled to meet the requirements of the country if they had that gold in their own vaults upon which they could issue a larger amount of bills and put them in circulation and that the effect would be for the benefit of the commerce and the trade of the country. That would be the practical result of placing the money in the hands of the bank to enable them to issue a larger circulation, having these gold reserves to meet it, while if the government would issue millions more of its own paper money, having the country as its endorser, the difficulties which have occurred lately would not have occurred at all and might yet be materially relieved by a policy of that kind. One point made, or attempted to be made, by my hon. friend from Centre York (Hon. Mr. Campbell), was the fact that at the present moment, under the present tariff, the people were paying duties only to the extent of about 15 per cent upon the total amount of goods imported. I think I am correct in that. The hon. gentleman did not answer, neither did the Minister of Trade and Commerce, when the pertinent question was put to him by the hon. gentleman from Marshfield, if he had considered the question of the different values of goods to-day, and at the time he was referring to. If he had, he would have found that the increase in the value of goods to-day is from 25 to 50 per cent. They are that much higher than they were under the old tariff at the period to which he alluded. Take $1,000 worth of goods imported to-day at 20 per cent of the value at the period to which he refers, and you would pay $200 in duty. Take these goods to-day, which have increased in some cases to 25 and 50 per cent and apply the 15 per cent ad valorem to those prices, what would he pay? If it were 50 per cent he would pay $300 duty into the treasury for the same quantity of goods precisely that he paid $200 duty for some fifteen or twenty years ago. If it were 25 per cent, he would then pay $50 additional, and that is the kind of—I was going to use an offensive word, but I will not do it—that is the kind of argument that is placed before the people who have never studied the question, to mislead them into the belief that the present tariff is much lower than it was. That what they pay into the treasury to-day is much less than it was under the old tariff.

I might pursue this argument for hours and give illustrations of how fallacious and absurd—if these would not be offensive words—that the statements which have been made are, for they are neither logical, nor are they reasonable or correct arguments. I find that it has been stated here as well as in the other branch of the legislature that during the whole time of the Liberal administration only $5,000,000 had been added to the public debt, while during eighteen years of the Conservative administration, the debt had been increased $118,000,000. I very naturally ask myself, how true is this, when we look at the facts? It is boasted that during the ten years that the present government have been in power they have had surpluses to the extent of about seventy millions. Let me ask the Minister of Trade and Commerce—because I do not suppose the leader of the House could tell me—what has become of those seventy millions. If there has been $70,000,000 of a surplus and there is only an increase of debt of $5,000,000, then they must have spent it in some way; and if it had not been spent the public debt ought to have been reduced by that amount. If it has been spent the country would be in debt, instead of $5,000,000 about $75,000,000, and what is there to show for it? But have we not something to show for that $118,000,000 that hon. gentlemen say the debt of the country was increased during the Conservative administration? During that period there was spent $22,000,000 in the enlargement of the canals. The new Sault Ste. Marie canal $3,500,000. You all know that that was built owing to the refusal of the American government to allow our volunteers to pass through the Sault canal on the southern side of the river, when it was necessary to send troops to the Northwest Territories at the time of the Riel trouble, and they put us to that expense. In the graving docks and harbours in different parts of the country from Esquimalt to Halifax $27,000,000 was expended. There was $19,400,000 spent in the improvement of the Intercolonial Railway and on the Canadian Pacific Railway in cash alone about $60,000,000, or, when you reduce it to the minimum of $54,000,000, and the railway subsidies paid during that period amounted to no less than $20,000,000, or a total of $131,700,000 was spent in actual bona fide improvements, which you have now to the credit of the country, reaping whatever benefits are derived from that expenditure, and even if that whole amount had been spent on the Canadian Pacific Railway, every man of the present day, those who opposed vehemently and earnestly the policy of construction and grant aid to that company, would admit it was capital investment for the country, it having been the means of developing the magnificent Northwest, which has brought the whole of the country under the observation of the outside world, particularly in Europe and the United States. So that in that case alone you find some $30,000,000 or $40,000,000 in permanent improvements over and above what hon. gentlemen allege the debt of the country was when the Conservative party went out of power. So it is with almost every charge. I venture the assertion that every charge that has been made against the policy and administration of the governments of Sir John Macdonald, Sir John Abbott or Sir John Thompson—I won't say anything about myself—can be met as successfully, and cogent and unanswerable reasons given for the expenditure of every dollar of the public money. I shall not at this moment refer to the expenditures of the present government and the lavish manner in which the revenues have been squandered in useless works throughout the country. That may do for another period. The whole of the charges made by my hon. friend are as fallacious as statements can possibly be, and made, I won't say with the intention of misleading, but made in a manner in which they do mislead the unthinking or those who have not given the question a great deal of study. There is just one other point which I desire to put upon record. It is much easier to make a charge, and it can be done in much shorter time than it takes to explain the facts in rebuttal of the charges. It has been argued, and very strongly, by those who have spoken, that the taxation of the present period is less than it was under the Conservative administration.

Let me give a few figures upon this question. The total taxation during the five years ending 1896 was $27,750,000, or

$5.66 per capita. For the five years ending 1901 it was $36,500,000, or $6.93 per head. For the nine months ending March 31, 1907, it has risen to $68,750,000, or $10.34 per head. Now, those are the facts gleaned from the official records printed and circulated by the present government. It shows that under the taxation imposed by this government the people of Canada have paid into the treasury of the country $1,322,000, or $800,000 per week more than they paid under the later years of Conservative reign. Let the whole facts be known and there is very little danger of the people being misled by the ex parte statements; if I may use that expression made by the gentlemen who usually speak upon this question. There are many other points to which I should like to call the attention of the House, but I have occupied the attention of hon. gentlemen much longer than I intended to, and I have wearied the patience of those who are listening. But I have no hesitation in saying that the prosperity of the country to-day is due, to a very great extent, if not wholly, to the fact that the present ministry, from the time they attained power until the present moment, followed in the footsteps of their predecessors. They came to power with the avowed declaration of wiping the iniquitous protection principle from the statute-book. The Prime Minister himself declared that he would introduce a policy similar to that which prevailed in England at that time. Did he do so? On the contrary, he modified the tariff a little, but he kept the duties on the articles in most cases as they existed when he came into power and in some cases, cases against which the greatest cry was raised, they increased the duties. Take agricultural implements, for instance; except in a few instances, the duty was 20 per cent upon threshing machines, 20 per cent upon reaping machines and mowing machines. They left that 20 per cent as they found it, and reduced the duty upon steel and other articles which went into the manufacture of these articles. And just in proportion to the reduction of the duty on the material which went into the manufacture of the article they were adding so much to the protection of the home manufacturer. I do not find any fault with that from my standpoint, but I point to it as an instance of the gross inconsistency of those who make professions and never carry them out. I hold views very much like the gentleman at whom the Minister of Trade and Commerce jeered yesterday, who made the statement that he would give protection as high as the gallows that hanged Haman. So would I. I care not how high it is so long as it protects the country from foreign importations, thereby giving employment to the artizans and labourers in this country. How is it to-day that our per capita tax upon our debt is larger than it is in the United States, notwithstanding the seventy or eighty million population there as compared with our six or seven million? It is for the simple reason that instead of having to borrow money and import large quantities of goods, they manufacture their goods at home, and the money is kept at home, it is spent at home, and the taxation consequently per capita for public improvements is not as great as it would be if they had to borrow money abroad to carry on their public works. I am fully in accord with the opinions expressed by my hon. friend in front of me last night as to the construction of public works. Should the Grand Trunk Pacific be dealt with out of the revenues of the country year by year or by borrowed money? If any advantages are to be derived from the construction of that great work, those who live after us in years to come will reap the benefit, which if paid for out of taxation year by year, we pay for it, and they would have nothing to pay. Precisely the case with the Canadian Pacific to-day. If we had paid for it out of the taxation as construction proceeded, the people to-day would not have to pay any of the interest upon the money that was invested in its construction. The whole amount would have come out of our own pockets. Let those who are to profit by these great works, if profit is to be derived from them, assist in paying for them, and that is the doctrine, as I understand, that my hon. friend the leader of the opposition propounded last night, and it is one I think that will be accepted as a sound policy by every one who gives this question a moment's consideration. I am inclined to think that history will recall many delinquencies of the government now

in power, and as one thinks of their many utterances, and particularly of the glowing manner in which the Minister of Trade and Commerce last night discussed the question of the increase of population, and the marvellous wealth that has been developed in this country by the settlement of the Northwest, I have hopes at least that the historian will do justice to those gentlemen as well as to those who inaugurated the policy which brought that country into confederation. I remember well when the late Alex. Mackenzie in the House of Commons, denounced the Canadian Northwest as being inferior to Kansas. I remember very well the utterances of Edward Blake who when denouncing the government for the expenditure which it proposed to make on the Canadian Pacific Railway. I have in my possession to-day the circulars that were circulated by the United States Northern Railway promoters, who had large tracts of land to sell, publishing the remarks made in the House of Commons in Canada by Mr. Blake and Mr. Mackenzie, in which they ridiculed the statements made by Sir Charles Tupper and others as to the fertility of the Northwest, and denouncing portions of it as a barren waste, that was dried up half the year, and never could be successfully cultivated, or those portions of the country inhabited. Why did they do that? In order to induce the foreign immigrants, as they had to pass through the United States at that time, by way of St. Paul, Minneapolis, and Manitoba Railway, to read these utterances of the public men of this country denouncing the country in the manner in which they did, and the result was that tens of thousands of them got off the train and settled in North Dakota, Wisconsin and other portions of the United States. I thank God that no man in the Conservative party since they have been in opposition has ever raised his voice or finger against his country or denounced it as being unfit for settlement or any other purpose. They have always extolled it, and it has been the object of every patriot, every man who loves his country, to urge immigration into our Northwest, in order to develop its resources, and to make it not only the granary of the world, but the centre, the back-bone I was going to say between the east and the west of this Dominion, a country worthy of the people who live in it. I hope the time will never come when any member of the community will go forth, for the sake of miserable party tactics, and condemn his country, when he knows better. Party expediency should not have taken a course which drove hundreds of thousands of good honest Canadians out of the country because of the drought and other difficulties, and discouragements that occurred at that particular time. It is claimed that it is the policy of this government which brought the people into the country, but their policy never had anything to do with it. What brought the immigration into that country was the fine harvests, the result of rich soil and the rains and sunshine of June and July. That is what created it, and I regret very much, as every lover of his country must regret, the drawbacks that are apparently occurring just now through the frosts of the last season. If such drawbacks are continued for two or three years, you will find stagnation in the business of that country. Let me hope it will not be continued, and that this is only an occasion which we must deeply regret, and that will not occur again. In speaking upon this question, if I have warmed up to it, it is because I feel keenly that every Canadian must have felt keenly, the injury done to the country by the course pursued by my hon. friends opposite, and by those in the other House in the past, a course which was not followed by the Conservative party when they went out of power and became the opposition. We have, individually and as a party, always spoken well of the country, and aided the gentlemen on the treasury benches, as much as possible in every instance to develop the natural resources of that country through the immigration which is brought into it. I should not have dealt with so many points, were it not for the fact that I wish to put my views on record. If anybody thinks proper in future to read them, they will know at least what I thought of the actions of the hon. gentlemen opposite, and what I believe to have been the true policy under the Conservative party.

Hon. Mr. SCOTT—It was quite unnecessary for the hon. gentleman from Belleville to make any apologies to this House for the length of his remarks, because we

are always glad to hear his voice. We were glad to hear him state yesterday that he had changed his mind and had decided to speak on the address. We are pleased also to note the vigour with which he addressed this Senate, and while some of us do not agree with the views he expressed from time to time, yet his remarks are always made in a good-natured way, though sharp and severe, as is very proper with a political opponent; at the same time we are glad to observe that the hon. gentleman is in a condition to address this House and hope he may for many years to come be able to do so. I do not propose to refer to all the chaff which has been indulged in in reference to the selection of members of the government. Sir Wilfrid Laurier is not bound by the limits of the House of Commons when adding to his cabinet. He takes the men who are in closest touch with public opinion of the day. No one can criticise the selections he has made in the past, and I think in the future the people of this country will approve of the additions. The gentlemen to whom reference has been made held high positions in the provinces from which they come. They had been leaders in the local legislatures. No better selection could be made if you desire to place in the government members who are in touch with public sentiment, than to take those who represent the people in the provincial legislatures and who have attained the reputation that the two new members recently added to the Laurier administration enjoy. I am not going to follow my hon. friend in the long and devious course he pursued in discussing the various subjects to which he has addressed himself. I did not expect that the French treaty would be discussed, because up to last Thursday it was a confidential document. I have not read it, nor do I suppose any member of the government knew much about it, excepting those who had to do with the preparation of it, because, by an understanding with the French government, it was to be kept a close confidential document until the 28th of November, when it was to become a public document, and to be laid on the tables of Parliament in both countries. I understand there are some errors in the copy, and a revision is being made. I do not know which edition my hon. friend has, and I do not know really what the errors are; but I am told a revision of it had to be made. I should like to say a word or two in reference to the closing observations of my hon. friend, in which he denounced the members of this government, those who are here now and who were in power in 1870, for the course they pursued in reference to the Northwest. That story has been repeated so often that people are beginning to believe that the government of Mr. Mackenzie made no progress, and made no attempt to build the Canadian Pacific Railway. Sir John Macdonald and his government made the attempt in 1870 and 1871, and failed. I need not go back in history, and refer to Sir Hugh Allan and the hundred thousand dollars contribution, and all that. They went to England and endeavoured to enlist English capital, and failed. They came out to Canada, and the government was divided. Mr. Mackenzie found himself face to face with a most important question, at a time when depression was beginning to spread over the land.

However, believing it to be the wisest course, the government of Mr. Mackenzie placed on the statute-book an Act for the purpose of building that railway. They went further; they gave out contracts for the section between Thunder Bay and Winnipeg. They aided in the construction of the line from Winnipeg to the boundary. They commenced the construction of lines running west from Winnipeg, and yet we are told to-day they did nothing, that they opposed the project from the beginning. That is not the fact. I have a very distinct recollection, after the change of government took place, of Sir Charles Tupper in the House of Commons paying a very high compliment to Mr. Mackenzie for the energy, intelligence, industry and good sense he had exhibited and the good work performed in giving out contracts and raising money for the building of the Canadian Pacific Railway. Referring to the debate that took place in the House of Commons when Sir Charles Tupper introduced his motion in 1879 or 1880, hon. gentlemen will find there that the sentiments uttered by Sir Charles Tupper were very different from those expressed by my hon. friend opposite. I do not propose to follow my

hon. friend in his devious way, the many channels he took to show that we were not successful in our trade policy. That after all the people were not getting rich, that the prosperity was only in the air and not a matter of fact. I simply refer to the banquet given in Toronto in 1895 at which Sir Wilfrid Laurier was present and Mr. Foster. Mr. Foster, at very great length, proved by a long array of figures that there was prosperity in Canada at that particular time, showing the growth and development of the various industries. Sir Wilfrid Laurier said: 'I do not propose when the change of government comes, as come it will in a very short time, to feel it necessary to refer to figures. The people of Canada will know that a prosperous period has arrived.' The people of Canada know to-day that since this government assumed the reins of office it has been day by day increasing in prosperity. Every avenue points to it. The industries of Canada have doubled, have trebled, have quadrupled, and the trouble to-day is not that there is any depression in the land, but a feeling that if people had more capital they could enlarge their business. There is not a manufacturer in Canada to-day that would not like to add to his manufacturing establishment and increase his trade. But the evidence quoted by the hon. member from Toronto Junction was so conclusive that I need not dwell upon it. Take the deposits in the banks, the savings of the people. It is perfectly marvellous. In no country in the world have the savings of the people day by day increased in such a wonderful ratio as in Canada. What has developed the Northwest? Was it the policy of my hon. friends opposite? Not at all. I have before me a statement of the homesteads. In 1879, after the late government came into power, the homesteads amounted to 4,068; in 1896, they had fallen to 1,857. Those figures speak more forcibly than any language I could employ. They show an actual falling off. The hon. gentleman and his friends boast of what they did for the Northwest, yet during the time they were in office that was the effect after the first stimulus the Northwest got—the number of homesteads fell off. Now what was the number for the last complete year?? No less than 41,869. It increased from 1,000 to 41,000 in ten years. In the preceding ten years it had fallen from 4,000 to 1,000. Now can anything speak more forcibly than those figures? Those are facts. I might go on and quote evidence in all lines in the same direction. Take the immigration for instance. In 1896-97 the immigration from the British Islands was 11,833; in our last nine months it was 55,791. The foreign immigration in the last year the hon. gentlemen opposite were in power was 7,092; the foreign immigration for the last nine months was 34,217. From the United States the immigration in the year to which I have referred was 2,412; in our last nine months it was 34,659. These figures total up 21,337 as against 124,667 for nine months. It is estimated that this year, taking the whole year, the number of immigrants into Canada will be a quarter of a million. Those two facts alone are sufficient to show the marvellous growth in this country. The fact that we have bought more than we have sold is no evidence of the impoverishment of the people. That would be utterly absurd in view of the conditions which exist, when every man in Canada has felt the benefit of the improvement. The price of labour has gone up. All the world recognizes that Canada has been the most prosperous country on the face of the earth. It is admitted by travellers. They say they see it in our streets, in the growth of our cities, in the palatial residences, in our grand farm houses, in the carriages, and dresses of the people. Strangers visiting Canada give evidence of all those facts. That shows the prosperity of the people.

Let me now quote one fact showing the desire of outsiders to get into Canada. We are endeavouring to keep out of this country the undesirable class. On one particular nationality, the Chinamen, we impose a head-tax of $500. You would think that was a pretty hard thing to overcome. Has that kept the Chinamen out? I got the figures from Mr. Parmelee to-day, and they show that up to November 1,016 Chinamen had paid the $500 tax. You do not want any better illustration of the desire of labour to get into Canada. You cannot find any better illustration than men mortgaging their bodies and souls to raise money to get into Canada confident that if they once get here they will be

able to repay the loan; and you find that people are willing to advance the money. In England to-day societies are being formed to raise money to aid people to come to Canada, convinced by the evidence of the past few years that if they are industrious men they can soon after coming to Canada return the money advanced in order that others may get the benefit of the fund raised. Could anything be more conclusive than this to show the prosperity which this country enjoys? Figures count for nothing, but if you did go to figures, there are evidences of the savings of the people. I am not going to set forth my own views as to what has caused the present uncertainty of the money market, but it is not due to anything happening in Canada. On the contrary, the United States people wonder that Canada, so near the United States as it is, and so intimately connected with them in trade matters, has not been more affected by the depression existing there to-day, the failures of banks and trust houses, the loss of thousands of millions of dollars in stocks, while our stocks remain steady and firm. They are amazed at it and cannot understand it, that a young country to the north is able to pass through a period of financial depression that has spread like a pall all over the United States. What is the effect of it? The people are coming from the United States to deposit their money in the banks in Canada, and to-day our bills are current in the United States. Ten years ago you could not get them to accept our paper money in the United States. When we had occasion to visit Boston, New York or any other point, we had to fortify ourselves with United States bills; they would not accept ours. Now they are anxious to get Canadian bills. The theatrical people who visit Canada are instructed by their managers not to bring back United States bills or drafts on New York, but to bring back Canadian bills because, they say: 'We can get gold for them; we know the value of them.' Could a higher compliment be paid this country than that? A great country of 80,000,000 people, regarded as one of the wealthiest and most prosperous countries on the face of the globe, have to admit that Canada is better managed in financial matters, that its banks are on a more stable foundation than their own. No higher compliment could be paid than the order issued to commercial men travelling through Canada to pick up all the Canadian bills they could instead of remitting United States currency or drafts on New York because they know they can get the gold for the Canadian bills whenever they want it.

I do not propose to quote any more figures, because I know the House has heard those figures before, but I have just this to say in my explanation of how this prosperity was brought about in the Northwest; how the homesteaders increased as I have explained. It was because we had the courage to spend money in advertising the Northwest, because we sent as delegates across the Atlantic, people who had succeeded in the Northwest. They were the agents who went among the people in the British islands and European countries. It cost something to do it, but it was the best possible investment that could be made, and to-day we could withdraw all our immigration agents. We are not pushing immigration now as we were a few years ago, because Canada is so advertised to-day that the difficulty will be to keep undesirable people out. The illustration I have given of the Chinamen paying $500 per head, half a million dollars in all, within the last eleven months to gain admission to the country, proves conclusively that it is absolutely unnecessary any longer, because Canada holds so high a position among all the nations of the earth that if we were to take the bars down, or if the people of central and southern Europe had the means, you could get millions of them to come to Canada. The desire to reach Canada is so intense that the fear is we shall be overburdened with a population that may not readily assimilate. We have a good many nationalities in the Northwest and other parts of Canada, and although, I am happy to say, in the majority of cases they are succeeding, yet there are some people who fear that the pure breed may be spoiled, that the influence of so many foreigners may have a deleterious effect on Canada. I have myself no apprehension of that kind so long as we keep out the undesirables. There is no doubt that many undesirables will get into Canada. That cannot be avoided although the closest examination takes

place at the various ports of entry. Undesirables find their way into the country and a close watch will have to be kept in the future to try and diminish the number. I do not propose to extend my remarks beyond those I have already made, further than to say that I am very glad to recognize that the speech of His Excellency has been so well received in this House. It was quite natural that it should be criticized. The effort in speech making, as my hon. friend knows, is to avoid as much as possible anything of a controversial character. The speech has been extremely well received and I hope that the same treatment will be extended to the legislation which we propose submitting before this House. Reference has been made to the principal bills, for the placing of telegraphs and telephones under government supervision through the Board of Railway Commissioners, and such improvements in the election law as we can possibly make improving it from time to time, and other Bills such as will recommend themselves to the good judgment of parliament.

Hon Sir MACKENZIE BOWELL—I forgot to refer to the question of extending the limits of Manitoba and other provinces, and also to the paragraph referring to telephones and telegraphs. Is it the intention of the government to assume the control, management and ownership of the telephones and telegraphs or merely to place them under the Commission? I ask that question because the paragraph is very indefinite in its wording. Speaking of the enlargement of the limits of Manitoba, that I can understand, because it has been demanded for a very long time, but what is meant by the extension of the territories of Saskatchewan and Alberta? Is it for the purpose of giving Saskatchewan an outlet on Hudson Bay, or in what direction is the enlargement of that province to be made?

Hon. Mr. SCOTT—The reference would be made to Manitoba and probably to Ontario, and possibly to Quebec if they desired it. There was not any reference to Saskatchewan and Alberta.

Hon. Sir MACKENZIE BOWELL—If my recollection serves me right, the reference is to the Northwest Territories?

Hon. Mr. SCOTT—Manitoba and other provinces I think is the expression used. In reference to the telephones and telegraphs, it is proposed to place them under the Board of Railway Commissioners in regard to tolls and other parts of their management just as we have done with the railways, not the absorption of them by the government.

Hon. Sir MACKENZIE BOWELL—I am glad that is the extent to which the government intend to go. I intended to say that I am fully in accord with the sentiments of the hon. gentleman from Centre York on that question.

Hon. Mr. McMULLEN—As the hon. member from Hastings referred to me this afternoon, I would prefer to make a few remarks upon the subject to-morrow, I therefore move that the debate be adjourned.

The motion was agreed to.

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

THE SENATE.

OTTAWA, Wednesday, December 4, 1907.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

COMMITTEE OF SELECTION.

MOTION.

Hon. Mr. SCOTT moved:

That pursuant to rule 77, the following senators: the Honourable Sir Mackenzie Bowell, the Honourable Messieurs Gibson, Lougheed, Béique, Miller, Power, Watson, Casgrain and Ferguson, be appointed a committee of selection to nominate senators to serve on the several standing committees during the present session, and to report with all convenient speed the names of the senators so nominated.

Hon. Mr. GIBSON—I would like to say with regard to this committee, with which I have had the honour of being connected for some years, and the dissatisfaction that occurs immediately after the striking committee has done its work year after year, there is no doubt about the growing importance of the west, and that a number of

the members wish to be upon what they call 'the blue ribbon committee,' the Committee of Railways, Telegraphs and Harbours, and very properly so, for the reason that for some years to come the building of railways will be a very large and important factor in the settlement of the Northwest. The committee, for a number of years, have been face to face with this difficulty, and from time to time this committee has been added to. I wish to say for the committee as a whole, and for every member of it, that in the past they have honestly and faithfully endeavoured to discharge their duty to the best of their ability. A large number of hon. gentlemen have rendered good services in the past on the several committees that they have been acting upon, and without the removal of some of these gentlemen, there can be very little change at present in the composition of the committees. It seems to me, therefore, that as this is perhaps the most important committee of all, that another alteration might be considered by the House after the committee's report is brought in, with a view to overcoming the difficulty. The only solution of the matter that presents itself to my mind is to add some five members to that committee. In doing that we would endeavour as far as possible to cover the ground and make the committee at all events as representative as it is possible to make it. Under the present conditions the province of Ontario is represented by fourteen members on that committee; the province of Quebec has sixteen members, New Brunswick six, Nova Scotia four, Manitoba three, Alberta two, Prince Edward Island one, British Columbia two, and Saskatchewan two. We have fourteen from Ontario as against sixteen from Quebec. There are fifty members on the committee altogether. That represents the full committee as I have given it. There has been a good deal of severe criticism offered time and again as to the composition of these committees. I am not going to find fault with that, because the desire of the committee is to treat every province fairly. Of course some men must be left off. We cannot very well put off members who have served for a number of years. Some hon. members were on four committees; we reduced that number to three and as the committee now stands we would have an average of something over two on every committee. Some committees only meet at stated intervals and their work is merely formal compared with that of the Committee on Railways, the Committee on Banking and Commerce and the Committee on Internal Economy. Unless something is done by the Senate, the dissatisfaction to which I have referred will continue from year to year. Originally the Railway Committee consisted of forty members. Two or three years ago we added five, and subsequently another five, making the number to-day fifty. It would be a very simple matter, in my judgment, to add five more, so that the committee would have the assurance that their reports would be acceptable to the whole House.

Hon. Sir MACKENZIE BOWELL—I must express the opinion I have entertained for a good many years, that the smaller the committees, the better the work will be done. I care not whether you increase the committee by adding five or six or ten members, the same objections will be taken that we have heard of to-day, because certain members must necessarily be left off. That complaint has been heard every session for years, and the addition of five or six new members will not remedy the matter.

Hon. Mr. DAVIS—I cannot agree with the hon. senator from Hastings; I think the addition of five more members to the Railway Committee would remove a grievance. I wish to say a word about the Striking Committee. I have gone through the Minutes of Proceedings of this House for several years past, and have come to the conclusion that the same old committee lives for ever. There is no change. It is always the same committee. And what strikes me forcibly is that nobody representing the government is appointed to this committee. If there is one committee more than another on which the government should be represented, it is the Striking Committee, because they have in their hands practically the nomination of all the committees of the Senate, and we know that when a committee of this House passes upon any measure, it generally goes through the House. So the Striking Committee is a very important committee, and its composition should

be looked into with a great deal of care. These things should go round. The same committee should not be appointed year after year. I have nothing to say against the gentlemen named for that committee. I am sure they have always done their work to the best of their knowledge and judgment; at the same time there should be an occasional change, and the government especially should be represented on the committee. The hon. gentleman from Welland seems to speak to-day for the government, and he is a member of the committee. In the House of Commons the premier and the leader of the opposition are on the Striking Committee; here we name the leader of the opposition, but no member of the government. With respect to the Railway Committee, the western members are very deeply interested in railways. The legislation affecting the railways of the country comes before the Railway Committee, and its reports are generally accepted by the House. We have here hon. gentlemen from the west who are in attendance throughout the session, and who would be valuable members of the committee because of their local knowledge of the western country where these railways are to be built, yet they are not appointed to the committee. If you add five or ten more members to the Railway Committee, I think it would be a good thing, and the same remark applies to the other committees. Several young men have come into this House and they would like to take part in the work done in the committees. The provinces represented on the Striking Committee are the following: Manitoba has one, Nova Scotia two, Quebec two, Prince Edward Island one, Ontario two, Alberta one. I find that British Columbia and Saskatchewan are not represented.

Hon. Mr. DOMVILLE—What about New Brunswick?

Hon. Mr. DAVIS—Neither is New Brunswick. There are three provinces not represented on the Striking Committee, although Prince Edward Island, the smallest province in the Dominion, is represented. I think it would be well to put representatives from all the provinces on that committee.

Hon. Mr. SCOTT—We have had a good many discussions on the formation of this Striking Committee. I think it is representative of the different parts of the Dominion. It is limited to nine members, of whom three are from the maritime provinces, two from Quebec, two from Ontario, and two from the western provinces. I think the division is a fair one.

Hon. Mr. DAVIS—That is a matter of opinion.

Hon. Mr. SCOTT—As to the individuals, the practice has always been—and it is a practice which I hope will be adhered to—that the senior members of the House are to be represented on the Striking Committee. In the past, I think they have exhibited exceedingly fair judgment and I should be sorry to see them set aside. In fixing the number as we have done, and in making the selections, I think the very best judgment that could be exercised has been exhibited. It is utterly impossible to distribute, where you are limited to nine members, as each member should desire. I think the distribution cannot be challenged as far as fairness goes.

Hon. Mr. POWER—With respect to the increase of the number of members on the Railway Committee, and some other committees, the object of referring any measure to a committee is that the subject-matter may be discussed more carefully and thoroughly than it can be discussed in a large body like the House. If you make the committee practically another addition to the House, clearly then you do not get the advantage of referring the matter to a committee.

Hon. Mr. OWENS—Hear, hear.

Hon. Mr. POWER—I think that must strike every hon. gentleman. As it is now, I have no hesitation in saying that the Railway Committee is not as satisfactory a body as it was when it numbered thirty-five, and I appeal to hon. gentlemen who have been sitting on that committee for the last two or three years. The great thing about a committee is that the members may be able to sit down quietly around a table and discuss the business before them in a businesslike way, not that they shall stand up and make red-hot speeches, advocating the claims of this, that and the

other part of the country, and I regret to say that the advocacy has not always been confined merely to the different parts of the country; but I appeal to hon. gentlemen who have sat on the Railway Committee if we have not had to listen to gentlemen who are somewhat advocating the interests of particular corporate bodies in this country.

Hon. Sir MACKENZIE BOWELL—Hear, hear.

Hon. Mr. POWER—I do not think it is desirable that the representation of these corporate bodies should be strengthened.

Hon. Mr. SULLIVAN—Numbers will not correct that. It will make it worse.

Hon. Mr. POWER—Yes, that is just my point. If you increase the number, you increase the difficulty of transacting the business of the country. At present nearly two-thirds of the members of this House are on the Railway Committee, and there is no justification whatever for increasing the number. The next thing we would have to do would be to hold the meetings of the Railway Committee in the Senate Chamber, because none of the committee rooms would be large enough for the purpose.

Hon. Mr. DOUGLAS—Last session I expressed my mind fully on this question, and my opinion has not changed, and I do not feel that the arguments of the hon. gentleman who has just spoken is of great moment. The railway work of this House is of vast importance. It is of greater importance to the west to-day than it can be to any of the provinces in the east, and to say that the business is to be done by a few is simply to say that the representative men from the west shall not have an opportunity of representing the interests of the west or the wishes of the people.

Hon. Mr. POWER—Excuse me, any hon. gentleman who is interested in any matter before the Railway Committee, has a right to appear before the committee and state the case, and the committee will always be glad to hear him.

Hon. Mr. DOUGLAS—But it can be voted down, and he might as well stay at home; and, further, it is well known to this House that the Railway Committee practically decides the whole question, and the Bills are simply read in this House as a matter of course. They are passed very rapidly, and I venture to say there are very few gentlemen who express any opinion on these questions after they have been fully considered in the Railway Committee. The consequence is that a large number of hon. gentlemen in this House express no opinion at all on the matter, although they have to share the responsibility of the Senate for the work that is done. I believe it is not a wise thing to increase the number, to have too large a number. I am quite aware of that, but the opportunity of discussing the merits of the case in the Senate is not at all equal to the opportunities given to private members of the House of Commons. If the Railway Committee of the other House reach a decision, members have always the assurance that they have an opportunity on the floor of the House to enter into the merits of the case fully, and there is a danger—and I point it out here—there is a danger in having the committee too small, that there is a large number of the hon. members who have been on this committee for many years who take no interest, take no part. They are not there, and the consequence is, practically, that the business of the committee is left to comparatively a small number, even smaller than the committee represents. If there is anything which will ensure safety in the public interest it is that there should be full and open discussions on all questions that come before this committee, so that I do not at all see the danger that is pointed out in having an addition to the committee. There may be a reason why the committee ought to be revised simply because many hon. gentlemen, either through infirmity or old age, are not in a position to attend, and it is unjust to the provinces to say that one province shall have fourteen, and another immense province with large interests at stake shall be represented by two men. No man can force that upon me. The provinces have rights, and we representing those provinces have a right to urge in the interests of the people, that there should be some equal division. Then again we are not standing still, as we all know. We are progressing. The needs of the country are increasing. The committees of

this House must progress along with the country, or they will become antiquated and useless; so that I sincerely hope that the House will take the matter into consideration and see that they remove all grounds of complaint from any one province in the Dominion, and that we give full justice, even-handed to all parties and favours to none.

Hon. Mr. FERGUSON—I rise to a point of order. The House cannot by any action taken here enlarge the committee. They are fixed by our rules, and there must be a proper process of doing it.

The SPEAKER—There is no motion before the House to increase the committee. The discussion is on a motion to strike the committees.

Hon. Mr. EDWARDS—I agree very largely with the remarks made by the hon. gentleman from Halifax. I disagree entirely with some of the statements that have been made. I do not think that a member coming from the east or from the west or from the centre or from any other place is therefore necessarily qualified for membership on any committee. I think the first qualification is with those who apply themselves to parliamentary work from the time they enter parliament, and who qualify themselves for work upon these committees. I think that the change from year to year which has been suggested would be a fatal one. In legislating, experience is the great thing, and one of the reasons why to-day the Senate is superior, so far as the work of the various committees is concerned, is because of the permanency of the Senate, in contrast with the rapid change of the members of the House of Commons. The House of Commons to-day is a new body—too new to legislate, in my opinion, in the very best way for the country. The changes there are too rapid, and it is because of the permanency of the Senate that our legislation has been so satisfactory. I contend that large committees are a very great mistake. In the House of Commons to-day the Railway Committee is altogether too cumbersome to be as effective a committee as it ought to be. Another great mistake I think is this: the great value that hon. gentlemen place upon being members of the Railway Committee. The same trouble exists in the other Chamber. In so far as railway legislation is concerned, it does not necessitate the experience that miscellaneous and private Bills legislation requires. There is a very important and most difficult committee—the committee of both Houses, which requires the greatest experience and the greatest knowledge—and I claim that it is most unfortunate in this Chamber that Bills that should be referred to that committee are referred either to the Railway Committee or to the Banking and Commerce Committee. I have had considerable experience in parliament. I have, perhaps, paid more attention to committee legislation than most members of parliament have done. If I were offered my preference of a committee, I would select the Committee on Miscellaneous and Private Bills. It is the committee, as I stated before, that involves more experience and legislative knowledge than any other committee. If I were entering parliament to-day as a new member with the knowledge I now possess, I would select first the Miscellaneous and Private Bills Committee. I quite admit I value being on these three important committees, and I value being on any other committee, but my experience is in the direction of a business man and I like to be on the business committees. I am perfectly content with whatever may be done as far as the striking committee is concerned.

Hon. Mr. DOMVILLE—From my long experience in parliament, dating from 1872, when I was a member of the House of Commons and chairman of the Banking Committee, I may perhaps see the difficulty in this matter or imagine that I do. I do not think it would be fair to lay down to the House what that committee was going to do or it was not going to do. There is always this House to come to for a remedy. The difficulty I see practically is this; that in the House of Commons when a Bill passes the Railway Committee, it goes into committee in the House of Commons and there every member who has something to say, or thinks he has, or who does not agree with the other members of the committee, has a chance to take up the Bill item by item and discuss it in detail according to his views, and those who have

not been on the committee can take part in the discussion. But the rules of our House are very different. A Bill goes through the Railway Committee, and comes back to the House, and we do not go into committee on it, and unless a member adopts some outside means, say by notice that he is going to oppose the measure, it goes through without hon. gentlemen expressing their views upon it. You have a Bill referred to the Railway Committee, and the committee pass it or decline to pass it and they report back to the House and that ends it. The question is whether that committee is large enough or whether it should be larger. There should be a chance for those who are disinterested to express their views on all measures. Of course I do not say that the committee is made up of interested parties, but we know that when railway Bills come before the committee, we can quickly see where the interests of the railway are.

Hon. Mr. GIBSON—Hear, hear.

Hon. Mr. DOMVILLE—And, having passed the committee, there is no remedy here. I think this is a matter that should be threshed out. I do not think there is any feeling in regard to it, and that we all believe that legislation coming up to this House should be put through in a way satisfactory to all. The members who are here are here under the Royal Seal and they are not under compliment to anybody in the Senate. Perhaps some of them should not have come here, but that does not matter. This is not a school house. I am one of ten who represent the province of New Brunswick, and I am here as a custodian, to a certain extent, of their rights, not to worry the opposition, or the government or anything else, but as far as I can possibly serve their interests I am bound to do so, and outside of that to serve the country at large. Now both sides have in view the construction of that committee in such a way that it will be placed outside of any influences which may attempt to interfere with legislation. That committee should be composed of men who have some knowledge of railway matters. There are on it representatives of the three maritime provinces. They might feel that as judges it would be better to hesitate before adopting some measures without necessary changes. I have no feeling in this matter; I bow to the decision of the majority, but whoever nominates the members of the Railway Committee should keep in view the importance of appointing the best men, so that when a Bill goes through the Senate, it will not be because certain influences are able to secure for it a majority in the committee.

Hon. Mr. WILSON—While I agree in some respects with what has been said in this discussion, I have not heard any suggestion to overcome the difficulty. Our desire is that there shall be full discussion on all questions coming before the Senate and its committees. Whether a committee is to be large or small, every member of the Senate should be given an opportunity to express himself upon the measures under consideration, either in the committee or in the House. I have no fault to find with the proposed Striking Committee, and have no desire to be on any other committees than those of which I have been a member. My only desire is to produce harmony on the question now before the Senate. To accomplish this, I would suggest that when a Bill is reported from the Railway Committee, it may be referred afterwards to a Committee of the Whole House where it can be thoroughly discussed. A railway Bill may be quite as important as a government measure, and a government measure or any public measure must be referred to a Committee of the Whole House. Why should not the same course be followed in dealing with railway Bills? A member may be deeply interested in a railway Bill and yet not be a member of the Railway Committee. If he goes to the committee and attempts to say anything he is looked upon as an interloper. In fact I have heard the question put: 'Are you a member of this committee?' It is not very nice to be treated in that way. I would suggest to my hon. friend from Halifax that it would be well to amend the rules so as to provide that private Bills may be referred to the Committee of the Whole House. As I said before, why is a government Bill considered more important than a railway Bill? Why is it necessary that we should review government measures before a Committee of the Whole House? Have we not

as much confidence in the government as we have in the Railway Committee? I say yes, and if there be any reason why government measures should be considered in Committee of the Whole there is much greater reason why railway Bills should be dealt with in the same way.

Hon. Mr. LANDRY—I think it is a pity that no member of the government is on the Striking Committee. If the argument of the hon. senator from Ottawa has any weight, it should apply to himself. If experience is necessary, I do not know any one who has more experience than the hon. gentleman himself, and I hope one of the members of the Striking Committee will retire in his favour. My hon. friend from St. Thomas says that private legislation, unlike government and public measures, is not referred to a Committee of the Whole. That is true, but it may be so referred under rule 128, which provides:

> Unless the Senate otherwise orders, a private Bill reported from a standing or special committee is not committed to a Committee of the Whole.

But senators always have a right to move that a private Bill be referred to a Committee of the Whole. When it is not done, it is for the sake of avoiding useless discussion, but we have the right if we choose to exercise it. I hope my first suggestion wil be accepted by the House, and that the leader of the government will be on the Striking Committee.

The motion was agreed to.

THE ROSS RIFLE.

Hon. Mr. LANDRY inquired:

1. How many rifles has the Ross Rifle Company manufactured from March 1, 1907, up to December 1, instant: (a) of Mark No. I.; (b) of Mark No. II.; (c) of Mark No. III.; (d) of any other mark?
2. How many of these rifles has the government accepted during that period after inspection thereof: (a) of Mark No. I.; (b) of Mark No. II.; (c) of Mark No. III.; (d) of any other mark?
3. How much since March 1 up to December 1, 1907, has the government given as payment in full for rifles: (a) of Mark No. I.; (b) of Mark No. II.; (c) of Mark No. III.; (d) of any other mark?
4. What is the amount paid in advance during the aforesaid period for rifles in course of manufacture, but not yet finished or not yet accepted?
5. How many rifles belong to the latter category, and of what mark are they?

Hon. Mr. SCOTT—The reply of the department is as follows:—

1. Not known by the Department of Militia and Defence.

2. (a) None.

(b) 7,500 Mark II. rifles were inspected and accepted during the period between March 1, last, and December 1, instant. (500 of these rifles were included in the answer to question 2 of the inquiry by the Hon. Senator Landry on April 5, last).

(c) None.

(d) None.

3. (a)Nothing.

(b) On the 7,500 Mark II. rifles accepted between March 1, last, and December 1, instant, final payments during that period were made aggregating $46,875. This amount represents the remaining 25 per cent of the value of these rifles, a progress payment of 75 per cent having been made prior to March 1, (which amount was included in the answer to question 4 of the inquiry of April 5, last).

(c) Nothing.

(d) Nothing.

4. $98,283.27.

5. Under the contract 19,500 rifles remain undelivered. These will be Mark II. or any new mark which may be adopted.

THE OTTAWA AND GEORGIAN BAY CANAL.

INQUIRY.

Hon. Mr. BERNIER—I should like to know when we may expect to have the report of the party appointed by the government to explore the Georgian Bay Canal route. We were led to believe last session that we would have the report during the recess, but we have not received it yet.

Hon. Mr. SCOTT—I shall be very glad to make the inquiry. I do not personally know. I am quite aware that they are still working on it. I read some extracts from it in this morning's 'Citizen,' but I am not in a position to say when the report will be laid on the table.

DELAYED PRINTING.

Hon. Mr. LANDRY—Will the hon. Secretary of State tell us when we shall get

the Manual of the House of Commons which was promised last year? We have never received it.

Hon. Mr. SCOTT—I gave orders for it several times. I shall make inquiry and let the hon. gentleman know to-morrow.

Hon. Mr. LANDRY—I think there should be a limit to the time you have to wait for it.

Hon. Mr. SCOTT—Yes, it is unpardonable.

Hon. Mr. LANDRY—May we soon expect to have the French version of the Senate Manual containing the British North America Act and the rules of proceedings?

Hon. Mr. SCOTT—Is it not printed?

Hon. Mr. LANDRY—Not yet in French.

DELAYED RETURNS.

Hon. Mr. FERGUSON—When may we expect to get a return which I moved for last year with reference to the Hudson Bay route?

Hon. Mr. SCOTT—When was it moved for?

Hon. Mr. FERGUSON—Pretty late in the session.

Hon. Mr. SCOTT—I shall inquire.

THE ADDRESS.

DEBATE CONTINUED.

The order of the day being called:

Resuming the further adjourned debate on the consideration of His Excellency the Governor General's speech on the opening of the Fourth Session of the Tenth Parliament.—Hon. Mr. McMullen.

Hon. Mr. McMULLEN—When I moved the adjournment of the debate yesterday, I did so because I was not then in a very good condition of health to proceed. I am sorry to say that I find myself no better to-day than I was yesterday; however, I shall endeavour briefly to make a few remarks in reply to my hon. friend from Hastings. I am sure that we were all delighted to notice the vigour, physical and mental, that he displayed in making his speech. He is getting well advanced in years, as we all are, and it is comforting for those of us who have not yet attained his age to notice the vigour and power of mind that he evinced in the delivery of his address. He said that in the House of Commons, where I had the pleasure of sitting with him for many years, we condemned the annual expenditure and contended that the affairs of the country could be carried on for very much less, and that we urged a reduction. He charges that when the present government came into power instead of reducing the annual expenditure they increased it. The reason they have done so is this for many years the late government carried on the affairs of the country by borrowing money at the end of the year to meet the annual current expenses. It was a most deplorable condition of things, and we advocated that either the expenses should be cut down to at least the amount of the revenue, or some means should be provided to meet the annual expenditure without borrowing. Some years we borrowed as much as four millions; one year six millions, and another eight millions, to cover the annual expenditure of the country. We condemned that system, because, if continued, it could only result in running the country heavily in debt, not for improvements or works of a permanent character, but simply to meet the annual expenses of the country. What would you think of a town or municipality that every year borrowed money to pay the ordinary current expenses? Would you not conclude that that town or municipality would reach a point in its history when its credit would be destroyed? We condemn a policy of that kind in unmeasured terms. Then my hon. friend said we criticised and condemned the Senate. We did so because it had shown itself in dealing with matters of vital interest to some section of this country to be absolutely and entirely servile to the party then in power, prepared to do anything and everything the government of the day wanted. At the commencement of confederation, there was one understood principle, and it was this; that if any one duty above another devolved upon the Senate it was that they should guard the interests of the weaker provinces, or in fact of any province against attempted injustice on the part of a combination of the other provinces. The Senate

was to be the guardian of those interests. Now I contend that the Senate showed a complete disregard of that principle when the Gerrymander Act of 1882 was passed. It was sent to the Senate in the dying moments of the session and passed in a very short time. That was an Act above any other that the Senate of Canada should have condemned. It was an effort made to virtually destroy the political influence of the Reform party in Ontario—to diffuse the Tories so that they could exercise power at the polls and hive the Grits so that they could not exercise their legitimate power. There is no question that was the object of that Bill. I have no doubt the hon. gentleman from Hastings had a hand in framing it. That measure passed this House in a very few moments after it was introduced. We condemned the Senate for having done that. It created a feeling of bitterness in the minds of the Reform party of Ontario. My hon. friend also found some fault with the appointment of my esteemed friend from Centre York (Hon. Mr. Campbell) to this Chamber. He also referred to a great many changes which had taken place whereby members of the Commons had been appointed to the Senate not because they were better qualified than others for the position, but because their seats in the House of Commons were required for other men. I admit that both parties have perhaps utilized the Senate in that way. My hon. friend will no doubt remember the case of Sir John Thompson, who was brought into the cabinet of Sir John Macdonald of which my hon. friend was a member. He was not a member of the House of Commons at the time, and in order to provide a seat for him, Mr. McIsaac, who was then a member of the Commons, was appointed a judge, thus creating a vacancy, and Sir John Thompson ran for his constituency and was elected. Then there is the case of Mr. Perley, a very desirable member of the Senate. He was appointed to make a vacancy for Mr. Dewdney, who was called to the cabinet as Minister of the Interior. In order to provide him a seat in the west, Mr. Perley resigned and was appointed to the Senate. Then we have my esteemed friend Mr. McKay, of Truro, with whom I had the pleasure of sitting in the House of Commons. When it became necessary to find a place for Mr. McClellan, who became a member of the cabinet, Mr. McKay was made a senator. He is an honoured and efficient member of this House, I admit. I am finding no fault whatever with him, but I am simply pointing out how the late government did exactly what my hon. friend from Hastings condemns the present government for doing.

Hon. Sir MACKENZIE BOWELL—I suppose the hon. gentleman knows that the Hon. Mr. McClellan was a member of the Senate at the time?

Hon. Mr. McMULLEN—I know he was.

Hon. Mr. BERNIER—At the time Sir John Thompson became a member of the House of Commons, had he not been a judge in his own province?

Hon. Mr. McMULLEN—He may have been, but he had never been a member of parliament before he was taken into the cabinet. The hon. gentleman from Hastings was condemning Sir Wilfrid Laurier for selecting men outside of the House to become members of his cabinet, thus reflecting on his supporters in the House of Commons. I am pointing out that Sir John Macdonald did the very same thing in the case of Sir John Thompson.

Hon. Mr. BERNIER—Was he not a judge then?

Hon. Mr. McMULLEN—He was not a member of the House of Commons.

Hon. Sir MACKENZIE BOWELL—Does not that prove what I stated about the usefulness of the Senate, as it has been utilized by the present government?

Hon. Mr. McMULLEN—My hon. friend endeavoured to convey quite a different impression. He was trying to show that the Senate was used for the purpose of helping the government out of their embarrassment by appointing members of the Commons to the Senate in order to open constituencies for men they wanted to bring into the cabinet.

Hon. Sir MACKENZIE BOWELL—Thereby showing its usefulness.

Hon. Mr. McMULLEN—They had a very excellent example, because my hon. friend knows he adopted the very same prin-

ciple when his party were in power. My hon. friend said that one of the planks in the platform of the Reform party was the reformation of the Senate. No doubt that was and is still one of the planks of the Reform party. He said then, why has the Premier not gone on to reform the Senate? Well, my hon. friend knows perfectly well that at least for the first parliament the Premier had not a majority in this House, and he knows that it certainly would not have been safe in view of the conduct of our friends opposite with regard to the Yukon Railway Bill to have risked an attempt to reform the Senate, because they would very likely mete out to such a measure the same treatment they gave to the Yukon Railway Bill—throw it out. The government had therefore to wait until they had a majority in this chamber. They had not a substantial majority until after the election of 1904. My hon. friend knows that all the important legislation introduced, after the election in 1904, was virtually left over to allow the First Minister to attend the Queen's jubilee. It was thought proper and right to do so, and no doubt it was. The opposition in the House of Commons agreed that it would be a proper and prudent thing, and the duty devolved upon the First Minister of the country to attend that jubilee. To enable him to do that, important legislation had to be left over. Senate reform could not certainly have been brought in that session. Next session the First Minister had to attend the King's coronation. That was another gathering that it was thought well the First Minister of the country should attend. Legislation during that session was left over also. Then at the last session of parliament it was thought desirable, and absolutely imperative that the First Minister should attend the colonial conference in London, and legislation had to be left over for the purpose of enabling him to do that. Under those conditions, I should like to know from my hon. friend when there was a convenient moment when the government could be expected to take up the question of the reformation of the Senate? There has not been an opportunity given. It is not a question of such vital importance that it will not keep, and it has been left over until a convenient moment arises, and when the government have the opportunity they will give it that careful and serious attention that the question deserves. My hon. friend made some reference to the French treaty, and he pointed out that it would in some ways interfere with the British preference, that it might neutralize the advantages that Britain enjoyed under that preference when the new treaty came into force. There is one feature in that treaty which I very much admire, and that is that Canada is to have a minimum tariff applied to horses and cattle of all kinds shipped from this country to France. I do hope that the treaty will open up for the people of Canada an outlet for the class of cattle with which this year they are overloaded, having no place to send them. It is really a pity that the British government could not have been induced to suspend their embargo upon our cattle, even for a short time, to help our farmers out of the condition in which they find themselves at this present moment. In western Ontario, where I live, feed is exceedingly scarce. Thousands of cattle will starve to death before next spring if it is going to be a long and severe winter. The farmers have not the food to fatten them, and they have no place to send them. Some I admit are now going to Buffalo, and the farmers are paying a very high duty to get them over there. It is a pity we do not now enjoy the advantages that we had in the British market before that embargo was imposed, and I can never forget, and I can never forgive the government of which my esteemed friend is a member for allowing the matter to get into the tangle it did, owing to the laxity with which they enforced the arrangement entered into with the British government regarding the quarantine of United States cattle coming into Canada. He knows, for I am sure he has read the whole history of that question, that owing to the laxity with which they enforced that understanding, the British government eventually cancelled the arrangement and placed our country under the same restrictions that they placed the United States.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman is altogether wrong. We enforced the regulations here that were enforced in England against the importation

of United States cattle, and it was under the present Minister of Agriculture that that regulation was repealed.

Hon. Mr. McMULLEN—Oh, no.

Hon. Sir MACKENZIE BOWELL—Oh, yes.

Hon. Mr. McMULLEN—The hon. gentleman's memory does not serve him correctly. Sir Hector Langevin was the minister who went home to England and made that arrangement. The British government stipulated that there should be a veterinary surgeon at every point in Canada where cattle came across from the United States, passing through Canada to Portland or Boston for instance; those cattle should be unloaded and after a certain time they should be inspected, and unless they were found free from disease they were not allowed to pass through Canada. The railway companies got at the government. No doubt they said: 'It is going to be ruinous to our western cattle trade; we have to keep a train of cars, and engine and all the hands lying there for some twenty-four hours till the cattle are unloaded and fed, till they are tested and re-loaded before they can proceed.' They appealed to the government and urged for a relaxation of that order and the government gave way. What did they do. They allowed the cattle to be tested in the cars without being unloaded. Will my hon. friend deny that? The records prove it. They allowed the cattle to be tested in the car without being unloaded. The result was that relaxation after relaxation took place, and in one case a man was appointed as inspector, who was not a veterinary at all. He knew nothing about the duties of a veterinary, and the result was that notes were taken of this loose way the regulations were being carried out, the embargo was put upon our cattle, and it has been retained ever since. There has not been a year that we have suffered so much from that unfortunate condition of things as we are suffering this year. Hundreds of thousands of cattle could be sent from western Canada to-day to England and Scotland, and turned into beef if we could only have an opportunity of sending them there. What are we going to do with them? As I said before, our farmers have nothing to feed them with, and, unless some relief is afforded, the only thing the farmers can do is to kill them for their pelts. I do not expect that this treaty which has been entered into will afford very much relief this year, but I hope it will open up a way by which we may be able to ship to France or some of her colonies our surplus cattle when they are in a condition such as they are in now, and in that way find an outlet for the class of stock that Britain has shut her ports against. Our stock raisers are badly handicapped this year and we feel very sorry for them. My hon. friend dealt for some time with the question of the increase of taxation under the tariff of the present government when compared with the tariff under the late government. My hon. friend claimed that more taxes per head are taken from the people now than there were before confederation. If that is the case it is the people's own free will —their free choice. People are in a position now, owing to the fact that they have more money, to buy more luxuries than they could before. Take those classes of goods that were bought under the old tariff such as luxuries and see what increased quantities of those things are being bought now compared with what was purchased under the old tariff. And why? The people had not the money then. They could not afford it. Now they have the money, they can afford it and they indulge in those things. Take perfumery for instance. In 1895 the amount imported into Canada was $34,618. That is the year before our friends went out of office. In 1906, the import had increased to $88,277, or over double. Then take silks, which are a luxury. There were over two and one-half times as many silks imported. In 1894 there was $2,498,930 worth, upon which a duty was paid of $743,402. In 1895 there was $2,231,443 imported on which a duty of $676,422 was paid. In 1896 there was $2,564.491 imported, upon which a duty of $773,950 was paid. Now we come to the years after the change of government. In 1904 there was $3,746,182 of silks imported, upon which $820,239 were paid. In 1905 there was $4,379,651 imported upon which a duty of $915,034 were paid. In 1906 there was $4,319,832 of silk imported, upon which a duty of $925,338 was paid. Silk is a luxury

and it shows pretty clearly that the people had plenty of money. They wanted the goods and they imported them and paid the duty. The result is that a very large increase in revenue has taken place just from such articles as these, and has taken place by the voluntary act of the people themselves in purchasing that class of goods.

These things show how it is that there is an increased revenue; there has been an increased revenue because the people have money. The Hon. Sir Wilfrid Laurier in his speech in Toronto, referred to that point and said that when the people of Canada came to realize the advantages of the policy that he would put in force, they would find it out simply by putting their hand in their pocket, they would not have to go over a list of figures to prove that such was the case. My hon. friend made some reference to the United States placing war vessels on the great lakes, and he expressed the hope that no trouble would arise between us and the great republic to the south. We entirely concur in that. We earnestly hope it never may; but it is quite within the right of the people of the United States to abrogate the Rush-Bagot treaty at any time by giving a year's notice, and I have no doubt that in order to enable them to build warships at Chicago—which I believe they intend doing if they only have the privilege of so doing—either to build them there or at some other port upon Lake Michigan—they will require to give notice, and abrogate that treaty. In the state of New York they have borrowed a very large amount of money for the purpose of widening the Erie canal from Buffalo to Albany. I believe that work is now being proceeded with, and it is going to be an exceedingly important work. It is going to be an improvement in the navigation of the waterways of the United States that will require an offset in some way on the part of Canada. I do not know how we are going to meet the competition. It will be years yet before this takes place, but it appears to me that when they get that waterway deepened, which they purpose doing, having voted money for the purpose, they will be able to transport grain from Duluth, Port Arthur and Fort William to New York at very considerably less than we can lay it down in Montreal or Quebec. Because our route is very circuitous, and their route will be straighter and in many ways better. I do not know what Canada will do in order to meet that competition. She will be driven to do something. Reference has been made to the Georgian bay canal as a means of meeting that competition. I shall be delighted to see that project undertaken, if it can be accomplished for anything like a reasonable sum. It will give us a waterway from Fort William to Montreal and Quebec, a short route and a good route, and it would enable us to compete with United States shippers, but when they complete that canal they will undoubtedly claim the right to send war vessels along it and through the waters of the inland lakes right up to Duluth and possibly to Chicago. That they will unquestionably claim as a right as a nation, and we may look forward to having that privilege conceded to them, or at least they will claim to enjoy it and they will enjoy it. So far as carrying out that proposition it only requires notice to be served upon our people, and I do not see that we can very well refuse to do it.

Hon. Mr. POWER—While the hon. gentleman is dealing with this matter of the Georgian bay canal there is one question which has often suggested itself to my mind. I am not as familiar with the ground as the hon. gentleman is, but I should like to ask him is that canal not so far north that it is likely to freeze up comparatively early in the season, and thus limit the period of navigation?

Hon. Mr. SCOTT—There would not be a difference of more than five or six days.

Hon. Mr. McMULLEN—I do not know. I am not prepared to answer that question. It possibly may freeze up early. Of course the canal in New York may also freeze up. The northern part of it around Buffalo will certainly freeze up, so that it cannot be used in winter time. I do not think it possible to keep it open all the time, but the Georgian bay canal would probably be frozen up for a longer period than the New York canal. We have to close the Welland canal at an early period, as we all know, but it is kept open for a number of months. If the Georgian bay canal was

constructed I think it would render a very desirable service to a later date in the year than we can now utilize our canals and lakes. Lake Huron is a rough and stormy body of water, and a dangerous lake when the storms begin to prevail in the fall of the year. If we had the Ottawa and Georgian bay canal we could avoid these dangerous storms. My hon. friend made some reference to the movement of the crop of the Northwest and with regard to the assistance that was supposed to be rendered by the government. In my opinion the difficulty in moving the Northwest crop this year is due simply and solely to the large proportion of the wheat that is injured with frost. No bank wants to invest money in frozen wheat. Men who have good credit in the bank are afraid to touch a commodity of that kind. I had experience in frozen grain many years ago. We all know it is liable to spoil in a very short time and to bake together, so that you would have to chop it out of the car. I know that of my own experience many years ago. The people of the Northwest have had frost this year. We had it in Ontario many years ago. We do not have it now and have not had it for years. I hope the experience in the Northwest may be the same as ours. It is to be earnestly hoped that they will not see frost of an injurious kind for many years to come. The banks will not advance money to move frozen wheat because they know how risky it is, and the reason that there has been such a great outcry in the west is that they are an awful crowd of grumblers. Those westerners complain of everything. Sometimes it is the want of cars, and the next time the want of money. As a general rule they are very loud in their complaints, there is no question about that. I suppose they are not to blame this year because the wheat is frozen and because no money is supplied by the banks to move it. I do not at all wonder. I shall be glad indeed to see a very considerable portion of that wheat brought down to Ontario, and if it could be sold there for a reasonable price, anything up to one cent a pound, it would be a most desirable wheat to have under present conditions, and I will say the hon. gentlemen from the west that if they will encourage the shipping of it to Ontario they will find a fairly good market for ten or twenty million bushels. There is an outlet for it this year because our people have not sufficient food for their stock. It would answer a good purpose, but they must not ask too high a price. It would require to be sold to our people at about one dollar per hundred pounds. At that price it would answer very well for the purpose of feeding hogs and cattle, and the farmers would not have to virtually allow their cattle to die, or sell them for almost nothing.

We are proud of the measure of prosperity that has been experienced by the people of this country since 1896. We are sorry indeed that this year, owing to some unexplainable cause, a financial stringency has befallen us and money is not as plentiful in the banks or in the hands of the people as it has been in the past. My own idea is that that is owing to the enormous development that is taking place, the wonderful development in the west, in Cobalt, and in the construction of railways. Those things have absorbed such an enormous amount of money that the paper issued at the command and under the control of the banks is not sufficient to meet the demand, and they are compelled to carry a certain amount of reserve. Our banking system is unquestionably better than the United States system. In the United States they are suffering from the very same trouble, but to a much greater extent than we are. The circulating medium or currency of the United States for all purposes, I think, amounts to something in the neighbourhood of two thousand two hundred and twenty-six million of money. The treasury can tell at the close of any monthly report how much is held by the people in circulation, because they know how much they have in the treasury at Washington, and they know by the banks returns what amount of currency is held by each bank, and on adding these two sums together, and deducting them from the gross amount of greenbacks and currency issued they can tell exactly what the people hold in their pocket, or in their safes and the last returns show the amount there was in circulation, in the pockets or drawers or locked up by the people of the United States as being thirteen hundred and fifty millions of dollars, which had not

found its way back to the bank. It was not deposited. It possibly may be owing to want of confidence in the banking institutions there. They are not based upon as substantial a foundation as our banking institutions are, and tney have suffered in some cases seriously. No doubt the people began to think that the safest thing they could do was to get hold of government notes, lock them up in their desks or carry them in their pocketbooks. If they deposit their money in the bank they do not know whether to-morrow the bank may not hang out a notice that it has closed its doors.

Hon. Mr. DERBYSHIRE—They might bring it to Canada.

Hon. Mr. McMULLEN—Yes. The people have kept their money instead of depositing it, and that is one of the reasons why money is scarce in the United States. In Canada the people have unlimited confidence in our banking institutions and it cannot be for that cause money is so scarce here. It must be for some other reason. I believe, as I have already stated, that the enormous development which has taken place, the unbounded prosperity which we have enjoyed for years past, has so far exceeded the circulating medium of our banks that they have not the means to finance the business of the country. A very short time will no doubt right the whole matter, the circulating medium will get down to a condition that will relieve business men and the business of the country will be carried on better and more easily than under present conditions.

Hon. Sir MACKENZIE BOWELL—I have no desire to refer to anything the hon. gentleman has said, but I desire to put myself right. I do not wish to have it upon record that I made a statement yesterday which, perhaps, upon investigation, was not strictly correct. When I had the tariff in my hand and the French treaty I called attention to the fact that the Finance Minister had made a statement in reply to Mr. Borden, the leader of the opposition, when he alluded to the fact that the ad valorem duty of 30 per cent upon champagne had been repealed. Looking at the tariff as it was in my possession at the moment, I found that the tariff provided for a duty on champagne of $3.30 per case of twelve bottles, and 30 per cent addition ad valorem. I then stated that I could not understand how it was that statement had been made by Mr. Fielding, but on examining the treaty entered into by Sir Charles Tupper and approved by the late government with the French nation, I find that the 30 per cent ad valorem was repealed at that time, and that the duties upon champagne as arranged and provided for in the present tariff remain as they were under the late French tariff, so that the impression which I left upon the minds of those who had not looked into the question was that there was an actual reduction of 30 per cent ad valorem made by the present treaty that had not existed before. I assure hon. gentlemen that I had no intention of misleading the House on such an important question. As soon as I ascertained how the matter really stood, I deemed it a duty to myself that I should explain to the Senate the error into which I was led. Still there is this point which suggests itself to me; on the adoption by the parliament of Canada of the present French treaty the old treaty is abrogated, and in the present treaty there is no provision for an ad valorem duty, but it is not a decrease because that decrease in the duty did exist before.

Hon. Mr. POWER—I am satisfied that no member of the Senate would for a moment suspect that the hon. gentleman from Hastings would knowingly try to mislead the House. The mistake into which he was led was a very natural one, and I had proposed to call his attention to it to-day, but I am very glad that the mistake has been corrected by himself. Even at the risk of being considered a little tedious, I propose to say a few words with respect to the speech from the Throne. The first paragraph of the speech which seems to call for particular attention is the following:

> The stream of immigrants coming to Canada continues to increase in volume, the year now drawing to a close showing a larger number than any preceding year, and it is gratifying to observe the many coming from the British Isles.

I think that that is a matter for almost unqualified congratulation to the country. The prosperity which Canada has enjoyed

during the past few years has been largely due to this influx of population; and if there is one thing which is more necessary to-day to the progress and prosperity of Canada it is labour. The great bulk of the immigrants coming here is of the labouring class. That is exactly what this country needs most. We do not want lawyers or doctors or stock brokers, but we do need labourers and skilled mechanics. It is gratifying to notice that the proportion of those immigrants who come from the British Islands is greater now than it was a few years ago. I quite agree with the Secretary of State in saying that men like the Doukhobors and Galicians, while some of them may have their peculiarities, are material for really good settlers, and that the next generation when they have mingled with our own people, will probably be equal even to the Canadians of the present day. After all, our fathers or grandfather came across the ocean in the same way; and, as a rule, they did not come out here to spend their surplus money or to enjoy themselves. They came some of them fifty years ago, some one hundred years ago, some still further back, but they all came here to better their condition.

Hon. Mr. SULLIVAN—But you do not compare them with the Doukhobors?

Hon. Mr. POWER—I am not speaking of the Doukhobors in particular now. I am speaking of immigrants as a rule, and I have no doubt that in fifty years from this the grandchildren of the Doukhobors will be just as good Canadian citizens as we can ask to see.

Hon. Mr. SULLIVAN—How are you going to make them?

Hon. Mr. POWER—There is one circumstance which distinguishes Canada from Australia. In Australia their population is practically stationary, because their legislation has been calculated to shut out not only coloured labour but white labour as well.

Hon. Mr. SULLIVAN—Some gentlemen about me have made a mistake as to what I meant by the question I asked a moment ago. My question is, how would you propose to assimilate the Doukhobors and make of them good Canadian citizens?

Hon. Mr. POWER—There is nothing to hinder a vigorous young Canadian farmer from marrying a Doukhobor girl, and in that way the races can be assimilated. The next paragraph to which I wish to refer is the following:—

> The conference held in London in the months of April and May last between the government of the United Kingdom and the governments of the British dominions beyond the seas satisfactorily dealt with many subjects in which the empire at large is interested. A copy of the minutes of the proceedings will be laid before you.

I was a little surprised at the tone adopted with respect to that portion of the speech by the hon. leader of the Opposition. That conference was not supposed to be in any sense a political gathering of a partizan character, and while I am perhaps too ready to find fault with the actions of my political friends, I must say that the action taken by the First Minister of this country during that conference is highly creditable to Canada, and of course most creditable to him, and he ought to receive the approval of all Canadians no matter of what shade of politics. In every instance it will be found that the First Minister resisted attempts to lessen the powers of self government of the different colonies, including Canada. For instance, one of the very first efforts made when the conference met was to change the title of the gathering. It was to be an imperial council, but, as was pointed out by the government of Canada, that implied a permanence, that it was not merely to meet every four or five years to discuss matters, but the imperial council was to be a permanent body which must necessarily, to a certain extent, interfere with the rights of self government of the different colonies; and I think it is due almost altogether to the action of the First Minister, as representing Canada, that that motion was not adopted. The motion which was adopted was this, that it would be to the advantage of the empire if a conference were held every four years. In the same way the First Minister, while doing his best to maintain the dignity and importance of this imperial conference, took particular care that the rights of self government of this Dominion should not be in any way abridged, and he deserves the thanks of the whole country for that.

Although we may make mistakes sometimes, we can govern ourselves better in matters which particularly affect us than either England or any conference or council of the empire. The next paragraph says:—

Two of my ministers, duly authorized by His Majesty for the purpose, and acting in conjunction with His Majesty's ambassador at Paris, have recently negotiated a convention with the government of the French Republic respecting the commercial relations between France and Canada, subject, however, to the approval of the French Chambers and the Canadian Parliament. A copy of this convention will be submitted to you immediately and you will be asked to give it your sanction.

The copy of the convention has been submitted, and I suppose we shall be asked to give it our sanction shortly. Perhaps that is enough to say about it at present; but inasmuch as the hon. leader of the Opposition thought proper to draw certain conclusions from this French treaty which I think are not legitimate conclusions, it may be only right to say a few words about it. In the first place, I have heard it stated that this treaty, after all, is not very much more than the old French treaty negotiated by Sir Charles Tupper. I may say that I do not myself see any very special difference in the method adopted in bringing about the two treaties. In the one case there were two Canadian ministers associated with the British Ambassador, and in the other case there was only one Canadian minister. I do not see that that makes any essential difference; but when we come to examine the treaty there is a very marked difference.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman does not intend to leave the impression on the House that I said there was no difference between the treaties?

Hon. Mr. POWER—No.

Hon. Sir MACKENZIE BOWELL—The only point I raised was that the negotiation of the treaty was precisely the same in both cases.

Hon. Mr. POWER—I was not referring to the hon. gentleman's statements, but to statements I had heard from others. I have gone over the two treaties. The number of items covered by the treaty of 1893 which were allowed to go in to France at the minimum tariff was 23; under the treaty which is now before parliament, the number of articles is 136; and many of the additional articles are of as great importance as any of those included in the old treaty—for instance in metals and manufactures of metals. So you have the fact that there are six times as many items in the new treaty as in the old, and included in these 136 items are the whole of the old 23 items, so that it is a very much wider treaty than the old one. The principle which the leader of the opposition tried to deduce from this treaty, was that we were departing from what is called the British preference. I have not been able to follow the course of reasoning by which the hon. gentleman arrived at that conclusion. We have given under what is called the British preference to importations from England a preference of 33⅓ per cent. There is no question about the satisfactory operation of that preference. It has very much improved the relations between Canada and the mother country. It has enabled our people to get English goods at a much cheaper rate than they otherwise would, and it has not hurt anyone very materially, because the manufacturers who might be supposed to be hurt, as a matter of fact are more prosperous at the present time than they have ever been, or were more prosperous three or four months ago. Now, what does this French treaty propose to do? It proposes to give to certain importations from France, not the British preference of 33⅓ per cent, but a preference of 10 per cent. That will enable the people of Canada to get certain goods which they import from France at the present time at a lower rate that they now pay for them, and will probably induce them to get other goods which they do not now import. It will naturally increase the trade between France and this country. That is a good thing for us both. I fail to see that there is any violation of the principle of British preference in the matter at all. The hon. gentleman, in support of his view, quoted an English authority to the effect that this meant a recession from the position which the government of Canada have taken upon preferential trade. I saw in one paper—the 'Saturday Review'—a statement of that kind; but the ignorance and the density of apprehension which Englishmen who are supposed to belong to the intelligent and edu-

cated classes show with respect to Canada is something quite wonderful to Canadians. It was contended until almost the last year or two that the preference we had given to England had not served her in any way. Take up the trade returns and you find this: taking the exports and imports together in 1896 our total trade with England was a little less than one hundred million dollars. Ten years after, in 1906, our total trade was $202,289,000. The imports from Great Britain increased in quite as rapid a ratio as the exports. The imports from Great Britain in 1896 were a little less than thirty-three million dollars. They had fallen from sixty-eight millions in 1873 to thirty-three millions in 1896. They were diminishing year after year. After the change in the tariff in 1897 they began to improve, and they have increased at a rapid rate until last year they were over sixty-nine million, that is they had more than doubled in ten years. In the face of these facts, of course, even the 'Saturday Reviewer' has to admit that the preference has been of value to England, and not being anxious to approve of what has been done he says that the treaty with France is calculated to seriously damage English trade. There is no reason whatever for supposing anything of the kind. I think it was the hon. gentleman from Hastings who said that the advantages of this French treaty would only apply to goods imported directly from France and vice versâ. The treaty does not say that. The treaty says that the goods must be imported either directly or through some country with which the importing country has arrangements such as are to exist between Canada and France. I understand that there is an arrangement of that kind between France and England which covers at any rate a good many of the items in this treaty, so that the advantage is not confined strictly to goods carried directly between the two countries. There is one paragraph which deserves a little more attention perhaps than has been paid to it: That is the paragraph with respect to the postal service.

It is most gratifying to find that notwithstanding the large reductions of postal rates which have been made, the revenue of the Post Office Department has continued to increase rapidly. The large receipts of this branch of the government business will enable the department to make still more liberal provision for the extension of postal facilities throughout the Dominion.

There is one circumstance with respect to the post office which deserves a little attention, that is that the Post Office Department is run strictly in accordance with the civil service law. When an officer gets into the civil service, of course under our system he gets in through political influence of one kind or another, subject to the qualification of passing an examination; but I am informed that in that department once an officer has got into the service he is dealt with on his record as a public servant and not otherwise, and that political influence does not follow him after he has got into the department. Perhaps that is one of the reasons why the department has been doing its business so satisfactorily and so economically. Another circumstance which is gratifying with respect to the post office is the result of the reduction of the postal rates on British printed matter. I have been very much pleased to find as a result of that change that the amount of British newspapers and periodicals coming into this country has more than doubled in a few months, and owing to the fact that the department took some steps previous to last session to shut out objectionable United States literature, the importation of that literature has largely fallen off. Both of these are matters for congratulation: that we have largely increased the reading of English newspapers and periodicals and that the reading of United States newspapers and periodicals has diminished.

I rejoice that the government are taking the action which they propose to take with respect to telegraphs and telephones. There was perhaps a fear in the minds of some conservative people like myself that there was some idea of the government taking over these lines. I am happy to see it has been announced in another place and also here that the government do not propose to do that, but to place these services under the control of the Railway Commission. There is a good deal more to be said, but I do not think that any hon. gentleman will find fault with me if I do not say any more.

Hon. Mr. SULLIVAN—If one reflects on the speech from the Throne it proposes many important subjects. I have not had

time to prepare any remarks on this occassion. I think that a great deal more might be said than has been said. There are many subjects in this address which have not been touched on at all which are questions of the highest importance. I think also that this session opened with a great deal more éclat than any previous session. One reason is that the leading men on both sides spoke with much spirit, and I could not but feel gratified, and must compliment the hon. gentleman from Hastings who gave us such an eloquent speech, containing so much information. I never heard that hon. gentleman deliver a better speech. It was a summary of a very important political period, view it in what way you will, and more, reflects great credit on him because he was an active participant in the important affairs which occurred during the time he spoke of. I also may compliment him on the spirit of generosity and gratitude which filled him when he resented, in an able and feeling manner, any possible deprecatory remarks that were used against the great leader whom he acted with during that period. The body of that leader has returned to dust, but his memory will ever be green in the minds of men with whom he was associated. There are men present who by taking away all party feelings from the man's acts, looking at them with an unprejudiced eye, will see their effect on the country as the historian will do. I also thought that the right hon. Minister of Trade and Commerce spoke with much good feeling and good taste, and I cannot pass by the so-called leader of the Opposition, the hon. Senator from Calgary. I never heard him speak in a better strain than on this occasion. But there is another reason also. We have the presence here of three gentlemen who were rather more than ordinary, ushered into the Senate. They had the advantage of all the eclat of the opening of this House in their favour and they certainly had an audience which no other senator that I ever read of had to witness their introduction. These three gentlemen reminded me of a comparison, an adjective having three degrees. One of them may be said to be positively good; the other is comparatively better, and my hon. friend on my left (Hon. Mr. Derbyshire) is superlatively best in my opinion. I think the reasons for their being placed here were the faithful service they rendered to their party. As I am a neighbour to the hon. friend on my left, and as I have been observant of his career, I can tell the House that the hon. gentleman is, to use a slang phrase, just the cheese, and I can also tell the House, using my prophetic vision—and I think it is as clear as that of any other hon. gentleman—that the new member to whom I refer will fill a seat equal to the two others who were appointed at the same time on account of the size of the hon. gentleman. The great space which he fills in the Senate demands a little more attention—he is the only member appointed since I have had the honour of a seat in this House, who has the credit of rendering services to the public which entitled him to be called to this Chamber. There was a period in the history of this country when its agriculture was in a most depressed state. When the farmers around where I live were in sore straits, I was at a loss to imagine what possible remedy there could be for the depression. I do not know who devised the scheme, but the gentleman who turned attention to dairy cattle and converted their milk into cheese, was a benefactor to Canada. If any one deserves credit for the flourishing condition of that industry through enthusiastic precept and example, it is the hon. gentleman, and for that reason alone he is entitled to be called to the Senate, as a benefactor and public servant. He takes now and has for many years taken an active part in the encouragement and establishment of dairies, and the production of cheese and the perfection to which that important article of food can be brought. It has resulted in a very marked change in the country. Farmers who were in poor circumstances through the dairying industry, became not merely comfortable, but wealthy. On account of the active interest he has taken in that important item of industry, I think he is eminently worthy to be called to this Chamber, apart altogether from political reasons. It is to be regretted that party spirit does not cease in the Senate. The day will come when the men will be

appointed judges on account of being learned in the law, and men will be called to the Senate on account of the eminence they have achieved in the several careers they have chosen, and above all on account of the benefit they have conferred on the state. It will be a great and important epoch in this country. There can be no improvement in the Senate, so long as it is bound down by the trammels of party. What do the hon. gentlemen summoned to this Chamber do? Do they do anything else but record their vote in accordance with party politics as they do in the other House? Men who come here direct from the House of Commons cannot exercise that sense of justice, that peculiar feeling of doing what is right irrespective of party. It is not human nature to do it, constituted as they are, but a better time may come. I am not deprecating in any way the great services of members of this House. I say the hon. gentleman from Calgary, by a lapse of the tongue. has put me down as being one of those who criticise the Senate adversely. I never did anything of the kind. I consider it is an essential part of our three institutions. If party government is the highest point of civilized government to which we have attained; if it be the greatest and noblest institution which has been thought of so far by men, it is right that we should have two chambers. Those who have written on political economy have said it is so, and I feel there is no deliberative body in which public questions are discussed that have any superior record to that of the Senate of Canada.

Hon. Mr. LOUGHEED—Will my hon. friend pardon the interruption if I say that when I referred to my hon. friend from Kingston, I had reference to my right hon. friend. the Minister of Trade and Commerce, as I understand he resides in Kingston.

Hon. Mr. SULLIVAN—I simply made a reference to that because I was on my feet, otherwise I would not have called attention to it. In looking over the speech of His Excellency, as I have said, I think there is a great deal in it if one chooses to reflect on it. The hon. gentleman from Halifax in discussing the address enunciated doctrines on the floor of the House which will not hold, doctrines which are contrary to the rules of ethnology and physiology. Without going into the question in detail, I will briefly refer to some of them. The question of immigration is, I think, the most important one at this period of our career as a nation, and it is particularly essential that it be considered on this occasion. If we look at the example of the United States what do we find? We find that they were most anxious to secure immigration to their country and that they succeeded. They were not particularly careful, at any period of their career, until recent years, as to the class of immigrants, more than we were, because I do not think Canada exercised the care that she should have. The result was that the United States was flooded with certain classes of immigrants that have become undesirable. These men have not been absorbed into the nation, and they will never be. This foreign element will remain just as distinct as the coloured element in the south. You might as well say you could produce miscegenation between the blacks and the whites in the south, as between Canadians and Doukhobors, Galicians and others. A great deal has been said about a large immigration to our shores from the British Isles. They may be a little better or they may be a little worse than the Doukhobors. If you import from the slums of English towns, the dregs of the people, what sort of descendants will be produced by them? I think the vices of people to a great extent are hereditary, at least the inclination to vice is—and it will be a very dimcult point in the future settlement of this country to devise a way by which such elements can be assimilated with our people. I say, God forbid that they ever should. It will be a great deterioration of the splendid race which inhabits this country, a people not surpassed by any in the world. What has given this nation such influence and power is the fact that it has hitherto been exempt from association with people who are so undesirable. If the government will do the right and proper thing—and I am not attacking them on their policy or anything of that kind—I am suggesting merely that they should be more careful as to the people they admit within our borders. The hon. gentleman from Portage la Prairie was so laudatory in his statement in regard to the

Doukhobors, that he made the assertion that the cars in which they rode from Quebec to the Northwest were so clean that you could eat your meals on the floor. That is all nonsense and an exaggeration. If you have followed them you will find that since they have been in this country the government cannot be congratulated on their presence. They have become to a certain extent undesirable, and if Canadians are to assimilate with these people, I say it is the worst misfortune—and I challenge anyone to deny it—that could befall this country. The United States found this to be the case, and are adopting unusual restrictions to keep out such people even from Europe. They want educated immigrants. They turn up their noses at the nation of the man who discovered their country, the Italian. What on earth possessed them to consider these people not desirable immigrants I do not know, but it arises from the fact, I think, that they have received so many of them into their country and they have not turned out to be good, that they do not wish to have any more. I recollect hearing a lecture by Rev. Henry Ward Beecher on the principle of how to assimilate or how to settle satisfactorily in this country people who came from the despotism, and from the tyranny of European governments, and the only remedy he could suggest was education in the public schools. I do not think that will ever remedy the evil. The hon gentleman from Halifax suggested as a means of assimilating the Doukhobors, that young Canadian men might marry Doukhobor girls. If they do, it is so much worse for young Canadians, and so much the worse for their offspring. The offspring may take the side of the mother, and may not. I know that a disease may continue through three or four generations and may not, and the features of persons and the state of mind and the habits and characteristics which any race acquire may be perpetuated. The Northwest and Canada will fill up rapidly enough. It is about the only available ground for immigration now for the best people of the old country, for those who desire to settle on land. I hope the government will exercise the strictest caution. I have seen foreigners on the streets of New York afflicted with disease, and it would be a most undesirable thing for Canada to have them here. If the Salvation Army or any other agency brings to Canada deteriorated specimens from England, Ireland or Scotland, or any other country, I say the government should exercise a strict surveillance over them and have them examined and should not permit them to remain in the country unless sound in body and mind. With regard to the Japanese immigration, this is a burning question, which the government must consider, and deal with. What is to be done with the Japanese? What is the sentiment of Canada on that subject? The address says that there is great opposition to them. So there is. Is the government going to take action with regard to this question, and what action, what will it be? That is an important matter, because I suspect that as a plank in the party platform, it will be most dangerous to have an objection made to the Japanese. The wonderful exhibition that they have given of late years of their adaptability for civilized life has opened the eyes of everybody, and it is no small matter to deal with this question in a satisfactory manner. With regard to the discussion of the financial question which has taken place in this Chamber, I confess I can honestly say I do not know much about it. I recollect that a new member of congress in the United States recently asked a leading senator in that country what he had better study in order to understand the financial situation at the present time. He said he did not know a great deal about it himself, but he advised him to get the Encyclopaedia Britannica, the Bible and the laws and rules of the chamber of which he was a member. I will repeat that suggestion to the younger members here. There is nothing more beautiful than the rules and regulations of the Senate, and I am sure that their knowledge of the other two works is an incentive to further pursue the study of the question. I will leave the question of the tariff to those better versed in political economy than I am. I hope the hon. gentlemen who have been added to our number will be a credit to the Senate. I am sure Sir Wilfrid Laurier should be tired of remaining in power so long. According to the laws of every party, it is time he gave

the other side a chance. I think they have been groaning in the wilderness long enough and they have been purified to such an extent by their sufferings in opposition that they are clean. The country is prosperous. We may thank God for that, surely, and not the government. I am sorry that no mention is made in the speech from the Throne of a Bill with regard to foods and drugs or any measure regarding the health of the people. A great deal more is thought about the cattle of this country than about human beings.

The Senate adjourned until 3 p.m. tomorrow.

THE SENATE.

OTTAWA, Thursday, December 5, 1907.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

REPAIRING OF THE ICE BREAKER 'MONTCALM.'

INQUIRY.

Hon. Mr. LANDRY inquired:

1. Does the government know that the ice-breaker 'Montcalm' recently suffered damages which necessitate immediate repairs?
2. What is the nature of these damages?
3. At what place on the river or in the gulf did the vessel meet with this accident?
4. Have the repairs of the vessel been commenced?
5. Where are these repairs being made, and under whose superintendence?
6. Has the work been given out by the job or by the day?
7. If the work has been given out by the job, who obtained it and at what price?
8. If the work has been given out by the day, at how much has the approximate cost of these repairs been estimated?
9. When will the vessel be able to renew the service?

Hon. Mr. SCOTT—The answers to the hon. gentleman's questions are as follow:

1. Yes. By a rock not indicated in the chart.

2. The keel is crushed and bent to one side about 30 feet from the stern; the bottom plate is seriously damaged on the starboard side for a length of about 100 feet, the vessel's ribs have been pressed up against the damaged plate and are seriously injured and will have to be removed and repaired before the vessel is fit for service.

3, Watagheistic Sound.

4. Yes.

5. At the Lévis dry dock, under the superintendence of the inspector of government ships.

6. By the day.

8. It is impossible at present to estimate the cost of these repairs.

9. In the spring.

INTRODUCTION OF PUBLIC BILLS IN THE SENATE.

Hon. Mr. LOUGHEED—Can my hon. friend, the leader of the House, give us any information as to the government Bills which will probably originate in the Senate? I notice that there are foreshadowed in the address several important measures which could very well originate in this House, with advantage, not only to the House, but to the country at large. Take, for instance, the Insurance Bill, foreshadowed in the address, the Government Annuities Act, and the Act relating to railways. Bills of this kind are of public interest, and I venture to say could receive better attention in the Senate at the present time than in the House of Commons. It seems to me, out of deference to the wish of the Senate, that my hon. friend the Secretary of State should certainly endeavour to introduce Bills of this character in this House, so that we should be able to occupy our time to the very best advantage.

Hon. Mr. SCOTT—I fully appreciate the suggestion, and I have brought the matter before the council. The Annuity Bill, introduced last session by my hon. friend to the right, I thought was one we could specially consider, but it appears that the law clerk of the Senate states that it is a Bill which must originate in the House of Commons. The numerous money clauses in it render it impossible for us to make any progress with it in this Chamber. In discussing the matter with the law clerk, I stated that I thought that the money clauses could be left in abeyance, and the principles of the Bill discussed here, but I have had no full explanation of the matter. With regard to the Insurance Bill, that measure so pertains to the Department of

Finance, that I presume they will not be disposed to allow it to originate in this Chamber. It is a Bill which is likely to create a good deal of discussion, I have no doubt, and I presume that the Minister of Finance will insist on introducing it in the House of Commons. I have not yet seen the Railway Bill. Mr. Aylesworth was to have drawn it, but I do not know whether it has been prepared. I will bring up the question again, and ascertain whether the Railway Bill will be introduced in this Chamber.

Hon. Mr. LANDRY—I suppose the hon. Secretary of State will have no objection to introduce in this Chamber the Bill for the reformation of the Senate. We might take it up immediately, because I observe that there are a few members in the House of Commons who desire to reach this place very soon, and they are drawing public attention to the necessity of their coming here. We might discuss that Bill in the meantime.

Hon. Mr. SCOTT—I shall be glad to know what the hon. gentleman's views are at any time, but I am afraid the views of hon. gentlemen of this Chamber are so divergent that it is doubtful whether we will pass any Bill of that character, unless a little more harmony prevails as to the principles upon which senators should be selected.

Hon. Mr. CLORAN—I would ask the hon. leader of the House if what he has said about the Pension Bill is to be accepted as a rule about legislation in this House—that is, if the opinion of the law clerk is to override the opinions of members of this honourable House, with regard to legislation? I would be very much surprised to hear that laid down as a principle. My experience with regard to legislation is that the popular body, whether municipal, provincial or federal, should be the ultimate masters of discussion, and no law clerk should have the power to override the will of the popular body. From what I understood the hon. Secretary of State to say, this matter is not to be discussed in this honourable House, because the law clerk has said no. If I am putting too strong a construction on his remarks, I would be happy to be corrected. I, for one, am not willing to have the opinion of any law clerk, no matter how well read in the law, substituted for the will of a popular body like this.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman misunderstands the explanation given by the Secretary of State. The law clerk, as I understand it, did not arrogate to himself any right to dictate, or to recommend. He simply stated, if I understood the hon. Secretary of State aright, that the Senate could not deal with clauses which initiated a tax upon the people for any purpose. The hon. Secretary of State very properly replied that the practice had been to introduce Bills of that character in the Senate, leaving the money clauses in abeyance, until they came back from the House of Commons, who could state what amount should be inserted in the different money clauses. That has been the practice. The principle of the Bill to which the hon. leader of the opposition has called attention, could be very well discussed in this House, and every clause of it could be passed, leaving the money sections for the Commons to deal with.

Hon. Mr. CLORAN—I understand that point perfectly well. The law clerk is of the opinion that the Bill contains money clauses, which cannot be initiated in this House. My opinion is to the contrary: there are no money clauses in the Bill whereby the government is supposed to grant anything to anybody. There is where the difference of opinion comes in. The law clerk is of the opinion that there are money clauses in that Bill, which prevent it originating in the Senate. My opinion is that there are no money clauses which prevent its introduction here, because none of its clauses affect the people of Canada as a whole, but simply those who are to benefit by the Bill. That is why I ask if the opinion of the law clerk is to be taken in preference to the opinion of many in this House and elsewhere.

Hon. Mr. SCOTT—I may mention for the information of the hon. gentleman, that it was perfectly clear, when the Bill was introduced here last year, that it entailed a charge on the people of this country, be-

cause the government were paying all the charges. A certain amount of interest was to be paid, the amount of which had not been fixed. There were guarantees also to be entered into by the government in connection with the Bill, so that it is rather bristling with points affecting the finances of the country.

Hon. Mr. CLORAN—If such is the case, it changes the aspect of the question.

Hon. Mr. LOUGHEED—Might I point out to my hon. friend that the controversial features of the Bill, those that would be chiefly in fact entirely, discussed by this House, would not have any allusion to the money clauses. They, I fancy, would be based on actuarial tables prepared by experts, tables which we would scarcely be expected to controvert, and which we would accept, in any event. Those amounts could be left in blank, and the details of the Bill, excepting the amounts, could be dealt with by us.

Hon. Mr. SCOTT—I quite appreciate that point, and it was on that basis I discussed it, and argued that it might be introduced here.

The Senate adjourned until to-morrow at Three o'clock.

THE SENATE.

OTTAWA, Friday, December 6, 1907.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

GOVERNMENT LOAN TO QUEBEC BRIDGE COMPANY.

INQUIRY.

Hon. Mr. LANDRY inquired :

1. Has the government advanced any sum of money by way of loan to the Quebec Bridge and Railway Company upon the amount of $6,678,200, which it was authorized to loan to the said company by virtue of an Act of this parliament?
2. What is the amount so advanced and when did this loan take place?
3. At what rate of interest was this loan made?
4. When did this interest become due?
5. Has it been paid, in whole or in part, by the said company, and at what date was such payment effected?
6. Out of the amount paid by the government to the company, what part has been applied to the reimbursement of amounts previously advanced to the company by banks or other financial institutions, for the purposes of its enterprise, upon the pledge or mortgage of bonds issued under the authority of chapters 54 and 177 of the statutes of 1903?
7. What part has been applied to the payment of the interest stipulated upon these advances made by banks or other financial institutions?
8. After deducting the reimbursements mentioned, what part out of the balance disposable of the $6,678,200, has been applied to the carrying out of the works of construction of the Quebec bridge?
9. Were the works for which these payments have been made previously declared satisfactory and accepted by the Governor in Council?
10. Upon whose recommendation? Of the chief engineer of government railways? Or of what other officer?
11. If of another officer than the chief engineer of government railways, was that officer specially appointed for that purpose, and when, by the Governor in Council?
12. At what date was the report of the proper officer certifying the propriety of such advances made and presented to the government?
13. Has the company deposited in the hands of the Minister of Finance the bonds authorized to be guaranteed by the government in conformity with the provisions of chapter 54 of the statutes of 1903, and of the agreement which forms the appendix to the said statute?
14. In default of such deposit, what are the arrangements made by the company, accepted and declared satisfactory by the Governor in Council, which have allowed the payment, nevertheless, of such advances?
15. Has the Royal Trust Company issued and deposited in the hands of the Minister of Finance on the bonds not yet issued on February 1, 1904, but which it detained, under title of depository, in virtue of the deed of trust by way of mortgage entered into with the said Royal Trust Company?
16. What amount of bonds of such nature has the Royal Trust Company deposited in the hands of the Finance Minister?

Hon. Mr. SCOTT—I am advised by the Finance Minister that the government has not advanced any money by way of loan to the Quebec Bridge and Railway Company, so that answers the question.

Hon. Mr. LANDRY—That disposes of all the questions.

Hon. Mr. SCOTT—Yes.

EXPLORATION OF GEORGIAN BAY CANAL ROUTE.

INQUIRY.

Hon. Mr. BERNIER inquired :

Has the government received the report of the party lately appointed to explore the

Georgian bay canal route? If so, when will that report be presented to the Senate?

Hon. Mr. SCOTT—No, the report is now being prepared and will be presented as soon as completed.

Hon. Mr. BERNIER—Will that be next year?

Hon. Mr. SCOTT—After the recess, I presume—not before. It is a very long document.

SUSPENSION OF RULES.

MOTION.

Hon. Mr. DAVIS moved :

That subclause 5 of rule 78 be suspended so as to increase the number of senators to serve on the Standing Committee on Railways, Telegraphs and Harbours for the year, from 50 to 55.

And further to amend subclause 3 of rule 78 to increase the number of senators to serve on the Standing Committee on Standing Orders from 9 to 12.

He said: This matter was fully discussed yesterday and it is not necessary to go into it again at any length. There are some hon. gentlemen who, practically, remain in Ottawa during the whole session, and I quite understand the position taken by the Striking Committee that they could not exceed the number provided for. They cannot put any person off the committee ; that would not be courteous and I do not see any necessity for it. I do not see that it can do any harm to have the committee increased from fifty to fifty-five. We never have all the members of the committee present. There is no danger of overcrowding, and if there are hon. gentlemen who are willing to serve on the committee I do not see why they should not be permitted to do so. The number of members on the Standing Orders Committee, is now and always has been too small. It is an important committee ; the gateway to all the legislation of the House. There are hon. gentlemen here who are quite willing and anxious to serve on that committee, and they should be allowed to do so. I am not asking to amend the rule. I am merely asking to suspend it. so that before next session hon. gentlemen will be in a position to introduce some amendment, or to deal with it in some other manner.

Hon. Mr BERNIER.

Hon. Mr. POWER—I rise to a point of order with respect to this notice. The hon. gentleman from Saskatchewan undertakes to provide, amongst other things in his resolution, to amend subclause 3 of rule 78.

Hon. Mr. DAVIS—Suspend, I meant to say.

Hon. Mr. POWER—The motion as it appears does not say suspend; it says amend. We have to take the motion as it appears. The hon. gentleman is aware that we have two or three rules which provide that where any alteration is to be made in the Standing Orders, two days' notice must be given, and that notice has not been given in this case; therefore, the resolution is out of order.

Hon. Mr. DAVIS—What are the rules?

Hon. Mr. POWER—Rule 23 says:

Two days' notice must be given of a motion for any of the following purposes:

(a) To make a new rule or standing order, or to repeal or amend an existing rule or standing order.

This is to amend an existing Standing Order. Rule 29 says:

No motion for making a standing rule or order can be adopted, unless two days' notice in writing has been given thereof and the senators in attendance on the session have been summoned to consider the same.

Hon. Mr. DAVIS—That is only a clerical error. However, as it appears that way on the notice paper, I now give notice that I shall move this motion on Monday next.

Hon. Mr. WILSON—I would ask the Speaker whether he rules that a motion made and carried by a majority of the members of this House is not sufficient to suspend the rules for the time being? I do not think there is any necessity to give notice in this case. If the House declares that the rules are to be suspended, I suppose the action of the House is absolute in that respect.

Hon. Mr. POWER—That suspension must be unanimous.

The SPEAKER—The question the hon. gentleman raises would be answered in the affirmative if the Senate were unanimous; but when the point is raised, it is clear that there is not unanimity.

Hon. Mr. LANDRY—The notice of motion given says that one subclause be suspended and that another be further amended. The latter part should be changed by substituting 'suspended' for 'amend.'

Hon. Mr. DAVIS—That is what I meant to say, but it got mixed up.

The SPEAKER—The hon. gentleman should withdraw the notice and give another.

Hon. Mr. DAVIS—Not with reference to the first part of my motion.

The SPEAKER—The hon. gentleman may either amend or withdraw.

Hon. Mr. DAVIS—Then I give notice that on Monday next I will move to amend rule 78 so as to increase the number of senators serving on these committees, and I would ask that the proper notice be given to all the members of the Senate as required by the rule.

The SPEAKER—I would draw the hon. gentleman's attention to the necessity of having two clear days' notice.

Hon. Mr. DAVIS—Then make it Tuesday.

Hon. Mr. WILSON—Do I understand the Speaker to rule that this House has no power under the motion moved to suspend the rules unless it is by the unanimous consent of the House? I understood him to make that statement, and I have yet to learn that this House is not absolute, and that if the rules are required to be suspended for the time being we have not the power to do so.

The SPEAKER—When proper notice has been given it is within the jurisdiction of the Senate, but when no proper notice has been given the Senate must be unanimous.

Hon. Mr. WILSON—I admit that might be if the rules were to be changed in any part, but the first part of the hon. gentleman's motion is merely to suspend the rule. If the rules are suspended then the objection could be taken to his moving the motion to appoint a certain number, but not otherwise.

Hon. Mr. POWER—I think the hon. gentleman is out of order in arguing with the Speaker.

Hon. Mr. WILSON—I am not out of order perhaps as often as those who are ready to cry order when they are themselves out of order.

THE STANDING COMMITTEES.

MOTION.

Hon. Mr. GIBSON moved the adoption of the report of the Committee of Selection appointed to nominate the senators to serve on the several standing committees.

The SPEAKER—I wish to draw attention to a printer's error in the list of names of the Standing Orders Committee. The name of Senator McKay, of Truro. has been dropped and should be inserted.

Hon. Mr. DAVIS—Then I submit this motion must be out of order. The same ruling which applied to my motion should apply to this.

The SPEAKER—There is no error in the proceedings of the Senate; it is only in the printing of the Minutes.

Hon. Mr. DAVIS—That was the case with my motion.

The SPEAKER—In the hon. gentleman's case the error was made by himself in drafting the motion.

Hon. Mr. DOUGLAS—I beg to move an amendment:

That the report of the Committee on Standing Committees of the House be recommitted with a view to the removal of all names of hon. members from the Railway Committee in particular who hold office in the executive of any of our railway corporations and who may be servants of such corporation as solicitors and who are known to hold pecuniary interests in such corporations.

The reason I make this motion is because there are names in the lists of these committees which are there in direct violation of rule 84 of our Standing Orders. That is the only reason why I ask that the report be recommitted with a view to bringing it into harmony with our Standing Orders. If any evidence is wanted in reference to my motion, I am prepared to read the names of hon. members standing in certain relationship with these corporations, which will fully justify the motion I now make. I feel that I have a duty to perform, and I consider that this honourable body should at least respect its own Standing Orders, and its committees should be in perfect

keeping with the principles laid down. This is a safe principle and we cannot afford to ignore it. I expect there will be a good deal said against the motion, and it may not carry ; but when I have placed the matter before the House I have performed my duty as an honourable senator. It is quite true I anticipate that there will be opposition to any such changes, because the gentlemen referred to are men of large business experience, and consummate wisdom; but I believe that it is a wrong principle and something that we cannot afford to ignore, to give to any corporation such a representation equal to any of the western provinces. Supposing for instance a railway corporation has two senators on the Railway Committee, where that corporation may have at stake projects involving the expenditure of millions of money, is it a safe thing for the country that these corporations should have as much power in the Railway Committee as any one province in the west ? I think no hon. gentleman here will contend that it is right or that it can be defended. I hold it to be contrary to the principles of sound government. If such an anomaly existed in the past, it is no reason why it should be continued. These are the reasons why I make the motion.

Hon. Mr. GIBSON—The hon. gentleman has not given us the names yet.

Hon. Mr. DOUGLAS—I do not know them all, but I can give some of them. They are known to the committee. They are in the knowledge of the committee, and possibly the committee may continue them, but my duty is performed when I call the attention of the Senate to the fact, and the Senate must assume the responsibility. I believe it to be a violation of our own rules and to be contrary to all sound government, and furthermore a threat to the best interests of the country at large.

Hon. Sir MACKENZIE BOWELL—How would the hon. gentleman propose to bring the information before the committee ? Does he want a court of inquiry as to every hon. gentleman's interest ?

Hon. Mr. DOUGLAS—No. Take the annual report of the railway corporations and you will get all the information you require.

Hon. Mr. POIRIER—Would the hon. mover of this motion extend this principle to the Committee on Banking and Commerce ? If we inquire into the qualifications of the members who compose that committee, we find that it is composed mostly of gentlemen occupying positions in connection with the banks of the country, either as president, director or manager. If the principle is adopted in one case I think it should be adopted in the other case also.

Hon. Sir MACKENZIE BOWELL—And the Private Bills Committee.

Hon. Mr. SULLIVAN—And the Restaurant Committee.

Hon. Mr. POIRIER—I do not know about Private Bills. I believe the principle in itself is a good one, but the application of it would be most difficult for the Senate. However, I am convinced that the question raised by my hon. friend is an opportune one. Without going into details, we have all been witnesses of a good deal of lobbying, and I would not exactly say improper influences, but influences which are being exercised to-day in the Railway Committee, and if the suggestion of my hon. friend can be followed, I am sure it will be desirable; but I see very great difficulty in carrying it out, because if it is applied to one committee, it should be extended to all.

Hon. Mr. SULLIVAN—This is an attack on the personal honour of the House. I think it is an insinuation that the members of this Senate have not done right. Members experienced in banking and finance who are on the Banking Committee are put there by this Senate, and I think they are a great benefit to that committee. I know the hon. members who are managers of banks, whose names I will not mention, as they are well known to the Senate, who are of great assistance, inasmuch as they can explain to the members of the committee what the principles of banking are. The intricate process of banking would not be understood by ordinary members, if it were not for the presence of these hon. gentlemen. I think it is an imputation on the honour of these gentlemen who are aimed at, and I do not think this motion should be entertained by the House.

Hon. Mr. LOUGHEED—I rise to a question of order. I submit that the motion is out of order on the ground of uncertainty. There is no way of ascertaining either by investigation or otherwise in the Striking Committee, the material desired by the mover of the resolution.

The SPEAKER—The point would be well taken in regard to the latter part of the amendment, but I find it sufficiently clear on the whole, when it speaks of any member holding office in the executive of any railway corporation. I take it that that means the board of directors.

Hon. Mr. DOUGLAS—Yes.

The SPEAKER—And who now hold office in the executive of a railway corporation and who may be the servants of such corporation as solicitors, or who are known to hold large pecuniary interests in any or all such corporations.

Hon. Sir MACKENZIE BOWELL—That is any stockholder.

The SPEAKER—That would be my understanding of it—any stockholder.

Hon. Mr. POWER—I think one's natural disposition would be, at first at any rate, to agree with the hon. gentleman from Saskatchewan, but, as in a good many other cases, further reflection would lead one to change his opinion. When the rules were revised, hon. gentlemen will remember that a good deal of pains was taken with the revision, and there was special attention paid to the general question which is now before the House, and very stringent rules were adopted, more stringent considerably than those which had prevailed before, or those I believe which prevail in the House of Commons. Rule 53 says:

> No senator is entitled to vote upon any question in which he has any pecuniary interest whatsoever, not held in common with the rest of the Canadian subjects of the Crown, and the vote of any senator so interested will be disallowed.

So that a senator is not allowed to vote where he has a pecuniary interest. That applies rather to what takes place in the Senate. Rule 84 deals with what takes place in standing and special committees, and reads as follows:

> No senator who has any pecuniary interest whatever, not held in common with the rest of the Canadian subjects of the Crown, in the inquiry to be entrusted to any select committee, shall sit on such committee, and any question of interest arising in the committee may be determined by the committee, subject to an appeal to the Senate.

If it is charged that a member of any of the great railway companies is sitting and prepared to vote on a question in the Railway Committee in which his company is interested, his vote can be challenged there, and I think that is the proper place to challenge it. That is a businesslike way to deal with it—to challenge his vote and his right to sit on the committee when the measure is under discussion. On the general proposition that the members of the great railway companies should not sit on the Railway Committee, I think that it would be a most unfortunate thing if the men who, of all the men in the country, know most about railways and understand the questions affecting railways best, should be excluded from the committee. If a Bill is before the Railway Committee which is promoted in the interests of the Canadian Pacific Railway, then it seems to me—and perhaps my interpretation of the rules is correct—that no director of the Canadian Pacific Railway Company should sit on the committee while that Bill is under consideration. That is all we want.

Hon. Mr. DOUGLAS—Will the hon. gentleman tell us how you can prevent him from exercising full privileges as a member of that committee if, by the authority of this House, he is placed upon the committee?

Hon. Mr. POWER—The rule which I have given is passed by the authority of the House, and that rule says that no person who has any interest in the matter before the committee which is not held in common with the other Canadian subjects of His Majesty shall sit on the committee or vote in the committee, and any one at all, even though he is not a member of the committee, can challenge the right of a member of the Canadian Pacific Railway Company to sit or vote when that company is before the committee.

Hon. Mr. DOUGLAS—How are you going to do that?

Hon. Mr. POWER—How are you going to ascertain what members of the Railway

Committee are interested in any of the matters suggested in the amendment? How are we to find that out? The list of shareholders of a railway is not always published, and we know very well that gentlemen who occupy—I regret to say it is the case—seats in either House of parliament are sometimes, while not avowedly so, really the agents and solicitors of the great railway companies, and these are gentlemen who, I think, are more objectionable on the committee than the men who are known to be directors and prominent officials of a company. I think this resolution is one such as has never before been introduced in the Canadian parliament, and I trust it shall not be again.

Hon. Mr. DeBOUCHERVILLE—Has the Speaker decided the question of order?

The SPEAKER—I have decided that the amendment is sufficiently clear.

Hon Mr. DeBOUCHERVILLE—It seems to me this is a very important question, which requires, at least, some study. It is sprung upon us, and a great many members do not remember what the Speaker has read. If the debate were adjourned till Tuesday next, we could see the amendment in print and judge of it. For my part, if I voted now, I would be doing so in the dark. I move that the debate be adjourned till Tuesday next.

Hon. Mr. GIBSON—A postponement simply means the suspension of the report of the Committee of Selection. I think the hon. gentleman from Halifax struck the kernel of the whole subject. Hon. gentlemen who have been for years and years connected with our great railway corporations have been on this committee. One of them has been removed simply because it was considered by the committee that the province of Quebec had two more representatives than the province of Ontario, and a reduction was needed whereby the province of Prince Edward Island, who had only one member on the committee, was given two, and Alberta got a third member, simply because of the importance of the railway projects in the west and the large development in railway building which will take place in a few years. I think the distribution of representation is a fair one, and the objection that has been raised by my hon. friend is not well taken. If he had been attending to the Railway Committees in the House of Commons and in the Senate, he would see that the greatest liberty is afforded to every member of this honourable House, whether he is a member of the House simply sitting in the committee room or as a member of the committee. He has the same rights and prerogatives as the members of the committee, with the exception of voting, and I was going to say if he had been attentive or taken an active part in the discussion of railway matters in this Senate since he became a member he would have observed that on several occasions the hon. gentlemen who are now claiming it have practically refused to vote on any question affecting the railway in which they were directly interested. We have, as my hon. friend says, more need of men of that kind, and less need of men who are in the lobbies buttonholing the members.

I have never yet since I have been a member of the House, observed any of the gentlemen who have been aimed at this afternoon taking part on such occasions. It is a reflection on the House, because it conveys an insinuation that there are members of the Senate who would so far forget their duty as senators as to vote upon questions in which they are directly interested. A director of the Canadian Pacific Railway Company has been mentioned and also a director of the Grand Trunk Railway Company. Why should either of them be debarred from attending meetings of the committee when questions affecting those great railways are under consideration? Who is in a better position to give information than they are? It is not only men in the west who are interested in this; every one who occupies a position in this House has a duty which he owes to himself as well as to the country and is as much interested—perhaps is more interested—as the men of the west in the success of that part of the country. I can assure my hon. friend he has taken a mistaken course in selecting gentlemen who occupy such positions, and representing them as being in a different position from other members of the committee. The committee have done their work fairly. Many of its members have served

for years upon that committee, and this is the first time I have heard a suggestion that any one of them ever took an improper course in the Railway Committee. Why they should be deprived of the right to sit on that committee is something which I fail to understand.

Hon. Mr. DOUGLAS—If such be the hon. gentleman's contention, why does he not move to bring the standing orders into harmony with his views?

Hon. Mr. LOUGHEED—I desire to raise another point of order, which, possibly, if considered by the Speaker, may dispose of the question. No motion of this character, which tends to abridge or restrict the right of a senator, can be in order. A senator is appointed under the Great Seal, and enjoys all the privileges set out by section 18 of the British North America Act, which is as follows:

> 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 the same shall never exceed those at the passing of this Act held, enjoyed and exercised by the Commons House of parliament of the United Kingdom of Great Britain and Ireland and the members thereof.

Now, the rules are not Acts of parliament. I submit to the Chair that if it were possible to limit or restrict the rights of members of this chamber in the manner attempted in the motion of my hon. friend, if carried to its logical conclusion would result in practically depriving members of this Chamber from the exercise of any rights which pertain to them as senators. My hon. friend might go further and provide that any shareholder of a bank or any member of the Senate travelling on a certain railway should not serve on either of those committees. If carried to its logical conclusion, it would lead to the restriction of the privilege we enjoy under the British North America Act, and absolutely prevent a senator from exercising these rights and privileges. I further submit that the rules already referred to, which we passed last session, are in excess of the authority of this Chamber—that this House cannot say that a senator may not vote on any question coming before him. Last session I took the liberty of pointing this out to the Senate.

The SPEAKER—Before this point of order is passed upon, I will have to submit the motion of the hon. senator from De Boucherville to adjourn the debate.

Hon. Mr. POWER—I trust that the House will not adopt that motion. Every hon. gentleman is pretty clear as to what the question before the House is. There is no necessity for any further time to get into our heads the question on which we are to vote. I had hoped, as I fancy most members of the House had hoped, that the Senate would be in a position to adjourn for the Christmas vacation next week. Why we should remain here doing nothing, and probably be detained for two days further, simply waiting for light which we have already, is a proposition which I fail to understand.

Hon Mr. ROSS (Halifax)—I am not at all satisfied with the list of names recommended for the committee——

The SPEAKER—Would the hon. gentleman limit his remarks to the motion to adjourn until Tuesday?

Hon. Mr. ROSS (Halifax)—I support the motion to adjourn until Tuesday next.

Hon. Mr. DAVIS—I quite agree with the hon. senator from Montarville, and cannot agree with the hon. senator from Halifax (Hon. Mr. Power), who thinks that there is no necessity for us to take time to consider this question. My hon. friend from Saskatchewan has moved a resolution which will furnish a good deal of ground for serious thought for a great many members of this House. Many of us have not had time to go through the records of some railway corporations just to find out who are members of the executive in each company, and I think it would be well to postpone a decision on the question for a few days. I do not know why the hon. senator from Halifax (Hon. Mr. Power) wishes to railroad this report through the House today without giving time for consideration. I do not know of any question of greater

importance that is likely to come before the House for some time. As to the adjournment over the holidays, I think it will be quite long enough, and to consider a matter of such importance as this the postponement of the adjournment for a day or two does not amount to much. We are not here to consult our own convenience, but to act in the interests of the people.

Hon. Sir MACKENZIE BOWELL—I hope the motion to adjourn will not be pressed. I can see no necessity for it. I am quite sure the hon. gentleman who has just spoken has sufficient breadth of intellect to comprehend this motion. It is very simple; it is to prevent certain senators from sitting on certain committees. That is all we have to decide. I would suggest to the hon. gentleman who has moved the motion that there is no difficulty in getting at a conclusion. All he has to do is, when we reach the paragraph relating to the Railway Committee, to move that certain gentlemen who are interested in railways be dropped and some others substituted. That will accomplish his object without stultifying ourselves by passing a motion which is a reflection upon every senator. The position taken by the hon. leader of the opposition is unanswerable.

The amendment was rejected; contents 14, non-contents 27.

The SPEAKER—The question is now on the point of order raised by the hon. senator from Calgary, that this amendment is out of order because it deprives a senator of his absolute rights to sit on any committee.

Hon. Sir MACKENZIE BOWELL—I have already expressed the opinion that the point taken by the hon. senator from Calgary is correct, for this reason; it is within the power of the Senate to say what senators shall sit upon its committees, and to pass a resolution of this kind would deprive the Committee of Selection from naming such senators as they think proper to place upon the committees. If the selection is not approved of, any member can move to amend the report of the Committee of Selection. If for instance the hon. gentleman objected to my sitting on a committee on the ground that I had some pecuniary interest in matters coming before that committee, all he would have to do is to move that my name be struck out for the reason that I have pecuniary interests in certain questions to come before the committee, and that Senator Douglas be appointed instead. Then the Senate could adopt or reject his motion.

Hon. Mr. SULLIVAN—What does the hon. gentleman mean by the resolution? Is it that any one having an interest in a railroad or a bank is to be left off the committee altogether or that he is not to have the right to vote? I do not see how you are going to get at it unless you suspend a member from voting on any particular occasion where he has a personal interest. Surely he should be allowed to vote on other occasions. If you wish to have every senator who is interested in a bank or railroad left off the Committees on Banking and Railways, I do not see how you are going to appoint those committees at all. If the intention is to prevent any senator from voting on a measure where he has a direct interest, that is all right, but I would not go any further.

Hon. Mr. ELLIS—I would concur in the view of the leader of the opposition as a general proposition. It seems to me if the Senate sets forth that certain members cannot be members of the Railway Committee it would apply to all the committees. A man might be so situated in the Senate that the general principle would apply to him, and he could not sit on any committee at all. He might be interested in printing, and could not sit on the Printing Committee, or in banking and he could not sit on the Banking Committee, or in a railway and he could not sit on the Railway Committee. The Senate ought not to assent to that idea. It is true, as the hon. senator from Halifax has pointed out, that a member of the committee is restricted from taking part in the proceedings upon a particular measure in which he is interested, but that applies only to particular instances, and is intended to regulate the conduct of a senator under certain conditions, but here it is proposed to make its application general, and I think that is wrong.

Hon. Mr. POIRIER—I rise to a point of order. I believe this amendment is altogether out of order. It is decidedly in the nature of a permanent standing order. If adopted, the amendment alters our standing orders, and creates a new standing order. In that case the rules of our House declare positively that such a motion requires two days' notice. I think the amendment should be ruled out of order because it is not properly an amendment of the main motion, and because it requires two days' notice.

Hon. Mr. POWER—His Honour the Speaker has to decide whether this resolution is in order or not. The hon. leader of the opposition has raised one point and the hon. gentleman from Acadie has raised another. I may say that I entirely concur with the hon. gentleman from Acadie. We have by our rules dealt with this question of members who have private interests in business coming before the House or before any of its committees. We have laid down two rules with respect to them. Now the motion of the hon. senator from Saskatchewan proposes to alter these two rules. That cannot be done without two days' notice and the members being summoned. The point of order is thoroughly well taken.

Hon. Mr. LOUGHEED—May I be permitted to elaborate the point raised by the hon. senator from St. John. I did desire to impress on the House that the amendment goes to the extent of disqualifying a member from voting on all other matters with which he may have nothing to do.

Hon. Mr. SULLIVAN—That is the point.

Hon. Mr. LOUGHEED—That is to say, if a member is interested in the Grand Trunk Railway he is absolutely disqualified from acting as a member of the Railway Committee or taking any part in legislation dealing with railroads.

The SPEAKER—I would hesitate to pass judgment on the point of order raised by the hon. senator from Calgary as to the right of the Senate to state what senators shall be members of a committee. Already and by long tradition the Senate has declared who shall be members of its committees, and has fixed certain limitations as to the right of certain members to vote on those committees. Of course the Senate has a right to eliminate any member of the Senate whose name appears in the report of the committee, and can do so without giving reason. Not having had sufficient time to go into the constitutional question raised by the hon. leader of the opposition, I shall refrain from passing judgment, although I would lean against the point of order raised by the hon. gentleman; but as that question of order was being discussed, I was wondering if the amendment was not invading the rule that the Senate has established for the constitution of those committees, and I felt that rule 84 which declares what will be the limitations of the senators to sitting or voting on its committees was being invaded, altered and modified by the amendment. It is my opinion that the point of order raised by the hon. senator from Shediac (Hon. Mr. Poirier) is well taken and that the amendment is out of order.

Hon. Mr. DAVIS—As we have had a full discussion on the several points of order raised on the amendment moved by my hon. friend, I suppose it is in order now to discuss the formation of the several committees. I do not know that I have any objection to raise to many of the senators who constitute the Committee on Railways, Telegraphs and Harbours; but there are certain gentlemen whose names appear in the list that I think might as well have been placed on other committees. Some hon. gentlemen have raised a question that this objection applied equally to the Banking Committee, but there is no analogy between the two cases. In the first place, a railway is a corporation that holds a franchise from the people of Canada, conferring great privileges. The lives of the people are in their hands and the welfare and prosperity of the country also are largely in their hands. Now, if we had a commission such as the Railway Commission to control the banks and departmental stores and enterprises of that kind, it would be a different proposition altogether, but the railway stands in a position altogether different from a bank or any other joint stock company. It has been said that corporations have no souls, but they like to

make money and secure favourable legislation, and a senator occupying a position of director on any railway in this country should not be a member of the committee which has to deal with legislation affecting such corporations. It has been said that in a case of the kind you can object to a member speaking or voting upon a measure in which he is interested. That is true, but one does not like to object to his brother member voting on any measure. We should not be put in such a position. It should be made a law of the House that any one who occupies a position as director, solicitor or paid official of a railway shall not be allowed to vote in his own interest or the interest of the people who employ him. I thought there was a good deal in the resolution moved by the hon. gentleman from Saskatchewan. It has been ruled out of order, but I suppose we can bring it up again. It would have been wiser to refer this report back to the committee for reconsideration. I am satisfied that there are some gentlemen whose names appear on the Banking Committee who would not like to serve after the discussion to which we have listened; and if it were postponed until Tuesday they probably would decline to act. We are going too fast in trying to railroad this report through the House. As I said before, the Standing Orders Committee is the gateway through which all the legislation comes into this House. It is the committee that is supposed to look after the rights of the public, to see that proper notice is given of all Bills submitted to them. The Standing Orders Committee have to inquire whether the notice required by our standing orders has been given, and see that the public and interested parties are protected, yet this important committee consists of only nine members. Surely with the number of members who are quite willing and anxious to serve on committees of this House, no harm would be done if the committee were enlarged to twelve or fifteen members. I know that some members of the committee cannot always be present, and the result is that you often find only four members attending its meetings to consider matters of extreme importance to the public. Not a long time ago, I found that legislation had passed through the committee without being properly considered, and I showed at the time that not only had it gone through the committee without proper consideration, but it had passed the House ten days before the expiration of the time required for notice under our rule. Now that is a committee which certainly requires to have the number of its members increased. For the life of me I do not see why hon. gentlemen want to keep the committee so small. I cannot understand it. It appears to me that any hon. gentleman in this House who is willing to undertake the work of a committee should be allowed to do so. When I move a resolution I find all kinds of quibbles, technicalities and rules of order are raised, to prevent it going through. Some hon. gentlemen are great on that kind of thing. With reference to the Banking Committee, I have not much to say. Some hon. gentlemen know more about it than I do. I think there are hon. gentlemen on the Railway Committee whose names should be taken off. I do not think these hon. gentlemen should serve on the committee, and something should be done to increase the number of members on the Standing Orders Committee.

Hon. Mr. ROSS (Halifax)—Personally, I am dissatisfied with the report of the committee. I have been placed on the Committee on Standing Orders. I spent the best twenty-five years of my life in business, and I claim that I have a knowledge of business perhaps equal to most hon. gentlemen in this Senate. It is true I have not accumulated the amount of money that some members of the Senate have done, and that is because I was too kind to my constituents at my own expense. I owned a barque and tug. I also built and owned several schooners of my own, and I think I am entitled in fair play to be on some committee except the single obscure Committee on Standing Orders. This question has stirred up a lot of dissatisfaction in this House. It reminds one that man is a selfish individual, and when you tramp upon his toes he generally squeals. Jacob, with the assistance of his mother, cheated his brother out of his birthright. Lot, because he found the pasture richer nearer Sodom, moved there with his cattle, and you know

the disaster which happened. Hon. gentlemen who sit on the committee. should be men who have no personal or selfish interest in matters which are dealt with by the committee. When that is not the case, they always lean to their own interest, or the interest of the companies they represent. We should endeavour to have our committees as devoid of selfish motives as we can possibly make them, and that is the way to have pure legislation passed in the Senate.

Hon. Mr. WILSON—As there appears to be so much dissatisfaction and as an amendment has been moved which is admittedly in order, it is a question whether this debate should not be adjourned say until Monday, so that hon. gentlemen may have an opportunity of thoroughly comprehending it. If we pass this motion at the present time, we set aside all the objections raised as to the notices, and those notices might be fixed for Monday or Tuesday at the latest, and then everybody would have an opportunity to see whether the report should or should not be adopted. I have no objection to the report of the committee. I merely raise my voice now in the interest of those who are dissatisfied. The report of the committee might be all right. It can do no harm to add a few members to the committee, and I think it would be better to defer the matter till we have time to consider it.

The motion was agreed to.

PRINTING OF NAMES OF MEMBERS OF COMMITTEES.

Hon. Mr. GIBSON—When the committee's report was brought in day before yesterday, it was suggested by the hon. gentleman from Middlesex (Hon. Mr. Ross) that we should place the names of the members of the committee in our minutes, together with the committees to which they were attached. I suggest that we have the names of the members of the House inserted in the minutes alphabetically, with the names of the committees on which each member is serving, so that, when we look up an hon. member's name, we will see the committee to which he is attached.

Hon. Mr. POWER—It would be slightly irregular to insert the names in the minutes, but I think the suggestion is a good one, and the list might be appended to the minutes.

The SPEAKER—Then the order will go in that way.

The Senate adjourned until Three o'clock on Tuesday next.

THE SENATE.

OTTAWA, Tuesday, December 10, 1907.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

ENLARGEMENT OF RAILWAY COMMISSION.

MOTION POSTPONED.

The Order of the Day being called:

By the Hon. Mr. Davis:—

That in the opinion of the Senate the Railway Commission of Canada should be enlarged, and the telegraph systems of the Dominion placed under its control, and that a thorough investigation should be made by the Commission into the working of said systems to assure the public an efficient service and an equalization of rates.

Hon. Mr. DOMVILLE—Stands.

Hon. Mr. POWER—I wish to make one observation with regard to this motion. The motion is that in the opinion of the Senate the Railway Commission should be enlarged, and the telegraph system of the Dominion placed under its control. The government have announced that policy in the Speech from the Throne, and I do not think it is strictly regular for us to pass resolutions about it.

The motion was allowed to stand.

DRY DOCK AT ST. JOSEPH.

Hon. Mr. LANDRY inquired:

1. Does the government know that the dry dock at St. Joseph de Lévis is of dimensions too narrow to permit the entering therein, in case of need, of vessels such as the Empresses of the Canadian Pacific Railway Company, or of the turbine vessels of the Allan Company?

2. Is it the intention of the government to obviate the inconveniences for the necessities of navigation which may result from the existence of a dry dock which is too small

and useless, by the enlargement of the existing dock, or by the construction of a new dock of such dimensions that the largest vessels may enter it? If a new dock is built, will it be built at Quebec or at Lévis, at a place accessible to the largest vessels, even to those whose draught of water does not permit them to ascend the river above Quebec? When does the government propose to commence these works?

Hon. Mr. SCOTT—The answers to the hon. gentleman's questions are as follows:—

1. To the first question, yes.

2. The whole matter is engaging the serious consideration of the Department of Public Works.

QUEBEC BRIDGE AND RAILWAY COMPANY.

INQUIRY.

Hon. Mr. LANDRY inquired:

1. What are the names of the present directors of the company called 'The Quebec Bridge and Railway Company'?
2. Out of these directors who are those that have been appointed by the government?
3. How many shares in the company does each director possess?
4. What number of shares have been allotted to each director as paid up shares, whether as the reward of his assiduity at the meeting of the board, or for any other service rendered to the company?
5. Outside of such paid up shares, how much has been paid into the funds of the company upon the other shares carried in the name of each director?
6. When were the various calls upon capital made?
7. And for what proportion of the capital, each time?

Hon. Mr. SCOTT—The answers to the hon. gentleman's questions are:—

1. President, Hon. S. N. Parent; Vice-President, R. Audette; Directors, Herbert M. Price, Gaspard Lemoine, Vesey Boswell, Hon. Nemese Garneau, J. B. Laliberte, Hon. John Sharples, Hugh A. Allan.

2. J. B. Laliberte, P. B. Dumoulin.

3. Hon. S. N. Parent, 70 shares; Rod. Audette, 57 shares; H. M. Price, 52 shares; Gasp. Lemoine, 50 shares; Vesey Boswell, 50 shares; Hon. N. Garneau, 50¾ shares; J. B. Laliberte, 27 shares; P. B. Dumoulin, no shares; Hon. J. Sharples, 276 shares; Hugh A. Allan, 250 shares.

4. None.

5. The full amount of their shares.

6 and 7. The first call on Subscribed Stock was in 1888, 4 per cent. 17th April, 1897, call of 4 per cent completing the preceding call on new subscribed stock. 15 September, 1897, 6 per cent; 15 October, 1897, 10 per cent; 15 November, 1897, 5 per cent; total, 25 per cent.

PROVIDENT FUND OF INTERCOLONIAL RAILWAY.

INQUIRY.

Hon. Mr. McSWEENEY inquired:

The number of applicants for superannuation under the provisions of the Provident Fund of the Intercolonial Railway up to and including November 30, 1907, the number granted, the names of each person, and the amount granted each person.

Hon. Mr. SCOTT—The answers are:

a. The number of applicants is 254.

b. The number granted is 107.

c. Sheet attached showing names of applicants and amount granted in each case.

INTERCOLONIAL AND PRINCE EDWARD ISLAND RAILWAYS EMPLOYEES' PROVIDENT FUND.

Statement showing the name of employees whose applications for retirement have been recommended by the Board and approved by the Honourable Minister of Railways and Canals, and the monthly retiring allowances authorized in each case.

Name.	Amount.
Enoch Price	$20.00
William Sleeth	20.00
John Fogarty	36.20
James F. Sayre	53.16
David White	68.42
Samuel Thibaudeau	20.00
Alexander Fraser	20.00
Damas Perry	20.00
Samuel Hamilton	20.00
Archibald Mackelvie	21.72
Thomas W. Prince	54.05
John E. Gooldrup	23.55
Edwin L. Perkins	36.01
Mrs. Eliza Fripp	20.00
Thomas Hogan	20.00
James Christal	21.84
William Glover	20.00
Patrick Ashe	30.11
Marcellin LeBlanc	20.00
James A. Johnston (deceased)	45.46
John McDonald	20.00
George Foster	20.00
Archibald McNaughton	20 00
Angus Fitzpatrick (deceased)	50 00
William H. Bell	28.98
James R. McKee	40.45
John Mason	29.51
David W. Culton	20.00
George Collard	35.37
George T. Mellish	22.57
Augustin Carrier	20.00
John McAnulty	20.00
James Ennis (deceased)	30.25

Name.	Amount.
Joseph H. Moore	$64.32
George Gagnon	21.70
Colin McNevin	20.00
Alexander Willis	23.66
James Murray	20.00
William Kelly	59.99
Howard Brown	30.91
Robert Maxwell	23.82
Patrick Sullivan	20.00
Thomas King	21.04
James Handrahan	20.00
Laughlin O'Hanley	20.00
Dennis LeBlanc (deceased)	20.00
Mrs. Eliza Flanagan	20.00
Phillip P. LeBlanc	20.00
James R. Haymard	20.00
James Millican	55.54
Charles B. Dunham	20.00
John Kenney	20.00
James Mowbray	20.00
William Grant	20.00
Douglass Nichol	20.00
Peleg S. Jones	20.00
Edward S. Addison	20.00
Andrew Rainnie	61.55
John Donahoe	20.00
Hugh Tait	49.22
Ivan J. Slack	20.00
Richard Dibben	20.00
Thomas McLean	20.00
John Good	20.00
Edmund A. Mooney	20.00
Alexander Anderson (deceased)	29.88
Abraham Smith	20.11
William Pickering	20.00
Dennis Driscoll	20.00
John R. Sherwood	20.00
John H. Foley	20.00
Thomas Fitzpatrick	20.00
James W. Cole	32.48
Charles C. Davison	51.26
Henry Tuppen	20.00
Daniel B. MacPherson	20.00
Damien Pellerin	20.00
Alexander McDonald	20.00
Alexander Ouellet	33.57
Alfred Shickle	34.71
John Barnes	20.00
Fred Fradsham	20.00
Jacob Mosher	20.00
Alexander Madore	20.00
Norman Proctor	20.00
John Collins (deceased)	20.00
John McDowell	46.09
Robert Anderson	24.09
Alexander Morin	20.00
Michael Tobin	45.73
Etienne Turcotte	20.00
Joseph A. Moore	20 00
Frank Archibald	25.00
Michael McDonald	20.00
Michael Ahern	20.00
Thomas McLean	21.73
Daniel McDonald	20.00
John H. Magee	26.34
James Smith	20.00
Patrick Driscoll	20.00
Edmund P. Shaw	27.42
Isaac Fournier	20.00
Dennis J. White	20.00
Isaac G. Stevens	20.00
Emile St. Onge	29.01
William Papineau	24.16
John Aikens	21.27

GRAND TRUNK PACIFIC SITE IN OTTAWA.

INQUIRY.

Hon. Mr. BERNIER inquired:

1. Has the government agreed to transfer to somebody else part of the park on the Mackenzie avenue, in the city of Ottawa?
2. If so, to whom has that portion of the park been transferred?
3. What is the consideration of the said transaction?
4. For what purpose is the said park to be occupied?
5. On which condition has the said transaction taken place?

Hon. Mr. SCOTT—The answers are:—

1. Yes.

2. It has been agreed to make a transfer to the Grand Trunk Railway Company, but the transfer is not yet made, as legislation is required for the purpose.

3. $100,000.

4. Construction of a hotiel.

5. Conditions mentioned in Order in Council of the 26th September, 1907, are as follows:—

1st. The Department of Public Works shall define by stakes the limit of ground which is to be used in connection with the construction of the building.

2nd. The company, or the contractors for the building, will erect a fence on the line so indicated, to the approval of the Department of Public Works.

3rd. No materials of any kind will be piled on the grounds of the park outside of the inclosure fence.

4th. The stone cutting and the preparation of all materials will be done altogether away from Major's Hill Park.

5th. No carting or driving upon any of the walks or grass plots to be allowed outside of the inclosure above referred to.

6th. None of the trees in the park to be used for guying or for any other purposes.

7th. Should any trees be in the way of the construction of the building, they are not to be cut down, but they are to be carefully uprooted and planted in another part of the park.

8th. Care must be taken not in any way to injure any portions of the park situated outside of the inclosure hereinbefore referred to.

9th. Any damage done to the grass plots, to the trees or to the walks by the con-

tractors during the construction of the building to be made good by the company or the contractors, and any portion of the park so injured to be restored to the condition in which it was prior to the beginning of the construction.

10th. The hotel shall be constructed within two years from the date of said grant, said construction to be in accordance with plans approved by the government of Canada, and should said construction not take place within the above period, then the property conveyed to the railway company to revert to the Crown.

Hon. Sir MACKENZIE BOWELL—Would the hon. gentleman add to the information he has furnished, a statement of the quantity of land transferred for the $100,000—how much of the park?

Hon. Mr. SCOTT—I think it takes in the southwest corner of the park. It does not extend to within fifty feet of the monument to the soldiers of the Northwest Rebellion. Then there is a wing which runs back a couple of hundred feet to the rear along the embankment.

Hon. Sir MACKENZIE BOWELL—I may express my own view; I think it is a great mistake to transfer any portion of that park to any company, thereby destroying the beauty of the park to the city. I remember very well that objection was taken by some members of the House of Commons to the late government relieving the city from the expense attending the keeping of their park in order. It was looked upon as a piece of extravagance which was not justified. It was contended that it should remain with the city and that the government should not assume the responsibility. However, the government having assumed the responsibility, and having made a beautiful park of it, I think it is a great mistake to allow any portion of that park to be taken for a hotel site.

PRINTING OF JOURNALS OF THE SENATE.

INQUIRY.

Hon. Mr. LANDRY—I should like to call the attention of the House to the fact that we are not yet in possession of the Journals of the Senate of last session. Neither are we in possession of the Debates of last session—at all events, not of the French edition.

Hon. Mr. SCOTT—I understand the Journals are ready to be issued. They are printed, and I think are being bound. And so, if I am correctly informed, the French edition of the Debates of the Senate.

Hon. Mr. LANDRY—I am speaking also of the Journals of the House.

Hon. Mr. SCOTT—Yes, I understand. The Journals are printed, and I think they are now putting the finishing touch on them. There has been a great pressure on the Bureau, and it has been quite impossible to keep up with the work.

Hon. Mr. LANDRY—When do the government expect to be relieved of that pressure?

Hon. Mr. SCOTT—I think it will continue growing.

Hon. Mr. LANDRY—We must relieve the government.

The Senate adjourned till Three o'clock to-morrow.

THE SENATE.

OTTAWA, Wednesday, December 11, 1907.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

FIRST REPORT OF CONTINGENT ACCOUNTS COMMITTEE.

Hon. Mr. WATSON presented the first report of the Committee on Internal Economy and Contingent Accounts, and moved the suspension of rule 24 H.

Hon. Sir MACKENZIE BOWELL—I should like to know what is in the report. I confess I could not hear distinctly what propositions were made. As near as I could glean, I understood that there were a number of recommendations made in reference to increases of salaries and appointments. It is important that we should really know

what we are doing. If I caught the wording of one of the clauses, it provides for the appointment of a gentleman to take the position of the late Mr. Boucher. Am I correct in that?

Hon. Mr. LANDRY—Yes.

Hon. Sir MACKENZIE BOWELL—And that gentleman is Mr. Evanturel?

Hon. Mr. LANDRY—No, Mr. Stephen.

Hon. Sir MACKENZIE BOWELL—And Mr. Evanturel is to take Mr. Stephen's place at the maximum salary allotted to that office? Is that a fact?

Hon. Mr. LANDRY—Yes.

Hon. Sir MACKENZIE BOWELL—I have not had an opportunity of seeing the report to learn what was in it. It strikes me—and I think it will strike every hon. member, that in appointing another clerk to the table the House is performing an unnecessary act. If the House of Commons, with 200 members, can be managed by a clerk and an assistant clerk, I cannot see the propriety or necessity of placing three clerks at this table with about eighty or ninety senators, only sitting, as we do, perhaps two-thirds of the time that the Commons is sitting, and there is certainly not one-twentieth part of the work to be performed so far as the table is concerned. Why we should add to the staff I am at a loss to know. When we consider the views that have been so often expressed in the past by the Hon. Secretary of State in regard to economy in expenditures, I am somewhat astonished that he should concur in this extra expense, and why an outsider should be brought in to occupy the position now filled by Mr. Stephen at the maximum salary, under the resolution passed by the committee, I am at a loss to know. The Act provides for a minimum and maximum salary and a gradual increase after a number of years service—that is if he should be appointed. There is evidently something behind the appointment other than the interests and requirements of the Senate, and under these circumstances I think it is improper that we should proceed to adopt this report in its entirety until we have had an opportunity of ascertaining really what the report recommends and what the requirements of the Senate are. For that reason I object to the suspension of any rule by which this report can be adopted in its present shape.

Hon. Mr. WATSON—I would just call attention to the fact that there is no increase in the number of the staff. The hon. gentleman is aware of the fact that a death occurred during the recess of one of the most able officers we have had on the staff of the Senate and, in consequence, some appointment had to be made to do the work that gentleman was performing. It is really a reduction so far as the expense is concerned. The work is certainly no less, and the committee believe that they should follow the proper procedure of promotion, and Mr. Stephen has been promoted to occupy the position that had been occupied by Mr. Boucher. Another gentleman who, I believe, is amply well qualified to fill the position occupied by Mr. Stephen, has been recommended in his place. I do not suppose there is any additional work. There is no reason to suppose there will be less work, and I do not think any hon. members believe that we have a larger staff than is absolutely necessary to do the work. I understand that Mr. Evanturel is well versed in both English and French, and from all the information at my hand is well qualified for the position, not only as a gentleman familiar with the English language, but also as a good translator. As the House intends to adjourn to-day or to-morrow for a time, and the clerical work has to be done, I saw fit to move that Rule 24 (h) be suspended and that this report be adopted. I trust the explanation will satisfy the hon. gentleman and that he will withdraw his objection. I do not think there is any other explanation. There is no doubt about the qualification of Mr. Evanturel. There was no doubt expressed on the committee, of the fitness of this gentleman. There was no question of increasing the staff at all. There is the same number of clerks. We have merely adopted the principle of promotion, and a saving of $200, and a rearrangement has been made with the staff.

Hon. Mr. BERNIER—It is really increasing the staff. The circumstances under

which Mr. Stephen was appointed must be remembered. At one time certain Senators were complaining that Mr. Boucher did not speak the English language very distinctly, and could not be heard by every English member, and they therefore asked for the appointment of a man who could speak the English language very loudly and distinctly. We thought that was fair; so we appointed Mr. Stephen for that purpose and for no other purpose. He was supposed to have no other work to do there than to read the titles of the Bills in a loud voice. It was not an increase in the work that necessitated the appointment of Mr. Stephen. If it had not been for the complaints of some hon. gentlemen, Mr. Stephen would not have been appointed. There was no pressing work then for him; he was simply to read in a loud and distinct voice the titles of the Bills in the House. That was the only reason for his appointment. By appointing a third man now, it is really an increase in the staff because Mr. Stephen remaining at the table will be able to read in a loud and distinct voice all the titles of the Bills and petitions as he has hitherto done. We have no need of another official at the table.

Hon. Mr. POWER—I desire to call the attention of His Honor the Speaker to the fact that the discussion of the matter of the report is out of order until this question of suspending the rules has been settled. I trust that the hon. gentleman from Hastings (Hon. Sir Mackenzie Bowell) will not persist in objecting to the suspension of the rule, but if he does we cannot discuss the report.

Hon. Sir MACKENZIE BOWELL—The explanation made by the chairman of the committee, and what has fallen from the hon. gentlemen who have spoken, only intensifies the reasons I have advanced that we should delay proceeding until we know what the contents of the report are, and what the duties of the gentleman it is proposed to appoint are to be. We are here asked to make an appointment. I concur to a certain extent with my hon. friend who sits behind me (Hon. Mr. Bernier) as to the reason why Mr. Stephen was placed at the table to assist. We all know that Mr. Boucher was one of the most valuable officers in the employment of the Senate since confederation, and from the information I have, he had superintended the translation branch very faithfully and efficiently. As he was advancing in age and his voice had become weak, it was decided by the committee and approved by the House, that a valuable officer like Mr. Boucher should not be asked to resign or apply for superannuation, but that his services should be utilized as long as it was possible for him to attend particularly to the translation branch. I quite approve of the promotion of Mr. Stephen, but with Mr. Chapleau as clerk, and Mr. Stephen as assistant, no further help is required at the table to do the work of the Senate. If assistance is required in the translation branch, let the appointment be made on that ground. I persist in my objection. When the question comes up again, I shall be prepared to discuss it.

The SPEAKER—The report cannot be discussed unless rule 24 (h) be suspended, and the report must go over until the next sitting.

Hon. Sir MACKENZIE BOWELL—There can be no injury done by allowing it to stand until we meet again, except that the gentleman proposed for appointment will be deprived of one month's salary.

Hon. Mr. WATSON—And the work he ought to be doing in the meantime——

Hon. Sir MACKENZIE BOWELL—There is no work to be done in the meantime.

Hon. Mr. POIRIER—Concerning the work to be done, it is a question which interests and puzzles me. I congratulate the committee on having recommended the promotion of Mr. Stephen. I believe in all cases in promotion.

Some hon. GENTLEMEN—Order, order.

The SPEAKER—I would draw the hon. gentleman's attention to the fact that the discussion is out of order inasmuch as the report must go over until the next meeting of the House.

Hon. Mr. POIRIER—Is it not allowable to speak on this motion? I think I would be perfectly in order in discussing it.

The SPEAKER—Provided the hon. gentleman limits his remarks to the propriety of postponing the consideration of the report until the 23rd of January.

Hon. Mr. POIRIER—The rules of the House allow greater latitude on a motion of that nature, and I think, with all due respect to the chair, that I would be perfectly in order in extending my remarks to take in the whole situation. However, as I was partially out of order I shall subside.

The report was allowed to stand.

THE ROSS RIFLE.

INQUIRY.

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

On the 5th of April, 1907, in a question put to the government by the Honourable Mr. Landry, he asked how many rifles the government had accepted from the Ross Rifle Company, after a regular inspection of the rifles manufactured by the said company, up to the 1st of March then last.

The government replied that from the commencement to the putting into execution of the contract entered into between it and the company, it had, up to the 1st of March, 1907, accepted 10,500 rifles of Mark No. I., and 16,512 rifles of Mark No. II., after a regular inspection.

2. Subsequently, to wit on the 4th day of December instant, the Honourable Mr. Landry, having asked the government how many rifles it had accepted from the Ross Rifle Company, after inspection, from the 1st March last, to the 1st December instant, that is to say, during a period which the question put last session did not embrace, he received for an answer the following information:—

No rifles of Mark No. I., and 7,500 of Mark No. II.

But the Department of Militia added: 'Five hundred of these rifles (of Mark No. II.) were included in the number of rifles mentioned to Senator Landry in the reply to his question of 5th April last.'

And that he will ask—

To what procedure has recourse been had in the Department of Militia to find out that rifles, accepted by the government since the 1st March last, should be nevertheless counted among the rifles which were accepted before the date in question?

Where is the error?

Is it in the answer given last spring, or should one find it in the information furnished this autumn?

What are, definitely, the true figures?

Hon. Mr. SCOTT—The answer given on April 5 last was incorrect. The 500 rifles referred to were inadvertently included, as they did not finally pass inspection until March 2 last and were not finally paid for until April 6 last. Payment therefor was not included in the reply to inquiry of April 5 last, (Question 3, asking for the payments in full up to March 1 for rifles), and the reply given on December 4, instant, was framed with a view to calling attention to this discrepancy.

The correct figures are as follows:

Rifles accepted, passed into store and paid for up to March 1, (including 1,000 rifles for the Royal Northwest Mounted Police, 500 rifles for the Department of Marine and Fisheries and 12 rifles for the Justice Department..	26,512
Rifles accepted, paid for and passed into store up to December 1, 1907.	7,500
	34,012

FREIGHT RATES ON GRAIN.

INQUIRY.

Hon. Mr. PERLEY rose to:

Ask the government if they will not at once make arrangements with the railway companies operating railways west of Lake Superior, such as will reduce the freight charges on the inferior grades of wheat at least to the extent of one-half the present charge, from western points of shipment, to the seaboard, or eastern Canada market?

He said: I did not intend to make any lengthened remarks, from the fact that I am so unwell that I can hardly stand up.

Hon. Mr. CHOQUETTE—The hon. gentleman spoke too much in Toronto and it made him sick.

Hon. Mr. PERLEY—Unfortunately for our western country, this year, we have produced a very large quantity of inferior grades of wheat as compared with the higher grades, and on these inferior grades we have to pay the same rates of freight as on the better qualities. The raising of this inferior wheat is not due to any fault of the farmers, and under the circumstances the government might arrange with the railway companies west of Lake Superior, all of which have received large subsidies both in land and money for the building of their railroads, to reduce the freight charges on the lower grades of wheat. In our pioneer days in the west, on two occasions, we had what we call frosted crops, and the

farmers had spent all their means trying to develop that country. They were unfortunate in not understanding when and how to sow their seed. It was not the fault of the country or of the climate; had we understood then as we do now how to till the soil and when to sow the seed we would have had magnificent crops. For want of that knowledge and experience we had frosted crops. On those occasions, in view of the fact that the farmers had exhausted their own resources, the government came to their assistance and supplied them with seed grain for two years. It was no charity to the farmers of the west, because they had to pay about ten cents a bushel more for that seed than it could have been bought for in the market for milling purposes. The farmer had to give a first lien on his land until that money was refunded. Until it was repaid he could not get the patent for his land. It was in the interest of the country that the farmers should be helped in that way, because they were experimenting and learning how to till the soil in order to produce good crops. This year, however, they have been unfortunate, not through any lack of effort on their part, because they would, under ordinary circumstances have produced magnificent crops. I never saw such a promise of an abundant harvest in Canada as there was this year in the Northwest, but owing to the unusual lateness of the season the greater part of the grain produced was of inferior quality. In my own province two-thirds of the seeding had to be done in the afternoon; nothing could be done in the forenoons because the ground was frozen hard. The seeding had to be done so late that the growth was late. Notwithstanding that, the grain grew magnificently, until the month of August. In that whole month our crops did not ripen as much as I have seen them ripen in two days in the same month in former years. On the 12th September, when the harvesting is usually well advanced, we had heavy frost which injured the grain. If we had good weather we would have had a magnificent crop, but in consequence of the extraordinary season we had very little grain. I know thousands of acres in my own district where there is not a peck of grain where farmers would have had ten thousand bushels of grain in an ordinary year. Others have been less unfortunate, but the quality of the grain they have produced is inferior. On this grain they have to pay the same freight as on grain of superior quality. A carload of wheat is about eleven hundred bushels, and the freight on that grain from where I live to Fort William is ten and one-fifths cents per bushel. However, there is no market for it at Port Arthur, and we have to send it as far east as North Bay. This wheat must be marketed without delay. It is not a commercial article, and we can not get any advance on it. The state of things in the Northwest is most deplorable. I have been told by a farmer from near Moosejaw that the railways will not take the wheat unless the freight is paid in advance because it is so likely to spoil. The freight on a carload of wheat from Fort William to North Bay, I am told by the dealers in Toronto, is 22 cents a bushel. That would be $242 for a carload. I ask that that be cut in two—reduced to $121—and I hold that on a train load of wheat that would be sufficient to pay the cost. While the railway company would not make anything they would not lose anything. The government should come to the assistance of the farmers of the Northwest in this their hour of calamity when money is so scarce and hard to get. The government should make some arrangement for the reduction of the freight on the inferior grades of wheat, retaining the present rate on the better qualities. This is no new request. Three or four years ago when Nova Scotia had a poor hay crop, the government were appealed to and in response they carried hay from Quebec province to Nova Scotia over the Intercolonial Railway free of any charge. The farmers of Nova Scotia were unfortunate, and the government came to their assistance in that way. If the farmers had had to pay freight on that hay it would have cost them $127,000 more than it did. In view of the hardships the settlers in the Northwest have had to undergo this year, it would be but justice if the government would come to their assistance in the manner I have suggested. I feel they will do so, because it is a case where they can help the people. There is no use of the farmers going to the railway cor-

porations. The government can do what the farmers could not hope to accomplish. I feel that it is only necessary to mention the matter to the government to ensure their attention, and I believe that they will deal with the farmers in the Northwest in their hour of trouble and misfortune as they did with the Nova Scotia farmers three or four years ago.

Hon. Mr. SCOTT—The government have no control whatever over the tariffs of the railways that are in operation in the Northwest. Parliament has delegated any power on that subject to the Board of Railway Commissioners. The Railway Department will be very glad to bring this matter under the notice of the board, with a view of ascertaining whether it is possible to accomplish anything in the direction indicated. In the instance the hon. gentleman mentions, of the interference of the government, it was a railroad owned by the government and they could control the tariff. They could cut the rates in two if they liked. They could not do it with the Canadian Pacific Railway, or the Canadian Northern or any other road in the Northwest. The government did intervene two weeks ago in a very unusual way, the only way they could, with a view of assisting the farmers to get the frozen grain out of the Northwest, when they proposed to the banks that they should accept a loan of ten million dollars, for the purpose of moving this grain before the navigation closed; but, owing to matters, which the government could not control and—I will not say jealousies between the banks—for reasons that I have not been able altogether to ascertain, very little was done in that direction. I am told that the only portion of the loan that was taken up was two and one-half million. The government had been ready to advance ten million dollars, because the presumption in the month of October or beginning of November, was that the banks were short of money. It was to relieve them of that excuse the government strained a point and offered the banks that were carrying the grain from the Northwest to lend them ten millions.

Hon. Mr. PERLEY—They would not accept it?

Hon. Mr. SCOTT—They did not avail themselves of the offer.

Hon. Mr. McMULLEN—This undoubtedly is a very important matter from an Ontario standpoint. If there was any way by which the injured wheat of the West could be got down to old Ontario, there would be a good demand for it. The farmers are very short of feed this year. A great many of them have cattle that they really do not know what to do with. I have no doubt a very large number of them will die with hunger before spring, unless some relief is given. If this injured wheat could be brought to Ontario and sold at about one cent a pound I have no doubt a very large quantity of it would be used as feed for cattle and for horses. It makes a very good food. I am sorry that the government are unable to enter into negotiations with the Canadian Pacific Railway to obtain a lower rate for the transportation of this wheat. It is quite true that the government has delegated to the Railway Commission power to regulate freight rates; but they might suggest to the Canadian Pacific Railway and the Canadian Northern that under such unusual conditions, it would be well if some reduction could be made. The grain is too much damaged for foreign export or for milling purposes, and I can easily understand why the banks refuse to take a loan for the purpose of moving such wheat. I had an extended experience with such grain many years ago in Ontario, and the bankers no doubt know what a risk it is. Frozen wheat will cake in a car and become damaged and heated when freighted in cars a long distance, if it happened to strike warm weather. Banks will not advance money to warehouse frozen wheat or to ship it. I have no doubt that reason is at the bottom of the banks refusing to advance the money to move that frozen wheat. But some efforts should be made in the interest of the western growers who are suffering such a serious reverse this year. It would be well if relief could be granted them in some way. It would also be a decided boon to the cattle feeders and the hog feeders in Ontario, if that wheat could be moved down here. I have not the slightest doubt that from ten to twenty million bushels could be sold in Ontario. Ontario

cattle are being sent across to Buffalo and distributed through the United States. It is the only market that we can get for them at all. If we had any asurance that this frozen wheat would be brought forward and that we could obtain it, I have no doubt it would be the means of keeping many cattle in the country that would otherwise be sold at a sacrifice.

Hon. Mr. OWENS—The relief asked for by the farmers of Ontario is nothing more than has been accorded in the past. When the case was not nearly as desperate as it is this year, the Canadian Northern brought down frozen grain at half price, and I think this is a case that could very well be submitted to the Railway Commission to deal with. If the matter were presented by the Commission to the railway companies in a proper spirit, I am sure they would acquiesce in the proposal, and it would not only be a benefit to the farmers of Ontario, but for the farmers of Quebec and the lower provinces as well, if frozen wheat could be brought down and milled for provender. It would be a great benefit to the eastern provinces, and would certainly be a great relief to the farmers of Manitoba, if the wheat could be brought down and sold at half price.

Hon. Mr. YOUNG—This is an important question to a certain section of our country, the cheap hauling of injured grain, especially wheat. I am informed that the Canadian Pacific Railway have already taken this matter into their consideration, and from all that I have been able to gather, I believe they are already reducing the rate on injured grain. I may also point out to my hon. friend who has presented this motion, that the Department of Trade and Commerce have interested themselves in this matter with the Canadian Pacific Railway and other railways, in the direction of having injured grain rushed out as soon as possible, so that it may be disposed of during the feeding season. As a consequence, the railways of the west are giving preference to this quality of grain, and are rushing it forward in preference to the higher grades in other parts of the west. In the crop of last year we had a great deal of first class wheat, but here and there, there was a dip in the quality. But I wish to point out to my hon. friend from Wellington, that a large percentage of the injured wheat this year is good and dry and will keep with any graded wheat we have out there. There is some of it which will not keep, but we have an efficient inspection staff at Winnipeg, and any car of wheat that arrives there not fit for warehousing, is marked by the inspector, and it is at once attended to and dried at the hospital at Port Arthur. A very large percentage of that wheat is dried and is safe to purchase. There is also a place in the markets of the world for such wheat for use as stock feed. That feeding occurs during the winter, and it is for that reason the Department of Trade and Commerce urged the railways to direct their attention towards forwarding injured grain as soon as they possibly could, so that it would meet the requirements pointed out by my hon. friend from Wellington. The government has not been asleep, so far as I am aware, and, as I understand, the Canadian Pacific Railway have taken the matter into consideration also in connection with the Department of Trade and Commerce and are reducing the rates on such freight, although to what extent, I am not in a position to say. The matter has not been left in abeyance and has not been lost sight of; everything has been done that it is possible to do.

Hon. Mr. PERLEY—I should like to know whose statement is correct—that of the hon. gentleman from Killarney or of the hon. Secretary of State? The hon. gentleman said that the Minister of Trade and Commerce has the power and is doing things. I am glad to hear that the Minister of Trade and Commerce has greater power than the Secretary of State has suggested. I think the government has the power, and a representation from the government to the railway companies will be much better than a report from a private individual. I am glad to hear he is taking the matter in hand, and I hope we will see good results from his efforts.

Hon. Mr. YOUNG—I happened to be on a delegation, with my hon. friend from Portage la Prairie, which discussed the matter with the Minister of Trade and

Commerce. It was a matter of detail with that department, to which the hon. Secretary of State's attention had not been called; but I am speaking of the action of the Department of Trade and Commerce from the knowledge of what they did do, because I happened to be here at the time when the matter was being discussed.

Hon. Mr. PERLEY—When I asked the question, I expected the government would be able to answer it without the assistance of another hon. gentleman. I am glad the hon. gentleman from Killarney has taken the matter in hand, and I hope the result will be beneficial.

Hon. Mr. WATSON—The wheat farms of Manitoba this year were practically free from injured grain.

Hon. Mr. BERNIER—I had no reference to damaged grain in Manitoba.

Hon. Mr. WATSON—No, but reference has been made to Manitoba suffering from the lateness of the season. In speaking of the amount of damaged grain in the west, I wish to call the attention of the House to the fact that it has been an exceptionally backward and cold year all over the world, and the crop that was damaged by frost this year in Alberta and Saskatchewan should have been harvested at least a month before the frost touched the ground. It is a very unusual circumstance to have such a cold season. The frost was no earlier this year, but the crop was later. If the crop had matured at the usual time, the damage would not have been done. From the appearance of the crop in the month of August, I am not astray in saying that it looked like an average crop, but, unfortunately, it kept on growing and did not ripen. I might add to what the hon. gentleman from Kilarney has said having taken some active part in bringing this matter before the government some few weeks ago that when the government did offer to come to the relief of the financial institutions—the banks were not more severe on the grain trade than they were on any other commercial industry in Canada, but money was scarce—not so scarce as in the United States, but it was scarce for the handling of the immense crop. Provision was not made for it. We ascertained that there was 22,000,000 or 23,000,000 bushels of damaged grain in the west. We felt that the Department of Trade and Commerce, that had to do with the regulation of those matters more than any other department in the government, should interest themselves, and they did interest themselves with the result that the representations that were made by that department induced the Canadian Pacific Railway to give a preference to the export of damaged grain, and not only the Canadian Pacific Railway but the Canadian Northern; and it was represented that if that grain could be readily and cheaply transported, as mentioned by the hon. gentleman from Wellington, it would find a large market in Ontario, if it reached a lake port before navigation closed. In addition to what has been said about the hospital at Port Arthur for drying grain, I might say that the capacity for the drying of grain at that elevator is about 40,000 bushels a day; so that you can clearly see that any grain that can be dried can be treated in that hospital and made perfectly safe for storage and shipment, and safe for the banks to advance money on to carry for what it is worth, and it is worth something for cattle food. We are in hopes that large quantities of that damaged grain will be got out and that the farmers will receive fair consideration for the crop. It is one of those unfortunate circumstances that is met with occasionally, fortunately only occasionally, in any part of Canada. But the situation there was that the banks apparently did not have the money to carry wheat across the lakes. The government came to the relief by agreeing to advance ten million dollars to assist the banks in handling the grain. For some reason of which I am not aware, the banks have not availed themselves of all the relief offered by the government; but I was informed by the general manager of the bank of Montreal last week, that about two and one-half millions had gone to the west out of the amount arranged for by the government to handle the wheat crops and I have no doubt quite a lot has gone since that time. But one thing I know is that the government came to the relief of the Northwest farmers, and Mr. Fielding's statement will satisfy the people that the banks were all right.

and the banks knew that they were all right and perfectly safe and they loosened up on the reserves they held in the vault, and the action of the government was very commendable. I do hope that with the assistance of the railroads and the banks when they come to realize that the wheat can be safely stored, that a large quantity of that twenty-two or twenty-three million bushels will be brought to market and will not only realize fair compensation to the farmers of the west, but will also be of great benefit to the farmers of Ontario, who require cheap grain food for cattle and hogs.

QUEBEC BRIDGE COMPANY.

INQUIRY.

Hon. Mr. LANDRY inquired:

1. Has the government at any time paid the Quebec Bridge Company, or the Quebec Bridge and Railway Company, any sums of money to aid it in the construction of its undertaking?
2. At what date, for what amount, and under authority of what statute, was each of such payments made?
3. Besides the sums hereinabove mentioned, has the government, directly or indirectly, come to the aid of the said company?
4. In what manner, when, up to what point, and under what authority?

Hon. Mr. SCOTT—The answers are:

1. Yes.

2. Date: Between December 28, 1900, and December 16, 1902. Amount: $374,353.33. Authority: Chapter 7, section 3, 62-63 Vic. (1899), 'An Act to authorize the granting of subsidies in aid of the construction of the lines of railway therein mentioned.'

3 and 4. The government has come to the aid of the company in the way of a guarantee of bonds, authorized by an Order in Council of date January 27, 1904, under the provisions of Chapter 54, 3 Edward VII. (1903). Under Chapter 35, 6-7 Edward VII. (1907), authority was granted by parliament to the Governor in Council to advance by way of loan the amount guaranteed under the provisions of Chapter 54, 3 Edward VII. (1903), namely, $6,678,200, but no advance has been made thereunder.

Probably hon. gentlemen are aware that there is a sum of 15 per cent advanced on bridges that are used by railways. The statute authorizes that.

Hon. Mr. WATSON.

THE FRENCH TREATY.

Hon. Sir MACKENZIE BOWELL—I should like to call the attention of the government to some information which I think would be very valuable to every hon. senator who takes an interest in the French Treaty which we will be asked to ratify in a very short time. I might mention that I have already spoken to the hon. Secretary of State and informed him that I intended to call his attention to information which I think ought to be contained in the report which is before us. If hon. senators will turn to the treaty affecting importations into Canada from France under the new arrangement, they will find that the number of the Canadian tariff items is given, so that we can refer to the Canadian tariff and ascertain at once what reduction of the duty in the intermediate tariff will be conceded to the French nation in consideration of what they concede to us. That is information which every hon. senator can obtain for himself. If you turn to schedule (A) you will find that the number of the French tariff is also given, but I venture the assertion that probably there are not half a dozen copies of the French tariff that can be obtained by those who take an interest in the provisions of the treaty. Take for instance, the first items, schedule (B). 1, 4, 5, 6 and 7, referring to the products of the farm, horses, oxen, cows, bulls, steers, bullocks and heifers. Now, take item one, horses, are there any present—there may be a few—who know what the French tariff is, or what duty the French tariff levies upon the importation of a horse when it is taken into France? If the maximum and minimum French tariffs were placed after the word 'horse,' then we would know what advantages would accrue to the breeders of horses in Canada, when they export to France. We will suppose the minimum was 25 and the maximum 30 per cent. If the word minimum and the word maximum were put at the head of the column, the exporter would know the moment he was exporting horses to France under that treaty that he was reaping an advantage of 5 per cent. If there is no reduction, then the breeder of horses and cattle would know that he was receiving no con-

cessions under that head. It would be very little trouble for the Department of Trade and Commerce or the Customs Department to add these figures. I know the answer to that would be, take the French tariff and hunt it up for yourself. As I have pointed out, there are very few copies of the French tariff obtainable, even in the library, and if we are to deal with a question of this importance the more information we have the more intelligible it will be. I notice another word continually in the tariff, that I must confess I do not understand, although I have had some experience in customs matters. For instance, take fresh meats. The clause reads as follows:—

Fresh meats, mutton, pork, beef and other.

Can the Secretary of State tell me what 'other' refers to? If it refers to meats salted it ends with the word 'other,' and animal fat, &c. You will find that occurs through the whole of this tariff. I read it very carefully, and I tried to decipher what it really meant; if the Secretary of State can tell us, I shall be very much obliged to him. I am not asking for an answer at the present moment, but I think it is very important that we should know, when we are ratifying a treaty of this kind, what we are really doing. One of the leading newspapers in Ontario called my attention to the fact that, so far as the tariff affects the products of the farm, or the breeder of horses and cattle, and also meats, that there would be no reduction—that is, that the maximum applies to those particular articles. That is another point that hon. gentlemen who take an interest in this matter should consider. I notice also in cables from London that there is a great variety of opinion as to the extent to which the concessions that are made in the tariff to the French nation apply to other nations with which France is connected, through the means of the Favoured-Nations Treaties. For instance, I will read one of these telegrams, and I am doing this more to bring it to the notice of my hon. friend than for the purpose of cavilling, or of endeavouring to obtain an answer at the present moment. This cablegram from London, December 1, reads as follows:—

London, December 1.—Professor Hewins, secretary of the Tariff Reform League, circulates in the press a lengthy analysis of the new Franco-Canadian treaty. He points out that Canada in a number of instances has gone below the intermediate tariff and sometimes below the British rates, altogether materially reducing the preference. He criticises the warehousing transhipment clauses and emphasizes how an extension of treaties to other countries must subject British trade in Canada to far more strenuous competition in the absence of a British reciprocal agreement.

That is a very important statement, coming from so important a source. I find another cablegram of December 4, dealing more particularly with the first portion of the question to which I call the attention of the House, and that is as to how it affects other countries. This cablegram reads:—

London, December 4.—The new Franco-Canadian treaty has far more wide-reaching interest than at first anticipated. Yesterday, representatives of the Swiss, Austrian and other foreign embassies here on inquiry in official circles learnt with gratification that owing to the operation of the more favored nation treaties, Canada has given them and eighteen other foreign countries tariff concessions in the Canadian market without securing anything in return. It is pointed out that Canada might have secured concessions from each of the countries if it had followed the German example of first negotiating special reciprocal terms with each country and making these special terms the basis of the Canadian intermediate tariff.

One feature of the French treaty is especially interesting and is giving an entirely new standing in Canadian boards of trade and chambers of commerce, whose importance the successive congresses of the chambers of commerce of the empire will help to emphasize. The treaty binds each government to accept the chambers' attestation of exporters' certificates of value, but the natural step will be the Canadian government's extension of this principle to facilitate Anglo-Canadian trade under the preference.

I have taken the opportunity of calling the attention of my hon. friend the Secretary of State to these very important statements, and to request him—and I do so respectfully—to bring these facts under the notice of those who are more particularly responsible for the terms of this treaty, in order that he and his colleagues may be enabled to inform the Senate, when the treaty is under consideration, whether these statements are correct, and whether the extent to which it is pointed out they apply, namely, to sixteen or eighteen other nations is correct.

I do not object to the extension of trade. I am not going to argue the question beyond

that, but it is important for us to know whether these concessions have been given under the treaty not only to France, but to other nations, without receiving anything in return? I am sure the hon. Secretary of State will not find fault with me for bringing this very important matter under his notice in this informal way. I do not expect that he is prepared to answer the questions involved in the statements made in these cablegrams from Europe, nor do I expect him to state what course the government will pursue in order to give us the information I have asked for in reference to the duties imposed upon the other articles to which I have called attention.

Hon. Mr. SCOTT—I have not had time or opportunity to analyse the French treaty. I was deferring that until the matter came up for discussion before the House of Commons. I fully appreciate the complaint that the hon. gentleman first drew attention to, the omission in the minimum and maximum French tariff in defining the particular items of Canadian product that would be entitled to the benefit of the lower tariff in France. I was under the impression, not having examined it, that the French tariff was given on the particular articles we are receiving the benefit of, but I have not verified that statement. If it has not been supplied in some other part of the return, I shall call the attention of Mr. Fielding to it, and point out the very great advantage it would be to any person taking it up to know really what was the reduction—what was the minimum tariff we were getting the benefit of, because that is really the most important point. In reference to criticisms in England or elsewhere that Canada was giving away very much and receiving no returns from other countries entitled to the favoured nation treatment, if the hon. gentleman would study the trade of the countries entitled to the favoured nation treatment, outside of France and Austro-Hungary, he would find that we really have no trade whatever with them. If my memory is correct, Switzerland was not included among the countries entitled to favoured nation treatment from Canada. For some time it was claimed that Spain was entitled to it, but on investigation some years ago, I came to the conclusion that Spain was not entitled to it, and it has not been claimed, so we need not bother ourselves on that score. There are only two or three other countries, Russia is one of them, and we have very little trade with them. The critics in Great Britain who favour reciprocal trade with Canada, support Mr. Chamberlain's view that Great Britain should give a preference to Canada. They, of course, are availing themselves of the occasion to point out what Great Britain is losing by not having brought about a reciprocal tariff in Canada, but that is only a question of politics, and we need not bother ourselves with it. However, I shall call Mr. Fielding's attention to my hon. friend's pertinent remarks with reference to the value it would be if the French tariff as it now exists—that is the maximum and the minimum—were given so that hon. gentlemen, when it comes up for discussion, would know what advantage if any, we were really getting.

SENATE REFORM.

A QUESTION OF PRIVILEGE.

Hon. Mr. McSWEENEY—I should like to call the attention of the hon. senator from Wolseley to an article published in this morning's 'Citizen' in regard to Senate reform. It is alleged to be an interview which first appeared in the Toronto 'News,' and I should like to know if the report is correct or not.

Some hon. GENTLEMEN—Read, read.

Hon. Mr. McSWEENEY—The article is as follows:

IS DISGUSTED WITH SENATE.

Senator Perley of Wolseley says plain things.—No sign of reform.—Says second Chamber is as partisan as Commons.

Toronto, December 10.—There is at least one senator who is thoroughly disgusted with the second Chamber at Ottawa, and who declares that the interests of the people demand a radical change.

'The Senate at present is a useless body,' said Senator Perley, of Wolseley, Sask., who was at the Walker house from Ottawa.

'You will not see any reform this session or next session either, in my opinion,' he added.

'The primary function of the Senate is to protect the people against rash or hasty legislation, and to be of any use in this way it must be independent. But it is not. It is as partisan as the House of Commons.

'We amend the phraseology and grammar of private Bills sent to us from the Lower

House, and we introduce a few government Bills. The work of the Senate in the matter of legislative activity could be greatly increased, but that is not the chief work for which it is needed—to watch and revise carefully the legislation of the Commons. This it cannot properly do under the present conditions. The senators are largely men who have been defeated in politics or require to be laid off for some reason. They are naturally grateful for their appointment to the Senate, and human nature strongly inclines them to support the government which appointed them.

'There has been no independent action in the Senate since Senator O'Donohue opposed the Yukon Railway Bill.

'Would you favour an elected Senate?' he was asked.

'No, because it would still be partisan. Party politics have become a nuisance and a great evil in Canada. There should be no party politics whatever in the provinces. What affinity is there between Dominion politics and provincial affairs?' he asked.

'The best solution, in my opinion, is to have the senators appointed by some independent tribunal. They would not then be bound to one of the parties, and they would feel the obligation of acting independently, and solely in the public interests.

'Sir John A. Macdonald assumed the right of advising the Governor General as to appointments, but I do not think there was constitutional authority for that. I think it rests with the Governor General alone. In that case he could obtain what advice he chose in the matter of appointment, and could act in an entirely independent way. As things are now, the Senate is not worth anything as a safeguard on legislation.

Hon. Mr. PERLEY—It is quite true that I was in Toronto last Saturday. I did not seek an interview with any newspaper man, but a young man called on me in the Walker House. He did not know me, but said he saw that Senator Perley was registered there, and he had asked somebody to point me out to him. He came over and interviewed me to some extent. I did not keep any memo. of the interview, and have only read it over since my attention was called to it to-day. I did not think, until I heard it read by my hon. friend, that it would sound so well. There may be some slight inaccuracies, but it does not sound bad. I would like to ask the hon. gentleman in what respect my remarks appear to him objectionable?

Hon. Mr. McMULLEN—That is not the point.

Hon. Mr. PERLEY—I do not say it is a verbatim report, but I would endorse nineteen-twentieths of it, and I believe the country would endorse twenty-twentieths.

Hon. Mr. ELLIS—The hon. gentleman ought to be careful about Toronto. I understand that the last time he was there he fell among thieves.

Hon. Mr. PERLEY—It was in Hamilton, that I fell among thieves.

Hon. Mr. ELLIS—It is not really safe to let the hon. gentleman go alone. I was very sorry to see the statement that my hon. friend was disgusted.

Hon. Mr. PERLEY—I made no such statement as that. I disclaim the headlines entirely.

Hon. Mr. ELLIS—The hon. gentleman said he was not feeling very well in the early part of the afternoon. It is very easy to account for his condition.

Hon. Mr. CLORAN—There is one opinion expressed by the hon. gentleman in the interview in which I hope he will not persist, because in the first place it is an impeachment of the character and standing of some of our greatest statesmen. Sir John Macdonald never exercised any powers that did not belong to him under the constitution, and he had courage enough not to allow any governor to interfere with his constitutional rights. When the hon. gentleman from Wolseley says that Sir John Macdonald assumed a right which did not belong to him, he is mistaken; he took it under the constitution. Then we have the case of the hon. senator from Hastings, when he was premier, Sir John Thompson, Sir John Abbott, Mr. Mackenzie and our present Prime Minister. They have all followed the same path and it would be a sorry day for this country if one branch of this parliament were to be named at the will of one man or on the advice of one man, even if he were the Governor General himself.

Hon. Sir MACKENZIE BOWELL—It would be a direct violation of the principles of responsible government.

Hon. Mr. CLORAN—Certainly, and I would point out also that the governor cannot go outside of his constitutional advisers for advice. The hon. senator from Wolseley says that if His Excellency had an independent commission of outside par-

ties to advise him, we would have an independent Senate that would be able to render service to the country. I have no doubt that any body of men nominated by His Excellency would render service, but the present method is quite along the lines of our constitution, and the men who have guided the destinies of this country for the past forty years have done so without any undue assumption of powers.

Hon. Mr. GIBSON—I hardly thought the Senate would treat this thing seriously, because, after all, the way our hon. friend has been interviewed and the way he answered these questions put to him, indicate that he must have been labouring under a delusion. He complained of sickness today; I am afraid he was not well when he was in Toronto, because he has forgotten the record of the Senate. He asserts that there has been no independent action on the part of the Senate since it rejected the Bill for the construction of the Yukon Railway. He forgets that for long years after that, the party with which he is allied were in a majority in this House, and surely that was not the only instance of independence on the part of his friends in the Senate. They did not go into a dreamy state after the Yukon Bill was rejected. The hon. gentleman asks how could the Senate be independent when the men of whom it is composed are defeated candidates for the Commons? How did the hon. gentleman come into the Senate himself? He resigned to make way for Mr. Dewdney who was taken into the cabinet. He did not come even because he was defeated, but simply through the grace of Mr. Dewdney.

Hon. Mr. PERLEY—My successor was elected by acclamation.

Hon. Mr. GIBSON—There were twenty-five votes, perhaps, in the constituency, and the whole trouble was my hon. friend was afraid he would not be re-elected. That was his ready way of getting into the Senate.

Hon. Mr. PERLEY—No.

Hon. Mr. GIBSON—My hon. friend should be careful about throwing stones while he lives in a glass house.

Hon. Mr. PERLEY—I do not live in a glass house in that respect.

Hon. Mr. GIBSON—The hon. gentleman should respect his position in this House. If he would do so he would respect the other members of the House and not make a laughing stock of himself through the country. An interview of this kind, coming from an old member of the Senate, casts a reflection upon this House. If he had claimed that he had been improperly reported, there might be some excuse perhaps for the enthusiasm of the young reporter who went to interview this great man at the Walker House. The arrival of the hon. gentleman in Toronto was heralded through Toronto, and the reporters went to interview him. I have always found that the man who wants to be interviewed gets an interview without trouble. The greatest trouble with statesmen of the calibre of my hon. friend is to keep away from the interviewer. The hon. gentleman says that he stands by nineteen-twentieths of that interview.

Hon. Mr. PERLEY—Hear, hear.

Hon. Mr. GIBSON—I presume the other twentieth refers to his opinion that some independent body should have the power of making appointments to this House. He even would leave the power of appointment to the Governor General. Does my hon. friend not know that the Governor General has the right now to refuse the recommendation of the Prime Minister? Does he want to supersede the power of the government of the day to advise His Excellency? If that could happen we would see an independent Senate along the lines and through the spectacles of the hon. senator from Wolseley. The older members of this House should not let the matter drop, in view of the agitation in the country. For the sake of a little cheap notoriety one of its members has pandered to a sentiment which exists in the country, as we are informed by hon. members who are very much alarmed of public opinion. Public opinion will respect us as we respect ourselves. I would feel ashamed to belong to a body of men whose members from time to time condemn the Senate of Canada.

Hon. Mr. PERLEY—The headline of that article which has been quoted is not

mine, and it is the only part of the published interview which I disclaim. The hon. gentleman from Welland might have told us in his voluminous speech in which he attempted to be sarcastic, in what respect my statements are untrue, so far as he himself is concerned.

The Senate adjourned until January 22 at 3 p.m.

THE SENATE.

OTTAWA, Wednesday, January 22, 1908.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

DISMISSAL OF THOMAS WILLIAMS.

INQUIRY.

Hon. Mr. DOMVILLE inquired:

Whether Thos. Williams, late accountant and treasurer of the Intercolonial Railway, is still in the employ of the Intercolonial Railway; if so, in what capacity, and at what salary?

Hon. Mr. SCOTT—The answers to the hon. gentleman's questions are as follows: Thomas Williams is still in the employ of the Intercolonial Railway, in the Accountant's Branch, specially engaged as accountant, in checking up the Grand Trunk accounts on the joint section, the work being necessary in consequence of the arbitrators' award against that company; his salary being $2,700 per annum.

SENATE REFORM.

The order of the day being called:

That when the question of the reform or abolition of the Senate is taken into consideration, as suggested, the best means by which the waste of time may be saved and the cost of legislation reduced in another place, and the Senate empowered to do more work in the proper time, be also considered.

Hon. Mr. DAVID—As the motion of the hon. gentleman from Wellington covers the same ground as mine, I give preference to his motion and mine will be allowed to stand.

The motion was allowed to stand.

SUSPENSION OF RULES AND ORDERS OF THE SENATE.

MOTION.

Hon. Mr. DOUGLAS moved;

To amend section 128 of the Rules and Orders of the Senate, that all Bills reported by the Standing or Special Committees be committed to a Committee of the Whole House.

He said: The reason for asking a change of this kind arises from the fact that very often private Bills are rushed through with a good deal of despatch, and gentlemen who are not upon these committees have to share the responsibility of passing such Bills without having the opportunity of hearing the discussions upon them, unless some statement is made by the convenor or chairman of the committee as to the nature of the change that has been made in the Bill. It may simply be a single clause, or a single word, and it may not be necessary to detain the House by going into Committee of the Whole, but we ought at least to have a statement from the chairman of each committee as to the nature of the change that is made in each case, and some explanation as to the effect of the change that has been made. If rule 128 is reversed to allow every committee before making a report to the House to have its report considered in Committee of the Whole, then we should have an opportunity of making such criticisms as any member might be disposed to make. The argument against this is perhaps very largely a question of time. According to statements made in the press and in the House of Commons, we are a leisurely body and have ample time to do our work and should take time to do it. We might extend the time a little in this case. It is left at present to the judgment of the Senate; otherwise a private Bill coming from a standing committee is not committed to a committee of the whole House. I am under the impression that the practice of the House of Commons is just the opposite to that of the Senate, and that all Bills are referred to a committee of the whole House. It is for this House to determine whether this is a reasonable request or otherwise. What I wish to impress on the House is, that it would be a special benefit to a large number of senators, and in line with the practice of the House of Commons. I have

no desire to find fault with the rapidity with which we do business, but it would inspire greater confidence in our legislation if we gave more time to the consideration of each Bill as it passes through our hands.

Hon. Mr. POWER—I did not think it was altogether courteous to interrupt the hon. gentleman when he began to speak, but any one who looks at rule 29 will see that the hon. gentleman has not taken the proper course in moving to have the standing orders altered. No notice has been given to senators to attend at the session; such notice is absolutely necessary if we wish to alter a standing order.

Hon. Mr. DOUGLAS—I requested that the usual notice should be given in this case, and I do not think it can be put aside exactly on that account. I remember distinctly when I gave notice that I would move in this direction, I asked that the usual notice be given to the members of the House, and I have delayed it, I may say also, in order that hon. senators might have ample opportunity to consider the question.

The SPEAKER—I remember the hon. gentleman making that remark, but I have just inquired from the clerk of the House and he states that notice has not been sent out to senators, so I would ask the hon. gentleman to postpone his motion to a further day.

Hon. Mr. DOUGLAS—I do not know whether I would be in order or any one else, in moving that in view of the fact that notice has not been given, the House permit this motion to stand over until such time as notice be given—say Tuesday next.

Hon. Mr. FERGUSON—I should like to inquire if the officer of the House can issue such a notice without a motion that the notice issue? I should think there ought to be a motion that notice be sent to the members.

Hon. Mr. YOUNG—It will be in order for the hon. gentleman who has placed this notice on the paper to move that the House be summoned under rule 29, for Tuesday next.

The motion was amended and adopted.

Hon. Mr. DOUGLAS.

THE MEMBERSHIP OF THE STANDING COMMITTEES.

The notice of motion being called:

By the Hon. Mr. DAVIS:—

That subclause 5 of Rule 78 be amended so as to increase the number of Senators to serve on the Standing Committee on Railways, Telegraphs and Harbours, from 50 to 55.

And further to amend subclause 3 of Rule 78 to increase the number of Senators to serve on the Standing Committee on Standing Orders from 9 to 12.

Hon. Mr. WILSON—At the request of the hon. senator in whose name this notice stands, I move that the order be dropped. Before leaving the House he desired me to say that this course should be taken as he had no intention of going on any further with it.

THE QUEBEC BRIDGE.

INQUIRY POSTPONED.

The notice of motion being called:

By the Hon. Mr. LANDRY:—

That he will inquire of the government—

1. What amount of money has each of the present directors of the Quebec Bridge and Railway Company really paid into the capital stock of the said company ?
2. On what date did each of these directors make each of his payments ?
3. Have any among these payments or installments been made by means of promissory notes or of unaccepted cheques ?
4. By whom individually, and for what amount, each one ?
5. What amount of money has each of its directors received from the Quebec Bridge Company and from the Quebec Bridge and Railway Company up to this date, directly or indirectly, personally or otherwise ?
6. For what services rendered was each of these amounts paid ?
7. How much has the present secretary received out of the funds of the company since he has been in the service thereof ?
8. Does the government know that subsequently to the collapse of the Quebec bridge, within a few days immediately following the disaster, the bridge company voted a bonus of $3,000 to its president ?
9. Out of what funds was the amount of this bonus raised ?
10. Did the company, on the same occasion, vote any amount whatsoever to aid the families of the victims of that disaster ?

Hon. Mr. SCOTT—I am advised that this information is being obtained, but it will not be ready for a few days.

Hon. Mr. LANDRY—I suppose we shall have to adjourn for another three weeks or a month.

Hon. Mr. SCOTT—I have given the hon. gentleman the information I have received.

Hon. Mr. LANDRY—Will the hon. gentleman tell us on what day the answers will be given?

Hon. Mr. SCOTT—I can only obtain the information through a particular department, and I am quite willing to admit that they are not very prompt in furnishing the terms. The same complaint is made in the House of Commons. I gave notice some time ago to have this information furnished.

Hon. Mr. LANDRY—Will this day week satisfy the hon. gentleman?

Hon. Mr. SCOTT—I will do my best to obtain the information in that time. That is the only answer I can give him.

THE EXPORT OF PULP WOOD.

INQUIRY.

Hon. Mr. BAIRD inquired:

In view of the large amount of pulp wood being annually shipped from Canada, have they considered the advisability of levying an export duty?

Hon. Mr. SCOTT—The matter is under consideration.

WORKS FOR THE GENERAL ADVANTAGE OF CANADA.

MOTION POSTPONED.

The notice of motion being called:

By the Hon. Mr. COMEAU:—

That the following be made a standing rule of the Senate, namely:—

When a standing committee or a special committee reports recommending the passing of a Bill containing a declaration that a work or undertaking is for the general advantage of Canada, or for the advantage of two or more of the provinces of Canada, the report shall state the grounds on which the committee have decided that the declaration should be made, and shall contain a summary of the evidence or reasons for and against the making of the declaration.

The SPEAKER—As I understand, no notice has been issued to the members convening them specially to make this new standing rule. I would suggest to the hon. gentleman that he adjourn his motion until Tuesday and that he move that the senators be convened.

Hon. Mr. COMEAU moved that the motion be adjourned until Tuesday next, and that the senators be convened in special session to consider the same.

The motion was agreed to.

JAPANESE IMMIGRATION.

Hon. Mr. SCOTT—I beg to lay on the table a communication from Japan agreeing to restrict emigration from that country to Canada. It is a communication by the Minister of Foreign Affairs in Japan to the government of Canada through Mr. Lemieux, who was recently deputed to attend at Tokio for the purpose of arranging for either a cessation or a reduction of emigration from that country. It is dated December 23, 1907, and reads as follows:—

Tokio, December 23, 1907.

Monsieur le Ministre,—

In reply to your note of even date, I have the honour to state that although the existing treaty between Japan and Canada absolutely guarantees to Japanese subjects full liberty to enter, travel and reside in any part of the Dominion of Canada, yet it is not the intention of the imperial government to insist upon the complete enjoyment of the rights and privileges guaranteed by those stipulations when that would involve disregard of special conditions which may prevail in Canada from time to time.

Acting in the spirit and having particular regard to circumstances of recent occurrence in British Columbia, the imperial government have decided to take efficient means to restrict emigration to Canada. In carrying out this purpose, the imperial government, in pursuance of the policy above stated, will give careful consideration to local conditions prevailing in Canada, with a view to meeting the desires of the government of the Dominion as far as is compatible with the spirit of the treaty and the dignity of the state.

Although, as stated in the note under reply, it was not possible for me to acquiesce in all of the proposals made by you on behalf of the Canadian government, I trust that you will find in the statement herein made proof of the earnest desire of the imperial government to promote by every means within their power, the growth and stability of the cordial and mutually beneficial relations which exist between our countries. I venture to believe, also that this desirable result will be found to have been materially advanced by the full exchange of views which has taken place between us, and it gives me special pleasure to acknowledge the obligation under which I have been placed by your frank and considerate explanations regarding the attitude and wishes of your government.

I avail myself, &c., &c.,

(Sgd.) TADASU HAYASHI.

The Honourable Rodolphe Lemieux,
Postmaster General and Minister of Labour for Canada, Tokio.

In laying this paper on the table, possibly the House might desire that some explanation should be given of the circumstances that led to the selection of Mr. Lemieux as a delegate to Japan for the purpose of coming to some arrangement in reference to the emigration from that empire. It will be within the knowledge of hon. gentlemen that in 1894 and 1895 a treaty was signed between the United Kingdom and Japan, granting certain commercial privileges to each country. As is usually the custom in a treaty of that sort, the outside portions of the empire were communicated with, and the government of that day were asked whether it was their desire that Canada should unite and accept the then contemplated treaty. A good deal of correspondence took place between our predecessors and the colonial office on the subject, and more particularly on the subject of restricted immigration, which seemed to be really the point of difference. The government of that day pressed very strongly that although the treaty would give the Japanese the right to reside in Canada, yet the treaty should be read as being subject to any laws Canada might make restricting immigration generally. That was the condition at the time of the change of government in 1896. When the subject came before the present administration, it was decided that owing to the uncertainty that surrounded the question, and particularly the uncertainty as to the countries which would share in the favoured-nations clauses in that treaty, it was better to decline, and so we notified the colonial office some months after the change of government that Canada declined to participate in any of the benefits the treaty might give. As years went on it became apparent that the United States was securing a very favourable trade with Japan, and a treaty had been made with that country. In 1903, Canada was invited to take part in an exhibition held at Tokio. We sent a pretty large exhibit of the products of our country, and it rather captured the Japanese. It was the best outside foreign exhibition that was on view at that time. Mr. Fisher was the member of the government that represented Canada on that occasion, and he was entertained, and returned highly pleased with the desire of the Japanese for closer communication with Canada. The difficulty even at that time we found was this question of immigration. The Japanese were then coming into British Columbia, not in very large numbers, but still each year in increasing numbers, and so we represented that that was a serious impediment in the way of our adopting the treaty in its entirety. However, Japan had a year or two before that passed a law of her own mere motion, restricting the emigration from Japan, and requiring that all Japanese going abroad should secure passports to the particular countries that they proposed settling in. The number was restricted. I cannot exactly give the figures now, but there were somewhere about fifty provinces in Japan, and it was twenty-five or fifty from each province. I am not quite sure of the number, but this restriction was adopted by the Japanese Diet, which, they represented, was a safeguard that any country might accept which had any fear of Japanese immigration assuming too large proportions.

Hon. Mr. LANDRY—Was that per annum?

Hon. Mr. SCOTT—Oh yes, so many per annum, I cannot give you the figures for that. However, Mr. Nosse, who was at that time representing Japan here, but who is not in Canada at the present moment, had rather wider powers than a consul—at least it was considered so. The Japanese had no other representative in Canada than her consul general, Mr. Nosse. A correspondence was had with him in which he was invited to state to what extent Japan would go in the way of restricting emigration in the event of Canada entering into any arrangements for the application of the existing treaty with Great Britain, or any other treaty. It will be seen from the correspondence what took place. I will not weary the House with reading all of it, but will simply refer to certain portions. So far back as January, 1903, the premier sent this communication to Mr. Nosse:

I inclose a statement which I have just received from the Deputy Minister of Trade and Commerce with regard to Japanese immigration to Canada. The total number from July, 1901, to June, 1902, was 563. According to my

information this number is larger than the new legislation adopted lately by the Japanese government permitted. Would you kindly explain to me how this was done, and also give me an official statement of the number of Japanese allowed to immigrate ?

Since the passing of the legislation above referred to, Mr. Nosse answered that :

In answer to your inquiry as to why so large a number of Japanese were allowed to emigrate to Canada during the past year or so, I beg to say that the Japanese government has been restricting for more than the last two years, the issuing of new passports to all intending emigrants to Canada. It is total and absolute restriction, and there is not any limited number allowed for each year as you have stated. The only Japanese who are allowed to leave Japan, under the present system, for Canada are :

1. Those who hold passports and also certificates for the Japanese consul at Vancouver certifying that they are residents in Canada and only returning to Canada.
2. The families of Japanese residents in Canada coming out to join them, upon approval of the Japanese consul at Vancouver.
3. The merchants and students duly qualified.

In February of that year, he writes to Sir Wilfrid Laurier, who asked for more particulars:

In answer to your favour of yesterday's date, in reference to the number of Japanese allowed to immigrate from Japan to Canada, I beg leave to state that prior to the fall of 1900, the number of her passports issued to Japanese emigrants for Canada used to be about fifty per month, but since then the Japanese government have wholly stopped the issuance of new passports to any intending emigrants for Canada, under a provision of the Emigration Protection Law, and no passports are, therefore, issued at present, to the new emigrants except to the merchants, students and tourists, duly justified. It is, therefore, practically the total restriction, on the part of the Japanese government of the emigration of their people to Canada. The system is most rigidly observed in Japan, as every passenger is examined on board the steamer prior to her departure, and those who are found without passports are ordered back on shore by the police authorities, under the penalty of heavy fine.

Other communications followed during that year 1903. Mr. Nosse, who was then at Vancouver, seems to have assumed that because the law in Japan required that passports be issued before the emigrants left Japan, that necessarily they went to the country for which those passports were prepared. Really that was not the fact. The inundation that came from Japan during the early part of last year came through Hawaii to British Columbia. Their passports were to Hawaii. Under the terms of the treaty we were powerless to interfere with their landing, because the treaty expressly stated that the natives of each country should be free to come and go; no restrictions whatever. They were at liberty to travel through the country without any limitation as to time and number, and the attention of Japan was called to this fact. They said they were utterly powerless and could not interfere with the Japanese after they had left Hawaii and came to Canada. Then hon. gentlemen will recollect that the immigration increased in very large volume until it reached seven or eight thousand. It is quite true that 3,000 of those immigrants subsequently went to the United States, still it left an unduly large number in British Columbia, much to the anoyance not only of the labour element there, but of the citizens generally, and it became necessary that something should be done. Matters culminated in the month of September or October when the rioting took place in Vancouver when a great deal of Chinese and Japanese property was destroyed. It was then decided that a delegate should go to Japan and ascertain from that government whether Japan was willing to adopt such rules and regulations as would absolutely check the emigration from that country to British Columbia and Canada. A minute of council was therefore passed in the following words:

The Rt. Hon. Sir Wilfrid Laurier recommends that in view of the recent unfortunate occurrences which have taken place in British Columbia, as a result of the largely increased influx of oriental labourers into that province, and in view of the fact that there has been a treaty of Peace and Commerce between His Majesty the King and the Emperor of Japan since the year 1894, and that Canada became a party to that treaty less than two years ago, the Hon. Rodolphe Lemieux, Postmaster General and Minister of Labour, do proceed immediately to Japan to discuss the situation with His Majesty's ambassador at Tokio and the Japanese authorities, with the object by friendly means of preventing the recurrence of such causes as might disturb the happy relations which have under the said treaty existed between the subjects of His Majesty the King in Canada and elsewhere, and the subjects of His Majesty the Emperor of Japan.

The committee concurring in the foregoing recommendation, submit the same for approval.

It became necessary, of course, to get Mr. Lemieux accredited in the court at Japan

and therefore a communication was sent to the colonial office setting forth the object of Mr. Lemieux's commission, and that was answered by the following cable from Lord Elgin to Lord Grey, London, October 17, 1907:

[Cable].

LORD ELGIN TO LORD GREY.

London, 17th October, 1907.

Referring to your telegram of the 13th October as time does not permit of sending you formal letter of introduction for Mr. Lemieux, the Secretary of State for Foreign Affairs proposes to send following telegram to His Majesty's Ambassador at Tokio, begins,

Canadian Governmeet with approval of H. M. Government has decided to send the Honourable R. Lemieux, Postmaster General and Minister of Labour, to Japan by steamer leaving Vancouver 28th October to discuss question of British Columbia with Your Excellency and Japanese Government with object of preventing recurrence of such events as might disturb friendly relations between His Majesty's subjects in Canada and elsewhere and those of Japan.

Inform Japanese Government and present Mr. Lemieux who will be accompanied by Mr. Joseph Pope, Under Secretary of State, to the proper authorities on arrival and assist them in every way. Ends.

Telegraph whether you concur in proposed action.

(Signed.) ELGIN.

The answer is:

FROM LORD GREY TO LORD ELGIN.

Ottawa, 22nd October, 1907.

In answer to your telegram of 17th October, Japanese Mission, Dominion Government concur in action proposed.

(Signed.) GREY.

Following up that introduction, Mr. Lemieux took passage for Japan, where he spent five or six weeks or more discussing this subject, and finally succeeded in obtaining from the Minister of Foreign Affairs the letter which I read when introducing this subject to the House, giving an assurance that Japan would of her own mere motion take measures to stop the migration of Japanese to British Columbia or to Canada in numbers that would be disagreeable or opposed to the views of the Canadian people. Japan naturally was opposed to making any formal agreement that would in any way interfere with the treaty, and so the best that could be done was to accept this assurance leaving, of course, the Canadian government free to deal with Japanese coming from countries other than Japan. So far as the labourers entering British Columbia under contract from the Hawaiian Islands are concerned, our own Alien Labour Act would enable us to defeat any immigration of that sort, and the authorities and the ship-owners of Sandwich Islands and other ports on the Pacific have already been advised that Japanese, excepting those allowed under the treaty—that is professional men, merchants, students and travellers,—would not be allowed to land in Canada. It was reported the other day that a vessel with a very large number of Japanese was arriving in British Columbia and that the Japanese were not permitted to land. The Empire of Japan seems to have a very considerable control over its people and the Japanese authorities at Tokio satisfied Mr. Lemieux that when they came to the conclusion to restrict this immigration they found ways and means of accomplishing it, so that they could give the assurance that we have received. This summer will, of course, prove whether they are successful in restricting the emigration of their people or not. It would be rather a source of regret if other means had been adopted, because the trade between Japan and Canada is year by year increasing and is likely to increase more in the future, and the feeling of the people of Japan, I may say, is more friendly, with Canada, than with the United States; therefore it would be regrettable if the agreement should not be carried out in its entirety. As far as one can gather from the correspondence that has passed, and the statements that have been made by Mr. Lemieux in another place, it seems that he is quite satisfied with the sincere expressions of the Japanese to restrict the emigration of their people. They seem to have more control over their people than most nations have, and that is exemplified by their giving persons who propose leaving the country passports for a particular place, and it is a penal offense if they go to a country other than the one named in the passport. With these observations, I think we may express the conviction that no such incident will occur again as happened last year when unduly large numbers of Japanese ar-

rived in British Columbia. The largest bodies that have come in the past have come under contracts with particular companies that professed to supply labour for the railways, the mills, the mines, and other industries in British Columbia. Labour coming in from countries outside of Japan under contract can be absolutely stopped under our law, and it is therefore believed that the mission of Mr. Lemieux will be a success. However, time will tell. The next four or five months will furnish evidence, and I hope it will be shown that the Japanese were not only sincere in their proposal but that they have taken measures to make their proposal effective.

Hon. Mr. LOUGHEED—The explanation made by my hon. friend the Secretary of State seems lacking in that definiteness with which the House should be acquainted. I cannot appreciate, from the observations which have fallen from my hon. friend, what the policy of the government really is upon this question. Are we to understand that it is opposed to the immigration of Japanese, or favourable to the free immigration of Japanese into our country? Whether we are to have freedom or restriction in the matter of Japanese immigration? One thing is quite apparent from his remarks, and that is that the government cannot be absolved from responsibility for the difficulties which have already arisen. Assuming, as we are bound to assume from the recent attitude of the government, that they are opposed to the unrestricted immigration of Japanese, then we must conclude that the government were not blameless in analysing and investigating the provisions of this treaty. Previous to the adoption of the treaty the attention of the government had been directed to this very important question, but it is quite apparent from the communications between the Prime Minister and the representative of Japan in Canada that this government was opposed to the unrestricted immigration of Japanese, and consequently entered into the communications which my hon. friend has read. It seems extraordinary, however, in that view of the case that the government of Canada, should rely simply upon a statute of the Japanese government dealing with the restriction of immigration. In view of entering into the treaty, it is idle to say that any law on the statute books of Japan could possibly affect the treaty. The legislation could be repealed or modified from time to time, and it certainly is no guarantee to the people of Canada that the Japanese will continue to impose a restriction upon the emigration of their people to Canada. After the passage of the treaty it was possible for the Japan government to repeal or modify their statute in regard to emigration. Now, in the face of public attention having been directed to this important question and assuming the policy of the government to be as I have indicated, namely opposed to the immigration of Japanese labour to this country, the government have deliberately entered into a treaty with Japan by which the subjects of that country are placed in precisely the same position with reference to their freedom of entering into the Dominion as the citizens of Canada themselves, and it is idle for my hon. friend to talk about the Alien Labour Law restricting in any way the importation of Japanese labour in the face of that treaty. My hon. friend must very well know, not only as a lawyer but as a statesman of many years standing, that in the face of the broad and unrestricted language of that treaty, our alien labour laws could not be brought into operation. We find that the Canadian government, after discovering the mistake which they had made in giving the Japanese an unrestricted right to enter our country, sending a representative to Japan, and are now expressing satisfaction at the assurances that have been given by the Japanese government. My hon. friend was very careful not to give the House the information to which they are really entitled, I think, namely, what are the proposals that were submitted by the representative of Canada to the government of Japan, and to which proposals the government of Japan in plain language said they could not acquiesce. Can my hon. friend now say what those proposals were? It can be no satisfaction to this House or to the people of Canada to have an assurance couched in the most diplomatic and dignified language from a foreign government, saying that due reguard must be paid to their dignity and that otherwise due consideration will be

given to the local conditions in Canada. Surely there must be some communication from Japan sent by the Canadian representative to this government at the time these negotiations were discussed, or there must have been some matters discussed which could not be acquiesced in by the government of Japan, without being too inquisitive at the present moment—because probably during the session we shall have more information given us on this question, yet, I should like the government to furnish the information indicated. While appreciating the information already given by my hon. friend I must say it was the duty of the government to apprise us to a much larger extent of the nature of the proposals and of the relations between the empire of Japan and the Dominion of Canada on this important question.

Hon. Sir MACKENZIE BOWELL—May I ask the hon. Secretary of State if he proposes to lay that correspondence between the members of the government and the Japanese consul general of Canada, on the table, in order that we may have an opportunity of reading it? I ask that because so many statements have been made as to the character of that correspondence that I think it is well in the interest of the government as well as of the public that we should know the contents of those documents. My hon. friend knows that it has been stated that Mr. Nosse made certain promises to the government before they accepted the treaty which has been entered into between Great Britain and Japan. I think it would be in the interest of the government as well as the public that we should know exactly what that correspondence is. I wish to state in connection with the acceptance of treaties entered into between the home government and different countries, that the late government of Canada had a decided and positive policy. I speak with certainty on that question, because as Minister of Trade and Commerce correspondence relating to these treaties was generally referred to my department for consideration, and, except in a very few instances of minor importance, affecting some outlying governments in the east, we laid down the principle of never becoming a party to such treaties, and for this reason: We took the position that we knew not what moment it might be necessary for this country to enter into some reciprocal or other relations with foreign countries with reference to trade and commerce, and we felt that if we became a party to treaties into which the Imperial government had entered, we would be depriving ourselves of the autonomy which we claimed belonged to this country. It would result in our not being able to enter into trade relations with foreign countries in any part of the world when it might be to our advantage to do so. We acted upon that policy with regard to all the treaties entered into for a great number of years. I may add that difficulties arose in reference to the favoured nations claim in the different treaties, and that a desire was expressed by the late government to have the treaties between Britain and Germany, Belgium and many other countries by which Canada was bound and which prevented us from entering into preferential relations with the mother country, abrogated. Having that policy in view and knowing the difficulties which had presented themselves on many occasions when we desired to extend our trade or make our relations with the mother country more liberal, we refused on all occasions to become parties to those treaties. If my hon. friend refers to the treaty now under consideration, he will find that the 19th clause provides that:

> The stipulations of the present treaty shall be applicable so far as the laws permit to all the colonies and foreign possessions of Her Britannic Majesty excepting those hereafter named, that is to say except to India, the Dominion of Canada, Newfoundland, the Cape, Natal, New South Wales, Victoria, Queensland, Tasmania, South Australia, Western Australia, New England.

Then it goes on to enumerate the different countries, and the next clause provides:

> Provided always that the stipulations of the present treaty shall be made applicable to any of the above named colonies or foreign possessions on whose behalf notice to that effect shall have been given to the Japanese government by Her Britannic Majesty's representative at Tokio within two years from the date of the exchange of ratifications of the present treaty.

Before the two years had expired the present government became a party to the provisions and conditions of that treaty.

Hon. Mr. SCOTT—Oh no, we only became a party to it three years ago. The treaty was made in 1894.

Hon. Sir MACKENZIE BOWELL—I am reading the treaty that the present government accepted. The original treaty was in 1894, and that was the treaty to which my hon. friend called attention when the correspondence took place with the late government; but the present treaty was ratified by this government in 1907. The date of ratification at Tokio was July 12, 1906. That was the late amended treaty. I noticed when he was making this explanation that he was confusing the original treaty of 1894 with the treaty to which the government now in power became a party, and that is why I have taken the liberty of calling attention to the facts as they really exist so that any attempt made to fasten on the late government, the ratification of that treaty or the consequences which resulted from the ratification of it to which my hon. friend called attention, is not in accordance with the facts. I thought it well, in defence of the late government, to let the House know precisely what our stated policy was on all those questions. I should be very glad if my hon. friend will consent to lay on the table the correspondence to which I have called attention, portions of which he has read.

Hon. Mr. SCOTT—I intended to lay the letters from which I have read extracts, on the table. I have no objection to furnishing the whole correspondence.

Hon. Mr. LOUGHEED—Is the correspondence now complete? Certain propositions were apparently submitted by the Canadian representative to the Imperial government in discussing the restriction to be placed on Japanese immigration. My hon. friend might ascertain by reference to another letter which he has read that those proposals were rejected. The representatives of the Japanese government said they could not acquisce in those proposals. Are those proposals contained in the correspondence that is now before us?

Hon. Mr. SCOTT—Oh no, Mr. Nosse had nothing whatever to do with the negotiation.

Hon. Mr. LOUGHEED—Mr. Nosse had nothing to do with the matter. These proposals were made direct to the government of Japan. What are the proposals referred to in that letter?

Hon. Mr. SCOTT—Does the hon. gentleman suppose that the diplomatic relations between two countries are conducted in that way? Does he suppose that the papers discussed from day to day or from week to week are ever given to the public? They are thrown into the fire when the parties do not agree. There could be no good result from keeping them. Many propositions were made on both sides. It probably would be looked upon as highly improper by the government of Japan to submit those proposals to parliament. They are very sensitive in matters of that kind. The final settlement is the one I read to the House, the letter from the Foreign Secretary, and what we have to do is to accept his assurance as the best we could get—all we could get. The treaty can be denounced by giving six months notice, which is a very short time. Of course if Japan neglected or refused to carry out the stipulations, then the larger question would necessarily come up for consideration; but so far as I have been able to gather from the correspondence and negotiations going on, I think I am safe in saying that we may place the fullest confidence in the assurances given by Japan. The Japanese government is sincerely desirous to relieve us from the annoyance created by this large influx of Japanese. Now, with reference to the other question brought up by the hon. senator from Hastings, he has somewhat misunderstood me. All governments of Canada for the last forty years have steadily refused when the Imperial government was making treaties with other countries, to be bound. In the early days before confederation they did not ask our leave very often. A treaty would read: 'And the colonies or outlying parts of the empire.' Since confederation we have assumed to have a voice in such matters, and as a result all governments have objected to be included in the imperial treaties. The present government went a step further. They undertook to denounce and did successfully denounce treaties with two coun-

tries that were proving a very serious embarrassment to Canada. I allude to the treaties made with Germany and Belgium, which were altogether unreasonable and unwarranted, and, after some difficulty, we succeeded in inducing the Imperial government to understand that it was in the interest of the whole empire that those treaties should be denounced. It is a great relief that the outlying portions of the empire are free from them. I did not insinuate that the late government had committed themselves to the Japanese treaty. They were asked the question in 1894—will you be a party to the treaty with Japan? A long correspondence ensued, naturally, and the late government stipulated that if they did agree it could only be on condition that it should in no way interfere with the legislation that Canada might adopt in regard to immigration, leaving them to shut out emigration in the future if they so pleased. That was the condition at the time the negotiations ceased. They ceased by the change of government. The government of Canada in 1896, a new government, thought their predecessors had acted wisely and prudently, and we would have followed very likely in their footsteps, but we thought it was better until we saw our way, to have nothing to do with the treaties the empire was making, and therefore we announced that we declined to be a party to that treaty, and it so remained for nine years until the trade with Japan began to develope many important features. The United States was cultivating a trade with Japan, and the Japanese had evidently shown a decided preference to trade with Canada, and that led up to our considering whether we would accept the conditions—I need not repeat what I said before. We accepted it under certain regulations, that the emigration was to be restricted. Now they are adopting another method. We are satisfied with the sincerity and ability of Japan to control it. If they fail to do so, there is the opportunity to give six months' notice and denounce the treaty. I am sure that it will not be at all necessary to resort to it, and that our relations with Japan from a commercial point of view will continue to be happy. The Japanese are anxious to trade with us, and some sacrifices ought to be made by Canada in view of the anxious desire of the mother country to maintain an alliance with Japan. Japan has been a friendly ally with the United Kingdom, so far as the Asiatic portions of the world are concerned—a substantial aid and ally—and therefore it is the duty of Canada to accept conditions that are not altogether pleasing to us, if we are going to meet the desire of the Imperial government. They do a good deal for us, and we should make some small sacrifices on that account, and that is one of the reasons why we were anxious, if possible, to come to a reasonable arrangement with Japan. We have the approval of the mother country and Japan to the present arrangement. All parties are satisfied and believe it will be honestly carried out.

Hon. Mr. LANDRY—Are we to understand by the statement of the minister, that Mr. Lemieux was sent over to Japan without any instructions at all?

Hon. Mr. SCOTT—Mr. Lemieux's mission, as defined in the order in council, was to represent to Japan the conditions that have arisen in Canada in consequence of the large influx of Japanese where the white population was comparatively limited.

Hon. Mr. LANDRY—Does that order in council recite the proposals which Mr. Lemieux was to make to Japan?

Hon. Mr. SCOTT—Oh, no.

Hon. Mr. LANDRY—That was verbal?

Hon. Mr. SCOTT—Yes. Nobody could foreshadow how the difficulty would be overcome, or what agreement Japan would enter into. When two men try to make a bargain, neither one may be prepared to accept the proposals of the other, but, after discussing it, they gradually get together, and arrive at a basis of settlement.

Hon. Sir MACKENZIE BOWELL—I understood the hon. Secretary of State to say that the acceptance by Canada of this treaty, or rather the conditions upon which the government became a party to the treaty, was upon the understanding that it should not interfere in any way with the immigration policy of the country.

Hon. Mr. SCOTT—No.

Hon. Sir MACKENZIE BOWELL—If that be the case, where are we to find a record of that statement?

Hon. Mr. SCOTT—My hon. friend has misunderstood me. What I said was that the late government declined to enter into a treaty if it were going in any way to interfere with the right of Canada to pass laws regulating immigration. It was the late government took that step. We were induced to go into it by the representations made from time to time by Mr. Nosse that Japan intended to restrict the emigration. We were led to believe that Mr. Nosse held a higher position than a mere consul, and seemed to speak authoritatively. Probably he had not the power to make the arrangement; still the government were induced, by the representations he made from time to time after being backed by a very strong Act of the Imperial Diet of Japan, in which they declared that only a limited number of persons should leave Japan for all parts of the world—limited to so many from each province, and that each Japanese going abroad had to get a passport, and that if he went to a country to which his passport did not authorize him to go, he was liable to be punished.

Hon. Sir MACKENZIE BOWELL—When were those representations made by Consul General Nosse? Is there any record of them in writing, other than the mere conversation that took place between gentlemen who negotiated with the agent of the government of Canada? And if there are any documents of that kind, will they be laid upon the table so that we will know what they are?

Hon. Mr. SCOTT—They are contained in the correspondence I read. I read extracts from them. I will have the correspondence copied and laid on the table.

Hon. Sir MACKENZIE BOWELL—Laying it on the table is not enough unless it is printed in the minutes. This is a burning question, and I desire to become acquainted with the real facts. If the correspondence is printed in the minutes it would obviate the necessity of referring the matter to the Printing Committee.

Hon. Mr. LANDRY—Is it understood it will be printed in the minutes?

Hon. Sir MACKENZIE BOWELL—That would save the trouble of copying it.

Hon. Mr. SCOTT—Oh yes, I have no objection to that. It will take some time to copy them.

RAILWAY BILL AMENDMENT ACT.

SECOND READING.

A message was received from the House of Commons with Bill (No. 3) An Act to amend the Railway Act.

The Bill was read the first time.

Hon. Mr. YOUNG moved that the Bill be read the second time on Monday next.

Hon. Sir MACKENZIE BOWELL—I want to make a suggestion that all these Bills, no matter of what character, should be explained on the second reading. My reason is to avoid the discussions that have taken place so often when the Railway Committee or any other committee have made a report, and members object that they know nothing about the contents of the Bill. If a short explanation is made on the second reading, every hon. gentleman will understand what he is asked to vote upon.

Hon. Mr. YOUNG—It is perfectly fair and right that that should be done.

The motion was agreed to.

BILLS INTRODUCED.

Bill (A) An Act to amend the Railway Act as respects the selling of intoxicating liquors to railway employees on duty.—(Hon. Mr. McMullen.)

Bill (9) An Act respecting the survey of public lands of the Dominion, and surveyors entitled to make such survey.—(Hon. Mr. Scott.)

Bill (13) An Act respecting the British Columbia Southern Railway Company.—(Hon. Mr. Young.)

Bill (14) An Act respecting the Campbellford, Lake Ontario and Western Railway Company.—(Hon. Mr. Beith.)

Bill (15) An Act respecting the Esquimault and Nanaimo Railway Company.—(Hon. Mr. Young.)

Bill (24) An Act respecting the Western Ontario Pacific Railway Company.—(Hon. Mr. McMullen.)

Bill (26) An Act respecting the Manitoba and Northwestern Railway Company of Canada.—(Hon. Mr. Watson.)

CIVIL SERVICE INSURANCE RETURN.

Hon. Mr. FERGUSON—I should like to ask my hon. friend the Secretary of State whether among the returns he laid on the table of the House to-day was included the return showing the operations of the civil service insurance last year? That return is called for by statute of 1893. Last year it was shown that the Senate had been ignored year after year in regard to that return. I called my hon. friend's attention to it, and we got the return for last year.

Hon. Mr. SCOTT—I will make some inquiry. I presume it is the Finance Department.

Hon. Mr. FERGUSON—Yes.

Hon. Mr. SCOTT—I will call attention to it.

The Senate adjourned until three p.m. to-morrow.

THE SENATE.

OTTAWA, Thursday, January 23, 1908.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

REFORM OF THE SENATE.

MOTION.

Hon. Mr. McMULLEN moved:

That in view of the agitation regarding the services rendered by the Senate as a part of our legislative system, and in view of the criticism both in parliament and the press with respect to appointments to this chamber, it is, in the opinion of this House, desirable that the question of the method of appointments and the term for which appointments are to be made in future should be considered and the system recast.

In making this motion I feel that I am assuming a very serious responsibility in undertaking to discuss the question of the existence and reorganization of this Chamber. The question is one that has been very largely discussed in the public press of this country for a great many years, and it has also been discussed in the other Chamber. It is undoubtedly an important one. We live in a democratic age and people are presumed to have something to say in the choice of those who are to legislate for them. Under these circumstances, the question as to whether the Senate should continue in its present form —that is, appointed by the Crown—or whether it should be chosen by some other body, such as the local legislature, or whether it should be appointed in some other way than it is at present, is one that is now being considered by all who take an interest in public matters. We know that there is no written constitution that is perfect. We live under a written constitution and we know by the history of other nations that amendments to constitutions have to be made from time to time. The people of the United States have from time to time amended their constitution. Although we have now been in existence as a Dominion some forty years, very few changes have taken place in our constitution. There was one amendment in connection with better terms for Nova Scotia, and some other little amendments since confederation commenced. At the time the union was arranged between the several provinces, it was the intention of the fathers of confederation that the best element throughout the entire Dominion out of which senators could be selected should be chosen. I have read over carefully the utterances of Sir John Macdonald, one of the leading statesmen of that day, and of the Hon. Geo. Brown, both of whom indicated that it was desirable that the Senate should be composed largely of men of extended experience and high records, men that were looked up to in the sphere in which they lived and operated. Unfortunately that principle was not carried out.

Hon. Mr. POWER—Hear, hear.

Hon. Mr. McMULLEN—After a short time, men were chosen simply and solely because they belonged to one particular

party. At the inception of confederation, some members of the legislative council were left out. There was no room for them in the Senate owing to the fact that the number from each of the two old provinces was fixed at twenty-four, and twenty-four were to be divided amongst the two smaller provinces down by the sea. In the case of Ontario, some very distingushed members of the old legislative council were left out and never taken in. There was the Hon. John McMurrich, of Toronto, who had been a member of the old legislative council. It was fully expected that he would be taken into the Senate to fill the first vacancy that occurred, but he never was taken in, and that was looked upon as one of the first breaches of the arrangements made between the two political parties. From that day to the present, the party in power has usually appointed its own friends, with one or two exceptions in the earlier history of confederation. One exception was John McDonald, of Toronto, an eminent man in many ways and a distinguished member of this House for some years. He held a very prominent position in the city of Toronto as a wholesale merchant and was a great leader in the Methodist denomination of this country. Though a Liberal, he was appointed by Sir John Macdonald as a senator. Another was Mr. O'Donohoe, an able lawyer in Toronto. For some reason best known to Sir John Macdonald and his colleagues, they appointed him to the Senate, but these were the only two exceptions that I can think of.

Hon. Mr. POIRIER—Was not Senator Snowball appointed by the Conservative government?

Hon. Mr. McMULLEN—Mr. Snowball was not an out and out party man.

Hon. Mr. POIRIER—Oh, yes.

Hon. Mr. McMULLEN—He was sometimes on one side and sometimes on the other. I have mentioned the only two that I know in the province of Ontario. If there were some from the other provinces, I leave those who are better posted to settle that point. For many years senators have been appointed by the government of the day from their own political ranks. That principle was established very firmly under the rule of Sir John Macdonald, and if it was followed by our friends afterwards it was simply because they were compelled to a certain extent to follow in the same lines. Thus many men in Canada who should have been appointed, and advantageously appointed to the Senate, and who would have made, no doubt, admirable members of this chamber, never got here. Such has been the history of appointments so far. As I have said already the agitation for reform of the Senate has prevailed for some time. The question is what changes, if any, should be made. In my humble opinion a change should be made, and one reason for the change is simply that I believe it is highly desirable that the power vested in the government, I care not which party they belong to, in the matter of patronage, should be very considerably reduced. My candid opinion is that it would be for the best interests of this country if every government, Grit or Tory, should be forced to go to the people for their support largely on the merits of their own policy as a government, and when the country elects representatives to the House of Commons that those men should have a single eye, in the service they render, to the best interests of the Dominion, and that no tempting offer of any kind should be held out to them or influence used to keep them in line with the party in power. It is an evil that I observed when I sat in opposition for fourteen years in the House of Commons. I knew there good men who were tempted to leave the ranks of the Reform party to become the servile supporters of the other party for years, and did support them with the expectation that they would receive a reward in return; and in some cases they never received that reward. I contend also that no government should be in a position to hold their followers by offering them tempting positions to keep them in line and support the party in power. We know perfectly well that with both parties—I admit with both parties—it is generally understood that if men do not keep strictly in line with their party there is not much likelihood of any reward for them in the way of an appointment. This is one vicious feature in our system, and the Commons, in place of discussing the question of the reorganization of the

Senate, would do well to consider the present condition of their own chamber. In the first place, in my humble opinion, the Commons is in as bad if not in worse need of reorganization than the Senate is. We have too many members in the House of Commons. If the representation of the House of Commons to-day were reduced by one-half I believe the business of this country would be better done; it would be done in shorter time, and we would get rid of the never-ending talk, talk, talk. We have had too much of it for the last three or four years. We, as senators, have always been prepared to carry on the work of the country in the best interests of the country as far as we know, yet instead of initiating and preparing that work in the House of Commons and sending it up to us, they have never-ending discussions night and day, which virtually amount to little or nothing. Now what is the fact? Let any hon. gentleman take the 'Hansard' report of the House of Commons from day to day and he would require to have nothing else to do to read it through from beginning to end. Look at the enormous volume of their 'Hansard' report. I do not think there is any Canadian who will venture to say that from page to page and book to book he has read the entire report of the speeches that were delivered in the other Chamber.

I think that money could be saved if representation in the House of Commons was reduced in number. Each member of the House of Commons receives $2,500 a year and represents about 25,000 people. In the United States every member of Congress represents 150,000 people. Then we have six members in the House of Commons of Canada for every one in the United States Congress. It costs us $15,000 for Commoners in Canada, when it costs only $7,500 across the border. That shows clearly that we are now spending more money in connection with the Chamber at the other end of this building than is really necessary, and, in my humble opinion, a move should be made in the direction of reducing that number.

With regard to the method now adopted in the appointment of senators—that is by the Crown—and with regard to the changes that are suggested, I may say a few words.

Some gentlemen have proposed that members of this Chamber should be elected by the local legislature, and others say they should be selected by popular vote. At the present time we have in Canada an extended franchise. I honestly think Canada made a mistake when she gave a vote to every man earning $150 a year. These men are given a right to vote for members of the local legislature and for municipal purposes. Every man that earns $150 a year is placed upon the voters' list. Under our system a man who has the privilege of the franchise is able to leave our shores in twenty-four hours or less with all that belongs to him, perhaps a carpet-bag, and go across to Uncle Sam's dominions and we have nothing more to do with him. I think we made a mistake in extending our franchise so far, and I object to having the two chambers elected by popular vote. If we are to have two elective chambers at all, then one Chamber, the Senate, should be elected in some other manner. If we elect two chambers by popular vote, then the country will speak virtually with two tongues—one here and one in the other end of the building. The probabilities are that they will claim equal powers, and it would be difficult to forecast what might happen. A deadlock might take place between the two chambers. Therefore it is not desirable that we should have two chambers elected by the same people. A better method can be adopted. I do not think it is right we should burden the local legislature with the duty of electing senators. They have their own business to attend to. I know it is the method adopted in the United States, but, after all, I am not prepared to say that in my humble opinion it is the best method. I admit that every province in this Dominion should have a say in the election of members of this House to represent them. That is quite right. I think that a better method of filling vacancies in this Chamber would be to let the members of parliament of the province and the senators of the province for the time being, in joint convention, by ballot, elect members to fill vacancies in the Senate. As soon as parliament meets, a certain number of vacancies, say in Nova Scotia, are reported. Immediately the members

from Nova Scotia, both Reform and Conservative, with all the senators from Nova Scotia, would be notified that they shall meet in a certain room in this building, and that a ballot vote would be taken, for gentlemen in Nova Scotia to fill those vacancies.

Hon. Mr. LANDRY—That would be the power rule.

Hon. Mr. McMULLEN—Then the clerk of this House could be returning officer. A ballot vote is taken and the men selected. The names are reported to the Secretary of State, who could report these to His Excellency and the commission would be issued to those men, that they were to occupy the position of senators to fill the vacancies that had been created. The same thing could be done in Ontario, the same in Quebec, and the same in any other provinces. Then we could hold the business of the Dominion in Dominion hands; in the hands of the representatives elected to do Dominion business; in the hands of the members of this Chamber that had been appointed here to attend to duties connected with the business of this Dominion. We would not relegate it to the local legislature. They are not concerned with it. They are concerned with local matters—provincial affairs, and have nothing to do with legislation for the Dominion. They are legislating within their own sphere. I think that would be a better method if any change should take place at all. It would be much better than anything else I have heard suggested; but it is open to every man to make his own suggestions as to what he thinks is best. In the other Chamber, you would fancy that some gentlemen consider that the fate of this Chamber is entirely in the hands of the Commons; that if they say the word, if they pass the resolution, if they adopt the principle, that the Senate is to be wiped out and that is the end of it. In my humble opinion and with all due respect to the men who have spoken on that question in another place, there appears to be a very great deal of ignorance, with regard to the duties and labours performed in this Chamber. The press of Canada and the Commons of Canada, do not know much about this Senate. They do not take any note of what is going on here. Last session, I endeavoured in my humble way to answer some of the criticisms of this Chamber endulged in by a certain newspaper in Toronto. I went carefully over the business of the Senate last session and found that notwithstanding the nember of members in the Commons and the large committees appointed there for the purpose of sifting the clauses of Bills introduced in that bady, it was necessary to amend those Bills when they came to us last session. We made no less than two hundred and three amendments to Bills sent to us, and forty-seven of these amendments were made to governments Bills. So that after all this House has been doing work, but the press and the commons do not seem to realize it. The Bills are amended here and go back to the House of Commons; the amendments are read and concurred in and that is all the notice that is ever taken of the work done in this Chamber. The official record will substantiate what I have said. Again, in some cases we have been compelled in this Chamber to recast Bills. I remember one case in particular in which not a single vestige of the original Bill was left but the preamble. I refer to the Bill in connection with the improvements at Fort Francis. That Bill passed the House of Commons and came to the Senate and was referred to the proper committee. The committee said evidently there was a contract by the developing party with the town of Fort Francis, and before proceeding with the Bill they asked to have the contract laid before them. I think that suggestion came from the hon. member from Belleville. The consideration of the Bill was postponed until the contract was produced. When the contract was examined, it was found that if the Bill had been passed without amendment it would have deprived the town of every advantage secured to them under the contract. What was the result? The Senate recast the whole Bill, leaving none of the original measure but the preamble, and sent the amended Bill back to the Commons. If it had not been for the action of the Senate, the people of Fort Francis would have lost all the advantages and rights they had under the contract. But you would fancy, to hear the Commons talk, that the Senate do nothing,

that they virtually lounge in their easy chairs and give no value for the money they cost the country. Well, I have not been here as long as many of our members have been. At one time, in my ignorance, I thought the Senate was an encumbrance to this country. I admit the fact. I thought we could manage to do without it; but after being here and seeing the work done in this House and the increase of work from session to session, I do not see very well how Canada could do without a Senate in some form. You may improve it, but you cannot wipe out the Upper Chamber. It would be an exceedingly imprudent thing to do. The history of the world shows that almost every civilized nation has a legislative body with two chambers and Canada, forging forward among the young nations, had better keep all her legislative machinery in order with the hope that by diligence and care we shall be able to enact a code of laws which will prove a decided advantage to the Dominion, and I believe that in doing so the Senate will contribute its share. In my opinion, the Senate could be made use of in many ways hitherto neglected. The government might give us a little more work to do. I am not saying that this House has not had to initiate a good many Bills, but we might have discharged some functions which have been assigned to others. For instance, the life insurance investigation. There are men in this House who could well and faithfully and with great ability have looked into the life insurance business of this country and done the work just as well as the commission that was appointed. They could at all events have gone a certain length, and if at last it was found necessary to appoint a commission, it could have been done; but the Senate should have been first asked to hold the investigation. We had investigated the New York Mutual Reserve Life, and I think we did it very well. As the result, it was decided to introduce legislation with regard to that company. I was sorry that it was done, but the investigation that took place here with regard to that company accomplished much good. If we had undertaken the investigation of the insurance companies we could have discharged that duty instead of relegating it to a commission.

Hon. Mr. McMULLEN.

With regard to the appointments to this Chamber, made by the present government, I have not noticed in the press that any serious fault has been found, and I am not saying but that the appointments made by the previous governments and during the life of Sir John Macdonald were on the whole good. I am not saying that they were not men capable of performing the duties devolving on them, good citizens and representative men in many callings, who brought wisdom and experience to this Chamber. I am not finding fault with regard to that. The fault finding is with the press and other people that the best method has not been followed in appointing senators. There was one fault in connection with the appointment to this Chamber that struck me in looking over the history of this House since confederation: When confederation was consummated, the province of Nova Scotia had eighteen members, of whom only two supported the government of the day. The other sixteen were in opposition, yet the government of that day assumed the responsibility of appointing ten senators from Nova Scotia. It was said that Nova Scotia was on the verge of rebellion. I do not much wonder at it. The idea that a government that had only two supporters out of eighteen representatives from one province should appoint ten representatives of that province to this Chamber to legislate for that province, is what I condemn. It was absurd and unreasonable and an imprudent assumption of power, and I do not much wonder that Nova Scotia was indignant at being treated that way. I have here a statement of the number of Bills introduced into this Chamber up to the present time, and I notice that the amount of work has been increasing. In 1905 no less than forty-three Bills originated in the Senate. In 1903 there were twenty-six, in 1902 twenty-seven, in 1901 seventeen, and so on; so that it will be seen that the Senate has not been idle, but has been doing some work. In 1906 the number of Bills was thirty-five. I could not get the number for last year, because a change has been made in the way of keeping the records of the Senate so that comparison cannot be made with former years. I do not wish to further

detain the House. I have endeavoured to point out what I consider to be the best method to adopt, but I do think that if changes are to be made in the Senate, changes should also be made in the other House, and I say that not with any desire to reflect on the other Chamber. I repeat that the number of members in the Commons should be reduced one-half. Every vestige of patronage exercised by the Crown through the government should be taken away. Members in the other Chamber should be guarded against being influenced by any offer of place or position. It is a vicious feature of our present system, and I want to see it wiped out, so that when members are elected to the Commons they will go there for the purpose of serving the country and not to earn retirement and a comfortable position for themselves for the balance of their lives. I do not say that they all do that, but past experience has told us that a great many do it. It is one of the vicious features of our system which should be removed. When this House is under fire, I want to show that the other House is not free from fault. If there are to be changes in one Chamber, let us also have changes in the other, and make an improvement all round in the hope that things will be better in the future than they have been in the past.

Hon. Mr. ROSS (Middlesex)—I hope it will not be considered presumption on my part, so recently admitted to the Senate, if I offer a few observations on the motion moved by my hon. friend from Wellington. I have at least the advantage of very recently considering the Senate from the outside. You have had the experience of an hon. gentleman who has seen it from the inside for some time. I do not believe there is any strong opinion in Canada in favour of the abolition of the Senate. Our people know too well the usages of legislative bodies, and the importance of the parliament of Canada, not to know that a second chamber is almost necessary for the safety, perhaps, of the smaller provinces composing the confederation, but at least for the steadying of that public opinion which sometimes over-reaches itself in a popular body. Looking at the Senate, therefore, from the outside, I am convinced that if a reform were necessary it would not be in that direction. I think moreover that public opinion is not sufficiently informed yet as to the constitutional limitations of the Senate, and because of these limitations we do not appear before the public as favourably as we otherwise might. The two great questions that engross the attention of the people both through the press and on the public platform are questions of revenue and of taxation. With neither of these has this House anything to do. We cannot amend the tariff; we may reject the whole Bill at the peril I suppose of the constitution. We may reject a supply Bill but we cannot amend it, and if you consider how much of the time of the House of Commons and the space of the press is taken up in the discussion of these two questions, and how much time is occupied on the public platforms in presenting them to the electorate you will see that in the great mass of the business which comes before parliament, the limitations of the Senate practically force it into the back-ground. It is not because we are not occupied, if I may use that term, it is not because we have not functions and responsibilities of a weighty character, but it is because we are not in the fore-ground, not in the firing line in connection with these two questions. Now the position of the United States Senate with which we are often compared, is entirely different. On both these questions, the United States Senate have a potential voice. I have before me a directory of the United States Senate in which I find a list of its committees, and one of these is a committee on appropriations and another a committee on finance. The Senate of the United States is not restrained from making appropriations from the public treasury, as we are. Indeed it is only a few days since it appropriated twelve million dollars to reduce the indemnity which China was obliged to pay to the United States in connection with the Boxer outbreak. Such a question could not arise in this House. I could not help wishing that the Senate, while it is in such a philanthropic mood would move to refund half the amount paid under the Washington Treaty in excess of what was required. It has been shown that they were awarded

twice as much as was required to indemnify them for losses caused by the Alabama. The United States Senate has also a right to deal with revenue questions. Although they may not initiate a revenue Bill, they may amend it, and it is in the knowledge of this House that the Dingley Bill was really a compromise, that the Senate amendments were in many particulars maintained, and practically over-rode the original Bill introduced by the House of Representatives. Now we have no such power. Place in the fore-front of this great political entity the parliament of Canada, a senator with power that the United States Senate has in regard to these particulars, and we could soon spring into an importance that we do not now possess. If people had to come here to ask for appropriations or amendments to the tariff we would be heard from in those two particulars which touch most closely the prosperity and the taxes of the people of this country. But the United States Senate has other powers which we do not possess. No appointment to any office can be made by the president of the United States, unless confirmed by the Senate. Even the cabinet appointments in the United States are made by the Senate—the recommendations made by the president as to his own cabinet have to be confirmed by the Senate. The nominations of foreign consuls and post office and other officials have to be confirmed by the Senate, so that the upper chamber comes into close relations with the functions of Congress, or parliament, if we may apply that term to a legislative body in the United States. In these respects too we are removed from the most active sphere of national politics by our constitution and put into the back-ground and I sometimes feel that there is good sense enough in the people of Canada and our press is impartial enough, if informed of these limitations of our power, to know that the Senate of Canada should be treated with more consideration. But I propose to follow this a little further and see in what respect this Senate has in its own way, and I suppose with the limitations of human wisdom and foresight which all legislative bodies possess, discharged its duties. In the first place, looking at the records of this House, I do not think it can be with any justice said that this Senate has been an idle body. For instance I have, through the kindness of Mr. Young, the clerk of records, a statement of the list of Bills passed through the Senate since confederation, including those that came up from the House of Commons as well as those initiated here. The total number of Bills which passed the Senate since confederation is 4,742. And first, let me say that in regard to every one of those Bills the Senate had something to say, just as much as the House of Commons had to say, and if the Lower House claims credit for having initiated and discussed legislation to a great extent, the Senate can claim similar credit, for every Bill discussed in the one House was considered in the other. Of the 4,742 Bills which we discussed, 872 wer initiated in the Senate, or 18 per cent. Of those sent up from the House of Commons, we amended 1,068; that is to say, out of the total legislation which we originated and amended here, we are able to take credit for 42 per cent of the legislation passed by the parliament of Canada since 1868.

Now this means application in committee, it means consideration before standing committees and committees of the whole House. It means consideration by deputation and otherwise, and it means that though this is a comparatively small body, it can claim, up to this time, credit for the consideration of 42 per cent. of the legislation submitted to parliament since confederation, besides consideration of resolutions and motions of various kinds. Then it is said that this is a body given to much obstruction; that, for some reason or other, we are possessed with a genius for preventing public opinion declaring itself, and that whenever the House of Commons has a good Bill, if it passes through the Senate it is one of the miracles of the day. The statement is not sustained by an examination of the facts. What do we find? We find that since confederation, out of 3,870 Bills sent up by the Commons, the Senate rejected only ninety-seven or 2½ per cent., a very small percentage indeed in forty years. We did not need to be very busy, hon. gentlemen will see, to reject ninety-seven Bills in forty years. And let me say this: that not one Bill sent up by the Commons that has been rejected by

the Senate, involved any serious public issue. Some of them were private Bills. A few of them may have been Bills of some considerable importance. But not one of those Bills has been sent up again, except a Bill to amend the Railway Act, and it is now before us for the third time—sent up because it has been sustained by public opinion. It is not so with some of the Bills rejected by the House of Lords—such as the reform Bill rejected by that body and the Catholic Emancipation Bill. There was also sent back to the House of Lords an education Bill. Those Bills represented the swelling tide of public opinion, to which the Lords had to accede or the Lords themselves would have been swept out of existence, a course which would be sustained by vast majorities in the constituencies of the United Kingdom, and sustained by public opinion through the press and otherwise. Has there been any such public opinion at the back of any of the Bills that we rejected? Has the Senate shown that it stood across the track of public opinion, which it has no right to do except under certain limitations? The Bills were rejected purely as a matter of opinion and judgment, and the fact that these Bills have not been introduced or submitted to us a second time, or urged upon us through the public press of either party with any degree of force, showed that the Senate was right in rejecting the Bills, and our sober second thought was the sober second thought of the country, just as the rejection by the House of Lords of Mr. Gladstone's Home Rule Bill was the sober second thought of England.

But the rejection of Bills by the Senate has been many times reciprocated by the House of Commons. How can you explain that? How can hon. gentlemen justify the House of Commons in rejecting the legislation of this honourable body; yet, they have done so. The House of Commons, since confederation, has rejected eighty-eight Senate Bills, or 10 per cent. of our legislation, as against 2½ of theirs rejected by us; and they have amended 275 Bills, or 31 per cent, as against 27 per cent of their Bills which we amended. The privilege of rejection and amendment is reciprocal, and it is for the country to say whether these amendments made by us to their Bills or their amendments to our Bills, will stand the test of public opinion. Then the Senate is said to be a partisan body; that is at the present time—with apologies, Mr. Speaker—that at certain times, when the Senate is constituted in a certain way, the Senate is disposed to reject certain Bills from the House of Commons, if the House of Commons is Liberal, or vice versa. This is the strongest charge, and one which I think has most effect on public opinion. If the Senate be a partisan body, it had better be abolished. We have no room for more partisanship than there is at present, and I do not know that the people of Canada should be asked to pay a considerable sum for maintaining under the constitution a body purely partisan. Herbert Paul, who wrote a history of England since the days of the Corn Laws, stated that the House of Lords, when the Conservative party was in power, remained like a giant refreshing himself; but when the Liberal party came into power, the House of Lords rose like a giant refreshed to attack a Liberal government. Somewhat similarly, it is said that this House, reserves its power of attack for measures originating with a Liberal government. Now, the charge ought to be capable of proof or it ought to be withdrawn. In order to satisfy myself as to its accuracy, I have tabulated the Bills rejected or amended by both Houses since confederation and have divided them into four periods—the first of six years under Sir John Macdonald, from 1868 to 1873 inclusive, the second under Mr. McKenzie, from 1874 to 1878 inclusive, the third from 1879 to 1896, under Sir John Macdonald again, and the fourth from 1897 to 1907, or eleven years under Sir Wilfrid Laurier. I find in the first period the Commons sent up 588 Bills, that the Senate amended 133 —that is the Conservative Senate amended 133 of the Bills sent up by the Conservative House, namely 24 per cent, and the Conservative Senate rejected twenty-one Bills, namely 3½ per cent. Was that partisan? Let us take the Mackenzie period of five years. The Commons sent up during that period 467 Bills, and the Senate amended 132—133 in the other

case—or 28 per cent, as against 24 per cent, and rejected twelve—as against twenty-one in the previous case—being 2½ per cent, that is the Conservative Senate rejected 2½ per cent of the Reform government Bills, and the previous Conservative Senate rejected 3½ per cent of the House of Commons Bills. Can you read into that partisanship? I was glad to find this fact, because it was somewhat of a discovery for me. Take the next period of eighteen years of Conservative rule. Out of 1,981 Bills introduced, the Senate amended 500 or 25 per cent, as against 28 per cent of the Mackenzie period. There were more amendments of Conservative Bills by the Conservative Senate than amendments to reform Bills by the Conservative Senate in the previous period; and they rejected 1¼ per cent. That was the fewest number of rejections up to date. Then take the last period, the Laurier period of eleven years, there were 1,706 Bills sent up. Through the whole of that period, or the greater part of it, the complexion of the Senate was, I strongly suspect, somewhat Conservative. However, during this period, they amended 303 or 18 per cent, as against 25 per cent amended by the previous Conservative government, so that the Conservative Senate has been more tolerant towards the Bills of the Reform government than towards the Bills of its predecessors, and it rejected 41 or 2½ per cent, being more tolerant towards the Bills of the Liberal government that it was towards the Bills of the Conservative government, that held power the first six years after confederation. There I think is a pretty conclusive answer to the charge that the Senate is partisan.

Hon. Mr. POIRIER—How many Bills did the Senate reject from the other House since a Liberal majority commenced to reign in this House?

Hon. Mr. ROSS—I have not divided it up so fine as that. I could get that information for my hon. friend. I might say, in parenthesis, if the hon. gentleman will allow me, that I propose later to ask that this table from which I have quoted, be brought down as a return, so that hon. gentlemen will have the same information as I have. Let us turn to the other side; if the Senate is partisan because of its rejection of Bills from the House of Commons, what will we say of the House of Commons if it pursues the same course? It is said that what is sauce for the goose is sauce for the gander. They have tried to cook our goose because we are partisan, as they say. What about the other bird? In the first period, we sent up to the House of Commons 121 Bills. They amended 38 per cent of those, although we only amended 24 per cent of their Bills. They rejected 6 per cent of our Bills, although we only rejected 3½ per cent of theirs. Which is the more partisan body? In the Mackenzie period we sent 70 Bills to them. The House of Commons amended 28 per cent of our measures, and we just amended 28 per cent of theirs, in order to keep the thing about even. They did not reject during that time a single Bill sent over by a Conservative Senate, although we were kind enough to reject 2½ per cent of theirs. In the second Macdonald period, the House of Commons amended 33 per cent of our Bills and rejected 14 per cent, as against 1¼ per cent of their measures rejected by us, and in the Laurier period they amended 25 per cent of our Bills as against 9½ per cent of theirs, which we amended. So that if the number of Bills amended or rejected is to be the only basis on which the charge of obstruction is based, then the House of Commons will be found to be the more obstructive body of the two. But as I said before, no large Bill involving any great public issue has been rejected by the Senate, otherwise we would have had these Bills thrust upon us from time to time, and there would be a public agitation outside in favour of the reintroduction of these Bills. Of course hon. gentlemen may say that the importance of the Bills is to be considered rather than the number. Well be it so. Let any one who wants to argue the question produce the Bill and defend it on public grounds. Then it is said the Senate should not have a veto on the Commons legislation. This seems to be a popular view as to what the power of the Senate should be. It is quite a false view of our constitution. I need not make that statement. It is self evident. In the public mind there seems to be an idea that the House of Commons, elected by the people,

who are all powerful, should not be obstructed in legislation, and should not have its Bills amended and certainly should not have them rejected. But that was not the principle of the constitution, nor was it for that purpose the Senate was constituted, nor is it for that purpose that there is a Senate in France, Germany, or anywhere else. If it is to be a Senate, without the power of emendation, or of rejection then it is not required at all. The single chamber would serve every purpose; but the fact that it is given the power of veto places it high up in the grade of legislative authority and legislative power, and, therefore, makes it an important factor in the government of the country. No Senate could be considered for a moment as a useful body, unless it had the power of veto. We find the president of the United States has the power of veto over Congress and over legislation passed by Congress. A United States governor has the power of veto over the legislation of the State. The lieutenant governors have a veto, if they choose to exercise it, over the legislation of local legislatures, and it is on the very face of it one of the essential functions of a Senate, if it is going to be useful, that it must have some power. If it is going to be deprived of that power, you had better destroy its usefulness as a steadying force in legislation would be so completely impaired.

Then the Senate is blamed for hurrying important business. I have seen it stated over and over again that Bills go through the Senate with very short notice and with very great rapidity; but that happens with every body. I had a seat in the House of Commons for eleven years, and many hon. gentlemen in this House were similarly honoured, and we have seen more legislation go through the House of Commons the last two or three days of a session than perhaps in the last two or three months previously. It is not the fault of the Senate altogether if Bills are held back until the last moment. Everybody is anxious for the prorogation and we would be blamed if we kept the House of Commons waiting, unless we put the Bills through with the same rapidity and facility with which they themselves pass their Bills in the final stages of legislation; and if you will examine the proceedings of conferences of religious, educational or deliberative bodies of any kind, you will find a tendency towards hurrying at the close.

Then it is said that the Senate is the retreat for defeated members of the House of Commons. I find there are twenty-nine members of the Senate who formerly held seats in the House of Commons, but as far as I can make out only fourteen could be called defeated members, and of these fourteen, five were defeated as far back as 1891; so that a man's retirement from the active duties of the House of Commons for eleven years should not be brought home to him as a charge, because he was still considered fit for the duties of this House. But, after all, that is a small matter. To be defeated, and thereafter appointed to the Senate, under any circumstances is nothing significant. Some of the best members of parliament have been defeated, some to remain out of parliament for a term or two, and some to return at an earlier date, and the fact that a member of the House of Commons has been defeated sometimes may be a proof of his fitness for appointment to this House rather than the reverse, for a man is sometimes defeated as the protagonist, as the pioneer in some great political movement which has not yet been accepted by the public, and consequently he has to wait until public opinion is ready for it. The great leader of the Conservative party, Sir John Macdonald, was defeated, Sir George Cartier was defeated, and the present leader of the government and the present leader of the opposition were also defeated. Would any man say if these were all in the flesh today, that the simple effect of their defeat would be a disqualification for a seat in the House of Commons? Men have gone back to the House of Commons who have suffered defeat. Gladstone did not go to the Lords, but he suffered more than one defeat, and yet there is no one will say that for whatever position Her Majesty might have sought to appoint him he would have been disqualified simply because of his defeat.

I have gone over some of the more patent and popular objections to the Senate, and if I chose to analyse the matter, there is not a single objection taken to the

Senate which cannot be taken to the House of Commons. Reprisals are not in order and are not necessary. As it was said by Scipio, it is not necessary to carry the war into Africa. There is no need to do it, and yet in courtesy and kindness, if we are charged with idleness, we may say that sometimes the House of Commons wastes a little of its time. If we hurry Bills, so do they. If we do not represent public opinion in every case, I have known a House of Commons that did not represent public opinion; and if there are men who come into this House who are supposed not to be worthy of the position, I am afraid that there are men in the House of Commons who would not pass muster under very critical observation, and if this House costs too much, the House of Commons costs a great deal more, and if there are men here of mature years, there are men in the House of Commons who have passed the early forties, I am sure.

Passing now some of the objections, let me come to what I think is vital, and that is that there are two reforms which the Senate requires. There are two directions in which I think it is important, and shall I say essential—I use the word essential in its full significance—that the Senate should be reformed. I characterize the first as administrative reform, and the second as representative reform. By administrative reform I mean that the government of Canada is not represented adequately in the Senate, and never was. The executive of Canada, the administrative force which makes legislation and controls legislation, is not adequately represented in this House. We have only two ministers in this House out of fourteen ministers and a Solicitor General. The House of Lords is not so represented in the British cabinet. There are six Lords out of nineteen in the present cabinet, and there are thirteen Lords out of thirty-eight in the administration. That is, the cabinet as represented in the House of Lords. The administration consists of thirty-eight—I will explain what that means later—and thirteen are in the House of Lords. You have there a cabinet fairly represented, nearly one-third being in the House of Lords. Here we have two out of fourteen. The idea in England is, that certain important legislation may be initiated in the House of Lords, and there must be a minister there to take charge of it, and that there must be a minister there to represent the most important departments of the State. In the Salisbury cabinet there were twenty-one members, eleven in the Commons and ten in the House of Lords. There were forty-one in the administration and twenty-three of the forty-one were in the House of Lords. Now, while we are ably represented in this House—no one would think of casting a reflection on the hon. ministers in this House—it is impossible for two members of the government, no matter what their industry or capacity may be, to present to this House the quantity of legislation which naturally will be submitted during the session, which would naturally be our fair share of legislation. Bills follow their sponsor. If it was an important Bill, and is introduced in the House of Commons, it ought to be represented by somebody in this House who would have had charge of it; or, if produced in this House, it should have its representative in the House of Commons. And that brings me to what I think is the important feature of administrative reform, that is the appointment of Under Secretaries—not all in this House—to represent important departments of State, so that if a Bill passed through the House of Commons it could be taken up in this House by a representative of the government. We are kept in a state of legislative starvation for want of administrative representation in this House, and until we are given a larger share of administrative representation, it is most difficult for us to have initiated here the amount of legislation which this Senate could fairly grapple with. Nobody says we could not do more work. We do not play school. We keep school as long as there are tasks for us to perform; but if we had a schoolmaster here, or our fair share of the schoolmasters, the cabinet ministers or their representatives in this House, then between the two Houses the work could be carried on with greater expedition, and the Senate could prepare Bills, amend them, correct them and revise them in such a way that when they reached

the House of Commons they would go through with less delay.

Now what departments would I say should be represented in this House? I should say first, the transportation Department of Railways and Canals should be represented here by somebody, either by the Minister of Railways and Canals or by an Under Secretary; and if you look over the field of that subject you will see what an immense field it is. It deals with the problems of the Transcontinental Railway and the Georgian Bay Canal and the deepening of the St. Lawrence Canal, and the graving docks, &c., an immense department, and although the Senate costs per year the sum of $250,000, yet when we come to discuss the department of transportation there is not a representative of the government who is specially charged with the knewledge of that department in this House to help us through. It is not so in Great Britain, with regard to the important departments. I see that the sum spent on railways amounts to $98,000,000 odd and on canals eighty-nine million odd, and yet this body, supposed to bear its fair share of the burden of legislation, has no direct representative of a department that burdens the country with this enormous sum of money, and around which gathers such matters of immense importance to the Dominion of Canada. It was charged that we passed the Transcontinental Railway Bill on short notice. I was not here at the time, and I do not know. However, that is not material. But it does seem to me unfair that when legislation is proposed which affects the prosperity and life of Canada, that there is no representative of the government in this Chamber to discuss the measure. Then the Department of Public Works should be also represented. In the accounts of last year the expenditure on revenue was seven millions, and on capital account between two and three millions, or nearly ten millions. This means all the public buildings of the country, the departmental buildings, harbours, docks and wharfs and so on, under the control of the department, and yet we have to take our information indirectly, not as it ought to be. Then we have the Department of Marine and Fisheries, and that opens a wide field for investigation and examination. In regard to the Fisheries, there is expended a large amount of money. There is a system of quarantine, lighthouse service, steamboat inspection, pilot service, hydrographic survey, and all that, all clustering round that department. Then Agriculture is another department that I think should be represented here. I would also mention the Department of the Interior. The Department of Trade and Commerce is represented here, and later on, if the House will hear me, I hope to discuss some phases of that department. We have the Department of Secretary of State represented here of course, and very satisfactorily represented. Now, I have mentioned some of the larger departments which, if represented in this House, would give a dignity and importance to the Senate which it cannot have with the present limited bill of fare submitted to us. Its debates would be more extended, we would be better employed and the press would know that the Senate had something to do. How long would the Senate of the United States have held its position if it could not deal with matters of that kind? For instance through its committees it deals with agriculture and forestry, appropriations, Canadian relations, the census, the civil service, cuban relations, education, labour, fisheries, foreign relations, inter-oceanic canals, Indian affairs, inter-state commerce, the judiciary, forest reservation, geological survey and so on. That is the full sweep of the Senate of the United States; little credit to the Senate of the United States to be heard from. These are matters on which we cannot very well be heard from, unless some different organization is made, unless through some committee or representative of the government we can grapple with those questions, and my idea is that if there was the same justice done to the Senate as is done to the House of Lords by the British administration, we would be so represented here that something would be done that would add to the interest of our discussions and to our importance in the country. That is what I wish to say upon administrative reform.

Under representative reform I wish to discuss the constitution of the Senate? There are various ways suggested, that members

should be appointed by the legislatures, that they should be elected by the people or that they should be elected and appointed, half and half. Let us for a few moments, with your permission, refer to the system of election by the provincial legislatures. For some time it appeared to be in the air that this was the most popular system in the country. I do not know that that is public opinion now. From the debates in another place it appears it is not the most popular view entertained by the House of Commons. It is held that in this way, however, we would get a higher class of representatives than we get through appointment by the Crown. Let us make a few comparisons between this House and the Senate of the United States; this House nominated by the Crown, and the Senate of the United States nominated by the State legislatures. The theory at the time of confederation was that the old members of the legislative council, as far as was necessary to fill vacancies, should be selected for seats in the Senate. On what was that theory based? On this, that parliamentary experience of some form or another was of great value for senatorial duties. Sir John Macdonald and the fathers of confederation entertained that view, and the first list of senators, as the hon. member from Wellington has said, was made up largely from members of the legislative council, and subsequently, since the list of the legislative councillors has been exhausted, the same course has been followed, and, strange to say, in the United States, where appointments are made by the state legislatures, the selection is made from precisely the same class of people as the selections are made here, that is, from men who have had experience in state legislatures or in the House of Representatives at Washington. For instance, taking the present Senate of the United States, we find the following: 39 of these had experience in the House of Representatives at Washington, or 41 per cent. Twenty-nine of our members have had experience in the House of Commons, or 30 per cent. It is a rather strange coincidence that the state legislatures scattered all over the country should select for the highest gift or legislative honours in the United States, men who had experience in the House of Representatives, precisely as the Crown does in Canada, in selecting those who have had experience in the House of Commons. Then twenty-eight members of the United States Senate had experience in state legislatures, or 30 per cent; that is a grade or two lower down, and here again we find that thirty-two of our members in the Senate have had experience in local legislatures. In the United States Senate eleven senators had been State Governors. In this Senate only one provincial governor has been appointed. In the United States Senate two of its members have been judges; I believe only one of our senators has been a judge. In the United States Senate six members have been attorneys general for states; I think we had only one who has been a solicitor general, for one of the provinces. In the United States Senate four members have been members of the United States cabinet; we have seven of our members who have been members of the Dominion cabinet, seven who have been members of local legislature cabinets, four who have been speakers in the local legislatures or in the Dominion parliament. In the United States Senate thirteen members have had experience in both Houses; in this Chamber fifteen members have had experience in both Houses. This is a remarkable coincidence in the selection of members to two different systems. If the state legislatures had any prescience or any special insight as to what the duties of a senator ought to be, the Crown in Canada has had similar prescience and insight, and I think it is rather a compliment to the nominations made to the Senate since confederation that they bear out that representative character. We do not need therefore to change our system in order to get representation just as good as they get in the United States by the selections made by the state legislatures. We have got it now. Then it has been said that election by the provincial legislatures would be a better guarantee that provincial interests would be protected—that it is primarily our function to protect provincial interests. It may be that that idea entered largely into the minds of the fathers of confederation when the Senate was organized. It was the primary idea in the organization of the United States Senate, and it is one of the

anomalies of the constitution of the United States that Delaware with a population of about half a million should have two senators, while New York with seven millions has only the same number.

It does appear reasonable that this House should protect provincial interests; but has this House been derelict in that direction? I am unable to recall any Bill affecting provincial interest very closely that this Senate rejected. It must not be forgotten, however, that the House of Commons has the same responsibility to protect provincial interests that we have, we may be a court of appeal, yet the lower court is as much bound to conscience to give a righteous decision as the highest court, and the House of Commons cannot repudiate responsibility in regard to provincial rights, sending a questionable Bill to the Senate in the hope that the Senate will reject it. That is no apology for such a Bill coming here, but I know of no instance in which a Bill said to have been an encroachment on provincial rights has been rejected by the Senate. However, it is said that Bills encroaching on provincial rights should have been rejected, and the Autonomy Bill is given as an illustration. I am not going to discuss the Autonomy Bill. It has been discussed thoroughly already, but the provinces themselves affected by the Bill did not reject the principles of the Autonomy Bill. So far they regard it as within provincial rights, so, if they are right we are right, and the House of Commons is right, and there is a complete vindication of the Senate all round that that Autonomy Bill was not a violation of provincial rights. If it can be shown that any Bill should have been rejected by the Senate which was an interference with provincial rights, I am ready to withdraw what I have said, but until that is shown I take the stand that the Senate has not been a party to any encroachment on provincial rights. It has been respectful to the rights of the provinces, and the House of Commons in that respect.

Then it has been said that if we were appointed by the legislatures we would get more representative men. That is a very important point. If there is anything to give character to the Senate, it is that it is to be composed of men of the highest standing, I need not say socially—I do not mean that in the ordinary society sense, but men of good standing. I suppose the Confederation Act sought to guard that by requiring a property qualification, and that we should be men of reasonably mature years, because no man can enter the Senate until he has reached the age of thirty at least; but it is important that the Senate should be composed of representative men; its numbers being few and its responsibility great. Let us compare ourselves with the representative character of Senators of the United States appointed by the State legislatures. I find that the present Senate of the United States is composed of sixty-seven lawyers in the House of ninety-two members—only ninety yet I think, because the Senators from Oklahama have not yet taken their seats. We have nineteen lawyers in a House of eighty-seven members. They have no men who have occupied the position of public officials; we have three. They have six capitalists and bankers; we have eight. They have one journalist; we have three. They have five engaged in agriculture; we have thirteen. They have six engaged in mercantile pursuits; we have fifteen. They have two engaged in manufacturing; we have nine, five of whom are lumbermen. Two of their members come under the head of miscellaneous; we have seven under the same head. They have one doctor; we have seven doctors. We are more largely represented in agriculture—nearly two to one—in mercantile pursuits nearly three to one; in manufactures four to one, and in capitalists eight to six. In lawyers, as I have shown, we have only nineteen to their sixty-seven. I do not know whether that is unfortunate or not, but at all events we could not dispense with a very fair representation of the legal profession, and that is how the matter stands. Now, that shows a really better representation here than the appointments as now controlled in the United States have given. Sixty-seven lawyers in a House of ninety members, any reasonable man will say is too many of one profession.

Hon. Mr. POIRIER—Too much of a good thing.

Hon. Mr. ROSS—Too much of a good thing—rather a surfeit, and I do not wonder that they have a good deal of trouble in the United States Senate on account of that disproportion of lawyers to business men. On the other hand, people say that the agricultural and mercantile sections of the community should be more largely represented here. We have a respectable number of capitalists and of journalists, of course, without whom we could not get on very well. I contend, therefore, that we need not go to the legislatures to get a better representation than we have, for the Crown has given it to us. Of course in the United States Senate there have been distinguished figures, larger perhaps than any that have loomed up in the Senate here yet, if I may be so unkind as to make a comparison; but we are young yet compared with the United States. Their present constitution dates from 1787, a good many years ago compared with ours, and they have had great issues, because the life of the nation has been at stake and it takes great occasions to produce men like Webster, Clay, Calhoun, Hoar, Sumner, Thurman and Conkling. Should the occasion come in the history of this country there may be found among the men appointed to the Senate statesmen equal to those that have arisen in the United States, and I trust there always will be men in this Chamber equal to protecting the interests of the nation and saving her from decay or decline.

I am not going to discuss the question whether the Senate reflects public opinion or not. That is rather a mysterious and metaphysical question. What is public opinion, and how are you going to get at it? The public opinion of the House of Commons to-day may not be the public opinion of the House of Commons to-morrow. Bills the House of Commons passed last session, they are going to amend this session. Where they right last session, or are they right this session? The House of Commons that governed the country up to 1896 governs it no more; but between those large revolutions of public opinion you have the shifting sand of public opinion from day to day in the House of Commons and all elective bodies. Only in a body that is not dependent upon public opinion can you have that stability which a constitution wants, and you have that stability, I trust, here. Public opinion—would you have that if the senators were elected by state legislatures? What public opinion would they represent? There is one public opinion in Toronto on local matters, and there is another public opinion in the House of Commons here, a Conservative party in the provincial legislature, a Liberal party in the House of Commons—which represents public opinion? They are both public opinion. You cannot compromise in any other way than by going to some source which is entirely above these various gradations of public opinion, which lives in some serene atmosphere, undisturbed by these conflicts below, and who can select for the Senate men who are beyond the control of these fluctuations. For that reason, the present system is even better than election by state legislatures. There is more stability; besides, the people of Canada should hold the government of Canada always responsible for its legislation, not the government of a province. The greater contains the less; it is simply absurd that we should put men into the Senate and hold them responsible to the Dominion of Canada for their legislation when they are, owing their appointment to the provincial legislature, and held responsible to the provincial legislature. That cannot be; they must be responsible to Canada and not to the provincial legislatures, and it is only by withdrawing them from appointment by the provincial legislatures that you appoint them into this larger sphere of responsibility. Therefore appointment by the provincial legislatures must be rejected. Again, why thrust Dominion politics into the provincial legislatures? The smaller the pit the fiercer the rats fight. The pit is small enough now, and the rats do fight fiercely, and if there is anything more to be fought for, it will only intensify their struggle. Let us not thrust these appointments into the local legislatures. It has been said that it will raise the status of the local legislatures; but who is complaining of the status of the local legislatures now? They consider themselves as important—at least I did so when I was a member of the local legislature of On-

tario as members of the Dominion parliament, mutatis mutandis and I suppose they always will. But would this piece of patronage raise the status of the legislatures? Does patronage raise the status of any party, any individual, or any body? I have my doubts on that subject, very serious doubts that patronage, after all, is anything more than a clog on the wheels of government rather than a benefit.

Now, these are my chief arguments against the election of members of the Senate by the local legislatures. But there are some dangers which such a mode of election might create. In the United States they have had this difficulty in the election of members by the State legislatures—they frequently come to a deadlock. Goldwin Smith says that we owe confederation to a deadlock. They have had their deadlocks in the State legislatures over the election of Senators. In the last fifteen years forty-two states of the Union have suffered from deadlocks, and in some cases the whole session has been lost in electing a Senator. Let me state how these are conducted : The law of the United States is that when a vacancy in the Senate has to be filled, the two Houses of the State legislature meet in separate bodies on the first day of the session, or the first week of the session, and if the two Houses by a majority agree upon the election of John Smith to the Senate, John Smith is elected accordingly. If they should disagree, then on every day thereafter during the session until they come to an agreement, or until a majority is obtained, or until the session closes, the legislatures must meet jointly and take a ballot. Now, it has happened that in the State of Delaware the legislature ballotted every day for 114 days and no senator was elected, and Delaware was not represented in the Senate for that year. Four states had special sessions in order to elect a senator. The deadlock continued until the session expired; for in many States the session is limited by the constitution to thirty or forty days, and if they cannot elect their senator during that time, a special session is called or the State is unrepresented. In the Fifty-third Congress, three seats were vacant by reason of a deadlock. In the Fifty-fourth Congress there were four seats vacant because of a deadlock, and in fourteen contests the ballotting lasted from forty-four to one hundred and fourteen days. Now, we do not want to introduce into our Canadian system anything that would be so irritating, and that would interfere so seriously with business. Then if you transfer the field of election to the local legislatures you make easier the use of corrupt or improper influences. Since 1857, in the United States, there have been ten cases of corruption tried by the Senate of the United States. Some of the senators that secured their election by those practices resigned before they came to trial. Of the others I think only one was unseated. The Senate acquitted the greater number of them, but the fact is apparent, and it is one of the scandals of the United States that these practices prevail. Let me quote from a work that I have under my hand, which gives a summary of the opinion of a writer of some distinction, Mr. Geo. H. Haynes, Professor of Political Science, in the Worcester Polytechnic Institute, and author of 'Representation in State Legislatures.' I quote from his book 'The Election of Senators,' as the opinion of a writer who is not afraid to publish his views to the world, of the United States Senate as an offset to what is said of our Canadian Senate. He says :—

> Judged by the fruits which it has produced in recent years, in the estimation of the public, the Senate has fallen from its high estate. Its power remains; it even grows, but in large measure its eminence has been lost. In the very years when the United States is asserting her new mission as a world power, and when her motives need more than ever before to be free from all taint of commercialism, in the exercise of its power of passing upon treaties the Senate has allowed its decisions to be governed by the most sordid, and most narrowly partisan considerations.

Nothing worse than that has been said of this Senate.

> Never before in its history has the Senate been the target of such scathing criticism as during the past fifteen years. On all sides is heard the charge that the Senate has ceased to be representative of the commonwealth or of the people of the United States; that in its membership statesmen are lamentably few and are today becoming fewer; that the Senate has become a rich man's club, a paradise of millionaires; that it is now the stronghold of the trusts, and of corporate interests.

That has never been said of this Senate.

That through successive congresses some of our greatest states continue to be represented

by senators without a glimmering of statesmanship, men who owe their elevation to the arts of the ward politician; while in other states a seat in the Senate is made to serve as an old age pension rather than as a call to high and effective service.

One would think I was reading some Canadian newspaper.

When it is remembered that in the Senate of a single congress—the 58th—at least one out of every ten members had been put on trial before the courts, or subjected to legislative investigation for serious crimes, or for grave derelictions from official duty, and that in every case the accused Senator either was found guilty or at least failed to purge himself thoroughly of the charges, there certainly is enough indication of low standards in the Senate to warrant the inquiry whether the process by which the Senate is constituted is such as is calculated to select men of great ability and high character.

That is the opinion of an author of distinction upon a Senate elected by the state legislatures; so I add we do not want to venture upon such dangerous navigation as they have found there.

Now what is the trend of public opinion? That brings me to the line of observation with which I hope to close in a very few minutes. What is the line of opinion in the United States after an experience of one hundred and thirty years of their Senate, and what is the line of public opinion in regard to the second chamber in other places? I shall briefly show. The line of opinion in the United States is that the mode of electing senators by the state legislatures should be abandoned. Let me state a comprehensive fact. At five different sessions of Congress the House of Representatives voted for elective senators—senators elected by the people. The last vote in 1900 was yeas, 244; nays, 15; so it is almost the unanimous opinion of the House of Representatives of the United States that the senators should be elected by popular vote. A joint committee of the Senate and House of Representatives was appointed to report upon this subject, but they never made a report, so the game was blocked in the Senate. The Democratic party in 1900 and 1904 has made election of the senators by popular vote one of its planks. Thirty-one state legislatures have by vote favoured the election of senators by popular vote, and in some of the states which candidates are required to accept at the primaries, as they call it. The legislatures have followed this direction in some cases; in others they have not. They are not obliged to accept that as the will of the people; they exercise their own will. I mention this to show the tendency in the United States where this experiment has been tried, to have senators elected by the popular vote instead of by the state legislatures, so that if the opinion of that large nation is to be of any value, we have it very distinctly stated.

Let me say also that in the English parliament, although the House of Lords is hereditary, consisting of 620 members, this curious process is going on all the time, that the House of Lords is being fertilized by the infusion of a popular element. Since 1868 no less than 256 new peers have been appointed. The hereditary element in the House of Lords, that is the hereditary element which goes back to the Tudors, or even later to the Stuarts, is a very small element in the House of Lords. Of the 620 members of the House of Lords, as I have shown, 256 are new peers appointed since 1868, so the House of Lords is not that moss-grown body that has come down to us from the ages, with its hereditary predilections, and idiosyncrasies, but it is a body that has been fertilized and freshened by the frequent infusion of fresh elements new from public opinion. Gladstone appointed 80 new peers. Campbell-Bannerman, who went in in 1905, has appointed sixteen Lords, so that you seen that it is impossible for the hereditary element to predominate altogether, and I mention this fact to indicate that in the mother of parliaments, the greatest deliberative body in the world, there is a certain deference to public opinion. That deference may be shown here by our successive nominations, or in another way, as I will attempt to show. Nevertheless there is the fact; not only have 256 peers been appointed, but there are four judges of appeal who are members of the House of Lords for life, and they are appointed whenever a vacancy occurs. That is a new and popular element. I cannot mention offhand any person who has been appointed a judge of appeal of late years; but they are a new element in the hereditary chamber. Then sixteen Scottish peers are elected every parliament. There is a new element coming in

from Scotland, and, from the breezy character of the country, one can readily believe that these Scotch peers would freshen the House of Lords. Then the Irish peers, 28 in number, are elected for lift. Just the other day Lord Curzon was elected an Irish peer, fresh from his experience in India giving new life and not a nominated but an elective element. There are also 24 bishops, and two archbishops appointed for life. Then the Speaker goes to the House of Lords when his term expires, and also the Lord High Chancellor. Practically, however, the new peers are a refreshing, fertilizing element entering that hereditary chamber. Some of the great men who have been appointed in the House of Lords in our time are Wellington, Sir Colin Campbell, Lord Roberts, Lord Cromer, Kitchener, Mount Stephen Alverston, Avebury, Playfair, Kelvin, Tennyson, and Strathcona. Most of these men have been appointed of recent years. Then the government have the power to increase the House of Lords as we all know and this would prevent a deadlock. I mention that to show that there is, even in the House of Lords with its hereditary distinctions and ancient usages, a partially elective and partially nominated body, but somebody is going up from the people all the time, as Curzon is going up, as Lord Mount Stephen, and Lord Strathcona and others that I need not mention, have been going to keep the House of Lords fresh and to keep it somewhat modern.

In France they have 300 Senators elected for three terms, and the other House elected for nine years, and they are a large body. This body is said to be too large. I have not the number of the members of the other House. Senators are not nominated by the government at the time, but elected by a sort of electoral college, and members of the general council. When a vacancy occurs, delegates of the electors, chosen by the Municipal Council, meet and elect a senator; so that there is a popular side there.

In Germany the Senate is elected every parliament, and consists of only fifty-eight members, and they are nominated by the different States. The twenty-six provinces appoint two each, and three cities appoint two each, making fifty-eight in all.

In Australia each State elects its own representatives to the Senate of the Commonwealth by popular vote, and except in Queensland the whole State votes upon the election of senators. The provinces are not divided into districts as they were in Canada under the old legislative council, but a senator is a candidate for a whole province or city, just as a lieutenant-governor in a State or Union is a candidate for the whole State or Union. That is a wide electorate, but it is the Australian system, and I think it works well.

This brings me to my closing observation, and that is what shall we do? Shall we allow the present system to stand—and I am afraid from the course of my argument that you would think I was leading up to one conclusion, that the present system is the system, and that there should be no change. I do not know after all that there would be an advantage in a composite Senate, and I am going to submit this as a view of one hon. member of the Senate, in order that we might come to a conclusion later, or to one view in which we might all agree. I am going to suggest that a better mode than the nominative system would be a composite system, half nominative and half elective; that is half the Senate from each province, should be elected by the province, and the other half nominated by the Crown. Now, why do I retain the nominative system? They say if you are going to the people, go to the whole people. Well I would say, go to the whole people rather than to the State legislature; but why do you maintain a nominative system at all? There is a good deal in the experience of Great Britain in regard to the manner in which the House of Lords has been appointed from time to time. There are men, some of Britain's most distinguished men, who have found seats in the House of Lords who would not have gone to an election or never would have been appointed in any other way. There was Sir John Lubbock—would he go to a constituency?—Then Sir Lyon Playfair, Lord Cromer and Sir Donald Smith. There are men in every country whose advice is worth a good deal, whose high position in business, finance, art or literature will do honour to a senatorial body like this, and I feel that these are men of such peculiar pursuits, habits, tastes and

association, that they would be lost entirely to the country from a legislative point of view if they could not be appointed to the Senate in some other way than by direct election. So, in order that we might maintain, we might say what would otherwise be a waste, that we might secure and add to the dignity of this House such men as could be sought for—I am not going to mention names—by the government, irrespective of their politics, and place these men in this House and, like the names I have mentioned of members of the House of Lords, they would bring to the Senate the confidence and respect of the public in a manner perhaps which could not be done in any other way. We must trust the Crown a little. I am conservative enough—I am fond enough of the methods of the old land, to trust the Crown pretty fully, particularly with such safeguards as we have upon it here, and I would like to see the Crown's hands free to honour with the dignity of a place in the Senate men whom we could not procure in any other way.

And then what would I do? I would first allow present senators to retain their position during life, as was done in the old parliament of Canada when the elective method was adopted. I would divide Ontario into twelve districts, and I would allot from the existing senators one senator to each district. That would leave twelve members without a district. As soon as a vacancy occurred in the representation of the district or of a senator allotted to a district, or of one who was not allotted, let such vacancies be filled up, one by election and one by nominee. You have there a very simple process, and for that we have a very very strong precedent. Hon. gentlemen will remember the Interprovincial Conference that was held in Quebec, in 1887, at which the premiers of Canada and many other representatives of the provincial governments were present, and among other resolutions agreed upon at that conference was one in regard to the Senate. The following is the resolution :—

That a leading purpose of the Senate was to protect the interests of the respective provinces as such. That a Senate to which the appointments are made by the federal government and for life, affords no adequate security to the provinces and that in case no other early remedy is provided the British North America Act should be so amended as to limit the term for which Senators hold office and to give the choice when vacancies occur to the provinces to which the vacancies belong until one half of the members of the Senate representing such provincies are senators chosen by the provinces; that thereafter the mode of selection be as follows: If the vacancy is occasioned by the death, resignation or otherwise of a senator chosen by a province, that province to choose his successor, and if the vacancy is occasioned by the death, resignation or otherwise of any other senator the vacancy would be filled as now provided by the Act but only for a limited term of years.

There they mention the word 'province,' and I am not sure whether they meant by that the provincial legislature or the popular elections; but we would have this state of things: the present senators to retain office during life, and twelve senators from Ontario to be allotted to these districts, and if one dies there will be an election to that district; and what do we do in that case? We preserve the elective Senate, and I would let the Senate continue for two terms of the local House. The rule in the United States is six years. In France it is three terms. In Germany it is only one term. Now what would you have if my system were adopted? You would have the public opposition bearing constantly upon the Senate. The objection to the old legislative council was that a considerable number of new men came into the Senate at every election. In the United States only a third of the Senate is elected every three years, so that two-thirds remain constant. You would avoid the contagion of public agitation and the contagion of party zeal if only senators were elected as vacancies occurred. Perhaps a vacancy may not occur in two or three years, or two or three vacancies may occur in a year. I would have the senators serve for two terms. The nominative senators would serve for life. There should be no man in this House who sought by any method of condescension, or by a patronizing career, or by associating himself in a patronizing way with ministers, to ask for a prolongation of his term. He should be thoroughly independent or not be here at all. The elective senators would be independent. They come straight from the electors. The nominative senators would be independent because they

hold their position for life. That would introduce two classes of senators. In the House of Lords they had hereditary lords in the days of the Tudors, and appointed lords within recent times, and there is no harm done. It may be said that the district would be so large that senators could not secure election for a large district without great inconvenience. I do not attach much importance to that. As I said a moment ago, a whole province in Australia is the elective district for a senator, in the United States a state, and New York is large, and Texas is larger still—is the field for a state governor, and they get elected. We surely could get senators elected for a district composed of three or four counties. No man would presume to offer himself for a district through which he was not himself largely acquainted. He must be somewhat tall to be seen at a distance of three or four counties. It is easy to get a small man in a small sphere with three or four thousand electors, but it is a different matter where there are 15,000 electors, and the result would be that we would have men of larger knowledge and wider experience. Then there is the other advantage of the nominative system. By maintaining the nominative system the cabinet of a government could be more easily recruited. It was often inconvenient under the old system for a legislative councillor when taken into the council to go back for election. There should be some way of getting capable men into the government who are not required to get a seat. The British constitution has lasted a thousand years, and yet one-half of the cabinet do not go back for re-election. The government should be free to take hold of a man of great financial experience or of great experience in other departments, and place him in the cabinet and let him at once go to work and discharge the duties of his office. You limit the sphere of capable Canadians if you insist that no man shall have a seat in the cabinet unless he is elected in some constituency.

Then there is another phase of this question which is rather a discovery to me, that among the legislative councillors elected under the old law so many men came to the front by way of election. It is a very strong argument in favour of a half elective Senate, and I do not know but it would be even stronger in favour of a full elective Senate. There came into the legislative council forty-eight men by election, and notice the distinguish names I am going to read. There was Ferguson Blair, a member of Sir John Macdonald's first cabinet; there was Hon. David Christie; Mr. J. C. Aikens, Mr. Allen who was Speaker of the Senate, Sir Alex. Campbell, Minister of Justice, Letellier St. Just; Sir D. L. McPherson, Hon. J. G. Currie, who came in by election; and of the old members of the legislative council, who came in by appointment were Etienne Taché, Sir Narcisse Belleau. The elective system brought these strong men into public life. If a man has a strong personality and great force and energy, the trifling difficulty of a small constituency may not interfere with his promotion. I have outlined a scheme which was approved of in 1887, a scheme which is reasonably conservative, which I think will answer most of the objections that can be urged to a Senate no matter how constituted, and a scheme which would give to the Senate the public element we cannot fail to recognize, and still maintain that stability which is necessary to a body of this character.

Hon. Mr. COFFEY—I feel I should pass a compliment to my honourable colleagues from Middlesex and North Wellington for the statesmanlike attitude which has characterized their remarks upon this question, a question which has now assumed a complex form. The hon. member for Wellington started the ball rolling in vigorous fashion, and the last speaker has given it a fillip which brought it increased speed.

Periodically there arises in some sections of the country a subdued flurry of agitation for the reconstruction or the refurnishing of the Senate. In the fashioning of the national edifice the Senate of Canada was deemed a most important part of the structure. Around the Council Board were gathered men of renown—men of ripened statesmanship—men who felt they were not building alone for their own time but for future generations. They were men whose thoughts rose far beyond the giddy world of small party politics—not sparring for political points, but imbued

with a splendid resolve to make Canada great and free and prosperous. They would construct a nationhood strong and enduring. Indeed one would be led to think, after studying the history of those times, and taking to heart the well-nigh inspired utterances of the eminent men of that period, that they foresaw a time when unrest and inconstancy would become a characteristic of a section of the people—when there would be a cry, faint though it be—for the uprooting of old traditions, for the demolition or the transformation into a weakling of that part of our governmental system, against which tides of passion will, it is to be hoped, but beat to break and pass away. There may be—indeed there are—a few sincere and good men, who wish to see a change in that handiwork of the masters—the British North America Act—but they are men who have not delved below the surface. They have not deliberated upon the consequences which would ensue were their levelling propositions carried to completion. Remove a component part of a strong building and there will be misgiving as to the durability of the remainder.

In like manner may we not fear that an inroad upon the Confederation Act will but bring us nearer and nearer to other changes which will be looked upon with kindly eyes by those who are chasing will o' the wisps, the realization of whose dreams would be as dead sea fruit. We hear an echo from another place as follows:—

"The Canadian Senate as an institution has not proved to be of any decided benefit to Canada, and cannot be regarded as a necessity. That the disadvantages connected with and resulting from the maintaining of the Senate greatly outweigh the advantages and benefits derived therefrom, and that the Senate may with advantage and gain be abolished."

This may be considered the prologue of the play "Radicalism going far afield." Then will come the epilogue, but I believe it will be delivered in confusion, deserving not the plaudits of those who truly love Canada. There are those who tell us that the Senate at the dawn of confederation and the Senate of our day are not, from the standpoint of usefulness, identical. This is but an assertion, and is unsupported by facts and figures. It is too often an appeal to the sordid instincts which measure the length and breadth of everything by dollars and cents. When the welfare of Canada's people in the mass has been concerned, when has the Senate been found recreant to those high ideals which have been placed in its keeping? When has it failed to give proper consideration to the measures read from the Speaker's chair? If cases are pointed out, it will be found that the blame did not rest with the Upper Chamber. The cry has been raised that the Senate is not a body for which the people have regard—is not an assemblage of legislators possessing their confidence, because its members do not come fresh from the constituencies at the close of each general election. But it is well to recollect that a large number of the members had for long years been the recipients of the confidence of the electors when they were engaged in the more strenuous phase of political life. Many of them were sent to the elective chamber with goodly majorities to their credit, parliament after parliament, for a generation or more, and when the time approached to relinquish their posts along the firing line of party strife, they still retained the esteem of their constituents, and, in cases where a passage was opened for them into the higher sphere in the Canadian Senate there went out to them a full measure of that confidence which had been theirs in the early years. Ignoring this phase of the situation, the weak cry is still heard in some places that the Upper House is not a reflex of public opinion. But the cry, it seems to me, will go out entirely rather than increase in volume, for the reason that its foundation is but of sand. In this country we have reason for gratitude there are not those degrees of class distinctions which breed discontent. We have no privileged set which fancies that Providence made them first, and afterwards brought other people into existence for their special use and benefit. The members of the Senate of Canada have sprung from those sons of the soil who in the early days changed the forest into a garden and laid the corner stone of a nation of manly men. And

are we now to be told that those who have the bone and sinew and brain of Canada's pioneers do not truly represent the people of this country. We hear very many times the assertion made that the Senate should be brought into closer accord with the popular will. Give this phase of the question the fullest consideration—examine it in all its varied phases—and in the end we will find that it is but a parrot cry. The popular will! What is it, as we sometimes find it represented in real life, stripped of the stereotyped verbiage of the orator to whom the applause of the unthinking is milk and honey. When the hopes of charter mongers are dashed in Committee Room No. 8 the cry comes 'Away with the Senate.' Is that cry a reflex of the popular will? When the Senate holds the scale of justice between all classes and conditions of the people of Canada and refuses to sanction legislation of a partisan character, interested parties, checked in their crusade of injustice, will exclaim 'Away with the Senate.' Who calls that shout the popular will? A small portion of our population, the immatures who are tinged with socialism, the fledgelings who chirp at the feet of Eugene Debs and Jack London, will, when they find the realization of their day dreams baulked in the Senate of Canada, cry 'Away with the Senate.' Is that the popular will? I take it that heed should only be paid to the popular will as we find it expressed by those who supply the good red blood to our commercial, industrial, agricultural and professional life. From these Canadians will not come the demand to uproot that structure which will ever prove the staunch guardian of our liberties and the patrimony which Providence gave us in such plenty. For a moment let us compare the dominant note heard in the early days of our national life with that modern spirit (whose adherents are easily numbered) which would bring the leveller into the arena to stay our march towards greatness and permanence. In the Confederation Debates, page 88, we find this utterance from Hon. George Brown:

> I have always been opposed to a second elected chamber and I am so still, from the conviction that two elective houses are inconsistent with the right working of the British parliamentary system. I voted almost alone against the change when the council was made elective (1855), but I lived to see a vast majority of those who did the deed wish it had not been done. I readily admit that men of the highest character and position have been brought into the Commons by the elective system, but it is equally true that the system of appointment has brought into it men of the highest character and position. Should the elective element become supreme, who will venture to affirm that the council would not claim that power over money bills, which this house claims as a right belonging to itself. Could they not justly say they represent the people as well as we do and that the control of the purse strings ought therefore to belong to them as much as to us? What we propose is that the Upper House shall be appointed from the best men in this country by those holding the confidence of the representatives of the people in this chamber. It is proposed that the government of the day, which only lives by the approval of this chamber, shall make the appointments and be responsible to the people for the appointments they have made.

There was half a century ago a remarkably unanimous concurrence in the belief that a second Chamber was necessary, partly no doubt because the wisdom of the ages in every civilized country under the sun had brought the conviction to the minds of the thinkers that there should be some tribunal to stay the hand of passionate haste in the law making forum. In the words of Sir John A. Macdonald:

> There should be the sober second thought in legislation. The Senate would be of 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 a regulating body, calmly considering the legislation proposed in 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 well understood wishes of the people.

Another public man who held a prominent place in the national councils, Hon. Alexander Campbell, said:

> He would have the Upper House calm, considerate and watchful to prevent the enactment of measures which in its deliberate judgment were not calculated to advance the common weal.

We should take a lesson from the experience of those who on this continent rejected thought of the garnered wisdom of the ages when the thirteen colonies started housekeeping.

The elective system was given fullest rein and every official in the public life

of the republic from the president to the caretaker of a public building held place subject to the will of the ballot markers.

Even the judges of the different courts, save and except only those on the bench of the Supreme Court of the United States, held their term of office only between elections.

United States senators are sent to Washington by the votes of the members of the State legislatures, but it has been remarked that only very wealthy men succeed in gaining the coveted prize. We have evidence that our American friends are each year more inclined to bring into practice some of that conservatism which they so completely erased from their political catechism in the early years of their existence as a nation.

Although it is the practice to elect the judiciary, save that of the Supreme Court, in many cases, when a judge has proved his competence and integrity, there has been a mutual understanding between the two political parties to permit him to retain his place on the bench.

It is quite true that as the world advances changed conditions have to be taken into account.

In legislation as in other spheres of activity alterations of a salutary character may become advisable. While holding fast to first principles—while leaving the construction of the two Houses in close touch with the manner in which the fathers designed it—the body politic may be given a new garment, which would render it more comely.

A reduction in numbers could be arranged without impairing the usefulness of the Senate. And there are other legislative bodies which might be benefitted by a change along the same line.

One important feature of our legislation comes to my mind.

While one section of our parliamentary machinery may become overloaded with Orders of the Day, another may have too much leisure time. In a recent debate one of the speakers gave it a more inelegant designation.

He said the faults of the Senate as at present constituted were lethargy and inertia. He might have put it in other terms. Candour would, I am sure, prompt him to address us in this wise:

Hon. Mr. COFFEY.

Honourable Gentlemen of the Senate. We complain of your inactivity, but we will give you nothing to do. While we may revel in the luxury of debates interminable you must be idle. Are you not ashamed of your idleness ?

The mission of the Senate should be extended so that it might come more completely into harmony with those high ideals of usefulness which is and has ever been the dominant note of its character. This change could be brought about without infringing in the slightest degree upon the prerogatives of the House of Commons. It might be considered unbecoming to make any reference to reforms which might be introduced into the manner of procedure of our next door neighbors.

But as they have seen fit to discuss the advisability of bringing about changes in the Upper House it should not be out of place were the members of that body to return the compliment. A conference between the two Houses might result in a more equitable division of legislative energy. My fellow senators I feel assured are anxious to take a fair share of the burdens of the law making stress for Canada's weal. No class of men love their country with a greater or truer love—no class are more anxious to give of their best that the Dominion may be enriched in all that creates a nation's glory—no class are more jealous for Canada's fair name or more zealous for its preservation—no class are more concerned to uphold the right and condemn the wrong—no class to a greater degree possesses that thrice noble ambition to promote and strengthen and weld together in unbreakable form feelings of love, of unity, of purpose, of patriotism, between the varied creeds and races that go to make up our nationhood. May this feeling grow in volume and strength in every section of our vast Dominion. No true patriot will look askance at his brother Canadian because he is not of the same blood or of the same creed as himself. Dangers confront us at times. Let us meet them as men imbued with an abiding faith in justice, in fair dealing, in charitable instincts one for the other. Dangers will then subside, and with Virgil we may say, 'After passing perils it is a pleasure to remember them.'

If it ever comes to pass, which heaven

forbid, that passion brings danger to our future—that the conduct of Canada's unworthy sons brings her shame and disaster —if it comes to pass that a blow will be aimed at our Canadian brotherhood, may it be, and I am sure it will be, the high purpose of the Senate of Canada to hold the hand that would strike that blow.

Hon. Mr. SCOTT—I presume there will be other gentlemen who would like to speak, and I would suggest that the debate be adjourned till Tuesday and stand at the foot of the orders of the day. I make the suggestion, not with a view of intending to speak on that occasion, but I presume that there are some other hon. senators who would like to express their opinions on the subject. In fact I think it would be desirable there should be a general expression of opinion, because a change is in the air, according to the opinion of some of the members of the House of Commons, and I think every hon. senator should express his own frank and candid views on this important matter.

Hon. Sir MACKENZIE BOWELL—Surely the government must have some opinion on the subject. I gathered from the remark of the hon. Secretary of State that he did not intend to discuss the question or to speak himself.

Hon. Mr. SCOTT—Not on Tuesday.

Hon. Sir MACKENZIE BOWELL—Then, like the hon. premier, he has been considering the question for twelve years and has so far found no solution of the difficulty.

Hon. Mr. SCOTT—Well I plead guilty to the charge. It is very difficult to get fourteen men to agree to a constitutional change.

The SPEAKER—If some hon. gentleman desires to speak, on Tuesday, perhaps the motion to adjourn the debate should be made by him.

Hon. Mr. FROST—I beg to move the adjournment of the debate in the name of the Hon. Senator Davis, who requested me to do so.

The motion was agreed to.

The Senate adjourned till three o'clock, to-morrow.

THE SENATE.

OTTAWA, Friday, January 24, 1908.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

QUEBEC BRIDGE AND RAILWAY COMPANY.

INQUIRY POSTPONED.

The order of the day being called :

By the Hon. Mr. LANDRY :—

That he will inquire of the government:

1. Has the Quebec Bridge and Railway Company fulfilled the obligation which was imposed upon it by clause 4 of the agreement made, between it and the government, on the 19th day of October, 1903, which clause reads as follows :—

'4. The company will procure subscriptions for additional stock to the amount of $200,000, such new stock to be issued at a price not below par and to be immediately paid up in full, the proceeds to be applied in the first place in the payment of the discount at which the bonds of the company were issued as aforesaid, to wit the sum of $188,721.' (Being exactly the difference betwen the sum of $472,000, the amount of bonds issued, and the sum of $283,279, for which these same bonds were accepted) ?

2. When did the company so furnish subscriptions for additional stock to the amount of $200,000 ?

3. Who are the persons or the companies who divided among them this additional stock to the round sum of $200,000 ?

4. On what date and for what amount did each of these persons or each of these companies become owner of the aforesaid stock ?

5. On what date did each of the aforesaid persons or companies pay into the hands of the company the price (in part or in whole) of the stock so subscribed ?

6. Was this amount of $200,000 paid in full and in what manner ? How much in cash, how much in promissory notes and how much in any other way ?

Hon. Mr. SCOTT—I have already informed the hon. gentleman that I supposed it would be a week before this information could be prepared.

Hon. Mr. LANDRY—This is a new question altogether.

Hon. Mr. SCOTT—I have no information in regard to it. It looks so like its predecessors that I supposed it was the same.

Hon. Mr. LANDRY—They are all children of the same father. I suppose we might receive the information asked for by this inquiry along with the other one?

Hon. Mr. SCOTT—I hope so.

Hon. Mr. LANDRY—The hon. Secretary of State might put them together and they would be twins.

Hon. Mr. YOUNG—We do not know them apart.

INTERCOLONIAL RAILWAY TARIFFS.

MOTION.

Hon. Mr. LANDRY moved :

That an Order of the Senate do issue for the production of a copy of the different tariffs in force upon the Intercolonial Railway, in 1896-7 and 1906-7, between Quebec and St. Flavie, and all intermediate stations between these two points, for the carriage of passengers or of goods, under the operation of the winter-tariff and under that of the summer tariff.

The motion was agreed to.

A QUESTION OF PRIVILEGE.

Hon. Mr. BOSTOCK—Before the orders of the day are called, I wish to ask the Secretary of State whether his attention has been called to a report in the Ottawa 'Free Press' of yesterday of the proceedings in the British Columbia legislature, in which it is stated that Premier McBride said that instructions had been given to the Lieutenant Governor at the time of his accepting the position of Lieutenant Governor, by the Clerk of the Privy Council, which justified him in refusing to assent to the Bill which was passed at the last session of the legislature called the Natal Act, and also further what reason Premier McBride has for saying his interview with the Secretary of State was a private one?

Hon. Mr. LOUGHEED—Pardon me for intervening. If my hon. friend refers to a passage or to an extract taken from any particular newspaper, I think it is very desirable in the interest of the House and in the interest of exactitude, that that particular paragraph should be read.

Hon. Mr. BOSTOCK—I have the newspaper before me, but I thought I would put it more shortly. The paragraph reads as follows:—

Premier McBride (replying to Mr. Macdonald) denied that he was responsible for the Act of the Lieutenant Governor, done as an executive of the Dominion government, and contended that the Lieutenant Governor had instructions.

Mr. Macdonald—Where are the instructions?

Mr. McBride said instructions were given to the Lieutenant Governor when he took the oath of office which justified him in following such procedure as was done in this case. He was satisfied to rest his case with the statement that his honour was in possession of instructions handed him by the clerk of the Privy Council of Canada when he was given his commission, and which instructions were full and ample in so far as to protect his executive act in withholding royal assent to this Bill. . . . He admitted having a conversation with the Secretary of State, Hon. R. W. Scott, at Ottawa in his private office, but denied that it was susceptible to the construction put upon it by Mr. Macdonald. All that he said was that he expected that assent to the Bill would be withheld. This was spoken in private conversation with the Secretary of State, but it seemed that in Canada the sanctity of privacy was abused in such matters.

Hon. Sir MACKENZIE BOWELL—What paper is that?

Hon. Mr. BOSTOCK—The Ottawa 'Free Press' of Thursday.

Hon. Mr. SCOTT—What led up to this was a conversation that I had with Mr. McBride when he was in Ottawa on his way to England at the time he was going there to support the position of British Columbia in connection with the better terms that the other provinces had acquiesced in. He called on me. It was presumably about a letter of introduction to some persons in London. While I was in my office—not a private office, but the office of the Secretary of State—the conversation referred to occurred. A Bill in reference to the immigration of Asiatics had been passed by the legislature of British Columbia, and I was anxious to know what would be done with it, so I asked Mr. McBride 'What are you going to do with that Bill?', referring to the immigration Bill, 'Will it be assented to or reserved?' He said: 'It will be reserved.' After he left the office, I thought it better to get positive information on the subject, although I had no reason to doubt the truth of what Mr. McBride had told me; at the same time he had been absent from the province a week and I did not know what changes might have taken place in that time. The Bill had not been assented to. On the 23rd of April, presumably the day Mr. McBride was in my office, I sent this telegram :

Ottawa, April 23, 1907.

Lieutenant Governor of British Columbia, Victoria.

Your Premier, Mr. McBride, assured me the Bill entitled an Act to regulate immigration into British Columbia, would not receive assent but would be reserved for consideration of government here. Can I rely on this assurance?

R. W. SCOTT,
Secretary of State.

The assurance referred to was that given me by Mr. McBride. Now, that has been twisted, I find. The Montreal 'Gazette' contains a paragraph on the subject, dated from Victoria. It is headed 'Acted for Dominion. Dunsmuir withheld assent to Act on request of Secretary of State.' I made no such request. I merely asked Mr. Dunsmuir if I could rely on the assurance given by Mr. McBride, Premier of British Columbia. I did not ask the Lieutenant Governor for an assurance—I said 'Can I rely on this assurance,'—that is the assurance given me by the premier. Report has twisted it the other way, and it has been discussed in the British Columbia legislature on the assumption that I was giving instructions to the Lieutenant Governor, which I did not. The 'Gazette' proceeds to say:

In the legislature to-day, Attorney General Bowser quoted a telegram of Secretary of State Scott to Lieutenant Governor Dunsmuir in respect to the Natal Act passed last session. It said, in brief, 'We have been assured by Premier McBride that you will withhold your assent to the measure. Can we rely upon your doing so?' To this Dunsmuir replied promising not to allow the Bill to become law.

Now, I did not put it that way. I did not make an appeal to the Lieutenant Governor. I asked him whether I could rely on the assurance given by his premier. The 'Gazette' continues:

To this Mr. Dunsmuir replied, promising not to allow the Bill to become law.

Mr. Dunsmuir said nothing of the kind He said:

Your telegram received. Bill referred to will not receive my assent.

Later on when the Bills were assented to, he sent the following letter dated the 29th of April:

At Government House, Victoria, British Columbia.

April 29, 1907.

Sir,—I have the Honour to inform you that I prorogued the Legislative Assembly of this province on the 25th instant, at which time I assented to a number of Bills, duplicate copies of which I am forwarding to-day by registered mail.'

I have thought it advisable to reserve for the pleasure of His Excellency the Governor General in Council, Bill No. 30, an Act to regulate immigration into British Columbia.

My reasons for doing so are, that this Bill appears to be but a modified form of other Acts dealing with the same subject, which have already been disallowed by His Excellency, and should it become law, might seriously interfere with our international relations and federal interests.

I have the honour to be, sir,
Your obedient servant,
(Sgd.) JAMES DUNSMUIR,
Lieutenant Governor.

The Honourable
The Secretary of State, Ottawa.

The Lieutenant Governor gave, I think, very sound reasons for the course he had taken, and I see no censure that could apply to anybody, but it seems to be made a casus belli in British Columbia, and the correspondence has been twisted to draw from it a meaning that is entirely contrary to the truth. As I said before, the conversation took place in my office. There was nothing confidential about it.

Hon. Mr. FERGUSON—Will the hon. gentleman lay the papers on the table?

Hon. Mr. SCOTT—Yes.

Hon. Mr. LOUGHEED—The reason I asked the hon. senator from Yale to read the paragraph referred to was on account of the impression left on my mind at any rate, that instructions had been given by the Premier of British Columbia to the Lieutenant Governor of that province to withhold his assent from the Bill. I think from the observations which fell from my hon. friend—I do not say it was intentional—that was the impression left on the House. The telegram of my hon. friend the Secretary of State to the Lieutenant Governor of British Columbia was very astutely worded, and calculated to leave the impression on the public mind that the Lieutenant Governor of British Columbia had withheld his assent on the advice of his ministers. Now, it is quite apparent from the correspondence which has been brought down, and even from the statement of my hon. friend, that that is not the case. It is the constitutional right and would have been the practice followed by the Lieutenant Governor entirely irrespective of his ministers, to reserve

his assent to a Bill involving imperial considerations, and that notwithstanding the advice of the provincial ministers that Bill would have been referred to the federal government. Now, my hon. friend must have had an object in view in making those inquiries from the Premier of British Columbia as to the measure, whether they would advise the Lieutenant Governor to withhold his assent. It is quite apparent that inferentially it was the intention of this government that the assent of the Lieutenant Governor should be withheld from that Bill. I make those remarks in view of the denial given by the Premier of British Columbia to the statement that he had advised the Lieutenant Governor to withhold his assent. It was withheld on his own responsibility, and his correspondence with the federal government not only justifies the position he took, but gives the reasons why he pursued that course.

Hon. Mr. SCOTT—I am not endeavouring to give any tone to the correspondence that it does not bear. In the first place I deny that the conversation was private in any sense.

Hon. Mr. LOUGHEED—I was not dealing with that feature of the question.

Hon. Mr. SCOTT—I was prompted to ask the question from natural curiosity. I had not been deputed by the government to ask the question. It was only my individual desire for information on the subject. Previous Bills had been disallowed for a series of years and it was most natural to ask if there was a change of policy in British Columbia and the premier seemed to be the best person to give information and he very frankly said 'The Bill will not be assented to.'

Hon. Mr. FERGUSON—I ask my hon. friend if he made any reply to the telegram of the Governor of British Columbia in which he declared that it was his intention to disallow the Bill? Did any one answer for the government, either agreeing or disagreeing ?

Hon. Mr. SCOTT—Oh, no.

Hon. Mr. FERGUSON—Silence therefore gives consent. The government approved.

Hon. Mr. SCOTT—That ended it. 'Your telegram received. Bill referred to will not receive my consent.'

Hon. Mr. FERGUSON—There was no reply ?

Hon. Mr. SCOTT—No.

Hon. Mr. FERGUSON—Silence means approval.

Hon. Sir MACKENZIE BOWELL—It seems to me that no other conclusion can be come to, after hearing the statement made by the hon. Secretary of State, than that an attempt has been made to show that the premier of British Columbia, though responsible for the passing of an objectionable Bill—that is objectionable in the eyes of the Dominion government—that he advised the Governor to withhold his consent. Now are these not the facts when fully known:

That in the conversation had between the Secretary of State and the premier of British Columbia, in Ottawa, he intimated that the Governor had told him that he would withhold his consent. If that be the case, the Premier only repeated what he knew had fallen from the Governor himself. If, on the contrary, the statement made by the Secretary of State be accepted literally, as it has been presented to this House, it cannot but leave the impression upon the minds of every one who listened to it, or who reads it, that the Premier of British Columbia, after having passed that important Bill, recommended the Governor to withhold his assent, and leave it to the federal authority to sanction or disallow, as they pleased. That is about the state of things. I have a distinct recollection of a Bill—not exactly similar, in the Ontario House, with regard to the incorporation of a certain society, where the government accepted the principle of the Bill, acquiesced in its passage, advised the Governor not to assent to it, but to refer it to the then Dominion government. I remember very well the reply of Sir John Macdonald. His reply to the Governor and to the Premier of Ontario at the time was this : 'That is a question within the powers of your legislature, and it is for you to say whether you sanction it or not.' Does the hon. gentleman want me to repeat what the Bill was. It

was the incorporation of the Orange Society. Hon. gentlemen will remember it.

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—I do not hesitate to say that the Ontario government at that time desired to place the responsibility upon the Dominion government, of which Sir John Macdonald was premier at the time, of either rejecting the Bill and therefore coming in conflict with a large body of people, or of approving it, and then coming in conflict with a large body of people on the other side. But the Premier of the Dominion was too astute to be caught in that manner. He told them it was their prerogative to do as they pleased with it, and he would leave it with them to be dealt with. My only reason for calling attention to this is, that I think the impression left on the public mind from the statement made by the hon. gentleman who brought this before the House, and the explanation given by the hon. Secretary of State, that the premier of British Columbia actually advised the lieutenant governor, though responsible for the Bill, to withhold the assent and leave it with the Dominion government to deal with. I can easily understand that the Premier might have said, in the conversation with the hon. gentleman which is alluded to, not confidential at all, 'The Governor will not give his assent to that Bill.' But the attempt is being made to hold the Premier responsible for that for which the British Columbia Governor is responsible and not the Premier.

Hon. Mr. POWER—I did not know this question was coming up, or I should have fortified myself with some authorities on the matter.

Hon. Sir MACKENZIE BOWELL—None of us knew it except the Secretary of State. It is evident he was quite prepared for it.

Hon. Mr. POWER—One does not like to speak of a nice point of constitutional practice without fortifying oneself with the authorities; but I understand from the hon. gentleman from Hastings that the former premier of Canada, Sir John Macdonald, laid down the doctrine that the local administration of the province of Ontario was responsible for the assent or non-assent to a Bill passed by the provincial legislature. There is no doubt about that, and I think that seems reasonable. That is a matter which comes within the purview of the local government. The Dominion deals with the Act after it has been passed by the local legislature and comes here, but the Dominion has not anything to do with the manner in which the Bill is to be dealt with by the province or by the Lieutenant Governor of the province, and, consequently if the Lieutenant Governor of the province had acted under the instructions of the Governor General, and had refused assent to that Bill, contrary to the advice of his ministers, it seems to me that the proper thing for the ministers to do would be to resign. This non-assent to a Bill which has been passed by the legislature is a matter as to which the governor is supposed to take the advice of his own ministers. If he does not take their advice, and if he reserves a Bill which they say he should assent to, then there is a fight on between the ministry and the governor, and the ministry resign and they go to the country. It seems to me that is sound constitutional practice, and it is common sense. The Dominion government would not be called upon to act upon that Bill until it had been assented to by the Lieutenant Governor and had come up here. They have then I think a year in which to decide whether they shall veto it or allow it to go into operation; and I cannot understand why the central government have been brought into this provincial quarrel at all; while it is quite clear from the explanation given by the Secretary of State that there was no intervention on the part of the Dominion government.

Hon. Sir MACKENZIE BOWELL—I do not differ materially from the constitutional position taken by my hon. friend from Halifax. He is quite correct in the main, but he knows very well that under the constitution by which this country is governed, the imperial authorities reserve to themselves the right of annulling or vetoing a measure passed even by any colony, which comes in contact or in conflict with what they consider imperial interests. Now, in this case, I do not find fault with the Governor for withholding his

assent to this Bill. I do not wish to be understood as doing that. In this case the Governor might properly have taken the view that the assenting to a Bill of that character would be in direct conflict with the treaty which existed between the Imperial government and Japan to which Canada had become a party, and I am not prepared to say that he was not right. That is not the point I desire to bring before the Senate. The opinion laid down by the hon. gentleman on the constitutional question is quite correct to the extent to which he carried it, but he did not go far enough.

Hon. Mr. SCOTT—My attention has been called to the fact that I have not given an answer as to the general instructions. I have looked over the instructions to the Lieutenant Governor, and there is nothing whatever on the subject in the instructions sent to him, so that the hon. gentleman is wrong so far as that goes. The conversation with Premier McBride did not last more than fifteen seconds. It was simply 'Will that Bill be assented to?' He said, 'No, it won't be.'

Hon. Mr. CLORAN—I have just one word to say from a practical point of view in regard to this question. I have been reading the matter and considering it, and I have come to the conclusion that there are two points involved, one of sharp practice in party politics, and one constitutional adviser of the Lieut. Governor of his province, Premier McBride, who was known as an opponent of Asiatic immigration into his province. That is admitted on all hands. He appealed to the electors of British Columbia in several elections on that ground, that he would be a deadly opponent of Asiatic immigration into British Columbia. His legislature was in session. The Bill was before the House of that province, called the Natal Act, for the purpose of excluding that class of immigrants. He leaves his province before the measure is passed. He comes to the capital of the Dominion——

Hon. Mr. SCOTT—The Bill had passed the House at that time.

Hon. Mr. CLORAN—Well, I am subject to correction.

Hon. Sir MACKENZIE BOWELL.

Hon. Mr. SCOTT—The Bill passed two days before the House adjourned.

Hon. Mr. CLORAN—I stand subject to correction. The Bill passed two days before the House adjourned. He comes to the capital of the Dominion, and interviews the Secretary of State, and what is stated in behalf of himself in regard to the privacy of it, I do not take account of at all. He came here as Prime Minister. He interviewed the Secretary of State, the representative of the government in these matters, and the question was put to him, and I thoroughly agree with the hon. Secretary of State that the interview was not a private one in any measure at all. Now, to my mind the question is this: was Mr. McBride, the Prime Minister of British Columbia acting the part of a constitutional adviser of the constitutional governor, or of a sharp practice politician? He knew the Bill had passed. He came here and he said to the Dominion government, 'It will be disallowed. The Lieutenant-Governor will not sanction it. Now, to my mind that is a position that no hon. statesman should take. He was responsible for that measure. He knew it was to be passed. He had it passed, as I am told, and he knew before it was passed that it was going to be disallowed. So that I say, and I say deliberately and advisedly, that his conduct in this matter was simply one of sharp practice. He had been urging the electors of British Columbia to support him in the contest then taking place, on the ground that he was opposed to the immigration, and in the meantime he was a party to have that legislation disallowed or vetoed. That is the position the hon. Prime Minister of British Columbia cannot hold and maintain before the country. It has been stated in another place, and more forcibly than I can say, that this double shuffle or sharp practice did take place. It is stated on the word of honour of hon. members in another House—and I hold that the declaration of these hon. gentlemen should be taken, especially in view of the allegations and the declarations made here, and I say that Premier McBride does not deserve the confidence of the people of British Columbia, nor of this government, for in this

matter he was playing a double act, pretending to be against the immigration, and then practically counselling an exercise of authority for its disallowance.

Hon. Mr. FERGUSON—This is a very important question, and it is really a pity that the House was not aware that it was coming up, in order that we might have an opportunity of referring to authorities. However, I have had some experience with a similar question once in my political life, and I think that the true constitutional view is that the Governor, on questions that are clearly within the power of the provincial legislature to deal with, must act on the advice of his constitutional advisers; but where Imperial or Federal interests are involved, he has a right to look for instructions from the Federal government, and these instructions must be regarded as paramount when Federal interests are clearly affected. The Premier of the province is not involved in the matter at all, and his resignation is not called for, because he has not tendered any advice on the matter, further than the passage of the Bill, as he was responsible for all the Bills that passed the local legislature. Now, the Governor might, I think, very properly, acting as a Federal officer, and considering that this Bill infringed Imperial interests, of his own volition have reserved the Bill or withheld his assent to it. He might have done that, but whatever he intended to do, he was not left in a position of doubt, for he had a telegram from the Secretary of State asking him if the government of Canada could rely on the information they had. He said, 'Can we'—meaning the government of Canada—'rely on information received through Premier McBride, that it was the Governor's intention to withhold his assent from the Bill. The answer was that it was his intention, and I think anybody will see at a glance that the Governor whatever might have been his position before the telegram came from Ottawa, was clearly fortified as a Federal officer to withhold his assent to the Bill.

INTERNAL ECONOMY AND CONTINGENT ACCOUNTS COMMITTEE.

FIRST REPORT ADOPTED.

Hon. Mr. WATSON moved the adoption of the first report of the Committee on Internal Economy and Contingent Accounts, as follows:

1. Your committee recomend that their quorum be reduced to nine (9) members.
2. Your committee wish to place on record their appreciation of the loss sustained by the Senate through the death of Mr. Antoine Alphonse Boucher, I.S.O., deputy clerk and first clerk assistant. The late Mr. Boucher had been in the service of the Upper House for fifty years, having been appointed to a clerkship in the old legislative council on the first of May, 1857. He was a most reliable, capable and painstaking officer, in fact an ideal public servant, whose place it will be extremely difficult to fill satisfactorily.
3. Your committee recommend that Mr. Robert W. Stephens, second clerk assistant, deputy clerk, first English clerk, and clerk of English Journals, be promoted to be first clerk assistant, at a salary of $2,600 a year, in the room and stead of Mr. A. A. Boucher, deceased.
4. Your committee recommend that Mr Alfred E. Evanturel be appointed second clerk assistant, at a salary of $2,400 a year.
5. Your committee recommend that Norman McLeod Wood be appointed a permanent messenger at $900 a year.

All of which is respectfully submitted.

ROBT. WATSON,
Chairman.

The first, second and third paragraphs of the report was adopted.

On the fourth paragraph,

Hon. Mr. LOUGHEED—I had not the privilege of being in the House when this report was brought down, but it seems to me to be a very fit subject for comment, and in fact for adverse criticism. In the first place, it would present itself to my mind as an unnecessary step on the part of this Senate to appoint a third officer at the table of the House. It need not be mentioned—because it is well known—that at the table of the House of Commons, where the business is certainly very much more important and very much more onerous than in this Chamber, there are only two clerks, and the work which is done at the table of that House must necessarily be infinitely greater than is involved in this Chamber. Now it would not be unreasonable, particularly in view of the many homilies my hon. friend the leader of this House has delivered to this Chamber, upon the unnecessary expenditure which we incur in connection with the expenses incident to the Senate, that business principles and business methods should be applied with reference to the conduct and the administration of our official staff. There is no reason whatever why a chamber like this, and a

committee such as the Internal Economy Committee, composed of business men, should not introduce business principles into the conduct and administration of business affairs with which they have to deal. No financial or commercial institution would for a moment think of incurring the very large expenditure which is necessarily involved in this third appointment. I would ask the House what duties this gentleman, whom I do not know, whom I never saw to my knowledge, will have to perform for the country? This Chamber is not in session more than one quarter of the year. We may be in session longer, but certainly there is no work to do involving close attention more than 25 per cent of the twelve months. Would any financial or commercial institution think for one moment of appointing three clerks to the table of this House? I do not wish to be personal. I do not cast any reflections or make any adverse comment upon the transaction of business at the table of the House, but I say positively that no responsible body would think of appointing three clerks for the purpose of transacting the business of this House. In the next place, this Senate is subjected from time to time to adverse criticism. The tones of criticism in the House of Commons have scarcely died away with reference to the way in which we manage business in this Chamber, and while I am not concurring in that criticism, and while I am not in sympathy with it, yet there is no reason why the Senate of Canada should not set an example to the other deliberative bodies of the Dominion of Canada, and this I say is not being done at the present time. We are accused of a lack of independence. We are accused of partisanship. I say advisedly that this appointment is being made at the dictates of the federal government. I venture to say that a very small minority of the Internal Economy Committee know anything personally about the gentleman who has been appointed to this position. Are we going to sacrifice the well-established principle of continuing promotion to those who have served the interests of this Chamber well, who have served the interests of the country well? So far as I am aware, there are at least three gentlemen in the translation branch that are well qualified—much better qualified than the gentleman who is proposed to be appointed—for this position. Are we to overlook these gentlemen who have served the country and this Chamber faithfully for many years, and, at the instance of the federal government, upon their dictates, because I do say the party whip has been cracked over the heads of members of this committee, and because of this pressure this gentleman is appointed to the table of this House. I protest against a procedure of that kind. I think this body should show a greater measure of independence than is being exhibited in this important matter, and while I cast no reflection whatever on the gentleman who is about to be appointed—because I fancy my protest and the protest of those on this side of the House will not be effectual in stopping this appointment—yet it is desirable that those protests should go upon record against an appointment of this kind, which in my opinion cannot be justified.

Hon. Mr. WATSON—I desire to say a word in answer to what the hon. member from Calgary has stated. The hon. gentleman was not present at the committee meeting when they recommended the appointment of this gentleman. I think that there is no question whatever with regard to the qualifications of the gentleman mentioned, and I do not think there should be any question in the minds of hon. members of this House, as to the necessity of appointing a man to take the place of the late Mr. Boucher; because, as is set forth in this report adopted by the House, a report referring to the duties that had been discharged by the gentleman that formerly occupied that position, a report which the House has concurred in, there can be no question as to the character of the work done by that gentleman. Mr. Evanturel is selected to perform these duties on account of his qualifications. He is well versed in both English and French. He is a lawyer and a translator, and has been Speaker of the Ontario legislature for two terms, and is therefore well qualified for the position. The hon. gentleman suggests that Mr. Evanturel has been appointed here at the dictation of the other

House for party purposes. I want to inform the hon. gentleman that the nomination of Mr. Evanturel was proposed and seconded by his own political friends, and his appointment was recommended to the committee by those gentlemen.

Hon. Sir MACKENZIE BOWELL—I suppose the hon. senator knows that he is violating the rules governing committees in stating what took place in committee.

Hon. Mr. WATSON—I quite understand that I am violating the rules, but I thought it well, as the question has been raised by the leader, to mention that fact.

Hon. Mr. LOUGHEED—I do not think they will do it again.

Hon. Mr. WATSON—I consider it a very satisfactory reply to the charge made that this appointment was prompted by the government and the Liberal party in the House of Commons.

Hon. Sir MACKENZIE BOWELL—Does the hon. gentleman say it was not suggested by the government?

Hon. Mr. WATSON—I do not think there is any question as to the qualifications of Mr. Evanturel. I am informed that the translation of Bills that pass this House is very difficult work except the translator is a lawyer. Personally I know nothing about that, but I do know that no official has ever been appointed in the Senate who is better known than Mr. Evanturel, because he has occupied the position of Speaker in the Ontario legislature. Others well acquainted with him will probably refer to that fact. The objection is raised that we are unnecessarily appointing another clerk for the table. I do not think it was in the minds of the Internal Economy Committee that Mr. Evanturel should occupy a seat at the table at all times. He might be called on to do so in the absence of the clerk or the assistant clerk. We have promoted Mr. Stephen to the position occupied by Mr. Boucher, and the committee have nominated Mr. Evanturel to fill the position formerly occupied by Mr. Stephen, but not with the idea that he shall always have a seat at the table. I am informed by those familiar with translation, that a man of Mr. Evanturel's qualifications is required in the service of the Senate.

Hon. Sir MACKENZIE BOWELL—Would the hon. gentleman mention what the other duties are to which he refers?

Hon. Mr. WATSON—The principal duty is translating.

Hon. Mr. LOUGHEED—What about the other translators? Will any of them be dismissed to make way for Mr. Evanturel?

Hon. Mr. WATSON—We need more translators. We hear complaints every session that the translation is not kept up. Mr. Boucher was one of the hardest worked translators in the House up to the time of his death.

Hon. Sir MACKENZIE BOWELL—The explanations made by the chairman cannot be satisfactory to any one. He has totally omitted to refer to the fact that a stranger who has no knowledge of the duties he is called on to perform is to be foisted on the Senate at the maximum salary. Now, the duties which an assistant clerk of the House has to perform, apart from those performed by the two experienced men we have here now, might be done by any ordinary clerk at $1,000 a year. The House has not been informed why Mr. Evanturel should be appointed over the heads of experienced clerks now in the translation branch who are receiving smaller salaries than this gentleman will get. I pass no opinion upon his qualification. His talents would be very meagre if he was not able to sit at the table and assist the two experienced gentlemen we have here to-day. There is no use of hiding this fact. The Senate is being made the receptacle for a political dead duck. I do not desire to cast any personal reflection upon Mr. Evanturel. There are many men of talent who are in the position of dead ducks, and I do not mean anything disrespectful to the gentleman personally. The hon. gentleman from Middlesex told us yesterday that many very eminent men had been rejected by their constituents, and politically might merit the name I have used. It has occurred before that when there was not room enough for hangers-on of the party

in power they were dumped upon the Senate, and in this way messengers and others have been appointed who were from age and incapacity not qualified to perform the duties they were employed to discharge. Is it not true that Mr. Evanturel, who occupied a very prominent position in the Ontario legislautre, and who is very much respected as a gentleman, I believe, was promised a senatorship——

Hon. Mr. WATSON—We do not know that.

Hon. Sir MACKENZIE BOWELL—Is it not true that an hon. gentleman who is sitting on the second row of benches, euchered him and got the position himself? In default of keeping that promise, it has been decided to dump Mr. Evanturel on the Senate at $2,400, the maximum salary paid to any official occupying that position. I have before me the report of the Contingent Accounts Committee, in which they laid down a schedule of salaries to be paid to the different clerks employed by the Senate and the minimum salary for this very office is $1,800 a year. Why has promotion not been given to one of the experienced translators already in the employ of the government? Why should an outsider be selected, except for political reasons, and paid the maximum salary of $2,400 a year. My hon. friend, the chairman of the committee, very astutely avoided referring to the point raised by the leader of the opposition, but it is due to this House that we should know what the superior talents and the ability of Mr. Evanturel are to justify the committee in recommending the appointment to an assistant clerkship at the maximum salary, when he has had no experience of the work in this House. I have no doubt if the question comes to a vote the report will be adopted; but in this case as in many others to which I call attention of the House, I consider it my duty to enter my protest against a proceeding of this kind without some satisfactory explanation for the appointment of a stranger to fill the second position at the table on a maximum salary. I notice my hon. friend from Halifax (Hon. Mr. Power) is about rising to his feet to make an explanation; I hope he will be able to make a more satisfactory one than the chairman of the committee has given. He may have a little more political dexterity and a little more astuteness in making explanations and justifying an extraordinary recommendation of this kind. What has the Secretary of State to say to this? I remember how often he used to rise indignantly at suggestions made to increase the salaries of a few clerks who have been in the employment of the government for years. An increase of $100 shocked him; his economical views at that period in the history of his life were such that he could hardly swallow any increase. Now he acquiesces in the appointment of a stranger to a position to this table at the maximum salary. Let us have some explanation as to why this is being done. If the government say that it is to provide a place for one of their supporters because they have been unable to give him the appointment promised him, we might accept it without a word, and that is precisely the situation as I understand it. Every senator who supports the report is violating a rule laid down by this House, and takes the responsibility of all the political iniquities connected with it.

Hon. Mr. CLORAN—Probably there is no gentleman in this House who would have personal reasons greater, stronger, deeper, and broader than I have to oppose the appointment of Mr. Evanturel, ex-Speaker of the Ontario House, but I do not stand here to-day on the strength of my animosity to a man. I stand here on the information I have received in regard to what is required, and that information is that the translation bureau of the Senate is short of workers. Very often the translation is so delayed that senators from Montmagny and other places are complaining all the time. That is one reason for the necessity for the appointment—there are not enough translators to do the work of the House. Another reason is that the committees of the Senate are often without clerks and have to send for juniors. These are two reasons which justify the appointment of an extra official. What his salary may be I care not, but once it is established that the requirements of this House are not supplied by the ordinary staff, then it is our duty to increase the staff and give our French colleagues the opportunity of having

the measures and proceedings of this House translated into the French as soon as possible. In regard to the qualifications of Mr. Evanturel, I disagree with the hon. member from Hastings, who evidently in his old days does not believe in rewarding past services, not only to the party, but to the country.

Hon. Sir MACKENZIE BOWELL—I am glad to hear the hon. gentleman's opinion.

Hon. Mr. CLORAN—He never put that into practice when he had the opportunity, and I never disapproved of his conduct. Mr. Evanturel is not an ordinary clerk; he has rendered services to his county, and his country, and I feel that I have more merit in saying so because if there is any one man in this Dominion—and he is the only man—who stood in my way in political matters, it is Mr. Evanturel, and so what I say here I say frankly and sincerely.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman has no spite.

Hon. Mr. CLORAN—I should have spite but I have none. Mr. Evanturel is no stranger to this House, because he has been a public man holding high positions in the country for many years. If we bring him into the House we should treat him accordingly. I am informed that it is necessary to have another man to supplement the staff. If Mr. Evanturel is to be the man, I shall be pleased. What his salary may be is an incident, but it cannot destroy this fact that Mr. Evanturel is capable of filling the position. He is perfectly versed in both French and English so that the House in taking him on the staff is simply doing a service to the Senate and to the country.

Hon. Mr. POWER—The hon. gentleman from Hastings expressed a desire to understand how I had been able to support this paragraph of the report. If the House will permit me, I shall state the position which presented itself to the committee. In the first place, it was not the intention of the committee that, unless either the clerk or the clerk assistant, was disabled from attending at the table, the new appointee was to go there. There is no necessity for more than two officers at the table. It is true we had three officers at the table for some time, but that was due to this fact; after the death of Mr. Adamson, when Mr. Boucher was appointed clerk assistant, he came to the table. Hon. gentlemen who have been some time in the House will remember that for some time there were just the two clerks at the table, Mr. Langevin and Mr. Boucher, clerk assistant. Previous to that time, Mr. Langevin and Mr. Adamson had sat at the table. After some little time a number of hon. gentlemen thought that Mr. Boucher did not read English distinctly enough to enable them to understand him and follow him readily; and, in order to meet that difficulty, the committee recommended that Mr. Stephens, the second clerk assistant, be brought to the table for the purpose of reading English documents. There is no necessity for a third officer to read the documents now. We have the clerk to read in French and the clerk assistant to read in English; so hon. gentlemen may disabuse their minds of the idea that they will be troubled with the presence of Mr. Evanturel at the table. Mr. Boucher had a salary of $2,800 a year. Mr. Boucher received some few years ago a less sum than that, and after some service in the position of clerk assistant he received $2,800. Now Mr. Stephen is to be paid $2,600, and Mr. Evanturel is to receive the same salary which Mr. Stephens had, so that the Senate is saving $200 a year. Hon. gentlemen smile at that; $200 may seem a small thing, but it is worth saving.

Hon. Mr. LOUGHEED—Don't you think they could have saved $2,600?

Hon. Mr. POWER—No. And if the hon. gentleman had consented to act on the Internal Economy Committee so that he could ascertain the position of things he would not think so either. Mr. Boucher was about the hardest working officer we had. He was, I suppose, as skilful a translator as there was in the public service. Hon. gentlemen must have often met him leaving the House about eleven o'clock at night. Our translating staff was to small even when Mr. Boucher was a member of it, and when you lose a man like that, if you wish to supply his

place by appointing another man, you must be sure that the man you are appointing is competent, and you cannot get a man like that for less than $2,400. We had to bring in a skilled man. It would not do to bring in a junior, because there is a great deal of work for a very skilful man, and a junior would not fill the bill. There were two courses open to the committee. We could, I dare say, have secured for the sum of $2,400 the services of one of the clerks in the House of Commons, and it was a question for the committee whether they should try to get a man from the staff of the House of Commons or take a gentleman like Mr. Evanturel. Mr. Evanturel, we were assured, and his record seems to show it, was a man of marked ability who spoke both languages fluently and was a skilful translator. That, of course, we have to find out, but that is what we have been told—that he is a skilful translator; and as between bringing in Mr. Evanturel and trying to get a gentleman from the House of Commons, I think it is not unnatural—party feeling enters into almost every political act—that members were influenced by a desire to do a good turn to a man who had been working actively outside.

Hon. Sir MACKENZIE BOWELL—Hear, hear.

Hon. Mr. POWER—I do not think that is a criminal offence. As a matter of fact, the statement made by the chairman of the committee with respect to the nomination was correct, that he was nominated by two Conservatives. I remember some years ago when Mr. Boucher was appointed clerk-assistant that a motion was supported by a number of gentlemen of the Conservative party to put in a gentleman from the outside, a lawyer in the city, as clerk-assistant instead of Mr. Boucher. He was a man, who, I have no doubt, would have discharged the duties very satisfactorily, but he did not succeed in being appointed. The gentleman to whom I refer was the late Mr. Gemmill. That is all I can say in the matter. It was a choice practically between an officer in the House of Commons and Mr. Evanturel. We could not by promotion in our own staff have filled the bill. We wanted, in addition to the existing staff, another man of ability, and a capable translator. No junior man would have suited. Perhaps the officer in the House of Commons would not have been willing to come, but we might have tried to get him. We did not. We took the gentleman who had experience and who had served the public for a number of years outside, and I do not think it is a very serious offence.

Hon. Mr. BERNIER—I do not intend to go into the merits of the reasons given by the hon. gentlemen who have spoken in support of this report, nor do I want to question the qualifications of Mr. Evanturel; but I do wish to say that the appointment is creating a new system which is unnecessary. In former years we had only two clerks at the table, and the reason why Mr. Stephen was brought to the table was not because there was any urgency about the work, but because Mr. Boucher did not speak the English language distinctly, and some of the English members complained. The House brought Mr. Stephen in to read the Bills, but now there is no such situation. The two gentlemen at the table now can read both languages plainly and distinctly enough. As to the salary, Mr. Stephen did not receive $2,400 or $2,600, as assistant-clerk. He received it for other positions that he occupied. For sitting at the table he had no remuneration whatever. The situation being completely changed, I do not see why a new situation should be created at the rate of $2,400 a year. If there is need of a translator, let the committee make a recommendation bearing upon that fact. The report does not recommend that Mr. Evanturel be appointed as French translator, but only as assistant-clerk, and if you want to impose new duties upon him such as French translation, we will be called upon to pay him a larger salary. We are creating a new position without any necessity for it; therefore I do not support the recommendation of the committee.

Hon. Mr. ROSS (Middlesex)—I am not in a position to say whether an additional translator is required. I accept the report of the committee as conclusive on that point. The committee is charged with the duty of advising the House with respect to these

matters, and I assume they have given it the attention that our committees usually give to the duties assigned to them. If, however, a translator were required, I am quite confident from Mr. Evanturel's training and education that he could discharge such a duty well. I believe he is a graduate of Laval University, a university whose students rank high in scholarship and do credit to their Alma Mater. I understand he is also a notary of the province of Quebec. On both these points I think the qualifications are ample.

Hon. Sir MACKENZIE BOWELL—No one questions his qualifications.

Hon. Mr. ROSS (Middlesex)—It is well the House should have no doubt at all as to the ability of the appointee. The reasons for his appointment are practically foreign to this discussion so far as the efficiency of his services is concerned. I am told and so advised by the committee that additional translators are required. If so, is he competent? If he is, could we get a better man elsewhere?

Hon. Mr. BERNIER—He is not appointed translator.

Hon. Mr. POWER—That is the work he has to do.

Hon. Mr. BERNIER—Then appoint him for that.

Hon. Mr. ROSS (Middlesex)—I understand that the duties of translation belong to that office.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. ROSS (Middlesex)—Mr. Boucher, who was first clerk-assistant, has been spoken of as a translator.

Hon. Sir MACKENZIE BOWELL—I will read the duties of his office—a deputy clerk, second clerk-assistant, first English clerk, and clerk of English journals—that is the position to which he is being appointed.

Hon. Mr. ROSS—I understand that is the English side of the appointment.

Hon. Sir MACKENZIE BOWELL—That is the report of the committee on contingent accounts.

Hon. Mr. SCOTT—He has to do any work assigned to him.

Hon. Mr. BERNIER—Mr. Boucher was a translator before he was given a seat at the table. Prior to that he had acted as chief translator, and he continued to occupy that position when he came to the table.

Hon. Mr. ROSS—Is it not within the competence of the Internal Economy Committee to assign that duty to Mr. Evanturel, even if he is designated clerk assistant? He does not pass from our control because he is appointed second clerk assistant; he is still an officer of the House, and if the House should see fit, after his appointment, to give him other duties than those designated in the report, it is competent for us to do so. It is merely a play on words to say that Mr. Evanturel cannot act as French translator. He is our officer, and if he fails in the duties assigned to him we can get some one else who will not fail. The main consideration is, are we appointing a second assistant to whom we may assign duties of translation with a probability of success? I am confident we are so doing, so that removes from the field of discussion the question whether he is a translator or second assistant. That is well within our grasp. Now, as to the matter of salary, I have no concern about that, for I do not know what the scale of salaries in the Senate is. The salary is not an excessive one. But to get back to the point where I started, what I want to assure the House, and what I feel strongly upon myself in regard to, and about which I am satisfied myself, is that Mr. Evanturel is thoroughly competent for any duty to which he may be assigned in connection with his services as assistant clerk. He was Speaker of the Ontario legislature for six years. That is no small honour or distinction, and Mr. Evanturel has the satisfaction, and the government that nominated him had the satisfaction, that when he retired from his office, before he left the chair at the close of his term, his services as Speaker were commended by both sides of the House. I do not know that I remember a single Speaker upon whom so many encomiums were

passed, as to the manner in which he discharged his duty. Now, if a man is capable of discharging the duties of a Speaker, we need have no fear that he will be incapable as an assistant clerk. The only thing then to be determined is, has he the education, the training, has he the knowledge, has he the capacity to supplement that by the duties of a translator. I have no doubt at all upon that. He is a man of good presence, and will be useful, perhaps, in the Chair, and it might not be against him at the table. He is a man of excellent voice. If ever he is called upon to sit at the table, he can discharge the duties of Clerk, I am sure, to the satisfaction of this House. He speaks English as fluently I think, almost, as he speaks French—as fluently as a man whose native tongue was French, could be expected to speak English. He speaks French like a cultured Frenchman. I am not a judge of that, but I am so advised. As to the political side of the question, I need not discuss that. Everybody knows that political qualifications are considered in appointments in the public service. It was so during the halcyon days of my hon. friend from Hastings. I do not suppose a Liberal could come within sight of this Chamber. I do not suppose he could find a place in any office of any consequence or importance unless he had some political qualifications, and we do not blame him for it, because I suppose he plays the game according to the rules of the game, and I do not know any man who understands the rules any better than my hon. friend. I do not know any man who is more capable of following the rules, and follows them with greater bon ami and good humour and with greater pertinacity than my hon. friend. We give him credit for all that. But then others must be allowed to play the game also and must be allowed to follow the rules, and if Mr. Evanturel has been a Liberal, that is no discredit to him; otherwise there are a lot of us here who ought to be ashamed of ourselves, but we are not. There are men in the public service who ought to be ashamed of themselves.

Hon. Sir MACKENZIE BOWELL—No doubt about that.

Hon. Mr. ROSS (Middlesex).

Hon. Mr. ROSS—We must be allowed to live, and we must be allowed appointments in the public service for ourselves and friends; we must be promoted when we merit promotion, and if we do get it when we merit it, then we would not feel, I suppose, any reasonable dread of being recognized. Now what is all this trouble about? We are getting a good man; we are getting him cheap; we are getting a man of experience, a man who has been in public life, who has done himself credit. He was defeated, as other men were, and he is now presented by the committee for the approval of this House. I think we should take him and be glad we are getting a man so capable, and we should sustain him, and if he has not work enough to do, give him more work. He is able and vigorous, and let him understand that whether the Senate takes life easy or not, it expects its civil servants to work late and early.

Hon. Sir MACKENZIE BOWELL—I should like to ask the chairman how he reconciles the paragraph in the address with the positive orders that stand upon the record of parliament as to what the salary shall be. Would it not be better for the hon. gentleman to adopt the principle which has prevailed for some time in the Lower House, in dealing with this increase of salary contrary to law, that they add to it 'Notwithstanding anything in the report adopted by the Senate on July 6, 1906, to the contrary.'

Hon. Mr. WATSON—I have certainly no objections to the hon. gentleman's suggestion.

Hon. Sir MACKENZIE BOWELL—I am simply making the suggestion to the hon. gentleman—not that I intend to vote for it.

Hon. Mr. BELCOURT—It is not my intention to take any part in this debate, for reasons which probably would be obvious to most people; but the report of the chairman of the committee to my mind is conclusive as to the opportuneness, the necessity even, of this appointment; and as to the qualifications of Mr. Evanturel, what has been said I think is also conclusive. Since I am on my feet, however, and before I proceed to say what I rose to say, I wish

to add my own personal testimony as to Mr. Evanturel's qualifications. I know they are the best. I have known him for twenty-five years, and I know that he will discharge the duties for which the committee has recommended him in the most able manner; but, as I said, my object in rising is more for the purpose of resenting in a good-natured way, the remark made by the hon. and venerable member from Hastings.

Hon. Sir MACKENZIE BOWELL—Not venerable.

Hon. Mr. BELCOURT—He wished the House to infer that my appointment to the Senate was the result of a sort of contest, a sort of game of euchre, I think he called it. I wish to assure the hon. gentleman that so far as that is concerned, there was no game or contest in connection with my appointment to this House.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman had the joker.

Hon. Mr. BELCOURT—For reasons which are pretty well known, I was compelled to abandon the seat which I held in the Commons for a great many years.

Hon. Sir MACKENZIE BOWELL—No one ever objected to my hon. friend's appointment.

Hon. Mr. BELCOURT—I resigned my seat in the House of Commons because my health would not permit me to continue to occupy the seat any longer. My resignation was sent in, and before I had any conversation, talk or intimation from anybody, I was offered a seat in this House, which I gratefully accepted.

Hon. Sir MACKENZIE BOWELL—Quite right.

Hon. Mr. BELCOURT—Since there was no contest of that kind, seemly or otherwise, since the hon. gentleman, I am sure, never rises in this House to speak without some reason, I am compelled to search for the reason for the statement which he made, and I can find no other reason but that in the days when he guided the destinies of this country, there must have been contests of that sort for seats in this House, so that I am compelled to think that the only reason for the statement made by the hon. gentleman was that in the days when he was Prime Minister, these unseemly contests prevailed.

Hon. Mr. POWER—In order to remove the difficulty suggested by the hon. gentleman from St. Boniface, I move that the paragraph under consideration be amended, inserting after the words 'clerk-assistant,' the words 'and French translator.'

The motion was agreed to,

Hon. Sir MACKENZIE BOWELL—I wish to ask the Secretary of State one question. As the cabinet is supposed to be a unit on all questions of this and other kinds, I wish to ask him if he is aware of the fact of Mr. Evanturel approaching the premier after the appointment of my young friend—I will not call him venerable—to the Senate, he complained to the premier that he was to have a seat in the Senate and that the premier's answer was, 'Well you shall have a seat in the Senate,' and so they make him a second clerk. Is that not the fact?

Hon. Mr. SCOTT—The hon. gentleman knows very well that under the oath a privy councillor takes he is not at liberty to divulge these matters.

Hon. Sir MACKENZIE BOWELL—I accept the explanation. The hon. gentleman need not go any further.

Hon. Mr. SCOTT—I may say I never heard the statement until the hon. gentleman mentions it now.

The paragraph or the report was adopted on division.

On the 5th paragraph,

Hon. Mr. WATSON—It was well understood in the committee and in the House, I think, that Mr. Wood was appointed to the position of steward to the Senate restaurant, and of course was employed on November 1, and after the figures $900 we add the words, 'to run from the first of November last.' He has been in the employ and has been working since that date.

Hon. Sir MACKENZIE BOWELL—Has Mr. Wood been a messenger in the past?

Hon. Mr. WATSON—No, he is steward of the restaurant.

Hon. Sir MACKENZIE BOWELL—What is the salary that has been paid to the messengers? I notice that in this report, permanent messengers are to receive $600, and the next year $650, and the maximum is $700. Has this man such superior abilities that he is to be appointed at $900—$200 above the maximum as laid down in the report?

Hon. Mr. WATSON—He is steward of the restaurant. He is not an ordinary messenger.

The paragraph was adopted, and the report as a whole was adopted.

The Senate adjourned till Tuesday the 28th instant, at three o'clock.

THE SENATE.

OTTAWA, Tuesday, January 28, 1908.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

AMENDMENT OF RULES AND ORDERS.

MOTION.

Hon. Mr. DOUGLAS moved:

To amend section 128 of the rules and orders of the Senate, that all Bills reported by the standing or special committees be committed to a Committee of the Whole House.

He said: I need not detain the House by any speech, because I have already explained the object of this motion. We have abundant time at our disposal, and we can afford to devote more attention to private Bills than we have been accustomed to give to them. A Bill may come up from a committee and some hon. gentlemen have not heard the discussion on it. Changes have been made, and these hon. gentlemen have not heard the reasons for the changes. They may have been occupied on other committees at the time, and under such conditions are obliged to vote for the Bill blindly, and assume the responsibility for such legislation without having ample opportunity to make up their minds as to what they ought to do under the circumstances. By this amendment, it will be done more leisurely. A Bill will come to the House as a whole, and hon. gentlemen will hear the reasons for the changes which have been made, and will be able intelligently to cast a vote for or against the measure. I may say to the House that the language I have adopted in this amendment is very much the same as that of the Book of Orders of the House of Commons. It is just following the practice of that House with reference to reports of committees on private Bills. It seems to me to be reasonable, and I expect that hon. gentlemen will be very glad to support it.

The SPEAKER—The hon. gentleman has varied his motion somewhat, and he now moves as follows: That section 128 of the Rules and Orders shall read thus:

That all Bills reported by the standing or select committees, shall, after their second reading, be placed on the Orders of the Day following the reception of the report for reference to a Committee of the Whole House.

Hon. Mr. LANDRY—There is something wrong with that. The second reading takes place before a Bill is sent to a committee, and it is the report of the committee I understand that should be submitted to a Committee of the Whole House.

Hon. Mr. DOUGLAS—That is what is meant.

The SPEAKER—I would suggest to the hon. senator that he place his motion, as it is now framed, on the Orders of the Day for Thursday.

Hon. Mr. DOUGLAS—The phraseology is slightly varied, but it is the language used in the Orders of the House of Commons, and I thought it might be more acceptable for that reason.

Hon. Mr. POWER—As we all understand what the intention of the hon. gen-

tleman is, it would be better on the whole not to stand on the technical question of order, but to deal with the matter now.

Hon. Mr. SCOTT—Oh, no, it is a thin House.

Hon. Mr. DeBOUCHERVILLE—If the matter is to be postponed until Thursday next, will it not be necessary to specially summon the members of the House ?

Hon. Mr. LANDRY—No, there is no necessity to summon the members; the motion is postponed until Thursday, and the postponement is in the nature of an adjournment of the debate.

The motion was postponed until Thursday next.

STNADING RULES OF THE SENATE.

MOTION.

Hon. Mr. COMEAU moved :

That the following be made a standing rule of the Senate, namely :—
When a standing committee or a special committee reports recommending the passing of a Bill containing a declaration that a work or undertaking is for the general advantage of Canada, or for the advantage of two or more of the provinces of Canada, the report shall state the grounds on which the committee have decided that the declaration should be made, and shall contain a summary of the evidence or reasons given for and against the making of the declaration

He said : This resolution is, I think, sufficiently clear to be self-explanatory. I desire, however, to give a few reasons which have led me to introduce this resolution, and reasons also why I think it should be adopted by the House. In the first place, permit me to say that I am entirely in accord with the views expressed by the hon. Secretary of State, that when a Bill comes before this House containing such a declaration, it must be dealt with upon its own merits. Such being the case, it means that we are to sit here as judges, and it does appear to me that it is very unfair to those of us who are not members of the Railway Committee to be asked to vote as judges without being placed first in possession of the facts. I am aware that we already have an order dealing with this very important subject, and I would like to call the attention of hon. gentlemen to clause 3 of that order, which reads as follows:

The Senate will not pass any Bill containing a declaration that a local work or undertaking is for the general advantage of Canada, or for the advantage of two or more of the provinces, unless the truth of the declaration has been proved.

I submit that is a very indefinite expression : 'Unless the truth of the declaration has been proved.' What is the proof as applied to this House? A mere opinion is not proof. A person may be of the opinion, or an hon. gentleman may be of the opinion that a work is or is not for the general advantage of Canada, but I submit that a mere opinion is not proof, and, therefore, I considered at the time—although I am prepared to take my share of the responsibility—that that particular clause should not have been adopted by this House. We should be extremely careful not to adopt rules that cannot very well be enforced; but once adopted, we should be careful to see that they are strictly adhered to. I think I can fairly claim for the one I am now proposing, that it is at least in clear terms and can be adhered to.

Hon. Mr. LANDRY—I think it should be made to apply to select committees. A Senate committee is a committee embracing less than the whole number of senators, and it may be divided into two—into a standing committee, which is named for every session, and a special committee, which is named for a special object ; but if the words 'select committee,' were inserted, I think it would embrace both of those divisions, and would answer the purpose.

Hon. Mr. SCOTT—I presume the object is that when a select committee to whom a Bill has been referred report a Bill to this House, in which the phrase is contained that it is a work for the general advantage of Canada, then the reasons for that conclusion must be given. The suggestion is a very good one. If this House has erred in the last thirty odd years that I have been a member of it, and year by year has encroached more and more on provincial rights ; if the Senate of Canada that professedly is looked upon as the guardian of the provinces, have allowed gentlemen to come into their lobbies, and to

press, beg and plead for the passage of Bills that were clearly, in my judgment, within the purview of the province, I think the time has come when that practice should be checked. The Senate would add to its usefulness, and to a recognition of its value, if it adhered strictly to the principle laid down in the British North America Act, that Bills that come directly within the purview of the province should not be taken up by the federal parliament. On one excuse or another it is urged that they come within the purview of the federal jurisdiction; but if you analyse it you will find that the conclusion is a forced one. It is a very easy matter to add a provision that the work is to reach some remote point to where the promoters have no intention whatever of taking it, but in order to bring it within the federal legislation. Now I think the Senate will do itself honour by adopting that rule and adhering to it.

Hon. Mr. POIRIER—I concur in the remarks that have been made. The motion is certainly timely. I commit no indiscretion in telling this House that this very question has been discussed year after year without apparently any one finding a proper solution. If such a report has to be made, in writing I understand, and the reasons given, no such clause will in future be inserted in a Bill except for good reasons. Without such a provision, lobbying influences would prevail to have that clause railroaded through the House in any Bill without sufficient justification. Henceforward it will be necessary to give reasons for inserting such a clause. I therefore believe that this motion is a decided improvement on the vague rule now existing, and which has not been enforced, and in fact is difficult of enforcement.

Hon. Mr. LOUGHEED—I was somewhat disappointed that the hon. leader of the House did not more clearly define what might constitute the principle that is to enter into this particular step we are about to take. The Senate has not been the chief sinner in this regard. The Department of Railways has invariably been a quiet sponser to those Bills that have gone through parliament containing the clauses to which objection has been taken. I notice in the public press that the Minister of Railways has lately announced that some new principle is to be laid down as to the relations between the federal government and the provincial authorities on this particular question. It seems to me some well defined principle should be laid down. If it is simply to be a capricious matter to say what shall or shall not be a work for the advantage of Canada without acting along well established lines, injustice will be done to the railroad legislation and interests of the Dominion. I have always taken the ground that where a road, though entirely within the boundaries of a province, forms bona fide part of a trunk line with the intention of exchanging traffic which may possibly affect the whole railway interests of the Dominion, it is quite as much a Dominion road as though it extended through two or more provinces.

Hon. Mr. SCOTT—Let them amalgamate.

Hon. Mr. LOUGHEED—That the Dominion government or the Dominion parliament, after having provided most elaborate and efficient machinery for the administration of the different roads throughout the country, should conclude that because a road is necessarily confined within the boundaries of a province, it therefore cannot become a Dominion undertaking, is, to my mind, injurious to the public interest. I think it very desirable that the whole of the railways in Canada should be controlled and governed by one board, as is very largely the case to-day. I need not point out that many of the smaller provinces have not the machinery to properly supervise railways, as the Dominion of Canada has, and I am satisfied that it is in the interests of the whole country where a railway is to form a link in the chain of great traffic lines that even though it is within the boundaries of a province it should be a Dominion undertaking and declared a work for the general advantage of Canada. I am not in sympathy with many measures brought into parliament which contemplate local works, but it seems to me the duty of the government is to have some well defined policy on this question, particularly in view of the great difference of opinion expressed upon it, and

that this House should be made aware of what that policy of the Government is.

Hon. Mr. CLORAN—I do not think the leader of the opposition has taken a fair view of this motion. What the mover has in view is to enlarge the scope of discussion. This motion does not attack the principle which is largely supervised and directed by the Railway Commission. The motion simply asks that when a committee has considered a Bill involving the question whether it contemplates a work for the general advantage of Canada, that the report shall state on what ground the Bill is one for the advantage of Canada so that the House, as a whole, may have the information on which the committee bases its decision. That is all that the motion seeks to accomplish, and I have the agreement of the mover of the motion in saying so. Therefore the obstacle pointed out by the leader of the opposition does not apply to this motion. All that the mover wants, and it is in line with the motion moved by the hon. senator from Saskatchewan is that when a select committee has discussed a matter and reported its decision to the House, that the House shall be in possession of all necessary information to come to a decision. Under the existing rule no mention may be made of what has transpired in the committee. How is the House to be in a position to judge of the merits of a Bill without hearing or knowing the arguments or statements upon which the committee that considered it bases its report. This motion, and the one which preceded it, will bring into this House a source of information which has been denied it up to the present. We have been restricted in our discussions of these matters. A railway Bill is reported by the Railway Committee and we have very little opportunity to discuss it at the third reading, and on the second reading may only discuss the principle. I remember contending on one occasion when a Bill was reported from the committee that we should have the right to discuss it in detail, and it was not permitted. I fail to see that the leader of the opposition has given any reason why we should reject this motion. What he says is perfectly correct, but it does not apply to the motion. All that the motion calls for is to have the reasons on which the committee bases its decision, laid before the House.

Hon. Mr. POWER—This is a matter which deserves some little consideration. I do not think we should hasten the vote on it. The hon. gentleman from Digby is to be congratulated on the lively interest he takes in the procedure of the House. Possibly if he had been a little longer here he might have realized that his motion was not absolutely necessary. This question has been considered by the House on various occasions, and some three years ago we appointed a committee to consider the rules and suggest amendments and improvements. That committee held a good many meetings, and the report of the committee was discussed at very considerable length in this House, and, as far as my memory goes, it was never suggested by any one either before the committee or before the House that the change which is now proposed should be made, and the reason was that it was not necessary. Rule 115 of the Senate says:

> Any private Bill, shall, if it be demanded by two senators, when read the first time, be referred to the Committee on Standing Orders to ascertain and report whether or not the said Bill comes within the classes of subjects assigned exclusively to the legislatures of the provinces.

Now, this is just the thing which the hon. gentleman's motion proposes to do. Then rule 116 provides:

> At any time before the final passing of any private Bill, the same may, if the Senate think fit, be referred to the Supreme Court for examination and report, as to any point or matter in connection with such Bill expressed in the Order for Reference.

Then back of that again, at a still earlier stage, there is a provision in rule 107 which reads as follows:

> And, if the works of any company (incorporated or to be incorporated) are to be declared to be for the general advantage of Canada, such intention shall be specifically mentioned in the notice; and the applicants shall cause a copy of such notice to be sent by registered letter to the clerk of each county council and of each municipal corporation which may be specially affected by the construction or operation of such works, and also, to the secretary of the province in which such works are, or may be located.

So that there is a provision now that where this question arises in connection with a Bill the parties interested shall

have notice before the Bill is introduced; that when the Bill is read the first time it may be referred to the Committee on Standing Orders to report to the House, or that it may be referred at any stage, to the judges of the Supreme Court. In addition to all that, when a Bill comes before this House at the second reading or at any subsequent stage, it is quite in order for any hon. gentleman to object to it on the ground that it has not been shown that the work is for the general advantage of Canada.

Hon. Mr. CLORAN—How can he object if he does not know what transpired in committee?

Hon. Mr. POWER—It is not necessary. In the first place, the notice of the Bill must call attention to the fact that the Bill does contain this provision, declaring the work to be for the general advantage of Canada. Then it is open to any member to refer the Bill to the Committee on Standing Orders. They report. Then when they report, every hon. member has a chance to understand and discuss the matter, and the Bill speaks for itself.

Hon. Mr. CLORAN—Certainly, but the explanation of the Bill does not.

Hon. Mr. COMEAU—Does the hon. gentleman agree with the principle laid down by the hon. Secretary of State last year, that when a Bill containing such a declaration comes before this House, it must be dealt with on it own merits?

Hon. Mr. POWER—Every Bill is dealt with on its merits here, I hope.

Hon. Mr. COMEAU—I should like to point out to the hon. gentleman that the question he has raised, and the rules he has cited, do not alter the fact that an hon. gentleman is asked to pass judgment before the Bill reaches those stages at all.

Hon. Mr. POWER—Oh, no. We do not pass judgment on a private Bill until it is read the third time. We have every intervening stage from the day when the petition comes in until the third reading; we have a chance to deal with it, and at a late stage, after the committee has reported, there is nothing to hinder an hon. gentleman from moving that the Bill be committed to a Committee of the Whole House. Our rule does not hinder that. The rule provides that unless the Senate otherwise orders, a Bill does not go to a Committee of the Whole House. Let us look at what the practical operation of the proposed rule would be. The motion reads:

> When a standing committee or a special committee reports recommending the passing of a Bill containing a declaration that a work or undertaking is for the general advantage of Canada, or for the advantage of two or more of the provinces of Canada.

That is a universal rule. It is not limited to cases where there is any objection to the Bill. It simply says that even in a case where it is most clear, the work is one for the general advantage of Canada, if that declaration happens to be in the preamble of the Bill, then the committee to whom the Bill is referred have to make that report.

Hon. Mr. POIRIER—That is all right.

Hon. Mr. POWER—It is quite unnecessary in those cases.

Hon. Mr. COMEAU—I simply ask them to give a summary of the reasons.

Hon. Mr. POWER—If the hon. gentleman will allow me, I shall deal with that part of his resolution presently. It just means that there will be a great deal of unnecessary time wasted in making this report in connection with every Bill where this declaration occurs. Surely hon. gentlemen who are members of the committee, and who take a decided interest in provincial rights, are not going to sit there and allow a Bill to pass containing a declaration of this kind, if it has been improperly included in it. We know as a matter of fact that we have had very lively discussions on this question before the Railway Committee. Two-thirds of the members of this House are members of the Railway Committee, and they watch this matter with very keen eyes.

Hon. Mr. CLORAN—What about the other one-third who are not on the committee? They must swallow what the two-thirds say.

Hon. Mr. POWER—The other third appears to be the important third. The other

third have a right to be present at the meetings of the committee. If there is a Bill which any hon. gentleman of the other third is interested in, he can attend the meetings of the committee and he can address the committee.

Hon. Mr. CLORAN—And he can vote too ?

Hon. Mr. POWER—He can address the committee. He can bring the matter up in the House in different shapes. We have to consider the manner in which our business is done. The Railway Committee, we will say, meets and deals with eight or nine or ten Bills at one meeting. Look at what is required by this resolution —the report of the committee shall state the grounds on which the committee have decided that the declaration should be made That is not so bad. That is not so unreasonable; but listen to this :

And shall contain a summary of the evidence or reasons given for and against the making of the declaration.

Take the Railway Committee—because that is the one where the question generally arises—it means that we should require the presence of the Senate reporters at every meeting of the Railway Committee.

Hon. Mr. CLORAN—If necessary, all right.

Hon. Mr. POWER—They must be there, because with respect to every Bill which contains this declaration—and a great many of our Bills do—we are to have a summary of the evidence or reasons given for and against the making of the declaration. Then every statement which is made by any member of that committee or any person who appears before the committee, must be reported by the shorthand reporter, and that report has to come up to the House. There is another question suggested by the hon. gentleman from Killarney. Who is to decide that the summary is satisfactory?

Hon. Mr. CLORAN—The chairman.

Hon. Mr. POWER—I remember that a committee sat here two or three years ago, and I do not think the chairman's summary of the effect of the evidence would be satisfactory.

Hon. Mr. CLORAN—It landed the man in jail in New York. The cap fits, and I take it.

Hon. Mr. POWER—Then the hon. gentleman was the chairman. I thank him for the information.

Hon. Mr. CLORAN—And your friend is in jail now.

Hon. Mr. POWER—The hon. gentleman is mistaken; he is not in jail.

Hon. Mr. CLORAN—Yes, he is—or ought to be.

Hon. Mr. POWER—Perhaps he ought to be, but he is not.

Hon. Mr. CLORAN—Condemned to jail anyway.

Hon. Mr. POWER—I appeal to hon. gentlemen that they should not adopt this resolution without stopping to weigh carefully the full effects of it. I am satisfied it will do no good whatever, because the end that is proposed can be reached without this machinery at all. We have already the machinery for dealing with the question, and it is going to cause great inconvenience and delay and additional expense. I think we had better stand upon the old ways. I do not think the way in which we have been doing business for forty years, and which has been found satisfactory, should be departed from at the suggestion of every hon. member, no matter how good his intentions may be.

Hon. Mr. SCOTT—I should like to ask the hon. gentleman a question: has he any recollection of a single instance where a committee has reported, giving the reasons for coming to the conclusion that the work was one for the general advantage of Canada? I do not recollect myself any particular case where that has been done. The Bill has gone through the House after it has been carried through the committee —carried through generally by lobbying. I

can point out fifty Bills which properly belong to the province, which in my lifetime have been passed in this Chamber.

Hon. Mr. DAVID—I am in full accord with the view expressed by the hon. gentleman from Digby (Hon. Mr. Comeau) provided he strikes out the words 'Summary of the evidence.' That is asking too much. It would be better to ask too little and get it than to ask too much and not get any.

Hon. Mr. CLORAN—The summary of the reasons——

Hon. Mr. DAVID—Yes, I would be satisfied with the summary of the reasons without the evidence.

Hon. Mr. COMEAU—I desire to point out that I do not think it is imposing any great hardship on the committee. I understand that people seeking incorporation, are always represented before the committee, and it would be easy to ask them to put in writing a summary of the reasons.

Hon. Mr. FERGUSON—In a general way, I would express the opinion that this House, having taken up the subject of the revision of our rules some two or three years ago, and having given, as I know, the best part of its time, or a great deal of its time for two sessions in revising and perfecting them, it is not very desirable that we should, almost before the ink is dry on the volume, or immediately after it has been distributed, for anything but the gravest reasons, commence the work of revision again piecemeal. I think we should give any changes that are proposed very serious consideration, and it is only when we are of opinion that they are absolutely necessary that we should change rules that have been framed and revised with the great care that these have been framed and revised. I do not know that ever in the history of any parliament in Canada there was so much work in committee and on the floor of the House given to any rules as these we have now before us. Of course we are not claiming they are perfect. It might turn out that very important matters had been overlooked, or not properly considered.

Hon. Mr. SCOTT.

Hon. Mr. CLORAN—This is one of them.

Hon. Mr. FERGUSON—My hon. friend thinks this is one of them. With regard to this particular subject, I may say that ever since I have had the honour of a seat in this House there has been a great deal of difficulty with it, and it has received much consideration. I remember that my hon. friend from De Salaberry endeavoured to grapple with it some years ago and the substance of his suggestion is to be found in the third edition of Bourinot at page 427. The proposition was that another committee of the House should be organized to be entitled 'A Committee on Legislation,' and with regard to the Bills containing this declaration, it would be first the duty of the law clerk to examine them before the second reading and call attention to them, and then they could be referred to a committee to be called a Committee on Legislation. However, I do not think that was ever put in operation, but we have the rule which the hon. gentleman from Halifax has read; and it is in the power of two hon. members, before a Bill is read the first time, to send it to the Committee on Standing Orders, in order that an investigation into this question as to whether it was for the general advantage of Canada. We have therefore a provision under our present rules which would probably be more effective, if it were put into operation, than the amendment which is now proposed.

Hon. Mr. MILLER—Hear, hear.

Hon. Mr. FERGUSON—But what are the facts of the case? Although we already have this provision, which I think would be a very effective one, we do not put it into operation but we propose to provide another safeguard. Now, there is nothing which will bring the rules into disrepute more than passing one rule on top of another, and then disregarding them. We passed a resolution last session on the motion of the hon. gentleman from Mille Iles (Hon. Mr. David)—I say it as one of those who must bear a share of the blame—and I think within two days afterwards, in the face of that resolution, we passed a Bill in utter disregard

of it. If this amendment is passed, I am very much afraid that it would not be operative and would not effect very much good. A Bill is submitted—which contains this declaration. My hon. friend the leader of the House refers to the power of the lobby. Here is just where the power of the lobby would come in, and I venture to say this House would not have this rule very long in operation before the lobby would be strong enough to make very flimsy reasons suffice for the insertion of that paragraph, and when the exigencies would become very great, and the lobby unusually strong, it would be found that there would be sufficient force in it to secure the admission of some reasons which would be acceptable to the House, and then a precedent would be established and the door would be as wide open as ever it was before. I really think if the House wants to have a careful inquiry, that the rule we have at present is better than the new one proposed. Of course this would be an additional safeguard, but I fear it would not have any desirable effect, and, as I said before, I think there is nothing that brings our practice more generally into disrepute than passing rules that are not destined or even at all likely to be carefully or well enforced.

Hon. Mr. BEIQUE—As was stated by the hon. gentleman from Prince Edward Island years ago, at my suggestion, a rule was adopted by this honourable House. That rule provided that any Bill containing a declaration that it was a work for the general advantage of Canada would be referred to a special committee appointed for the purpose, and that it would be the duty of that committee to report upon the declaration, as to whether it was made within the spirit of the British North America Act. My opinion at the time, and my opinion to-day, is that a matter of that kind cannot be dealt with by a numerous committee; that it would have to be dealt with by a small committee, in order that a general rule would be followed which would be applied to all Bills of that kind, and secure uniformity of decision and of practice. If the Railway Committee had to inquire as to this declaration, as is suggested to be done by the present motion, the committee being so large, and it being composed to-day of certain members of that committee, and to-morrow of some other members of the same committee, the same rule would not be applied, and therefore it would not answer the purpose. As I have stated, this rule was adopted by this honourable House. It was late in the session, and it was deemed advisable to wait until the following session before appointing a committee which was to be a Committee on Legislation. At the ensuing session I called attention to the matter, but it was claimed that it had not been adopted as a standing rule, and that therefore the rule lapsed with the past session, and the matter was never taken up again. There was then a committee formed, at the suggestion of the hon. gentleman from Halifax, to revise the rules of this honourable House. I was a member of that committee. I brought the matter before that committee, but the committee came to the conclusion that it would be better to proceed under rule 115 than the rule to which reference was made by the hon. gentleman from Halifax. I am still of opinion that it would be better to have a rule such as was adopted three or four years ago, that a committee of that kind would be the proper committee to frame a general principle upon which a committee would act in all cases, and I would not be in favour of the motion as it is now worded.

Hon. Mr. BERNIER—I really fail to see the force of the argument advanced against this resolution. It is true that in late years considerable work has been done in amending our rules. We do not question that at all, but, as a matter of fact, this resolution does not alter the rules at all. It adds to them, but does not alter them. It adds to them on the same lines, and what it does is simply strengthening the rules already existing.

Hon. Mr. EDWARDS—I am perfectly in accord with the objects of the hon. gentleman who introduced this resolution, and if the resolution should be effective in attaining what he desires, I would strongly support it; but in my opinion it does not, and in the discussion of this matter, the question of provincial rights, it appears to me, is not involved at all. It is a question of the procedure of this House. Now what are the conditions? The conditions are

that every member of this House can attend every committee. He can discuss every Bill before the committee, just as fully as if he were a member of that committee.

Hon. Mr. CLORAN—How can he, when he is attending another committee.

Hon. Mr. EDWARDS—There might be a difficulty there, but I think the hon. gentlemen who attend committees as regularly as they can will not find difficulty very often in so far as this is concerned. The Bill is reported to this House, and it is open for any member to oppose the Bill, to move to have it referred back, or to defeat it on giving notice of motion in this House so to do. So I do not think that this resolution will accomplish anything at all. It will simply encumber and embarrass the procedure and necessitate the addition of a great deal to the reports. If it was a resolution which would have the effect of accomplishing exactly what the hon. gentleman desires. I would heartily support it; but it is a matter which will simply encumber the rules of the House and do no good whatever.

Hon. Mr. BEIQUE—May I give the effact of the rule to which I referred? It was this :

The law clerk shall examine all private Bills, and shall, before their second reading, call the attention of the Senate to such of them as contain exceptional provisions, or contain, expressly or impliedly, the declaration mentioned in paragraph (c) of sub-section 10 of section 92 of the British North America Act, or may otherwise raise a question of jurisdiction as between the parliament of Canada and the legislature of any province.

All private Bills to which the law clerk calls attention as containing the above-mentioned declaration, or otherwise raising the question of jurisdiction, shall thereupon stand as referred, without special order to that effect, to the Committee on Legislation, for the purposes of ascertaining and reporting whether the said declaration comes within the intent and spirit of the British North America Act, or otherwise dealing with the question of jurisdiction.

Hon. Mr. CLORAN—I rise to move an amendment——

Hon. Mr. POWER—The hon. gentleman has already spoken.

The SPEAKER—The hon. gentleman has spoken already.

Hon. Mr. CLORAN—The next time any hon. gentleman speaks a second time I shall call attention to the fact.

The SPEAKER—The hon. gentleman has been called to order not because he is speaking the second time, but because he is proposing to move an amendment.

Hon. Mr. KERR (Toronto)—This question has received a good deal of consideration in the Senate, and it culminated a short time ago in a rule which has been read, introduced by the hon. gentleman who has now quoted it from Bourinot. That rule was for the government of the Senate until the standing orders which we have before us were adopted. When that matter came before the select committee it received a great deal of consideration, and it was felt it was not a convenient way of dealing with the matter. It practically was on the lines of the proposed rule, except that it intervened at an earlier stage than the standing committee would deal with that part of the subject, and in that respect it was to my mind a very much preferable plan to the one now suggested. If anything were wanting on the subject I would say it could be provided by repealing the order as it now stands and adopting the rule that was proposed by the hon. gentleman from De Salaberry. The rule which we have now appears to me complete, and the adoption of the new proposal would mean a repetition and create confusion in dealing with a Bill. What is the rule that we have to deal with. If this question arises as to jurisdiction, then under rule 115 any two senators may demand, and, on their demand, the Bill as a matter of course stands referred to the Standing Orders Committee to be dealt with. Now we might have this absolute inconsistency, if the proposed rule were adopted, that the Standing Orders Committee might hear evidence and consider the matter and come to a conclusion and present a report, and after the adoption of that report by the House the Bill would be sent to the Railway Committee, where the whole question would have to come up and be dealt with again, and another report presented in the form proposed by this rule, and we would have a continuous discussion under such procedure. You might have, at a

later stage, after the report of the Standing Orders Committee had been received and approved of here, the Senate reversing itself, probably, by reason of a report coming in such as is suggested by the proposed rule. It appears to me that would be complicating our proceedings and causing unreasonable delays, and that it is a procedure which is unnecessary. You have a rule now under which an inquiry can be made and evidence taken, and under which this House shall decide yes or no whether to adopt the proposition which has been referred to the committee. That being so, it should be a finality, unless some new light can be thrown on the subject. If you adopt this motion every Bill is exposed to the possibility of having a running fight from the time it is introduced in the House until it reaches its final stage. The Senate would be stultifying itself by adopting a rule of that kind. This is altogether aside from the question of dealing with provincial rights. The whole point here is what procedure would be most convenient for the Senate to adopt. We have a rule which will remain in force, a rule which it is not proposed by this motion to rescind, and which is a convenient and proper way to deal with the matter, because the Standing Orders Committee is the proper one to deal with it; but if it should be necessary to appoint a select committee, it should be at the inception of the proceedings of the Senate. Before the Bill is entertained, the question of jurisdiction should be settled. It should be settled before the Bill goes to a standing committee.

Hon. Mr. BEIQUE—The hon. member says that this rule which I have quoted has been tried. He is mistaken; it was not tried.

Hon. Mr. CLORAN—It strikes me as peculiar that a large number of senators opposed to this motion, have misconceived the object of the mover. He does not want to upset the precedure of the House or of the committee. He asks, and I do not see why those who have taken the opposite side cannot see it—that the light let in at the committee meeting shall be given to the House, Under the present system, the chairman of the committee simply reports a Bill recommending that it be adopted, and the House adopts it without knowing why the committee recommended it, and no member of this House, since I have been here, has had the courage to protest against a report of the committee.

Hon. Mr. POWER—Yes, lots of them.

Hon. Mr. CLORAN—Not in my experience in the last five years has an hon. member risen and spoken against a report of the committee.

Hon. Mr. POWER—Yes.

Hon. Mr. CLORAN—If he has, it has been voted down. All the hon. gentleman from Digby asks, is that the light furnished to the committee on a Bill, shall be communicated to the House, as briefly as possible. We are upsetting no procedure, breaking no rule. All we are asking is that the House shall be put into a position to pass a fair, impartial judgment upon any measure coming before it, and not a blind one, as we have been doing for the last forty years. I protest against being blindly lead. I protest against the suggestion of the hon. member from Prince Edward Island, that rules should be observed simply because they have been adopted in the past. When rules are worn out, let them be patched, like an old coat. We are here to judge things on modern lines. Modernism to-day is the cry, and I do not sympathize with these grandmotherly appeals to past stages of public opinion. The public opinion of to-day differs from the public opinion of the past. Even in my short life, public opinion differs with me from what I thought it was twenty-five years ago. I appeal to the House that the motion presented by the hon. senator from Digby should be adopted with these three words 'of the evidence' stricken out from the fifth line.

Hon. Mr. CASGRAIN—I have had the honour of making very many reports to this House, and in every instance have tried to give when asked, the reasons why such and such a clause was either inserted or omitted from a Bill.

Hon. Mr. CLORAN—Then why object to this motion?

Hon. Mr. CASGRAIN—Special reasons were also given, and I, for one, fail to

see the usefulness of the present motion, because any hon. member of this House has a perfect right to ask any one introducing a report of a committee and moving its adoption, why the committee came to the conclusion reported.

Hon. Mr. CLORAN—Have it in writing and we can study it.

Hon. Mr. CASGRAIN—What has been suggested now has been going on for years to my knowledge. When a report is presented to the House, any senator may rise and ask why such and such a change is recommended; for instance why the contemplated work is declared a work for the general advantage of Canada. Now what is the object of the hon. senator from Digby? I am sure when he will have heard the reports brought in from the Railway Committee, he will see that the object he has in view, and which is an excellent object, is already provided for. His object is that this parliament should not pass railway Bills which properly belong to the provincial legislatures. I for one have objected many a time to the encroachment on the rights of the provinces, and on one occasion, I went so far as to say that if such encroachments were continued, and this parliament was to continue passing Bills incorporating companies to construct lines of a provincial character, the provinces might just as well forego for ever the right of passing railway legislation. I know there is a very strong sentiment, not only in this parliament, but throughout the country, in favour of placing all railways under the jurisdiction of this parliament, and this parliament alone, and that railway legislation should not be passed by the provinces; but we must remember that we are working within the constitution, and, as far as I can read the constitution, the provinces have an undeniable right to pass railway legislation. I am glad to announce that during this session the provinces will be represented before the committees of this House in order to guard against encroachments on provincial rights. I know that Ontario will be represented, and ably represented at our committees, so that no encoachments on the rights of the province of Ontario will be made. Other provinces may follow suit, and I believe that with the new departure, which I am sure it is the intention of every member of this House to follow, that the hon. senator from Digby, after this discussion on his motion, and seeing that we are all in sympathy with his object, only we do not consider it necessary, will agree with us that all he wishes to accomplish is already provided for by the rules, and will let the matter drop. If in the future he or other members of the House should find that attempts are being made to encoach upon the rights of the provinces, some other means may be devised other than this to protect them; but the rights of the provinces are now fully safeguarded if we only abide by our rules.

Hon. Mr. BELCOURT—It seems to me, on perusal of the motion and rule 115, that there is in the minds of many hon. members a misapprehension. The rule and the motion seem to provide for two things entirely distinct, separate and different. Rule 115 provides:

> Any private Bill shall, if it be demanded by two senators, when read the first time, be referred to the Committee on Standing Orders, to ascertain and report whether or not the said Bill comes within the classes of subjects assigned exclusively to the legislatures of the provinces.

Now, I take it that if under this rule two senators made a demand, the Committee on Standing Orders would be seized with what? With the question of ascertaining and reporting whether or not the said Bill comes within the classes of subjects assigned exclusively to the legislatures of the provinces and nothing else; so that the Committee on Standing Orders would look at the sections of the British North America Act and determine as a purely technical matter whether or not it is a subject exclusively within the purview of the provinces. We all know that there is a great deal involved in the decreeing that a work is for the general advantage of Canada. In other words, the Committee on Standing Orders would not be seized with the question, that is, the propriety of declaring the work is for the general advantage of Canada. It would be charged simply with the duty of deciding as a matter of law whether the Bill is within the exclusive jurisdiction of

the province. What the hon. gentleman has in view is that where the question is carried a point further and where it might be held, for instance, that the subject though within the exclusive jurisdiction of the legislature, would yet be properly declared by this House to be a work for the general advantage of Canada, that in such a case the report should contain a resume of reasons given for or against the necessity or propriety of such a declaration. There are two things involved in this discussion, the declaration, which would be purely academic, whether the subject is within the exclusive jurisdiction of the province and the further question, whether it might not be proper and expedient, notwithstanding such a declaration, to declare the work one for the general advantage of Canada. It seems to me a solution of the difficulty could be found in a not very serious alteration of the 115th rule, assuming the existence of a Committee on Legislation such as is proposed by the hon. member for De Salaberry, the Bill could be referred to that committee. I might say here that I hope that when the hon. member from Middlesex (Hon. Mr. Ross) proposes his motion to add to the committees of this House, it will include a judicial committee or rather a Committee on Legislation. Of all the committees mentioned in the hon. gentleman's notice of motion it seems to me that a Committee on Legislation would be the most important.

Hon. Mr. LANDRY—The whole Senate is a Committee on Legislation.

Hon. Mr. BELCOURT—I think it would be quite proper before the Senate discusses the question whether a work should or should not be declared a work for the general advantage of Canada it should be the subject of discussion and investigation in a select committee, and I should think a committee of that kind ought to be a small one. That would meet the objection in the minds of some hon. gentlemen that that subject has not received proper consideration—in other words that works have been declared for the general advantage of Canada in many instances where, probably, if the matter had been inquired into properly, no such declaration would have been made. The solution of the whole matter would be to amend rule 115 to provide that when the question arises at the first reading, on the demand of two senators, the Bill shall be referred not to the Committee on Standing Orders because I do not think the Committee on Standing Orders as at present constituted would feel it had sufficient knowledge of the subject to make such a declaration, and I may make this statement freely because I happen to be a member of that committee—but to the Committee on Legislation which would be qualified to decide that question, and I see no reason why that committee should not give its reasons for its decision so that the matter might be discussed thoroughly in the House later on if so desired.

Hon. Mr. COMEAU—The hon. gentleman's reasons are good, but they do not go far enough.

Hon. Mr. BELCOURT—My hon. friend did not understand me; I said it would be the duty of that committee to give the reasons on which it based its decision.

Hon. Mr. ROSS (Middlesex)—I see no reason why we should not adopt the resolution of the hon. gentleman from Digby. It is alleged that it would interfere with the procedure. It would add to the procedure, but would not interfere with any step proposed by these regulations. Rule 115 provides that two senators may ask for the reference of a Bill of this kind to the Committee on Standing Orders. When a Bill is read the first time, we know very little about it. It comes before the House for the first time, and immediately the first reading is taken. Then it goes to the second reading, as I understand the rules, forthwith.

Hon. Mr. POWER—No, two days must intervene.

Hon. Mr. ROSS—Let us say it is two days. Within those two days, two senators may adopt the precautionary measure provided by rule 115; but supposing it escapes at that stage, would it not be wise for us in a matter of so much importance to have an estoppel of the Bill at another stage.

Hon. Mr. POWER—You can stop it at any stage.

Hon. Mr. ROSS—Of course we can stop it at any stage, but here is a definite instruction for the reasons why it should be stopped at a particular stage. When it goes to the Committee on Standing Orders, I understand that they express an opinion and that opinion may be expressed by the House. If accepted by the House it stops there. It does not reach the position to which the motion of the hon. gentleman applies. But suppose it goes to the Railway Committee. It is discussed at greater length, more light may be cast on the Bill, and if light is cast upon it, why should not the House get the benefit of that light? It may be simply a deliverance of the Standing Orders Committee without any reason being assigned. The value of the judgment of a court is that it gives a reason, and that is one valuable feature of a Supreme Court decision—it gives a judgment with a reason, and in the same respect a judgment of the Judicial Committee of the Privy Council is of value because a reason is given. If this goes before the Railway Committee, what harm would ensue if the reasons for the judgment of the Railway Committee were given to the House? There may be an objection to giving a summary of the evidence, but this is a large question. This House has been reproached over and over again with passing Bills which interfere with provincial rights. We are taking additional precaution, and have we not good reason for doing so? We all plead guilty to having permitted such Bills to pass through this House in former sessions. Here is an additional precaution, a precaution in the light of reason and not an arbitrary one, but a precaution designed to guide the House. I am not a member of the Railway Committee. Supposing a Bill goes to the Railway Committee, I may know nothing about what transpires in that committee, but with the chairman of that committee when presenting a report of a committee which gives a reason for its judgment upon a Bill, then when the matter comes up in the House I have before me the reasons why the committee recommended the Bill to be passed or rejected and I am in as good a position to judge as though I had been a member of the Railway Committee. There can be no difficulty in getting those reasons, because the promoter of a Bill has a brief. I have seen briefs of Bills already that are likely to come before us. There is a brief, and that brief may be briefly stated and then we have the basis for an argument and we can form a judgment. The question is so large that we should on no account let an opportunity escape whereby the door may be closed. I do not object to a change in procedure. It is not a serious matter. It is not a matter that compromises us in any way. On the contrary, if there is good reason shown why Bills have passed through this House without due investigation that we are warranted in changing our procedure, and adopting additional precaution to guard us against committing errors, some of which possibly might have been inadvertently committed in the past. For that reason I feel that I should support the resolution proposed by my hon. friend, not only for the additional safeguard, but also that I might myself be informed when a Bill comes before this House as to how I should vote upon it by having the reasons given to me for or against it. It is a very serious matter that we should go on and suffer the reproach of interfering with provincial rights, as we are now reproached, and for that reason any precautionary measures should be encouraged. The hon. member from Mille Isles (Hon. Mr. David) placed resolutions upon the paper last year which I had the pleasure of supporting, and of which the House approved. This is perhaps a little more definite than those resolutions, but they are precisely in the same line, and therefore they are worthy of support.

Hon. Mr. DAVID—I wish to inform the hon. gentleman that I will vote against the motion as it is worded, unless the words 'summary of the evidence' are stricken out.

Hon. Mr. ROSS (Middlesex)—I move that the words 'Summary of the evidence' be stricken out.

The SPEAKER—The hon. gentleman has already spoken and cannot move an amendment.

Hon. Mr. DAVIS—I move that these words be stricken out.

Hon. Mr. WILSON—I do not think the hon. gentleman has a right to move an amendment after the question has been put from the chair, until a vote be taken, and if a vote be taken in the negative then he can move.

Hon. Mr. POIRIER—Then it would be out of existence.

The SPEAKER—Is there an amendment?

Hon. Mr. DAVIS—I move that the words 'evidence or' be stricken out, seconded by the Hon. Mr. Costigan.

Hon. Mr. BELCOURT—May I call attention to the fact that the French translation says nothing about the evidence.

The SPEAKER—All I have before me is the English version.

Hon. Mr. BELCOURT—There is nothing in the French version about the evidence.

Hon. Mr. BEIQUE—It seems to me that it is a matter of considerable importance, and I would suggest that the matter be adjourned until to-morrow, so that we can see our way to adjust the matter to meet the general opinion of the House.

Hon. Mr. BERNIER—The mover of the motion is willing to have these words struck out.

Hon. Mr. POWER—Strike out "evidence or.'

The SPEAKER—I understand the French version does not contain the words 'evidence or,' and that is just what the amendment calls for. I would therefore suggest that the motion be put in that way, without any amendment.

Hon. Mr. POIRIER—What text will prevail?

The SPEAKER—I will put the motion of the hon. gentleman to read as I find it in the French version.

Hon. Mr. YOUNG—Before the Speaker puts the question, I think the House should be advised as to what this means. A motion is being put here, and it is more than a motion. We are making a standing rule, and if we place amongst our standing rules a rule which, in the nature of things, will be almost impossible to carry out, and which will place things in a worse position that they are at the present time, it would be well that we should consider the matter. The motion has been amended striking out the word 'evidence,' and what is left? That it shall contain a summary of the reasons for and against the making of such a declaration as is referred to. Nobody in the House has any quarrel with a member who desires more light on any matter which comes before the Senate, and if there is any way in which the House can be enlightened in order to pronounce a better judgment, I am sure we will all on both sides of the House hold up our hands to have that adopted, but when you speak of what this order will call for—a summary of the reasons for and against the adoption of the declaration that the work shall be declared to be a work for the general advantage of Canada, or of two or more provinces—who will make such a summary that it will be more satisfactory than our present method of dealing with the question? Hon. members will come into the House with different opinions as to whether the summary is correct or not, and you will have no end of these difficulties of opinion. Let us, at least, have such a wording of our rules that they can be carried out, and, as one hon. gentleman who spoke a few moments ago said, when we have those rules reasonable, insist that they shall be adhered to. Some hon. gentlemen say that a Bill may be passed through this House with that declaration in, and passed without the House giving it due consideration. I cannot conceive of such a Bill getting through this House if there is such a declaration in it, on which there is a difference of opinion, because in the first place the municipalities are notified, the provincial secretaries of every province through which the Bill is to operate are notified, and the provincial governments are watching and guarding their interests so far as provincial rights are concerned, and then we have the Bill before us for second reading, and we have a chance to read it. We have also the further reference to the committee to which it is assigned, and the committee takes it under consideration.

Hon. Mr. DAVIS—The hon. gentleman is out of order. The question has been put from the chair.

Hon. Mr. YOUNG—There is either an amendment or there is no amendment. If there is an amendment moved, I have a right to speak. If there is no amendment I have read the motion and am prepared to vote against it.

Hon. Mr. CASGRAIN—The amendment is withdrawn.

The SPEAKER—As to whether the motion should not be put as it is in the French version without the words 'evidence or,' I should not like to limit the discussion. The hon. gentleman may finish his remarks.

Hon. Mr. YOUNG—When the House is passing a motion, it is well that we should know what it contains in its final stage. I waited until the motion had assumed, as I thought, its final shape, and was presented to the House for consideration, and it struck me—I may be wrong—that we were placing a rule on our standing orders that was going to give us more trouble than it was going to do us good, inasmuch as the chairmain of the committee coming in here to make his report with a summary of the reasons for and against, if it were a contentious Bill in the committee, apart from the merits of the case, contention might arise as to the merits of the summary, whether it was accurate or not, and we would have no end of trouble. Every man listening to the arguments for and against might, in his own mind, have a different summary altogether from what would be presented to the House. We provide no machinery to deal with the matter except by a committee. The committee itself might not agree on what would be an accurate summary. It would necessitate a shorthand reporter at the committee to report the arguments for and against. It was suggested by one of the hon. gentlemen who has spoken, that the brief of one of the lawyers who might be pleading for or against would be a basis on which the report would be made to the House. The committee might ignore that brief altogether, as it might happen to be, and while I have no desire to shut out light from any one, and no desire to shut off opportunity, I do not for one moment imagine that this is a workable rule to be placed on our orders.

Hon. Mr. POIRIER—I cannot at all see the difficulties that my hon. friend perceives in presenting the summary. We have examples of the summaries being given in the passages of certain Bills from one House to another. Reasons or summaries are given. Therefore the thing is workable. If it can work between one House and the other, it should be workable as between the committee and the House, and therefore all those objections that loom big in the eyes of hon. gentlemen are invisible to me. The main difference, in my estimation, between the rules that exist and the motion of my hon. friend from Digby is that according to the existing rules, any senator may, but practically none do. There is nothing to start the machinery going. While adopting this amendment, it comes automatically into operation. In many instances—in most of them, the resolution, just as much as the existing rules, will not be applied, but in the summaries the reasons will be given, and it will be necessary that they should be given when Bills come, the jurisdiction of which is questioned. We know that the provinces are now protesting at our indiscriminately adopting in our railway legislation the words 'for the general advantage of Canada.' It is only in those cases that the reasons should be given and will be given. I do not see any case where evidence will be necessary. If no evidence was given, the word 'evidence' in the motion lapses. If evidence is given, why not have the evidence and reasons automatically, let that question be taken into consideration by the House which otherwise has not been taken, although it is the duty of the Senate to discuss that question as one particularly affecting the rights of the provinces which we are here more particularly to represent. If that question is to be taken up and discussed by either House, it behooves the Senate to take hold of it, because we more directly and more particularly represent the provinces, while the other House represents more directly and more particularly than we do the electors.

Hon. Mr. KERR—Just let me ask the House one moment to stop and consider what we are adopting.

Hon. Mr. SCOTT—Surely it is not fair to open the argument again.

Hon. Mr. KERR—No hon. gentleman present desires to pass a nonsensical order.

Hon. Mr. SCOTT—I think my hon. friend is wrong.

Hon. Mr. KERR—Allow me to read——

Hon. Mr. SCOTT—I appeal to the Speaker whether we are to debate this question any longer.

The SPEAKER—The hon. gentleman is debarred from speaking again if there is no amendment before the House, and that is what I would like the House to decide. I intend to ask, is it the pleasure of the House that the hon. gentleman from Digby, the mover of the resolution, should put his motion and drop therefrom the words 'evidence or.'

Hon. Mr. POWER—I rise to a question of order. The hon. gentleman from Digby proposed to do that, and attention was called to the fact that he could not. Then the hon. gentleman from Prince Albert moved, seconded by the hon. gentleman from Victoria, N.B., that the words 'evidence or' be stricken out, and your honour, as I understood, put that question, that the original motion to amend the striking out those two words. The House has been dealing with the English version. As I understand, the motion was written in English and we are dealing with the English version. Now it has been discovered, because I suppose our French translators know too well what should have been, and they have omitted these words: but that does not relieve the House from the necessity of dealing with that amendment I think.

Hon. Mr. LANDRY—Last year I was ruled out of order on just such a point as this. I do not see how the hon. gentleman says the motion was received in English. He has no information yet.

Hon. Mr. POWER—The hon. gentleman read it in English.

Hon. Mr. LANDRY—I read my motions in English, but I make them in French. The question is, the motion has been printed in our official papers in French and English. French and English are both official languages. Which is which?

The SPEAKER—The question was read by the hon. gentleman in English, and this being so, the discussion is now on the amendment, and the hon. gentleman from Toronto has the floor.

Hon. Mr. BERNIER—It is read in English because it is customary to read it in English, but the motion in French is perfectly sufficient. The hon. gentleman from Ottawa has called attention to the fact that the French version was correct, and the hon. Speaker had a perfect right to put it that way, and he did put it in that way.

The SPEAKER—I will give a further reason to the hon. gentleman from St. Boniface. The only party who could decide as to the two versions was the hon. gentleman himself, and he took the option and put it in English.

Hon. Mr. KERR—I do not intend to argue the question. I have said all I wish to say with reference to the merits of the motion and I desire hon. gentlemen to consider the critical interpretation of what it is we are asked to pass. The motion reads:

> When a standing committee or a special committee reports recommending the passing of a Bill containing a declaration that a work or undertaking is for the general advantage of Canada, or for the advantage of two or more of the provinces of Canada, the report shall state the grounds on which the committee have decided that the declaration should be made, and shall contain a summary of the evidence or reasons given for and against the making of the declaration.

The committee must report the grounds on which the committee has decided that the declaration shall be done, and the report shall also contain and state the reasons given. Having already stated the grounds, you must state the reasons for the grounds and the reasons against.

Hon. Mr. BELCOURT—It does not mean that at all. It simply states that the grounds advanced for or against the mea-

sure shall be stated, and the House shall say which of those grounds they adopt in support of the decision.

Hon. MEMBERS—No, no.

The House divided on the amendment, which was declared carried.

The House divided on the motion as amended, which was lost on the following division :

Contents, 23; non-contents, 31.

CONTENTS :

The Honourable Messieurs

Belcourt,	Jaffray,
Baird,	McHugh,
Bernier,	McMullen,
Bolduc,	McSweney,
Boucherville, de	Poirier,
Comeau,	Ross (Halifax),
Costigan,	Ross (Middlesex),
David,	Roy,
Davis,	Scott,
Douglas,	Talbot,
Fiset,	Tessier.—23.
Gillmor,	

NON-CONTENTS :

The Honourable Messieurs

Baker,	
Béique,	Lovitt,
Beith,	MacKeen,
Bostock,	McKay (Truro),
Casgrain,	Miller,
Dessaulles,	McMillan,
Edwards,	Mitchell,
Ellis,	Perley,
Ferguson,	Power,
Godbout,	Riley,
Jones,	Ross (Moosejaw),
King,	Thompson,
Kerr,	Watson,
Landry,	Wilson,
Legris,	Yeo,
Lougheed,	Young.—31.

RAILWAY ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. YOUNG moved the second reading of Bill (3) 'An Act to amend the Railway Act.'

He said : I desire to call the attention of the House to the fact that this Bill has been before us on other occasions for our consideration. It is very short, containing practically only one clause; yet it is a Bill of very great importance, and involves serious consideration, inasmuch as it touches on the question of transportation and also on the question of saving human life. Whether this is a Bill which will meet what it is intended to meet or not, I am not in a position to say, because it is one of those great questions which it is difficult to determine. I am sure that every one in the Senate deplores any loss of human life on our railways, and we must admit that these accidents are not on the decrease but rather on the increase. Whether this Bill meets the views of the House or not in that direction, I would still ask you to give this important matter your very serious consideration and endeavour, as far as possible, to minimize the loss of life and at the same time make the Bill as workable as possible. As the Bill speaks for itself, without any further remarks, I move the second reading and if any hon. gentleman desires to take the matter up, he may do so.

Hon. Mr. McMULLEN—I desire to say a few words upon this Bill. It is undoubtedly an exceedingly important one. It deals with the whole transportation question of this Dominion. I quite agree with the remarks dropped by my hon. friend in the introduction of the motion for the second reading. It is now getting late, and I should like particularly to deal with some points in it; but if my hon. friend will consent to refer the Bill to the Railway Committee, I prefer to discuss it there. I think it will give those who have any objections to the provisions of the measure an opportunity of presenting their objections, and it will give those that are in sympathy with the Bill an opportunity of expressing theirs also. I think it would be the proper course to take and I would suggest to my hon. friend, if he would consent, to refer it to the Railway Committee. I shall reserve my remarks until it is before that committee.

Hon. Mr. YOUNG—I am entirely in the hands of the House on that matter.

Hon. Mr. McMULLEN—It is customary to refer such Bills to the Railway Committee, and I shall move myself that the Bill, after it is read the second time, be referred to the Railway Committee for consideration.

Hon. Mr. FERGUSON—If it is read the second time without any discussion, it is understood that the House has adopted the principle of the Bill.

Hon. Mr. WILSON—In the discussion of a Bill of this nature, a very important measure indeed, affecting transportation extensively, it is hardly fair to senators who are not on the Railway Committee to shunt this Bill from the House to a committee. Those who are not on the Railway Committee would have no opportunity of taking part in the discussion. If we sent this Bill to the Railway Committee, I may be told, as I was on a former occasion under similar circumstances, and it had been thoroughly discussed in the committee, and there would be no discussion upon it in the House. No doubt my hon. friend from Wellington is honest in his intention to have this measure thoroughly discussed, but it would be better for all parties concerned that the discussion should take place here. It is a public Bill of very great importance affecting the whole Dominion, and it could be discussed to great advantage in the House. I would suggest to my hon. friend from Wellington that the second reading should be adjourned until some future date so that he may have an opportunity of thoroughly posting himself in reference to it. The hon. member who has charge of the Bill promised to give us, a full explanation of it. Therefore, if he wants to give full opportunity for a discussion of the measure, that he should move an adjournment of the debate.

Hon. Mr. DAVIS—I recognize this Bill as an old friend with a new face. Whoever is in charge of it, I should like him to give us an explanation and state what he has to say in favour of the measure.

Hon. Mr. YOUNG—The Bill contains only one clause which explains itself. Does the hon. gentleman wish me to read it ?

Hon. Mr. DAVIS—I did not know that the hon. gentleman had become a convert to the principle embodied in this clause. I am glad to know that he has had a change of heart since last session.

Hon. Mr. YOUNG—I am glad to merit that expression from my hon. friend.

Hon. Mr. FERGUSON—If the principle of the Bill is to be challenged, it should be done now. Rule 64 says that the principle of a Bill is usually debated at the second reading. Of course if the principle of the Bill is unchallenged, and we are adopting it, all right; but if it is to be challenged anywhere it should be challenged on the floor of this House.

Hon. Mr. YOUNG—The hon. gentleman is right in the point he raises; but it is sometimes the practice, if it is understood by the House that they are not committed to the principle of the Bill by permitting it to take the second reading, that the door is open to challenge the Bill at any stage. Therefore I want it to be clearly understood, that should the motion of the hon. senator from Wellington prevail, no one would be committed to the Bill either for or against it, so that when it returns from the committee it could be discussed in the light of any additional information that might be supplied to the House.

Hon. Mr. LANDRY—Could the hon. gentleman state now what is the principle of the Bill ?

Hon. Mr. YOUNG—The principle of the Bill is to limit the speed of trains in thickly populated places. The speed is limited to ten miles an hour unless the crossings are properly protected, whatever that means. Clause 275 of the Railway Act provides a limit of that kind to the speed of trains in thickly populated places, so long as the crossings are protected or permission is given to run at a higher speed under a regulation or order of the Railway Commission. The board may limit the rate of speed as it deems expedient. Now it is proposed by this Bill to make the limit ten miles an hour, regardless of the Railway Commission, and still retains the other protections.

Hon. Mr. FERGUSON—We are now talking of the procedure only. This is a Bill of one very short clause, and that is to have railway crossings protected. If we read it the second time and send it to a committee, we reverse what we have done for two sessions, and it would seem, knowing the strength of corporations in committees, and the influences they bring to bear there, that the object of sending the Bill to committee is to do something there that could hardly be done decently in the public light of this House. I may be wrong about that, but it seems to me

that that would be the effect. This Bill has been passed three times in consecutive sessions in the House of Commons, and in the last two sessions it has gone through unanimously. There has been a change of Minister of Railways, and both the present minister and his predecessor have given the Bill their support. We should stand up and in the light of day discuss the principle of this Bill at the second reading. To send it to a committee without discussion would lay us open to the charge, probably, at some later stage, that we had done so for the purpose of having the Bill killed in committee or something done which we would not take the responsibility of doing in this House.

Hon. Mr. McMULLEN—I am not acting at the request of anybody. There are some features of this Bill that I do not like, some features that I think should be carefully considered. It is true that the House of Commons has passed the Bill twice. Nevertheless, it is the duty of this House to give the measure careful consideration, and if I thought that it was at all intended to smother the Bill by referring it to committee, as my hon. friend has intimated, I would be the last member of this House to consent to anything of the sort. I am quite willing to accept the suggestion of the hon. gentleman who has charge of the Bill to allow it to go to the committee. My hon. friend is a member of that committee. When it is reported back to the House if there are any amendments which are objected to, the House can deal with them. I am quite willing to let the Bill go to the committee with a perfect understanding that by giving it the second reading we do not endorse the principle. Some of its provisions are good, but there are others which are objected to. The object in sending the Bill to the committee is to give everyone an opportunity of expressing his views.

Hon. Mr. ELLIS—This is one of the measures the Senate should pass, so that we may escape the lobby to which the hon. Secretary of State has referred. Last year it placed us in really a very unpleasant position. This Bill went to the committee and senators were canvassed to the last extremity of patience with regard to it. What are the facts? The House of Commons passed this Bill twice. This time they would not allow the grass to grow under their feet before sending it to us. They are throwing on us the responsibility of defeating the Bill, if it is to be defeated. Two ministers of railways have given this measure their assent. As it is an amendment to a public Bill promoted by the government, and having been supported by the whole of the government in the other House, it must be apparent to everybody that it is the intention of the government that this Bill should pass. Further, it is a measure demanded by the public safety, and though it may be of great importance that railroads should pass at high speed through unoccupied portions of the country, they ought not to be allowed to go over level crossings in populous centres at a higher rate of speed than is provided for in this Bill. I shall therefore vote for the second reading, with the idea that it should not go to the committee but should pass here.

Hon. Mr. WATSON—This Bill has been before the Senate on two different occasions, and on both has been defeated. Are we to admit that we were entirely wrong on those two occasions? Although the government favoured that Bill before, a majority of the senators did not support the measure. I opposed it before because I thought the Railway Commission had power to limit the speed of trains. If this Bill is to pass—and I feel inclined to retract to a certain extent and let the Bill pass inasmuch as the House of Commons has passed it unanimously twice—it should be modified. We know that the Canadian Pacific Railway have inaugurated a train service between Montreal and the Pacific coast of seventy-two hours. If this Bill becomes law, the company will have to add ten hours to that time. Should we force them into that position? The Bill leaves no option to the Railway Commission; the railway company must run its trains through thickly settled portions of the country at a speed not exceeding ten miles an hour. Now, why should the trains be held up without necessity? Probably during business hours, and in the early part of the evening, it might be necessary to slow up trains at certain crossings: but

there is no necessity for it between the hours of midnight and six o'clock in the morning. Either here or in the committee, where probably there would be better opportunities of hearing the parties interested—I refer to the railway companies—an opportunity would be afforded everybody to discuss the details of the Bill, and I would favour the suggestion of the hon. senator from Wellington, to send this Bill to the Railway Committee. I would not vote to kill this Bill in the Railway Committee. I am prepared to support amendments in the line I have indicated—that is where the Railway Commission consider there is no danger to the public, trains should not be required to slow up. I shall vote to amend the Bill and make it more useful and not to take it out of the jurisdiction of the Railway Commission. As I take it, if this Bill is passed, the Railway Commission will not be able to slow up trains to a less speed than ten miles an hour.

Hon. Mr. POWER—The board may limit the speed but cannot let the speed exceed ten miles an hour in thickly populated places.

Hon. Mr. WATSON—I agree with the hon. gentleman in charge of this Bill, that we should not allow anything to imperil human life, and I think it will not be long before the Railway Commission will require all dangerous crossings to be protected. At the same time, where it is unnecessary to interfere with the operations of trains making fast time between the Atlantic and the Pacific, we should not by our legislation unnecessarily restrict them. Our corporations are carrying passengers in competition with railways in the United States, and they should not be needlessly hampered by restrictions.

Hon. Mr. DAVIS—The Bill was thoroughly discussed in this Chamber and in the Railway Committee on previous occasions. It went to its death in the Railway Committee last year. I am glad to see some hon. gentlemen who opposed this Bill last year have seen new light, and are now prepared to support some legislation of this character. But the hon. gentleman from Marquette does not seem to understand the Bill thoroughly. It provides that no train shall pass through thickly populated sections at a higher speed than ten miles an hour, unless the level crossings are protected or maintained in accordance with the directions of the Railway Commission. The board may limit the speed. As I understand the Bill, it means this, that before they can run trains at a greater speed than ten miles an hour through a village or town, they must get authority from the Railway Commission.

Hon. Mr. POWER—No.

Hon. Mr. DAVIS—That was the argument put up in the Railway Committee last year—that if a corporation wished to run its trains faster than ten miles an hour, they could apply to the Railway Commission, and by doing certain things get permission; but they must apply to the Railway Commission. Last year it was not more than two days after the Bill was thrown out by this House, that a couple of people were killed at a level crossing at Alexandria. The other day some people were killed at St. Thomas. In fact, the railway crossings are veritable shambles. The House of Commons has passed this Bill twice unanimously, and I do not see why we should send it to the Railway Committee. Let us take the responsibility of discussing and settling the Bill here and now. If we send it to the committee it means either that it will be rejected or so amended that it will be of no use.

Hon. Mr. POWER—I do not see the force of the last observation made by the hon. gentleman. I am in favour of the principle of the Bill, if the principle is to increase safety to human life. I see the hon. gentleman has a copy of the Bill before him, but he has not had time to consider it carefully, because he misapprehends one of the most important provisions in it which is that as regards the speed of ten miles an hour, the Railway Commission have no power. That appears to be substantially the change which this Bill proposes to make in the existing law. The present law provides that no train shall pass through any city, town or village at a speed greater than ten miles an hour, unless the track is fenced or protected, or permission is given to the board. Under the Bill before us, the board cannot make

any regulation which would allow a speed of more than ten miles an hour through a thickly peopled place. In my opinion, the Railway Commissioners are in a better position to judge whether it is necessary, in the interest of human safety, that the rate of speed should be limited to ten miles an hour in a given place, than we are. The commission are appointed for the purpose of carrying out the spirit of our legislation. Take the case put by the hon. gentleman from Portage la Prairie, the case of the Canadian Pacific Railway; the same will be true of the other railways running across the continent and trying to make good time—if you are going to hold them up you hamper them in their competition with railways in the United States. It is all right when there is traffic in the streets, but in the hours between midnight and six o'clock in the morning there does not seem to be any reason why, if the Railway Commission are of the opinion that there is no risk, companies should not be allowed to run their trains faster. I quite approve of passing the second reading of the Bill, but the language of the clause requires to be scrutinized more carefully than it would be in a committee of the whole. I have no strong feeling about it; but, as a matter of business, it will be better after the Bill is read the second time and its principle adopted, to let it go to the Railway Committee, and let that committee make a report as to whether or not it is necessary to adhere to the phraseology that is now in the Bill. I do not think myself it is.

Hon. Mr. CASGRAIN—May I call the attention of the House to the fact that this is a public Bill, and in the usual course it should be discussed in Committee of the Whole Senate. Now is the time, when those members who are so anxious to know what is going on in committee with respect to railway legislation, to insist on having this Bill discussed in the House. It is only by making an exception of this Bill that it need be sent to the Railway Committee.

Hon. Mr. POWER—When the Bill comes back from the committee, it then goes to a committee of the whole.

Hon. Mr. CASGRAIN—I think it should be fully discussed here in committee of the whole Senate. I am only speaking for myself. I agree with the hon. senator from Marshfield, that this Bill should be discussed openly here, and not let the impression go throughout the length and breadth of this land that we have sent this Bill to a committee for the purpose of stifling it there. We must remember that this Bill has been passed unanimously by the House of Commons.

Hon. Mr. POWER—A committee cannot stifle the Bill. They are bound to report the Bill either favourably or adversely.

Hon. Mr. CASGRAIN—We know very well that the practice has been—and the debate to-day has proved it—that reports of committees are very often concurred in. If you look at the authorities on the subject you will see that once a Bill has been read the second time and referred to a committee, the report of that committee is supposed to be adopted by the House, because they say the committee is the proper place to make an inquiry; that they can hear counsel and take evidence and get a knowledge of the facts, and the committee are supposed to be a better judge than the Senate can be whether the Bill shall pass or not if they report it favourably. But this is a public measure, and the matter should be discussed in the House, and the Bill amended if the House deem it necessary to do so. As to the principle of the Bill itself, I think every one is in favour of having safer level crossings. The Railway Act provides that trains may run at a higher speed them ten miles an hour provided the crossings are properly protected. It came last year to the knowledge of members of this House that to protect a level railway crossing entails an expenditure of fifteen to seventeen thousand dollars. If you will add up the number of railway crossings on a line from ocean to ocean you will see what an immense cost it would involve to protect all the level crossings in that distance. The cost of installing modern gates is from fifteen to seventeen hundred dollars; then you must have at these gates two men that you cannot get for less than $50 or $60 per month each. Supposing you get them for $50 per month. That is $100, or $1,200 a year. Capitalize that at 5 per cent, and you will find that to protect one

crossing properly with modern appliances involves an expenditure of $15,000 to $17.-000. If you add that up from one end of the line to the other, you will see what an enormous expenditure it would entail. It would probably bankrupt some of the best railways in the country if you required that. We are all in sympathy with the principle of the Bill. It has been suggested that at certain hours trains might be allowed to run at a higher rate of speed; but this Bill deals with all crossings in the same way at all hours. Some crossings are not dangerous, but there is no discrimination in the Bill between crossings; you apply the same hard and fast rule to all crossings. If this Bill were committed to a committee of this House, everyone would have an opportunity of discussing it, and the House might evolve a workable measure which would benefit the whole country.

Hon. Mr. FERGUSON—Speaking for myself, I have not the slightest desire to place one dollar of unnecessary expense on the railways. They contribute in a wonderful degree to the prosperity of the country and are doing much for its development, and we should not burden them unnecessarily. At the same time, the question of expense should not be brought in as against the safety of human life. That is, we should not hesitate to put the railways to some expense, or even a great deal of expense to prevent the lives of the people of this country being sacrificed as they undoubtedly are at these unprotected level crossings. I believe the Bill before us is the result of compromise. It has quite a history. It was introduced in the House of Commons two years ago and sent to a small committee of the House consisting mostly of lawyers on both sides of the House, and the Minister of Railways at the time was one member of that committee. They heard all the parties affected, the railway companies and others, and reported the Bill as it is before us. As I understand the measure, it means just this: the first clause with reference to the ten miles an hour does not differ from the existing law. There is already a limitation of speed; but there is a different principle in this Bill governing that regulation. It is that no train shall pass over a level crossing in thickly peopled places at a higher speed than ten miles an hour, unless the crossing is properly protected. That clause throws the responsibility on the railway companies to have their crossings protected so that if any lives should be lost there it would become a question for a jury whether the protection was ample or not. But it goes further and provides that such crossing must be constructed and thereafter maintained in accordance with the orders, regulations and directions of the Railway Committee of the Privy Council and of the Board of Railway Commissioners in respect thereto. The railways will have to protect the crossing, but they can go to the railway board and get an order respecting it, and whatever the order of the board is will be the proper protection. It will not then be a matter for settlement even before a court as to whether the protection was proper or not; the Railway Commission having passed on it and decided the question will settle the matter. Objection was taken last year and in this House, on grounds which surprised me at the time, and which had no force in my opinion. It was urged before the small committee of the House of Commons to which I have referred, that the railways had already gone to the Privy Council before the passing of our Railway Act and obtained orders with reference to a very large number of crossings all over the country. And, in order to prevent any unnecessary expense being imposed upon the railways, the clause was drafted so that the regulations passed by the Privy Council would remain in force, and it would not be necessary for the railways to obtain fresh orders from the Railway Commission. That was provided in the Bill, but it was urged against the Bill last session that it was reviving the power of the Privy Council as against that of the Commission. It simply provides that the orders that had been made before would remain in force, and it would not be necessary for the railways to go to the Railway Commission in order to get orders with reference to crossings already dealt with. It seems to me that the proposition is quite simple. The railways are responsible for the crossings, unless they are properly protected. They will have to face

the court and jury, unless they do one of two things: that is, protect the crossings in such a way that they will be able to show before the court that their protection is ample; or, if they do not choose to run the risk of that—and I think they would be very foolish to do so—they can go to the Railway Commission, and the Commission can decide with regard to every crossing the measure of precaution necessary, and that would take away their responsibility, as long as they complied with the order. I know that we were told last year, by the railway companies, that this expense would be enormous. Figures on the subject were presented to us, and, although I have nothing but my own opinion on the subject, I think the expense would not be anything like the amount it was represented to be; but as I said before, no matter how much it would be, when human life is in danger, we should make provision. But my opinion is that the railways would be able to group the cases, and they could be dealt with in groups. The Railway Commission has experts, and they could send them over the roads, and group the cases, if the railway did not do it themselves. It would not be a very difficult matter. The legislation is very important, and affects the railways very seriously, and we should not be in too great a hurry to put this proposed law in force. We should give them ample time and allow them to proceed carefully and deliberately, in order to arrive at the best possible conclusion, which would involve the least expenditure to the railways. We would not want to put them to any unnecessary expense. It might be said: 'If that is done, in the meantime you would be leaving life exposed.' We would be doing that, and we might be considered by some people as being remiss in our duty, because we did not act at once. But, in view of the exposure that has existed in the past, and remains up to this time, and in view of excellent machinery being provided—which I hope this House will help to provide by the passage of this Bill—we should give all necessary time for the railways to put their House in order, and not subject them to unnecessary trouble by forcing them at once to take action.

It being six o'clock the Speaker left the Chair.

After Recess.

Hon. Mr. FERGUSON—When the Speaker left the Chair at six o'clock, I was under the impression that we were going to dispose of the Bill, and I therefore cut my remarks short although there were two or three observations I intended to make with regard to the law as it at present stands and I presume there will be no objection to my doing so now. I desired to point out the weakness of the law as it now stands with regard to this subject. It is to be found in section 274, and I want to point out in connection with that, a remark I made before six o'clock, that the proposed amendment makes no change with regard to the speed of trains. The ten mile an hour speed is also dealt with under the law as it at present exists, and the closing part of the old section and of the new are word for word alike: that is, giving the Railway Commission power to fix any rate of speed they see fit.

Hon. Mr. ROSS (Middlesex)—What is the real difference.

Hon. Mr. FERGUSON—The real difference is in these provisos beginning with the word 'unless.' The Act as it stands at present is the same up to the word 'unless' in section 275 and 'unless' in this Bill. It provides:

> Unless the track is fenced or properly protected in the manner prescribed by this Act, or unless permission is given by some regulation or order of the board.

The difference is that the Bill reads in this way:

> Unless such crossing is properly constructed and thereafter properly protected, or unless such crossing is constructed and thereafter duly maintained in accordance with the orders, regulations and directions of the Railway Committee of the Privy Council and of the board in force with respect thereto.

There is where the difference comes in, and, when we come to look into it, we will find it is very material. The proviso in the law as it stands is, 'Unless the track is fenced in the manner prescribed by this Act.' We turn to section 254 and there we find all the provisions with respect to fencing, and it provides for a fence four feet six inches high, and for cattle guards. That is the provision that is there. Then although it would seem almost ridiculous that such should be the case, still as far as

I find such is the case, if the track is fenced, and the provision of cattle guards, and a fence four feet six inches high, that allows them to run at any speed they choose, through populous places irrespective of any protection of the crossings. Then there is another proviso 'Unless it is properly protected in the manner prescribed by this Act.' I have looked through the Act and the only provision I can find is section 274, where it provides for the sounding of the whistle and the ringing of the bell eighty rods before the train reaches the crossing, and it provides that that shall not apply to trains approaching such crossings within the limits of cities or towns where municipal by-laws are in force prohibiting such sounding of the whistle or ringing of the bell. I contend that the provisions of the Act as it now stands with regard to the level crossings are of no value at all, and it must have been the subtlety of railway lawyers that got these clauses framed in the way in which they are, for certainly hon. gentlemen will see that no protection at all for passengers on the crossing is provided, merely from the fact that a fence four feet six high is found on the adjoining property, or that there is a cattle guard. We must admit that that is no protection at all for people using the crossing.

Hon. Mr. McMILLAN—Does the hon. gentleman mean it would not be any protection in towns, cities and villages?

Hon. Mr. FERGUSON—No, I think it would be no protection whatever for people crossing the street, the mere fact that a fence four feet six inches high had been placed on each side of the railway leading up to it and a cattle guard was put in.

Hon. Mr. McMILLAN—You would not expect a fence four feet six inches high in towns and villages where these crossings are?

Hon. Mr. FERGUSON—Well you would not, but that is the provision. This section is dealing with thickly peopled portions of any city, town or village, and still the only construction we can put on it is that the framers of the Act meant that as against the people using the street or road crossing, the railway company were to be protected, no matter how fast the trains might run, from the mere fact that there was a fence along the track of the railway leading up to this street or road, and that there were cattle guards on each side. The provision with regard to fencing is to my mind very absurd, and I cannot understand the placing of that clause in the Bill. Then the second has a more direct bearing. That says: 'Unless the track is properly protected in the manner prescribed by this Act,' and that refers to section 274, which provides for the whistle and the bell. It is no wonder that a strong agitation has been going on to have some change in that section, in order to provide better protection. Having made that reference, which I think is correct, to the provision that is now in the law, let me point out what the Bill proposes to do. It says:

No train shall pass over any highway crossing at rail level in any thickly peopled portion of any city, town or village at any greater speed than ten miles an hour.

That is the same as the law at present, except by the addition of the words "highway crossing." Then the clause proceeds:

Unless such crossing is properly protected, or unless such crossing is constructed and thereafter duly maintained, in accordance with the orders, regulations and directions of the Railway Committee of the Privy Council and of the board in force with respect thereto.

The first is 'Unless it is properly protected.' That means where there is no order of the board passed in reference to it, that the protection must be of such a nature that a court of justice would hold to be a proper protection. That perhaps would not be a very desirable position for the railway companies to be placed in; but they can easily get out of that position by applying to the Board of Railway Commissioners, who would be depended upon to make fair decisions, and they are not obliged to apply to the board with regard to all their crossings. I am told that a very large number of the crossings have already been dealt with by the old Railway Committee of the Privy Council and by the present Board of Railway Commissioners, and this provides that any regulation in force with respect to crossings made by either the old committee, the Privy Council or the Railway Commissioners will be held to be a sufficient protection.

Hon. Mr. ROSS (Middlesex)—As I understand it, the Bill only applies to crossings in thickly populated districts ?

Hon. Mr. FERGUSON—Yes.

Hon. Mr. ROSS—Not to other crossings in rural districts ?

Hon. Mr. FERGUSON—No, only to crossings in thickly peopled parts of the country, and although there was a great deal of misconception, apparently, when we were considering the Bill last year with regard to this provision that legalized the decisions of the old committee, the Privy Council, when it is examined carefully it will be found that all that that does is to hold still in force any decisions or orders made by that committee; so that the railway companies would not be obliged to incur the expense of beginning afresh and getting new orders with relation to crossings already provided for. Very many of the most dangerous crossings have been dealt with by the old railways committee, the Privy Council or by the Railway Commissioners; but undoubtedly a very large number of crossings would have to be dealt with if this Bill were passed. There can be hardly any doubt that that could be done without involving extraordinary expense. They would be dealt with in groups, classes 1, 2, 3, 4 and 5. They might not be able to deal with them all in groups, but a large proportion could be dealt with in that way, and a regulation could be passed providing what the nature of the protection would be for class No. 1, class No. 2, and class No. 3, and so on, and where there were particularly exceptional ones, they could be dealt with by separate orders. The impression I have is that the applications would not have to be made for each individual crossing by itself. The whole matter would come up, and the Railway Board, who have competent men in their service, would examine the crossings, and they would no doubt make orders that would not put the railway companies to any unnecessary expense, but that would at the same time make such provision as is necessary for the protection of human life.

Hon. Mr. JONES—I should like to ask the hon. gentleman this question: in section 275 there are apparently two provisions, under one of which, of necessity, the railway must operate its trains. In the section we have under discussion, there are one of two conditions which they must comply with. As stated by him, they must either have the track fenced or properly protected in the manner prescribed by this Act, or they must have an order of the Railway Board—one of these two conditions they must comply with. If they could comply with the first they would not, necessarily, as I understood what the hon. gentleman said, and as I read the section, need to go to the board with an application to enable them to go beyond the ten miles per hour.

Hon. Mr. FERGUSON—Exactly.

Hon. Mr. JONES—It would not be possible, as I read the section to which you refer, in a town or city, for them to comply with the first provision in clause 275. It would not be possible in the thickly settled population, such as a town or village, that they could comply with what is provided in section 254, because that provides that they shall have fences of a certain height; that they must have swing gates upon such fences, at farm crossings, of the minimum height, to provide sliding or hurdle gates and so forth. They must provide cattle guards on each of the said highways. They must provide railway fences at each of the crossings. Such fences and gates and cattle guards shall be suitable and sufficient to prevent cattle and animals from getting over, etc. These are conditions laid down in section 254 that could not possibly be made to apply in a town or village. If they cannot be made to apply, and as they are never made to apply, so far as I am aware, and the railway travelling I have done has enabled me to observe, then of necessity I should think that if they complied with the Act they would be obliged to come to the board and get a ruling by the board under the second condition laid down in clause 275, which provides that if they don't do the first they must do the second. I think that is a fair interpretation to put on these two clauses. I have looked through this Act also, and I find no clause except 254——

Hon. Mr. FERGUSON—274.

Hon. Mr. JONES—No, 254, as to fencing. The conditions provided in 275 refer to the conditions laid down in 254—the details, the particulars—and this clause says that 'unless the track is fenced or properly protected in the manner prescribed by this Act.' Now, to apply clause 254 to the conditions we have under discussion would be an impossibility. Therefore, if they are running trains at a speed exceeding ten miles an hour, they must be either doing it against the Act itself, or they must have an order of the board. I am wondering if the hon. gentleman knows whether that is a question that has come before the Railway Commission or not, and if there has been a ruling; because in other sections of the Act I notice conditions enabling, in detail, the board to deal with these matters, especially to deal with them so that a railway company would not necessarily be obliged to run the trains at the same speed through a city a long distance under these particular conditions. As was pointed out by my hon. friend who spoke before recess, there are conditions under which it might be found that at certain important crossings in a town or city the speed of the railway should be less than it should be one, two or three miles further along, where there are other crossings; but where they are very little used, and therefore not the same danger exists. Take the city of Toronto as an illustration; they would have seven miles to go to cross the city from east to west. It would not be necessary or desirable that the limit of the speed of a train should be within ten miles per hour for seven miles. That would be a very long time to take to cross the city.

An hon. MEMBER—How many crossings in that seven miles ?

Hon. Mr. JONES—I should imagine from 50 to 100. There would be a very large number. The important ones have gates, and it would not apply to them. There is sufficient flexibility in the conditions attached to the Act to enable the Railway Board to deal with these things in a way, if they did or would deal with it, or were asked to deal with it, it appears to me much more desirable in the interests of the public, because the interest of the public is in the railway making reasonable time, as well as the interest of safety. Both are to be considered, and if you refer to section 30, it would appear that in that section they had in mind in framing the Act this particular condition, because it reads:

> The board may make orders and regulations:
>
> (a) limiting the rate of speed at which railway trains and locomotives may be run in any city, town or village, or of any class or of cities, towns or villages, and the board may, if it thinks fit, limit certain rates of speed within certain prescribed portions of any city, town or village, and different rates of speed in other portions thereof.

It would appear to me that the Act in that regard is peculiarly adapted in the machinery furnished to bring about practical results, if the Act were made operative as it stands. Because if this House undertakes to deal with this it would not be, I take it, practical to deal with the rate of speed for all these various conditions that arise to get the best result; while if the Railway Board deal with the question, under the powers given them, they might limit the speed in certain sections to five miles per hour, while in other places within the limits of the same town it might be fifteen miles an hour. It appears to me it is important in the consideration of this, that while we should endeavour to have legislation that will prevent undue risks, that we should have also planned that machinery would be available to be made to apply whether it is under or over the ten mile limit, and if that condition could be woven into the suggestion that is here made in this new resolution, then it would appear to me as a practical resolution ; but if it is passed as it comes down today, the hands of the Railway Board are tied. If this is added to the Railway Act, or if this change is made, it would be absolutely impossible for the board to permit in what may be judged to be a thickly or densely settled part of the country, cities, towns or villages, or regulate the speed at any hour. Neither the time nor the conditions are provided for here. The Railway Board could make the conditions different in different sections, and could make the conditions different at different hours of the day, and they could make the conditions entirely practical; while this Bill proposes to make it im-

possible for the board to do what the clear intention of this Act is that the board should do, and I know of no more important function that the Railway Commission has to deal with, no other so important as the protection of life and the property of the citizens of Canada, at the same time enabling the railway companies to so run their trains and manage their road so as to get the best practical results under such conditions as are necessary for the safety of life. If hon. gentlemen will take fifteen minutes to consider these three clauses, they will see that we propose to bring about a condition that cannot be changed or altered. It may be right under certain conditions. It may be right passing through a city at one crossing. It will be absolutely wrong at the other crossing. May be absolutely right at a certain crossing from six in the morning til ten at night. It is absolutely wrong the remainder of the day, which is extremely important to railway companies in large cities. Take in Toronto as an illustration,—the Grand Trunk railway more than the Canadian Pacific Railway. In fact they use exclusively what may be termed the water front of the city of Toronto. They have no road round the city. The Canadian Pacific Railway use the same line of railway along the water front for their passenger service, but they have another line of railway double tracked in the north part of the city, still within the city limit, but where the difficulties are much less than in a thickly settled part of the city, and a great deal of their freight is taken on the northern section for two reasons: one, there is much less difficult on account of the fact that the population is not so dense. The Grand Trunk Railway are not similarly situated in that respect. They have had yards created in the last two years west of the city three or four miles, and east of the city three or four miles, the distance between the two being ten or twelve miles —I am guessing at the distance. It is a fact that the Grand Trunk Railway handle the greater part of their freight between the two yards in the night. There is no objection to their passing through at such speed practically as is most convenient to themselves, because the crossings are not in use, and in that way they limit the amount of trains that would be necessary if it had to be all done during the day. If they undertook to do their work during the day it would be almost impossible. Now, the Grand Trunk Railway should not be tied down to these conditions for the tremendous traffic service they have there —what they term their night service—on the ground that it is necessary to protect life and property, because life, generally speaking, is asleep at the time, a very great part of this traffic passes through Toronto. The Railway Board under the flexibility of the Act as I read it now, have all the powers surrounding them to enable them to deal exactly with such cases as this.

Hon. Mr. DAVIS—Have they done it ?

Hon. Mr. JONES—We should not hurry so much that we would prevent the consideration of all these features, or the embodying in them of such other features as will leave the Act flexible; but if we can give to Canada an Act that will be more practical, that will make the traffic safer through the densely populated cities and towns, that is desirable. It is desirable also to make it workable, and I fear that if this measure is passed as it stands it will be entirely unworkable under many conditions such as I have named, and we will be taking away from the Railway Commission who are abundantly capable of dealing with difficult and important questions, what has been carefully planned and put there to enable them to deal with just such cases as I have named, and as might be named in many other cities and towns, both for night service and day service where there is any considerable business, and where, as frequently happens, one or two crossings in the city are used a great deal, while others are almost unused.

Hon. Mr. FERGUSON—I understood the hon. gentleman to ask whether in my opinion the first condition expressed here would be applicable to towns or villages?

Hon. Mr. JONES—No. It is optional, as I read it, with the railway company which of the two conditions named in this clause they use.

Hon. Mr. FERGUSON—Three.

Hon. Mr. JONES—They may operate the road under either one of the two.

Hon. Mr. FERGUSON—Or three.

Hon. Mr. JONES—I asked the hon. gentleman if it is not possible to operate under the first condition in the towns or cities, and if so they are obliged to operate under the second, in the Act which makes the Railway Board control the situation.

Hon. Mr. FERGUSON—My hon. friend's question completely proves the suggestion that I made, that the Act as it at present stands is practically a sham; because while it provides that the first and second conditions shall apply in thickly peopled portions of cities, towns and villages, the hon. gentleman says it is impossible that it can be carried out there, and, therefore, that it cannot have any application.

Hon. Mr. JONES—No. I say the first condition is impossible, and they must operate under the second which is under the Railway Board, if they run faster than ten miles.

Hon. Mr. FERGUSON—The answer I have is, that that is a plea which the railway company can set in a court of justice if an accident happens; that they have provided certain fencing and cattle guards and things of that kind, and if they can show they have done that, they are not liable in cities, towns and populous centres no matter how fast they may run. If that is not the construction to be put upon it, I cannot find any reasonable construction at all, and that is one of the reasons why I think there should be a amendment, because it is open for the railway company to set up this plea which my hon. friend says would be altogether an inapplicable one, that they have done certain fencing; still the Act says that that is one of the conditions which if they can comply with, they can run their trains through at any speed that they think proper. The next is that they have rung a bell and sounded a whistle. My hon. friend seems to think that is an impracticable provision in cities, town and villages. It is in cities, towns and villages that it is made to apply, under this Act, and only in those places. Therefore, my hon. friend is exactly of the opinion that I am, that the Act as it at present stands is of no value with regard to crossings, as far as protection and fencing is concerned, and the only remedy is to apply to the Railway Board.

Hon. Mr. JONES—If you eliminate from that clause the first proviso under which they can run through these cities, it will read this way:

No train shall pass through a thickly peopled portion of any city, town or village, at a speed greater than ten miles an hour, unless permission is given by some regulation or order of the board.

I think that would be complete, because then they are not permitted to go faster than that unless the board makes the regulation. That suits me, and I think that is the way of looking at it; but when you provide that no matter what the board says, the trains shall not run faster than ten miles an hour in any city, town or village.

Hon. Mr. FERGUSON—No.

Hon. Mr. JONES—That is what the resolution says.

Hon. Mr. FERGUSON—It says the track must be properly protected, unless some old regulation of the board of Privy Council is enforced with reference to it, or the third condition that new orders have been made; but it legalizes the orders that are now in existence, whether made by the old Railway Committee of the Privy Council or the present Railway Commission. My hon. friend would support striking out everything, and provide that they should have to get permission from the board direct. I cannot see wherein that would differ very much from the Bill we are putting through. It is a matter which would have to be very carefully considered, and from the point of view of railway men there might be a considerable difference between the two provisions, but it certainly would eliminate from the Bill these two conditions, which my hon. friend agrees with me are not conditions that should permit of this great speed.

Hon. Mr. JONES—No. The first two are not, I admit. I do not think it is practical, and it should not prevail.

Hon. Mr. BEIQUE—There can be no question in my opinion as to the principle of the Bill having for its object the protection of human life, but it has been suggested that because this Bill was passed three or four times by the House of Commons, that it should also be passed by this House, and leave the responsibility to the House of Commons. For my part I do not agree with that. The fact that the House of Commons has passed this Bill three or four times does not relieve this honourable body from fulfilling its duty, and the duty of this House is to deal with it and amend it in order to make it the best law possible under the circumstances; but after the Bill has been sent back to the House of Commons, and the House of Commons insist on the Bill as it did pass it three or four times, then the question may arise as to whether this House should not give way to the House of Commons and leave them with the whole responsibility of a bad law. This Bill which is intended to deal with section 275 of the Railway Act, is dealing with a thing altogether separate from section 275. I desire to call attention to this important fact: section 275 provides for one thing and this Bill provides for another thing altogether different so much so that in my estimation section 275 should be left in the law as it is, and this Bill should be dealt with by way of amendment or addition to section 275, not leaving the Bill as it is.

Hon. Mr. FERGUSON—Did the hon. gentleman say this Bill should be passed as an amendment to some other section?

Hon. Mr. SCOTT—No; an independent section.

Hon. Mr. BEIQUE—I do not however, propose to go into the merits of this Bill now, except in a general way. My object is mainly to draw the attention of hon. members to such things as may better enable us to deal with the Bill and form a proper judgment upon it when it is taken into consideration in detail. I desire however, at the outset, to call attention to this fact that section 275 deals with the speed of railway trains in thickly populated parts of cities, but not at crossings. It cannot affect crossings at all, because it deals with that part of the railway which is to be fenced in, and, of course, the crossings cannot be fenced in, and this interpretation of section 275 was supported by the courts in several cases, and especially the supreme court. This Bill deals exclusively with highway crossings, and not with the railway in thickly populated parts of cities, and would have the effect of unnecessarily repealing that very important provision contained in section 275 Now, it is important to bear in mind what are the provisions relating to this question as they exist in the Railway Act. The first provision is section 30, to which attention was called by the hon. senator from Toronto. So that hon. members may have the whole of the sections together, I will read them over again. Section 30 of the Railway Act deals with the powers of the Board of Railway Commissioners:

> The board may make orders and regulations limiting the rate of speed at which railway trains and locomotives may be run in any city, town or village, or in any class of cities, towns or villages, and the board may, if it thinks fit, limit certain rates of speed within certain described portions of any city, town or village, and different rates of speed in other portions thereof.

You will notice this is wide enough to empower the board to make full regulations not only as regards the speed at highway crossings, but at any other place, and, therefore, in all parts of thickly populated portions of the country, and, of course, it contemplates different speeds according to the circumstances. Then we have section 237:

> Upon any application for leave to construct a railway upon, along or across any existing railway, the applicant shall submit to the board a plan and profile of such crossing, showing the portion of railway or highway affected.
>
> (2) The board may, by order, grant such application upon such terms and conditions as to protection, safety and convenience of the public, as it may deem expedient, or may order that the highways be carried over or under the railway, or be temporarily or permanently diverted, and that such works be executed, watchmen or other persons employed, or measures taken as under the circumstances appear to the board best adapted to remove or diminish the danger or obstruction arising or likely to arise therefrom.

Hon. Mr. JONES—That refers to construction and not to operation.

Hon. Mr. BEIQUE—This refers to future highway crossings.

Hon. Mr. JONES—Under construction.

Hon. Mr. BEIQUE—Under construction. but empowers the board to adopt such rules and regulations as will protect the public and, therefore, limit the speed at which the highway crossing may be crossed. But the following section (238) deals with railways already constructed, and is to the same effect. It says:

Where the railway is already constructed upon, along or across any highway, the board may order the company, within a specified time, to submit to the board a plan and profile of such portion of the railway, and may, upon such submission, make any order in respect thereof as in the last preceding section provided.

Therefore, the rules which may be made in regard to railways under constructions or to be hereafter constructed, may likewise be made, under section 238, for railways already constructed, and, therefore, the Railway Board has the power, under the statute, to make such regulations as may appertain for the protection of the public as well as for the speed of trains in thickly populated parts of any city or village, as for the speed of trains at highway crossings. Then we have section 275 of the Railway Act which says:

No train shall pass in or through any thickly peopled portion of any city, town or village, at a speed greater than ten miles an hour, unless the track is fenced or properly protected in the manner prescribed by this Act, or unless permission is given by some regulation or order of the board.

And subsection 2 of the same clause provides:

(2) The board may limit such speed in any case to any rate which it deems expedient.

You will notice that under section 30 the Railway Board is given power to limit the speed in any case; but that section 275 actually limits the speed in those individual cases, and, therefore, renders unnecessary for these cases any rules or regulations, and withdraws, so to speak, from the board the right to make rules except for the purpose of limiting it in the cases mentioned in section 275, except to reduce the speed under ten miles an hour.

Hon. Mr. JONES—Do I understand the hon. gentleman to say that under section 275 the board cannot give an order enabling them to run at a higher rate than ten miles an hour?

Hon. Mr. BEIQUE—Yes.

Hon. Mr. JONES—The board can make the order to run more than ten miles or less than ten miles an hour, but at ten miles they need no order.

Hon. Mr. BEIQUE—Yes. There is no question that the board has full power to deal with the matter. Now what is sought to be done by the present Bill is merely to deal with highway crossings. You notice section 275 does not deal at all with that, but deals merely with the speed of trains in populated parts of cities, but at other places than highway crossings.

Hon. Mr. EDWARDS—May it not include highway crossings?

Hon. Mr. BEIQUE—No, because the context of the clause says unless the track is fenced or properly protected in the manner prescribed by this Bill: therefore it excludes highway crossings. The present Bill deals with something altogether different, highway crossings, and attempts to determine that the speed of trains shall not exceed ten miles an hour, in any part of the country in crossing a highway in a thickly populated portion of a city or village unless such crossing is properly protected or protection is maintained in accordance with the orders, directions,, and regulations of the Railway Committee of the Privy Council or the Railway Commission. I call attention to this very important fact, that ever since we have had a Railway Act the Railway Committee of the Privy Council has been in existence but has been superseded by the Railway Commission.

Hon. Mr. SCOTT—They do not exist now; this Bill presumes that they do exist.

Hon. Mr. FERGUSON—Oh, no! their orders exist.

Hon. Mr. BEIQUE—The Bill is correct in that respect. The Railway Committee of the Privy Council has been superseded by the Board of Railway Commissioners, but the rules and regulations passed by the Railway Committee of the Privy Council, until amended or repealed by the board, are in existence and in force, and that is the reason reference is made to the rules of either of those two bodies. But the fact

to which I wanted to call your attention is this, that these rules have been passed without any regard at all for any limitation of speed, and now this Bill would be applying all these rules to an order of things not contemplated at all by either the Railway Committee of the Privy Council or by the Board of Railway Commissioners.

Hon. Mr. FERGUSON—The provision with regard to speed has been in the Act for a long time, and has governed the making of all these regulations.

Hon. Mr. BEIQUE—These regulations that are referred to were passed irrespective of speed at all. The Railway Committee of the Privy Council, in passing these regulations, never had occasion to take into consideration whether the trains should pass at any particular speed, and to apply these rules and regulations to a new element not contemplated at the time of the passing of the rule would be very dangerous. This Bill would also be dangerous in this other respect; that we would be unable to understand what would be the effect of this Bill. As was very properly pointed out, a speed of fifteen miles an hour, at certain hours of the night, may be a proper speed at certain places and not a proper speed at other places. I am under the impression that no hard and fast rule can be applied in a matter of this kind, and any way we would have to know what are the rules and regulations which are to govern this speed of ten miles an hour all over the country. For my part, before dealing with the Bill, as it should be dealt with, I would have to obtain certain information of which I am not possessed. I would have to ascertain what may be the effect of this Bill if it is enacted either in this form or in an amended form, but I do not propose for the moment to go into the details of the Bill. I merely call attention to the fact that the Bill is of considerable importance and should be carefully scrutinized before being amended or passed by this House.

Hon. Mr. FERGUSON—Does my hon. friend give due weight to these words: 'Through any thickly peopled portion of any city, town or village'—when he says that that clause has no reference to highway crossings but to the track of the railway outside of and apart from the crossings? Does he give due weight to those words and to the other fact that you cannot traverse those places without going over the crossing itself.

Hon. Mr. BEIQUE—The point has not escaped my attention, because of the context of this Bill. I answered affirmatively the question as put. You will notice that the first portion is general. 'No train shall pass over any highway crossings,' so it is limited to crossings.

Hon. Mr. FERGUSON—But the highway is not in the Bill or in the Act we are amending.

Hon. Mr. POWER—The hon. gentleman has not the Bill in the form in which it has come up to the Senate. He has the Bill as introduced in the House of Commons.

Hon. Mr. BEIQUE—The Bill says that no train shall pass over any highway crossing, etc. Therefore it deals exclusively with the highway crossing, and not with any other part of the railway line.

Hon. Mr. SCOTT—It is very evident from the discussion we have had that this clause has been very crudely drawn. It went through the House this year.

Hon. Mr. EDWARDS—At railroad speed—more than ten miles an hour.

Hon. Mr. LANDRY—I thought it was accepted by the government?

Hon. Mr. SCOTT—It was Mr. Lancaster's Bill. The government did not think it proper to intervene in any way.

Hon. Mr. FERGUSON—The Minister of Railways gave it his endorsation.

Hon. Mr. SCOTT—That may be. It was not a government measure; that is clear. It is quite clear from the disposition shown here to-day that there is a very wide difference of opinion as to what the clause means.

Hon. Mr. LANDRY—Does the hon. gentleman say that a public measure of this nature brought into the House of Commons by a private member, and passed without any opposition from the government, is not a measure accepted by the government?

Hon. Mr. SCOTT—I said it was not a government measure. The members of the government may support a public Bill without its being a government measure. Since the House rose, I understand that the railway companies intend submitting their views on the measure, assuming that the Bill would go to a standing committee as is usual. Hon. gentlemen know it is customary, where a Bill affecting private interests is before the House, to refer it to a committee where the interested parties can be heard. Understand that the railway companies are prepared to make some suggestions as to this Bill. They believe a fair and reasonable compromise of the Bill can be effected, carrying out the views of those supporting it, and at the same time not entailing serious prejudice to the railway companies that the Bill in its present form would cause. Now, if that is the fact, it would seem to me only reasonable that it should be referred to a select committee. It will come back to the House afterwards, and the House would still be in possession of it. I thought the suggestion thrown out by some hon. gentleman in the early part of the debate, where we should allow the Bill to go to the second reading without any one being committed to the principle of it, was fair. No doubt some modification can be framed that will remove from it some of the objectionable features that have been pointed out, and that are quite evident. There is no question about it, the Bill has not been carefully drawn. It has been pointed out by my hon. friend, who has just sat down, that while it professes to supersede section 275, it should not do so. Section 275 applies to an entirely different condition. One applies to the right of way, the other to a highway. It must be quite evident that it will not do to cut out section 275, because that is an extremely important section. The provision in the proposed amendment is altogether different. It is a provision entirely omitted in section 275. Under the circumstances, it would be well if the House came to the conclusion to read the Bill a second time, and allow it to go to a committee. It will be for the railway companies to make suggestions, which, probably, the House will be ready to accept. I do not know what they are, but it is only reasonable, where such large interests are affected that they should be given every opportunity, if the principle of the Bill can be accepted, to admit certain provisions that will make it acceptable to the parties most affected by it.

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

Hon. Mr. YOUNG—In view of the suggestion which has fallen from several members, and with the understanding that this Bill will come before the House for further consideration, and to meet the wishes of the House, I move that it be referred to Committee on Railways, Telegraph and Harbours.

Hon. Mr. FERGUSON—I might just make this suggestion to the House: The railway companies will, no doubt, be represented before our committee by very able men; they have these men in their employment, and they are thoroughly posted in railway law. With due deference to many of the eminent legal men in this House I am afraid that even if they were to take the side adverse to the railway companies, they are not as conversant with railway legislation as the railway lawyers are. Would my hon. friend, the Secretary of State, facilitate the appearance before the committee of the solicitors or experts in connection with the Railway Commission in order that we might get the benefit of their views. I have no idea in my mind at this moment what particular officer or representative we would ask for, but any representative that would be able to give assistance to the committee might appear before it.

Hon. Mr. YOUNG—I have no information, but I take it that if this Bill goes before the Committee on Railways, Telegraphs and Harbours, that any light which can be given from any side or any point will be accepted by the committee, and a hearing given to my representation. While we cannot bind the committee in a sense, yet it will be in the nature of a treaty that the Bill shall be returned to the House for further consideration.

Hon. Mr. FERGUSON—Would the government facilitate the appearance of some

of the Railway Commission experts ? They might give in answer that they would not come, that it is no part of their duty, but if the government would intimate their desire that they should appear before the committee, they might come.

Hon. Mr. WATSON—I think it is understood when this Bill is going to the committee that it is to be returned to the House. It is not being sent to the committee to be strangled.

Hon. Mr. POWER—The Bill must come to the House again.

Hon. Mr. WATSON—I take it for granted that when this Bill goes before the committee it will receive due consideration and be reported back to the House, and the House can deal with it. I am sure that this House, with the old parliamentarians that are here, including the hon. member from Marshfield, will not have to ask for legal counsel to take part of the Senate in the Railway Committee or in the Senate. Any arguments that may be advanced by the railway companies can be given fair consideration by the gentlemen of that committee, and the members of this House and I have no doubt the promoter of the Bill will be there advancing the arguments he has been using for years. In agreeing to this Bill going to the committee, it is on the distinct understanding that the committee will report the Bill back to the House.

Hon. Mr. FERGUSON—The hon. Secretary of State has not answered my question.

Hon. Mr. SCOTT—I do not think the government ought to be asked to intervene in that sense. I have no doubt that Mr. Lancaster and other supporters of the Bill in the other House will appear before the committee, and counsel may be employed if they choose. I think they can understand the arguments on both sides.

Hon. Mr. FERGUSON—If we had experts from the Railway Commission, they might be asked questions and might furnish information which we could not get from Mr. Lancaster or other members of parliament.

Hon. Mr. POWER—I think a suggestion made by the hon. gentleman is of value, and that is that experts might come. It is very desirable that members and officers of the Railway Commission should appear before the committee.

Hon. Mr. YOUNG—The engineer of the committee?

Hon. Mr. LANDRY—If we are departing from the general rule which prevails in regard to public Bills, and sending it to a select committee, we should have all the advantages of taking that course, and everybody asked to appear before the committee to enlighten them should be given permission to appear.

Hon. Mr. DAVIS—This is practically the same Bill that was before the Railway Committee last year. It has been before the House of Commons for three sessions running, and the railway authorities have appeared on every occasion in force. All the arguments that legal gentlemen could advance, and all the pressure they could bring to bear on the two different ministers of railways they brought, and yet this Bill has passed the House of Commons on three different occasions and passed the Railway Committee of that House and has come here with the sanction of the government, because without their consent it could not have passed. It has been referred to the Railway Committee of the Senate on two occasions, and we know the result. I do not see any object in sending it to the Railway Committee. It is a public Bill and we all understand its provisions. It has been thoroughly threshed out before, and here is the proper place to deal with it, and we must not shirk the responsibility. It has been said that it does not matter how often it has passed the House of Commons, that we must use our own judgment. Every member has a right to his own opinion, but we are not here to thwart the will of the people. We are here to prevent hasty legislation. But after the people have had time to consider the legislation, and after their representatives in parliament, with the consent of the government and the assistance of all the legal talent there have passed this Bill on two different occasions I contend there is very little left for this House to do but to accept it. It does not seem to have struck some hon. gentlemen that this Bill is one

of the clauses submitted in the Railway Bill introduced in this House in the first place. Somebody told me that it was not necessary to have that clause at all, because the Railway Commission had ample power to deal with the question, and I myself moved to strike that clause out of the measure, and it was struck out by this House after it had been put in by the other House. Next year it was passed again in the form of the Lancaster Bill, and I supported it on the ground that the people should rule. The Bill is before us again, and I see no good reason to send it to the Railway Committee. It is perfectly right that the railways interested should be heard, but they could do as is done in other cases. Suppose we let it come before a committee of this House ten days hence, the railway companies will have time to prepare their statements in printed form, so that every member can read them carefully. That would be better than to have to listen to the hurly burly arguments that we are accustomed to in committee. I object to letting this Bill go to the Railway Committee, because I know what the result will be. It goes to the slaughter.

Hon. Mr. McMULLEN—I have been very much impressed with the lucid speech made on this question, by the hon. senator from De Salaberry. I think there is a great deal in what he said, and my opinion is that the House would be acting wisely in taking full time to consider the provisions of this Bill, and whether after all it is an amendment to the clause that they are supposed to deal with. The hon. gentleman pointed out very clearly that it is not, and it is very questionable whether it would be wise to allow the Bill as it is to become law. It might produce a very considerable amount of confusion. I entirely agree with the hon. Secretary of State that we should have a full discussion of the Bill in the Railway Committee, and after hearing the different views on the measure, we can report it to the House with whatever amendments we may think are needed. The fact of its having passed the House of Commons three times is no reason why we should divest ourselves of every right to consider the provisions of the present Bill. We have a duty to perform, and that duty is to give this proposed amendment the very best consideration we can bestow on it, and report it back to the House. If we should come in collision with the House of Commons in this matter, surely we will find a way out of the difficulty. We want to get all the information that we can with regard to the effect of this proposed measure. I look upon it as a very serious one. I am afraid it will very seriously affect the running of our railways especially transcontinental lines. Take the case of the Grand Trunk Railway between Detroit and Buffalo. If the speed of trains must be limited, as proposed, they will virtually add to their present schedule time an hour and one-half in making that distance. Think of the advantage that will give the United States lines in competing with their Canadian rival. A man wants to buy a ticket from Detroit to Buffalo. He goes into the office of a Canadian company and is offered a ticket at a certain price. He goes to the office of a competing line in the United States and is told, 'You are going to travel a line that is limited to a speed of ten miles an hour in every village it passes through. You are not going to travel by a slow road of that kind.' I venture to say that some men in Sarnia or Windsor, under the circumstances, would prefer to travel between Buffalo and Detroit over lines which are not hampered with such a restriction. Now we want to know if that is the case. Take the Canadian Pacific Railway from Vancouver to Montreal. I went over the number of stations in their schedule that they do not stop at all. There are 220 of them. Say 110 of them are villages; if they have to cut down their time in passing through those villages to comply with this measure, they cannot do it short of a mile. They are cut down to ten miles an hour. What does that mean? The 110 miles through the villages they will pass through would take eleven hours while they do it now in say four hours at the outside. That will increase the time between Montreal and Vancouver seven hours. We surely are not going to destroy the trade of our railway lines if that is what it means. I do not know whether it means that or not, but I want to see a full investigation as to how far this is going to affect our Canadian lines. We do not want to injure their trade: we

want to encourage it if we can. If it is going to have that effect I want to know it, and to give the railways an opportunity of showing whether it will do so or not.

Hon. Mr. KERR (Toronto)—We should consider carefully the important step we are taking, after hearing the speech of the hon. senator from Wellington. This Bill is presented to us by the Commons of Canada as a necessary provision to be introduced into the law for the preservation of human life, and, being such, if the question of cost or the loss of a few fares between Windsor and Buffalo or Sarnia and Buffalo is to be brought forward before the Railway Committee and the cost of human lives to be measured in that way, this Bill ought not to go to the committee. Any fair argument can be addressed to this House in a formal way by those whose interests are to be affected, and we can say whether a provision such as this ought to become law. And I do say that in the absence of many who cannot be present in the Senate and express their views, to my mind the argument presented here is one of those sinister arguments which ought not to be introduced into the consideration of a question of this kind. If it is to be presented and pressed on the members of the Railway Committee and to influence them, it ought to be presented before the full House. This measure was carried in the House of Commons last year and sent here. It was contested in the Railway Committee, and the arguments of its opponents were heard and the majority of the members of the Railway Committee were impressed by them. There arguments did not come before the Senate as a whole, and those members who were not on the Railway Committee did not have the opportunity that the members of that committee had of weighing the strength or weakness of the arguments which impressed the others. If there is one line of argument which is calculated to make this Bill appear more important, it is just that kind of argument which was addressed to the Railway Committee last year when we decided to postpone this Bill. It was rejected by the Senate, and since that time in the province of Ontario alone, I think I am safe in saying that at un-

Hon. Mr. DAVIS.

protected level crossings not less than thirty lives have been lost.

Hon. Mr. EDWARDS—In cities and towns?

Hon. Mr. KERR (Toronto)—In thickly populated parts in or near cities. It is a fearful thing to contemplate—that human life is to be sacrificed in that way—and to be told that the railway companies will be able to show that dollars and cents will be lost in competition with other railway companies, and I say for one that this Bill should go first, at all events, to a committee of the whole, where these arguments can be presented. If the Committee of the Whole see any difficulty in amending it to meet the technicalities raised against it, then it can afterwards, if good reason be shown, be referred to the Railway Committee; but in the meantime, until that is, shown better than it has been shown here, we should adhere to our rules. Why should it be sent to the Railway Committee? It is a public Bill. Are we to dispense with the functions of a Committee of the Whole? Are we to say in future that whenever a public Bill comes before us, it should go to a standing committee instead of to a Committee of the Whole.

Hon. Mr. YOUNG—It is not the intention of the House, as I understand it, to set aside the Committee of the Whole stage.

Hon. Mr. KERR (Toronto)—I am glad to hear that statement now. Another argument was advanced that the Bill would be reported back from the Railway Committee, and the undertaking as to what the Railway Committee will do was mentioned. Of course the Bill can be reported back in the form of a preamble not proven. No undertaking can be given that that will not be done. There is no one here to speak for the Railway Committee, and that committee can deal with the Bill as they think proper. If they pass the Bill, it will come here; if they reject the Bill as they rejected it before, all they need report is that the preamble is not proven or that the provisions of the Bill have not been passed or should not be passed.

Hon Mr. SCOTT—The House can supersede the committee. The Bill would be in possession of the House.

Hon. Mr. KERR (Toronto)—It would be in possession of the House with a handicap that the preamble has not been proved or an adverse report.

Hon. Mr. EDWARDS—I do not agree with the remarks that have just been addressed by the hon. senator from Toronto to the House. The fair way to deal with this proposition is to let the Bill be read the second time, with the understanding that the Senate is not committed to the principle of the Bill. I am not a defender of the railways, but I believe in giving every one in this country fair-play, and the railways are just as much entitled to fair-play as indivudals are. In the best interests of the people of Canada, the railways should be heard upon this question. It would be unfortunate if the Bill were killed in committee. It is desirable that it should come back and be dealt with by a Committee of the Whole House. The only advantage in referring it to a Committee of the Whole House is that there can be a full debate and members can speak several times on it. That opportunity should be afforded. It is plain that this Bill should be thoroughly considered. It starts out by nullifying and repealing a part of the Railway Act which is very desirable in the best interests of the people of this country. It introduces as an amendment another subject altogether, dealing with crossings and not with other portions of railways in villages, towns and cities. So far as I am concerned, I resent in the strongest terms the idea that members of the Senate can be cajoled by railway companies or any one else; and I further resent in the strongest terms the idea that we should pass a Bill because the Commons have chosen to railroad it through that Chamber, as has been done in the case of this Bill for three successive sessions. We have responsibility in this Chamber. We are here to do our duty. Even if they passed it one hundred times, as we know, the Commons do pass Bills, without due consideration, it is our duty to deal with them on their merits. This Bill comes to us repealing a section of the Act and introducing as an amendment another substance entirely? Hon. gentlemen let us give every man and corporation in this country fair play. This is a great question involving the interests of individuals as well as railroads. Primarily we are interested in the safety and welfare of the people. The railways are a great institution when used in the interests of the people; and on this question let us not fear the railways. In so far as I am concerned, I do not fear them. I do not desire the assistance of any lawyer to protect me on this or any other question.

Hon. Mr. WILSON—It was not my intention to make any further remarks on this Bill, beyond what have been made this evening, but after the remarks which have been made by some hon. gentlemen, I feel it my duty to pass back the insinuations that have been made with reference to the conduct of this honourable body. My hon. friend who has resumed his seat, said that legislation comes from the House of Commons that is a disgrace to that body. I do not conceive anything of the kind to be the case. I think the House of Commons do their work well. I think they are able to form an idea of what is just and right in the interests of the Dominion, equally as well as this honourable body. While I hold this House has a right to exercise its own discretion and judgment and come to its own conclusion, I feel that the House of Commons have equal rights and equal reason for coming to the conclusions that they do. I am not here to throw one single obstacle in the way of the success of the railway corporations of Canada. They have been of vast utility to us. They have been the pioneers in many sections of the Dominion, and while that is the case, would I be likely to say anything or do anything which would in any way cripple or mar their success? But it has been shown to-night that the Bill which is now before the House has been before the Commons three times. Does the Commons represent the popular expression of the country or does it not. How often do we hear the expression, 'The popular branch of the legislature? They are supposed to be more in touch with the electorate who can instruct them as to what is required or what may be needed by legislation, and are we to ignore their opinion and to say that their legislation is disgraceful? I think not, and I hope my hon friend will retract the words

that he used. As I understand the rules of parliament, no unkind remark should be made in reference to one or the other branch of parliament. They say, 'All we desire is that this Bill shall go before the Railway Committee of this House.' What has the Railway Committee of this House to do with a public Bill ? The duty of this House is first to consider a public Bill here, and if by a majority of the votes they say, 'We will send it to the Private Bills Committtee or to the Railway Committee,' they can do so. Has not the twin brother of this Bill been before the Railway Committee ? Two sessions ago it was before that committee. On that occasion representatives of railroads and those who took an interest in the legislation, went before that Railway Committee; they explained their case fully; they argued the point from one end to the other and came to the conclusion to throw the Bill out. Had the railways an opportunity ? Are we legislating to cripple them in any way ? They had an opportunity to place their case before us ? Last session we had a similar experience, and this Bill, after passing the House of Commons three times, comes to this House, and what are we trying to do ? By sending it to the Railway Committee we are virtually ignoring our responsibility in regard to this legislation. We should consider it clause by clause in Committee of the whole. What was the course heretofore, and is likely to be the course pursued now ? Have we not for the last three years had ample illustration of the dangers that have surrounded such matters? And while we proclaim against doing anything that would cripple the railroad interests of the country, are we to set up the railroad interests against human beings being slaughtered from one end of the Dominion to the other? Let us look at the record and consider the amount of destruction of life due to the rapid speed of the various trains from one part of Canada to the other. My hon. friend from Wellington says, 'Oh, it won't do to show any hostility to the railway companies, lest we might drive the people from Canada to the United States ?' Is that an argument ? Are we to permit lives to be slaughtered rather than injure in any way the interests of a railway company ? I think not. And what have we a Railway Commission for ? It is to regulate these matters, and when the hon. gentleman from Toronto was speaking of the Commission, that the Commission had done so and so, I would appeal to him, 'Has that Commission prevented the destruction of life ?' Go to Toronto if you please and see the results of the non-protection of the level crossings there, and the rapidity with which trains pass from one point to another. The Daily 'Globe' records a case that occurred in my hon. friend's constituency, in the county of Middlesex. The despatch read as follows :

Man killed; wife hurt.

Accident at a railway crossing near Glencoe. Mr. and Mrs. Saul Parrish were driving in a top buggy when the train struck them —Mrs. Parrish's recovery doubtful.

(G.N.W. Press Despatch.)

Glencoe, January 27.—Mr. and Mrs. Saul Parrish were struck by the afternoon express on the Kingscourt branch of the Grand Trunk Railway to-day. They were returning home in a top buggy, and were only a short distance from their farm. Their horse was killed instantly, and both Mr. and Mrs. Parrish were taken up in an unconscious condition. They were taken on the train to Alvinston, where some hours afterwards Mr. Parrish died. Mrs. Parrish is now in a precarious condition. Mr. Parrish was a well-known and successful farmer. He was about forty years of age, and leaves a young family of two girls and a boy.

You will find such occurrences reported almost every day, and if hon. gentlemen would come with me and see the running of the through trains from Chicago to Buffalo, through the city of St. Thomas, they would observe that not only in the city, but on the level crossings in various parts of the country, almost any number of accidents of that kind are occurring daily, and we can call to mind day after day reports where the destruction of life takes place. Then are we to set up the interests of a few railroads as against the protection of human life? I think we should first consider human life and it will be time enough afterwards to adopt some means to protect the railroads.

Hon. Mr. DAVIS—They can protect themselves.

Hon. Mr. WILSON—They have protected themselves in the past, and I think they will do so in the future. After we have had such an expression by the popular

branch of the legislature, this Bill ought to become law. Consider the gentlemen who have expressed themselves as to the necessity for this measure? Two were gentlemen who have acted as ministers of railways, and they have not raised one single point against it. It was also submitted to the Minister of Justice, and are we to suppose that those ministers have not as great a desire for the interest of the country and the welfare and prosperity of the people as those who have spoken here to-day who express regret lest the interests and welfare of a few railways should be injured in some way, while they are indifferent in regard to the slaughter of human beings. I think we should consider the welfare of the people and property instead of legislating solely in the interests of railroads. I shall therefore vote against the Bill being referred to the Railway Committee on that ground. We sent it there before, and all those interested appeared before the Railway Committee. They have all given their testimony, and the committee is as well informed to-day as it would be if that Bill went there again. This is the proper place for a public Bill to be considered, and if we do not consider it, the country will have just cause to feel that instead of the Senate protecting life and property they are regardless of it, and more careful in protecting the property of railroads and commercial interests. That being so, I do not see why we should refer this Bill to the Railway Committee. Another question occurs to me? If the government is not responsible, with the Minister of Railways and the Minister of Justice; if they do not assume the responsibility, who is responsible? Are they not responsible for all the legislation that takes place? I look upon this as a government measure, and I look upon it, with the expression of the leader of the House here in favour of passing this Bill, that it is in every sense of the word a government measure, and being such, I say that the country will feel that we ignore the desire of the Commons and ignore the responsibility of the government of the day.

Hon. Mr. McSWEENEY—I have in my hand the railway statistics of the Dominion of Canada, published for the year ending June 30, 1907. It is prepared by Mr J. L. Payne, comptroller of railway statistics. In reference to accidents at level crossings, here is what he says :

> Of non-trespassers, 70 were killed and 88 injured. This sad sacrifice is in large measure the story for the year of the deadly level crossing. Of the 70 killed, 48 lost their lives at highway intersections, and at similar points 49 were injured. In one way and another, whether as trespassers or non-trespassers, 69 persons all told were killed at crossings and 67 injured. In no preceding year has this record been reached. At stations 6 were killed and 4 injured, while at other points along the track 5 were killed and 12 injured. Other causes cover the cases of 5 killed and 14 injured. The loss of one life of a non-trespasser is attributed to derailment. Eight persons similarly classified were injured by derailments and collisions.

I observe that not later than January 12 there was a terrible. . . .

Hon. Mr. LANDRY—I rise to a point of order. I think the hon. gentleman has no right to discuss the Bill now. The question is whether we shall go into Committee of the Whole or refer it to a special committee.

The SPEAKER—The motion before the House is to refer the Bill to a Committee of the Whole House.

Hon. Mr. POWER—I rise to the question of order. Half a dozen speeches have been made, some of considerable length, on this motion, and I am sorry the hon. gentleman from Stadacona should have raised the question of order when my hon. friend from Moncton rose to say a few words. He rarely troubles the House, and I think it is to be regretted that on one of the very few occasions this attempt should be made to put him down. As a rule this is merely a formal motion, but it is a question of policy, in a way, as to whether this Bill shall be referred to the committee or not. I do not think it is merely a formal motion in this case. If there is strong hostility to the reference in the House, it is a perfectly proper thing to discuss in my opinion.

Hon. Mr. LANDRY—The hon. gentleman is not discussing the question.

The SPEAKER—I have allowed considerable latitude to the speakers, although I felt they were sometimes leaving and

they did very often leave the question under discussion, should the Bill be referred to a select committee, or to Committee of the Whole House.

Hon. Mr. DAVIS—I think the hon. gentleman from Moncton was perfectly in order. I will speak now to the point of order.

The SPEAKER—There is no point of order.

Hon. Mr. BEIQUE—I rise merely to cite Bourinot, in order that we may have a proper understanding, as to what will be the meaning of the reference to the committee. It is apprehended that it may be the means of killing the Bill. Bourinot at page 660 says :

> Every committee on a public Bill is bound to report thereon, as the House alone has power to prevent its passage or to order its withdrawal.

Therefore it will be the duty of the committee, if the Bill is referred to the Railway Committee, to report the Bill back to the Senate and the Senate may go into Committee of the Whole on the Bill. For my part I am in favour of the reference to the Railway Committee, because I desire to hear the promoter of the Bill, and to know the reasons that can be urged in its favour, and I think it will be the best means to enlighten us fully on the Bill and enable us to deal with it. I may say, however, that I am in favour of reporting this Bill to the House of Commons, whatever may be the conclusion at which I may arrive, in order to enable the House of Commons to finally deal with the matter.

Hon. Mr. DOMVILLE—I am surprised at so much feeling about this matter. Is the Senate good enough to conduct its own affairs ? What can the Railway Committee do more than this House can do ? If it is intended to side track the Bill. . . .

Hon. Mr. POWER—No, no.

Hon. Mr. DOMVILLE—My hon. friend says 'No, no.' I do not know what he means by 'No, no.' I say it is relieving this House of the obligation of dealing with this Bill by referring it to the committee. Hon. gentlemen are here to-day, and may not be here to-morrow, and the Bill may not have a free discussion in committee. We all know what the Railway Committee or any other committee of this House is. It cannot have the calm deliberate discussion of a Bill which takes place in this Chamber. I suppose my hon. friend from Moncton was out of order in trying to speak at all. We know the old adage 'No Irish need apply.' Still I think he had a right to lay before the House and his constituents his views. I do not see any great question of privilege. I do not see why Bourinot should be dragged in. He is dead long ago. It is a pity he ever wrote the book to start with. We are not going back to the dark days, because we are governed by all sorts of rules and regulations. My hon. friend says this should be a government Bill, and I am inclined to think it should be. The government are paid for the work, and are the custodians of the rights and privileges of the people, and should take care of life and property. My mind is quite open yet. I have not seen anybody—quite open yet. I can only express a commonsense opinion, and I am in favour of something being done that will put an end, if possible, to the loss of life which is experienced daily. If I might be permitted to say so, without a great breach of privilege, it is a very serious question, and it is a great pity that discussion should be stifled. I do not mean to say it is being stifled. It is a very large question and the country are looking to see what will be done, and I certainly think there can be no harm in allowing this question to be threshed out on the floor of this House instead of by a committee of the House.

Hon. Mr. DAVIS—I beg to move an amendment that this Bill be referred to a Committee of the Whole House.

The amendment was lost.

The main motion was carried on division.

SECOND READINGS.

Bill (3) An Act respecting the British Columbia Southern Railway Company.—(Hon. Mr. Bostock.)

Bill (14) An Act respecting the Campbellford, Lake Ontario and Western Railway. —(Hon. Mr. Beith.)

Bill (15) An Act respecting the Esquimalt and Nanaimo Railway Company.—(Hon. Mr. Bostock.)

WEST ONTARIO PACIFIC RAILWAY COMPANY BILL.

SECOND READING.

Hon. Mr. McMULLEN moved the second reading of Bill (24) An Act respecting the West Ontario Pacific Railway Company.

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

Hon. Mr. McMULLEN moved that the Bill be referred to the Committee on Railways, Telegraphs and Harbours.

Hon. Mr. DAVIS—We would like some explanation of what we are voting for and, if according to the rules, that these Bills should be explained on the second reading. Unless that is done, we might just as well not have any rules to govern us. The motion is made for the second reading of the Bill. It will go to the Railway Committee, and it will come back to the House and pass the House with the same rapidity as it is being put through to-day. It appears to me to be a farce. If we have rules they should be lived up to, and the request has been made time and again that any hon. member moving the second reading of a Bill should explain its object. I hope they will do so.

Hon. Mr. McMULLEN—I am exceedingly sorry my hon. friend did not ask me for an explanation at the proper time. I would have given it with great pleasure, but it would be out of order for me to do so now.

The motion was agreed to,

MANITOBA AND NORTHWESTERN RAILWAY COMPANY BILL.

SECOND READING.

Hon. Mr. WATSON moved the second reading of Bill (26) An Act respecting the Manitoba and Northwestern Railway Company of Canada.

He said: This is a Bill applied for by the Manitoba and Northwestern Railway Company for the purpose of constructing a line of railway at or near Theodore station at or near the present line of the Manitoba and Northwestern Railway Company, in a southeastern direction, connecting with the Russell branch, about 110 miles of road.

Hon. Mr. DAVIS—Is it all in Manitoba?

Hon. Mr. WATSON—No, principally in Saskatchewan.

Hon. Mr. WATSON—Yes, a new railway.

Hon. Mr. WILSON—Is it a new Bill?

Hon. Mr. FERGUSON—It is dealing with the old Manitoba and Northwestern Railway.

Hon. Mr. WATSON—It is to obtain power to build this line.

Hon. Mr. DAVIS—Is it near Minnedosa?

Hon. Mr. WATSON—No. The line is away west of Yorkton.

Hon. Mr. DAVIS—Running up to Russell.

Hon. Mr. WATSON—It runs southeast of Russell.

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

The Senate adjourned until three o'clock to-morrow.

THE SENATE.

OTTAWA, Wednesday, January 29, 1908.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

BILLS INTRODUCED.

Bill (B) An Act respecting the Occidental Fire Insurance Company.—(Hon. Mr. Watson.)

Bill (C) An Act to incorporate the Standard Accident Insurance Company.—(Hon. Mr. Kerr.)

Bill (D) An Act respecting the Grand Trunk Railway Company of Canada.—(Hon. Mr. Gibson.)

Bill (E) An Act respecting a certain patent of Frederick B. Rheaume, Elias Frank and Isadore Frank.—(Hon. Mr. Beith.)

Bill (F) An Act respecting the St. Claire and Erie Ship Canal Company.—(Hon. Mr. Lougheed.)

Bill (G) An Act respecting the Eastern Trust Company.—(Hon. Mr. MacKeen.)

Bill (H) An Act to incorporate the Dominion Lunenburg Power and Development Company.—(Hon. Mr. Bélque.)

QUEBEC BRIDGE COMPANY.

MOTION.

The Order of the Day being called :

By the Hon. Mr. LANDRY :

That he will inquire of the government—

1. What amount of money has each of the present directors of the Quebec Bridge and Railway Company really paid into the capital stock of the said company ?
2. On what date did each of these directors make each of his payments ?
3. Have any among these payments or installments been made by means of promissory notes or of unaccepted cheques ?
4. By whom individually, and for what amount, each one ?
5. What amount of money has each of its directors received from the Quebec Bridge Company and from the Quebec Bridge and Railway Company up to this date, directly or indirectly, personally or otherwise ?
6. For what services rendered was each of these amounts paid ?
7. How much has the present secretary received out of the funds of the company since he has been in the service thereof ?
8. Does the government know that subsequently to the collapse of the Quebec bridge, within a few days immediately following the disaster, the bridge company voted a bonus of $3,000 to its president ?
9. Out of what funds was the amount of this bonus raised.
10. Did the company, on the same occasion, vote any amount whatsoever to aid the families of the victims of the disaster ?

Hon. Mr. SCOTT—The questions involved in No. 1 and No. 4 cannot be answered in the form in which they appear. The information cannot be obtained in any one department of the government, and it would have to go outside, because a good deal of the information is not recorded in any department of the government. I therefore suggest to the hon. gentleman that he move to get an order of the House so that he can obtain the information in that way.

Hon. Mr. LANDRY—I suppose the information has been asked for in the meantime ?

Hon. Mr. SCOTT—Yes.

Hon. Mr. LANDRY—Or has nothing been done ?

Hon. Mr. SCOTT—I failed to obtain it. I am quite unable to obtain it, and, therefore, if the hon. gentleman will just transform the same questions into a request for papers showing the facts, the information can be secured.

Hon. Mr. LANDRY—Is it agreed that it will be carried to-day ?

Hon. Mr. SCOTT—Oh, yes, you can frame it and hand it to the clerk so that it will go in the Order Paper at once.

Hon. Mr. LANDRY—That is, questions No. 1 and 4 ?

Hon. Mr. SCOTT—Yes.

Hon. Mr. LANDRY—This is done at the request of the government.

Hon. Mr. YOUNG—The hon. gentleman moves for a return.

Hon. Mr. LANDRY—I will change it to a motion for an address.

Hon. Mr. SCOTT—Yes.

Hon. Mr. LANDRY—I understand that the government will accept it if I put it in the form of a motion for an address.

Hon. Mr. YOUNG—It is true it is a new motion and the House would require notice; but to please the hon. gentleman we will waive any technicality.

The SPEAKER—Is it the pleasure of the House that these questions be placed in the form of an address ?

The motion was agreed to.

ACCIDENTS AT RAILWAY CROSSINGS.

MOTION.

Hon. Mr. BEIQUE moved :

That an humble address be presented to His Excellency the Governor General; praying that His Excellency will cause to be laid before the Senate a return showing :—

1. The number of persons killed at railway crossings within the last three years.
2. The number of persons injured at such crossings, giving each year separately.

Hon. Mr. SCOTT—I would suggest that my hon. friend add to that,—' showing the accidents occurring at cities, towns and vil-

lages as compared with those in rural districts.'

Hon. Mr. BEIQUE—I have no objection.

Hon. Mr. SCOTT—It will help us in the discussion on the Bill.

Hon. Mr. POWER—I do not think this is a matter for an address to the Governor General. It is one for an order of the House, because the information is in the hands of the Railway Department.

The motion was changed as suggested and agreed to.

REFORM OF THE SENATE.

DEBATE CONTINUED.

The Order of the Day being called :

Resuming the adjourned debate on the motion of the Hon. Mr. McMullen, that in view of the agitation regarding the services rendered by the Senate as a part of our legislative system, and in view of the criticism both in parliament and the press with respect to appointments to this chamber, it is, in the opinion of this House, desirable that the question of the method of appointments and the term for which appointments are to be made in future should be considered and the system recast.

Hon. Mr. DAVID gave notice that he would move the following amendment :

That all the words after 'That' in the main motion be struck out and replaced by the following:—

'the Senate while not desiring to pronounce finally upon the numerous and various projects of reform which have been proposed and discussed in connection with the Senate, yet in view of the differences of opinion on the subject and until those projects have had time to mature, believes it opportune to declare that it is desirable, in order to increase the efficiency of the Senate, that more legislation be initiated in this House, that more ministers of the Crown have seats therein, and that any minister may personally introduce and defend government measures on the floor of both Houses.'

He said: My object is that, as the main motion implies an admission on the part of the hon. senators, I want to give the House an opportunity to express their views the other way.

Hon. Mr. DAVIS—In rising to address the Senate on this occasion, I do so with a good deal of hesitation.

Hon. Mr. POWER—Hear, hear.

Hon. Mr. DAVIS—I am quite aware that my hon. friend is never troubled with anything of that kind when addressing the House himself, but I suppose every member has the right to exercise his own judgment in such matters. It is not because I have not something to say on the question; but after the speech we heard the other day from the hon. senator from Middlesex, I think that this question has been pretty thoroughly discussed. I was surprised at the amount of information he furnished. He deserves the thanks of this Chamber for the vast amount of work he must have done to throw light on this subject. However, as this is a question which has been discussed in both Houses and has been taken up by the press of the country, every senator who feels so inclined has a right to express his opinion upon it. While my views may not meet with the approval of many members of this House, I have a right to express my opinion as to what should be done in the way of improving the constitution of this Chamber.

This question, as we all know, as been discussed in the House of Commons, the last two or three years. It appears to me that every new member that comes into the House of Commons—and I am sorry to say some of the old members too—seems to feel that he is either obliged to bring in an amendment to the Railway Act, or to take a slap at the Senate. I read the speeches made in that House very carefully and it appeared to me that there was not a very convincing argument in it for the abolition of this Chamber. Probably I am in a position to discuss the question as to the relative merits of this and the other Chamber a little better than some members in this House, and just as good as a certain number of the members of the other House. I think it was stated that there are some thirty-five or forty members of this Chamber who formerly had seats in the House of Commons. I had a seat in the Commons myself for a number of years, and took an active part there; therefore I say that I am in a position to contrast the work that is being done in this House with the work that is being done in the other House. Whether this is a popular Chamber or not, I have come to the conclusion from the experience that I have had since I came here, that the work is being done in the Senate more thoroughly than it is in the other House. I have attended com-

mittees of this House. Outside of probably some little weaknesses which might be remedied, the committees of the Senate are fairly good, and I might say they are much superior to the committees of the other House for the reason that they appear to give more time and thought to the discussion of the merits of matters that come before them. With reference to the question of the abolition of the Senate, while there might be a difference of opinion not only in this House but in the country, as to whether it would be wise to reform this body, I do not think there is any question at all in the minds of anybody in the country as to whether we should have a second chamber or not. I have been following the newspaper editorials pretty closely of late, I find that this matter has been a live issue in the west, and nearly every paper which I have received from there contains an editorial on the Senate, and the conclusion that they all appear to arrive at is, that while there might be some reform made in the Senate, a second chamber is absolutely necessary in this country. I do not think there is a civilized country in the world that has not a second chamber of some kind, and surely people of older countries, with the experience of centuries in the matter of government having retained second chambers, is sufficient evidence to prove that a second chamber is an absolute necessity in this country. If you are going to have good legislation, it has to be sifted through two Houses, I fancy, just the same as you have to sift grain. If you run grain through one sieve only it is sure to come out with a good deal of chaff, and you will have to clean it again. It is the same way with legislation. The different provinces which have only one chamber are constantly amending their legislation, and, I submit, if they had a second chamber where a good deal of thought would be given to that legislation, there would not be so much amendment necessary. We know that frequent amendments to legislation either by parliament or by provincial legislature, is not a step in the right direction, for the simple reason that you are upsetting the business of the country, and the people do not know what to expect. A bill may be introduced dealing with some matter of great moment to the people, and they do not know whether it will be amended next year or not, and they do not know what to do; whereas a Bill that has passed through two chambers is not so likely to require amendment after it becomes law. Take the legislature of Manitoba as an exemple. A deal was put through by the government of the province a few weeks before the legislature met. and I venture to say if there were some kind of second chamber in that province such a deal would not have gone through until the people had a chance to express an opinion upon it. It is a serious proposition when four or five men, composing the cabinet of the province, can saddle the people with a debt of three or four million dollars without the people themselves having a word to say in regard to it. That has taken place in Manitoba and may take place in any province where there is no check on the popular chamber. For that reason we may conclude that an upper House is an absolute necessity. With reference to the constitution of the upper House, that may be where we come to the parting of the ways. I think the fathers of confederation were nearly as wise, perhaps, as the hon. gentlemen in the other House who have been discussing Senate reform, and after due consideration they came to the conclusion that there had to be a second chamber, and no doubt under the British constitution they came to the conclusion they could not very well get along without a nominated second chamber. However, in the twentieth century that idea is practically exploded. The schoolmaster has been abroad, and the people have come to the conclusion that it is an exploded idea that it is necessary men should be born or appointed to legislate for their neighbours for life. I do not think that any man in this country, or in any other country, should be called upon to live under laws or obey laws if he has not a voice in the making of them, and I submit that the time is coming when we will require to have the elective principle applied to the upper chamber, if it is going to be more useful to the country.

While our friends in the House of Commons are talking about reforming this House, it might be well for them to consider that the time is approaching very rapidly when they will have

to reform their own House. The fathers of confederation, when they laid the foundations of the constitution of this Dominion only had in view the three small provinces by the sea and the provinces of Ontario and Quebec. They did not foresee British Columbia would be added and that three more great provinces were going to be carved out of the west. They did not foresee that the tide of influence was going to flow rapidly towards the west. They did not foresee that those three or four western provinces as time goes on, are going to control the destinies of the whole Dominion. If they had done so, perhaps they would have constituted this Chamber in a different manner and would also have arranged differently for the election of members in the other House. This is a question that will be a live issue in a short time. There is no doubt about that. Look at the immigration coming into the country this year. If you go back, say ten years, you will find that the number of immigrants coming to this country was something like fifteen to twenty thousand per annum. Follow that year by year and you will observe that in the course of ten years it has risen from fifteen thousand to over three hundred thousand a year. It is not going to stop there. It is going to keep on increasing. The only place where people can emigrate to at the present time from the over-populated countries of Europe is to this great country of ours. We have good agricultural land available. We are giving it to people on easy terms, providing every facility for them to settle, and they will continue to come here in increasing numbers.

I am going to discuss for a moment the arrangement by which the number of members of the popular chamber is ascertained. An arrangement was made at confederation that Quebec was for all time to have 65 members, and if every ten years you would divide the population of Quebec by 65, you would arrive at the unit of representation in the other provinces. It is something like twenty-five thousand people to each member of the House of Commons at present. We got over one hundred and fifty thousand people into the west last year. That means an increase for the year of six members. In five years that may increase to 500,000 people. I have no doubt it will, and if you take that same rate of representation see how many members you will have in the Commons? Add ten years of large immigration and the natural increase of population to that, and unless some change is made in the system of representation the Commons will be overcrowded. The system has to be changed. The time is rapidly coming when every member in the House of Commons will have to represent at least 100,000 people. That has to come, because naturally the increase of population is going to force it. You may say 'Oh, but the population of Quebec increases very rapidly.' Naturally the increase is great. There is no doubt about that; but if you go to the western provinces, you will find the natural increase is just as great as in Quebec, per capita. There are just as many foreigners coming into that country with large families. Then, another matter; while there is an exodus from the province of Quebec—not very large I am proud to say, but still there are people leaving the province, you will hardly find any person leaving the western provinces; so that while the population of Quebec may increase, it is not going to increase in anything like the ratio of increase that is going on in the western provinces. The time will come when we will have to re-arrange this whole matter. This question of giving 65 members to Quebec for all time, will have to be re-arranged, because if the representation continues on that basis, you will have to build two or three Houses like this to hold the representatives of the people. Then with reference to the constitution of this House, the fathers of confederation divided it up in this way; they gave Ontario 24 members and Quebec 24; they were the two old provinces of Canada, and had to have the lion's share, and of course they got it. The three small provinces down by the sea were given 24 members. Does any person suppose for one moment that after the population of Saskatchewan and Alberta becomes as large as the population of Quebec or Ontario, that the people of Saskatchewan and Alberta are going to be satisfied with less representation than Ontario

and Quebec? Not at all. The result will be that you will have an inconveniently large House. Take the smaller provinces by the sea, and consider what position they would be in under such circumstances! Every member in the House of Commons would have to represent one hundred thousand people, and that time is not far distant, and in what position would our friends in the maritime provinces be placed? Prince Edward Island will probably have one member. Nova Scotia will have four perhaps, and the province of New Brunswick may have three or four members. The great bulk of the representation being west of the great lakes, what position are our friends going to be in in the maritime provinces if they are going to keep their place in confederation? They must have a foothold some place, and must have representation some place, and if they do not have that representation in the House of Commons, I submit they will have to have it in the Senate. They must be protected in some way. That is, as I understand it, one of the things this House was constituted for—to protect the smaller provinces against the larger. Every person knows that in the course of the next ten, twenty, thirty or forty years—it might take that long, but the time is coming—Canada will be governed west of the great lakes; that is, that the balance of power will be west of the great lakes. All you have to do to find a parallel is to cast your eyes across the United States. The same thing took place over there. History is only repeating itself. At one time those rocky New England states along the Atlantic seaboard were the United States of America. To-day they do not cut any very large figure, except from a financial standpoint; but as far as wealth and industry are concerned the greater proportion is in the western country, and that will take place in this Dominion. If the majority of the representatives in parliament come from west of the great lakes, naturally we must conclude that they will control the government of the country. There is no doubt majority control will continue to be the policy of the country in the future as it is at present. That being the case, the smaller provinces must look to the Senate for protection.

Therefore it is time that something should be done to protect the smaller provinces, and the only protection they can look forward to is this Upper Chamber. To afford that protection, the Senate must be constituted in a different way and have greater power. I submit that Prince Edward Island must have as large representation in the Senate as Quebec, Ontario, Alberta or Saskatchewan, if they are to have any chance to maintain their position in the confederation. In the House of Commons the other day, Sir Wilfrid Laurier expressed the opinion that it would be well to have six members from each province. I cannot agree with him on that. My hon. friend from Halifax may be a wiser man than Solomon. He believes in small committees, but it was Solomon, I think, who said that in a multitude of counsellors there is safety. If you had a small Chamber here, it would degenerate into small cliques, and would obstruct the public business. However, as the change must be made in the line indicated by Sir Wilfrid, I would suggest that each province should have eight senators, making 72 in all. We have four provinces west of the great lakes, and five east. With equal representation of the provinces in the Senate, the Upper House would always have a majority representation in the east. I would also suggest, following out the views of the hon. gentleman from Middlesex, that we should have more information in this House. To secure that, the deputy heads of the different departments should hold seats in the Senate and retain them as long as they occupy that office; but they should not have the right to vote. In the other House, the ministers of the Crown from the several departments are always ready to furnish information. In the Senate we have only two members of the government, and while they are men of ability, we cannot expect them to supply information for all the departments. But with deputy ministers in the Senate, we could get the information we require. We have had several opinions expressed as to how this chamber should be constituted. I cannot agree with the hon. senator from Middlesex that half should be appointed and half elected. They should all be either appointed or elected. If you had

some appointed and some elected, those chosen by the people would be inclined to tell the nominated senators that they did not represent the people. We may at once eliminate the election of members by provincial legislatures. When the fathers of confederation were framing the constitution of this country, they profited by the experience of the United States, and while they adopted many of the features of the United States system, they did not approve of a Senate elected by the provincial legislatures. In the United States, the people would like to get rid of that system, and are advocating the election of their senators by popular vote. I would suggest that eight members from each province should be elected every second Dominion election by a different franchise from that on which the members of the House of Commons are elected, and that the senators should be elected by the vote of the whole province. I would not cut up a province into electoral districts. Any man who could be elected by a majority of votes in the whole province would necessarily be a superior man. Everyone in this House will admit that if the hon. senator from Middlesex were running as a candidate for this House in Ontario he would be elected. By that process you would get men of standing in the community and who had occupied prominent positions, for the Upper Chamber. I would suggest that the senators be elected by men possessed of a certain property qualification. I cannot say that I favour manhood suffrage, but we have it now, and the members of the lower House might be elected under that system. It is very easy, in preparing the voters' list, to separate the voters into two classes, those who have property qualification, who alone would have the right to vote for senators, and those who have no property qualification. The latter class could vote for members of the Commons but not for senators, while the voters possessing property qualifications could vote for members for both chambers. In that way you would have a good representation from the farmers and the property owning element generally throughout the country.

Hon. Mr. POWER—I understood the hon. gentleman to say that he would have senators elected at every second election for members of the House of Commons. Suppose that a difference arises between the government who require the support of a majority in the Commons, and the Governor General and there is a dissolution of the lower House within a year or two after the election, does the hon. gentleman propose that the Senate should be then dissolved as well as the House of Commons?

Hon. Mr. DAVIS—No, I do not. There will be vacancies in the Senate from time to time, and I would not put the country to the expense of holding an election all over the province for the purpose of filling those vacancies. They should be filled by a ballot taken of the members of both Houses of parliament, and the members of the local legislature of the province concerned.

Hon. Mr. LANDRY—And the municipal authorities?

Hon. Mr. DAVIS—That would be going too far.

Hon. Mr. PERLEY—Suppose they steal the ballot boxes?

Hon. Mr. DAVIS—Some of the hon. gentleman's friends are authorities on that question. One of the reasons for this change is to avoid partisanship in this House. We all disclaim being partisan, but I notice when any political issue comes up, you have the two sides in politics well represented in the Senate. I notice also when appointments are made in this House, the gentlemen of the opposition criticise them just as they do in the House of Commons.

Hon. Mr. POIRIER—This House does not make appointments. The government do that.

Hon. Mr. DAVIS—A committee of this House makes the appointments. I do not know what influence the government may exercise. But when, as occurred the other day, an appointment is made, it is severely criticized by gentlemen opposed to the government; still the claim is made that there is no partisan spirit here. One thing that is most complained of by the press is, that when a government has been in power for fifteen or sixteen years the opposition practically disappears from the Senate and the upper House becomes a mere registering machine for the party in power. To

avoid that, let us take the case of a vacancy occurring in Ontario under the system I propose. There are a good many members in opposition to the government in both the Senate and the House of Commons, and a majority of the Ontario legislature is Conservative and we may safely assume that the vacancy would be filled by the appointment of a Conservative. Again, suppose an election were to take place now at the end of a ten-year period. The province of Ontario is to-day Conservative, and would naturally send a contingent of Conservatives here, and in that way we would avoid the charge which was made against us that this House is practically of one political stripe. I think we ought to have an elected House. This is not a twentieth century Chamber, as at present constituted. One of the unfortunate weaknesses of this body is, that gentlemen who are appointed to the Senate for life lose the energy they displayed when in the House of Commons, and we have not therefore, as energetic a body as we would have by a system of popular election. The hon. senator from Middlesex, and others, have claimed that the government should be more largely represented in this House. Without any disrespect to the leader of the Senate and his colleagues, the government should be more largely represented here, and more legislation might be initiated in the Senate, and many other matters might be discussed here. The question of patronage came up in the discussion on this subject in the House of Commons. It was said that the Senate has no influence, because it has no patronage. I was a member of the Commons for ten years, and the only trouble I ever had in my constituency was over the patronage. I do not think patronage does a member any good; on the contrary I know it does a member harm, and often people are appointed to office who should not receive an appointment. I would suggest that the patronage should be dealt with by a committee of senators and members of the House of Commons representing a province to handle the patronage of that province, and that it should sit from time to time, and make the appointments. They might, if necessary, ballot and make appointments that way, and by that means we would secure a better class of officials than we do under the present system. I do not think the members would object, because it would divide the responsibility. This House, as at present constituted, is very good. The legislation passed here receives careful consideration. That is evident from the fact that when the Railway Bill was before us, we had to amend it in fifty-five places, and all our amendments to that important measure were accepted by the House of Commons. I remember one Bill from British Columbia which was rushed through the Commons. It was to give certain privileges of booming timber on certain lakes in British Columbia. When it was looked into by a committee of this House, it was found to be an objectionable measure, and I venture to say that any member of the Commons who would look into it would agree with us that it should never have passed that Chamber. It was thrown out here. Look at the amendments we had to make to the Lords' Day Bill? We did more solid work here upon it in a day, than they did in a month in the other Chamber. They tell us that the senators do not work; but from my knowledge of the House of Commons, and I was a member of it for years, I claim that there is more real work done in this House than there is in the popular branch. If you eliminate all the useless talk in that Chamber, for which the people of Canada have to pay dearly, you will find that my claim is justified. Take the Budget debate in the House of Commons? What benefit do the people of Canada derive from their representatives sitting up night after night threshing over the same old straw? When the Minister of Finance makes his budget speech, and it is criticized by a competent man in the opposition, very little more is required to be said on the subject. It would not take any one more than five minutes to express any new idea he might have on the subject. But what has been the experience? Night after night, members debate the subject hour after hour—I know because I was one of the sinners myself, also the hon. senator from Wellington—and often to empty benches. Is that any benefit to the people of Canada? When we are told that this House is a useless expense to the country because we do so little work, the people of Canada should

know that they are getting more for their money here than they get in the House of Commons. I repeat, if you eliminate all the useless talk and debating for political capital, separate the wheat from the chaff, you will find that there is not as much work done in the Commons as is done in the Senate every session. So there is no foundation for the charge that this House is useless. It is a very useful Chamber; but I think it could be made more useful. Its principal function is to check hasty legislation from the other Chamber. It has exercised that function, and exercised it wisely, as any one will admit who studies the subject. We are here also to protect the smaller provinces, but not to check the expressed will of the people. I submit that in such a case as we had before us recently, the Lancaster Bill to amend the Railway Act, when the Commons has passed it and we have rejected it, and when after an interval of a year the Commons, coming here from the people, pass it again unanimously, and apparently with the approval not only of the government but of the Department of Justice, there is nothing left for us but to pass it and let the responsibility for the legislation rest with the House of Commons.

Hon. Mr. ROSS (Halifax)—I would sympathize with my namesake and the hon. Minister of Trade and Commerce if they would have to run an election in the province of Ontario under the proposed system we have just listened to. They are not quite as nimble as they were forty years ago. I know I am not myself, and I would dread running an election for the much smaller province of Nova Scotia. The hon. gentleman from Prince Albert has broad ideas. He comes from a broad country, but I was almost surprised that he did not want the seat of government removed from Ottawa into that vast province of his. I suppose that question will come up by and by, when they accumulate a larger population. There are a few fresh men in the House of Commons who think that the Senate should be abolished; but I am happy to say that the sound sense of the intelligent people of this country from the Atlantic to the Pacific favours our having a Senate. The government of this country would not be safe for a single year without one. We in Nova Scotia have retained the second chamber, and although there are a few extreme men in that province who once thought it would be well to abolish the legislative council, if an appeal were made to the people to-day on that issue they would say retain it. I am not at all so sure that the province of New Brunswick took a wise step when they abolished their legislative council, and I feel certain that the province of Ontario, with all their wisdom, did not do right when they failed to provide for a second chamber in their constitution. The day will come, and it is not far distant, when that province will feel the necessity of having a second chamber. As it is to-day, the legislation would have a better appearance—would have been better finished—would have a higher standard about it than it has, by having passed through only one chamber. Therefore, I start with my own province. We have given many lessons to the people of this country. We retained the legislative council. We had simultaneous polling for years and years before it was adopted in the Dominion. We insisted on abolishing the dual representation which was the stupid condition of things when I came to the House of Commons in 1867. The leaders of Quebec and Ontario would come to the House of Commons with a covey of supporters, and when they would raise their hand their followers would vote with them, so we had no show in comparison with the influence exercised at that time by the two larger provinces. My hon. friend and namesake from Middlesex has exhausted this whole subject so far that he has left very little for any one else to say. Like a fox going round the bait, gradually coming closer and closer while alarmed to touch it, there is one idea which I think my hon. friend omitted. By the appearance of things, the present government is likely to exist for a long time to come—much longer than I am to be here to see it. In that case, following the present system our friends on the Conservative benches will nearly disappear altogether. If we are to have a successful Senate, both parties should be well represented, and while I see the necessity that the government should have a fair majority, I think the opposition also should be well represented. If we are to have sound opinion in

this House, we must have a certain number of men representing the government and a certain number representing the opposition. How this is going to be done, I leave with wiser minds than my own, but I think there is a necessity that both parties in the country should be fairly represented in this House.

My hon. friend from Wellington has alluded to the manner in which the province of Nova Scotia was brought into confederation, and how the senators at that time were appointed. I am not going into that matter, because it is a sore question. I might go into it very fully, because in those days I was a representative of my own people in the province. That is a piece of dark political history in my province to which I will not allude. I have had a long experience in both Houses—eight years experience in the parliament of Nova Scotia before confederation—and I find that the experience we had in the other House has been of considerable value to us here, and we would be very stupid students indeed if we did not bring with us some of that experience into this House. I am also pleased that my own association with and friendship for gentlemen here who represent the opposition has been of the most harmonious character, and therefore I feel some sympathy for them as the day will come when there will be scarcely any of them here at all. I think some method should be adopted by which they would be well represented. The fault of the framers of confederation regarding the interests of Nova Scotia and New Brunswick is that they did not stipulate that the representation in this House should not be less than it was at the time they came into the union. It will be found necessary to amend the British North America Act rather than subject Nova Scotia and New Brunswick to a greater reduction than they have now. I did not intend to speak on this question at all, but I am utterly opposed to elective senators, particularly by provinces, and I am of opinion that if the government of each province were to select a certain number that it would lead to great confusion. What would be the result? The government of Nova Scotia and New Brunswick would send Liberals. The government of Quebec would do the same. The government of Ontario would send Conservatives, and I do not think the result would be any improvement on the present condition.

Hon. Mr. DAVID—I desire to say a few words before moving the amendment which I have placed before the House. Two years ago I addressed the Senate on this question, and I have now on the Orders of the Day a motion in regard to the same subject. I will place what I have to say in the form of a proposition before moving my amendment. I am of the opinion that the question of the abolition of the Senate cannot be considered seriously by statesmen and political men who have at heart the welfare of their country. The abolition of the Senate would be contrary to the constitution, contrary to the views that had been expressed when confederation was established. It is well known, and recognized and admitted by all those who know the political history of the country, that the establishment of the Senate was one of the conditions of the federal compact. It is admitted that without the Senate confederation would never have been established, that in order to induce the representatives of the small provinces and of the province of Quebec to consent to apply the principle of representation by population in the House of Commons, equality of representation of the provinces in the Senate was stipulated. It was to be a safeguard and guarantee to the small provinces. It is true that the annexation of some other provinces to Canada has modified considerably the proportion of the representation of the different provinces in the Senate, and has reduced the guarantee which the provinces relied upon; but I hold that nothing can be done in future to increase that disproportion, and if more representation is to be given to the great provinces of the Northwest, that it will not be done contrary to the federal compact and to the conditions of the agreement which took place at that time. There is only one way that seems to me practical and just, namely, to form a group of the provinces of the Northwest and British Columbia, as we have formed a group of the maritime provinces, and to give them a representation equal to that of the maritime provinces.

My second proposition is that not only would the abolition of the Senate be contrary to the spirit of the constitution and to the intention of the fathers of confederation, but it would remove the check on hasty and dangerous legislation which may take place in times of popular and demagogic agitation, in times when the government and the House of Commons will be, perhaps, under the influence of temporary agitation and excitement. The time is coming when political brakes and dykes will become more and more necessary. Those who look to the future can have no hesitation in declaring that, later on, the importance and the necessity of the Senate will be more and more evident to everybody. The time is coming when ministers, men at the head of government, and members of the House of Commons will recognize that they have in the Senate a protection and safeguard for the public interest, a protection for the interests of all classes of population. In order that the Senate may be able to fulfil its mission, it must be independent of governments and electors; it must be in such a position that it may do its duty faithfully, honestly, impartially, without fear or favour. It must not be subject to the caprice of the electors or to the strong will of governments. An elective Senate would be a duplicate of the House of Commons, subject to the same influences and to the same inconveniences. There are very wise men who contend that the Senate, as it is, is well organized and constituted. I had very great pleasure in listening to the speech made on this subject by the hon. gentleman from Middlesex, who proved by facts and figures that there is not an Upper Chamber that is better constituted than the Senate of Canada and that it is perhaps better composed than the House of Commons itself, and that there was not an Upper House in existence where all classes and all interests were so well and so properly represented. At the same time, we must admit that there are serious objections made to the Senate as it is, objections which deserve consideration. One of those objections is that the Senate is not active enough, is too long idle, waiting for the good pleasure of the House of Commons. Whose fault is it? Is it the fault of the Senate? No, the members of the Senate have for a long time themselves asked for more work, for more legislation, and they are still ready to accept any work that may be given to them. Perhaps the fault lay to a certain extent, with the fathers of confederation in not being able to give to the Senate the importance which it deserves; but it is time to do now what should have been done then, and I think it would be very easy to remove that objection, by doing what the hon. gentleman from Middlesex has suggested, and what has been suggested already by other eminent men. It would be to initiate in the Senate more legislation, to commit to the consideration of the Senate a great number of measures, to be considered as they deserve to be considered. There are many examples. Take the Lord's Day Bill which passed at the last session of parliament, and the Insurance Bill which is now before the House. What objection is there to such Bills being introduced in the Senate? Other Bills could be submitted in the same way to the Senate. All the Bills coming from the Department of Justice, could be initiated in the Senate. But it is said that then it would be necessary to have more Ministers of the Crown in the Senate. Well, what is the objection? Are they not well treated here? I would ask the hon. Secretary of State, who leads this House with so much energy and wisdom, if the Ministers of the Crown are not well treated here? They would be well received and listened to with a good deal of attention. What is the objection? Does the constitution forbid it? Not at all, and if it is necessary to have under secretaries as suggested by the hon. member from Middlesex, what is the objection to having them in this House? Now, if you add to that the appointment of committees of the important character, suggested by the hon. member from Middlesex, I think you would have the very reform that is required to give the Senate the importance which it deserves, and that no reasonable man would complain of what is done in the Senate. I think the members of the Senate should agree on this point, and have their views expressed and adopted in the form of an amendment which I have proposed, or any other amendment which may commend itself to the House. There is another objection. It is

said that the Senate as constituted is liable to be always of the same colour, almost entirely Liberal or Conservative. I admit that there is some ground for that objection, and I admit if it were possible to adopt a measure which would remedy that evil, it would be opportune to do it. It has been suggested to limit the term of the appointment of senators to ten or fifteen years. It is true that this scheme would have the effect of modifying at certain times the complexion of the Senate; but there are great objections to that scheme. The first is that it would affect considerably the independence of the Senate, that independence which is so necessary to a second chamber in order that it may be what it should be. We know the weakness of man, and when a senator will have been here ten years, perhaps in the last years of his term, he would be disposed too much to please the government in order to be renominated, and that would be a great objection. Under that system there is no doubt all the senators who supported the government would be almost sure to be re-appointed. But what about the members of the opposition? They would be sure of being replaced in spite of their ability. So that that objection alone, in my view, would be sufficient, perhaps, to induce me to reject that proposition.

There are many other schemes which have been proposed to meet that objection, but all those schemes are so different, and have raised so much opposition that one is entitled to ask himself whether it is worth changing our system, perhaps to get something worse. There are two schemes which, in my view, would be less objectionable than all the others, because they have been experimented upon and their usefulness has been shown. One of the schemes would be this: one half of the members of the Senate nominated by the government and the other half appointed by the provincial legislatures or provincial governments. I know that there are strong objections to that scheme. I would have been disposed years ago to adopt that plan, because I thought it was more perhaps than any other in accord wth the spirit of our constitution and with the views that were expressed at the time of the establishment of confederation, as it was understood at the time that the Senate was constituted to protect provincial rights. But after all, and after having heard the objections so well enunciated by the hon. gentleman from Middlesex, I am shaken in my faith in that system, not entirely, but to a great extent, and if we were called upon to vote I would vote first, if it were decided we were bound to make a reform, for the appointment of half of the senators by the government and half by the electorate, in order to give the government and to society the protection which they require, and at the same time in order to give public opinion a certain amount of satisfaction. I think that system would, as was so well stated by the hon. gentleman from Middlesex, fertilize and refresh the Senate, and would bring it more in touch with public opinion. I do not agree with those who think we must always cater to public opinion, but I admit that we must take it into consideration. After all, history tells us that where there were so many revolutions and so many deplorable disasters in the world, it was very often because the governments at the time offered too much resistance to reforms, and yielded to public opinion only when it was too late. How many revolutions could have been avoided if the kings and those in authority had at the proper time done what was necessary; if they had sacrificed a part of their authority to preserve peace. My conclusion is that we must proceed solely. When we are on safe ground we must not change our position, unless we are sure that what will come afterwards will be better than we now have. I think it is wise to proceed slowly and not to make any change that would disturb our constitution, not to open a door which would not be closed very easily afterwards, and I am of the opinion before making radical changes, before touching the constitution, we ought to adopt some other scheme which would be sufficient to remedy the grievances that exist. I think we ought to do what I have suggested, or what has been suggested by eminent men before me, as I have said before, namely, give to the Senate more importance by giving it power to initiate more measures, have more of the representatives of the government in this House, and let me say en passant that it is not just for

the hon. Secretary of State to have so much to do.

Hon. Mr. LANDRY—Hear, hear.

Hon. Mr. DAVID—It is not just to impose on his shoulders so much work. He does the work that is done in the House of Commons by ten or twelve ministers, almost as much; but he has to deal with a more peaceable body, and it would be in the interests not only of the Secretary of State but of the country to have more ministers of the Crown in the Senate. I am not completely convinced that the time has arrived to appoint under secretaries, although I may vote for the motion of the hon. member for Middlesex after hearing him. I did not mention that in my motion, because it was not certain that the time had arrived to appoint under secretaries, and because I think it would be more important to have ministers themselves who would be a greater benefit to the Senate than ten under secretaries. The growth of the country warrants that, and the time is coming when neither the hon. Secretary of State, nor any other man who will take his place, will be able to do all the work. Before taking a leap in the dark, I think it is prudent to do what can be done immediately, without waiting for what may become necessary later on. The best institutions and the best reforms are those which time has matured, which have undergone the test of experience as well. Let us commence by doing what may be done now, what is most urgent, and, afterwards, if that is not satisfactory, and if we are obliged to give something more, we will give it, and we will do what has been so ably proposed by the hon. gentleman from Middlesex. I know there are many members of the Senate who are not disposed to accept the main motion made by the hon. gentleman from Wellington, because it contains an admission that there is something wrong, and that the method of appointment of senators requires to be recast; and, in order that the members of the Senate may be able to express their views by a vote, if possible, I move :

That the Senate, while not desiring to pronounce finally upon the numerous and various projects of reform which have been proposed and discussed in connection with the Senate, yet in view of the differences of opinion on this subject, and until these projects have had time to mature, believes it opportune to declare that it is desirable in order to increase the efficiency of the Senate, that more legislation be initiated in the House, that more Ministers of the Crown have seats therein, and that any minister personally may introduce and defend government measures in both houses.

I forgot to say that that was one of my proposals, that not only the number of ministers sitting in this House should be increased, but, moreover, as is done in France, that ministers having measures to introduce before parliament should have the power to come before either House.

Hon. Mr. BEIQUE moved that the debate be adjourned until Wednesday next.

The motion was agreed to.

The Senate adjourned.

THE SENATE.

OTTAWA, Thursday, January 30, 1908.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

BILL INTRODUCED.

Bill (I) An Act to incorporate the Manufacturers' Mutual Liability Insurance Company.—(Hon. Mr. Jones.)

APPOINTMENT OF UNDER SECRETARIES IN CANADA.

MOTION.

Hon. Mr. ROSS (Middlesex) moved :

That in the opinion of the Senate, the time has arrived for supplementing the executive government of Canada, by the appointment of under secretaries to the more important departments of the public service, with duties and privileges as near as may be similar to those of the corresponding officers in the parliament of Great Britain.

He said : I feel as if I should apologize almost to the hon. members of this House for intruding myself upon their attention, having taxed their patience, as I fear I did, so recently. The question to which I propose asking the attention of hon. members, is a very important one in my judg-

ment, one to which we might profitably, I think, give a few hours consideration. It is within the knowledge of this House, and within the experience of many hon. members, that ministers are taxed in the discharge of public duties far beyond the bounds of human endurance in many cases, and certainly beyond the limit which would enable them to give to the country their best service. I am not complaining of the organization of the government, nor of its administration. After an experience of over twenty years in the ministry of the province of Ontario, I have, shall I say, almost a painful recollection of how much is expected of a minister. In many senses his usefulness is impaired by the fact that he is obliged to give time and attention to matters of routine that under a different organization could be relegated either to his associates, if they were more numerous, or to experts in the public service. Mr. Carnegie has said that he owned his wealth, his vast accumulation of money and property, not so much to his own knowledge of the business in which he was engaged as to the fact that he was able to avail himself of the experience and knowledge of men perhaps better versed in the work to which he was giving his attention, than he was himself; and I think it is true of every organization, whether it be military, naval, or business, that its success largely depends upon the distribution of the responsibility, and upon the ability of the head of that organization to command the services of men of capacity and leisure. I think it is unfortunate in this country at least, growing as we are so rapidly and every day getting a wider outlook of what Canada is or ought to be, that those men who stand, in a certain sense, on the watch tower of public life, who are the leaders of public opinion, should not in some way or other be relieved of many of the multitudinous details that are imposed upon them by their position. The higher statesmanship can never be developed, nor has it developed in any country except where the leaders of public opinion have considerable leisure, not only for acquainting themselves with the organization and constitution of other countries, but with the varied and proper opportunities afforded them by such leisure of meeting the people whose views they were directing. A statesman in a certain sense, while in office at all events, has to be on the lookout for such changes in public opinion as would warrant him it may be in shifting his sails to meet new conditions. There are many shoals and rocks which he has to avoid, many cross-currents which have to be avoided and these cannot be considered, his chart cannot be closely watched unless he has time and opportunity to do so; and sometimes governments have been wrecked from the fact that those who guided them have been unable to keep a proper look-out with regard to those matters. But more than that; I think probably a more important function of leaders of public opinion, in Canada and everywhere, is that they should be in a position to attract public opinion to those movements and steady public opinion in regard to such matters as are of vital importance to the nation. It may be, sometimes to direct such a trend of public opinion as will enable them to legislate in the best interests of the people. If we study the history of British statesmen, we will find that in this respect their usefulness was largely augmented, and perhaps, the fact that they were able to do so, is the highest tribute to their usefulness. Take the case of Sir Robert Peel for instance. We know his attitude on the question of free trade, prior to 1846. But he changed his attitude on that subject owing to difficulties of a practical character which existed in his time, and consequently assumed a different attitude on the repeal of the Corn Laws. His party, the Conservative party, as a rule, was opposed to this however, indeed they did not abandon their opposition until twenty years afterwards. From that time until now England is thoroughly imbued or largely imbued with the idea that Sir Robert Peel was right, and that he really led his party to the ideal of free trade. Those who have read Gladstone's life will know that he was a 'Peelite,' though afterwards a radical, and that his main subscription to the 'Peelite' view was that Sir Robert Peel was the apostle and leader of the free trade movement. We have Gladstone's own case as a remarkable one, showing how a statesman taking a certain view of a large question like home rule educated his party in the face of great opposition, at least so

far as the House of Commons was concerned, to accept his measures as a cure for the ills of Ireland. How was this done? Partially because Gladstone had large foresight in many respects, and had the leisure and opportunity to come in contact with public opinion. His Midlothian campaign was one of the most remarkable instances where a strong government was driven out of power by the personality of one man. We have recently the case of Chamberlain on tariff reform. He made many converts and filled the press of England and the continent with his views on this important question. Disraeli educated his party, Conservative though it was, to accept a wider measure of franchise than even the Liberals approved of, and under his leadership and with the cry that the Conservative party should be democratic as well as Conservative there was a wonderful change in public feeling. We have similar instances in Canada. Sir John Macdonald educated the people of Canada to the National policy, and they have been rather consistent in adhering to the views that he then propounded. Geo. Brown educated the people of Canada on the question of representation by population, and giving to the provinces that power in the legislative halls of their country which their population warranted. You remember that the agitation on this question by Mr. Brown was perhaps one of the causes which opened the door to confederation. We have Sir Oliver Mowat educating his party on the question of provincial rights. We have Jos. Howe educating his province in hostility to confederation, unfortunately; but such was the case. We have Daniel Webster, Chas. Sumner, and statesmen of the United States educating their people as to the solidarity of the American Union and the horrible evils of slavery. The point of these remarks is simply this, that when you elevate a man to a cabinet position and find him possessing the qualities which warrant him in assuming that position, we want to place him under such conditions that the country will get the value and benefit of the educational position which he occupies, and, as everybody knows, there are problems confronting us from day to day which require extensive reading and study, and all this attention cannot be given to them under existing conditions.

What is the position of our Canadian ministers at the present moment? Parliament is in session for about six months of the year. That necessarily occupies their close attention under our system. It cuts them off from the study and consideration of other questions very largely for at least half a year. Besides that, there are numerous interviews, numerous deputations, the preparation of Bills for the meeting of parliament, by-elections and numerous things which divert the attention of our ministers from the larger questions which are being forced upon us from day to day, and from which they should be, to a large extent, relieved. For that reason I think there is a great deal of force in the view I am presenting, namely as far as practicable that every detail that can be as well attended to by a subordinate should be diverted from the attention of a cabinet minister. What is the remedy for this conditions of thing? If Canada is to get a larger outlook, which I think is important, if the electors of this country are to rise above the consideration of minor matters, somebody with the magic power of leadership and with the leisure required, ought to be available for the purpose. Is it not a fact that some trifling public want, quite insignificant in itself, frequently influences more votes in a constituency than a larger question say of the French treaty or the Japanese treaty. The candidate who can secure through his influence a public office or little harbour or wharf, can make more votes out of that insignificant act of his, than he can by any speech or act, or any effort he may make in promoting even such a large scheme as the Georgian Bay Canal or the All-Red Route. This condition of things should not exist. I do not think it exists in England. My reading of the speeches of English statesmen teaches me this, that in England electoral campaigns larger questions entirely occupy their attention. I cannot say how the rank and file may discuss public matters, but read the speeches of Disraeli, Gladstone, Balfour or Chamberlain, and you will not find them full of the details such as would seem to necessarily fill the speeches of our Canadian members of parliament, or even the members of the Canadian government. We are a new country, and it is with us the day of small things,

and it will always be the day of small things, unless by some process we rescue the country from this debilitated condition of Canadian politics, from this juvenile condition in which we are drifting at the present moment, and in which we have drifted for many years back, and unless we raise the issues and go before the electors on a higher plane. We have large questions. Now and then we have them thrust upon us out of the condition of things. Now and then they are initiated by a member of the government; but what we want is not that these larger things should come occasionally, but that the greater questions of national development and character, and matters affecting the Dominion, which are vital to its existence, should be so kept before the electors that the sense of proportion, which is as important in politics as it is in art should be duly considered. What is the remedy for this? There may be two or three. I have referred to one, namely to relieve the ministers from the consideration of details imposed upon them, and their emancipation from public routine. The public press could aid us also in regard to this matter, and by giving it their attention more largely than they are in the habit of doing, I think they would widen our national outlook.

Let us study for a few moments the methods of the British cabinet organization, and I think we will find in it something useful and instructive. The general opinion, and it was my own opinion until I happily became better informed—is that the English government is a small government, and when any word is said about enlarging our government, either by increasing the cabinet or by supplementing the cabinet, as I propose to suggest, it is said that England has but a government of fifteen, or sixteen or twenty cabinet ministers, and if England can get along with such a small number, why should Canada not get along with fourteen? That is an entirely mistaken idea. There is a distinction in England between a cabinet minister and a member of the administration, and while the cabinet ministers are comparatively few in number, the administration is large. Take for instance Gladstone's administration of 1886; he had but fifteen cabinet ministers, but the administration consisted of sixty persons, distributed as follows: of his cabinet ministers six were in the Lords, and twenty-three in the House of Commons. His cabinet of 1892 consisted of fifteen, but the administration of sixty-one; twenty-four in the Lords and thirty-seven in the Commons. The Salisbury cabinet consisted of twenty-one, larger than Mr. Gladstone's, and the administration consisted of thirty-two, thirty Lords and thirty-two Commoners. The Balfour cabinet consisted of twenty-one also, and the administration of sixty, twenty Lords and forty Commoners. The Bannerman cabinet consists of nineteen members, and the administration of fifty-nine; nineteen Lords and forty Commoners. Two things arise from the consideration of these facts; first that the British administration is very much larger than is generally understood, and secondly that in the distribution of the administration of the government, there is a fair division between the House of Lords and the House of Commons. Now I think both considerations are vital to a thorough understanding of this question. I need not emphasize, for that has been already done, and very ably, by very many members of this House, that in the better administration of the government of this country more even distribution between the Senate and the House of Commons is desirable; but the other consideration, namely if that the administration is to be more effective and come more fully in contact with the public opinion of this country, it should in some form or other be enlarged. The English system has its peculiarity; that its cabinet ministers are interchangeable while it is not limited, either as to the number or in the aggregate, nor as to the number or in the aggregate, nor as to the distribution between the House of Lords and the House of Commons. In the Balfour administration the lord lieutenant of Ireland was a member of the cabinet. Lord Aberdeen is only a member of the administration. In the Balfour administration, when Sir William Mulock went to England to adjust our postal arrangements, I think the Duke of Norfolk was postmaster general, a member of the House of Lords. The postmaster

general is a member of the House of Commons now. There is a flexibility about the English Cabinet which does not prevail in Canada. We must have 14, or leave some seat vacant. In England it might be twelve or fifteen, as it was in Disraeli's cabinet. It may be twelve or nineteen or twenty-five, so far as there is anything in the British constitution to prevent it, and so with the administration. It may be fifty-nine as it is now, or sixty-two as it was in the time of Lord Salisbury. That flexibility enables the premier in organizing the government to look around as to the material at his disposal. He may want a certain number of men in his cabinet, and he is at liberty to make it as large as he pleases, save and except that he must have some deference to the preference of his predecessor, and so with the administration. As I said before, in Canada we are working under a system which will not permit us to carry out this view. There are two principles running through the administration of the British government. One is that all important departments have more than one representative in the House of Commons, and secondly that all important departments are as a rule represented by some member of the cabinet in both Houses. Let me go a little further into detail and consider one or two departments. Take the Treasury Department first. That consists of eight members, the head being the first Lord of the Treasury; who is usually Prime Minister if he is in the Commons; then the chancellor of the Exchequer, three junior lords of the Treasury, the paymaster general, and two general secretaries, or a total of eight; and subsidiary to these, as spending departments, are the Post Office Department, the Board of Works, and the Commissioner of Woods and Forests, somewhat corresponding to our Department of the Interior. There you have the Treasury Department represented in both Houses. There you have the Finance Minister or the Chancellor of the Exchequer aided and supported in the House of Commons by three junior lords, the Paymaster General and two general secretaries. Of course they spend more money in England than we do, and yet the Treasurer here has as many details, and perhaps more to consider than the Chancellor of the Exchequer has in England. The Chancellor of the Exchequer has to do with amendments to the tariff; so has our Treasurer. He has to see that all the estimates submitted by the other departments bring the aggregate within the money at his disposal. So has our Treasurer. He has to see about the estimates, not only of his own department but all the other departments. He has sometimes important legislation, as Mr. Fielding has this session in the matter of an Insurance Bill. He has to receive multitudinous deputations, and particularly in regard to the revision of the tariff. He has to do with the negotiations of the treaties, as Mr. Fielding had to do with the French Treaty. When you burden one man with all the duties that in England are discharged by eight men, you see how incompatible our organization of the Treasury Department is with the highest degree of efficiency, and that he should obtain such reasonable relief as would enable him to be free for other duties. What opportunity has he, unless he overtaxes his strength, of meeting the people of Canada and deciding the grounds of changes of policy, as is the case with every government, or presenting to the people his mature views on any large questions, seeing his duties are so multiform as they are. I think in this particular department there is a call, if anywhere, for some remedy. And if in this House we should dare to run the risk of encroaching on the prerogative of the House of Commons and ask any question in regard to expenditure or appropriation, there is nobody to answer for the Treasury Department. Now, I do not subscribe to the view that the Senate should not discuss appropriation. We are bound by the British North America Act, and by precedent which we are bound to follow, not to initiate appropriations, although the Senate of the United States may, as I said before, nor can we initiate any revenue Bill; but we are not precluded from the discussion of appropriations, and if any large scheme like the Transcontinental Railway or the Georgian Bay canal, or the improvement of our harbours, or the deepening of the St. Lawrence came before us, I feel that, within the Constitution, we are at liberty to discuss such matters as freely as they can in the House of Commons; but then we may

ask questions, and there is nobody to answer us as fully as the representative of the Treasury Department can, and then when the estimates are before the House, in what position is the Finonce Minister? If he is ill or overtaxed, then the estimates must stand over. In the House of Commons in England, if the Chancellor of the Exchequer is absent, one of the junior lords of the Treasury, or the Paymaster General or one of the under secretaries may submit the estimates, and, with his knowledge of the department, perhaps, might be able to discuss them quite as intelligently as the head of the department. There is no such provision as that in our constitution, but every thing must go on, the Finance Minister bearing the burden on his own shoulders, his strength overtaxed, and sometimes the country liable to suffer from contingencies that may arise. The next department equally burdened in Canada comparatively free in England, is the Justice Department. How is that manned in the British system? There is first the Lord High Chancellor, necessarily, the Speaker of the House of Lords—and the leader of the government. Then there is the Judge Advocate General who has largely to do with admiralty matters. There is an Attorney General. There is a Solicitor General. There is a Lord Advocate and Solicitor General for Scotland. It is not enough that these two other officials, the Lord High Chancellor and the Lord Advocate and the Attorney General can discuss matters for England, for England is only a part of the United Kingdom, but Scotland has its own educational system in the Union Act, and Scotland has two representatives, the Lord Advocate and Solicitor General, and Ireland is still better off, and perhaps needs it all; it has the Lord Chancellor, Attorney General and Solicitor General. There are nine men of the widest experience in law, and of the highest standing, to look after the administration of justice so far as parliamentary legislation is concerned. You can see how comparatively easy it would be for these nine men to initiate legislation, to draft Bills, to watch Bills through the House of Lords and through the House of Commons, and by the fact that there are many of them to do the work, you can understand how perfect British legislation is. I do not know that there is any finer piece of legal literature than the Bills which are usually submitted to British parliament; in the first place drafted by skilled draftsmen and reviewed by men of the standing of the present Lord High Chancellor and his predceessors. How is it with the Department of Justice in the Canadian Parliament? Who is held responsible by the House and by the Senate too for the drafting of every Bill, for its accuracy in every detail? One Minister of Justice, assisted by the Solicitor General, and allow me to say here that, in many respects, the duties of the Department of Justice are more varied than the duties of the corresponding department in the British parliament. For instance, just see what the Minister of Justice has to do. The first note I have as to his duties is dealing with the subject of pardons. That is done in England by the Lord High Chancellor, very largely.

Hon. Mr. POWER—The Home Secretary in England.

Hon. Mr. ROSS—Yes. I should have said the Home Secretary. In Canada, the Minister of Justice is obliged to read the evidence in every important case submitted to him, particularly in the matter of life and death; and I remember in a conversation with Sir Oliver Mowat when he was Minister of Justice and also with the Hon. David Mills, how much they felt the burden of reading the evidence in such cases, as well as the responsibility of coming to a decision. I do not know, except where it is a matter of life and death, but this duty is relegated to another officer. In capital cases the Hon. David Mills said he was in duty bound, as he had to advise the council as to what course should be taken, to read every word of the evidence. Then there is the duty of examining every Bill, which he is supposed to do, by himself and his officers. There is the six months attendance during the session. There is also the further duty of having to review the legislation of nine provinces. The federal government having the right of disallowance must form an intelligent opinion as to whether a certain act should

be allowed or not, and if anybody will take the trouble to read a volume in the library by Mr. Hodgins, he will see how many Acts have been disallowed since confederation. There can be no haphazard decision in regard to these matters. Some of them have led to extensive litigation as we know from past experience in Ontario. Some of them have been before this House, as in the case of the Natal Act of British Columbia. The Minister of Justice must form a legal judgment in regard to these matters. He must also consider the question of policy, of constitutional precedent, and all that pertains to it. So that he is burdened with that from which the British Department of Justice is relieved. Questions of difficulty arise which involve applications to the Supreme Court; he has also to consider such questions. He must be represented before the Judicial Committee of the Privy Council, or must be there himself; and he must be represented before the Exchequer Court and so on. The field which the Minister of Justice has to cover is a very wide one, and to ask one man to give his personal attention, or to hold one man responsible for this whole circle of judicial duties, is asking a man with human limitations to undertake too much. I think the department should be fortified in some way, and not merely fortified by officials, but fortified in such a way that the Senate or Canada would have direct communication, would meet the Minister of Justice or some representative of that department face to face, so that he might give reasons for some of the decisions arrived at. Then when you come to the Department of State in England they have five Secretaries of State as against one officer in the Dominion of Canada. A Secretary of State for the colonies, sometimes in the lords, sometimes in the Commons; a Secretary of State for India; a Secretary of State for War; a Secretary of State for Foreign Affairs, and a Secretary of State for Home Affairs, and these are assisted by five under secretaries. Of these, one must be, under constitutional precedent, a member of the House of Lords. Well what have we in Canada? An efficient Secretary of State. I do not wish to express directly or by implication any note of complaint in the remarks I am making, or wish to make, as to the Department of the Secretary of State. Of course the field is not so wide here as in England. He has no colonies to look after, and yet there are nine provinces in intimate communication with the Secretary of State. There is much correspondence between the Secretary of State office and the Colonial office, and between the Secretary of State of Canada, and the Secretary of State of the United States, and other foreign countries. We are no longer insular, as we were years ago; we are not little Englanders in any sense whatever, but we have a wider outlook that has been growing and will grow wider still. We may make a treaty with France, with Germany, with Italy, and possibly with the United States. We have looming up before our eyes large questions which must be settled between this country and the United States. Are they attempting to encroach on our waterways? That must be guarded. Is President Roosevelt's policy to drain the lakes by a canal to the Mississippi and open up a great waterway between the lakes and the Gulf of Mexico to prevail? Are they still to poach on our fisheries? What relations do we occupy towards Newfoundland under the treaty of 1818? These are large questions which necessarily pass through the office of the Secretary of State, for he is the recognized officer for communication between Canada and outside countries. Is that department to remain as it is? Is one man expected to bear all that responsibility? I do not think he should. Under existing circumstances, we should see that whatever expert knowledge is available, whatever talent is within reach, should be used for the purpose of strengthening the various departments of the government. In addition to these departments which I have named of the British government in which ministers are burdened with considerable departmental duties, there are many sinecures. That is, the minister in charge of that department, has very few duties to discharge. For instance, Lord Salisbury, when he retired from the position of Minister of Foreign Affairs, assumed the charge of a department in which the duties were purely nominal. Of these sinecures there are five. They are: The Lord Privy Seal, the Chancellor of the Exche-

quer, the Junior Lords of the Treasury, the Lord President of the Council and Paymaster General.

It would be considered anomalous if by any legislation which might be accepted by this House, ministers were appointed to certain positions that carried with them very slender duties. I suppose that would not be considered wise in Canada, nor would I advise it; and yet the highest authority we have on parliamentary practice, Mr. Alpheus Todd, now deceased, has commented on British sinecures in these words. He says referring to the five officers I have mentioned :

> This state of things, if objectionable in theory is in practice a material advantage to the working of parliamentary government and serves to remedy what otherwise would be a serious difficulty in that system. As a general rule cabinet ministers, however competent from previous knowledge and experience to give judicious advice on the subjects which ordinarily engage the attention of a government, have no time to spare for the deliberate investigation of new topics, and when it is necessary to institute minute inquiries into matters of detail, recourse must be had to the services of others whose time is not wholly absorbed with their own official business. This difficulty, which has become sufficiently apparent to occasion grave disquietude among the well-wishers of our present constitutional system, would be altogether insurmountable if every man in the cabinet had his time as fully occupied as is the case with ministers of the Crown.
>
> The services, therefore of such persons are of great importance to the ministry in various ways. They assist the deliberations of government, bring in the help of the talents of party influence in aid of consultations upon legislation to be introduced, and they afterwards afford substantial support in carrying the same through parliament. They also serve as unpaid members of commissions (being already in receipt of salaries from the office) andn such investigations require knowledge which is of immense advantage to them as members of the government. They are free to sit on parliamentary committees on public questions on which it is necessary that the government should be represented. They have leisure to undertake the conduct of government business generally in parliament and to prepare themselves for the explanations required to further the same especially in regard to Bills of trade and finance. They are able to investigate numerous questions that will arise from time to time whether out of parliamentary inquiries or on behalf of secretaries of state or the chancellor of Exchequer. They can undertake to represent such of the administrative duties in both houses as are not directly represented therein by their respective chiefs; services which are essential to the satisfactory working of parliamentary government.

If it were proper that I should read more extensively from Mr. Todd, he goes on to show that in the case of important commissions appointed by the government, one of those cabinet ministers, a junior lord or under secretary, could serve on this commission or on a committee of the House, and in that way represent the government. If we wanted an important commission to inquire into any particular matter, to ask a minister to act in that position would be piling Pelion on Ossa, adding unreasonably to his burdens, and yet, perhaps, he is the very man who, from his responsibilities and previous knowledge of the subject, would be best fitted for the discharge of that duty. I need not further tax the patience of those gentlemen with references to the British system. From my observation two things are quite evident; first, how ministers are relieved from heavy parliamentary duties, and second how departments are represented in the House of Commons. Let us now, for a few moments, give our attention to the United States system and organization, and the reason why I do so is that we learn by the experience of others how to guide our own courses. There are very important illustrations of that in the history of our written constitution. Everybody knows that the constitution of Canada was, to a certain extent, organized upon the constitution of the United States with the powers of the local legislatures and the central government inverted as to the constitution of the United States. We copied from them and we copied, I think, to our own advantage. It is also known that the constitution of Australia was partly copied both from Canada and the United States. We ought to learn from whatever source, or in any field in which we could profitably glean information. Now, the United States has a population of eighty millions, I understand. The organization there is entirely different from ours. In the United States the legislative, the judicial, and the executive departments are entirely separate. In the Canadian and the British systems the executive and legislative departments are combined; that is to say a minister sitting in the House during sessions of parliament has at the same time to supervise the administration of his own department. In the United

States of the nine cabinet ministers not one has a seat in either House of Congress. The United States cabinet minister is merely an idealized deputy head as we would have it in Canada. He is selected by the president. His position is one of comparative leisure. He has no election to run, nor by-elections to look after. He hangs up his overcoat and takes his seat and enters upon his duties without any electoral care whatever. He is not responsible in any direct sense to any constituency. He has no public opinion to nurse as cabinet ministers have here. He has no seat in parliament, and no questions to answer, and a happy relief it must be. He may be called upon by either House to come and give information viva voce, but that is very seldom done. He has no Bills to introduce or to watch or to study. He is not required to sit in the House late at night, or to remain until perhaps break of day to preserve his government from going on the rocks. Like Chas. Lamb who was criticised for arriving late at his office, he can reply that he made up for it by leaving earlier in the afternoons. The United States ministers have no responsibility whatever except to spend the money voted for them by Congress. They may submit Bills of appropriation, but they do not need to follow them. They have no committees to attend; to us their position would be the paradise of the lotus eater, the land of rest and repose. How is the government of the United States carried on then? The executive has no direct contact with congress except through messages sent down from year to year—and that is an easy matter—except through the president who may send messages from time to time. How then is the government of the United States carried on? It is carried on entirely outside of its executive part. Through committees of the House of Representatives and Senate. The Bills are prepared by the committees of the two Houses or for them. Appropriations are made by those two committees or for them. In every department of state the supervision of the work of the executive comes immediately under the direction of either the Senate or the House of Representatives. In the House of Representatives there are no less than sixty-two committees, consisting of from three to twenty-one members each; and in the Senate there are fifty-five committees consisting of three to fifteen members each. To show the extensive character of these committees I may name a few. In the Senate, there are committees on agriculture, forestry, (a committee we might well have here), appropriations, Canadian relations—they do not allow international matters to drift—civil service and retrenchment, coast and insular survey, coast defence, commerce, Cuban relations, education, labour, finance, fisheries, foreign relations—a most important committee—geological survey, immigration, Indian affairs, Inter-Oceanic canals, Inter-State commerce, irrigation, judiciary, mines, and surveys, manufacturers, naval affairs, Pacific islands, and Porto Rico, the Philippines, post office and post roads, public buildings and grounds, public health, and quarantine, railroads, revision of laws of the United States, transportation routes to the sea-board. From the committees emanate the legislation which is submitted to Congress. From these committees emanate appropriations, and not from the Minister of Finance. so that in that respect the ministers of the United States government are almost entirely relieved. Then their departments are divided into bureaus. In the Department of the Secretary of State there are eight, the chiefs of which are nominated by the president, and approved of by the Senate. In the Treasury Department there are eighteen bureaus, and in that department the scrutiny of the legislation is very rigid indeed, for they examine every expenditure carefully. They have an audit, in fact, of every department of the treasury. We have one Auditor General who is supposed to audit the accounts of the whole Dominion of Canada, amounting this year, according to the estimates to probably over one hundred millions; but in the United States the Treasury Department audits by separate audit the account of each large spending department. For instance, the Navy Department, the War Department, Post Office Department, Department of the Interior, and so on—eighteen bureaus to supervise the work of the Treasury Department, to initiate legislation, make appro-

priations and so on. Through these committees, the Senate of the United States is informed thoroughly not only in regard to legislation, but in regard to the expenditures by the government, and is in a position to devise legislation or even to initiate it, if necessary, in the interest of the public service. So that the minister is practically relieved there. If you go to the Department of Justice you will find a similar condition of things. In our Department of Justice I am unable to say how many officers are necessary, but in the United States government, in addition to the head of the department, there is one deputy and six assistant attorney generals— in all a total staff of forty-four persons, and these are not merely ordinary attorneys, but lawyers of high standing who receive, I have no doubt, pay adequate to the services they render. In the Department of Agriculture there are thirteen bureaus. In the Department of Commerce twelve bureaus, with officials nominated in the way I have described as in other departments. I shall make one brief reference to the Department of Agriculture to show the differentiation or division in the department in the public interest. For instance in that department there is a weather bureau, a bureau of animal industries, a bureau of plant industries with a very large staff; a bureau of forestry; a bureau of chemistry; a bureau of soil, a bureau of statistics, a bureau of entomology, a bureau of biological survey with experimental station, a bureau on publication, a bureau on public roads. We owe to the United States the initiation of a system of public roads which has been adopted in Ontario, and, I think, in some of the other provinces. That is a list of the divisions in the Department of Agriculture. Now, there are committees representing practically these bureaus, even wider in their extent than the bureaus I have mentioned. Have we not an important lesson there to learn? The United States appreciates the value of agriculture. We have an indefatigable Minister of Agriculture and his legislation has been on the whole beneficial to Canada; but a division of the department under bureaus, and a representative of these bureaus in the Senate, would be practically a minister representing each one of these bureaus. Thirteen bureaus would be practically thirteen ministers in the Senate, each with his staff, and each able to give information direct to the Senate. What various subjects these bureaus represent. There you have a perfect system of administration. There you come close to the life and industries of the country. Take the bureau of manufactures; we have no such thing; the bureau of forestry: We have a Department of Forestry, but we do not get near it. My complaint is—and I make it in no fault-finding spirit, but with a view to the further expansion of our administration is to bring the Senate more in touch with the life of the country. Indeed, my difficulty since coming here is, that having been absent from Ottawa, and not having taken part in Dominion affairs for many years, I am in the dark on many subjects. I do not know the officials of the departments, and though I have the departmental reports which furnish information, they do not bring me in touch with the men who are paid to discharge these duties. Some information which would bring us in touch with the Department of Agriculture would be of value. There are thirteen farmers in this House, men of wide experience, and that experience is lost. It is bottled up, and we want to uncork it. We want to bring it in living contact with the people of Canada engaged in agriculture. I am quite sure that a committee on agriculture would give us important statistics, but that I shall discuss later. If we go to the Department of Commerce and Labour, I find we have twelve bureaus—a bureau on corporations, on manufactures, on labour, on lighthouses, on the census, on geodetic survey, on statistics, on steamboat service, on fisheries, on navigation, on immigration and naturalization, and on standards of weights and measures. There you have twelve bureaus in the Department of Commerce and Labour, and their names indicate how wide a field they cover, and how important it is that their information should be communicated directly to the House. I have pointed out that those nine cabinet ministers are practically relieved of all official duties, but they are in a position to suggest. They can come in contact at any moment with any

one of the sixty-two committees of the House of Representatives or anyone of the fifty-five committees in the Senate and suggest legislation. They can suggest Bills and appropriations which no doubt they do. They are in a position to do that because they have no legislative duties. They are relieved from long sittings of the House and the discussions which pertain thereto, and so are in a position to suggest, if not to initiate legislation. Our ministers are so involved in executive duties that their minds are preoccupied. They have to sit down and discuss various details with interviewers who want a bridge or a post office or a custom house. They have to examine reports of engineers, and open tenders, and award contracts and do a thousand things of that kind. Let us in some way relieve them of this burden, so that they can have more time for the larger work of initiation and public discussion. But besides these bureaus to which I have referred, the United States government has commissions. There is a commission on interstate commerce, there is a commission on the civil service, a subject I hope to discuss later; there is an independent commission on the government printing office; a commission on the geographic board of the United States; an independent commission on the National Home for Soldiers, and a commission on American Republics. That is very suggestive. No doubt you will remember that, some three years ago, Elihu Root went to a convention of South American Republican States held at Rio de Janeiro. I suppose he went there with an olive branch, as he usually does, but he went for more than that. He went to see if there was not some way of opening trade with South America by negotiating personally with the presidents of the various republics of America. Since that time, the United States Congress has established a bureau to deal with the American republics. There is a commission on the Panama Canal, a commission on the Philippines, every one of these things being calculated to relieve the executive officer. There you have commissions still further unloading the work from the executive. A position on the United States Executive is one which involves much less responsibility than a cabinet minister here has to carry. In the United States, governments and parties may come and go, but the minister has no responsibility in connection with that except to leave his office if his party goes out of power. A minister here has to see that the whole Dominion of Canada is kept in line with his policy. He has to be watchful to see that in some way or other his appropriations are not voted down, and that a majority do not vote want of confidence and turn him out of office. The Roseberry government in England went out of office as the result of a snap vote of want of confidence. They had a majority in the popular branch of parliament; but a vote was called suddenly before their supporters could be summoned, and the majority voted against the government. There is no such trouble with the President of the United States. As long as his party is in power his office is secured. We have something to learn from the United States along the line on which I am laying the greatest emphasis. I am not finding fault with our present administration, but I am endeavouring to suggest a means to relieve ministers so that the best men in Canada for the position can give their whole attention to the larger work of administration. You remember in Gilbert and Sullivan's play, Her Majesty's Ship Pinafore, the master of the ship was not asked to polish the handle of the big front door; that was left to a subordinate, but the ministers here are expected to waste time in doing ordinary work that probably other men could do better. In the same way, by following the example of the United States and Great Britain, we can relieve our ministers to a great extent. What is all this leading up to? It is leading up first to the relief of the ministers; but that is not the only consideration. The resolution which I submit is recommending the appointment of under secretaries, to represent the most important departments of the government, which would give relief to the minister, and enable the departments to be represented here, and, equally important, it would bring into the service of the government young men and place them in training for government positions. There are many things we can learn from the mother county. I suppose some hon. gentlemen

would say I am an old fashioned Conservative. I am not; I am both a Radical and a Conservative. There are positions for young men in which they can win their spurs without imposing upon them too much responsibility. For instance Campbell-Bannerman took Winston Spencer Churchill, a young man of 26, into his government. He is in training as under secretary for the colonies, apparently for a government position.

Hon. Mr. POIRIER—Is he not a full fledged cabinet minister?

Hon. Mr. ROSS (Middlesex)—No. It is mentioned in the papers now that possibly in some of the changes that are to take place in the government he may be given a cabinet position. What I am getting at is this, that under the English system men are in training. Some of them have not yet seats in parliament. It is not an uncommon thing for sons of noblemen and men in good social position to look forward to a parliamentary career as the highest and noblest position they can aspire to, and they are educated at Cambridge and Oxford for that purpose. I remember reading a few years ago a resume of the educational standard of members of the Balfour parliament, in which it was stated that 256 members of the House of Commons had a university education. We are a new country, and we have not reached that point yet, and it is not necessarily a qualification for a seat in parliament that a man should have a university degree; but other things being equal it is an advantage and educated men are trained in Great Britain for a political career. But above that, they have a leisure class in England which we have not, and the misfortune is that no matter what attainment a man may have for a seat in this House or the House of Commons his private responsibilities are so great as to prevent his giving the time and attention he might wish to give to the work of legislation In the British North America Act, we have it declared that we follow the principle of the British constitution. That I think is in the first clause of the preamble. Now, if we are to follow the principle of the British constitution in other respects, let us follow it in this respect and let us see that some provision is made whereby ministers are relieved and young men put in training for positions in the government. This was Sir John Macdonald's view in 1887. While I never followed Sir John Macdonald, and while he did many things from which I dissented, and from which I would dissent again, yet we cannot cast aside his experience and administration. He entered parliament in the forties, I believe, and was for many years premier, and when not premier he was in every administration. One of his successors was in this House at that time; I refer to the hon. gentleman from Hastings. The view which Sir John expressed, I have no doubt, was the view of that distinguished colleague at that time, and no doubt his view still. In 1887 he introduced a Bill to establish a Department of Trade and Commerce, and reduce the number of his cabinet. Besides establishing that department, it was provided in the Bill, that there should be a Controller of Customs and Excise and also a Solicitor General. What Sir John Macdonald was aiming at was not a large cabinet, but a diffusion, an increase of administrative power, a diffusion of power, and one of the objects of introducing the Bill and making the changes which he proposed, was stated by himself in a debate in the House of Commons on the 10th June when the Bill was introduced. He said:

> By this system young members of parliament, comparatively young members who have taken prominent positions in parliament, can obtain entrance into public life, and after certain probation, if they assert themselves before parliament, they will very naturally be promoted and become cabinet ministers.

There is the English system. No doubt he was a great admirer of everything English in parliamentary practice, and constitutional law, as well as in procedure. When the Bill was in committee, he said:

> This is an attempt to reduce the number of cabinet ministers and to bring forward the young talent of this House, and to enable them to acquire training to become cabinet ministers. It is of very great importance, indeed, that men should not at once step into the more important offices of the government, and at the same time be members of the cabinet and potential in governing the political destinies of the country and the great questions connected with the Dominion as a whole.

This is the opinion, shall I say of an expert, a man whom Canada delighted to

honour, and whose memory it honours still. No better authority could be given for the resolution which I have proposed ; not only the authority of a man practically in the administration of a government as in the case of Sir John Macdonald, but the experience of England extending over many centuries ; and if it were practical, if it were considered prudent, I think our cabinet could be reduced in number and its administration enlarged . There is no virtue in the number fourteen. A premier might find himself in a better position if he had five or six or eight or ten members in his cabinet with a larger administration than in his present position. When you limit him to fourteen, you limit him to a fixed number. He must fill every department, for every department has a head; and if, as in England, it was a variable quantity, he might have twelve, as Disraeli had, or fifteen as Gladstone had, or nineteen or twenty-one, all depending upon the material available, and then the other departmental offices could be filled up by members of the administration. He could have his council, he could have his picked members. There would be picked leaders of public opinion beside him, and then he could choose many other members who were not fit for cabinet rank in the way I have stated. It is interesting—and I have made brief inquiry into it—to notice how many men have attained a distinguished position in Great Britain, who have entered, shall I say by the side door. Take Gladstone, the first on my notes. He was a junior in the Treasury Department. That was his entree into public life. Then he became Under Secretary to the Colonies, then Chancellor of the Exchequer, then premier. He distinguished himself as a junior Lord of the Treasury Department by the attention he paid to trade matters, under Sir Robt. Peel, when the Corn Laws were under consideration, and that qualified him for a higher position; and so on from step to step he gained by experience and a knowledge of public affairs the distinction of being Chancellor of the Exchequer and premier of the British empire. Take Lord Minto, our Governor General, whose experience was somewhat more limited. Private secretary to Lord Lansdowne, the Military Secretary to Lord Roberts, and then Governor General of Canada ; and it was his success in Canada as Governor General which led to the highest position in the gift of the government, Governor General of India. He could not have been appointed to that position were it not that he had shown his ability in minor positions. This process of sifting goes on in the case of English statesmen, and they are being tested before the House of Commons, as to their executive ability and knowledge of public affairs. If they can stand this test, then, like the Indian brave who has stood the torture, they are elected to a chiefship. Take Lord Stanley, the Governor General of Canada. He was Financial Secretary at the War Office. He was Financial Secretary of the Treasury Department. He was Secretary of War, then Governor General of Canada. Take the present Governor General. He was Commissioner for the State of Rhodesia, and his ability in the administration of Rhodesia earned him the appointment as a worthy successor of Lord Minto. Take Lord Roseberry. He occupied the humblest position in the empire at first—Under Secretary of Home Affairs at a salary of £1,500. Then First Commissioner of Public Works. Then Foreign Secretary, then Premier. Take the case of Sir Edward Grey, who has been a very successful Secretary of Foreign Affairs. He was Under Secretary of Foreign Affairs. His ability and knowledge in the discharge of his duties, and his knowledge of foreign affairs earned him his appointment as a suitable Secretary of State for Foreign Affairs, and that is his position now. Take the case of Campbell-Bannerman. He began at the foot of the ladder; Financial Secretary to the War Office, a minor position, carrying a very small salary. He was Secretary to the Admiralty. He was Chief Secretary for Ireland. He was Secretary of War. Step by step he climbed to the top. Take the present Lord Chancellor. He was Solicitor General, and his experience warranted his appointment as Lord Chancellor. Take C. F. Ritchie, who was Chancellor of the Exchequer ; he began as President of the Board of Trade; afterwards Chancellor of the Exchequer. Mr. Joseph Chamberlain began as president of the Local Government Board at a salary of £2,000, and

he became Secretary of the Colonies. Balfour, the late premier, began as secretary for Lord Stanley, then Chief Secretary for Ireland, and then premier. Mr. James Bryce, Ambassador at Washington, was the Under Secretary for Foreign Affairs. Then he was President of the Board of Trade, then Chief Secretary for Ireland, and afterwards Ambassador to the United States. I think I have made it very clear then, that under the British system, and I think largely because of that system, men have been first tested in minor offices, and having stood that test, their ambition became spurred, their fitness for the higher position was proven, and the higher position they attained was greatly to the benefit of the State. Gladstone might not have been found if he had not given evidence of fitness as Junior Lord of the Treasury, and so with other ministers. Now, it is said, and it was one of the objections taken to the arrangement made by Sir John Macdonald, that we in Canada would not submit to this distribution, because there would be inferior and superior members in the administration, and I think it is within the knowledge of members of this House that some men were appointed to what is alleged to be an inferior position—that is to a position not of cabinet rank, who were very much dissatisfied with their position and insisted upon promotion, and accordingly the law was changed. Now, in England there is no such idea as to the relative degrees of rank. The Duke of Marlborough will take an Under Secretaryship, although he is a member of one of the old families of England. Roseberry took the position of Under Secretary. The present premier has held a position almost similar to that. We want to break through this prejudice in regard to the gradation of office. Here it is assumed that because a man does not get a minister's salary, that therefore the position is inferior; but look at the gradation of salaries in England in the various branches of public service? Take the Lord Lieutenant of Ireland, who may or may not be a member of the cabinet. His salary is £20,000, the largest salary given, except to the Viceroy of India, as far as I know, to any member of the British service. The Lord Chancellor, although he is Speaker of the House of Lords, is content to take £10,000. I do not think that he ever quarrelled with Lord Aberdeen because Aberdeen had double his salary. Then the Chancellor of the Exchequer, who is Premier at times, receives £5,000. I wonder if his ambition is disturbed and his feelings hurt because he, who is carrying the burden of the nation on his shoulders, receives only half the salary of the Lord High Chancellor who sits in the House of Lords. The Secretaries of State receive only £5,000; the First Lord of the Admiralty £4,550; Chief Secretary of Ireland, £4,225; Postmaster General, £2,000. The Postmaster General of cabinet rank with only £2,000 seems to be a very ordinary man indeed, or his ambition cannot be very active, or he would not sit in the cabinet—and he is sometimes a cabinet officer—at £2,000, while beside him there are men receiving £10,000 and others £5,000. The Attorney General has £7,000 and fees which sometimes amount to £8,000 or £12,000. The Solicitor General receives £6,000, and fees which sometimes amount to £5,000, and the Solicitor General for Scotland only £2,000, and there are minor offices with salaries from £300 to £900. This matter of salary does not affect the dignity or offend the feelings of English members of cabinet rank, or English members of the administration. It is one of those figments which should not be considered for a moment. The question is, is the policy a good one, and is the principle a good one? What would we gain by the adoption of Under Secretaries? In the first place, we would secure the same results, I have no doubt, as they have in England. Young men fitted for administrative duties, perhaps, but not for cabinet rank, could be used. There is a great deal of talent going to waste. I have no doubt there are in the House of Commons many young men who have not had the experience necessary to be admitted to the cabinet, but who would make excellent administrators of some department; and there may be members of this Senate who are not able to give the time or the attention to the duties of a department, who could accept the less irksome duties of administration. We would then save a lot of material

which is going to waste. We would arouse the ambition of many of our young men. I know it is the case to-day in the House of Commons, that there are young men of considerable talent who say to themselves, 'There is no use, we are not going into the cabinet; there is no promotion for us in public life, we will loiter away our time in the smoking room, or perhaps in the library. Opportunities are exhausted so far as we are concerned.' There should be a spur to a man's ambition in public life at some point or another. To be graded, to be promoted from the rank of a Commoner to the rank of a nobleman, has been a spur to the ambition of many a man. You know what Nelson said before the battle of Trafalgar: 'To victory or to Westminster Abbey.' That was a spur, and it was the cry. A position in the cabinet is no doubt a spur. It is a spur to some men to get a seat in this House. Let us widen the opportunities for such a stimulus, and let us not allow men for a moment to drop their hands, thinking they have none of the qualities which would make for cabinet rank. Let us test them, sift them, try them in minor positions, and if they are found to be unfit, bring other men forward. It is a cruel thing to keep a minister during the whole of a night, perhaps, to watch estimates when an under secretary, a younger and less experienced but, perhaps, more vigorous man could discharge those duties for him, and besides it would expedite public business if these officers, or officers somewhat corresponding to those I have mentioned, were distributed between the two Houses. I see no reason in the world why a larger amount of legislation should not be initiated in this House. Has the administration of the day passed a vote of want of confidence in the Senate, when we are not entrusted with more legislation, or do they regard the Senate as an annex to the House of Commons, to be treated with indifference or with something worse? That is not the position of the House of Lords, as I have shown, because in nearly every case, taking the administration as a whole, there were as many members of the administration in the House of Lords as in the Commons. By introducing more legislation here and passing it through our committees, it would pass through the House of Commons much more rapidly than it does now. Then again, there is a procedure in the British parliament which we might very well consider. At the opening of every session in the British parliament, the chairman of the Committee of Ways and Means of the House of Commons, and the chairman of the Committee of the House of Lords meet, and divide between them the private Bills that are then on the files. The Commons takes so many, about one-half, and the House of Lords take so many, the other half, and in this way, by that interchange of legislation, private legislation is facilitated and the work of the two Houses lightened. In that respect a change could be very easily made here, and it would facilitate the business of the session. Then I think it would add to the dignity of this House if more legislation were initiated here. There is no use disguising the fact that in the public mind, or in a large section of the public mind, the Senate is not regarded as a necessary appendage to public legislation, it is considered to be exceedingly inactive—inactive because it does so little. We could not under our present organization begin work until the House had passed the address. We passed it in a day, and it took the House of Commons nearly three weeks to pass it; and all this time, under our present organization, which I will discuss at a future time, the Senate had really nothing to do. Put ministers here who will give us something to do, and when we have done our work well and to the credit of ourselves and to the benefit of the country, then give us more to do, and the result will be that public business will be dealt with more rapidly. I think it unfortunate that our sessions are being prolonged as they are. In my early experience in the House of Commons sixty and seventy days enabled us to do the work of the whole session; and I think it was fairly well done. The hon. gentleman from Hastings will bear me out that in those days there were long speeches, perhaps there were not so many as there are in the House of Commons. I do not object to that. That is their business, but I do think it is unfortunate. It interferes with the private affairs of gentlemen to be detained here for six months, a large portion of the time

being unnecessary. It prevents men with capacity from entering the House of Commons, seeing the tax there is upon their time staying in Ottawa, and if by any means the session could be shortened, life in the Commons would be less irksome. I sympathize with the hon. gentleman from British Columbia, and the hon. gentleman from Prince Edward Island, who are practically exiled from their homes three or four months in the year. It is a serious thing to themselves and their families. If we could shorten the session by a month or two we would confer a public benefit and I am sure in so doing we would not interfere with the efficiency of the public service. Then what do I propose: There should be under secretaries, or if that title does not suit, then officers corresponding to Under Secretaries in England, in six, seven or eight of the more important departments. I think there should be Under Secretaries in the Department of Railways and Canals, Department of the Interior, Department of Trade and Commerce, Department of Justice, and Agriculture, and Under Secretary of Labour, who would be attached to the Post Office Department, as it now is, and to the Department of Marine and Fisheries. That is eight departments, which I think would usefully employ the time of an Under Secretary, and allow representation in the Commons as well as here. I think we should do that to relieve ministers from the irksomeness of details. If I were to provide the title, founded upon the speech I have made, the title of the Bill would be. An Act to relieve ministers and for other purposes therein mentioned. Ministers should be relieved in order that they might give their time to larger measures of public policy. I think we would secure in that way the services of many men in public life who are now disposed to retire from it because of its irksomeness. I think it would help the Senate in being more useful, and would add to the dignity of parliament all round. I am a believer in maintaining in its utmost vigour and its utmost efficiency the parliament of this country. Any method by which its value could be enhanced, by which its usefulness could be increased, would be felt from one end of Canada to the other as a public benefaction. The cost might stand in the way according to the ideas of some people, but what would the cost be? Following the English practice, if a cabinet minister is paid at the rate of $7,000 four or five thousand dollars would suffice for an Under Secretary. Is that a matter of consequence? It is not a question to be thought of for one moment. You will spend that upon a customs house, where perhaps it is not necessary, or a post office that could be dispensed with, or a harbour, as they say in the House of Commons, where there is no water or no shipping, or in some other manner, good enough in its way, but entirely local. What I want is a little money to dispense for the good of the whole people of Canada. I have no favours to ask of any government. I have no public works, and never had any that would interest me in regard to these matters; but I have an interest in Canada as a whole, and as I have said,—and I think perhaps I have said it too often to be warranted in the course of a single speech—anything that would widen the outlook of Canadian statesmen, anything that would assist the Senate and the House of Commons in perfecting legislation, is of such primary importance that if it costs $100,000 and more, it need not be thought of for a single moment. The great fear at the time of confederation was that it would be costly, and some people in Ontario balked at confederation because they said it would add to the burden of the country. Who would go back to the early days of the different provinces, with their narrow outlook? We trembled when we proposed the construction of the Canadian Pacific Railway. Canada could not stand the burden. It was contended that we could not get money at home or abroad, and who would say now that we should go back to the days before we had it, even if it cost Canada sixty odd million? And if this House adopted this proposition, I venture to predict—although it is not wise to predict—that in a short time it will commend itself so much to both Houses and the public opinion of this country, that no government would be prepared to recede from that position in view of the experience of the Mother Country and the unquestionable urgency of the case.

Hon. Mr. SCOTT—I think I voice the feelings and views of this Chamber when I say to my hon. friend from Middlesex, that it is never necessary for him to apologize in rising to address the Senate of Canada. We are always glad to hear the beautiful speeches he makes. They are perfect gems of elocution, and they are replete with information of one kind or another. We may not agree with them all, but we must admire the industry and energy which has been exhibited in the preparation of speeches that are practically, on any subject he undertakes to discuss, a model. He exhausts and more than exhausts all views that can be expressed from the standpoint that he adopts. The notice has been on the order paper since the 11th December, and I fail to notice that it has elicited any warm approval from the press of Canada, which is supposed to represent the sentiment of the Canadian people. While I agree with many parts of his speech—and I am not now prepared to analyze it all—I must say that I do not think that the references to our position as being analogous at all with that of Great Britain are well placed, the circumstances and considerations in Canada are so widely different from those in the mother country. If one reads the speech from the Throne delivered by the King yesterday, he will find references made, not only to local and home affairs, but to affairs in Russia, Turkey, Norway and in many other countries. The British parliament practically speaks for the whole world. In the first place, there are 400,000,000 people in the British empire. Large numbers of those, 350,000,000, are outside the kingdom of Great Britain and Ireland, many of them in colonies governed practically from Downing street.

So that the conditions in that respect are widely different from those in Canada. My hon. friend has failed, in speaking of the heads of the government in Canada, to recognize the fact that part of the legislative duties that are performed by the Imperial parliament are discharged by the nine legislatures outside of the parliament of Canada. All our provinces have very wide powers that are exercised by the Imperial parliament. There are, I presume, in those legislatures at least forty-five members, all actively engaged in devising measures for the betterment of their several provinces, so that if there is a paucity at headquarters, there is an ample supply of administrators in the outside provinces. Now, I have been myself a member of governments for seventeen years, and I may say that at times I have been in charge at Ottawa, alone, my colleagues being absent from one cause or another, and I did not find the difficulties of carrying on the government of Canada so numerous as my hon. friend has painted them. Our system of government is as simple and perfect, I suppose, as any in the world; and my own view, as often expressed, is that unless you are inaugurating some new principle, as years go on new subjects must necessarily arise; but so far as administering the government of Canada is concerned, let it alone. It runs very smoothly along its current. Once money is voted by parliament, it does not require any initiation. Subjects do not arise when parliament is not sitting that require to be initiated by ministers. Great questions arise from time to time, and I admit as we grow from year to year important questions are frequently arising connected with our endeavour to cultivate trade with the United States and European countries. They are new subjects which are coming up from time to time, but the initation must proceed from the parliament of Canada. Ministers must submit their views to the two Houses and their approval must be obtained. In reference to the additional cost that the scheme of my hon. friend would involve, although it is not very large, still hon. gentlemen know very well that we are exposed even as it is to very severe strictures through the press as to the cost of administration—particularly the cost of this Senate. In some parts of the Dominion the Senate is not a popular body. That arises probably from causes I need not go into extensively; but I may say broadly that it arises from the fact that the two political parties are not more evenly balanced in this chamber. From time to time, since confederation, there have been such disturbances in the numbers occupying the position of government and opposition, that the disappointed party whose friends are in the minority in

this chamber naturally attack the Senate and complain of its uselessness. During the eighteen years that I was on the other side of the House, the number of those who took the same view as myself was constantly diminishing, until the opposition came to be little more than a corporal's guard. Naturally, the Liberals outside were very much annoyed and criticised the Senate severely, and probably in no other portion of the Dominion more constantly than in the province of Ontario. If the present government should remain in power for another term, the same condition would probably arise, and the Conservative party would necessarily condemn the Senate as a useless body. The only way you can bring the Senate up to represent the people of Canada is by giving the people a voice in its selection. I have come to that conclusion. I am not going now to elaborate the views I hold. There is a notice on the paper which will come up soon, and I can then more fitly express my opinion; but I have reached the conclusion that if we are to give this body a status in the public mind we must have recognition by the people. Governments in Canada have for many years lasted longer than governments in any other country, for the reason that our system both of federal and of provincial government is on such a simple and perfect basis that any government doing reasonably right, if they act honestly and fairly and expend the public funds that are entrusted to them as they should, the people let them alone. That is the explanation of the eighteen years of the Conservative government in Canada. It is the explanation of the thirty-two years of the government that my hon. friend from Middlesex was a member of in Ontario. That government came into existence in 1873 and remained in power thirty-two years. It is without a parallel in any part of the world that a government of so large and intelligent a population as the people of Ontario should last during so long a period. I say it is due to the soundness of the principles upon which the government is established, and if those principles are fairly and honestly carried out, the people do not care to disturb them. It is so in the federal system, and I dare say in the future just as in the past, the changes of government in Canada will be less than the changes of government in any other country. I ascribe that to the simplicity and perfection of our constitution.

Hon. Mr. FERGUSON—Might not the free use of patronage have something to do with it?

Hon. Mr. SCOTT—No. To some extent, I think, patronage is a weakness. You cannot please everybody—that has always been my experience. It is an embarrassment. For every vacancy there are ten applicants; but as there is only one office to be disposed of, there are nine disappointed men. My hon. friend from Middlesex also brought up the experience of the United States. I should be sorry to copy any part of the United States constitution. I do not think it is good taste for any member of the parliament of Canada to criticise the constitution of the United States openly or publicly; but any one who has followed legislation in the neighbouring republic and who knows the arbitrary powers exercised at times by the President, and at times by the Senate, must come to the conclusion that it is not a government in keeping with modern times. There have been occasions in the past—it is a matter of history—when the two sides. Republicans and Democrats, have united and made a plunge into the public treasury, both sides agreeing to vote appropriations of $70,000,000 or $80,000,000 for rivers and harbours, and that money has been distributed between the parties. We have not come to that in Canada. If we vote money, one side exclusively has the expenditure of it, and is subject to criticism for the way it is expended. It is not a subject I care to discuss; but I should be extremely sorry that in any particular whatever, the government of Canada should copy from the government of the United States. My hon. friend made some references to the various measures adopted by the Department of Agriculture in the neighbouring country. I think our Department of Agriculture is quite ahead of theirs, and I think our neighbours have in many instances borrowed from us. We are up to date. They are eighty millions of people, while we are only seven millions.

Relatively to the conditions, I think we are quite as far advanced in agriculture if not more advanced than they are in the United States. Of course I do not care to publicly discuss the relative merits of the administration of the departments, but my hon. friend will find that until changes have taken place in the constitution of Canada, making this House an elective body, the sense of the people of Canada will be adverse to the line of action he proposes. So far as this House needing information on measures that come before it which originate in the other House, we all read the morning 'Hansard.' We know everything that is going on in the other chamber. Measures that originate there are pretty well threshed out before they come to us. No doubt we improve many of them, but we are perfectly familiar with the details of them. I do not see that an official of any department could give us additional information. Now, as to the measures that originate in the other chamber, we have comparatively few very important measures to introduce at any one session. About every ten years we make some amendments to our Bank Act. We do not in the meantime touch it, as a rule. We have now a Bill to amend the Insurance Act. For many years we have not touched it. Our proposal to inquire into it to ascertain if any improvements can be made to the measure are due entirely to causes that arose outside of Canada. Now, with regard to these two acts, it is quite natural that the minister who has control of those branches of the public service should claim the right to present them to the other chamber. The Finance Minister is the head practically of the insurance branch. He has to do with the banks of the country, and therefore it would seem only proper and regular that legislation affecting those two branches of the public service should be originated in the Commons. This chamber, of course, has ample opportunity to make any changes or amendments or alterations it sees fit. Then take the land Act. That is under the control of a minister in the other chamber. I doubt if the people would be satisfied if the representative of the land branch of the government of this country occupied a seat in this chamber.

Hon. Mr. POWER—He did at one time.

Hon. Mr. SCOTT—I do not think it would be considered by the people as being in touch with popular sentiment that a minister in the Senate should have control of such an important branch. He should be a minister endorsed periodically by his constituents. He has to be criticised by the representatives of the people, and, therefore, it is only reasonable that he should occupy a position in the elected chamber. In speaking of the constitutional changes that I think will have to be evolved in the near future—I do not now foreshadow them, but I have my own views and shall be glad to submit them at the proper time—it is quite apparent if you are going to have satisfaction and peace and rest in this country in regard to the constitution, that the larger portion of this body will have to get their warrant from the people. Of course, it will in no way affect gentlemen who are here already. Therefore they are absolutely disinterested in discussing the subject; their seats will not be in jeopardy. They will occupy just as strong and good a position if a few elected members were present in this body as though there were none, because any changes that may take place can only be made gradually from time to time. No one would think it wise or prudent to evolve a proposal which would mean a very large change at any one time. Whatever change does take place must be gradual from year to year. I express no opinion for the government on this subject, because I may say it has never been discussed—never really been regarded as a practical question. The press do not seem to so regard it, because although this notice has been on the order paper for some weeks, I fail to see that the leading papers of Canada have expressed an opinion either for or against it, and it does not strike me as being really a necessity. However, I am open to conviction. My hon. friend so eloquently, ably, and earnestly expressed the views he entertains that one would be glad to be captured by such an able advocate of any new principle. I shall be glad to hear the views of other hon. gentlemen on the subject.

Hon. Mr. LOUGHEED—We are under an obligation to the hon. member from Middlesex, so far as the discussion of this question, and the suggestions he has made are concerned. I cannot, however, say that I am entirely in favour of the proposal he advances. It involves many considerations, but it would appear to me from the anxiety of my hon. friend to improve the usefulness of this Chamber, that he is disposed to suggest a very radical change, and one very questionable to carry out the purpose he has in view. We are indebted to the hon. gentleman for the various suggestions he has made from time to time and particularly his able speech during the present session on the question of Senate reform. It occurs to me although I am not to be now drawn into the discussion on that question that the crux of the whole matter lies in the suggestion which he then made and elaborated to some extent namely, that there is not a sufficiently large cabinet representation of the government in this Chamber. Without casting the slightest reflection upon my hon. friend who has so ably led the Senate for many years, or upon the minister associated with him, yet there is a deep seated conviction in the country as it must be in the mind of every member of this House, that the usefulness of the Senate must be in the ratio of the government representation on the floor of this Chamber. As time goes on this must necessarily be more deeply impressed upon the minds of members of this House. Of course, if the government of the day persist in ignoring the duties, the functions and the influence which should be exercised by the Senate, by not giving us a proper representation of cabinet ministers in this branch of parliament, such representation as it possessed years ago, the Senate must gradually lose the influence which it has exercised, and must appear in the public mind as simply a cypher. The whole matter is in the hands of the government. So long as they persist in pursuing the policy they have followed during the last eight or ten years on this subject, so long will there be public dissatisfaction with this Chamber. This phase of the subject has impressed itself upon my hon. friend from Middlesex. Naturally growing out of that, the question arises how, under present conditions, may the government be better represented in the Senate. I do not think the difficulty will be overcome by the proposal he has made. Let us assume that eight under secretaries are appointed; have we any assurance that the government would not continue its present policy towards the Senate? The very argument which has been made use of by the leader of the House would be applied to the proposed reform; namely that those under secretaries would represent popular opinion, and alleged popular opinion must be gratified by placing them in the House of Commons. In my judgment, the business of Canada can be very well transacted by the government as it is constituted to-day. I regret that my hon. friend from Middlesex, before taking up this subject, did not proceed with the intimated notice he is to give with reference to reforming the civil service. The whole trouble in my judgment is that ministers of to-day are so occupied with questions of patronage, owing to our faulty civil service system, that the public business is neglected and sacrificed. The first consideration is the promotion of party interests, and the bestowal of patronage occupies more of the time of ministers than the business of the country does.

Hon. Mr. SCOTT—Oh, no.

Hon. Mr. LOUGHEED—My hon. friend's statement a few moments ago establishes this beyond question. He referred to occasions when he was left alone in Ottawa to administer the government of Canada, and he said he was equal to doing it alone, when all of his colleagues were absent from the capital. If he was able to bear that responsibility alone, and discharge the duties of the government to the satisfaction of the people of Canada how was the time of his colleagues occupied? Does it not establish beyond controversy that the time of these gentlemen must be occupied with matters foreign to the essential business of statesmanship within the Dominion? My hon. friend also mentioned in vindication of the course that has been pursued by the government, namely: of denying proper cabinet representation in this House, that all we had to do in the Senate is to read Hansard, and that would give us all the necessary information without any govern-

ment representation more than we have at present. My hon. friend and his colleague might as well absent themselves from this Chamber and allow us to depend altogether on the information to be obtained from 'Hansard.' There is not a member of this House but feels the humiliation of asking from time to time for information which is essential to the proper discharge of his duties and of the functions of the Senate, without being able to get it from the representatives of the government upon our floor. We are perfectly satisfied that my hon. friend exercises every human effort to secure satisfactory information, but it is manifest from day to day that it cannot be obtained.

Hon. Mr. LANDRY—Hear, hear.

Hon. Mr. LOUGHEED—There is scarcely a notice of motion on the Order Paper this session that has been satisfactorily answered. My hon. friend the Secretary of State is placed in the humiliating position every day of being obliged to apologize for his inability to furnish information demanded by this House, and yet he undertakes to justify the policy of the government in giving such small representation of the cabinet in this House. I do not make these observations for the purpose of being censorious, or to minimize the force of the views of my hon. friend from Middlesex, because they are well worthy of consideration; but I feel satisfied that the end he has in view would not be attained by adopting the proposal he has so eloquently submitted to the House.

Hon. Mr. McMULLEN—I wish to express my sincere gratitude and my admiration for the very able address delivered by the hon. senator from Middlesex. He has well outlined the subject he has presented to us. We know that it takes time and agitation to bring about any reform. This is the first time in the history of Canada that a subject of this kind has been broached by any member of either House, and I have no doubt that before many years the government will come to the conclusion that, after all, there is more in the subject that our esteemed friend from Middlesex has introduced than was recognized at first. To a large extent, I agree with the hon. leader of the opposition in what he has said about the civil service. We condemned the unfortunate position of the civil service for years while we were in opposition in the other House; yet, notwithstanding the fact that the present government have been in office for over ten years, no legislation has been introduced to put our civil service on a solid footing. It may be because they are overloaded with other work.

Hon. Mr. POWER—There is a commission which is about to submit a report on which, I hope, legislation will be founded.

Hon. Mr. McMULLEN—Still I am right in saying that no such Bill has hitherto been introduced. Year after year in the estimates we find appropriations made 'notwithstanding anything in the Civil Service Act.' This happened under the former government, and it is happening under the present government, and yet no effort has been made to put the civil service on a proper and substantial footing. If vacancies were filled by promotion, or in some other way than by the present system, the government would not be worried and annoyed constantly by applicants for all kinds of positions. I believe one-half of the time of each minister of the Crown is taken up receiving deputations and listening to urgent appeals from members supporting the administration, for appointments of all kinds. Now, if we had a proper Civil Service Act, whereby our civil service would be placed in a position similar to that of the civil service of England, or even of the United States, there would be a decided improvement, and I hope the government will be able to give their attention to that matter soon. If we had under secretaries, the probabilities are that the matter would have been attended to long ago. Something has been said about the expensiveness of such a system if it were introduced, and the hon. Secretary of State objected very pointedly to our copying anything from the United States constitution. I am very sorry that we have copied so much from them. I am very sorry that the government allowed themselves to be driven into appointing a commission to investigate the life insurance

business of this country, simply because the State of New York had gone into the same thing and crippled virtually the whole life insurance business of that state. Now, our government appointed a commission—why? Not on account of any rottenness in the life insurance business of Canada. Not a single life insurance company in Canada has failed to pay its obligations in fifty years; yet simply because the State of New York had gone extensively into a criticism of its life insurance companies, we have plunged into the expense of a commission which will cost the country probably $300,000. I have no doubt the government were honest and sincere, that they were anxious to thoroughly investigate the life insurance business of Canada. If we had had an under secretary to the Department of Finance who thoroughly understood everything connected with life insurance in Canada, the probabilities are that that commission would never have been appointed, and that large expenditure of money would have been saved. There would not have been a necessity for it.

Hon. Mr. POWER—Would this Under Secretary, who would have to cover a great deal of ground, be likely to know more about insurance than the superintendent of insurance?

Hon. Mr. McMULLEN—He might. The superintendent of insurance is entirely under the direction, no doubt, of the Minister of Finance.

Hon. Mr. POWER—So would the Under Secretary be.

Hon. Mr. McMULLEN—But the Minister of Finance is loaded up with an enormous amount of work which prevents him giving that personal attention to it that would be given by an Under Secretary. If he had an Under Secretary, who would give his personal time and attention to the consideration of these things, he might have a knowledge of these matters. I say from my experience—and I think my experience is perhaps nothing different from the experience of others—if you go to see any of the ministers, you find them so busily engaged that you cannot have ten minutes with them. They are loaded up with work. I have on frequent occasions gone to see ministers and could not get near them. You might sit for two hours with a row of men waiting to get an interview, and you had to wait till your turn came. I have gone to the Minister of Justice, who has been referred to in connection with this matter. He is now Chief Justice of the Supreme Court of this Dominion. I have waited for hours, and after all, when I was admitted into his presence, he said: 'I can only give you two or three moments, I am just going to council, I have no time to talk over these matters now.' I say that representatives of the people should not be subjected to those experiences. They should get an opportunity of presenting their views, and if the system proposed by my hon. and esteemed friend was adopted, if you could not get the chief you could get the Under Secretary before whom you could lay your case and in that way you would receive attention. For my part, I do not profess to be able to judge as to whether the system we have heard outlined would on the whole be desirable; I cannot say. I am favourably impressed with the speech of the hon. gentleman. I think he has clearly pointed out that some change is necessary, and I think so myself. This House certainly should do more work than it is doing. Talking about the press of the country. I take little stock in the press—just as little stock as they take in us. The public press do not appear to take any interest in the Senate. Posssibly it is because we are not elected, and have not to appeal to our constituency and stand the test of public opinion in that way, but I do not know. The press has ceased to take any interest in the Senate just because they think the Senate is not worth taking any interest in. The better way is to endeavour to make ourselves felt in future by taking a stand with regard to public matters that will draw the attention of the press. With regard to the proposition of the hon. Secretary of State as to this House being elected, I know that unquestionably it is the popular view to take. Certain sections of the electors of this country think the Senate should be abolished or made elective. I do not know that you are going to accomplish any great good if you do make it elective, although it would be the popular move to make if any change is made at all. I am

satisfied it will receive the endorsement of the electors to elect all men who represent them in parliament, and if we are to retain the second chamber they would like to have the opportunity of judging of those men who shall occupy seats in it. No doubt about that. It is the popular view to take; but whether in the interests of the country it is the best view, I am not persuaded. I believe that under the system that has been in vogue since confederation, if it were properly administered, a great many desirable men could be brought into this House who would never contest a seat, who have not the time nor the desire nor the ambition to seek a constituency and go through all the turmoil and worry that men have to go through in order to get a seat in parliament; and an election for a seat in this House will be more arduous than in the other, because the term will in all probability be longer, and the constituency larger. The longer the term and the larger the constituency the more onerous and trying will be the experience of the man who seeks the position. I do not know that it would be any better. My impression is that if the present system were properly administered, this Chamber would do as efficient work under the present organization as it will do if it is made elective.

Hon. Mr. FERGUSON—I rise to a point of order. The motion before the House does not deal with the constitution of the Senate, and all these remarks are clearly out of order because they are dealing with a subject that is not before the House. We have another motion which deals with it.

Hon. Sir MACKENZIE BOWELL—The hon. member is only following the leader.

Hon. Mr. McMULLEN—I am replying to the hon. Secretary of State. My hon. friend should have been here and called the Secretary of State to order. My hon. friend from Middlesex has launched his bark very eloquently and ably in connection with this matter. It is hard to say what reception it may get, in the country and in the press, as the hon. Secretary of State has said; but after all, very often small things rise to become important matters. A cloud not larger than a man's hand may bring on a terrific storm in a very short time, and it is hard to say what the seed sown to-day on this question may bring forth before many years.

Hon. Mr. POWER moved the adjournment of the debate until Wednesday next.

The motion was agreed to.

MICHEL SIMEON DELISLE.

INQUIRY.

The orders of the day being called:

By the Hon. Mr. LANDRY:

That he will inquire of the government—merchant, and, since 1900, member of the parish of Portneuf, in the county of Portneuf, merchant, and, since 1.0) member of the House of Commons, at any time after the general elections of 1896, received any sum of money whatsoever coming from the federal treasury?

2. If so, when, how much, and for what object at each time?

Hon. Mr. SCOTT—This question would involve an inquiry from all the departments, and it is quite impossible for me to have a thorough search made in them all. If the hon. gentleman moves for an order of the House it will go through the routine and be sent to all the departments, and in that way the information will be obtained; but it would be impossible otherwise to furnish specific information unless the hon. gentleman would give me some clue.

Hon. Mr. LANDRY—With the consent of the House, I will make this an order of the House.

Hon. Mr. SCOTT—Yes, it can be transformed into a motion for a return.

REJECTION OF BILLS BY THE COMMONS.

MOTION.

Hon. Mr. ROSS moved:

That an order of the Senate do issue for a return showing: 1. Title of each Bill by years sent by the Senate to the House of Commons, from 1867 to 1907, inclusive, that was (a) amended by the House of Commons, or (b) rejected.

2. Title of each Bill by years sent up by the House of Commons to the Senate, from 1867 to 1907, inclusive, that was (a) amended by the Senate, or (b) rejected.

3. The total number of Bills for each year as above to be tabulated in four periods, (a) 1867 to 1873, inclusive; (b) 1874 to 1878, inclusive; (c) 1879 to 1896, first session, inclusive; (d) 1896 to 1907, inclusive.

The motion was agreed to.

CIVIL SERVICE INSURANCE RETURN.

Hon. Mr. FERGUSON—Before the orders of the day are called, I desire to direct the attention of the House to a matter to which I referred some days ago with regard to the return which the law requires to be laid before this House within thirty days after the House meets respecting civil service insurance. I asked my hon. friend a week or so ago with regard to it, and he said he would call attention to it. I desire to read the law on the subject, in order that the House may know how we are treated. Last year this matter was up and it was found that this return had been submitted to the House of Commons and had not been submitted to the Senate, and after many strong expressions on the subject, the return was brought down. The Civil Service Insurance Act of 1893, section 17, reads as follows:

> The superintendent of insurance shall, within three months after the close of each fiscal year, prepare for the minister a statement showing the amount received for premiums during the last fiscal year for all insurance contracts entered into previous to the said date, the amount of all sums paid in connection therewith during the said period, also the number of new contracts entered into since the previous statement, and the gross amount thereof, with such further details and particulars as are deemed advisable.
>
> The minister shall lay the said statement before parliament within thirty days after the commencement of the session thereof next after the date of the said statement.

On the 30th July it had become the duty of the superintendent to prepare the statement for the minister. I cannot imagine it has not been prepared. Within thirty days after the meeting of parliament, it was the duty of the minister to lay this return before parliament, and still we will have to go on begging and pleading for it, because we have not got it, and we are treated with absolute contempt.

Hon. Mr. SCOTT—My hon. friend is rather unfair. I cannot know everything that would have to be laid on the table. When my hon. friend asked about it, I applied to the department for it, and they said it had not been printed. I said, 'Surely you have made a copy of it,' and they said they had, and I said 'make me a copy,' and they said they would, and I got a copy, and I will lay it on the table to-morrow. I called their attention to the fact that it was improper and wrong not to prepare it in the early part of the session.

Hon. Mr. FERGUSON—Why is the law disregarded?

Hon. Mr. SCOTT—It is very wrong. When my hon. friend called attention to it, I drew the attention of the department to the matter, and they prepared the copy. I will lay it on the table to-morrow.

Hon. Sir MACKENZIE BOWELL—I am surprised that the hon. gentleman from Marshfield is disappointed that the provisions of the law should not be carried out, when we consider the conduct of the government in the past. I remember calling attention to a flagrant violation of the law with reference to the coasting trade. The answer my hon. friend gave was that they considered it in the interests of the country to do it, and they did not care what the law was. I do not see why he should be surprised that whenever the opportunity presented itself, or they thought they could gain a little public eclat with certain people, they treated the law with contempt.

Hon. Mr. SCOTT—I can scarcely believe I was guilty of so gross a discourtesy.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman will see the reply he made in the Debates—that it was in the interests of the country that permission had been given for the coasting, though it was directly contrary to the provisions of the law; but because he thought it was in the interests of the trade at the time, it mattered not what the law was—or words to that effect.

Hon. Mr. SCOTT—We are revoking orders in council which were made during the time my hon. friend was in the cabinet, and some more recent ones, giving the privilege to foreign countries to coast along our territory.

Hon. Mr. LOUGHEED—The occasion referred to was when the foreign bottoms came into Fort William and Port Arthur, shipping grain to other Canadian ports outside of those ports.

Hon. Sir MACKENZIE BOWELL—There is no order in council setting aside

the law as it existed in the statute-book. The law regulating the coasting, so far as it affected wrecking, was changed after the deputation returned from Washington, when mutual arrangements were made on this subject; but that was done by parliament and not by order in council.

BILLS INTRODUCED.

Bill (16) An Act respecting the South Ontario Pacific Railway Company.—(Hon. Mr. McMullen.)

Bill (22) An Act respecting the McLeod, Carson and Montana Railway Company.—(Hon. Mr. Talbot.)

Bill (34) An Act respecting the Lindsay, Bobcaygeon and Pontypool Railway Company.—(Hon. Mr. McHugh.)

Bill (39) An Act respecting the Kamloops and Yellowhead Pass Railway Company.—(Hon. Mr. Bostock.)

The Senate adjourned until 3 o'clock tomorrow.

THE SENATE.

OTTAWA, FRIDAY, January 31, 1908.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

FRENCH REPRESENTATION IN THE SENATE.

INQUIRY.

Hon. Mr. LANDRY inquired:

Is it the intention of the government to work at the reform of the Senate by giving that branch of parliament a completer and juster representation in the executive, and to the summoning to such representation men belonging to the French element of the Dominion?

Hon. Mr. SCOTT—The distribution of ministers between the House of Commons and the Senate depends entirely upon the existing conditions. At present it would be very inconvenient to meet the views expressed in this inquiry. It would involve members of the government in the other House who represent constituencies, resigning and accepting a senatorship, and there is not one vacant at the present in the province of Quebec; therefore the proposition is not susceptible of being carried out. There were times in this chamber during the period from 1874 to 1878, when I had the satisfaction of having a French colleague, at one time Letellier de St. Just, and again Hon. Alphonse Pelletier; then I think in the succeeding government for some years there were only two English speaking ministers, if my memory is correct, Sir Alexander Campbell and Hon. Mr. Aikens, and changes took place from time to time during the eighteen years. Sometimes there was a third member here, who was usually a member without portfolio. So that there is no rule about it. I am advised by some one who has a better memory than I have, that Hon. Mr. Angers was here for two or three sessions, but during the other years there was no French minister.

Hon. Mr. LANDRY—Hon. Mr. Desjardins was minister while in the Senate.

Hon. Mr. CASGRAIN—He ran and was defeated.

Hon. Mr. SCOTT—The time will come when there will be a French minister here, I cannot say the period. As varying conditions occur in political life, no doubt there will be times in the future as there have been in the past when there will be a French minister in the Senate.

Hon. Mr. LANDRY—I suppose the memory of my hon. friend serves him better in regard to matters which happened a long time ago than in regard to recent events.

Hon. Mr. LOUGHEED—Would my hon. friend say to what proposal he alluded in the early part of his remarks? I took these proposals to refer to some measure contemplated by the government which is to be brought down and under which this representation possibly might be given.

Hon. Mr. SCOTT—Oh, no.

Hon. Mr. LOUGHEED—To what proposals did my hon. friend allude?

Hon. Mr. SCOTT—I did not make any proposals. As nearly as I can recollect, what I said was that the distribution of members of the government in the House of Commons and in the Senate depended

on the conditions which existed at the time; that if it became necessary to have a minister from the province of Quebec speaking the French language, in the Senate, it would involve a minister in the other chamber resigning his seat in the House of Commons. I do not think that would be good, sound policy. I said that in the past, conditions had from time to time changed, and that when I first had the honour of holding a seat in this chamber on the government side, in 1874, and for some years later, that I had the pleasure of a French colleague, Hon. Mr. Letellier de St. Just, for a year or two. He became Lieutenant Governor, and later on Hon. Alphonse Pelletier occupied a seat here. In 1878 or 1879, when the government changed, and for some years after, as far as my memory goes, there were two English speaking gentlemen, Sir Alexander Campbell and Hon. Mr. Aikens, and that it was only at a more recent period, and then for a comparatively short time, that there was a French gentleman who represented the French element from the province of Quebec who had the honour of a seat in this chamber.

Hon. Mr. LOUGHEED—My hon. friend is not possessed of very great fertility of resource, otherwise it might readily occur to him that the difficulty is not so formidable as he has endeavoured to point out. On former occasions we have had hon. gentlemen occupying positions in this chamber representing the government without portfolio. I would refer my hon. friend to the present Minister of Inland Revenue, who for a number of years represented the government on the floor of this House without portfolio; but if hon. gentlemen on the other side who represent the province of Quebec are so obedient as not to press their claim for cabinet representation on the floor of this House, of course I suppose the House will submit to it. But I would point out to my hon. friend that with very great propriety and great service and acceptability to this Senate, there are French speaking senators from the province of Quebec who, without portfolio, could very well represent the government here and be of great service in the transaction of the public business in matters which are not properly transacted now.

Hon. Mr. SCOTT.

APPOINTMENTS TO THE SENATE.

MOTION.

Hon. Mr. WILSON, in the absence of Hon. Mr. Domville, moved:

That an order of the Senate do issue for a return showing the appointments to the Senate from confederation, with date of appointment and date when they ceased to be senators.

Hon. Mr. POWER—I assume that the hon. gentleman from Rothsey wishes that return to include those who were appointed at the time of confederation also. In order to make their return complete they should be included.

The SPEAKER—It is from confederation.

The motion was agreed to.

THE LIEUTENANT GOVERNORSHIP OF QUEBEC.

INQUIRY.

Hon. Mr. LANDRY—Before the orders of the day are called, I would ask the government if anything has been done to appoint a successor to the Lieutenant Governor of the province of Quebec, whose term of office expires to-day? To-morrow will be the first day of a third term for the present Lieutenant Governor, or the first of a term of a new Lieutenant Governor for our province. I suppose the government has taken some steps in the matter. In 1903 the present Lieutenant Governor was continued in office by an order in council, dated the 1st of February, but it was only made public in July. Perhaps there is an order in council passed to-day, and we should like to hear what it is before July or September next. I suppose the government have done something, and I think they should take us into their confidence.

Hon. Mr. SCOTT—I am much obliged for the information. I was not aware that the term of the Lieutenant Governor of Quebec expires to-day. I think the constitution will take care of the extension of the term, if the government neglect it.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman has forgotten the contention

of the late Minister of Justice when in this House, that they had no authority to continue any one in the office of Lieutenant Governor without a new appointment. What my hon. friend from Montmagny wants to know is, if the government propose to give the present Lieutenant Governor of the province of Quebec a third term, or whether that has been considered. Perhaps the hon. gentleman will reply that the matter is receiving serious consideration.

Hon. Mr. SCOTT—I am sorry to say that I cannot give that reply on this occasion, because it has not been considered—it has not been referred to.

Hon. Mr. LOUGHEED—Perhaps the government is waiting until the Republican convention in the United States decides whether the third term of Roosevelt will establish a precedent.

DESTITUTION IN TORONTO.

Hon. Mr. POIRIER—Before the orders of the day are called, I wish to draw the attention of the House to the following despatch which appeared in yesterday's 'Evening Journal':

Hundred babies starved to death.

A terrible tale of suffering in Toronto. Many mothers also are destitute and starving.

Toronto, January 30.—Over one hundred babies have starved to death in Toronto since New Year's day.

Within the last twenty-four hours, said Miss Cook, bible woman of the Nursing-at-Home, Toronto Mission Union, in an interview, 'the nurses have had eight cases of little ones in a starving condition. In every case the fathers are out of work.'

The reports of the nurses show that an appalling condition of absolute want obtains. In all her twenty-two years of experience in the work in Toronto, Miss Cook states, there has been nothing to approach it. Since the ones have perished from starvation, or from the fact that their mothers were starving, in this city of good works and great opportunities.

This is a distressing affair. That any city of Canada should allow children to starve would be shocking, but to hear of such a state of things in Toronto is appalling. How does it happen that the city of Toronto, which so very justly enjoys the reputation of being our banner city for religion and good morals and everything that goes towards making a Christian city, has in its decalogue forgotten to include the first command, which is to be charitable. I remember that when I was young I was taught to put away a cent or postage stamp to be sent to China for the relief of children in the desolate condition that these children in Toronto are in. I think it is a case which should appeal to the present government. They should come to the rescue of those starving and dying people. Would it not be proper for us to add to the list of standing committees, already possibly long, that my hon. friend from Middlesex proposes, a standing committee to look after the starving ones in the city of Toronto?

THIRD READINGS.

Bill (24) An Act respecting the West Ontario Pacific Railway Company.—(Hon. Mr. McMullen.)

Bill (26) An Act respecting the Manitoba and Northwestern Railway Company of Canada.—(Hon. Mr. Watson.)

Bill (13) An Act respecting the British Columbia Southern Railway Company.—(Hon. Mr. Bostock.)

Bill (14) An Act respecting the Campbellford, Lake Ontario and Western Railway Company.—(Hon. Mr. Beith.)

Bill (15) An Act respecting the Esquimalt and Nanaimo Railway Company.—(Hon. Mr. Bostock.)

OCCIDENTAL FIRE INSURANCE COMPANY BILL.

SECOND READING POSTPONED.

Hon. Mr. WATSON moved the second reading of Bill (B) An Act respecting the Occidental Fire Insurance Company.

Hon. Mr. LANDRY—I call attention to the fact that items six to twelve on the Order Paper are not printed in English.

Hon. Mr. WATSON—They are printed in French.

Hon. Mr. LANDRY—But not in English.

Hon. Mr. WATSON—We are not objecting.

Hon. Mr. LANDRY—I claim the right to have them printed in English, as well as in French.

The SPEAKER—Does the hon. gentleman object to the second reading on that ground ?

Hon. Mr. LANDRY—Certainly.

The SPEAKER—Is it the pleasure of the House that items six to twelve on the order paper stand adjourned until Tuesday next ?

Items six to twelve on the order paper were allowed to stand until Tuesday next.

Hon. Mr. WATSON—The hon. gentleman is mistaken, as far as this Bill is concerned. I have the English copy in my hand.

The Senate adjourned until Tuesday, February 4, at three o'clock.

THE SENATE.

OTTAWA, Tuesday, February 4, 1908.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

APPOINTMENT OF LIEUTENANT GOVERNOR OF QUEBEC.

INQUIRY.

Hon. Mr. LANDRY—Before the Orders of the Day are called, I should like to call the attention of the government to a despatch which appeared in the 'Toronto Globe,' sent from the capital, and which reads as follows :

Sir Louis Jette.—Government have no intention of appointing new governor.

(Special despatch to the Globe.)

Ottawa, February 2.—It is not the intention of the government to take any action, in the near future at least, looking to the appointment of a new lieutenant governor for Quebec, to replace Sir Louis Jette, whose second five-year term as lieutenant governor has just expired. According to the statute a lieutenant governor continues in office until a successor is appointed. The government see no reason why Sir Louis should not continue to represent the Crown at Quebec.

I would ask the government whether there is any truth in the statement given to the Liberal papers of the country, and which was refused this House on Friday last ? I do not see why the papers should be taken into the confidence of this government, and why the Senate should not be taken into their confidence, and why public statements of that nature should be given to the press without being given to parliament. The hon. leader of this House gave us an assurance the other day that nothing had been done; that the matter had not been taken up, that no one had thought of it. Really if that is the case, this despatch is altogether erroneous. If not, the leader of the House does not know what took place in council.

Hon. Mr. SCOTT—I made a statement the other day, which I thought the House was bound to accept. I do not think that I am to be held responsible, or that any member of the government is to be held responsible for what appears in the press. They naturally draw their own inferences. The reporters are pretty clever men. They have to keep the public supplied with news, and, naturally, will invent, where they have not the actual facts. One cannot find fault with them. It is not open to criticism. No one believes the papers are the Bibles of this country. They are generally in advance of public opinion. But I made a statement in this House which this House has accepted, and which they should accept as true. The matter has not been thought of.

WESTERN ALBERTA RAILWAY COMPANY BILL.

FIRST READING.

Bill (K) An Act respecting the Western Alberta Railway Company.—(Hon. Mr. De Veber.)

Hon. Mr. FERGUSON—Before this Bill is read the first time, I should like to know whether it deals with a new railway, and if so whether it contains the declaration that that work is for the general advantage of Canada ? It is only at the first reading of a Bill that we can put the rule into operation on that point, and, therefore, when a member introduces a Bill he should tell the House whether it contains this declaration or not.

The SPEAKER—This Bill is for an extension of time.

The Bill was read the first time.

THE BOUNDARIES OF MANITOBA.

INQUIRY.

Hon. Mr. BERNIER—Before the Orders of the Day are called, I should like to inquire of the leader of the government if we may expect at an early date the introduction of a Bill respecting the boundaries of Manitoba ? It was foreshadowed in the speech from the throne, and I should like to know when the government will be prepared to submit the Bill.

Hon. Mr. SCOTT—It will come down in due season. As we all know, the House of Commons is fully occupied just now, having a pretty large bill of fare. They really have not got through anything yet, having been occupied in discussing the French Treaty, the Insurance Bill and other important matters.

The Bill relating to the boundaries of Manitoba will come in due time.

Hon. Mr. FERGUSON—Then why should it not be introduced in this House ?

Hon. Mr. LOUGHEED—May I ask my hon. friend if any negotiations have taken place between this government and the government of Manitoba respecting the extension of those oundaries?

Hon. Mr. SCOTT—None very recently. Within a few days, a petition has been sent in. I do not know whether it has been circulated among the senators. It gives the reasons for the extension of the boundary both eastward and northward. Beyond that I am not aware that there has been any recent correspondence.

Hon. Mr. LOUGHEED—A few weeks ago, in a debate which took place in the Manitoba legislature, a statement was made on the responsibility of the government that the Dominion government had absolutely ignored the claims of Manitoba—had not discussed the question with them, and, in fact, had refused to consider the various representations made from time to time as to the extension of their boundaries. I understand, inferentially, from what my hon. friend says, that a Bill is in course of preparation, and will be introduced at an early period, dealing with the boundaries of the province.

Hon. Mr. SCOTT—I have not read the debate to which the hon. gentleman has referred. It has not been called to my attention. The matter was brought up at the time the Manitoba representatives were here in connection with the increase of the indemnity. There were reasons why, at that time, the government did not see their way to increase the boundaries; but it had not been lost to view. Manitoba has not been suffering to any extent, and will come, in due time, to its fair share of the lands. They are trying to make a grievance of it nevertheless.

Hon. Mr. LOUGHEED—Constitutionally this government would not have a right to introduce a Bill extending the boundaries of Manitoba unless negotiations had taken place with, and the consent obtained of the government of that province on the subject.

Hon. Mr. SCOTT—For eighteen years the government of my hon. friend ignored the extension of the boundaries of Manitoba, and gave them a very small slice. While they were about it, they might as well have given a reasonable extension. We have not noticed that Manitoba is suffering any serious disadvantage in the interim. She will get her proportion of the vacant lands in due season, I hope this session. I do not know that anything will interfere with it this session. Whether it come a week, or a fortnight, or a month hence makes no difference, and it will be assented to, I think.

Hon. Mr. BERNIER—Then we may go on for all time to come without an extension of the boundaries.

Hon. Mr. FERGUSON—In view of the statement made by the hon. senator from Calgary on the authority of the government of Manitoba, is it the intention of the government to hold further correspondence with the government of Manitoba before a Bill is introduced ?

Hon. Mr. SCOTT—I do not think so. I do not see any grounds or necessity for it.

Hon. Mr. FERGUSON—Is the statement correct that the Manitoba government has not been consulted ?

Hon. Mr. SCOTT—I am not aware. I did not pay any attention to the statement. All I say is that the policy of the government is to extend the boundaries of Manitoba north, and the matter will come before the House in due season.

SURVEYS OF PUBLIC LANDS BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (9) An Act respecting the surveys of the Public Lands of the Dominion, and the surveyors entitled to make such surveys. He said: As hon. gentlemen know, the surveys of lands in the Northwest have been governed by part of what is called the Dominion Lands Act. The first eighty sections of that Act are nearly all taken up with directions as to the mode of surveying and the qualifications of surveyors. Last session the Interior Department decided that it would be more convenient for them if the two subjects were separated; that is, if a Bill were introduced confined entirely to the classification of the surveyors, their mode of examination, their time of service and mode of making surveys. A Bill dealing with the subject was introduced and went through both Houses. At the same time a sister Bill regulating the Dominion lands was about being introduced, and it was supposed the two would have gone through concurrently. After the Bill had passed both Houses, the Interior Department changed its policy in reference to the Dominion Lands Act, and so no action was taken. An Act was then put through which repealed the Act we had passed in the early part of the session affecting the question of surveys and Dominion land surveyors. The object of the present Bill is to lay down the principle on which the land shall be surveyed, the qualifications of surveyors, the length of time that the clerks will be indentured, the examination to which they shall be subjected, and various questions of that sort. I do not know that there is anything controversial in the Bill. It provides that surveyors from outside countries who have passed examinations where the test was equal to that of the Dominion—take New Zealand and Australia—that surveyors from those countries might obtain authority to survey Dominion lands. The changes that are in the present Bill compared with the law are practically only verbal, and it would be more convenient to point out any change when the Bill is in committee. There is no new principle involved in it; it is simply codifying the law and making it a separate Act, apart from the Dominion Lands Act.

Hon. Mr. FERGUSON—May I ask my hon. friend whether the Bill that he is now presenting to the House is materially different from the one which this House passed last year, and afterwards repealed?

Hon. Mr. SCOTT—No, I do not really think there is any difference.

Hon. Mr. FERGUSON—It is practically the same Bill—verbatim?

Hon. Mr. SCOTT—Yes.

Hon. Mr. FERGUSON—I understood as a reason for our repealing the Act, which we did last year after having passed it, was because the government had laid aside for the time being their Dominion Land Act, which was the handmaid of the Surveyors' Act.

Hon. Mr. SCOTT—That is correct.

Hon. Mr. FERGUSON—Has the governmen, up to the present time, introduced their Dominion Lands Act in the House of Commons or here?

Hon. Mr. SCOTT—I am quite unable to answer my hon. friend on that point. I think the Department of the Interior are now considering it, and they have not yet come to any conclusion on the subject. This Bill will be independent of that at all events, when it does come down.

Hon. Mr. FERGUSON—We may be put to all the trouble of passing this, and be again called upon by the government at the end of the session to repeal it.

Hon. Mr. SCOTT—No, I will give an undertaking we shall not have to repeat that folly.

Hon. Mr. LOUGHEED—May I ask my hon. friend for information with a view to being able to discuss this more intelligently when we reach it at the committee stage?

He has referred to a provision being made for the admission of surveyors outside of Canada to practice within Canada as Dominion land surveyors. May I ask, has the same consideration been given or has any consideration been given to the surveyors that have been duly admitted by the various provinces of the Dominion known as Provincial Land Surveyors? As I look at this Bill casually, I understand that they are excluded from being engaged in the survey of Dominion lands. Now, it would appear to me that surveyors who have been admitted in the various provinces of the Dominion, who have complied with the legislation safeguarding the interests of surveys in the provinces, should certainly be placed in as good a position as surveyors coming from the different colonies or dependencies of the empire.

Hon. Mr. LANDRY—Hear, hear.

Hon. Mr. LOUGHEED—There is no reason why a surveyor admitted to the practice of his profession in the province of Quebec should not be quite as qualified a man to survey Dominion lands as a surveyor coming from New Zealand or any of the colonies of the Commonwealth. There is another question upon which I should like some information; and that is to what extent have the associations made up of Dominion land surveyors throughout the Dominion been consulted with reference to the passage of this Bill? There are various provisions in it, dealing with a very important matter, and it seems to me very desirable that upon the discussion of the measure we should have information upon questions of that nature.

Hon. Mr. SCOTT—In regard to the first proposition, whether the surveyors in the several provinces were to be admitted under this Bill, I find no provision is made for their obtaining permission except after passing an examination. The explanation I have in reference to it is that the standard in some provinces is not up to the standard in the Dominion. That at least is the opinion of Mr. Deville, who is the head of the survey branch of the Dominion lands, and has been for many years. I am quite aware that some of the provincial surveyors feel that they have been rather slighted in having to undergo an examination, after having passed one, the standard of which is said to be at least equal to the standard provided under the Dominion Lands Act. However, we can discuss that more fully when in committee. The Bill has been prepared by a Board who have had charge of the examinations up to the present time, and they are following on the lines of the laws which have been passed, making comparatively few changes.

Hon. Mr. LOUGHEED—Would my hon. friend bring down and place upon the table of the House when this Bill is under discussion any memorials which may have been received from the various associations to which I have referred?

Hon. Mr. SCOTT—Yes.

Hon. Mr. YOUNG—Section 21 deals with that very complaint.

Hon. Mr. CASGRAIN—The provincial land surveyors of the various provinces are admitted to practice as Dominion Land Surveyors simply on passing the examination on the federal law, and also on the manual. They do not have to pass an examination on the various branches of surveying. They simply pass an examination on the federal law, which may be different from the local law of their provinces, and also on the system by which the townships were laid out. The system varies now and then according to the instructions from the Minister of the Interior, and also as regulated by this Act, and a manual is prepared, and upon that manual they have to be examined and have to be thoroughly conversant with it. So that there is no doubt, if I may put the hon. leader of the opposition right, that is not what the surveyors are complaining of, Clause 21 requires the surveyors to pass an examination under the federal law only; but clause 22 is what is objected to, and I may say that I have read the Bill carefully from one end to the other, and there is absolutely no reason, so far as I can see, for clause 22. It seems to be very loosely drafted anyway; the meaning of it is difficult to understand, and it is quite immaterial to the Bill. Why it is there I fail to see. In a marginal note, or a note at the end of the section, in small type, it is explained that surveyors from New Zealand and other parts of His Majesty's Dom-

inion would be entitled to be admitted here. If a student, for instance in New Zealand, had served one year in that country, when he came here he would only have to serve two years more to complete his three years apprenticeship. If the surveyor had been practising in New Zealand two years, he could come here and claim the benefit of that two years' service. There are strong objections to that clause. If one of these gentlemen came to Canada and practiced for a while and then returned to his own country, it would be very difficult to get possession of the field notes or books or plans. He would probably carry them away with him, or leave them here in charge of someone who might be difficult to find. In the province of Quebec, if a surveyor dies his field notes and procès-verbaux must be deposited in an office in the court house where reference can always be had to them. I think in Ontario the plans and description by metes and bounds made by a surveyor during his lifetime, are deposited in the registry office where they can be found, and during his lifetime he makes copies of these, in order to be able to make fees by furnishing the copies. But the great disadvantage under this Bill is that surveyors may come here from other British colonies in a rush of work and afterwards leave the country, and if the field notes of such a surveyor were needed to re-establish some monument or to decide how some survey was made, they would not be at hand. Surveyors are practising in certain districts in the country, and in that district they are generally called upon, in case of lawsuits and boundary line disputes to give evidence. These gentlemen from other countries would hardly be available. If there should be a rush of work for a year or two they would be here for that period, and then probably would go out of the country and the contending parties would have to get along as best they could; the plans and field notes would not be available. There is strong objection taken to clause 22 by the surveyors of Ontario, I received a letter from the Chairman of the Board of Ontario Land Surveyors, Mr. Kirkpatrick, in which he complained of this provision, and although his complaint may not be exactly correct, he does not appear to understand clearly what clause 22 means. In my opinion that clause is useless. I intend to move in committee that it be stricken out.

Hon. Mr. SCOTT—The hon. gentleman has a practical knowledge of the subject, and I should be very glad indeed, and he would confer a favour on the House, if he would discuss one or two of the contentious points with Mr. Deville. The letter I received from Mr. Deville reads as follows:

This amendment is intended to apply to a class of men who, although well educated and possessed of the very best qualifications, technical as well as practical, are too old to undergo an examination in school subjects.

In 1900 Australia and New Zealand entered into an agreement requiring uniform qualifications from surveyors, examinations being held on the same days everywhere and the same papers being given to all candidates. Articled pupils are required to serve four years of which two years must be in the field and the standard of examination is higher than in Canada. Surveyors who have been admitted anywhere in Australia or in New Zealand have the right to practice throughout these two countries.

Canada was invited to join in this arrangement, but the existence of separate land surveyors' organizations in every province prevented united action in the matter. Moreover, it was felt that to increase the term of service of articled pupils and to raise the standard of the examination would further restrict the number of surveyors, which would be most inconvenient at this stage of the country's development. The invitation had, therefore, to be declined for the time being.

In South Africa, land surveyors from other parts of the British Empire who have passed examinations in certain subjects equivalent to those prescribed for South African surveyors, are dispensed from examination in such subjects, provided reciprocal privileges are granted to South African surveyors. The qualifications required from surveyors in South Africa, are, however, still higher than in Australia and New Zealand, so that Canadian surveyors cannot take advantage of the privilege of exemption from examination.

At the Colonial Conference of 1902, the following resolution was adopted :—

That in arranging for the administration of that portion of the empire known formerly as the South African Republic and the Orange Free State, provision should be made that duly qualified members of the learned and skilled professions now admitted, and hereafter to be admitted to practice in the Dominion of Canada, the Commonwealth of Australia and in New Zealand, be allowed to practice within the newly acquired territories on condition of reciprocal treatment in the colonies concerned.

Sir Wilfrid Laurier dissented, pointing out that the reciprocity which it was proposed to establish between the several parts of the empire, could not even be obtained between the several provinces of Canada.

That is Mr. Deville's explanation of the necessity for the clause. I would be very

glad if my hon. friend would take the opportunity of discussing it with him before the case comes up in committee.

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

SOUTH ONTARIO PACIFIC RAILWAY COMPANY BILL.

SECOND READING.

Hon. Mr. McMULLEN moved the second reading of Bill (16) An Act respecting the South Ontario Pacific Railway Company.

He said: It might be well to explain this measure. The South Ontario Railway system is a system intended to give a number of the manufacturing towns of South Ontario a connection with the Canadian Pacific Railway line. They have had a Grand Trunk Railway accommodation for many years, but they have felt the want of having more direct connection with the Canadian Pacific Railway so as to ship directly from the factories to the west. Part of this system, I believe, has been constructed, and the promoters desire to extend the time for the construction of this branch. When it comes before the Railway Committee, I shall make every explanation that may be necessary in order to secure the passage of the Bill.

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

SECOND READINGS.

Bill (22) An Act respecting the Macleod, Cardston and Montana Railway Company.—(Hon. Mr. Talbot.)

Bill (34) An Act respecting the Lindsay, Bobcaygeon and Pontypool Railway Company.—(Hon. Mr. McHugh.)

Bill (39) An Act respecting the Kamloops and Yellowhead Pass Railway Company.—(Hon. Mr. Bostock.)

Bill (B) An Act respecting the Occidental Fire Insurance Company.—(Hon. Mr. Watson.)

Bill (C) An Act to incorporate the Standard Accident and Guarantee Company.—(Hon. Mr. Kerr.)

Bill (D) An Act respecting the Grand Trunk Railway Company of Canada.—(Hon. Mr. Gibson.)

Bill (G) An Act respecting the Eastern Trust Company.—(Hon. Mr. MacKeen.)

REHM AND FRANK PATENT BILL.

SECOND READING.

Hon. Mr. BEITH moved the second reading of Bill (E) An Act respecting certain patent of Frederick C. Rehm, Elias Frank and Isidor Frank.

Hon. Mr. FERGUSON—I think we should have some explanation of this Bill.

Hon. Mr. BEITH—I am given to understand that they are simply asking for an extension of time.

Hon. Mr. POWER—There is one portion of the second clause of this Bill which I think embodies an objectionable provision. It says:

> If any person, other than the licensees, has, in the period between the expiry of six years from the date of the said patent and the twenty-eighth day of November, 1907, commenced to manufacture, use and sell in Canada any of the patented inventions covered by the said patent, such person may continue to manufacture, use and sell such invention in as full and ample a manner as if this Act had not been passed.

It seems to me that the very earliest date when the prohibition should begin is at the introduction of this Bill. The parties who have, within their rights, innocently manufactured this article, or who began to manufacture it between the twenty-eighth of November and the day this Bill was introduced, should be protected. It is a matter of some consequence, and we have discussed it before. We are going out of our way to help people out of difficulties that they have got into through their own negligence, as a rule, and I do not think that other persons should be deprived of the rights which they have acquired, or of the opportunity to acquire those rights up to the day this Bill is introduced.

Hon. Mr. LANDRY—Is the date mentioned by the hon. gentleman the date of the notice given in the 'Canada Gazette?'

Hon. Mr. POWER—I do not know; nor do I care whether it is or not.

Hon. Mr. LOUGHEED—An even more important principle is involved. Very gross negligence must have been shown by the patantees to permit of the time in question going by without making an effort to pro-

tect themselves. Most Bills which would be regarded as precedents for this legislation have been of the nature wherein the patent expired a short time previously to the application, through an oversight or something of that kind, but in this case a long time seems to have elapsed since the expiration of the patent.

Hon. Mr. YOUNG—It does not say that the patent expired six years ago.

Hon. Mr. FERGUSON—It expired in 1905; but even that shows a great deal of negligence.

Hon. Mr. LOUGHEED—The latter part of the second clause appears to be unwarranted also.

Provided that this exemption shall not extend to any person who, without the consent of the holders of such patent, has commenced the construction or manufacture of the said invention before the expiry of the patent.

It would appear to me that if anybody had begun the manufacture of the article in question at the time of the expiry or even before the time of expiry of the patent, and had gone on in good faith manufacturing that article during the interim, there is no reason why the rights thus secured should not be protected to quite as great an extent as those of people who began manufacturing the article after the expiration of the patent. They are both in the same position.

Hon. Mr. McHUGH—This Bill contains a provision which should not be allowed. It is retroactive, going back to a period before the passing of the Bill, and giving the parties the right to renew again. That matter has been dealt with fully by the House and has been allowed in Bills similar to this. Some members objected strongly to legislation of this kind on former occasions, and the Minister of Agriculture was invited to be represented before the committee when the question came up. His deputy appeared and said that they had fully considered this clause, and that it was all that should be required by the public; that is that any person who had commenced the manufacture before the date of the notice in the 'Canada Gazette' of the application to revive the patent, would be protected in all the rights he had acquired between the lapse of the patent and the time of the publication in the 'Canada Gazette.' In reference to the point raised by the hon. senator from Calgary, I think he will find that the patent was issued for six years and did not expire until six years after the date of its issue. He will find, on inquiry, that the Minister of Agriculture, who is responsible for legislation of this kind, has sanctioned Bills of a similar character to this from time to time.

Hon. Mr. KERR—The proposition before the House is the principle of the Bill, and that principle has always been laid down whenever such applications have been made. It is hardly necessary therefore to go into an argument why, in any case, an extension of a patent should be granted. It is for the committee to whom the Bill may be referred to hear the evidence, which cannot be conveniently heard here. I daresay the reasons for this application are all set forth in the petition. Those are matters which can be conveniently disposed of in the committee, and where those opposed to the Bill and those who favour it can be heard. After it is reported back, the House can determine what limitations should be made, what we have to consider now is the principle of the Bill.

Hon. Mr. CLORAN—Having some knowledge of this subject, I may say that in most cases, if not in all cases, the patentee asks for an extension of time largely from the fact that he has been unable, from want of funds, to put his invention on the market. After his patent expires, some capitalist wants to take it up, and it is only natural that the patentee should ask for a renewal of his patent. At the last moment, probably, he has got somebody who is willing to put money into the manufacture of the invention. There is no unfair advantage taken of anybody, because provision is made to protect anybody who has commenced to manufacture the patented article after the expiry of the patent. The 28th of November is mentioned, because that is the date on which he gave special notice to the department that he would ask for a renewal of his patent. It would not be fair for any third party to come in after that date and manufacture the patented

article. So there is no injustice to anybody. It is like all other Bills of this character, and there is no new principle involved.

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

ST. CLAIR AND ERIE SHIP CANAL COMPANY'S BILL.

SECOND READING.

Hon. Mr. LOUGHEED moved the second reading of Bill (F) An Act respecting the St. Clair and Erie Ship Canal Company. He said : This Bill is to extend the time to carry out the operations of the company.

Hon. Mr. WILSON—We ought to have more explanation of this Bill. If I remember correctly, I think it is old enough to record its own vote, and perhaps to be a representative in this Senate. It has been upon the statute-book for years and years, and we have no just reason to expect that if the time is extended again the company will be in any better position in the future than it has been in the past to construct the work. If the promoter of this Bill can show us the probability of a remote chance of the canal ever being constructed, I am willing to give it my support. Otherwise I do not think we should grant this application when there is no probability of the work being constructed. I know the promoters of the Bill in the House of Commons, and I do not wish to interfere with them, only it is a sort of burlesque on legislation to pass this Bill in its present shape without some reason being given for granting the extension.

Hon. Mr. LOUGHEED—I fancy that the want of money is the real difficulty in the way, and I further have no doubt that the promoters when they appear before the committee will give all the information necessary to show that the work is about to be commenced.

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

DOMINION LUMBERING AND POWER DEVELOPMENT COMPANY BILL.

SECOND READING.

Hon. Mr. BEIQUE moved the second reading of Bill (H) An Act to incorporate the Dominion Lumbering and Power Development Company.

Hon. Mr. ELLIS—I observe that this is a Bill practically incorporating a company consisting of four persons and giving them extensive powers, including the power of expropriation. I can very well understand why powers of expropriation should be given to a public company to construct a railway or some great work in which the general interests of the country are concerned, but this is simply a private undertaking and why should they be allowed to take anybody's land for a private purpose ?

Hon. Mr. BEIQUE—From the attention I have been able to give to the Bill I think it is drafted on the lines of other Bills which have become law. It contains all the safeguards required for the granting of the powers. However, it will be a matter for the committee to look into.

Hon. Mr. CLORAN—Is it a private or public Bill ?

Hon. Mr. BEIQUE—A private Bill.

Hon. Mr. KERR—It is a general Bill in its powers. It is unlike any Bill that I remember coming before parliament in that respect. Instead of being a power company for a stated locality, this is one with a roving commission to go where it likes and pick up any power in the Dominion, and in that way it can cover a large amount of territory. I do not know that we have ever passed any Bill of the kind. When a company's operations are restricted to a locality, we can impose any restrictions which may be applicable to that particular place but which might not be applicable to other places. This corporation may choose to expropriate any property that it finds necessary to carry on its operations, and that seems to be a pretty large order. I only mention this now for the purpose of bringing it to the attention of the hon. gentleman in charge of the Bill. If there is any precedent for this legislation I should like to know it.

Hon. Mr. CLORAN—I wish to call attention to clause 9 which provides that the company may carry on 'throughout Canada and elsewhere' that is throughout the world :

The business of lumberers, timber merchants and manufacturers of timber and lumber in all its branches, and all other business incident thereto or connected therewith; carry on, throughout Canada and elsewhere, the business in all its branches, of manufacturing pulpwood, pulp and paper, and all other business incident thereto; and also the business of general merchants, general manufacturers, millers, common carriers, wharfingers and warehousemen; construct, charter, acquire and navigate steam and other vessels between any port and place in Canada, and any other port or place in Canada or elsewhere.

This Bill is evidently one which will attract the attention of the press of the country. I do not understand that we have any power to grant such privileges to a private company to transact business in any part of Canada without the sanction of the provincial and municipal authorities. There is one clause which requires the company to get municipal authorization, but I see nothing in the Bill requiring them to get authorization from the provincial authorities. Consequently, this Bill should receive due consideration in the committee to which it may be referred, and that committee should report to the House the reasons for the decision which it may come to on the Bill so that the House may be able to understand why it was passed or rejected.

Hon. Mr. McMULLEN—This legislation should receive very serious consideration. If the company's operations were to be limited to any one province, possibly it might not be so objectionable; but it asks for unlimited powers throughout the Dominion of Canada. It asks for anything and everything except the right to run a pawnshop. We should seriously consider whether it would be wise to grant the powers asked for here. The United States has been suffering seriously from monopolies, and have been trying to shake off the shackles of those monopolies and find great difficulty in doing so. No Bill has ever been introduced in this Chamber which has been more likely to produce a huge monopoly than this measure. The company ask to be permitted to do everything—to run saw mills, and flour mills, to control water-powers, build railways—to do anything and everything. If their application is granted, there is no reason why they should not establish a monopoly which may become seriously dangerous to the interests of the people of this country. I look upon it as dangerous legislation, and, unless I get better light, shall oppose it at every stage.

Hon. Mr. CASGRAIN—Is there anything in the Bill that could not be done under ordinary letters patent issued under the Companies Act?

Hon. Mr. SCOTT—The Secretary of State is held responsible for granting these powers, and I have cut them down on many occasions.

Hon. Mr. LOUGHEED—I would point out to my hon. friend that under paragraph (m) of clause 9, the company seeks powers which might be very dangerous indeed. It gives them power to construct tramways anywhere in the Dominion. There is no limitation whatever placed on the powers mentioned in that clause. It would be very possible for a company of this kind, by not localizing their works, to secure powers for carrying out enterprises which have been very strongly opposed before our committees in the past. I am at a loss to understand why the operations of this company have not been localized, especially in view of the fact that power of expropriation is sought under clause 15 of the Bill. In the past we have had opponents of Bills of this kind coming here at very great expense to represent to our committees that they were apprehensive of their rights being invaded by companies of this character. I remember notable instances where two or three charters were applied for from British Columbia and almost similar powers were sought. In those cases the field of their operations was limited, yet people came here all the way from British Columbia at great expense to oppose them. I can very well imagine a company of this kind by securing the powers sought for in this Bill exercising the very powers which we then refused to give to the other applicant. By the evasive means adopted in this Bill, they could secure powers which we have refused in the past, and, without notice to the parties whose rights were being invaded. It seems to me this Bill should not pass until we have further information and until the operations of the company are localized so that if there are any parties in the vicinity of where those operations are to be

carried on, whose interests might be affected, they shall have full notice of what the company intend to do.

Hon. Mr. BEIQUE—I appreciate the objection which is made in regard to expropriation powers, but as far as the other powers are concerned, they are powers which are daily granted by letters patent. The hon. Secretary of State has told us that he sees to the curtailing of powers which, in his judgment, are excessive. I can turn up a number of notices for letters patent which contain immense powers—powers as wide as those which are mentioned in this Bill—the railway and expropriation clauses. I have not noticed that the place where the company intends to locate its business is mentioned in this Bill. As far as the lumbering or manufacturing powers are concerned, I do not know that it is necessary, but I agree with the suggestion that, as far as the other powers are concerned, they should be localized, and I shall be the first, when the matter is taken up in committee, to suggest that these powers be curtailed properly.

Hon. Mr. SCOTT—As I have been referred to as an authority on issuing letters patent, I must assure the House that I certainly would not authorize letters patent for all the purposes mentioned here. There are constant efforts being made by parties to obtain extreme powers by letters patent, and I am obliged from day to day to cut them down. There is an order in council now that in the administration of the Companies' Act, companies shall be limited to one purpose only. I admit that the rule is constantly broken by parties who say they will utilize the power. I know that they do not utilize all the powers they get. There is scarcely a power or privilege you can name that this Bill does not contain, and I think myself, as I have said fifty times before to individuals, that it is contrary to public policy to charter a company to do a multitude of things. Sometimes companies come to me and say, 'we want to do business outside of Canada, in South America, in Mexico,' or various other parts of this continent, where they accept Canadian charter. When such companies give me the assurance that they will not do business in Canada, I have granted their application. There is a very large amount of Canadian money—forty or fifty millions—invested in Mexico alone. Tramways there have been changed from mule to electric power. Electric power has been developed throughout Mexico almost entirely by Canadian capital. Companies have been incorported with capital of seventeen to twenty-five millions, and have floated their bonds in the British markets, but so far as the Canadian companies are concerned I am under constant protest to limit the powers asked for. No doubt they copy each other, one having all the powers which have been granted to any other company, not restricting it to a particular line of power. It is a constant source of irritation and worry to me to have to criticise so many charters as I do.

Hon. Mr. CLORAN—I am much pleased to hear the Secretary of State take the position he has done in regard to this Bill, and especially in regard to the insinuation or innuendo that his department was prepared to grant Bills with such enormous powers as this Bill provides for. I know that the remarks of this hon. Senate will not go before the country, owing, I suppose, to the reporters not being conscious of their importance. But we have had in the province of Quebec similar things to deal with—what we call omnibus Bills—Bills that carry everything, from a freight car to a parlor car, and the province of Quebec has been cursed in its legislation in the past ten or fifteen years with the number of these measures that were put through. I do not like to have this Bill sent to the committee without a record being made by this House as to its attitude in regard to such legislation. If I am in order, I am prepared to move the six months' hoist, as a protest against the introduction of such Bills in an honourable body of this kind. We are not authorized in any way to pass legislation that is in distinct contravention of the rights of the provinces and the municipalities; and on these grounds, if I am in order, I will move the six months' hoist. If I am not in order, there are other gentlemen who are prepared to make a similar motion before the second reading even on the question of its merits or demerits.

The SPEAKER—The hon. gentleman is speaking for the second time.

Hon. Mr. CLORAN—If I am not in order, I cannot move it.

Hon. Mr. LANDRY—I would like to suggest that in accordance with Rule 115, this Bill should be referred to the Committee on Standing Orders to ascertain and report whether or not the said Bill comes within the classes of subjects assigned exclusively to the legislatures of the provinces. The clause reads thus :

Any private Bill shall, if it be demanded by two senators, when read the first time, be referred to the Committee on Standing Orders, to ascertain and report whether or not the said Bill comes within the classes of subjects assigned exclusively to the legislatures of the provinces.

If we refer back to clause 92 of the British North America Act, we find that legislation affecting property and civil rights are assigned exclusively to the legislature of the province. This Bill being for a local work might be termed as an invasion of the rights assigned to the provinces, and for that reason I ask that this Bill be referred to the Committee on Standing Orders before it is read the second time.

Hon. Mr. BEIQUE—The hon. gentleman is surely under a misapprehension. There is in this Bill no declaration that the work is to be declared a work for the general advantage of Canada.

Hon. Mr. LANDRY—The rule does not say so.

Hon. Mr. BEIQUE—Whenever the operations of a company are intended to extend to more than one province, then it comes clearly within the jurisdiction of this parliament, and there can be no reason therefore to refer this Bill back to the Standing Orders Committee. The Bill has been before that committee, and the committee, no doubt, took into consideration that it was in order in that respect ; otherwise it would have considered it its duty not to report this Bill.

Hon. Mr. LANDRY—I could understand the force of the argument laid down by my hon. friend, if it was necessary to refer the Bill to the Standing Orders Committee to see that the Bill should contain a clause that the work is for the general advantage of Canada ; but we are not bound down to that phraseology. Any Bill can be referred to the Standing Orders Committee—any case that is considered to be under the special jurisdiction of the province.

Hon. Mr. BEIQUE—I would call attention to the fact that the hon. gentleman is late. The Bill has been read a first time; but without insisting on that, if there were any reason to refer this Bill back to the Committee of Standing Orders I would not object at all. But, clearly the operations of this company are intended to extend over the whole Dominion, and it clearly comes within the jurisdiction of this parliament. I am advised that this Bill has practically been copied from a Bill which has already been passed by this House, and I fail to see that there can be any objection to the principle of the measure. I could show in the statutes any number of acts in which the same powers had been granted.

Hon. Mr. SCOTT—No question about that.

Hon. Mr. CLORAN—And which have been denounced by the public press and the people of the country.

Mr. BEIQUE—I appreciate hon. gentlemen calling attention to the special clauses, and it will be the duty of the committee to deal as it should with those clauses.

Hon. Mr. LANDRY—There are two points in that clause 115, and I want them to be settled immediately. There is the first point, 'Any private Bill shall, if it be demanded by two senators,'—I give the name of the hon. gentleman from St. Thomas and myself. We are two senators, demanding that this Bill be referred to the Standing Orders Committee. Is it a matter of right or are we to discuss the question here if we have that right or not ? Is it a matter of right that any two senators having asked that the Bill be referred to the Standing Orders Committee, it must go there ? The second point is this : 'When read the first time.' Well there might be a difference of opinion as to the interpretation of this portion of the clause. Does it mean when the Bill is presented for the first reading, or when it comes up for the second reading ? When it comes up for the first reading, nobody knows what is in the Bill. For that reason the Bill is postponed to a subsequent day to take the second reading,

so that everybody may become familiar with its contents, and if any objection be raised, it should be raised before it comes up for second reading. If it is for the first reading, nobody knows what the Bill is, and the rule becomes an absurdity. It has to be printed.

Hon. Mr. SCOTT—Reading Rule 116, on the face of it, the Bill shows that it is a Bill that applies all over Canada. That is one of the arguments against it—that it is too general. On the face of it, it is certainly a Bill that applies to the Dominion. That is quite clear, and that is one of the objections several hon. gentlemen have urged against it, that it did not localize its work in any particular province. Parliament has often passed similar Bills, giving power to the incorporators to do business in any province they please. But the objection I had to this Bill was that its powers were too diffuse. That is a matter which can be considered in committee. That is the only objection to the Bill—its diffuse powers.

Hon. Mr. LANDRY—Rule 115 says :

Any private Bill shall, if it be demanded by two senators.

There is no distinction—any private Bill.

If it be demanded by two senators when read the first time, be referred to the Committee on Standing Orders to ascertain and report whether or not the said Bill comes within the classes of subjects assigned exclusively to the legislatures of the provinces.

It must be sent to the committee for that report, and before it is sent it must be asked for here. If two senators stand up and ask that the Bill be referred, drawing the special attention of the Committee on Standing Orders to it, then the committee shall report and state whether it is a Bill that is within the jurisdiction of this parliament.

Hon. Mr. YOUNG—Is there any particular section in the Bill that the hon. gentleman refers to ?

Hon. Mr. LANDRY—No. If you take the meaning of the expression ' When read the first time,' to mean when the Bill comes up first, then no one knows the contents of the Bill. Ignoring the contents of the Bill, we are by this clause entitled to have it sent to the committee before the second reading.

Hon. Mr. YOUNG—I do not think the right is questioned.

Hon. Mr. POWER—Of course, if the hon. gentleman insists on his motion, I think he is within his rights in so doing; but perhaps the hon. gentleman will see that this is really not a case where the power given under rule 115 would be supposed to be exercised by a member of this House, because no one contends that this Bill comes within the class of subjects assigned exclusively to the legislatures of the provinces. It is clearly a Dominion Bill. It proposes various operations over the whole country, and, consequently, while the hon. gentleman has a perfect right to insist on having the Bill referred to the committee, I do not think it is a right he would be disposed to exercise in this instance. There really is not any doubt.

The SPEAKER—There are two points raised by the hon. gentleman from Stadacona—the question of the right on the demand of two senators that a Bill be submitted to the Committee on Standing Orders, without the Senate having any discretion in the matter, and the second is the right to raise it at this stage. Looking at Bourinot, who has given some explanations as to the working of this clause 115, I find that it had been superseded when the last edition of Bourinot was printed, and the clause which he considers and deals with is not the one we have now before us, but the preceding one. It is with some diffidence that I express the opinion that the hon. gentleman is too late with his motion. I would rather not pronounce on the absolute right of the senators, without leaving any discretion to the Senate, inasmuch as the clause reads as follows:

Any private Bill shall, if it be demanded by two senators, when read the first time, be referred to the Committee on Standing Orders.

Well there was a second stage taken after the Bill was read the first time. It was a motion to place it on the order paper for the second reading. That was carried. So I feel now that the Bill cannot be referred to that committee, but the question of the constitutionality of the Bill can always be

raised at any stage, and for that reason the Bill may be rejected either in committee or in the House, at any subsequent stage.

Hon. Mr. LANDRY—I do not want to discuss the decision given by the hon. Speaker. I accept it. The only way to avail ourselves of this rule in future, is that whenever a Bill comes in the provisions of which we do not know, will be to ask that it be referred to the Committee on Standing Orders.

Hon. Mr. KERR—The petition shows.

Hon. Mr. LANDRY—We have not the petitions here. When a senator asks for the first reading of a Bill, we have not the petitions here. They have been referred to the Committee on Standing Orders, and they are not in our possession. The only thing to do is for two members to ask that it be referred to the Standing Orders Committee to ascertain whether or not it comes under the jurisdiction of this parliament. That is the only way to ascertain it.

Hon. Mr. FERGUSON—The great difficulty with all the Bills of this kind is that the experience which promoters have in dealing with this parliament, enables them to insert clauses in the Bill, in which they propose to do something that would bring it within the jurisdiction of this parliament; that is to do something outside of one province or between the province and a foreign country; and I think really that that is a point that would be a very proper one for the Standing Orders Committee to inquire into and find out whether that was put in to throw the dust in the eyes of parliament, or whether it was a bona fide intention. That could probably be ascertained by a small committee such as the Committee on Standing Orders. If it was found that this provision for doing busines outside of one province was put in expressly to get a charter from parliament, that would clearly place it beyond the powers of this parliament to pass it, and it would be well that this House should know it.

Hon. Mr. BEIQUE—I call attention to an Act passed in 1903, entitled 'An Act to incorporate the Algonquin Lumber and Power Company, Limited.' I am informed that this Bill has been copied from that Act. Possibly there were some additional powers, though I find in that Act, as far as I have been able to compare the first subsections of section 9, which are the enabling power, they are exactly copied from that Bill. Section 9 reads :

> The company may—
> (a) Carry on throughout Canada and elsewhere the business of lumberers, timber merchants and manufacturers of timber and lumber in all its branches, and all other business incidental thereto or connected therewith.
> (b) Carry on throughout Canada and elsewhere the business in all its branches of manufacturing pulpwood, pulp, paper, and all other business incidental thereto, and also the business of general merchants, general manufacturers, millers, common carriers, wharfingers and warehousemen, and may construct, charter, acquire and navigate steam and other vessels between any port and place in Canada, and any other port or place in Canada or elsewhere.

Hon. Mr. LOUGHEED—Are these included in the objectionable clauses which have been referred to, paragraph (m) giving unlimited power to build tramways, and also the expropriation powers?

Hon. Mr. BEIQUE—I am referring to clause 11 of this Act :

> The company may for the purpose of its undertaking, construct and operate all such railway sidings, tramways, switches or spur lines, not exceeding ten miles in length, as are necessary to connect any property of the company with its factories, and mills, or with any line of railway.

As far as the expropriation powers are concerned, I do not know that they are included in the Bill itself, but they may be provided for by subsection 2 of section 90 of the Railway Act to which reference is made. It will be a matter for the committee to deal with; but surely there is nothing extraordinary in this Bill, except possibly these powers which should be curtailed. As a matter of fact, I could refer to a dozen or two dozen similar Bills which have been passed by this House, with the right of expropriation, or the tramway right.

Hon. Mr. POWER—I am not opposing the second reading, but I want to make an observation on what the hon. gentleman has just said. It is true, no doubt, as he says, that in 1903 we passed an Act which contains provisions similar to those embodied in this Bill ; but we have learned a good deal since 1903, and, largely owing to the

persistent efforts of the hon. gentleman from De Salaberry himself, have since become much more careful and particular in dealing with Bills which come before us, and I have no doubt that when it is proposed in the committee to which this Bill is referred to excise the objectionable portions of the Bill, the committee will have the able assistance of the hon. gentleman himself.

Hon. Mr. WILSON—Before the second reading of this Bill is moved, I think we ought to consider it very carefully. It contains inordinate powers, extending from one portion of the Dominion of Canada to the other. We have been contending that we should not encroach upon the jurisdiction of the local legislature. Yet what do we find ? We find one of the most all embracing Bills that we have had before us this session or previous sessions, wherein the incorporators claim rights of jurisdiction over the provincial legislatures, and taking to themselves the right to issue bonds and franchises and expropriate land for all sorts of purposes, which to me seems very unreasonable, and I do hope that the promoter of the Bill may consider it. Is it a private Bill or is it a public Bill ? What is the nature of the Bill ? Is it a railroad Bill ? If we send it to committee, which committee will we refer it to ? They have a right to construct railroads, manage water-powers and telegraphs, and all such enterprises. We adopted a rule the other day that if we had any doubt as to whether a Bill came under the jurisdiction of the Dominion or whether it was under the jurisdiction of the provinces, we should send it to the committee, and the committee should report to this House the reason why this Bill was declared to be work for the general advantage of Canada. What committee will have jurisdiction in this case ? Will it be the committee of which my hon. friend is chairman, the Standing Orders Committee ? Will it be the Private Bills Committee, or the Railway Committee? This Bill, upon the face of it looks like an innocent Bill, but when we come to examine it we find the innocence disappears, and it becomes a measure of very great proportions and importance. I therefore think the promoter of the Bill should allow the second reading to stand till some future day, and we will then have an opportunity of considering it fully. Of course I cannot say that the ruling of the hon. Speaker was not perfectly right, but we were not in a position to know the nature of this Bill at the time it got its first reading. We had no opportunity at that time of examining the Bill. We have now had an opportunity of examining it, and I do think it would have been better in the interests of the Bill if it had been sent to the committee. I, therefore, with my hon. friend from Wellington, shall oppose this Bill at every stage of it, if they persist in proceeding with it.

Hon. Mr. EDWARDS— I am a little surprised to hear the remarks of the hon. gentleman from St. Thomas. There can be no question that it is perfectly within the scope of parliament to pass this Bill, but possibly, in an amended form. I am surprised that any one should question the right of parliament to incorporate a company, and that is all that is involved in this Bill. There is a great deal more, of course, but it is quite within the scope of the committee to strike out that which it is not proper for a private corporation to do; but to suggest that a company cannot go to a provincial legislature or to the Dominion parliament for the purpose of obtaining an Act of incorporation is simply absurd. An individual incorporating a company can choose whether he shall incorporate under letters patent, whether he shall go to the provincial legislature, or to the Dominion parliament. He can have whatever charter he chooses, and it would be quite improper to refuse. But all the powers which are asked for in the Bill may not be granted. This is a matter for the Private Bills Committee. It should be referred to them and thrashed out there, but it is certainly within the juridiction of this parliament. It may be asking for some extraordinary powers. Such have been asked for before, and minimized or wiped out in committee, and the same can be done with this Bill; but I am astonished that any one should suggest dealing with this Bill otherwise than passing the second reading and referring it to the Private Bills Committee. I know nothing of the promoters; I never saw the Bill before. I have just gone over it hurriedly, and I cannot see any objection to it.

Hon. Mr. FERGUSON—I just wish to make one remark on the question of order. I think the ruling is that the point of time is against the hon. gentleman from Stadacona. I do not want to discuss that at all. I accept the ruling. But I do take the part that no matter what the contents of the Bill are, any two senators have a right to demand that it be sent to the Private Bills Committee for the purpose of inquiry. It may be that they are mistaken in their view of it; but any two senators can make the demand, and it is not a question of what the Bill contains, but the right of sending it there belongs to the two members who make the objection. I merely want to make that point in regard to this, because, probably, we may require to implement this rule on other occasions.

The SPEAKER—I am inclined to take that view, but inasmuch as I am not deciding that point now, I thought I would leave it for future consideration.

Hon. Mr. DOMVILLE—I do not see that there should be so much discussion about this Bill. It is an extraordinary Bill, but it has been introduced by an extraordinary man. Nobody will dispute my hon. friend's ability, or his integrity, but I am somewhat surprised at my hon. friend talking about the innocence of the Bill. The hon. gentleman from St. Thomas said, 'Apparent innocence.' I do not see what that hon. gentleman has to say about apparent innocence. This is a Bill that covers a great deal of ground. The object could not have been attained through letters patent, because it is divided into proportions. It is beautifully rigged by the banking community of Canada. You can get nothing under it—absolutely nothing. Again take paragraph 1, of part 1, and you may under that clause start a cracker shop or anything you like. Part 2 applies, if I remember right to companies operating abroad. Part 3, to loan companies, &c. Under the Joint Stock Companies Act, you could not possibly get that charter. I know that Act very well; I have made a study of it. Though I am not a lawyer I understand it, and I know that the Bill had to come here. Where could the company get those powers if they did not get them here.

Hon. Mr. EDWARDS.

Hon. Mr. OWENS—They cannot get them here.

Hon. Mr. DOMVILLE—How do we know? We have not decided yet. I do not see anything very objectionable about it. It is a question whether that clause about the telegraphs should come in, but there are many Bills like this. My hon. friend from De Salaberry knows what his rights and powers are, and I do not believe that if he had considered the Bill objectionable he would have brought it in; therefore I find fault with my hon. friend from St. Thomas for talking about the innocence of the Bill. I should like to know how innocent he is.

Hon. Mr. BEIQUE—I do not when introducing a Bill, assume responsibility for all that it contains. I have introduced this Bill subject to my right to amend it if necessary when it comes before the committee. It is the duty of hon. members to take charge of Bills entrusted to them; but they do not lose their independence of action when the Bill comes before committee, and I propose to deal with this Bill as if I had not taken charge of it.

Hon. Mr. DOMVILLE—I hope my hon. friend from De Salaberry does not think that I am reflecting on him in any way. I was rather urging the claim that it should go to the committee. It may be an extraordinary Bill, but we are living in an extraordinary age. Things are changing all the time, and it may be that our views of yesterday may be very different to-day. I cannot quite agree with my hon. friend that he is not responsible for the Bill, because every one who presents a Bill in this House must assume the responsibility for it. There is no harm in sending the Bill to a committee where it can be carefully considered. The hon. member from Saskatchewan (Hon. Mr. Douglas) has very properly put a notice on the paper, which I hope will be carried, that Bills, however thoroughly they may be discussed in committee, may when reported back to the House be referred to a Committee of the Whole. It is hardly right that this Bill should be condemned unheard. It is the right of every British subject to carry his petition to the foot of the throne. This Bill is founded on a petition, and the

only matter before us is the motion for a second reading, and I see no reason why that motion should be objected to.

Hon. Mr. CLORAN—In clause 9 hon. gentlemen will find a justification for my remarks. I do not object to the Bill any more than the hon. senator from Russell does. This House can give a company all the powers they require,but what I do insist upon and what every senator should insist on is, that any power which is co-ordinate with the powers of a province should be granted subject to restrictions. Now, what does the Bill say in regard to one of its powers which the company seeks ? It says that power shall be exercised subject to municipal control. Take sub-clause (h) of clause 9. It says :

Provided that the company shall not exercise the powers granted by this paragraph for the purpose of selling or disposing of electricity for the purposes of light, heat and power, or any other purposes for which electricity may be used, until it has first obtained the consent and approval of the municipal council of the city, town, village or other local municipality or district within which the powers hereby given are to be exercised by the company,—such consent to be by by-law, and to be on such terms and conditions as such by-law provides.

The object of my remarks in starting this debate was to procure for the provincial governments the same rights that this company is prepared to concede to municipalities, and one of my reasons for asking that is this sub-clause (f) of clause 9, gives the company power to :

Acquire and operate mines and mineral and mining rights, and smelt, reduce, refine, amalgamate or otherwise manufacture and treat metals, minerals and ores, and dispose thereof, and generally carry on the business of manufacturing therefrom.

Now, these are rights which are exercised under provincial control and administration, and this Bill is therefore a direct blow at provincial rights. The Bill, in one of its clauses, provides that municipal rights shall be protected. I go further and say that this parliament can grant all these powers but only subject to revision and supervision by the provincial as well as the municipal authorities.

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

RAILWAY ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. McMULLEN moved the second reading of :

(Bill A) an Act to amend the Railway Act as respects the furnishing of intoxicating liquor to railway employees on duty.

He said : I submit this Bill owing to accidents that have occurred on several lines in Canada the result, as people believe, of the use of intoxicating liquors by the officials who were in charge of the trains. We had an accident last summer on the Owen Sound branch of the Toronto, Grey and Bruce Railway, at what is known as the horseshoe curve, to an excursion train carrying a large number of passengers to the exhibition at Toronto. The engineer ran the train on that curve at such a speed that the engine jumped the rails, with the result that five people killed and a number of others were very seriously injured. There has been a suspicion in the public mind that the engine driver was under the influence of intoxicating liquors at the time. At the inquest he admitted that he had had a glass of beer, but nothing more. Under the law, every railway official has to wear a badge when on duty. Therefore any hotelkeeper, when a railway official calls for liquor, must know, on seeing the badge, that the man is employed by a railway company and is on duty. If he has not his badge on, the employee is liable for all the damage the hotelkeeper may suffer for having violated the law. The employee is supposed to pay the amount of the fine and the damages, if any, the hotelkeeper may sustain.

Hon. Mr. LOUGHEED—Do I understand that the object of the Bill is simply to increase the penalty imposed under the existing law ?

Hon. Mr. McMULLEN—Simply to increase the penalty.

Hon. Mr. LOUGHEED—The law already provides a maximum fine of $50 and a penalty of one month in prison, so we do not need to discuss the principle of the Bill.

Hon. Mr. McMULLEN—I want to give my reasons for introducing it. I contend

that a fine of $50 is not sufficient. A heavier penalty should be imposed, and the reason is that the railway employee must wear a badge when on duty, and, consequently, the hotel keeper must know when he is selling liquor to a railway official. Fifty dollars is no penalty to impose for such an offence, when the result of this conduct may be great loss of life and destruction of property. The penalty should be larger, and should apply to any person who supplies liquor to a railway official when he is on duty. I propose to fix the fine at $500 or a years' imprisonment in jail. That is not at all excessive in view of the serious accidents which have taken place through supplying railway officials with liquor. We should endeavour to protect the lives of the public.

Hon. Mr. BELCOUT—Will the hon. gentleman read the section in the existitng law?

Hon. Mr. McMULLEN—The section is 414, and is as follows:

> Every person who sells, gives or barters any spiritous liquors or intoxicating liquors to or with any servant or employee of any company on duty is liable on summary conviction to a penalty not exceeding fifty dollars, or to imprisonment with or without hard labour for a period not exceeding one month, or both.

That is the present law. I wish to extend it, so that the fine shall be $500 or twelve months imprisonment.

Hon. Mr. BOSTOCK—Has the hon. gentleman any record as to how many convictions there have been under the existing law, or if there have been any at all ?

Hon. Mr. DAVIS—I quite sympathize with my hon. friend in trying to raise the penalty for the offence mentioned; but if we have not been able to stop this practice by a fine of $50 and imprisonment for a month, I do not think that an increase of the penalty will have any better effect. My hon. friend says that every railway official has to wear a badge when on duty, and, therefore, any one selling him liquor must know what he is doing; but the railway official, even when on duty, may wear no badge at all or conceal it so that the party selling him liquor may not know that he is a railway official. Very often it is not the hotelkeeper that sells the liquor ; more frequently it is the bartender, who would be less careful than his employer. and, under such circumstances, it would be a heavy penalty to impose on the hotelkeeper. The same thing applies exactly to the Indians of the Northwest Territoriees. Many of our Indians are simply half-breeds, and nobody can tell the difference between an Indian and a half-breed—as a matter of fact there are half-breeds who are taking the treaty and half-breeds who are not taking treaty. The half-breed who takes a treaty is not supposed to get liquor, while the other man is a citizen and can get liquor if he likes. Very often, under a law of this kind, a man might be fined and imprisoned for an offence which he may not have intented to commit. That is the weakness of this legislation. As we have already practically the same legislation, and my hon. friend has not been able to show that any convictions have been made under it, I think there is no necessity for this change at the present time.

Hon. Mr. McMULLEN—A railway employee is liable to a fine of $20 and imprisonment on non-payment of the fine if he does not wear his badge when on duty. Anybody may prosecute him for not wearing his badge. In that case, of course, the hotelkeeper would not be responsible. Now, this Bill does not impose a penalty of $500 in every case. That is the maximum fine, and it is optional for the trial judge to say whether he will impose that amount or less. My object is to deter hotelkeepers and others, as far as possible, from giving liquor to railway officals when on duty. Some of the railway companies in the United States will not employ men who are not total abstainers, and it will soon have to come to that in Canada. We have good reason to suspect that many of the accidents which have occurred of late have been due to the fact that the railway employees have been under the influence of liquor at the time. My object is to protect life as far as possible.

Hon. Sir MACKENZIE BOWELL—If the hon. gentleman desires to make his Bill effective, he should make the penalty not less than a certain sum and not exceeding $500 and the imprisonment not less than a certain number of months nor exceeding

twelve months. I have had some experience in administering one of the departments of this country where latitude is left with a magistrate trying cases of this kind, and that experience leads me to make the suggestion which I have just offered. I will give an illustration of what I mean. A man tried to enter into an agreement with a customs official for smuggling, in which they were to divide the profits. Under the Audit Act, which is somewhat more severe in its penalty than the Customs Act, the offender was tried before a magistrate. The magistrate was obliged to impose a fine, but the amount was left to his discretion under a certain maximum figure, and to send the man to jail, but there was no limit to the time under the maximum period. What was the result? Here was a flagrant attempt to bribe a government official, whose duty it was to see that the revenues of the country were properly collected. He was fined twenty-five cents and sent to jail for ten minutes. How many cases of that kind would occur if this Bill were enacted in its present shape? I am fully in accord with the object of the hon. gentleman in his desire to protect human life. Railway employees holding responsible positions should not be addicted to taking liquor to excess; but if you want to make the law effective you must change the wording of the penalty clause in the manner I have indicated.

Hon. Mr. McMULLEN—I have no objection whatever, when we get into committee on the Bill to act upon the suggestion the hon. gentleman has made.

Hon. Mr. BEIQUE—This should be an amendment to the Criminal Code. I do not think that any provision regarding imprisonment of this kind will be found in the Railway Act.

Hon. Mr. ROSS (Middlesex)—It is a verbal amendment to the Railway Act, simply increasing the penalty.

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

BILLS INTRODUCED.

Bill (8) An Act respecting the Tobique Manufacturing Company and to change its name to 'Fraser Lumber Company, Limited.'—(Hon. Mr. Thompson.)

Bill (33) An Act respecting the Calgary and Fernie Railway Company.—(Hon. Mr. Bostock.)

Bill (36) An Act respecting the Boundary, Kamloops and Cariboo Central Railway Company.—(Hon. Mr. Bostock.)

Bill (48) An Act respecting the Niagara Grand Island Bridge Company.—(Hon. Mr. Kerr.)

Bill (52) An Act respecting the Patent of Eugene François Giraud.—(Hon. Mr. McMullen.)

Bill (58) An Act respecting the Ashcroft, Barkerville and Fort George Railway Company.—(Hon. Mr. Bostock.)

Bill (72) An Act respecting Patent of the Windsor Pump and Foundry Company, Limited.—(Hon. Mr. Beith.)

CONSTRUCTION OF DESCHAMBAULT WHARF.

MOTION.

Hon. Mr. LANDRY moved:

That an order of the House do issue for a statement showing, in as many different columns, the annual cost, since they were begun, of the works of construction of the Deschambault wharf in the county of Portneuf, of the road leading thereto, and of the sheds or other buildings in connection with the said wharf.

Together with a copy of all correspondence exchanged on the subject of the said works, between the government, and especially the Department of Public Works, and Mr. Thomas Breen, Mr. M. S. Deslisle, or any other person.

The motion was agreed to.

The Senate adjourned until 3 p.m. tomorrow.

THE SENATE.

OTTAWA, Wednesday, February 5, 1908.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

NAVIGATION OF THE RIVER ST LAWRENCE.

MOTION.

Hon. Mr. LANDRY moved:

That an order of the Senate do issue for a statement showing, in so many columns:—

1. The names of the officers actually employed on board of government vessels or of vessels hired by the government for the season of navigation in the River St. Lawrence.
2. The amount of wages or salaries paid monthly to each of them for the period of their annual engagement.
3. The amount of wages or salaries paid monthly to those who are only employed for a part of the year.
4. The amount of wages or salaries paid monthly to those who, over and above their service, are paid a part of their wages or salaries during the months in which the vessels are laid up for the winter.

The motion was agreed to.

REMOVAL OF MILITARY HOSPITAL IN QUEBEC.

INQUIRY.

Hon. Mr. LANDRY inquired :

Is there any truth in the rumour current in the City of Quebec to the effect that the military authorities have decided to remove into the middle of St. Louis ward the military hospital which is now situated within the precincts of the Citadel of Quebec ?

If this change has been decided upon, by whom and when was this decision taken ?

Have any protests against such change been received by the government, and on behalf of whom ?

Hon. Mr. SCOTT—The department advised me that it has not been decided to remove the military hospital in Quebec to the middle of St. Louis ward.

Hon. Mr. LANDRY—My second question is not answered. Has there been a protest ?

Hon. Mr. SCOTT—Well, they did not say.

Hon. Mr. LANDRY—Because the government may not have decided, but they may have received protests.

Hon. Mr. SCOTT—I shall call attention to the omission.

AMENDMENT OF RULES OF THE SENATE.

MOTION.

Hon. Mr. DOUGLAS moved :

That section 128 of the rules and orders shall read thus:—

That all Bills reported by the standing or select committees, shall, after their second reading, be placed on the orders of the day following the reception of the report, for reference to a Committee of the Whole House.

Hon. Mr. LANDRY.

He said : I think it has been said of Lord Derby that at one time he said, the House of Lords never answered any interrogations. I suppose his basis was the independence of the British House of Lords. It was not at all necessary that they should answer any interrogations from the outside world. I have sometimes thought that we might possibly be better employed than in giving so much attention to outside reports about the work of this House; that if we ignored them we might find time to give more deliberate attention to the business that comes before us from day to day, and have less time to discuss questions of the Senate and Senate reform. I have a firm conviction in my own mind that when the fathers of confederation gave us the constitution of the Senate, they made no mistake. Indeed, to go back in the history of my own political life since 1896, when at a large gathering I received the nomination to represent the old constituency of Assiniboia, the question was submitted at the very outset, was I in favour of abolishing the Senate ? I said, 'Gentlemen, if you want the Senate abolished, you must look for some other candidate to represent the constituency,' that I was not at all prepared to take any action along that line. Now far be it from me, in the consideration of this motion that I submit to you to-day, to take the position of one who would read this honourable body a lecture about the right way of doing business. I have no such object in view ; but if we can, by making a slight change that will involve no decided sacrifice of principle, be more deliberate in our methods of dealing with the various measures that come before us, perhaps we would be doing a good work and therefore bring this matter before you for consideration. Since I became a member of this House, I have the conviction that we have used wonderful despatch in the management of our affairs, sometimes at the sacrifice of the quality of the work done. I have always regretted that I had not as full information as I ought to have had in connection with the business that came before the various committees of the House, and frequently I am called upon to form a judgment hastily, when, perhaps, my judgment was not based on the information I should have possessed. Now, the only suggestion made in answer to

this proposal is that we all have the privilege of attending any committee of this honourable House and listening to the discussions that may take place, and in that way acquire the information to enable us to properly exercise our judgment when a measure comes before the House as a whole. That is true; but I wish to point out that while on the face of it it meets my complaint to a certain extent, we have ten committees in this House, and a proposition to have others, and I fail to see how it is physically possible for any one member to attend all these committees and get the information that is desired. We may attend some of them where Bills in which we are especially interested may be coming up for discussion. But we must allow others to go, and certainly, it is not for any one of us to come to the conclusion that we can gather all the information we need by attending the committee itself. My desire to obtain increased information is partly in conflict with Rule No. 128. It seems to be in conflict for this very reason: 'Unless the Senate otherwise orders, a private Bill reported from a standing special committee is not committed to a Committee of the Whole.' I may be told that this, as it stands now, is the practice of the British House of Lords. I do not deny the fact; but our Senate is differently constituted in this respect. These committees of the House of Lords in Great Britain have among them judges of the Supreme court of the country, men of high legal attainment, men of established ability; and when they come to a decision on the matter of a private Bill, it generally carries conviction in the House. Our honourable body is somewhat differently constituted, and we could conceive, under rule 128, the possibility of interested parties bringing down a report in their own favour, and if the Senate has not an opportunity to consider the matter they could slip it through easily without objection from any hon. member, inasmuch as it does not come before the Committee of the Whole. This is really the whole difficulty. I would wish a change to this extent and the Senate has the power to do so if it commends itself to its judgment, because the rule says 'unless the Senate otherwise orders.' The Senate has the power to order it otherwise, and I should like if hon. gentlemen think it wise and expedient, to do this deference to the membership of the House by giving hon. gentlemen every possible information within their power, so to change the practice that the Standing Committee shall submit their reports to a Committee of the Whole House. Instead of making it a matter for daily arrangement, let it be an established rule. I cannot see where there should be any great difficulty in the way. The only argument against the Senate making it an established rule, would be this: where a private Bill comes before a committee and is discussed and the committee has done it justice and adopts the principle of the Bill without amendment, and so reports as the united judgment of the committee, in such a case it would seem to be a waste of time for this honourable body to detain that Bill another day, which would result in putting it on the order paper to be committed to a Committee of the Whole House. That is the only objection I can see to this proposal, but it can do nobody any injury to allow a Bill to stand for another day. It can be disposed of in the same way that the House of Commons disposes of such Bills. I argue therefore for more deliberation; I argue for fuller information with reference to the detailed business of the House, and I think that hon. gentlemen will see that it is only right that we should have every possible information upon such measures as come before us. As you will observe from the wording of rule 128, it is within our power to make the change if we feel so disposed. There are many things to be said in its favour. In the first place, there is abundance of time at our disposal to carefully consider all the business that comes before us, and we would not have occasion so frequently to discuss in this Chamber the prudence of seasons of retirement. We generally get one long adjournment each session; it is these little nagging adjournments that we do not like, and I for one would put a good many of them out of business altogether, and we would be better employed. Probably it may be said that I speak on selfish lines, because hon. gentlemen living at a great distance from the capital have to remain here whether the House is in session or not. These short adjournments may be a benefit to

those living within a reasonable distance from the city; they can go home and attend to private business and return for the meeting of the House. However, we cannot plead lack of time, and the convenience of some member should not stand in our way. Then it might do much for the Senate by being in perfect line with the House of Commons in this respect. I think it would prevent a good deal of the rush of business at the close of each session when there is a temptation on the part of designing men who live by their wits more than by their muscle, to have their business come before us in due time to be disposed of before the close of the session. We all know from experience here and elsewhere that Bills are rushed through at the close of the session; that often they are very ill considered. They are hastily put through, receiving the magic word of our honourable and esteemed Speaker, and pass on to wait the royal assent. What we want then is to substitute this motion for rule 128.

Hon. Mr. DAVIS—My hon. friend has gone over the ground pretty fairly, and I am of the opinion that as we have considerable time on our hands, this change would enable us to have a better grasp of the legislation that is going through the House. Some of our hon. friends think the committees too small; others that they are too large. Be that as it may, many members are not on the important committees and have no opportunity to get acquainted with a great deal of the legislation that goes before committees. They do not hear the discussions on private Bills in the committees, and when a Bill is reported by the chairman of a committee to the House, it is generally concurred in without discussion though many hon. senators know little or nothing about it. We have been told that every senator has a right to attend committee meetings and take part in discussions, without the right to vote, but hon. gentlemen cannot attend all the committee meetings. There may be three or four committees meeting at the same time, and, of course, a member can attend only one of these at a time. Then if every senator was to attend the meetings of the Railway Committee there is not room enough for all of them. Therefore all these Bills should go through a Committee of the Whole House. If the motion of my hon. friend is carried, we will have a better grasp of the legislation; it will be doing justice to every member of the Senate and will have a beneficial effect on our legislation.

Hon. Mr. CLORAN—I am one of those who like to have all the light I can get on a question. Others may not like so much light, but I require all that I can get, directly if possible, but if I cannot get it directly I like to get it indirectly. Many hon. senators are not members of the important committees, and have no way of obtaining information they require before coming to a decision on certain questions which interest the nation and involve great issues. For many a year—I am only five years here now—I have found myself very often lacking information which I should have and could only get by going around to the committees, and to do so I would have been obliged to cancel other obligations. I believe that in every deliberative assembly where popular rights are at stake, everything that is done in committee should be reported to the House, so that members, in passing judgment, may have all necessary information on which to base judgment. I have been chairman of the Private Bills Committee for the past four years, and in that position I have insisted time and again that the work of the committee should be made known fairly to the House. Everything cannot be supplied of course, but everything essential to forming a judgment can be furnished. I contend that the motion before the House is one that will relieve the situation to a large extent. It is not a revolutionary proposition; my hon. friend simply asks that he and his colleagues who are not on some of the important committees should be made acquainted with the substantial facts in each case brought before a committee. A motion to that effect was voted down last week, to the discredit of the Senate in the estimation of the people of this country. It would have been simple justice to those senators who do not attend the meetings of the Railway Committee to have adopted the motion of my hon. friend from Digby last week. My hon. friend limited his demand to one fact, that when a Bill was declared

to be to the general advantage of Canada, the House should know on what grounds a committee of ten or twenty members so decided. This honourable House by a vote of 29 to 22 voted down that motion with the result that the Senate is held up to public opprobrium by the press of the country. I hold in my hand an article in the 'Ottawa Evening Journal' on the subject, which, I submit, is just and fair.

Hon. GENTLEMEN—Read, read.

Hon. Mr. CLORAN—It is well worth putting on record as an expression of public opinion on the action of a majority of this House on that occasion. I put in my protest, but unfortunately had to leave before a division was taken, which explains why my name is not in the division list. However, before leaving the House, I paired with an hon. member who would otherwise have voted with the majority. The hon. member from Saskatchewan asks that all Bills reported from committees should be submitted to a Committee of the Whole House. What does the 'Journal' say with regard to the action of this House?

Hon. Mr. LOUGHEED—I rise to a point of order. My hon. friend is referring to a past debate, which is clearly out of order.

Hon. Mr. CLORAN—I am not referring to a past debate. I am referring to an article which appeared in an Ottawa newspaper as sustaining my opinion on the question now before the House.

The SPEAKER—I must declare that the point of order is well taken.

Hon. Mr. CLORAN—In regard to what?

The SPEAKER—The discussion of a previous debate which took place here.

Hon. Mr. CLORAN—I shall not discuss the question of the debate of last week, but I shall discuss the point that the people of this country want the Senate to do its business fairly and intelligently. There are a certain number of members here who desire to do so; there is a majority against us, who do not wish to let in the light as it appears in the committee.

Hon. Mr. DOMVILLE—Oh, no. No.

Hon. Mr. CLORAN—The hon. gentleman voted for it. What is the opinion of the people of this country in regard to our actions along the line which I am debating here to-night? One of the organs of public opinion in this country states this——

Hon. Mr. LOUGHEED—I object again. I raise the same question that this article cannot be read, because it refers to the debate in question.

The SPEAKER—I would ask the hon. gentleman to simply discuss the question at issue, which is the motion of the hon. gentleman from Saskatchewan. The article which the hon. gentleman refers to is a criticism of the debate of last week.

Hon. Mr. CLORAN—All philosophers derive their light from past events. There is no question about that. You will never have any light if you stand in your own light. I am looking for light from the acts of last week. Now I am told that I am out of order. It is another illustration of where the Senate stands before the people of Canada. We are told—we are getting old—and we are not allowed to derive any light from the facts of the past. I bow most humbly to the decision of the honourable chair; but I venture to say that the hon. leader of the opposition in this House will not receive the approbation of the people of this country by endeavouring to stifle discussion of this kind.

Hon. Mr. POIRIER—Order, order.

Hon. Mr. CLORAN—I have bowed to the decision of the chair. Public opinion is now discussing our value and our position in the political life of the country.

Hon. Mr. DOMVILLE—The Senate itself is doing it.

Hon. Mr. CLORAN—Yes, but we are more subject, and we should be more subject to the influence of outside opinion than that which exists within our ranks, as to our existence, because I do not believe in suicide. If other people want to kill us, and if they are powerful enough to do it, tion I submit; but I am not going to endorse a policy of suicide. The motion before this honourable House is one that will appeal to all classes of citizens through-

out the country, and why? Because they feel, much more so than the minority of this House; they feel that the Senate should render more service to the country than it has done; but we are prepared to limit our ways and means of acquiring information, whereon to base honest, fair, impartial legislation. How can I vote on the Lancaster Bill, for instance, which the committee could not decide this morning, and which has gone over for further consideration? How am I to decide that question?

Hon. Mr. POIRIER—Order, order.

Hon. Mr. CLORAN—Take any Bill before this honourable body, how am I going to decide intelligently, impartially and judiciously, if I have not the information which has been given by the experts, by the lawyers, by the members of parliament and by the senators before that committee?

Hon. Mr. CASGRAIN—I rise to a point of order. There is a reference being made to what took place in the committee this morning. The report of that committee is not before the House at all.

Hon. Mr. CLORAN—I am not restricting myself to the committee of which the hon. gentleman is chairman, nor do I exclude my own committee.

The SPEAKER—I do not think the point of order is well taken. The hon. gentleman is speaking generally.

Hon. Mr. CLORAN—Well, that is one decision in my favour. The hon. senator from De Lanaudière, who is chairman of the Railway Committee, did perfectly right in rising and stating that I had no right to discuss what happened in his committee this morning. I bow to his opinion in that matter; he is perfectly right, but I hold that as a rule other members who do not belong to special committees, have other business to attend to in this honourable House and are not able to attend all the committees. The result is that they are called and asked in the Senate to vote on measures of which they know nothing. I protest against that in conjunction with the hon. gentleman from Saskatchewan, who has had the courage to come before this House, notwithstanding his recent membership, to ask for a change in its methods. I stated the other day, in answer to the hon. gentleman from Marshfield, that it was no reason why we should act in the present as we have hitherto done, because, in the past, certain rules were adopted. Times change. Conditions change. The country grows, and the Senate, if it wants to live, must grow with the country. There is the position; and I hold that the hon. gentleman from Saskatchewan in placing this motion on the order paper and asking the House to endorse it, is doing simply what the country wants to be done, and if it were not for the fact that I am blocked and stifled in my discussion in regard to the past debate, I would say that the press of the country has held the Senate up to ridicule and opprobrium for its act of last week. I am debarred from discussing this matter. All I have a right to state is the fact. I hold that, under the circumstances, it would be prejudicial to the best interests of this Senate to reiterate its action of last week. It would be prejudicial to the best interests of parliament to have this honourable House repeat its mistake of last week. It would be prejudicial to the interests of Canada that the Senate, in the discussion of public affairs, should be closed to the light, and on these grounds I would ask hon. members who have at heart the interests not only of the Senate, but who have at heart the interests of the people, to endorse the motion of the hon. gentleman from Saskatchewan.

The SPEAKER—As the hon. gentleman seems to have doubts as to the propriety of restricting the debate to the motion, I will cite Bourinot, at page 479, where he says:

> Neither may a member read from a printed newspaper or book, comments on any speech made in parliament during the current session.

Hon. Mr. CLORAN—I have bowed to the decision of the Chair.

Hon. Mr. POIRIER—I fail to find a parallel between this motion and the one of my hon. friend from Digby relating to works for the general advantage of Canada. The first motion which was rejected, and which I will not discuss on its merits, referred to particular cases, precedents for

which exist in our rules, as, for example, when the preamble of a Bill is not proven and it is so reported to this House, the reasons may be given why it is so reported, which was the one innovation proposed by my hon. friend from Digby; but this is a new question altogether. It is a complex one. It is one the operation of which I am afraid will be difficult in this House. First it will practically create two committees running over the same ground. Second it will come in conflict in a serious manner with rule 130 which says :

No important amendment may be proposed to any private Bill in a Committee of the Whole, or at the third reading of the Bill, unless notice of the same shall have been given on a previous day.

So the honourable House sees in what position we will stand if we have two concurrent committees running over the same ground. The Committee of the Whole will be unable to alter materially the Bill except upon notice being previously given. It will unnecessarily complicate matters. Then again, which of the two committees will be paramount ? Naturally the latter one should be, as it is a Committee of the Whole House; but here again there are unnecessary conflicts of jurisdiction. If the Bills are to be taken to Committee of the Whole House, I would simply move to abolish all standing committees. In that case there would be no conflict, and that light after which my hon. friend is aspiring, which he thinks, and we all believe, so necessary in all our acts, and in his particularly, torrents of that light will be shed upon it. This motion as proposed, if it becomes a standing order, will, I apprehend, and I repeat it, be a source of perplexity for the Senate. It will be very difficult of application and in taking into consideration the rule 130, it will practically be useless, because that committee will not be able to take hold of the Bill and change it in any way or manner, except upon such notice as is given for the third reading of the Bill.

Hon. Mr. LANDRY—Just a word or two in answer to the contentions of my hon. friend who has just resumed his seat. I do not see any conflict at all between rule 130 and rule 128 or 129. There is no conflict at all in fact. Rule 128 says :

Unless the Senate otherwise orders, a private Bill reported from a standing or special committee is committed to a Committee of the Whole.

That is the general rule; but this rule enacts that the Senate could otherwise order, and whenever a Bill comes from a special committee the Senate may order by its own authority that the Bill be re-committed to a Committee of the Whole. That is the law as it stands to-day. Now rule 130 goes on to say :

No important amendment may be proposed to any private Bill in Committee of the Whole if the Senate has ordered the Bill to go back to a Committee of the Whole, or at the second reading, unless a notice of the same shall have been given on a previous day.

That is the practice that has been followed here every day. When a Bill comes from the standing committee and is placed on the Orders for the third reading, no important amendment is made unless notice has been given on a previous day. That is what rule 130 means, and nothing else. If something could be inferred from the contentions of my hon. friend it is this, that rule 130, instead of being in conflict with the proposal of my hon. friend, comes in aid of that proposal, and the motion of my hon. friend, if carried, would fall under the operation of rule 130 and not conflict with that rule at all. I do not see any conflict at all in those two rules. The question is, shall we adopt this new procedure? Shall every Bill that comes here from a standing committee be referred to a Committee of the Whole? Reasons may be given against, and reasons may be given in favour of that procedure. For my part, I would be inclined to adopt the motion of my hon. friend.

Hon. Mr. DOMVILLE—I do not think there need be a very great deal of discussion on this question. My hon. friend from Victoria quoted from a paper. I think he was wrong because the ruling of the hon. Speaker was that according to Bourinot—who has gone to the Happy Hunting Ground—not too early perhaps—he was not entitled to refer to the article in the newspaper. If he had stated in this House that a newspaper had said so and so, he would have been in order. If he said a newspaper had attacked this

House on its action, he would have been perfectly in order. He wanted to show that it was unfortunate that any action by this House should be calculated to bring down upon us the censorship of the press or of a private individual, and how damaging it would be to us. I think the motion should be carried, because when a Bill is sent to a private committee, I may be there or I may be away, or some other hon. gentleman who wished to say something, or who had formed some opinion on the matter, may not be present and may not have the chance of saying anything. I do not want to be ruled out of order, if I say that I was on a committee over and over again, and I had no chance of getting a word in edgeways. I shall not refer to a committee of to-day or to a committee of yesterday. There are lights there that govern us. There are greater lights and lesser lights, and the lesser lights have no right to tilt swords with the greater lights, and the lesser lights think that, being in the Senate, they know quite as much as the others do, and can decide with an unbiassed mind.

An Hon. GENTLEMAN—An open mind.

Hon. Mr. DOMVILLE—It is open first and unbiassed afterwards. Committees are like the whirlwind. There is a way to get round them, but I would not mention the word now. In the House of Commons a Bill goes to a committee. And what for? To get at the details. The details are looked into very thoroughly. Some members agree and some disagree, and then the Bill goes back to a Committee of the Whole. One hon. gentleman says: 'I could not get in a word edgeways in a certain committee, but I can say a word just now; I am going into every one of the sections, I am going to probe it through, and I am not going to have that Bill carried en bloc as some members would wish.' What can be the harm of having the Bill sent to the Committee of the Whole? We are not overworked. Some of us are overtalked a little, but not overworked. We have lots of time. The country is complaining that we have nothing to do. Is there any objection to relieving the mind if you like to call it the mind of the public, or the mind of this House, or the mind of every body else, on the fact that there shall be free discussion in the Chamber of everything going through the House.

Hon. Mr. CLORAN—Full discussion.

Hon. Mr. DOMVILLE—Full discussion. My hon. friend may say to me 'You have a regular way of reaching the same result. You can give notice.' Well, I give notice that on the third I will move so-and-so, and some hon. gentleman says: 'Spoken; you can only speak once.' Perhaps the points I have taken would not cover the objectionable feature of the Bill in detail, and therefore, to use a term which I hope may be considered parliamentary, that Bill goes through here without being thoroughly digested and threshed out by some hon. gentlemen who wished to thresh it out. All we ask—I say we, as I am only a humble member of some thirty years' experience, which counts for nothing, is that the rule should be changed, that a Bill, after being reported from the special committee, shall be referred to the Committee of the Whole, where we can go into every section and discuss it to our heart's content. Is there any harm in that? Is it treading on anybody's corns? If I were to say it did, I should be called to order. You would say that I was suggesting that in those committees there were hon. gentlemen who could govern those committees, and then I would be out of order. You will remember that Mark Anthony said at Caesar's funeral, 'We did not come here to praise Caesar; we came here to bury him.' We are in that position here. I am joining with those who think it is within the dignity of the House, it is not cutting away from the public and the press. Every citizen has the right to come here, and any man has the right to ask his friends to come and say, 'Can you do us a good turn?' That is all right. There is no harm in it; but if the public were to get the impression, that the working details of that committee were such as ensured to corporations and others their legislation, it would be unfortunate in an independent body composed of men of high standing like the Senate. Who can object to the resolution of the hon. gentleman from Assiniboia? I think it is useless, even to discuss it. I desire that in this House there shall be free discussion of everything, and that

the opinion shall not exist either in this Chamber or outside of it, that Bills are put through which should not go through.

Hon. Mr. POWER—I think that the thanks of the House are due to the hon. gentleman from Saskatchewan for bringing this matter before us. It is a desirable thing that we should discuss even the fundamental rules of the House once in a while, and it is desirable further that hon. gentlemen who have been a comparatively short time in this House should learn why it is that our rules are in the shape in which they are at present.

Hon. Mr. DOMVILLE—Will the hon. gentleman permit me to interrupt him? That is a very sarcastic remark about the new members. There are hon. gentlemen in this Chamber who have carried election after election in the country, when they appeared before the people; while there are other hon. gentlemen in this House who have never carried an election. I do not know whether the hon. gentleman meant the remark to apply to me.

Hon. Mr. POWER—The hon. gentleman from Rothesay is too ready, I think, to put on a cap not intended for him at all. I was not thinking of the hon. gentleman.

Hon. Mr. DOMVILLE—Then I did not catch what the hon. gentleman said.

Hon. Mr. POWER—The hon. member should not have interrupted, if he did not catch what I said.

Hon. Mr. DOMVILLE—I interrupted before the hon. gentleman said it.

Hon. Mr. POWER—I just wish to put the case as it strikes me. This practice of ours has prevailed in the House for forty years; and with respect to the particular matter which is now before the Senate, until last session, I do not think any question was ever raised about it. Now, however highly we may esteem the gentlemen who have recently come to the House, and who consider that our rules are defective, I think the forty years' experience should count for something. There were brave men before Agamemnon, and there were able and bold men before the hon. gentleman from Victoria, and his friends; still during forty years this question has never been raised. There is another fact. Although it is true that in the House of Commons they have a practice of referring private Bills to a Committee of the Whole, that practice does not prevail in any case in England. The procedure of the Senate is supposed to follow that of the House of Lords, but in the House of Lords in England and in the House of Commons also, private Bills are not referred to a Committee of the Whole House. What is the fact? Some hon. gentlemen made reference to what the 'Ottawa Journal' said about the recent action of this Senate. Well, if I am not out of order in speaking, I read the article, and I thought that if the editor knew what he was writing about, he would not have written as he did.

Hon. Mr. CLORAN—Order, order.

Hon. Mr. POWER—So that this talk about public opinion outside should not influence us, when that opinion is not an enlightened public opinion. When a man talks about something he does not understand, his opinion is of little value. What is the position with respect to private Bills? First there is a notice to the public in the 'Canada Gazette' which gives the substance of the thing asked for. That notice is open to everybody, and is kept on file in the clerk's office. Then comes the petition, which usually sets forth more fully the character of the legislation which is sought. Then the Bill comes into the House and is printed, and every hon. member has ample opportunity to read the Bill and see whether or not there is anything objectionable it in. At one time we were not so particular. We allowed private Bills to be read with only one day's notice; now there must be two days notice, so that every member has ample opportunity, if he chooses to avail himself of it, to find out what the character of the Bill is. Then it is read the second time, and there is ample opportunity for discussion at the second reading; and it must be remembered with respect to these Bills, that in nine cases out of ten they have already passed through all their stages in the House of Commons and come up to us in a comparatively perfect form. Then the Bill is referred to a Standing Committee, where it is

considered with a great deal of care. Gentlemen who are members of the other House and legal gentlemen who appear before the committees of both Houses, unite in bearing testimony to the fact that much greater care is bestowed upon Private Bills in the committees of this House than in the committees of the other House. I am not aware that it has been shown that any standing committee of this House as acted negligently in that respect. Hon. gentlemen talk about having all these Bills come before a Committee of the Whole House. That would be an excellent inconvenient practice, and further, would be an ineffective practice. The fact that Bills came before a Committee of the Whole House would not bring about the result that the hon. senator from Saskatchewan and hon. gentlemen who agree with him desire; because if a Bill is committed to a Committee of the Whole House you cannot bring the evidence there; you cannot bring witnesses, and you cannot hear the counsel who have spoken pro and con before the Standing Committee. You cannot refer to what occurred in the Standing Committee, and how much better off would you be in a Committee of the Whole House than you are now? What information that could be brought before a Committee of the Whole House could not be brought before the House itself? The only advantage that could be gained in going into a Committee of the Whole would be that there would be no limitation to the number of speeches made in connection with the different clauses of a Bill. Whether that would be an advantage or not I am not prepared to say. And there is that about it, that if there was an insuperable difficulty in the way of the hon. senator from Saskatchewan which would prevent him from getting what he desires, I could understand it; but this very rule which he proposes to amend shows that it was the intention of this House, when the rule was framed, that in certain exceptional cases a private Bill might be referred to a Committee of the Whole House. I do not think I have known more than one or two cases where a Bill has been so referred, and I do not remember any case where an application to refer a Bill to a Committee of the Whole House has been refused; so there is no grievance.

Hon. Mr. POWER.

There is one thing which probably the hon. gentleman from Saskatchewan did not realize, that in all legislative bodies much of the work is referred to committees. Otherwise the public business could not go on. This House could not do its business without committees. I remember when in divorce cases the witnesses were examined at the bar of the House as to the service of the petition and things of that sort, the members of the Senate felt that was an exceedingly inconvenient practice and they delegated the whole business to the Committee on Divorce, where the work is done much more satisfactorily and just as thoroughly as it was done in old times when a great part of it came directly before the House. The hon. gentleman's proposed amendment makes it obligatory that every Bill reported from a Standing Committee shall be referred to a Committee of the Whole House . If a committee—say the Railway Committee—reports a dozen Bills, none of them perhaps contentious, and the House had to go into committee on every one of these Bills, fancy what a loss of time it would involve, and not only the loss of time on the day itself, but the postponement of the time for the disposal of the Bill for, as a rule, at least two days. There is nothing to be gained by it. Nobody contends that we do not give sufficient attention to Bills, and it has not been shown that there has been any abuse. There is this that the hon. gentleman from Saskatchewan did not bear in mind, that these committees are part of the machinery of the House. The Railway Committee, which is the one that, as I understand, appears to have attracted most attention and the most unfavourable attention, is composed of two-thirds of the members of this House. You can take any body, anything from a town council up, and it is found absolutely necessary that a large amount of the detail work at any rate shall be referred to committees; and when a committee has considered a question and made a unanimous or nearly unanimous report, the parent bady, as a matter of course, assumes, and very properly, that the committee have done their duty. If there is a marked division in the committee, a large minority who are hostile to the finding of the committee, that minority have the right,

and they exercise the right of bringing the question up before the mother body. The rules provide for that. If there is one portion of the work of this House which I think is done in a creditable way, it is the work in connection with private Bills, and that fact is recognized by the members of the other House, by the press and by the legal profession who practice before both Houses and by the members of the government; and why we should undertake to alter a system which has worked so satisfactorily is something which I really cannot understand.

Hon. Sir MACKENZIE BOWELL—I was about to ask a question which has been covered by the hon. senator from Halifax when he spoke of witnesses being examined before the bar of the House in connection with divorce cases. Has the hon. gentleman from Saskatchewan contemplated for a moment the necessity for referring to a Committee of the Whole House the evidence taken before the Divorce Committee, because if I read this motion correctly it would be imperative the moment a report was made by the Divorce Committee to refer that report with the whole of the evidence taken in connection with the case to a Committee of the Whole House. Surely the Senate is not desirous of entering into the reasons which are given that justify a divorce? Surely the House does not wish to consider the evidence in Committee of the Whole after it has been considered seriouly and solemnly by a small standing committee? There is to my mind a very great objection to anything of the kind. The appropriate way, as has been pointed out by the hon. senator from Stadacona, to proceed if there is any objection to a private Bill when reported from a special committee, is to take action under the existing rule which gives the right to the Senate to take any action it may please in the matter. As has been very strongly pointed out in this debate—and I have frequently called attention to the same point myself—what we require is a full explanation on the motion for the second reading of all Bills, of what the incorporators desire to obtain, and the principle involved in each Bill. It seems to me it would be a great mistake to change the rule as it stands, but if the majority think it necessary to make a change, I could suggest a much easier way to get at what the hon. gentleman desires. If the hon. gentleman will move to strike out the words 'is not' and insert the words "shall be' he will attain his object.

Hon. Mr. DOUGLAS—I accept that.

Hon. Sir MACKENZIE BOWELL—If the rule were amended in that way every Bill reported from a standing committee would go to a Committee of the Whole House unless the Senate could otherwise declare. However, I see no necessity even for that change. The rule itself gives ample power to the Senate to refer any Bill to a Committee of the Whole House or to another special committee.

Hon. Mr. WILSON—There has been ample discussion, and I suppose everyone understands the object of this resolution. My hon. friend who had charge of the framing of the rules a couple of years ago knows that I then insisted upon Bills reported from the standing committees being submitted to a Committee of the Whole House. It has been said that in doing so we might have a conflict between the Standing Committee and the House; I see no danger of that. The hon. gentleman from Halifax tells us that this rule has been in existence for forty years. That does not make it any the better. With age we do not always get wisdom.

Hon. Mr. POWER—Hear, hear.

Hon. Mr. WILSON—Our legislation should be carefully considered, and that is why I approve of changing the rule. I cannot see how it would lead to any difficulty. In the House of Commons all private Bills reported from the standing committees are submitted to a Committee of the Whole House.

Hon. Mr. POIRIER—But you could not change anything substantially without giving notice thereof.

Hon. Mr. WILSON—You can amend a Bill in Committee of the Whole just as well as you can amend it in the House. Does my hon. friend pretend to tell me that in the House of Commons they must always give notice of an amendment? We have

to give two days notice here of any substantial amendment at the third reading of a Bill. A public Bill introduced in the Senate here goes to a Committee of the Whole House. Are we not in a position to discuss that Bill and if necessary amend it just as well as if it had gone to one of the standing committees? I have no fault to find with the Private Bills Committee. I believe they do their work well and are worthy of all due respect; but, as has been pointed out very forcibly, we cannot be on all the committees. When, therefore, a standing committee considers a Bill and reports it back to the House, it should be submitted to a Committee of the Whole House where every individual member would have an opportunity of understanding and expressing his views upon it. We have plenty of time here to fully consider all measures introduced in the House. I see no reason why a private Bill should not be subjected to a thorough discussion in a Committee of the Whole House in the same way that public Bills and government measures are considered. I do not think it is any argument at all to say that the existing rule has been in operation for many years. That is no reason why it should be continued unless it can be shown that it is of some advantage. Now, has any hon. gentleman pointed to a single advantage arising from sending private Bills to standing committees only? No doubt that is the proper place for them to go in the first instance, but they should afterwards be thoroughly sifted by a Committee of the Whole House. The leader of the government is responsible for the legislation that passes here and should have an opportunity, like every other member of the Senate, to consider every Bill that comes before us, in a Committee of the Whole House. We want the assistance of the members of the government in deciding whether we are right or wrong in passing those Bills. I am thoroughly in sympathy with the motion of the honourable senator from Saskatchewan and approve of the proposal to change the rule.

Hon. Mr. McMULLEN—I was strongly inclined in the first place, to support the resolution; but after listening to the discussion which has taken place, and the explanations given by the hon. senator from Hastings and the hon. senator from Halifax, I think the object in view can be reached without referring all Bills to a Committee of the Whole. That being the case, I cannot see what advantage can be gained by adopting the suggested resolution. Towards the close of the session it is often necessary to rush Bills through, and we might find this proposed rule very inconvenient when business is pressing. It should be, if adopted, optional with the House to enforce it or not. Under the existing rules any one may move an amendment to a Bill reported from a standing committee by giving notice of his intention to do so. That will enable him to bring his views before the House and move to amend at the third reading. I entirely agree with the hon. senator from Hastings that it would be exceedingly awkward if we had to consider all divorce Bills in a Committee of the Whole House. I hope the hon. gentleman from Saskatchewan will allow his motion to drop, because his object can be attained as well by following the course that has been suggested by the hon. senator from Hastings.

Hon. Mr. DOUGLAS—I have listened with a great deal of attention to the diversity of opinion expressed in this debate. The difficulties that have been hinted at have not been new discoveries to me. I have given enough attention to the subject to understand them all, and I would hesitate very much to ask this honourable body to do anything which I thought would lead to conflict. The hon. senator from Halifax did not give us a single reason that was tangible or worthy of consideration for a moment as to why this rule should not be changed. We waive our rules every day. They lie on the table just like flips, and nothing is said about them. If a rule is in the way of anything going through with haste, we turn over the rules like flips, a child's game. If this House should at any time feel that there is anything in the way they are at liberty to move that rule so-and-so be suspended for the time being. Then again the hon. gentleman speaks of the long time the rule has been in existence. This rules he says are forty years old. I claim to be seventy years old, that is thirty years older than the rules; I ought to have some wit and

wisdom by this time. Furthermore, I had ten years experience in the House of Commons, but that is only a brief part of my experience. I have been accustomed to deal with the public and public questions since I was twenty-seven years of age, so that my education in these particulars is not simply since I came into this venerable assembly. The hon. gentleman says it would be inconvenient to disturb the rule, and yet he fails to say how there would be inconvenience or disturbance. I am not against the committees of this House. He says why not abolish the committees of the House altogether? The committees of the House do grand work. They hear interested parties, examine witnesses, take charge of all evidence and can mature their own judgment on a question at issue before it comes to us. By going into a Committee of the Whole House, we do not expect witnesses to be called before us, but we do expect that the hon. gentlemen who may be members of the particular committee to which the Bill may have been referred, shall be in a position to give us the result of their consideration, and the reasons why they arrived at their conclusions. If they have made amendments we should know the reasons why the amendments were made. We want to hear the hon. gentlemen of that committee express themselves, and if they do not bring the exact doings of the committee before the Committee of the Whole House, it is not what we look for. We look for the result of their deliberations in order that we may have further light to enable us to discharge our duty to the public. They carry the responsibility if they carry the duty likewise. The only objection that has been urged against this motion is the question of divorce. I thought of that carefully before I drew up the motion. There is no need that this divorce work should stand in the way at all. The special committee to examine the witnesses collect all the evidence, arrive at their conclusions and report to the House as a whole. Very well, what about the evidence? In these cases the evidence is never submitted to us in the House; the evidence is sent to us through the post office and we get it in printed form, so that there is no reason why the divorce question should come in here as a reason why this motion should not pass. I am satisfied on that point. The hon. gentleman from Hastings, whom I respect very highly, says that he would suggest a better way. I am quite satisfied to leave it to the House to carry out the details. If it simply says 'Shall be committed to a Committee of the Whole,' it would cover the whole case, and I thought of that before I drafted this motion. I cannot see that any reason has been yet given to stand in the way of the House endorsing this motion. Rules must change and principles of order will change in the experience of the House. So that it is no new thing to suggest slight changes of this kind. But some hon. gentlemen are exceedingly sensitive when touching matters with which they have been concerned, and I notice this particularly with regard to the hon. gentleman from Halifax. The adoption of this resolution will strengthen the Senate instead of hindering it. I believe it will go a long way to increase the confidence of the public in the Senate, instead of doing otherwise. There are other matters that I might speak of, and perhaps may speak of in the near future, that reflect on this very question. The danger at the present moment to the Senate is not so much from the opposition, from the public press or from the remarks of fresh young men in the House of Commons—not at all; the danger is one that has threatened the Senate of the United States, and threatens this Senate, with being influenced and ruled by outside parties who are interested in the legislation that goes through. Before long we may find ourselves in the position of the Senate of the United States, where corporations and large companies own the whole thing, body and soul. I throw out this hint, not that we have got so far, but we are on the way, and this motion, if adopted, will do a great deal to weaken the efforts made by the men in the lobby. They will have to consider not the individual member, in the committee, but the whole House, when they seek to carry their point and get the legislation through for any purpose in which they are specially interested. Therefore I say that this proposed rule would have many advantages. It will give us more work per-

haps, and perhaps fewer holidays, but that will be all the better.

Hon. Mr. POIRIER—Supposing the standing committee should pass a Bill in a certain way, and the Committee of the Whole House should alter that Bill, how would we proceed ?

Hon. Mr. DOUGLAS—The House would decide the question.

Hon. Mr. CLORAN—The bushel is bigger than the peck. The Committee of the Whole House is master.

Hon. Mr. DOUGLAS—You will observe that upon the report of the special committee being given to the House, then on the motion of the House it shall go on the order paper and come up in due form for adoption or otherwise, and the Committee of the Whole House must settle the whole business of that report before it rises. That is in accordance with the rules at present in vogue. I cannot yet believe, and no one has given reasons that would make me believe, that this motion is in conflict with any rule in existence in the Senate. We leave it to the discretion of the House to deal with it as they would any other rule of the House. If circumstances arose that required a suspension of the rule, they could suspend it at their discretion. In the management of a Divorce Committee, there would be nothing in this rule that would conflict with their doing their work in the usual way. We are not complaining of the evidence we got. We have plenty of it, God knows. It is given to us in a certain form, and we make up our minds as to what our duty is under the circumstances. Therefore I leave the matter to the judgment and good sense of the House, and I shall be satisfied with their decision.

The House divided on the motion which was lost on the following division: Contents 16, non-contents 45.

CONTENTS :

The Honourable Messieurs

Beith,	Douglas,
Bernier,	Landry,
Boucherville de,	Maclaren,
Cloran,	Montplaisir,
Coffey,	Ross (Halifax),
Comeau,	Ross (Middlesex),
Davis,	Roy,
Domville,	Wilson.—16.

NON-CONTENTS :

The Honourable Messieurs

Baker,	Lougheed,
Béique,	Lovitt,
Belcourt,	Mackay (Alma),
Bostock,	MacKeen,
Bowell	McGregor,
(Sir Mackenzie),	McKay (Truro),
Campbell,	McMillan,
Cartwright	Merner,
(Sir Richard),	Mitchell,
Casgrain,	Owens,
Choquette,	Perley,
David,	Poirier,
Derbyshire,	Power,
Dessaulles,	Riley,
DeVeber,	Robertson,
Ellis,	Ross (Moosejaw),
Fiset,	Scott,
Forget,	Shehyn,
Frost,	Sullivan,
Godbout,	Watson,
Jones,	Wood,
Kerr,	Yeo,
Kirchhoffer,	Young.—45.
Legris,	

MANUFACTURERS' MUTUAL LIABILITY INSURANCE COMPANY BILL.

SECOND READING.

Hon. Mr. JONES moved the second reading of Bill (I) An Act to incorporate the Manufacturers Mutual Liability Insurance Company.

He said: This is a Bill to incorporate the Manufacturers Mutual Liability Insurance Company. I think that is an indication of the powers of the company. As I understand it the powers are contained in the fourth clause, which reads as follows :—

The company may, on the mutual principle, insure and indemnify its members against claims by or on behalf of any other person for loss or damage by personal injuries or death.

The business powers of the company are practically contained in that clause. The other clauses are substantially the usual clauses. I have not studied the Bill carefully, and I am not aware that there are any other than the regular clauses outside of the one I have read, which probably differs from the usual powers of a company.

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

APPOINTMENT OF UNDER SECRETARIES.

DEBATE RESUMED.

The Order of the Day being called :

Resuming the adjourned debate on the motion of the Hon. Mr. Ross (Middlesex),

that in the opinion of the Senate, the time has arrived for supplementing the executive government of Canada, by the appointment of Under Secretaries to the more important departments of the public service, with duties and privileges as near as may be similar to those of the corresponding officers in the parliament of Great Britain.—(Hon. Mr. Power.)

Hon. Mr. POWER—It is very well to say 'Resuming the adjourned debate'; but really it is so long since the discussion was adjourned that it does not enlighten any one very much. There is enough Irish in me to make me prefer to have somebody to oppose. With reference to this matter, whether we see eye to eye with the hon. gentleman from Middlesex or not, we must be grateful to him, because he has brought up a subject of very considerable interest, and it is a little out of the ordinary every-day routine of our business. In fact, like the question of the constitution of the Senate, it is a subject which calls, to a certain extent, for statesmanship rather than political or ordinary business capacity. I may say that I am afraid while I express my admiration for the speech which the hon. gentleman made, and recognize the fact that the subject is an interesting and somewhat important one, I feel that there is really not very much public opinion behind the motion of the hon. gentleman. In other words, looking at it from the point of view of the practical man, the scheme which the hon. gentleman proposes does not fill a long-felt want in public life. Now, in order to show that, I may call attention to the fact that there has, so far as I am aware, never been any serious discussion of this question in the public journals or periodicals of the country. That point I think has already been made by the hon. Secretary of State. He, however, confined his statement to the last few days during which this notice of the hon. gentleman from Middlesex had been on the paper; but, as a matter of fact, as far as I remember, this question has never been seriously considered by the press of the country, and, while I do not think that they are always the best authorities on constitutional questions, still if a question is of anything like vital importance in a political way, the newspapers are pretty sure to talk about it, no matter whether they talk about it wisely or the other way. There is another circumstance to which the hon. gentleman referred, which I think goes to show that the scheme which he proposes is not perhaps of great practical value. In the year 1887, the late Sir John Macdonald had a measure introduced and passed through parliament providing for the appointment of three officers who would practically be the same as the Under Secretaries of whom the hon. gentleman from Middlesex speaks. There was a comptroller of customs and one of inland revenue, and a solicitor general. Now the fact that an astute and experienced politician like the late Sir John Macdonald had introduced a measure of that kind would naturally strengthen one's disposition to view it favourably. It is a matter of no consequence, of course; but I may say that when that measure was introduced I supported it. I thought it was a step in the right direction; but here is the one remarkable fact, that the Right Hon. Sir John Macdonald, although he had his Act passed in 1887, never put it into operation. The Act was brought into operation after the death of Sir John Macdonald. I am speaking now under correction, because the hon. gentleman from Hastings was the Minister of Trade and Commerce and he had the two comptrollers acting as his assistants; but the impression which has been made on my mind is that, on the whole, the comptrollers did not give the utmost satisfaction. However, it may have been under the administration of the hon. gentleman from Hastings; when his government ceased to be in power, and the Liberal party came into power, this system was almost immediately abolished, and the two comptrollers, the gentlemen who had been appointed comptrollers, were made ministers of the same rank as the other ministers. As to the solicitor general, I have no doubt that that officer discharges valuable duties; but I do not think that the duties which he discharges and the services which he renders are the kind of service to which the hon. gentleman from Middlesex refers. I do not think he takes up a very large portion of the burden which rests upon the Minister of Justice. I do not mean to say he does not do valuable work, but I do not think it is the kind of work to which the

hon. member referred to in his speech. So that I do not think our experience is calculated to make us feel that there is any demand just now for officers of this kind. As I have just stated, I was in favour of the Act of 1887, and its operation has been rather a disappointment.

Hon Sir MACKENZIE BOWELL—I do not desire to interrupt the hon. gentleman, but I do not think there is a quorum of the House. It is not only disrespectful to the hon. gentleman who is speaking, but it is disrespectful to the Senate itself to show so little interest in a question of such grave importance.

Hon. Mr. LOUGHEED—May I suggest that owing to a certain social function which is going on within the Senate walls, we should call it six o'clock.

Hon. Mr. POWER—With the permission of the House, I move the adjournment of the debate.

Hon. Mr. LOUGHEED—It seems to me that the motion cannot be put if there be no quorum.

Hon. Mr. POWER—We can see that there are fifteen here.

The SPEAKER—There is a quorum.

Hon. Sir MACKENZIE BOWELL—I hope the hon. gentleman will persist in moving the adjournment of the debate, because I purpose saying something on the subject myself and do not wish to speak to empty chairs.

The motion was agreed to, and the debate was adjourned.

BILLS INTRODUCED.

Bill (38) An Act respecting the Edmonton, Dunvegan and British Columbia Railway Company.—(Hon. Mr. Roy.)

Bill (44) An Act to incorporate the Alberta Northern Railway Company.—(Hon. Mr. Young.)

CANADIAN PACIFIC RAILWAY ACT AMENDMENT BILL.

INTRODUCED.

A message was received from the House of Commons with Bill (45) An Act respecting the Canadian Pacific Railway Company.

Hon. Mr. POWER (in the absence of Hon. Mr. Young) moved that the Bill read the second time on Friday next.

Hon. Sir MACKENZIE BOWELL—Is it not well that we should know the contents of the Bill ?

Hon. Mr. POWER—It provides for the construction of a line of railway from a point at or near Killam or some other point in township 44, to a point at or near Strathcona, Alberta.

Hon. Mr. LANDRY—That is entirely within Alberta.

Hon. Mr. POWER—Yes, but it is a branch of the Canadian Pacific Railway.

The motion was agreed to.

CUMBERLAND RAILWAY AND COAL COMPANY BILL.

INTRODUCED.

A message was received from the House of Commons with Bill (46) An Act respecting the Cumberland Railway and Coal Company.

The Bill was read the first time.

Hon. Mr. POWER moved that the Bill be read the second time on Friday next. He said : This is practically a Bill to authorize the present Cumberland Railway and Coal Company to acquire a short line of railway which runs from Spring Hill to Parrsboro. It is only about six miles, and lies in the county of Cumberland. It also authorizes them, in addition to the coal mines which they now own, to buy or lease other coal mines in the provinces of Nova Scotia and New Brunswick and to construct wharfs in connection with their business. In that particular respect it contrasts favourably with other Bills of a similar character, because it asks only for power to construct these works in a connection with its line of railway.

Hon. Mr. LANDRY—Is that a federal Bill or a local Bill ?

Hon. Mr. POWER—It is amending a federal Act.

Hon. Mr. LANDRY—Amending by adding.

Hon. Mr. POWER—It is to acquire this short railway of six miles and other mines than those which they now own and to build wharfs and vessels in connection with their mines.

The motion agreed to.

The Senate adjourned until to-morrow at three o'clock.

THE SENATE.

OTTAWA, Thursday, February 6, 1908.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

COMPANIES' ACT AMENDMENT BILL.

FIRST READING.

Hon. Mr. SCOTT introduced Bill (L) An Act to amend the Companies' Act. He said: The amendments are not very important. The principal one is authorizing bonds to be issued in francs and marks. Some of the companies are now getting money in France and Germany, and they find that where the bonds are expressed in marks and francs the marks are made to correspond to our $100 only in francs and marks.

The Bill was read the first time.

Hon. Mr. LOUGHEED—May I ask my hon. friend if the equivalent of the franc will appear in English in the bond?

Hon. Mr. SCOTT—Oh, no.

Hon. Mr. LOUGHEED—Bonds prepared especially for the French market.

Hon. Mr. SCOTT—Not less than 500 francs. Clause 69 is the one under which the bonds are to be authorized. Clause 69 of the Companies' Act, being chapter 79 of the Revised Statutes of Canada, is repealed, and a clause substituted providing for the issue of these bonds, to be not less than twenty pounds sterling, 500 francs or 400 marks.

Hon. Mr. LOUGHEED—I do not quite understand it yet. Do I understand the issue will be in French—that is the bond issued in French for sale on the French market, or will the equivalent of it be English?

Hon. Mr. SCOTT—The amounts will be in French. The amounts will be equivalent as nearly as possible to £20. You cannot make it exactly, but not less the 500 francs or 400 marks, to bring it up as nearly as possible to the equivalent of twenty pounds.

Hon. Mr. LOUGHEED—Supposing some of the same issue were placed on the English market, what then?

Hon. Mr. SCOTT—Twenty pounds in English, 500 francs in French and 400 marks in German.

Hon. Mr. LOUGHEED—Will both appear on the face of the bond?

Hon. Mr. SCOTT—No.

Hon. Mr. LOUGHEED—Let us assume an issue of bonds, part of which may be sold on the London market and part in the French market; what form would the bond then take?

Hon. Mr. SCOTT—The bonds in the English market would be twenty pounds sterling; the bonds in the French market would be in sums of not less than 500 francs each, and in the German market not less than 400 marks each.

Hon. Mr. LOUGHEED—Of the same issue?

Hon. Mr. SCOTT—Of the same issue. That is as near as you can get them in round numbers without going into fractions.

BILL INTRODUCED.

Bill (M) An Act respecting the Trans-Canada Railway Company.—(Hon. Mr. Choquette.)

THE GEORGIAN BAY CANAL.

The notice of motion being called:

By the Hon. Mr. Casgrain:—

Will call the attention of the Senate to the importance to Canada of the early construction of the Georgian Bay Canal.

Hon. Mr. CASGRAIN said: I have been asked to call the attention of the Senate

to the importance of the early construction of the Georgian Bay canal. I accept cheerfully the task of addressing the House on that question, because I know of no body better qualified to appreciate the merits of this work. I believe this is the kind of question to which the Senate should devote some of its valuable time, and I know that hon. gentlemen will give all the attention which the magnitude of the enterprise deserves. In this House, better I believe than in the House of Commons, we are in a position to study the great questions which interest the whole of Canada. In the other House, members, through local influence, may be obliged to attend more to local wants; but in this House we are free to attend to measures which interest the country as a whole. Hon. gentlemen who compose this House have nearly all had long training in public affairs and are well qualified to deal with such important questions. It is an incentive to most of us to work, in studying out these larger problems, because we know that the permanency of our tenure of office in this House lasts as long as our natural life, and gives us a chance to see some of the measures and reforms we advocate carried out before we pass from the political arena. Of the Commons the same cannot be said. Some able man who might have been capable of rendering great service to this country may see his political career nipped in the bud, because the particular constituency which he represents may not like the party with which he is affiliated, or may prefer a party who has the good fortune to have for leader a man who enjoys the esteem and confidence of almost the entire electorate of the country. A very good and able man may be driven out of public life and fall almost into oblivion, not through any fault of his own, but simply because the party to which he is opposed has at its head an abler man than the party with which he is affiliated. I believe that this House, because of its independent position, is capable of judging of the very best scheme by which to carry out this important project. We are not tied either to the St. Lawrence or the Ottawa routes. We are perfectly free to look at both sides of the question, and if this House should conclude, after mature study, that the enormous amount which would be required to construct the proposed canal should be spent in improving the St. Lawrence waterway, then it is for the Senate to express approval or disapproval of either one or the other. I wish to put before the House some of the facts I have collected after considerable research during the last two months, because there has been so much said about this question which has been before the public of Canada for more than fifty years that it is very difficult to advance anything new on the subject. I shall try to avoid following the beaten track and to find something new which will be interesting to this House. This question might be divided into four great sections, there are so many considerations involved in it. First, there is the engineering feasibility; second, the commercial potentialities of the enterprise; third, the water powers and their utilization; and, fourth, the transportation problem. Allow me first to refer to the engineering problem, because I have had more occasion to study that particular branch of the subject. The most important point, to commence with, is the selection of the route.

On this the 300th anniversary of the founding of old Quebec, when we are commemorating the foundation of that city, could anything be more appropriate than to recall at the very outset that the first man who explored the Ottawa route and made it known to civilization, was the distinguished traveller who founded the city of Quebec—Samuel de Champlain. Three hundred years ago, in 1613, this bold and brave man, accompanied by four Frenchmen and one Indian, went from Quebec to Montreal and thence penetrated up the Ottawa river as far as the county now known as Renfrew. There he had to winter, not being able to proceed further. I may relate a small incident which happened at that point. The only astronomical instrument he had was an astrolable, an instrument to tell the elevation of the sun, and thereby approximately find the latitude. This instrument was lost, and, strange to relate, it was found by an Ontario land surveyor, in June, 1867, just at the time of confederation. It is now, I understand, deposited in the Department of Crown Lands at Toronto. In 1615,

Champlain resumed his exploration, determined this time to push as far as he could westward, as we all know in those days the idea was to find a way across this continent to the China sea. On his second trip he was accompanied by ten Indians, one interpreter, and one man-servant. It was a very smal party to penetrate through the wilderness at that time, and with which to contend against hostile tribes; but nevertheless his voyage, as we know, was successful. He ascended the Ottawa, as far as the Mattawa river and seeing that the Ottawa branched north and that the Mattawa lay more directly in his course, he took that branch. After ascending the Mattawa river, he entered lake Talon, and from lake Talon into Turtle lake and from Turtle ake into Trout lake, and there he crossed the summit dividing the waters which flow east towards the St. Lawrence from the waters that flow west, towards Georgian bay. I may say here that the only elevation between the level of Trout lake separating the waters flowing east from the waters flowing west, is a small one of four feet, necessitating a very small portage in order that a canoe may proceed westward. After having ascended to that altitude, Champlain crossed lake Nipissing, made a careful survey of some parts of it, descended the French river, and entered Georgian bay. There he saw for the first time the Huron Indians who inhabited the shores of Georgian bay, and who were in a far more advanced state of civilization than the other tribes inhabiting the North American continent. Hon. gentlemen will see that before any European had ever heard the roar of Niagara Falls, the Ottawa and French river route and waterway was already known. These early explorers were certainly wonderful men. Last year, in this House, I spoke of these adventurers leaving Montreal on snowshoes and going to Hudson bay. The La Verendrye brothers not only followed the route that Champlain explored in 1613, but penetrated lake Huron and ascended the rapids of Sault Ste. Marie, crossed lake Superior, continued up Rainy river, and Lake of the Woods, and finally pushed their way across the Rocky Mountains. Those two brothers unaccompanied, crossed the Rocky Mountains somewhere, as far as we can ascertain, about the route the Canadian Pacific Railway has followed, descending on the western coast of the Rockies, and taking possession of all that immense territory in the name of the King of France. These brothers made a map of their journey. Many years ago I had occasion to see that map, and it is wonderful to observe the accuracy with which they have indicated the various routes through this continent. The places where they indicated that posts should be established are the places where posts were subsequently located, either by the Company of the Hundred Associates, or by the Hudson Bay Company, or the Northwest Company, and are now the sites of towns and prosperous cities. Champlain returned to Quebec in the year 1615. I may say he had also explored many other parts of the country; in Nova Scotia, in Cape Breton and in Prince Edward Island. For 240 years the Ottawa River route saw a picturesque procession of missionaries, trappers, and all the Hudson Bay Company employees who carried furs down to Montreal, and the shores of that river echoed with many a boat song sung by the French Canadian trappers and voyageurs. Fully one-half of the supplies that passed across this continent were forwarded by that route. These pioneers were really wonderful men. The knowledge that they had of the country; the knowledge that they had of the various routes was certainly greater than the knowledge of many people in our own day, notwithstanding all the modern facilities we possess. They recognized that there were three principal routes along the great water sheds in this northern continent—three great water sheds east of the Rocky Mountains. The first water shed, starting at the foot of the Rocky Mountains, and extending to a point about 100 miles east of Winnipeg, and reaching to the south as far as the Missouri plateau, all drained, as hon. gentlemen know, into the Hudson Bay by the various large rivers flowing into it. This route was followed until not very long ago. I was articled myself to a gentleman who came out to this country by Hudson Bay, landing at York Factory. He came with the intention of being a missionary, but he afterwards gave up that idea to become a surveyor. He came from Hudson Bay to

the settled parts of Canada by following these waterways.

The second water shed, and one of equal importance, and one which was travelled over and over again in the olden days, was the water shed to the south extending again from the Missouri plateau down by the Mississippi to the Gulf of Mexico, lastly, the third route comprises all that vast extent of territory draining into the great lakes. Lakes Superior, Huron, Michigan, Erie and Ontario, that immense plateau drained by the St. Lawrence, the route with which we are most familiar. These three great plateaus were well defined, and, if we reflect, we must admit that it is almost absolutely necessary there should be on the northern part of the continent these terraces, and that there must necessarily be breaks in the water flow, in order to keep the water from flowing too fast from the centre of the continent to the ocean. Were it not for Niagara and other great falls; if there were one steady grade without these obstacles to navigation, the whole interior of the country would be a barren desert. But the Divine architect of the universe constructed these dams in order to conserve moisture throughout the length and breadth of the various plateaus.

Now after these 240 years of pioneer work, we come, with the advance of civilization to the year 1856, when for the first time, fifty-two years ago, actual surveys were made of the Ottawa River route. The first survey made by the then Department of Public Works was under the supervision of Mr. Walter Shanley, a distinguished engineer who passed over to his reward not many years ago, and who for many years was member for the county of Grenville. Mr. Shanley then thought, as most people did in those days, that a channel with a draft of ten feet was ambly sufficient for all the trade that would be offered. His estimate of the cost for a ten foot channel was some $24,000,000. Later on he was asked if an eight-foot draft would not be sufficient. Other calculations were made which reduced the cost by eight million, leaving an estimate of sixteen million for the total cost of the canal from Georgian Bay to Montreal. It may be interesting to members from Montreal to know that in 1863 the Montreal Board of Trade had a report on the Ottawa and French River navigation problem. You see, hon. gentlemen now the boards of trade, even in that remote period, took an interest in this question. The report of Mr. Shanley, as was the later report of Mr. Clarke, was unfavourable in one respect. Between Georgian bay and the summit there is a difference in level of some 99 feet to be overcome; and, naturally, from this summit all the water necessary for the operation of the canal must be obtained from the very highest point . Mr. Shanley reported that, in his opinion, the water shed falling from Trout lake and Talon lake was not sufficient to supply a canal of ten feet or of eight feet and that even by uniting these lakes, enough water could not be got. In 1858, Mr. T. M. Clarke, another engineer, also employed by the government of United Canada, made a report, very much on the same lines as that of Mr. Walter, and a large book of some three or four hundred pages, as large as our Debates, was then published on the subject. I have had possession of that book for the last few weeks. Mr. Clarke, like Mr. Walter Shanley, advised that the supply at the summit was insufficient, but Mr. Clarke proposed to raise the level of Lake Nipissing by some 15 feet, and lower the level of those three lakes I have mentioned, in order to make one long water stretch. I may say that that scheme would have been the best if it were practicable; but the expense would have been enormous on account of the rock-cutting through the summit necessary to make the level. And now that the town of North Bay has been built on the shore of Lake Nipissing, and the town of North Bay and the Canadian Pacific Railway are at such low level—I think some fourteen feet, if my memory serves me right, above the level of the lake—it would be almost impossible to raise the level of the lake without flooding the town of North Bay, and the Canadian Pacific Railway works. That project has consequently to be to be abandoned. But, I may be able later on to show that even this obstacle has been overcome by the able engineers whom the government has had for the last few years making a study of the surveys and plans of this great scheme. It may be of interest to this

House to know that at the present moment, and for the last three or four years, some $600,000 has been expended by the government in surveys, plans and explorations. It shows that this question has become a practical issue, and, I may be pardoned if I go into it, somewhat at length. The surveys made fifty years ago were brought to a sudden stop. Ten years ago a committee of this honourable House was formed, composed of eighteen members, eleven of whom are still living and are active members of this House. They, after going into this question very thoroughly and hearing evidence of surveyors, and reviewing the engineering aspect, the commercial aspect, even the military aspect of the question, strongly recommended to the government the advisability of proceeding with the construction of this work. That was ten years ago. No further move was made for six years; and four years ago surveys were again started, and now it has been proposed to construct a canal with twenty-two feet of water to accommodate vessels drawing nineteen and twenty feet, leaving enough water under the keel of the keel of the vessel for steerage way. Here comes the question, whether it is wise to undertake the project at enormous cost, for although the final estimates are not yet completed, it is well known that the work will cost about a hundred million dollars. Is it wise to undertake a canal twenty-two feet deep, or would it be better to make it fourteen feet, the same draft as the canals on the St. Lawrence at an expenditure of about $30,000,000. Hon. gentlemen may be amazed at the extraordinary difference in cost between a canal twenty-two feet deep and one fourteen deep and that eight feet more in depth should make the huge difference of $70,000,000; but you must remember that in increasing the depth the quantities are increased in the cubical ratio. It is not the length or breadth merely, but the cube of the contents, and so the quantities are multiplied three times over, thus accounting for this immense difference. Some hon. gentlemen may say that if the one hundred millions were spent on the St. Lawrence route, perhaps it could be deepened to twenty-two feet draft. I was at first inclined to believe that fourteen feet would be sufficient, but fourteen-foot canals do not seem to be able to compete with modern railways, as the smaller boats do not carry freight very much cheaper than do the railways, and are not able to materially divert commerce from railway lines. It appears from all that has been written lately on the subject, that the only canal that will successfully attract the traffic is one of twenty-two feet, and that if we were to build only a fourteen foot canal, it would be better for Canada to save the money as we already have a canal drawing fourteen feet. Canals of that depth have proved a failure in diverting traffic from United States ports. They have not succeeded in bringing freight to Montreal, and it may be astonishing to hon. gentlemen to hear that no fleet of vessels with fourteen feet draft has ever been built. When the St. Lawrence canals were to be deepened to fourteen feet that was considered the maximum draft of vessels on the great lakes; but before our canals were opened the tonnage of these vessels had increased over and over again, and to-day we have on the great lakes ships 600 feet in length, with 60 feet beam and drawing from twenty to twenty-one feet of water. Moreover, if it were possible or feasible to deepen the St. Lawrence canals, it would cost, according to the best information I can get, but for which I am not to be considered responsible, two hundred million dollars. The length of the St. Lawrence canals being so much longer than on the Ottawa route accounts for the greater cost. A barge canal, as you know, is much more economical. Two barges to be used as consorts, and a small barge run by steam is a very cheap way of carrying freight; but it necessitates transhipment at the entrance of the canal . That is why ships coming to Port Colborne have to discharge their cargo. All the craft of fourteen feet draft have disappeared from the lakes. The ore trade, the grain trade, and all the other heavy cargoes are carried in vessels with a draft of twenty feet and consequently there would be no advantage in having a canal of only fourteen feet. Other hon. members of this House may entertain a different opinion, and, if there is to be a discussion on this question, I hope they may be able to prove that a fourteen-foot

canal will be just as good as one of twenty-two feet, for if that can be established, it will save the country an expenditure of seventy million dollars. Now, coming to the Ottawa waterway, we find that the level of Lake Huron and Lake Michigan is 580 feet above the sea, and the fall from Chicago by way of the Mississippi to the Gulf of Mexico is equally 580 feet. Our neighbours are a very wide-awake people and are seriously thinking of constructing a canal from Lake Michigan by way of the Mississippi river to the Gulf of Mexico a fact which should spur us on to immediate exertion. Ship canals save the transferring of cargo, and that is equal to a thousand miles distance, because a ship can go a thousand miles further with less expense than it can tranship its cargo from a twenty foot vessel to a fourteen foot vessel and time and cost are saved, because you do not have to break bulk. What is wanted is a uniform draft throughout the route equal to that in the Sault Ste. Marie canal. Immense ships are able to carry a ton of cargo twenty miles for one cent, or one-twentieth of a cent per ton per mile and no small boat and no railway, can compete with that. The Canadian fourteen-foot canals have proved that such competition is impossible. Mr. George Y. Wesner, a member of the American Society of Civil Engineers, says that no great commercial importance can be attached to any route unless the largest vessels can utilize it. That is the experience of the Erie which at one time was the only water route between the great lakes and sea level, and which gave the start to that great and wonderful city of New York. In the early days the Erie canal carried a large proportion of the freight from Buffalo to New York, but with the improvement of railways the canal gradually lost the traffic until, from carrying nearly all the trade, it diminished last year to about one-tenth of the total. The decrease of the business on the Erie canal led railway men to believe that railways could compete successfully with waterways. That is a question that has been agitated over and over again, but without entering into a discussion of it now, there is no doubt that small canals with small barges cannot compete advantageously with railways, while large vessels on large waterways have no difficulty whatever in securing the traffic. The people of the United States have now come to realize that it would be to their advantage to ship their products by Canadian routes to tide water at Montreal or Quebec. Mr. Gardner S. Williams, of Cornell University, strongly advocates a twenty-two-foot draft for the Georgian Bay canal to Montreal. He says that starting from either Chicago, Duluth or Fort William the distance to Montreal by the Ottawa route, would be only one day more than via Buffalo. Another immense advantage of the twenty-two-foot draft is that the great fleets of vessels drawing twenty feet which are locked up idle in the lakes during the winter season, would be enabled to get to tide water and though they could not cross the Atlantic with safety, they could be employed in the coasting trade along the Atlantic coast during the winter months.

Coming back to the Ottawa route. I may say that the entrance to French river will require very little improvement to make it a very satisfactory harbour indeed. Some slight excavation will be required, but when it has been properly buoyed and lighted, and furnished with proper facilities for unloading and reloading, ships drawing twenty feet of water will be able to ascend with perfect safety to the first lock. The construction of the French river section of the canal is the very crux of the question. It is not building a canal, properly speaking; it is simply improving the navigation of French river. There are three great lakes, as it were, divided by three falls, and these lakes are joined together by narrow gorges from 200 to 400 feet in width, across which dams could be built and the water backed up. There will be three ascents, one starting from Georgian bay, which has a lift of 22 feet. Then ascending the river for some twenty miles or so, the next defile is reached and there another dam will be constructed. The third dam would bring vessels to the level of Lake Nipissing. The total ascent from Georgian bay to Lake Nipissing is sixty-eight feet. Then the route crosses Lake Nipissing eighteen miles, to a point a mile and one-half east of North Bay. At North Bay there are no facilities for landing goods from ships of heavy draft, but by raising its level some six feet

we would have good deep water almost close to the shore. At North Bay two plans have been proposed, one of which to build a large pier into the lake in order that an elevator might be constructed on that pier for the transhipment of freight to be carried from North Bay to Montreal, the grade being downward almost the entire distance. The other plan proposed is to excavate part of the canal which would be used as a continuation of the project and one side of the canal would be lined with cribwork forming a very good wharf and giving ample railway facilities along the bank of the canal. I may say that these works at North Bay would cost about a million and a half, but all that work will be useful when the canal is continued further on. From Lake Nipissing there is a rise of 28 feet to the summit. This summit is the difficult part of the project, and the part which baffled former engineers, but the difficulty seems to have been solved by the engineers employed on the present survey by allowing the water on that water shed to flow through Trout lake, Turtle lake and Lake Talon. They have also found south of these lakes another water shed with an extent of 305 miles, and by diverting only one river and making it flow into these lakes and uniting them together, we have a water shed of over 600 miles in area, which it is claimed is amply sufficient to give all the necessary water for the operation of the canal. Then, after having crossed these lakes, we descend by the Mattawa river, the great problem of sufficient water at the summit having apparently been solved, notwithstanding the adverse reports made by such eminent men as Mr. Walter Shanley and Mr. Clarke. The diversion of the river seems, like the discovery of America, simple enough now, but nobody discovered America before Columbus. Another system has been advocated. Supposing this water shed had not been found, it was proposed to supply water by electrical pumps. Remember, there is only a lift of eighteen feet, and with electrical pumps operated by the water-powers in the vicinity a sufficient quantity of water could be pumped to supply any deficiency, and we are further informed that hydro-electric power for the purpose would not be expensive. This system I do not recommend, as I think it would be, perhaps, a little too much to ask any one to go on the hustings to advocate pumping water into a twenty-two-foot canal to make it navigable. Now we come to the descent to Montreal, a total fall of 646 feet from the summit to Montreal harbour. The Mattawa river is very like French river in forming deep ravines with wide expanses intervening, but the construction of a few locks will give the necessary facilities for navigation. There is a drop in the Mattawa river, before it enters the Ottawa, of 177 feet. The distance from the junction of the Mattawa to the capital is 195 miles, and the fall is 360 feet, leaving the descent from Ottawa to Montreal 122 feet. Now, it may be a wonderful thing to realize that the long distance of 440 miles from the mouth of French river to the foot of Montreal Island requires less than 30 miles of canal. The rest would be open navigation and in that open navigation there would be only fifty-seven miles of improved channel where dredging might be required. Apart from that eighty-seven miles of canal and improved channel, the rest is absolutely open navigation, so that vessels could traverse it at the same speed as on the great lakes or the ocean. Now, here is a point which I understand is absolutely new, although hon. gentlemen will be ready to assert that there can be very little new on this question which has been before the people for fifty years. However, after half a century there is this new consideration; we are all aware of the great fluctuation in the water levels of the Ottawa river, nay of all our rivers in Canada, owing to the rapid melting of the snow in the spring of the year. We call it the spring freshet. The St. Lawrence is not affected to the same extent as other rivers, and the volume of its waters is scarcely more than double at high water what it is at low water, which means that the flow at low water is not quite doubled in the spring. But the Ottawa river in flood time, is fourteen times greater than at low water, and consequently, another problem was before the engineers, for if that immense quantity of water was allowed to rush down the river there would be such currents that it would be impossible to navigate the river during the months of May and June. Moreover, the whole of the works would be flooded, locks

and all, with a rise of twenty feet or so. Therefore it became absolutely necessary to have some control over the river, and it has been proposed to store the waters in the upper lakes. This is where, I think, a nice point arises for the consideration of hon. gentlemen of this House who are strong on constitutional law. At the head waters of the Ottawa river we have the great Lake Victoria and other lakes, and it is proposed erect dams at the outlets of these lakes in order to store the water, and it is also proposed to impound the water of Lake Timiscaming. Now, how far can this government encroach on provincial territory for such a purpose, and how far would a province allow them to interfere with their territory ? It is fortunate that there is no settlement where these lakes are situated, and no damages can be claimed; but there is a point whether the federal government can impound water in Ontario or Quebec without the sanction of the provincial authorities. This question I leave to the lawyers of this House who will be able no doubt to elucidate it.

Hon. Mr. BELCOURT—Has the hon. gentleman considered that the Ottawa river, of which Timiscaming lake forms a part, has been declared a navigable river, and as such is under the control of the federal power ?

Hon. Mr. CASGRAIN—The impounding of the water in the Gatineau river would also be necessary, and I do not know that the Gatineau river is a navigable stream.

Hon. Mr. BELCOURT—I am speaking of the Ottawa.

Hon. Mr. CASGRAIN—The impounding of the waters of all the large tributaries of the Ottawa would also be necessary, and we all know that the province has the disposal of the water-powers. Now the immense water-power which will be developed in that drop of 790 feet between Georgian bay and Montreal, amounting altogether to a million horse-power, will have to be considered; will the provinces allow the central government to dispose of this large amount of power which will be of great value ? We know at Lachine canal, and we heard the other day at Montreal about the federal government farming out the water-power of the Beauharnois canal. There is no doubt as to the federal power over these canals, but whether the new canal could be dealt with in the same way, or whether the water-power developed along the new canal could be disposed of by the province, is something that I leave to be discussed by other members of this House. I may say that the storage of water is carried on to-day in many countries, Russia, Germany, France and even in the province of Quebec. Some are inclined to think that Quebec is somewhat backward, yet in the Lake St. John district the provincial government is impounding water for the use of the water-powers at Chicoutimi, a distance of 100 to 150 miles above the mouth of the river.

Hon. Mr. CLORAN—The waters of the River Nile are retained in the same way.

Hon. Mr. CASGRAIN—Yes, and our neighbours in the United States have no less than forty-one reservoirs proposed to impound the surplus waters of the Mississippi. Most of these are situated in Minnesota and Wisconsin, and they so regulate the flow of the Mississippi river, that the gauge at St. Paul, which during dry weather in former years was at zero, is now kept at a height of three feet, improving immensely the navigation of the and preventing floods, which at one time they were threatened with along the Mississippi; but by means of these dams they have retained over sixteen billion cubic feet of water thereby preventing immense distruction of property and perhaps of life.

Returning to the Georgian Bay route; the high banks on both sides of the Ottawa affords a ready means of raising the level of the various water stretches. Then the excavation for locks will be made nearly all in solid rock, and that means a great saving in cost, it being only necessary to cement the sides of these locks to make them smooth. We all know that the immense expenditure involved in constructing locks is the masonry. The rock must be cut to dimensions to fit closely together and made absolutely water tight. Every stone in a canal lock must be cut so true that no water will leak through between the courses. Therefore there is an immense advantage in having nearly all the twenty-

seven locks needed on this route hewn out of the solid rock, so that the work to be performed will consist principally in the construction of the gates at both ends. These locks will be of very great length. It is proposed to make them 650 feet long, in order to accommodate the ships I have spoken of, 600 feet in length. At Ottawa, the canal would pass on the north side of Hull increasing considerably the water-powers used by the industrial establishments there. From Ottawa to Montreal, there would be considerable flooding, because the banks are low. There will be no less than 15,000 acres of land flooded, but it will be cheaper to expropriate that area of land than to excavate, because rock excavation under water is very expensive, almost as expensive as rock excavation in a tunnel, costing from $3 to $3.50 a year. Therefore it is desirable, as far as possible, to avoid excavation and to build up the sides in order to secure the necessary depth of water. At Montreal it is proposed that there should be two routes, one passing in front of the city, and the other via the Back river.

Hon. Mr. CLORAN—Will the present canal at Grenville be utilized?

Hon. Mr. CASGRAIN—The present Grenville canal would be absolutely of no use. The route in front of the city of Montreal starts near the Victoria bridge, at what is called the Mackay pier, along the guard pier, and by the embankment. The water would be brought to the same level as the water at St. Ann's. The embankment would proceed in the stream as far as Nun's island, and thence continuing on to outside of the shore, would cut the Lachine canal somewhere near the centre, and then follow the shore up to St. Ann's. Then another lock would be necessary, making three locks on the route in front of the city of Montreal. The other route which would be by the Rivière des Prairies, or what we call the Back river, which is a branch of the Ottawa, would, in my opinion, be a much preferable route. It is proposed to bring it to the level of the Lake of Two Mountains, and maintain that level to a point about a thousand yards east of where St. Denis street strikes the shore of the Back river. There there would be a fall of thirty-five feet, creating an effective water-power of sixty thousand horse-power at that point. It was also proposed to have another lock at Bout de l'Ile, which would be the end of this Ottawa waterway and where there would be a lift of twenty-four feet, giving also a water-power of some 40,000 horse-power. This would mean 100,000 horse-power available within almost a mile of the city of Montreal. This 100,000 horse-power could be framed out, and people would gladly pay $10 a year, horse-power running for twenty-four hours a day, which would make no less a revenue than $1,000,000 yearly from the power generated at these two dams. These figures may appear exaggerated; they may seem like the calculations of a dreamer, but what is the fact? The president of the Shawinigan Falls Power Company is an hon. member of this House—I am sorry he is not in his seat just now—but he will vouch for the fact that at present from Shawinigan Falls 16,000 horse-power are brought to Montreal, a distance of eighty miles, and the price paid, and cheerfully paid by the Montreal Light, Heat and Power Company, is $15 per horse-power, or $240,000 a year to that one company. I may say that the Shawinigan Power Company also sell power to such an extent, that their annual statement of revenue last year was very nearly $650,000 and for the current year it will be over $700,000. The Ottawa and Georgian Bay canal construction would develope 100,000 horse-power within one mile of the present limits of the city of Montreal, and even if the Georgian Bay canal were never built, I would strongly advocate the development of these powers. It would be a revelation to people living all their lives in Montreal, to see that a dam across the Back river, (near the church and the convent of the Sacred Heart), would develope at that point 60,000 horse-power. That is about one-fourth or 25 per cent of the horse-power required for all the lighting, heating and street car traction power in the metropolis of Canada.

Hon. Mr. DeBOUCHERVILLE—How much flooding of land would there be?

Hon. Mr. CASGRAIN—There would be no flooding, because the level of the Lake of Two Mountains is not very much higher

than the banks of the river, and the level of the canal would not be more than seven or eight feet higher, and jetties will be built on each side to prevent the water spreading and in such a way as not to interfere with the drainage of the farmers.

Hon. Mr. DeBOUCHERVILLE—If they built retaining walls on both sides, they will not permit the water to overflow and drown these villages . This is an immense water power.

Hon. Mr. CASGRAIN—Precisely. Even if no canal is built, it would be a great advantage to have those two magnificent sheets of water. The water back of the Island of Montreal would be dammed at Bout de l'Ile and there would be a lift of twenty-four feet there. I may say that the intention is to make it thirty feet on the mitre sill of the entrance of that lock, in order that ocean vessels might come up to the second dam, and for all that distance of twelve miles in length you would have a depth of thirty feet. Therefore not only would Montreal have its present harbour, but you would have at the back of the city of Montreal an immense dockage space, which would give splendid shipping facilities. The other basin would be above the dam and you would have a stretch of water of 3½ miles intervening. The working classes could leave Montreal and in twenty or twenty-five minutes be on the shores of those two magnificent sheets of water for a five-cent fare. Think of the mangificent park that would be erected where people could go to breathe the fresh air. Think of the countless yachts, boats and skiffs that would ply on the lakes; and what an ideal residential city it would make of Montreal. Even if the Georgian Bay canal project should be abandoned, if it were possible to build this dam it would be a great boom to the Island of Montreal generally and particularly to the working classes of that city. Why, Montreal would have a million population in a short time. Now, as to the commercial potentialities of this work; every owner of a steamer is a corporation in himself and can regulate his own freight rates. It is not like a railway company. A railway company may be a system of one, two or three roads and they may pool their interests, but the experience is that vessel-owners will not and do not pool their interests. Therefore, every vessel-owner has a personal interest in regulating the rates, and the producers and the shippers get the advantage.

A ship canal can transport freight for lower rates than can a barge canal, as has been shown in the case of the Erie canal, which was not built so as to compete advantageously with the railways from Buffalo to New York. By no other route than the Ottawa waterway can the products from the great lake ports be taken to tide water without breaking bulk. The Omaha Grain Exchange says in its last report that if grain could be carried from lake ports to the sea-board without breaking bulk, it would be worth ten million dollars to Nebraska farmers. I do not know to what extent this is true, but if it is worth that much to the farmers of one state of the American union, how much more will it be worth to that illimitable wheat producing country that we have in the Canadian Northwest ? Would it not prove a very profitable investment indeed ? All we have to do is to divide the wheat area of the Northwest by the wheat area of Newbraska to see how many tens of millions would be coming to us if the statement made by the Omaha Exchange is correct. Then again, by this Ottawa waterway, the meat product of Chicago (the very centre of the United States) could be shipped in refrigerators, and taken to any port in the world. The trade of the great lakes is greater than the coasting trade of England, of France and of Germany together. The annual coasting trade of these three countries does not aggregate 70,000,000 tons, while the annual trade of the great lakes was 75.000,000 tons according to the immensity of the steamers which are now plying on these great lakes. let me state that the steamer 'E. H. Garrick,' passed through the Sault Ste. Marie canal with 12,386 net tons of cargo. These big ships are called big lakes, a new and a very appropriate name, and they require to earn to meet maintenance of the crew, cost of coal, small repairs, and for interest on cost of vessel, $400 per day of twenty-four hours. Now from Fort William—and when I say Fort William I might say from Duluth, or from Chicago, because there is very little difference in the mileage—from Fort

William to Montreal it would take one of those big lakers some ten days for the round trip, and allowing five days for detention, you have a total of fifteen days at $400 a day or $6,000. Now what would the earnings be? Assuming for comparison they would carry 10,000 tons at $1 a ton which is a very high rate, it would leave a net profit each trip of $4,000, even if the ship went back absolutely empty. If it carried any cargo at all on the return trip, the freight it would get would command the regular price of $3 a ton, and if they only had one-third of a cargo, they would make $10,000 on the western trip, $14,000 for the round voyage. These figures indicate the possibilities and the potentialities of these great ships. If you have ships of the Welland canal type, 250 feet in length, 42 feet wide and 14 feet draft, the cost of operation would be $125 a day. By the unimproved St. Lawrence this ship would take seven days' detention, making in all 20 days. which at $125 a day would amount to $2,500, and what would she carry? The carrying capacity would be 2,000 tons; the expense would be $2,500 and she could not get any higher freight rate than the big lakers got which being one dollar a ton would amount to $2,000 earning capacity and the expense of the round trip would be $2,500, leaving a deficit of $500.

Hon. Mr. MacKEEN—What is the draft of the large lakers?

Hon. Mr. CASGRAIN—Twenty feet.

Hon. Mr. SULLIVAN—Why do you have six days' detention?

Hon. Mr. CASGRAIN—There is the loading and unloading, and there is a day more dention for the small ships, because they can better afford to remain idle at $125 a day than the large ships can at $400 a day. Every provision is made that the large ship coasting $400 a day must find means of being unloaded immediately upon its arrival. The time of arrival is noted, and the necessary appliances are there, and everything is in order to facilitate her return. When it is a matter of $125 a day, she may be used for storage room for a day or two, and you can see the difference is not so great in the cost. Therefore it is absolutely necessary that these fourteen foot draft vessels should get a cargo to return. If they have one-third of a return cargo at the same rate as the large steamer gets it amounts to $2,100, and that would leave a surplus on the round trip of some $1,600. Assuming that Fort William, Duluth and Chicago are about equally distant from Buffalo, and that the same ports are also equidistant from Montreal, and that a vessel from any one of these large ports will carry grain at a cent and a half a bushel to Buffalo; let us say that a large laker will carry wheat to Montreal from any one of these three ports for two cents a bushel, which is 25 per cent more, and you will have a rate to Montreal of 2 cents, and to Buffalo 1½ cents. But from Buffalo to New York the rate is 4 cents a bushel; so that a cent and a half and four cents will make five cents and a half from Duluth to New York by the Erie canal, to which must be added the transferring charges at Buffalo and New York, which at a very low estimate will cost one and a half cents. Consequently you have from these upper lake ports to New York a rate of seven cents before you reach the ocean steamers.

Hon. Mr. SULLIVAN—Are you calculating by the new canal or the old one

Hon. Mr. CASGRAIN—Kindly allow me to proceed. If the same grain were routed via Montreal, there would be a freight rate of two cents to Montreal, half a cent for the ocean voyage from Montreal to Liverpool, making 6½ cents. Consequently by the Georgian Bay and Ottawa route you would land wheat in Liverpool cheaper by half a cent than you can land it in New York. I must say, in all fairness, that when the grain gets to New York you will get lower rates to Liverpool than you will from Montreal, the New York ocean rate being 2½ cents as against 4 cents for Montreal; but there is still a difference in favour of Montreal, because adding 2½ cents to the 7 cents you have 9½ cents via New York, whilst by the Georgian Bay ship canal route you will have 6½ cents to Liverpool, making it 50 per cent cheaper than the United States route. There you see the immense potentiality that this route will have. The Liverpool market, as hon. gentlemen know, governs absolutely the price of wheat. It does not matter whether the

wheat crop has been grown in India, in the Argentine Republic, in Russia or in the United States, or in the Dominion of Canada, the price is fixed in Liverpool, and every bushel of wheat on the face of the earth represents the Liverpool price minus the transportation. The position of our people is that in Fort William we would have the Liverpool price, less 6½ cents, for every bushel of wheat our three great railways will bring there. You know what immense grain emporiums Port Arthur and Fort William will be. You know the Canadian Pacific Railway are doubling their track between Port Arthur and Winnipeg, that the Canadian Northern have huge elevators there, and that the Grand Trunk Railway are building a mighty grain chute from the Transcontinental line at Superior Junction, for a distance of 240 miles, on low grades, aiming for Fort William. All that immense wheat supply which will be stored there, could be carried across the ocean to Liverpool at the small charge of 6½ cents per bushel.

The last point that I have to make is in regard to the water-power that will be generated—the white coal of Canada in which this country abounds. We shall never be under necessity of using as much coal as they do in the United States, or in European countries for our natural water-powers will generate immense energy to operate our industries and public utilities. It is safe to assume that the Ottawa, the Mattawa and the French river could easily develop one million horse-power. I am reasonably sure that those three rivers would certainly develop one million horese-power at least. Now, supposing one dam—and there are to be 27 of them—would develop 60,000 horse-power, and bring a revenue of $600,000, as would be the case at Back river, the drop or fall at the head of that river is only one-twentieth of the total head. Thus we would have over a million horse-power which could be sold at the small price of ten dollars per horse-power. There will be industries, to use all this water-power just as soon as it is available, and that will mean no less than $10,000,000 revenue from this source. What does it cost? It takes 7 tons of coal to generate one horse-power per year, and basing the cost of coal at $3 per ton per year, that makes $20 per horse-power per annum.

Then there is the handling of the coal and the work in connection with it, which easily represents $10 additional, making it $30 per horse-power. How long would the railway companies take to electrify all their works provided they could purchase electricity at ten dollars per horse-power, when they are paying thirty dollars to-day? Take an enterprising company like the Canadian Pacific Railway, with the able men at the head of it, do you think they would hesitate very long if the government said to them, 'Prepare for the electrification of your road,' we will give you the power at one-third of what you are paying; the electrification of railways would not be a dream of the future. We all know that for a radius of fifteen miles from New York, every train is brought into that city by electric motors. In the first place electricity would be utilized for lighting the river for the 440 miles, making a beautiful avenue as bright by night as by day, rendering navigation just as easy at night as by sunshine, and illuminating the harbour of Montreal. Then there would be many industries and manufactories at North Bay, Ottawa and Montreal, and all these towns would want electric power. I am told—but of this I have no personal knowledge—that immense iron deposits exist also all along that route, and if that is so, we have the white coal with which to smelt that ore. It can be smelted, as it is smelted in France successfully to-day, by an electrical process, and I think the hon. Speaker can tell us it has been done also at Sault Ste. Marie. I do not know whether it has been successfully used there or not, or whether it has been fully tried, but I know the government is having ore smelted by electricity at Sault Ste. Marie. It is said that a French metallurgist who has been looking into the possibilities of the Ottawa valley as a manufacturing centre has declared that we would see there within ten years the largest electric ore smelting industry in the world. I forget the name of the gentleman at the moment, but he is a very eminent scientist who is engaged in this electrical smelting in France. In that country they have to gather power from here and there, perhaps 100 horse-power here, and perhaps a thousand horse-power there; but in the Ottawa valley the supply would be unlimited. Then there are other

industries. There is the manufacture of aluminum which the hon. gentleman from Rothesay has been advocating, and there is also the manufacture of carbide of calcium for a acetylene gas. We all know that in the last few years the United States have attained supremacy in the manufacture of iron. To-day the United States of America manufacture more iron and steel than Great Britain does altogether. For a long time Britain ruled the world in that manufacture. Let Canada in the next few years help to recover that supremacy. Let us manufacture iron and steel, and in a few years help to make up the small deficiency which now prevents British iron and steel products from occupying the first place.

I wish to deal briefly with the transportation question. We all know that the greatness of a nation depends on its agriculture, its mines, its forests and its manufactures. The lowest cost at which you can transport these products to the markets of the world with the greatest of advantage you can give the producers of those articles, to that extent you increase his purchasing power. It is unnecessary to repeat the long discussion about competition between rail and water transportation. Suffice it to say that it would seem as if the railways of to-day had reached the maximum size for their locomotives and freight cars. The locomotives are more than twice, even three times as heavy as they were twenty or fifteen years ago.

Hon. Mr. DeBOUCHERVILLE—Can the hon. gentleman tell us what will be the cost of deepening the Ottawa river? The whole river cannot give an average depth of twenty-two feet. How much would have to be excavated to give that depth, and what would be the cost.

Hon. Mr. CASGRAIN—I have already stated it.

Hon. Mr. DeBOUCHERVILLE—I am speaking now of deepening the river. If instead of allowing the water to flood the land you were to deepen the Ottawa in order to provide a twenty-two-foot channel, what length of river would require to be excavated and at what cost.

Hon. Mr. CASGRAIN—It would be absolutely impossible to carry out the hon. gentleman's suggestion, for this reason, that it would necessitate excavating rock under water. and, as I have said, that is very expensive, costing $3 to $3.50 per cubic yard. Then again it would have to be excavated berhaps for the whole length. That is why I say a good deal of land must necessarily be flooded, and it would be cheaper to expropriate 15,000 acres of inundated land than to excavate a channel. Out of the whole distance of 460 miles only 57 miles requires dredging, the remainder being open navigation. I do not know exactly how much of this is in the section between Ottawa and Montreal.

Hon. Mr. DeBOUCHERVILLE—I understand it is almost impossible to dredge the river, and that you will have to allow the water to flood the banks and build embankments; but according to Mr. Shanley's report the cost of a fourteen-foot canal from Montreal to Georgian bay was estimated at $20,000,000. Mr. Clark's estimate was only $12,000,000. Did Mr. Stanley take into consideration the deepening of the Ottawa river so as to give a depth of fourteen or fifteen feet?

Hon. Mr. CASGRAIN—I see the hon. gentleman is very familiar with Mr. Shanly's report. Mr. Shanly says that between Ottawa and Grenville there would not necessarily be very much excavation, because there would be enough water; but below Grenville and through the Lake of Two Mountains considerable excavation would be necessary, even for a ten or an eleven-foot canal as then advocated by Mr. Shanly. But it is now proposed to raise the level of the Lake of Two Mountains to the spring level, and when raised to that extent, very little excavation is required to give a depth of twenty-two feet.

I was about to show that locomotives are now as large as they can advantageously be made. They cannot be increased in width, because they would not pass through tunnels or bridges. The increase can only be in height. The locomotives have been raised, higher and higher above the rail, and those monsters which you see pulling forty or fifty cars are now so high that the centre of gravity is twice as high as it was when locomotives were originally designed to rest upon a basis of four feet eight and one-half inches; consequently the top-

heaviness has increased two fold. These very heavy cars when loaded with material which is more bulky than heavy, and these high locomotives, make the trains so top heavy that the outer rail being elevated, the train, if brought to a stand, on the curve would be liable to topple over. In this country we have no tracks made specially for freight and others specially for passenger traffic. In the United States, the Pennsylvania and the New York Central have four tracks. The two inside tracks are for freight only, and there the elevation of the outer rail on curves is not so high, because the speed of the freight trains is not so great; but on the passenger tracks the outer rails are very much more elevated on curves so as to resist the centrifugal force in rounding the curve at high speed. No less an authority than Mr. J. J. Hill—and he was the pioneer of large locomotives and cars, low grades and easy curves—admits that the business of the country is increasing to such an extent that railways cannot pretend to cope with the necessities of trade, and that none of the railways can do it. That is why he advocates the making of a canal from Chicago to New Orleans, a project which has met with the approval also of President Roosevelt. Railway facilities have increased about one per cent per year, while the business of the country during the last ten or eleven years has increased about ten per cent. There is no chance for the railway catching up with the ever increasing demands on them, so it is absolutely necessary to rely on the water courses and natural highways with which Providence has endowed this country. The first route of travel, three hundred years ago, between Quebec and New Orleans was by the route I am advocating, and down the Mississippi, so it will not be the first time that the Ottawa and the French river route has been linked with the Mississippi. Our neighbours are a wide-awake people, and are alive to the importance of this project. Notwithstanding some protest from our government they have constructed the Chicago canal under the pretext of disposing of the seweage of Chicago with its two millions of inhabitants. But it is something more than a sewage canal when you come to consider that it is 200 feet wide and the depth of water is twenty feet. It has a length of forty miles, and at the southwest end there is a fall of forty feet developing to-day 40,000 horse-power. That power is sold by the promoters of the canal to the industries in the vicinity, and they are deriving from it a fair proportion of the necessary return on the cost of the canal. Congress voted $31,000,000 for the canal. It was cut through solid rock, but the elevation was not very great. The Chicago canal empties into the Des Plaines river, which, in its turn, empties into a tributary of the Mississippi. You see the idea of making a canal to connect the great lakes with the Mississippi has already been put in practice by the enlightened people of Illinois. The Ottawa water-way, the great lakes, the Chicago canal and the Mississippi, form an inland water route such as does not exist in any other part of the world. If Champlain, who came dreaming of finding a route to the China Seas, were to come back to-day, he would rejoice that at the beginning of the twentieth century a project is within reasonable distance of accomplishment by which the products of the Orient would be carried through the Panama canal, thence up the improved Mississippi and the Chicago canal to the great lakes, across Lake Huron, up the French river, through Lake Nipissing, down the Mattawa, down the Ottawa and down the St. Lawrence to the old citadel city of Quebec, the tercentenary of whose foundation I trust all patriotic Canadians will join in celebrating this year.

Hon. Mr. BELCOURT moved the adjournment of the debate.

The motion was agreed to.

BRITISH EMBARGO ON CANADIAN CATTLE.

Hon. Mr. POWER rose to :

Call attention to the following despatch which appeared in the newspapers of the 3rd instant:—

London, February 1.—The Earl of Carrington, president of the Board of Agriculture, speaking to-night at Lincoln, referred to the agitation of Protectionists against supplying American and other imported beef to the army. He strongly dissented from the claims of the Protectionists and declared that the feeding of the army on home-bred meat would mean an annual increase of $750,000 in the army budget.

The Earl of Carrington also said that he never would consent to any alteration in the law excluding Canadian cattle from the country. The cattle interests of this country, he declared, were so phenomenally large that it would be a crime to run the risk of again infecting British herds with disease.

And will ask whether the government propose to take any further steps to vindicate the character of our Canadian cattle?

He said: Unless I am misinformed, the government of Canada have on various occasions furnished evidence to the government of the United Kingdom that there was no cattle disease in Canada. I am not aware—and that is what my question means—whether or not this information has been supplied to the Earl of Carrington, who is now president of the Board of Agriculture. I must assume that it has not, because if the Earl of Carrington had been satisfied that there was no disease amongst Canadian cattle, then he could hardly have made the statement which he is represented as making. If he had been satisfied that there was no disease amongst Canadian cattle, then when he made these two statements he contradicted himself in the most emphatic way. He lays down the doctrine of free trade in the broadest sense in the first paragraph, and in the second paragraph he lays down the doctrine of protection in its most unmitigated form. If he knew that there was no disease amongst our cattle, then he added insult to injury by hypocritically pretending that there was disease, and that there was risk. I may add that I see that the foot and mouth disease has broken out in Scotland.

Hon. Mr. SCOTT—The hon. gentleman has himself practically given the answer to his inquiry. Remonstrances have, during the last four or five years, been made to the Board of Agriculture in England against the exclusion of Canadian cattle. A portion of the representatives there are in favour of Canadian cattle being admitted, mainly those from the north of Scotland. The opposition comes chiefly from the Midland counties of England and from Ireland. It has been explained, and evidence has been furnished over and over again, that there is no disease in Canadian herds, but they put it on that ground. The United Kingdom is a free trade country, and they do not want to put the exclusion on the ground of protection, because that is contrary to their principles. They give an excuse which they recognize themselves, I think, is not a legitimate one; but it saves them from stating that they wish to give protection to the farmers. I do not think we have any cause to complain so far as that goes, because we have ourselves a pretty high tariff on cattle coming into Canada, and although the British government take a way of protecting their farmers that is not quite truthful or fair, still the same end is attained by the means they adopt. I presume that our farmers can live without selling live cattle in the British market. The meat trade is year by year increasing, and with the cold storage we have, we get a pretty large market there as it is.

Hon. Mr. LOUGHEED—I regret very much that my hon. friend in making reference to what the government has done in protesting against the exclusion of Canadian cattle, did not state what the government has done in protesting against the slanderous misrepresentations and misstatements which from time to time have been industriously and wilfully made by different members of the imperial government respecting our cattle. It is a well known fact that the Canadian cattle have had a clean bill of health for years past. That was demonstrated in the most practical manner years ago when Cir Charles Tupper was High Commissioner for Canada, when he took off his coat and dissected an animal and proved beyond all question, that the animal which was said to be diseased was absolutely free from disease, and challenged the imperial authorities to establish the slanderous statement which they had made respecting our cattle. I do not know that this government can very well protest against the exclusion of Canadian cattle, but what is infinitely more important is that this government should protest against those misstatements which are made from time to time, injuring the reputation of Canadian cattle. It seems to me if the government would take this question up with the imperial authorities and protest against this policy of slander which has been pursued for years, much better results would come from it, than simply and only protesting against the policy of exclusion.

Hon. Mr. SCOTT—That has been done over and over again. Repeatedly the government of Canada have satisfied the Board of Agriculture that there is no disease among Canadian cattle. The ground on which the exclusion is justified is wholly indefensible. It is ridiculous and has become a perfect farce.

Hon. Sir MACKENZIE BOWELL—It is somewhat singular that the hon. Secretary of State should have used the expression he did with reference to the policy of the United Kingdom on this subject. I understood him to say that we had no cause to complain, for the reason that we impose a very high duty upon animals coming into this country, and, therefore, we should not complain because the free traders in the mother country adopt the same mode of protecting their cattle. There is just this difference between us: in Canada we have an avowed protectionist policy. If through the policy adopted by the free traders of England, they are practicing protection under false pretenses. Some years ago, when I was in London, I had a conversation with a gentleman then occupying the position which Earl Carrington fills to-day, and I pointed out that fact to him. He, of course, took exception to the word 'protection,' at once. I said you can call it what you please, but if you exclude Canadian cattle by false pretenses, you are adopting protection, and if Canadian cattle have no disease, as has been proved over and over again by the dissecting of the cattle which have been pronounced diseased, you are certainly adopting protection under false pretenses. I cannot say that he particularly liked the way I put it. My hon. friend has justified that course on the ground that we impose a heavy duty on cattle, and therefore, the British government should, under false pretenses, exclude ours.

Hon. Mr. SCOTT—I did not defend the line taken by Great Britain. I said over and over again it had been shown that the ground on which our cattle were excluded was not the real one on which they were acting—it was simply an excuse. What I said was that so far as the protection question is concerned we, ourselves, had adopted protection for our cattle.

Hon. Mr. LOUGHEED.

Hon. Mr. CHOQUETTE—When I was in London last spring, I had occasion to discuss this very question with some politicians and newspaper men there. They all know and really admit that there is no disease in our cattle.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. CHOQUETTE—But when I asked them why they did not raise the embargo, they just said that they wished to protect their farmers. When I told them that they were adopting a protective policy under false pretenses, they admitted that it was quite true, but they did not have the courage to admit openly that they were protecting their people. I had occasion to meet a newspaper man representing the 'Pall Mall Gazette,' I gave him an interview and told him that they were adopting protection under false pretenses. He said that is so, but we cannot say it publicly as they have not the courage to say that they have adopted protection for their cattle trade, but they do it by slandering our cattle. I think they ought to have the courage to state the fact.

Hon. Mr. McMILLAN—These people evidently begin to appreciate the value of a protective policy.

BILL INTRODUCED.

Bill (N) An Act respecting the Windsor, Chatham and London Railway Company.—(Hon. Mr. Coffey.)

BANK OF CANADA, LONDON AND PARIS BILL.

SECOND READING.

Hon. Mr. DeVEBER moved the second reading of Bill (J) An Act to incorporate the Bank of Canada, London and Paris.

Hon. Mr. LOUGHEED—Without directly opposing this Bill, it seems to me from glancing at the title that its pretentions are sufficient to destroy it. That a new bank should arrogate to itself the name of the Bank of Canada, London and Paris, naturally reflects, to some extent, to say the least of it, upon the promoters of the measure. I do not know of any precedent for such a title. We know that several

applications will come before us during the present session for the incorporation of banks. Owing to the financial depression or stringency, or more correctly perhaps the crisis which has recently happened not only within Canada, but all over the continent of America and elsewhere, the question of incorporating banks has rather attracted to itself public attention, and inasmuch as the present charters are expiring at an early day, the government should take up this question as to the policy of incorporating more banks, particularly of the class that this Bill represents. I do not think it will be seriously questioned that the banking facilities of Canada are equal to the public requirements. Certainly those requirements will scarcely be met by the incorporation of numerous small banks, as seems to be the tendency of recent legislation, notice of the incorporation of three or four small banks having been given this session. We know how disastrous the incorporation of some of those younger institutions has been of late years; and it impresses itself deeply on my mind that the government should make intelligent inquiry into this matter, and if it is found that the incorporation of banks such as we have been almost recklessly incorporating during the last eight or ten years is proving injurious to the financial interests of the small shareholders, we should not grant any further charters, particularly with such provisions as have been contained in the baking measures we have enacted in the past few years.

Hon. Sir MACKENZIE BOWELL—Might I ask the hon. Secretary of State whether the subject has been considered by the government; that is the continued incorporation of these banks? Or whether the question has been considered of so amending the Banking Act as to necessitate the furnishing of information to the government—I won't say so much to parliament—of the ability financially of those who are promoting these banks? It suggests itself to me, and I think it advisable, that the Banking Act should be amended so that before a license is issued to any new bank, the government should have in its possession a knowledge sufficient to justify the issuing of the license to commence business. I do not know whether that question has been considered or not. If not it is one, to my mind, of very great importance and should be considered in the amendment of the Banking Act, which will be amended. I have no doubt, in a very short time, because the period at which the question of banking will have to be dealt with will soon arrive.

Hon. Mr. SCOTT—The government have not been considering the question. Mr. Fielding attended the meeting of the Banking Committee in the other Chamber, and he made some remarks in reference to an application for a charter, calling attention to several points in the proposal, but not actually opposing the charter; I think he did not oppose it, provided it conformed to the General Banking Act.

Hon. Sir MACKENZIE BOWELL—I happened to be present on that occasion. The Finance Minister went much further than the Secretary of State indicated in the opinions he expressed in reference to the incorporation of new banks. That is, in the line of having the assurance of the financial stability and means at the disposal of those who were organizing the institution.

Hon. Mr. KERR—The Banking Act makes provision for that. Before the license issues, on the application for a license, they are required to show that they have a certain amount of money subscribed, a large sum, and a very large sum actually paid up on it, and they require to show subscribers for the stock, and if the government desire it, information as to the ability of the subscribers to make good their subscriptions. So that there is no difficulty about getting the information, and in that way having all the protection which the public require, in all events so far as the law goes, and it goes very far in enabling them to get the information to ascertain whether the license will issue or not.

Hon. Sir MACKENZIE BOWELL—Theoretically the hon. gentleman is quite correct. I think; but I have no doubt he has seen the discussions which have taken place and facts which have transpired, which show that in the establishment of

some of the banks certain notes have been given and a sufficient subscription list has been presented to the government, and it was ascertained afterwards that subscriptions were paid by promisory notes of other banks, and when the new bank was incorporated they discounted the notes again, so that the man who had ostensibly stock enough in it was himself owing the bank for the money that was first subscribed, and which was supposed to have constituted a part of the capital of the bank. There are many ways of evading the law in that respect, as I am quite sure my hon. friend from his experience as a lawyer must. What I think Mr. Fielding has in his eye is, to so amend the Banking Act as to make it a bona fide subscription, so that it cannot be evaded in the manner which I have indicated.

Hon. Mr. SCOTT—I think it would be only fair to the promoters to intimate to them that in the judgment of hon. members, the title is entirely too pretentious. I think there is great objection to such a title.

Hon. Mr. SULLIVAN—It is against the dignity of the House.

Hon. Mr. SCOTT—And therefore I hope they are prepared to submit a title with a more cosmopolitan name than the one they have adopted.

Hon. Mr. DE VEBER—Having no personal interest in the matter myself, I am not aware why the title was adopted. I was simply asked to formally introduce the Bill and made the motions for the different stages, with the understanding that the gentlemen who are interested in the measure will fully explain why these things are done and will be present at the committee to give their explanations.

Hon. Mr. POWER—The Committee on Banking and Commerce is composed of gentlemen who understand the banking business, I think, fairly well. It is a pretty conservative committee, and I have no doubt that when this measure gets before them they will see that it is put in proper shape, and they will see that this wild title is altered; but meanwhile the Bill is in the usual form, and I do not think we are in a position now to say that this Bill shall be rejected.

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

WESTERN ALBERTA RAILWAY COMPANY BILL.

SECOND READING.

Hon. Mr. DeVEBER moved the second reading of Bill (K) An Act respecting the Western Alberta Railway Company.

He said: This is asking merely for an extension of time.

Hon. Sir MACKENZIE BOWELL—How long has the company been incorporated?

Hon. Mr. WILSON—We should have some further explanation in regard to this Bill. It is all very well to move the second reading, but we should have some explanation of what it contains. Here is a company asking for an extension of time before commencing operations. I should like to know why the promoters are unable to proceed with the work after these two years. The time is expiring; they knew such was the case, and unless they can show that owing to financial stringency or some other legitimate cause they were unable to proceed, they certainly should not have a renewal of the charter. I suppose there is something else at the back of it. It looks to me as if for a number of years those who are at the back of it have been before the parliament, and we should be told why they are here again knocking at the door asking for a renewal.

Hon. Mr. DeVEBER—I think explanations of that kind are generally given in committee, when the people that are behind the Bill and have the knowledge that is necessary to explain it fully, will be present to give the explanation. This House in giving the Bill its second reading does not say that the Bill shall pass, and go up for third reading. It is simply referred to the committee to be considered, as I understand it.

Hon. Mr. WILSON—We understand that the principle of the Bill is endorsed here on its second reading, and if we approve of the Bill, it passes this House and goes to

the committee; that being the case, those who are not on the Railway Committee will have no opportunity of knowing the nature of the Bill. This is one of the reasons why I should like to have an explanation now, as I am not on the committee and have no opportunity to attend, and unless I go there (unsolicited and perhaps imprudently), I will not know anything in reference to the Bill.

Hon. Mr. LAUGHEED—I am certainly at a loss to understand, and moreover to appreciate, the continual exceptions taking by the hon. gentleman from Elgin with reference to the extension of these charters.

Hon. Mr. WILSON—I rise to a point of order. I do not object to the extension. I do not desire the leader of the opposition to put words in my mouth that I do not use.

Hon. Mr. LOUGHEED—I understand the hon. gentleman does object. If my hon. friend's continued expression upon this subject is not an objection, or an exception to this class of legislation, I find it difficult to place any construction upon it. It certainly is not an approval. Do I understand my hon. friend to approve? If he does not approve, he must object.

Hon. Mr. WILSON—I am not in a position to approve or disapprove. I am not one of those people who are prone to approve or disapprove a thing that they do not know anything about.

Hon. Mr. LOUGHEED—I was about to say that, upon the general principle of the renewal of those charters, I doubt if any hon. gentleman present, familiar though he may be with those charters in the Northwest, can point to any particular charter the conditions of which have been carried out, either within two years or four years or double that time, respecting those western roads. We very well know that in the first place it is necessary to get legislation before the financial organization of the company can take place. It then requires, in all cases, I might say, without exception, at least four or five years to finance those undertakings. My hon. friend may come from a wealthy part of Ontario, where it is a very easy matter to finance undertakings of this nature; but this undertaking I know to be of a most commendable kind, and if my hon. friend will look at the personnel of the promoters, whose names appear in the statute-book, he will find they are composed of very representative men financially speaking. I further know—and I say it for the information of my hon. friend who has introduced the Bill—that considerable money has been expended in making surveys incident to the construction of the road, so that my hon. friend from Elgin need not have the slightest apprehension upon the ground that this is not a bona fide application. I can assure him of that fact.

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

Hon. Mr. DeVEBER moved that the Bill be referred to the Committee on Railways, Telegraphs and Harbours.

Hon. Mr. WILSON—It is not my intention, nor was it my intention, as has been represented by the hon. leader of the opposition, to oppose this Bill. I had, perhaps a suspicion he was at the back of the Bill, but that was not what I inquired in reference to. My hon. friend knew perfectly well that I made no reference to the inability of those who were at the back of the Bill to construct the road, but I asked that I might be given information, not being a member of the committee, to enable me to give an intelligent vote. I thought I was entitled to that. I think the hon. leader of the opposition certainly would not deprive me of the opportunity asked for; as far as this Bill is concerned. I do not desire to oppose it, and I want the hon. leader of the opposition to understand that he is not going to represent me as being opposed to this Bill, when I am not. I therefore, raise my objection on account of the manner in which he referred to my action. He says that I do it as a member of the House from Ontario; he has no right to insinuate anything of the kind. I am willing to defend this Bill, or the parties who are building the road, if they will give me some information, and tell me why they delayed two or three years in the commencement, or the construction of the road

for which they received a charter years ago to build.

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

TOBIQUE MANUFACTURING COMPANY BILL.

SECOND READING.

Hon. Mr. THOMPSON moved the second reading of Bill (8) An Act respecting the Tobique Manufacturing Company, and to change its name to 'Fraser Lumber Company, Limited.

Hon. Mr. POWER—I do not see the chairman of the committee here, but I will direct the attention of the members of that committee to the fact that the title of this Bill is rather deceptive. The Bill is nothing. It consists of one clause, which proposes to change the name of the company and the title is calculated to mislead. You would think it was doing a good deal more than that.

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

SECOND READINGS.

Bill (33) An Act respecting the Calgary and Fernie Railway Company.—(Hon. Mr. Bostock.)

Bill (36) An Act respecting the Boundary, Kamloops and Cariboo Central Railway Company.—(Hon. Mr. Bostock.)

Bill (48) An Act respecting the Niagara Grand Island Bridge Company.—(Hon. Mr. Kerr.)

APPOINTMENT OF UNDER SECRETARIES.

DEBATE ADJOURNED.

The order of the day being called:

Resuming the adjourned debate on the motion of the Hon. Mr. Ross (Middlesex), that in the opinion of the Senate, the time has arrived for supplementing the executive government of Canada, by the appointment of Under Secretaries to the more important departments of the public service, with duties and privileges as near as may be similar to those of the corresponding officers in the parliament of Great Britain.

Hon. Mr. POWER—The hon. gentleman from Middlesex told me he was obliged to leave Ottawa, and asked me if I would be willing to adjourn this debate till Tuesday next, and of course, I gladly agreed. I move that the order of the day be discharged, and that it be placed on the orders of the day for Tuesday next, to be the first order of the day.

Hon. Mr. SCOTT—No; I think debates of this kind should come after the orders of the day.

Hon. Mr. POWER—There are two or three of these adjourned debates, and, I understand, this debate will be concluded in an hour, probably. I do not propose to speak at any length, and I do not know that any hon. member, except the mover, proposes to speak, and it is better not to keep in on our Order Paper.

Hon. Mr. LANDRY—I do not see that the hon. gentleman gives us any reason to make it the first order of the day after the third readings. There is no reason why we should obstruct the whole business of the House.

Hon. Mr. POWER—I withdraw the part of my motion making this the first order of the day, and simply move that it be placed on the orders of the day for Tuesday.

The motion was agreed to.

The Senate adjourned until three o'clock to-morrow.

THE SENATE.

OTTAWA, Friday, February 7, 1908.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

REJECTION OF GOVERNMENT BILLS BY THE SENATE.

INQUIRY.

Hon. Mr. PERLEY inquired of the government:

How many government Bills have been defeated in the Senate since August, 1896? What were the Bills and the date of their defeat?

Hon. Mr. SCOTT—In answer to the inquiry, the government Bills rejected by the Senate during the period of time extending from 19th August, 1896, to 27th April, 1907, are as follows :—

1896, Drummond County Railway Act.

1898, Canadian Yukon Railway Act.

1898, Manitoba School Fund.

1899, Representation in House of Commons Amendment Act.

1900, Judges Provincial Courts Amendment Act.

1900, Post Office Amendment Act.

1900, Representation in House of Commons Amendment Act.

1904, Respecting Aliens Act amendment.

IMMIGRATION FROM JAPAN.

Hon. Mr. LANDRY—I wish to draw the attention of the House to a telegram from London, published yesterday in the Montreal 'Star' which reads as follows :—

Japanese Question in British House—Canada's answer to Imperial Government was subject of question.

(By special cable by our own correspondent.)

London, February 6.—Mr. J. W. Hills, M.P. for Durham City, who has business associations in Canada, raised the question of Japanese immigration to Canada in the British House of Commons to-day. He referred to Canada's convention with Japan, and wanted to know whether before that convention went into effect the stipulations respecting immigration into Canada, made in the Japanese treaty were pointed out to the Canadian government by the Imperial government, and if so, he asked what Canada's answer was.

Mr. Winston Churchill replied as follows: 'In 1905, when the Canadian government raised the question of their adherence to the treaty with Japan, the former Secretary of State inquired whether they were prepared to adhere to the whole treaty without a reservation, or wished to adhere subject to limitations respecting immigration and other matters to which stipulations were made when Queensland adhered to it. The Canadian government replied that they were prepared to adhere absolutely, and without reserve.'

WINDERMERE.

I should like to know from the hon. Secretary of State if this answer, purporting to be given by Mr. Winston Churchill in the British House of Commons, states the facts ?

Hon. Mr. SCOTT—I think it does—in spirit at all events. It may not be exactly word for word. The government were at that time relying on the confirmation made by the representatives of Japan in Ottawa, who gave assurances that the number would be limited. I have forgotten the number. It is something less than 400 annually. Relying on that, the government did not care to raise the question because it was at that time felt that Japan would not acquiesce if we made any conditions.

Hon. Mr. FERGUSON—May I ask my hon. friend whether these assurances he speaks of as having been given by the Japanese consul to this government at that time were in writing or verbal ?

Hon. Mr. SCOTT—In writing. There is a great deal of correspondence. Any of it that was not confidential has been brought down in the other House.

Hon. Mr. FERGUSON—If so, I have not seen it ; but I suppose it is accessible.

Hon. Sir MACKENZIE BOWELL—The letter from Mr. Nosse was brought down to the House and will be found in the proceedings ; but that was merely a request to the Canadian government to rely on the intentions of the Japanese government. There is no record, so far as the debates disclose the facts, of any promise having been made or any negotiations entered into with the Japanese government other than the statement made by the Consul General of Japan in Canada.

Hon. Mr. LOUGHEED—My hon. friend, the Secretary of State, is entirely in error in saying that there was ground for apprehension on the part of Canada that Japan would not consent to the Canadian government adhering to the treaty with the qualifications referred to. If my hon. friend had looked at the correspondence between the Imperial government and this government he would have ascertained the fact, and would not have made the statement to which we have listened, that it was communicated to this government that the Japanese government were willing that Canada should enter into the treaty reserving the right of this government to enforce its laws as to immigration and labour. I have before me a copy of the correspondence which took place.

Hon. Mr. SCOTT—I am familiar with it. I have gone over it a dozen times.

There is no understanding that I am ignorant of.

Hon. Mr. LOUGHEED—The hon. gentleman displays the same confidence in this matter that he has shown so frequently in other matters with which he has not been entirely familiar. Permit me to read part of the correspondence. Here is a letter dated February 7, 1896, which says :

His Excellency (that is the Japanese foreign minister) produced a written memorandum, the terms of which were to the purpose that the Japanese government were willing to agree that Canada, in signifying her adhesion to the treaty, might do so with a proviso that the stipulations of the treaty shall not in any way affect the laws of either country in regard to the immigration of labourers, and further, that the treaty should cease to be six months after notice to terminate it had been given by either side.

Hon. Mr. SCOTT—What is the date of that letter ?

Hon. Mr. LOUGHEED—February 7, 1896.

Hon. Mr. SCOTT—That is ten years before the time I am speaking of.

Hon. Mr. LOUGHEED—The hon. gentleman will find another letter dated July 14, 1905, pointing out this :—

London, July 14, 1905. Referring to your confidential despatch of 7th June, should Japanese government be informed that your government wishes to adhere to treaty of 1894, and supplementary convention of 1895, under same terms and conditions as Queensland in 1897 which Japanese government then agreed to extend to any other colonies adhering within prescribed period, namely (1) that stipulations contained in first and third articles of treaty shall not in any way affect laws, ordinances and regulations with regard to trade, immigration of labourers, artisans, police and public security, which are in force or hereafter may be enacted in Japan or in colony; (2) that treaty shall cease to be binding as between Japan and colony at expiration of twelve months after notice has been given on either side of desire to terminate same.

Or are your government prepared to adhere absolutely and without reserve as would appear to be the case from speech on Minister of Agriculture in Canadian parliament, June 22? Please telegraph reply.

LYTTLETON.

My hon. friend would ask us to believe that the Colonial Minister, on July 14, 1905, cabled this government without knowing what the attitude of the Japanese government would be on that question.

Hon. Mr. SCOTT—Yes.

Hon. Mr. LOUGHEED—The Japanese government were pressing for an adherance to that treaty under the conditions mentioned ?

Hon. Mr. SCOTT—I am quite right. That matter was discussed over and over again in council. My hon. friend is not throwing new light on the subject. With the knowledge we had from other sources we came to the conclusion that it was perfectly futile to make any conditions. The late government, in 1896, had been in treaty with Japan, but broke off on this point. They wanted to exclude not only all labourers, but artisans as well, and Japan had objected to that, and that is the way it stood for the next ten years. The arrangement with Queensland was made many years ago. We have had that over and over again in council, and I knew it by heart—framed a number of orders on it. The opinion of Mr. Fisher, who had been recently in Japan, was that the Japanese government would not consent. After the war with Russia, Japan had assumed a different position in the world, and was not willing to concede what we wanted. It was not at the instance of Japan that the treaty was entered into, but at the instance of Canada, because we wanted to develop trade on the Pacific. We had this labour question before us, and discussed it, and were satisfied with the assurance given by the Consul General of Japan, who professed to speak for the Japanese government, that, in the event of our entering into the treaty, an Act would be passed by the Japanese parliament, limiting the number to be allowed to immigrate from each province, and instructions would be given to restrict the number going abroad. Every Japanese immigrating would be required to hold a passport for the country to which he was emigrating, and it was an offence for any Japanese, having obtained a passport, to go to any other country than the one for which the passport authorized him. That was made perfectly plain, and is plain to this day. I have read over the law of Japan a number of times.

Hon. Mr. LOUGHEED—Can the hon. gentleman inform the House what the object of the Colonial Secretary's letter of

July, 1905, would be, if there were not an express understanding between the Imperial government and the government of Japan that the latter was quite willing to enter into the treaty under the supplementary terms referred to, and, furthermore, perhaps my hon. friend would be able to give this information to the House: why is it that this government has not been able to show by one jot or tittle any correspondence or any expression of dissent from the government of Japan as to entering into that treaty? The whole matter is one of presumption, baseless, without anything to found it upon, and we simply have to take the ipse dixit of ministers of this government that such was the attitude of the government of Japan, without anything to warrant it.

Hon. Mr. SCOTT—In 1894, 1895, 1896—you know the history of this matter—there was a great deal of correspondence between Japan and the foreign office of Great Britain. In that correspondence stipulations were made pro and con of the terms upon which the Japanese should be admitted into Queensland, and other British colonies. Canada, after the change of government, simply declined, because we did not see that we could make any arrangement that would be satisfactory. Our predecessors had failed to make arrangements. Japan was holding out that artisans should not be excluded. They were willing we should exclude labourers, but not to exclude artisans, and so it stood for ten years. In the meantime, friendly arrangements were arrived at in Japan. Japan's conditions in 1896 were very very different from Japan's conditions in 1905, and when the foreign office sent the cable that my hon. friend has read, they were referring back to conditions as they were, perhaps, on the former occasions. We knew from other sources that Japan was not willing. The overtures did not come from Japan. They came from the government of Canada, and we discussed fully the chances that we would have if we made stipulations. We were quite aware of the difficulties that would arise; but we had the assurances of the representative of Japan that they had then passed a law, as I explained before, by which Japanese were not allowed to go to these countries without a passport, and the emigration to Canada was to be limited to a fixed number; I think that it was not to be in excess of four hundred, and, with regard to the recent arrangements, I have already explained and do not propose to go into that matter further, Japan declined, as an independent nation, to put on record any proposal to retract in any way from the treaties entered into. They have given us an assurance, however, in reference to this question of immigration, that supports the promises made by the representatives of Japan before we entered into the treaty.

Hon. Mr. CLORAN—I do not wish to prolong the discussion of this matter, but, from the drift of it so far, I assume the hon. leader of the opposition wants to make the country believe that the present government is responsible for the situation in regard to Japanese immigration. I would ask the hon. leader of the opposition to look at page 662 of the Commons 'Hansard,' and he will find therein correspondence between the government of Japan and the government of Canada sufficient to convince him that he is not justified in maintaining his idea in regard to that matter. The government did everything in their power to meet the claims of the people of this country, especially of British Columbia, and I ask the hon. leader of the opposition to read the letter written by Mr. Nosse, Consul General of Japan, dated March 30, 1903, in which he says:

> I have received the cable instructions from my government to the effect that I have to give your government the renewed assurance that the Japanese government are not desirous of forcing their people into British Columbia against the wish of the province, and that they were willing to enter into any agreement with your government by which they may bind themselves, if their present policy of rigid restriction is not deemed satisfactory or sufficient.

And later on, during the next two years, the same representative of the Japanese government gives the same assurance to the Canadian government, that such a position shall be held by them in regard to this matter. So that I do not feel that the hon. leader of the opposition is justified on this occasion in trying to leave the impression on the House that the present government was derelict in its duty in regard to this matter.

Hon. Mr. MACDONALD (B.C.)—I am not going to enter into a discussion of this very important matter. It is a burning question in British Columbia at the present time. It would be entirely out of order for me to discuss it; I think that there has been a very happy solution found of this most difficult problem, if we can believe the newspaper reports. I saw it mentioned the other day that Japan, being conscious of the state of feeling in the United States and in Canada against Oriental immigration, are now directing the attention of Japanese emigrants to Peru, Mexico and other parts of South America. I hope that will be carried out, and that we shall have few such immigrants coming into British Columbia. I could say a good deal more on this question, but I shall not do so. I hope the report of the diversion of emigration which we have received will prove correct.

Hon. Sir MACKENZIE BOWELL—I desire to call attention to the statement made by the hon. Secretary of State in reference to the position taken by the late government at the time to which he refers, that the objections taken to the treaty with Japan were on account of restrictions which would be placed upon this government in dealing with the question of immigration. That was the point and the objection was taken in 1895 to that clause of the treaty; but if the hon. gentleman will look at the correspondence and study it correctly he will find that the colonial office had had negotiations with the representatives of Japan, and they had acceded to the request made by the late government that that clause of the treaty should be struck out. Just at that time, while the negotiations were proceeding, the Prime Minister had resigned, and Sir Charles Tupper had become Prime Minister. He went to the elections and was defeated. Hence the negotiations, so far as the late government was concerned, ceased, and the present government allowed the matter to remain in abeyance, until they agreed to accept the treaty in its entirety.

BILL INTRODUCED.

Bill (O) An Act to incorporate the Saskatchewan Power Company, Limited.—(Hon. Mr. Davis.)

Hon. Mr. CLORAN.

SECOND READINGS.

Bill (38) An Act respecting the Edmonton, Dunvegan and British Columbia Railway Company.—(Hon. Mr. Roy.)

Bill (45) An Act respecting the Canadian Pacific Railway Company.—(Hon. Mr. Young.)

CUMBERLAND RAILWAY AND COAL COMPANY BILL.

SECOND READING.

Hon. Mr. POWER moved the second reading of Bill (46) An Act respecting the Cumberland Railway and Coal Company.

He said: This Bill proposes to make certain changes in the Act, chapter 77 of the statutes of 1883. It proposes to substitute the Intercolonial Railway for the Great Short Line Railway. In 1883 there was a proposal to build what was called the Great Short Line Railway between Oxford and Pugwash. That company did not go on with the undertaking, and the Dominion government have built the line as part of the Intercolonial Railway. The first clause of the Bill proposes to allow these companies to make arrangements with the Intercolonial Railway instead of with the Great Short Line Railway. It proposes to give to the company what was not given by the original Act, the power to generate electricity, and to supply light, heat and power produced thereby for the purposes of its present undertaking. They:

May acquire and hold stock, shares or bonds in companies other than railway companies; may sell any mines or other real or personal property it has acquired; and may buy, hire, charter, operate and sell vessels, steamers, ships and other suitable craft, for the transportation of coal and other minerals to ports in Canada or elsewhere.

Subclause 2 reads as follows:—

2. No purchase of coal lands, coal mines or timber limits in the provinces of Nova Scotia or New Brunswick, heretofore made by the company, shall be declared invalid by reason of any want of power in the company to acquire the same.

There seems to have been some doubt as to the right of the company to acquire coal mines. Then section 7 of the Act is repealed and a new section is substituted, which limits the rate of interest to 6 per cent. The old Act provided for any rate of interest which was legal, and it makes the company subject to the payment of

any penalty for non-compliance with the provisions of the Railway Act. The old Act provided that the whole amount of the bonds should not exceed three-fourths of the stock of the company. This new clause 7, provides that the whole amount of the bonds shall not exceed three million dollars. The capital is now fixed at three million dollars. Then there is a provision authorizing the directors to make by-laws, and perhaps the principal portion of the Bill is the validating of a mortgage made on the 13th November, 1907, mortgaging the property of the company for the amount of $1,500,000.

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

STANDING ORDERS COMMITTEE REPORT.

SIXTH REPORT ADOPTED.

Hon. Mr. YOUNG moved the adoption of the sixth report of the Standing Committee on Standing Orders. He said: This report appears at page 161 of the minutes. It is with reference to a notice given to the public, by the Quebec and New Brunswick Railway Company. We set out in our report that while considering the objects of this petition are practically identical with those of a certain other petition from the same parties already reported upon by the committee, and as to which all notices were regularly given, the committee considers that the notice upon this petition, whilst not complete, yet together with those given of the former petition, constitute sufficient grounds for the committee to recommend the suspension of rule 107, section C, in so far as it relates to the petition. Since yesterday, however, the clerk of the committee informs me that he has been placed in possession of the notices, which were lacking yesterday before the committee, copies of notices in different papers, and after giving a statement of the papers in which these notices have appeared, he states that the notices are complete. In other words, he certifies that if these notices had been in possession of the committee yesterday the petition would have been passed in the usual way, as having complied with the rules of the House.

The motion was agreed to.

STANDING COMMITTEE ON STANDING ORDERS.

SEVENTH REPORT ADOPTED.

Hon. Mr. YOUNG moved the adoption of the seventh report of the Committee on Standing Orders. He said: This refers to a petition in which the notice does not go so far as the petition. More powers are asked for in the petition than in the notice, although the powers asked for are not contrary to the good and welfare of the district. Petitioners ask to carry on the business of millers. It is a company that proposes to develop power on the South Saskatchewan by damming the river. In the notice they give the object of their incorporation as a power company, but in the petition they go further and ask for power to go into the milling business. The committee thought it better to bring these facts to the attention of the House in the form of a report, so that when the Bill goes before the proper committee their attention will be specially directed to it, and, in the meantime, let the petition go through as having conformed to the rules of the Senate.

The motion was agreed to.

The Senate adjourned until Tuesday next at Three p.m.

THE SENATE.

OTTAWA, Tuesday, February 11, 1908.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THE KING'S REGULATIONS.

INQUIRY.

Hon. Mr. LANDRY inquired:

Is it the intention of the government to cause to be published in the 'Canada Gazette' everything in the Army Act, the King's regulations, and in the other imperial laws governing His Majesty's troops, which does not conflict with our own laws and our own regulations, and has force of law in our own country, and consequently governs our Canadian militia?

Hon. Mr. SCOTT—I am advised by the Department of Militia that it is not the

intention of the government to publish in the Canada 'Gazette' the Army Act and the other papers referred to.

THE KETTLE RIVER VALLEY RAILWAY.

INQUIRY.

Hon. Mr. LOUGHEED inquired :

1. What reason, if any, has been given by the Kettle River Valley Railway Company for not furnishing statistics respecting its operations, &c., to the Department of Railways and Canals for the year ended June 30, 1907 ?

What steps, if any, have been taken to compel the Kettle River Valley Railway company to comply with the statutory requirements respecting the furnishing of statistics annually ?

What contract or contracts, if any, have been entered into between the government and the Kettle River Valley Railway company for the construction of any portion of the company's line, giving the dates and terms of such contract or contracts, and what subsidies, if any, are to be or have been paid under such contracts, with amounts and dates ?

Hon. Mr. SCOTT—The following is the reply :

1. No reason whatever has been assigned by the Kettle River Valley Railway Company for their failure to send in the statistical returns, required for the year ending 30th June, 1907.

2. Demands have recently been made upon the officers of the company for the fulfilment of the statutory requirements in this regard ; if these requests are not complied with, the case will be submitted to the Department of Justice.

3. (a) A contract was entered into on the 6th June, 1907, to construct a line of railway from Grand Forks, to a point fifty miles up the North Fork and West Fork of the North Fork of Kettle River, in lieu of subsidy granted by chapter 57, or 1903, section 2, item 67.

(b) Under Subsidy Act, 1906, item 39 subsidy paid as follows :—40 per cent of subsidy due on 43.40 miles of railway, from Grand Forks towards North Fork of Kettle River, ordinary subsidy $3,200 per mile for 43.40 miles—equals $138,880 ; additional subsidy of 60 per cent of $3,200 per mile, equals $1,900 per mile for 43.40 miles, or $83,328 ; ordinary subsidy, $138,880 ; plus additional subsidy, equals $222,208 ; 40 per cent of $222,208, equals $97,771.52.

This amount of $97,771.52 was paid by the Finance Department cheque, August 3rd, 1907.

QUEBEC AND NEW BRUNSWICK RAILWAY COMPANY'S BILL.

Bill (P) An Act respecting the Quebec and New Brunswick Railway Company was introduced and read the first time.

Hon. Mr. COSTIGAN moved that the Bill be read the second time on Thursday next.

Hon. Mr. LANDRY—Is this a Bill for an extension of time ?

Hon. Mr. COSTIGAN—It is for an extension of time, among other things.

COMMAND OF 16th INFANTRY BRIGADE.

INQUIRY.

Hon. Mr. LANDRY inquired :

1. Who is in command of the 16th (Toronto) Infantry Brigade ?
2. When did Lt.-Colonel J. I. Davidson resign his position of brigadier in command of that brigade ?
3. Why did he resign ?

Hon. Mr. SCOTT :

1. There is no commanding officer of the 16th (Toronto) Infantry Brigade at the present time.
2. October 12, 1907.
3. No reason assigned.

IMPORTS OF ALUMINUM.

MOTION.

Hon. Mr. ELLIS (in the absence of Hon. Mr. Domville) moved :

That an humble address be presented to His Excellency the Governor General; praying that His Excellency will cause to be laid before the Senate a return of imports of oxide of aluminum for the years 1903, 1904, 1905, 1906 and to date, 1907, with values.

Hon. Mr. SCOTT—I presume it is available. There is no objection to the motion going.

The motion was agreed to.

EXPORTS OF ALUMINUM.

MOTION.

Hon. Mr. ELLIS (in absence of Hon. Mr. Domville) moved :

That an humble address be presented to His Excellency the Governor General; praying that His Excellency will cause to be laid before the Senate a return of aluminum exported for the years 1903, 1904, 1905, 1906 and to date, 1907, with values.

The motion was agreed to.

PUBLICATION OF KING'S REGULATIONS.

INQUIRY.

Hon. Mr. LANDRY inquired :

1. Is the revision of the 'King's Regulations and Orders for the Militia of Canada' now finished ?
2. When will it be distributed to persons interested ?
3. Is the French edition of the said regulations ready ?
4. When will it be given to the officers of French origin serving in the militia of Canada ?

Hon. Mr. SCOTT :

1. The revision is now about half finished.

2. It is hoped the book will be ready for distribution in time for camps of instruction, 1908.

3. No—but translation will be proceeded with.

4. At the earliest practicable date.

Hon. Mr. LANDRY—It is going behind ? Last year it was nearly ready—only the index to be made. We are retrograding.

REMOVAL OF MILITARY HOSPITAL IN QUEBEC.

Hon. Mr. SCOTT—The hon. gentleman from Stadacona inquired the other day in regard to the removal of the military hospital into the middle of St. Louis ward in the city of Quebec, and asked if any protests had been received by the government. I had not an answer at that time. I am advised that it has not been decided to remove the military hospital, at Quebec, from the old hospital building.

A petition against such a change has been received from the mayor of Quebec. It is signed by Mr. Harcourt Smith and one hundred and eight others, and claims that the placing of the hospital in the centre of the residential part of St. Louis ward would be a source of danger, and detrimental to the proprietors and residents of the city, and in no wise in the interest, or for the benefit of the city of Quebec, but, on the contrary, would be against the interests of the city.

Hon. Mr. LANDRY—It was in answer to that protest the government decided ?

Hon. Mr. SCOTT—I do not know. I presume it had its influence. I am not aware.

Hon. Mr. LANDRY—But the decision of the government must be nothing at all.

Hon. Mr. SCOTT—I have really forgotten the answer I gave my hon. friend. He is familiar with it and I am not. I think he asked if there was to be a removal of the hospital to a certain part of the city, and another inquiry was as to whether there were any protests against it. I answered the first, that the government had not decided to remove, and then my hon. friend asked if there were any protests. They had not then furnished me with any protests, but they have now. I presume two and two make four. No doubt the protests had their influence.

RAILWAY ACCIDENTS AT LEVEL CROSSINGS.

Hon. Mr. SCOTT laid on the table a return showing the number of accidents at railway crossings for the years 1905, 1906 and 1907.

He said : When my hon. friend moved for this return, I suggested that they should distinguish between the rural portions of the country and the thickly populated portions, and define the number at each. The result was just as I anticipated. This return will probably be contrary to public opinion, and contrary to what would be expected, and I merely call attention to it. In the last three years there were killed at thickly populated crossings in cities and, I suppose, villages, thirty-four persons ; while on rural district crossings there were ninety killed. There were three times as many persons killed at crossings that would not be affected by the Bill now before parliament, compared with crossings for which provision is made in this measure. The Bill was said to be predicated on the assumption that the danger at crossings was in cities, towns and thickly populated villages, whereas it is just the reverse. There were

three times the number killed in the rural parts of the country that there were killed in the thickly populated portions.

Hon. Mr. SULLIVAN—Is that for the whole period of three years ?

Hon. Mr. SCOTT—Yes.

Hon. Mr. SULLIVAN—Are the ages given, or any further data furnished ?

Hon. Mr. SCOTT—No. In 1905 there were killed in the thickly populated portions eleven, and in the rural districts thirty. In 1906 in thickly populated sections nine, in the rural districts thirty-three—nearly four times the number. The result is just the opposite of what everybody supposed, and it was for that purpose I suggested that we should have this information furnished.

Hon. Mr. FERGUSON—It is very unusual in submitting the returns of the House for the Minister to make a speech ; but since the hon. gentleman has undertaken to do so, I think he had better give us more detailed information. It would be interesting to know the number of rural crossings as compared with the number of crossings in thickly populated places. If the number of rural crossings should be many times more than the number of crossings in thickly settled places, there would be another explanation than the one given to the House. It would be also important that we should know what proportion of the rural crossings, as compared with town crossings, are protected under the orders of the board. These are facts also that it will be necessary for us to know before any value whatever could be attached to the figures which the hon. gentleman has submitted to the House. It is not usual, as I have said, for the minister submitting a report to make a speech.

Hon. Mr. SCOTT—I did not make a speech.

Hon. Mr. FERGUSON—My hon. friend has taken this way to show his opposition to what is really a government Bill. It is a very peculiar way this government has of doing things.

Hon. Mr. McMULLEN—Order, order.

Hon. Mr. FERGUSON—The hon. gentleman did not call order a minute or two ago. I am directing attention to the fact that a measure which was warmly approved of by the Minister of Railways, and passed with the sanction and under the authority of the government, should be opposed in this way by the hon. Secretary of State.

Hon. Mr. SCOTT—My hon. friend is not justified in saying that I was making a speech. I thought it was in the interest of the Senate that I should point out the significance of the figures that I have submitted to the House.

Hon. Mr. FERGUSON—We understand the hon. gentleman perfectly.

Hon. Mr. SCOTT—There are a number of other incidents in this return to which I have not called attention, but a good deal of discussion arose on that one point and I thought it advisable to give the figures. However, I shall be more careful again.

DOMINION LANDS SURVEYS BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (9) An Act respecting the surveys of the public lands of the Dominion and the surveyors entitled to make such surveys.

(In the Committee.)

Hon. Mr. SCOTT—The clauses relating to surveys and surveyors at present are to be found in the Dominion Lands Act. It has been thought desirable that an Act should be placed on the statutes, referring exclusively to surveys and surveyors, defining the character of the surveys and the qualifications of the surveyors employed to make surveys of Dominion lands. Necessarily, nine-tenths of the Bill is a reprint of the law as it now stands. I shall be glad in going over it to call attention to any clause where original matter has been substituted for the existing law.

On clause 4,

4. The Governor in Council may—
(a) Make such orders as are deemed necessary to carry out the provisions of this Act, according to their true intent, or to meet any cases which arise, and for which no pro-

vision is made in this Act; and further to make and declare any regulations which are considered necessary to give the provisions in this section full effect.

Hon. Mr. LOUGHEED—Can my hon. friend say if it is customary to delegate such powers to the Governor General? I cannot recall an instance where it has been done.

Hon. Mr. SCOTT—They are to be found in the old Act which was passed long before this government came into office.

The clause was adopted.

On clause 7,

7. The minister shall have the administration, direction and control of the surveys of Dominion lands.

Hon. Mr. LOUGHEED— To what extent does that vest the administration of the lands in the Minister of the Interior? Does it take it out of the hands of the Governor in Council? It may be interpreted that way; it certainly has not been the intention in former statutes dealing with Dominion lands that their administration should be entirely taken out of the hands of the Governor in Council. That is to say, orders in council may be submitted by the minister to the Governor in Council.

Hon. Mr. SCOTT—This is a general power. The mode of proceeding is this: where any regulations are made, they are submitted by the minister to council, and the minute of council is passed approving of them. The general administration of the department, however, is left to the minister. There is nothing new in the clause.

The clause was adopted.

On clause 12.

12. The minister may cause examinations of candidates for admission as articled pupils or for commissions as Dominion land surveyors to be held at such times and places as he directs, and by one of the members of the board or by a special examiner who is a Dominion land surveyor, and is appointed thereto by the Governor in Council.

2. Notice of any examinations shall be given for four consecutive weeks in the 'Canada Gazette.'

3. Such examinations shall be subject to any rules and regulations made by the board in that behalf, and shall have no effect unless they are conducted in accordance with such rules and regulations, and are subsequently approved by the board.

Hon. Mr. POWER—There is something to be said in favour of having more than one examiner. Those examinations, I presume, are held periodically, and I have grave doubts as to the wisdom of having only one examiner.

Hon. Mr. CASGRAIN—The object is to save the expense of bringing these surveyors to Ottawa, when they live at some distance from the capital. In such instances, an examiner is detailed to go and examine them. The Board is composed of three members, and one of them conducts the examination.

Hon. Mr. POWER—If he has to submit the answers to the full Board, then there is no objection; but if the examiner who goes down say to Quebec or New Brunswick, is to be the final judge of the results of the examination, I do not think it is satisfactory.

Hon. Mr. SCOTT—In all examinations there are printed questions, and the single person who is conducting an examination submits the answers to the Board, and the Board passes on them finally.

Hon. Mr. SULLIVAN—All he has to do is to pick up the papers, and see that nothing improper is done. One examiner is all that is required.

Hon. Mr. SCOTT—The schedule of questions at each examination is prepared by the Board.

Hon. Mr. POWER—That may be the practice; but, if it is, clause 2 does not set forth the practice correctly. It does not provide that the papers shall be submitted to the Board, and I think it should.

Hon. Mr. SCOTT—In a much larger matter, the civil service examinations, where there are 500 to 1,000 examined every year, we appoint one examiner.

Hon. Mr. KERR—Subclause three provides that the examinations shall be subject to the rules and regulations made by the Board, and must subsequently be approved by the Board.

The clause was adopted.

On clause 13,

13. The Governor in Council may appoint one or more Dominion topographical surveyors for the purpose of filling the place of any member or members of the board who may, through illness or other cause, be unable to attend any meeting of the board.

Hon. Mr. LOUGHEED—What is a Dominion topographical surveyor? By what process is he admitted?

Hon. Mr. CASGRAIN—He is a Dominion lands surveyor who voluntarily submits to a higher examination, and then gets the designation of topographical land surveyor. He is generally entrusted with more difficult work than the ordinary surveyor, such as running base lines, establishing parallels of latitude, &c.

Hon. Mr. LOUGHEED—Is there any regulation by which he must be a Dominion land surveyor?

Hon. Mr. SCOTT—He has to be first.

Hon. Mr. LOUGHEED—By virtue of what?

Hon. Mr. SCOTT—He must be to begin with.

Hon. Mr. LOUGHEED—Not necessarily, if he can be made a topographical surveyor by the department. I want to know if there is any statutory obligation that he shall be first a Dominion land surveyor?

Hon. Mr. CASGRAIN—The man who is fitted to pass both examinations, must first become a Dominion lands surveyor. Afterwards he may or may not take the other examination; it is voluntary. The man who wants the higher degree can take it if he chooses. If he has the ability to pass it, he becomes a topographical land surveyor.

Hon. Mr. LOUGHEED—Where do you find that there must be some legal sanction for it? It seems to me that if a Dominion topographical surveyor is to have a legal status, there must be some legal sanction; and, so far as that Act is concerned, I am not aware of any provision in it dealing with such an officer. It is clearly an omission, it seems to me.

Hon. Mr. CASGRAIN—There are no special privileges. It is simply like a K.C. for a lawyer. A man might be a King's Counsel, but it gives him no special privileges in law.

Hon. Mr. KERR (Toronto).

Hon. Mr. SCOTT—I think clause 27 covers that point.

Hon. Mr. LOUGHEED—Clause 28 provides for it.

On clause 21.

21. Every person who upon or after the fourteenth day of April, 1872, became, or hereafter becomes, by certificate, diploma or commission, qualified to survey lands in any province of Canada and who is still so qualified, and who, in order to become so qualified, has—

(a) Served a term under articles to a surveyor, similar to the term prescribed by this Act, and

(b) Passed examinations before the Board of Examiners of the province for which he is so qualified, in the subjects prescribed by this Act for the examination of candidates for admission as articled pupils and for commissions as Dominion land surveyors,

Shall be entitled to obtain a commission as a Dominion land surveyor without further service and without being subjected to any examination other than with respect to the system of survey of Dominion lands.

2. If, in the opinion of the board,—

(a) The service of any person so qualified who applies for a commission is not equivalent to that required by this Act for pupils of Dominion land surveyors, or—

(b) The subjects of the examination passed by him for certificate, diploma or commission as a surveyor, in the province for which he is qualified, are not sufficiently similar to those by this Act prescribed for qualification as a Dominion land surveyor—

The board may, in its discretion, require the candidate to complete such further term of service or practice in surveying and may examine him in such of the subjects prescribed by this Act as appear necessary.

Hon. Mr. SCOTT—There seems to be some misconception as to the meaning of the first part of section 21. As I read it, surveyors who hold diplomas from provinces where the standard is as high as it is at Ottawa, are entitled, without further examination, except on the particular mode of surveys in the new provinces, to a diploma. If, however, the standard of examination in the particular province from which the surveyor may come is not up to the standard here, then he has to undergo an examination. I think hon. gentlemen will agree with me that it would be impossible to allow in the surveyors from all the provinces unless the Dominion board was first satisfied that the standard in all the provinces was at least equivalent to the standard at Ottawa.

Hon. Mr. LANDRY—Who is the judge of that?

Hon. Mr. SCOTT—The board. It is pretty well known among the surveyors.

Hon. Mr. CASGRAIN—I want to rectify what I said before on this very same subject. I was under the impression that the law, and the practice also, was as stated by the hon. Secretary of State; but to my great surprise I find that in the opinion of the Dominion board there is no province in the Dominion where the qualifications are sufficiently high for surveyors to come here and claim a diploma without undergoing a further examination. The invariable practice for the last fifteen years has been to subject men who have served as surveyors in their provinces for ten, fifteen or twenty years, to again pass an examination before the board at Ottawa. You will readily understand how difficult it would be for a man forty-five years of age to pass on all the small details which may be very familiar to a young man just out of the university; but subjects change and the art advances, and so on, and it would be a difficult matter? When I was admitted as a Dominion Land Surveyor, if I may be allowed to refer to myself, we were only required to pass an examination, just as stated by the hon. Secretary of State; that is an examination on the manual and also on the federal law; but I am informed that for the last fifteen years every surveyor who comes from the provinces for a diploma under the Dominion board must pass an examination. The province of Ontario has a very high standard, and the chairman of the Ontario Board of Surveyors, Mr. Kirkpatrick, claims the standard is just as high as the Dominion Board requires. When I spoke the other day, I referred to clause 22, which follows this clause, if I may be allowed to refer to it, because they go together. It is proposed to allow surveyors from New Zealand and from Australia——

Hon. Mr. SCOTT—That will be struck out.

Hon. Mr. CASGRAIN—Then with regard to clause 21, I think we should perhaps revert to the practice of examination on the federal system only. If a surveyor has been practising in Ontario for fifteen or twenty years, surely he would be qualified to come to Ottawa and claim a commission as a Dominion Land Surveyor, provided he is conversant with the rules of surveys as carried on by the Department of the Interior, and also the federal law. It may be said that there might be an objection—which I am ready to admit—that if a man wants to become a Dominion surveyor—seeing that in certain provinces the examinations are easier than in Ottawa, he would proceed to that province, pass his examinations and then come here and get his diploma; but it seems to me that would be overcome by the fact that a surveyor would have had to practice for a certain number of years in his province, say ten years, before being entitled to claim commission, and after he had practiced as a qualified land surveyor for that number of years, surely he could be able to come here and get his diploma as a Dominion Land Surveyor.

Hon. Mr. SULLIVAN—If the medical law was framed in the way the hon. gentleman argues, you would have to allow every quack to come in and practice under it, because he had been practising medicine in some place where he had lived. This is a proper clause, and one of the best in the Bill. There is a great deal of difference between the severity of the examinations in the provinces; but as far as that goes I would not call them severe. This provides that only so far as the provincial examination is sufficient, that is all he shall be examined upon. Examiners are not such cruel monsters as the hon. gentleman seems to suppose. They are men with a great deal of humanity, and they will not put any technical or difficult questions to a man to prevent him from passing; but if they do not make up for any defect in the provincial examination, then what good are they?

Hon. Mr. LOUGHEED—I cannot understand why the provincial board of examiners should assume to issue commissions for Dominion Land Surveyors.

Hon. Mr. SCOTT—They do not.

Hon. Mr. LOUGHEED—If you will look at paragraph (b) of this clause you will observe that provision is made for provincial examinations, in which a commission for Dominion land surveyors is contemplated.

If it is contemplated that a provincial board shall examine with the view if issuing a commission for a Dominion Land Surveyor, why should there not be uniformity throughout the whole of the provinces of Canada as to what that standard shall be, and why should that standard not be determined by the Dominion board, so as not to be subject to the review provided for in paragraphs (a) and (b) of subsection 2? The modus operandi now, apparently, is that a pupil may be admitted, and, upon the service of his time, he may be examined and apply for a commission of a Dominion Land Surveyor to the provincial board. Then, having passed that examination, the Dominion board review, apparently under paragraph a of subsection 2, the service—that is the length of time he has served—and, under paragraph (b), the subjects under which he has passed his examination, and if, in their discretion, that service and those subjects are not sufficient, then they may exercise their discretion and require the candidate to pass a supplementary examination. This seems to me to be absurd. Why should not the Dominion board of examiners issue a general order, cognizance of which should be observed by all the provinces, providing that if the Provincial Board of Examiners examine upon certain subjects and exact the service provided for in this Act, the commission shall be duly issued? My hon. friend opposite knows more about the subject than I do, but it seems to me that this is a very inconvenient system, and there does not seem to me to be that uniformity about it which is desirable, both in the matter of convenience and in the matter of qualification.

Hon. Mr. SCOTT—I think it is very simple and plain. A surveyor holding a diploma from a province applies to the board here. They may or may not pass him. In any case, they examine him on particular subjects, but it rests entirely with their discretion. Necessarily, the standard in the different provinces must be different. There is no doubt about that. The experience of boards substantiates that fact, and it rests entirely with the Dominion board to say on what subjects they shall examine. At one time they were rather loose about it, and they say it lead to very serious difficulty. I will read an extract from a letter from the head of the board in Ottawa to the head of a board in one of the provinces, who had complained that it was very unfair to a provincial surveyor to submit him to an examination here. It reads as follows:—

The other point brought up in your letter has reference to the omission of the examination in the case of the land surveyors from the provinces of Canada who seek admission as Dominion land surveyors. The proposition is not new to us; the system was in force in January, 1879, when I was first appointed a member of the Board of Examiners for Dominion land surveyors and was continued for a number of years until candidates nearly ceased coming before our board for examination. It has become a practice to first obtain a commission as provincial land surveyors and then to apply here for a commission as Dominion land surveyors. Naturally candidates would procure the first commission from the board having the lowest standard of examination. The consequences were deplorable, and there came to be such glaring cases of incompetency that the system was discontinued. However, the harm had been done, and there are still to be found in the ranks of Dominion land surveyors men who are utterly unfit to be surveyors. To my mind, no greater mistake could be made than to revert to the old system; should the proposition ever be made, I shall consider it to be my duty to advise against it.

If reciprocity is to be adopted between the several bodies of Canada surveyors, it seems to me that it can only come through the organization of a central board of examiners upon which all such bodies shall be represented, and which shall issue a uniform set of papers for all the candidates. It is upon that basis that the surveyors of Australia and New Zealand have united, and if I am not mistaken, the same principle is advocated by those who are endeavoring to secure reciprocity in the medical profession in Canada.

Hon. Mr. LOUGHEED—That does not answer the question. I wish to get information in regard to paragraph (b) of clause 21. My hon. friend will observe upon looking at that clause that it makes provision that the student or the applicant may pass an examination before a provincial board for a commission as a Dominion Land Surveyor.

Hon. Mr. SCOTT—Oh, no, nothing of the kind.

Hon. Mr. LOUGHEED—Permit me to read it.

Hon. Mr. SCOTT—Read 21, and then take in (b).

Hon. Mr. LOUGHEED—The clause states that every person who becomes qualified to survey lands in any province in Canada, and who is still so qualified, and who, in order to become so qualified, has passed an examination before the board of examiners of the province for which he is qualified in the subjects prescribed by this Act for the examination of candidates for admission as articled pupils and for commissions as Dominion Land Surveyors. And it provides that he shall be entitled to obtain a commission as Dominion Land Surveyor without further notice and without being subjected to any examination other than with respect to the system of survey of Dominion lands. Then the Dominion board intervenes, and may review the examination which that applicant had passed for a position as a Dominion Land Surveyor. Why should that be done? It seems to me a cumbersome system. The weakness in it is, that after passing an examination which is contemplated to be equivalent to that provided by the government as provided in this Act—they may set at naught the finding of the provincial board; but why should the Dominion board not say to the provincial board, 'You shall examine your pupils in such-and-such a way, and your certificate shall authorize the Provincial Land Surveyor to survey Dominion lands.

Hon. Mr. KERR—They have no authority to do it, and you cannot compel them to do it.

Hon. Mr. LOUGHEED—We can delegate it to them.

Hon. Mr. KERR—No, we cannot. The province shall say what is to be the qualification. The next point taken is about the interference with the provincial land surveyors' status. I think it is a great reflection upon those who passed into the profession and carried it on for a number of years, in a way which has been so creditable, in all the years passed, that there should now be an effort made apparently by a central body to take unto themselves the control and to practically abolish the provincial board altogether. I think that is what is being attempted here, and that it is an entire mistake. The result would be, that the board can be, not only not satisfied with the examination, although it may have been on the same subject, and on a higher standard than their own, and although it may have been passed most satisfactorily by the men who stood high in the examination, yet the Dominion board may not be satisfied, and may under the subsection to this Act require them to pass through a new examination. It seems to me that is putting a man who occupies a prominent position in the profession in an invidious position, and that it is entirely contrary, so far as our own province is concerned, to the spirit which prevails in the province of accepting in one province the standard of examination prescribed in another. I propose, following up the observations of the hon. gentleman from De Lanaudière, to move an amendment to this section.

A man who has gone through a regular service as an articled pupil, shall have served a term under articles to a surveyor, shall have passed examinations by the board of the province for which he is so qualified, shall have practiced there for a term of years, upon that being done shall be entitled to obtain commission without any further examination at all, except on the special law which applies with respect to the system of Dominion survey to be adopted. That would be as to the manual and the law of the Dominion which regulates the survey.

Hon. Mr. SULLIVAN—That kills the whole Bill. You might as well throw it out altogether.

Hon. Mr. KERR—Not at all.

Hon. Mr. SULLIVAN—No matter how ignorant a man might be, if he is passed by a Board in another province.

Hon. MEMBERS—Order, order, order.

Hon. Mr. KERR—I may be all wrong in the eyes of the hon. senator, but I do not propose for that reason to refrain from making a few remarks that I wish to offer. I say that we have, as a matter of fact, a board in the province of Ontario and I believe in the province of Quebec and other provinces as well, with a higher standard of examination than the Dominion has been having in the past. Where that is so, it is

an indignity to a man to say that after he has been practicing for years, having passed such an examination, having attained to such a standing in his profession, that he should be obliged to come down here and go through such supplementary examinations as this Board may prescribe, or otherwise be practically shut off from his employment as a surveyor of Dominion lands. I move to strike out of subsection (a), the words 'similar to the terms prescribed by this Act,' and strike out all after the word 'qualified' and insert the following: 'And has practiced as such surveyor for more than ten years.' I would also strike out the other discretion that is left with the Board. I would strike out all after Dominion lands in subsection 2.

Hon. Mr. POWER—I have listened with a good deal of pleasure to the discussion as far as it has progressed, and I find myself unable to agree with the hon. gentleman from Toronto. As I take it, the important thing is that the officers engaged in the survey of Dominion lands shall be men thoroughly well qualified for their work. We are to protect the interests of the people who are going into the Northwest; and we are not so particularly concerned about the provincial land surveyors.

Now the hon. gentleman's amendment proposes to strike out all the words after 'surveyor,' in paragraph (a), so that if the provincial law required only two years' service, that surveyor could come in and get a license under this clause if it became law. That seems to me objectionable. At least three years should be required of all candidates. Then the hon. gentleman's amendment proposes that the surveyor has only to pass an examination before the Board of Examiners for the province for which he is so qualified. He leaves out all that portion of that paragraph which says 'in the subjects prescribed by this Act for the examination of candidates for admission as articled pupils and for commissions as Dominion land surveyors.' So you can see that while in some of the provinces the requirements for land surveyors are not nearly as rigourous as in others, yet you let all these men in. We have had from the hon. Secretary of State the statement of the head of the Survey Department, that a good deal of trouble has been experienced in the past with surveyors having inferior qualifications who got in a good many years ago, I suppose before 1872, and the object of the amendment is, apparently, to bring back that old condition of things and let in more inferior men. I do not think that that should be the policy of this House. The hon. leader of the opposition appears to dread that men not qualified may get in. I think that is amply guarded against by the second subsection of the clause, which provides that if, in the opinion of the Board, the service of anyone applying for a commission is not equivalent to that required by this Bill; and if the qualifications called for in the provincial examination are not sufficiently similar to those prescribed by this Bill, the Board may require a candidate to complete a further term of service, &c. That is a reasonable proposition. It covers the ground, and inasmuch as the question of provincial land surveyors has been considered by the officers of the department very carefully, the House should not without very great consideration alter this clause.

Hon. Mr. LOUGHEED—I am afraid I did not make myself quite clear in the criticism of this clause. I quite appreciate the principle laid down by the hon. senator from Toronto, as to non-interference with provincial land surveyors and the presumed competency of those men to survey Dominion lands; but the explanation I ask for is this : this provision contemplates that a provincial board of examiners shall receive and examine pupils for land surveyors—at least that they shall require a service such as is prescribed by this Bill and an examination on all subjects as prescribed by this Bill. Having placed that confidence in the provincial board, and delegated to them authority such as is prescribed here, authority is then given to the Dominion Board to again inquire whether the provincial board has required the service and the examination in subjects so prescribed. After this provincial board issues the commission, the Dominion Board of Examiners may review the commission issued by the provincial board. Why should that be done? If you give authority to a provincial board to issue such a commis-

sion, surely you can repose sufficient confidence in them to say that that commission has been properly issued, when you specify the terms on which it shall be granted.

Hon. Mr. POWER—The provincial board can only grant a provincial license.

Hon. Mr. LOUGHEED—My hon. friend will find that this Bill empowers a provincial board to issue a commission as a Dominion land surveyor. They cease to be a provincial board, quo ad this examination—they become practically a subsidiary board of Dominion examiners. This parliament can delegate to a provincial board of examiners authority to act as their instrument, to examine candidates and issue commissions for land surveyors. They are not acting in their capacity as a provincial board.

Hon. Mr. SCOTT—No.

Hon. Mr. LOUGHEED—That is the meaning of that section.

Hon. Mr. SCOTT—The hon. gentleman is entirely wrong in his premises, and in his deductions.

Hon. Mr. LOUGHEED—I submit that any hon. gentleman looking over clause 21 will place this construction on it.

Hon. Mr. SCOTT—There are two classes of surveyors in Canada: provincial and Dominion. If a young man wants to become a surveyor, he has the choice of one or the other. The Act first provides for those who want to become Dominion land surveyors but it would be defective if it did not create some channel through which a provincial land surveyor might get out a diploma for the Dominion. Clause 21 provides that channel. A provincial land surveyor may pass a certain further examination and get a commission as a Dominion land surveyor.

Hon. Mr. LOUGHEED—The Board of Commissioners is referred to in paragraph (b), of clause 21.

Hon. Mr. SCOTT—It quite plainly states the board of the province may issue a diploma, but there is no obligation at all. The Act would be defective if it did not make provision that if a man holds a diploma for a province he may, by undergoing further examination, get a diploma for the Dominion. This clause, as intelligently as possible, makes provision for that change. It attaches some weight to the provincial diploma, but not weight enough to authorize that board to issue a Dominion diploma. It is just a step towards advancement to a Dominion land surveyor that is provided for.

Hon. Mr. LOUGHEED—The review by the Dominion Board is limited. They cannot exercise their discretion except within given bounds. They can review the term of service under paragraph (a); they cannot exercise any further discretion. Their discretion under paragraph (b), is limited to the number of subjects prescribed by the Act. Consequently, what advantage is to be gained by this subsequent inquiry by the Dominion Board which has no power except to inquire into these two matters?

Hon. Mr. SCOTT—They can say you must study further.

Hon. Mr. LOUGHEED—No.

Hon. Mr. SCOTT—Subclause 2 provides that the Board may in its discretion require a candidate to complete a further term of service, and may examine him in such subjects as are prescribed by the Act as may be necessary.

Hon. Mr. LOUGHEED—The further term of service is three years, as provided in clause 16; so the provincial board would not issue a commission to anyone who had not served three years.

Hon. Mr. ROSS (Middlesex)—My hon. friend from Toronto is going rather far in his amendment. I think it is rather too sweeping. There is an intermediate course which this House might fairly take in settling this matter. There are two examinations here to be considered. First the examination by the provinces, and second, the subsequent examination which may be conducted by the Dominion Board. If the examination by the provincial board is not satisfactory, the Dominion Board may review that examination both as to the term of service and the subjects prescribed. In order to present my view clearly, let me submit a case somewhat similar in regard to the Educational Department of Ontario.

Under the rule of that department, by which teachers for high schools were qualified, the Educational Department exacted no examination as to the qualification of graduates of any university in Ontario, provided the candidate for qualification as a high school teacher was examined in his own university on the subjects prescribed by the department. He accepted the reports of any examiners of a university provided there was a certificate from the university that Mr. A. B. had passed in the subjects required by the department, as qualifying him for a position in a high school. We extended that provision to graduates of universities in other provinces and graduates of universities in the United Kingdom. We did not say we will take your certificate pro tanto; we did not say whether you attended a university one, two, three or four years, or if you passed all the subjects required by the university; but simply required a certificate from the authorities of the university that the candidates had passed in all the subjects prescribed by the Department of Education. Is not something of the kind practicable in this case? I would accept the first provision of the clause, where we say a man must have served a certain term of years, under articles, with a surveyor. I would not accept one year or two years service. Secondly, I would accept paragraph (d), which requires a candidate to have passed examinations before the provincial board of examiners in the subjects prescribed by the Act for the examination of candidates for admission as articled pupils and for commission as Dominion land surveyors. Notice the power the Dominion Board has. It has the power to prescribe the subjects of examination. All that is necessary now is to have a certificate that Mr. A. B. has passed on these subjects, and you have confidence that the examiners have done their duty. Then I say if you have served the three years, without being subjected to any other examination than that prescribed under the Act, you should get your commission. A provincial board has no right or power to prescribe a course of examination. No matter what examination a man might pass before a provincial board, the central board here would have the right to say that if he was to survey Dominion lands he should be qualified to pass any standard they may require. Now we come to the second subsection, which says that if in the opinion of the Board the service is not equivalent to that required for Dominion land surveyors, or the subjects of the examination are not sufficiently similar to those prescribed by the Act as qualification of a Dominion land surveyor, the Board may require the candidate to complete such term of service, and may examine him on such of the subjects prescribed by the Act as appear necessary. These terms are so wide that we may simply say, here is Brown who has passed his examination, who has served the time and has passed on the subjects we prescribed; but in our opinion he is not qualified. The latitude given in this second subclause, enables the Dominion Board to reject anybody. There is no test provided; they simply say that in their opinion the candidate is not qualified, though he has passed the prescribed examination before the provincial board. I think it is a reflection upon the provincial board of examiners. Supposing we of the Eudcational Department of Toronto took the candidates from the Toronto University, and said to McGill graduates, 'We do not think your examination standards are as high as they ought to be,' we might reject candidates from McGill and in that way reflect on the bonafides of McGill. We would not do so, and never have done so. Why should the Dominion Board of Surveyors extend equal confidence to candidates from the various provinces, unless in the past it has been shown that the examinations have not been sufficient? I object to subsection 2.

Hon. Mr. LOUGHEED—It is obligatory that the standard shall be the same under paragraphs (a) and (b).

Hon. Mr. ROSS (Middlesex)—It would seem to be so, but in subclause 2 you open the door and permit them to say that they are not sufficiently similar. The Dominion board may throw out the standards of the different provinces, even though they are higher than the Dominion standard. They may sit down and, by a finical application of a certain principle, dismiss the whole examination. I have had a long experience of examiners and know how finical

they are—I was in fact going to apply the term cranks—as examiners. That might be applied to a great majority of them. This House might repose sufficient confidence in the provincial board of examiners under the restrictions proposed in subclause 1, and accept their examinations. I would not object to the proposal made by the hon. senator from Toronto, and say that they should serve a term of five or ten years, provided they give proof that they have really served the term, and not merely held their certificates in their pockets, and let the time expire and then apply here. If there was evidence of their service, and if it was bona fide, I would go so far as to accept the certificates of the various provinces in this regard. It is a matter of confidence. You have simply to say whether you have more confidence in a board of examiners directly under the control of the Dominion government than you have in the boards of the provinces, after you have prescribed your conditions. They may prescribe a higher standard in the provinces, and the provincial examiners will be obliged to conform to the standards under this Act. They may impose conditions which would not be unreasonable, but which would so guard against the admission of incompetent men that we might safely assume that a candidate from one of the provinces who had passed the provincial examination was just as good as one who had passed the Dominion examination. In the issuing of certificates to teachers in Ontario, we accepted the certificates of New Brunswick and Nova Scotia for certain grades, knowing the standards in those provinces. We might not do that with graduates from Alberta or Saskatchewan, not knowing their standards. It is a matter of inter-provincial reciprocity, and I think the Senate should show confidence in this matter under due merits and bounds, and let us show that we are one Dominion and not cut up into sections in this respect as we are in the matter of physicians and lawyers. Let us accept the examinations of these provincial examiners under the restrictions we provide, just as we accept the Acts of provincial legislatures so long as they conduct their legislation within the bounds of the constitution. We could very well afford to amend subclause 1, by fixing a longer term of service and drop subclause 2 altogether.

Hon. Mr. POWER—My hon. friend's amendment would put the provincial land surveyors in a worse position than at present.

Hon. Mr. ROSS—The committee knows my idea.

Hon. Mr. SCOTT—The law has been found to work pretty well for years, and it seems idle to attempt to make a change which would only cloud it. Some hon. gentlemen talk about reciprocity. I find that in the old Act of 1886, reciprocity was provided for; but I am advised by a gentleman who knows the fact, that the provinces declined to reciprocate and that a Dominion land surveyor has no standing whatever in a province. The Revised Statutes of 1886 provided practically the same as this, but it provided that if it should be shown that any province granted the privilege, it would be reciprocated. That is section 109 of the Revised Statutes of 1886. Now, the provinces declined to do that, and so that part of the section was struck out. Under the circumstances, we had better leave it alone.

Hon. Mr. CASGRAIN—It does not seem to be a matter of qualification. Is it because provincial land surveyors do not want to reciprocate that we propose to punish them by not taking them in?

Hon. Mr. SCOTT—Yes we do, after examination.

Hon. Mr. CASGRAIN—After examination only. It is very difficult for a man of forty or fifty to pass an examination. I think the amendment is only fair. If after a period of ten years service a provincial land surveyor applies, he should be allowed to come up here and become a Dominion land surveyor.

Hon. Mr. BERNIER—We are losing sight of the object of the Bill. It is an Act respecting surveys of the public lands of the Dominion. It seems only proper that the Dominion should have a say about the surveying of its lands. Referring to the amendment, it seems to me it would mean this—to place the control in the hands of the provincial governments and

leave the Dominion board subject to the directions of the provincial board.

Hon. Mr. LANDRY—As the law stands to-day, many of our provincial surveyors have no chance at all to come here.

Hon. Mr. SCOTT—They have all the chances they wish.

Hon. Mr. LANDRY— No, no chance at all. You take a surveyor in the province of Quebec, he is not permitted to come here as the Board is now constituted, to answer the questions in French. If he tries he will be blocked. I am speaking of facts that I know. Under the law as it stands, a provincial surveyor, in order to become a Dominion land surveyor, must comply with certain conditions, one of which is that he has been examined by the provincial board. It provides what kind of examination—an examination which may serve the purposes of this law. It is only the face of the examination that is changed; the qualifications are the same.

Hon. Mr. BERNIER—Seeing that the object of the Bill is to provide for the surveying of Dominion lands, does not the hon. gentleman think that the Dominion government might preclude entirely the admission of provincial land surveyors ?

Hon. Mr. POWER—I have expressed myself as satisfied with the clause as it is; but if it is to be amended, in my opinion, the change suggested by the hon. senator from Middlesex, is very much better than the amendment of the hon. gentleman from Toronto.

Hon. Mr. ROSS—I did not put it in the form of an amendment; but my proposition is to strike out subclause 2 altogether and leave the other as it is, but adding to it another paragraph (c), requiring a period of service for say about ten years. I do not think ten years is unreasonable.

Hon. Mr. LOUGHEED—But that would be more difficult to carry out than the proposal as it stands, because now the surveyor does not require to serve more than three years to qualify for the Dominion.

Hon. Mr. ROSS—He would have the option of serving three years, or showing that he had ten years practice.

Hon. Mr. KERR—There is a little misunderstanding as to what my amendment is. I propose to amend paragraph (a), by adding to it these words, 'And has practiced as such surveyor for ten years.'

Hon. Mr. ROSS—I think that would be a very fatal objection to the amendment. Look at subsection (b). My hon. friend will notice what I was going to say. Sub clause reads: 'Passed examinations before the board of examiners of the province for which he is so qualified.' I do not think this House should take the certificate of a province without prescribing the subjects on which candidates shall be examined. I think we should insist upon that. That must remain in. Let us maintain a high standard of examination. It should not be lowered one iota, and I would insist that that clause stand precisely as it is, and clause (a) also; but there might be added a subsection to read as follows :

And has practised as a land surveyor in his province or any other province, for a period of ten years.

Then it would satisfy me, and I think it would also satisfy other hon. gentlemen.

Hon. Mr. KERR—If you leave in the Bill the provision therein respecting examinations it will not meet the existing state of affairs to make it read, 'who have practiced for ten years,' because none of those surveyors have passed the precise examination that is now prescribed. They have passed a higher and better one. The Ontario surveyors assert that very strongly, and, therefore, if they have passed that examination, and had been admitted to practice there, you have their certificate that they have passed a superior examination to that of the Dominion Board, and you do not require to have the subsequent words in that section that it is to be on the same subjects. These words would nullify any idea of giving the privilege to provincial land surveyors with high standards without requiring them to go through the examination mentioned in subsection 2. You are proposing to strike out subsection 2, and if you are not providing machinery by which they can get in, no provincial land surveyor would be admitted to practice.

Hon. Mr. LOUGHEED—If my hon. friend from Middlesex, would eliminate the last

proposition he made, and simply provide that a certificate should be made by the provincial board as to the provincial surveyor having complied with paragraph (a) and (b), it would meet the requirements of the case. The hon. gentleman from Toronto misapprehends what the section is. Another substantive section might be inserted, providing for the admission of provincial land surveyors without examination; but it must not be forgotten that the fundamental principle of the section is that the surveyors shall be qualified in all the studies pertaining to the survey of Dominion lands. What I cannot understand, and what I am endeavouring to criticise is that the provincial board of examiners having examined the candidate as to his service as prescribed by this Act, and as to the subjects of examination prescribed by this Act, and having issued to him his commission, that all that should again be reviewed by the Dominion Board. That is what I object to. What I say is that upon the provincial board having issued their certificate that the student has served the necessary time, three years, and passed an examination in the subjects prescribed, that therefore he should go on and practice his profession without first being jeopardized through the action of the Dominion Board. That will meet the requirements.

Hon. Mr. SULLIVAN—I think the hon. gentleman is in error in that respect. The Dominion Board allows him for everything he has already passed on, that is in their course. All that he has to pass the examination upon are the very few or slight additions which they require for their own purposes regarding Dominion lands, and if there is anything improper about that, I cannot see it. These motions, it appears to me, would lead to allowing in a lot of men who are not capable, or who are afraid to pass the examination. No man who desires to do what is right and just would hesitate a moment. What the Dominion Board would require from a provincial surveyor would be a trifling matter and no one should hesitate. I think the hon. gentleman from Calgary is in error in asserting, that the man who has been examined by the provincial board does not lose one jot of what he has been examined upon. He receives that pro tento, and then the addition required by the Dominion Board is all that he is examined upon.

Hon. Mr. LOUGHEED—The committee must not overlook this fact: that the provincial board can only be set in motion by examining the pupil upon all the subjects prescribed by this Act, and upon their ascertaining that he has put in the service required by this Act. The provincial board is limited to that extent. They cannot consider the application of a man for a commission as a Dominion land surveyor, unless that term has been served, and unless an examination has been passed upon all the subjects.

Hon. Mr. POWER—I think if the hon. gentleman looks at the beginning of clause 21 he will see the point which apparently he has not seen yet. I refer to subclauses (a) and (b). He simply gets his provincial license as a land surveyor by passing examinations similar to those which this Act prescribes for Dominion land surveyors. Then he is entitled to obtain a commission as Dominion land surveyor. That is the law as it stands now, only that the Board of Land Surveyors have the right to examine very carefully into the service and into the subjects of examination. The hon. gentleman from Toronto undertakes to provide that an Ontario land surveyor who has complied with the provisions contained in this Bill, shall also serve ten years in the province as a land surveyor. The hon. gentleman's amendment adds that to the present clause, and it means that the Ontario land surveyor is shut out from going to practice in the Northwest for ten years. That is not our object. The object is that if the Ontario land surveyor passes such examinations as show he is qualified, and serves the three years apprenticeship, he shall be allowed to practice. I can see the point of the amendment proposed by the hon. gentleman from Middlesex, to strike out the subsection, because that is, apparently, a work of supererogation. The Dominion board can exercise their discretion under paragraph b of the first subsection, and the same way with the subjects of the examination. Paragraph (b) of the first subsection says that the subjects of examination shall be the same as those for the Dominion board; and the other one.

paragraph (b) of subsection 2, simply repeats the gift of this power to the Dominion board. Although I should leave the clause as it is, I should not have any strong objection to the amendment suggested by the hon. gentleman from Middlesex.

Hon. Mr. SCOTT—This is a matter affecting Dominion lands. It is entirely a concession to allow provincial land surveyors to come in and make those surveys. They ought only to come in surely under such regulations as the Department of the Interior think are reasonable and proper. This clause has been drawn with very great care. It is the law as it stood for the last twenty years, and it has been prepared by the Department of Justice. It is the proposal of the Interior Department of the terms on which they will allow provincial land surveyors to come in. The department would rather strike that out than have any change made in the law, for the reason that the board had been acting under the law for a great many years. They feel that any change made in a hasty manner, such as might be made at this table, will only lead to confusion. I hope the House will allow it to go as it is.

Hon. Mr. KERR—It seems to me that it is putting it a little strongly to speak of the department. We know what the department must be. It must be the Dominion Board of Land Surveyors, and they propose to get into their own hands and control the right to say who are to be Dominion land surveyors. I say that with all respect to the gentlemen who comprise that body, but I say it is a reflection upon the members of the profession who hold provincial certificates that they should be barred unless they subject themselves to an examination, because, forsooth, they may have passed a better examination, one of a higher standard, although one book in that course may be different from the course prescribed for Dominion land surveyors. Notwithstanding this fact, if the Bill chooses to require it, they have to come down and pass an examination after they have been practicing their profession for ten or fifteen years. I propose to move to amend that, by providing that it shall only be applied to cases of men who have not held provincial certificates for ten years, and I think with this explanation of the matter, my hon. friend from Middlesex will agree with me that striking out subsection 2 and amending subsection 1 in the way I have pointed out will meet the case precisely, and those who differ have no reason to find fault with those who think that provincial surveyors of ten years' standing should be protected.

Hon. Mr. SCOTT—What does the hon. gentleman say to the province which refuses to accept the best educated and most proficient surveyors in any province?

Hon. Sir RICHARD CARTWRIGHT—You are going to impose them on the Dominion. It seems monstrous.

Hon. Mr. KERR—I say my argument has ten times the force it had before the hon. gentleman made the statement, because his explanation would indicate that those who have control of this matter, the Dominion land surveyors, desire to put a pressure upon these men——

Hon. Mr. SCOTT—Nothing of the kind.

Hon. Mr. KERR—What other construction can be put upon it?

Hon. Mr. SCOTT—They have refused already.

Hon. Mr. KERR—And now they refuse to come in unless upon terms.

Hon. Mr. LOUGHEED—I suggest that we allow this motion to stand.

Hon. Mr. SCOTT—I will not allow it to stand.

The amendment was declared lost on a division.

The clause was adopted.

Hon. Mr. CASGRAIN—I understood the Secretary of State to say the government would agree to drop clause 22.

Hon. Mr. SCOTT—Oh, yes.

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

SUPPLY BILL.

FIRST, SECOND AND THIRD READINGS.

A message was received from the House of Commons with Bill (94) An Act for granting to His Majesty certain sums of money for the public service for the financial year ending 31st March, 1908.

Hon. Mr. SCOTT moved that the Bill be read the first time.

He said: This Bill is to authorize the granting of a sum of money to be divided as follows: $585,000 to be distributed to a class of settlers in the provinces of Alberta and Saskatchewan who lost their crops last year, and who have no seed grain; to authorize those on homestead lands to receive a proportion of the seed grain that is intended to apply; the sum of $440.000 to be advanced to the government of Alberta by way of loan for the purchase of seed grain for settlers in that province and a sum of $1,825,000 to be advanced to the government of Saskatchewan by way of loan for the same purpose. The Dominion government assume the responsibility of the advance to the homesteaders, because their patents have not yet issued and the amount of the advance will be a first charge upon the land before the patent can be obtained. The moneys advanced to the provinces are a loan to the provinces to be repaid by them, and they take the security from the settlers within their respective districts. It is important, as the season is advancing, that no time should be lost in making the purchase of the several grains, chiefly wheat. It includes also oats and a proportion of barley It is important the Bill should go through at once, and I hope the House will have no objection to suspend the rules.

Hon. Mr. DeBOUCHERVILLE—I understand the hon. gentleman to say it is important it should go through immediately.

Hon. Mr. SCOTT—Yes.

Hon. Mr. DeBOUCHERVILLE—What is the urgency of it?

Hon. Mr. SCOTT—The grain cannot be purchased till the money is voted; not even options can be taken, and the spring is rapidly approaching, and, of course, it takes some little time to make the purchases. As far as the seed wheat is concerned, the proposal is to buy as much as possible in the Northwest. I am advised that the seed oats cannot be obtained up there, and it will have to be purchased in Ontario and outside.

Hon. Mr. LOUGHEED—Will the hon. gentleman say what is required as to the distribution among the homesteaders of the grain that may be purchased, and also whether the advances made to the provinces are subject to fixed regulations as to distribution?

Hon. Mr. SCOTT—The regulations are printed and are laid upon the table.

Hon. Sir MACKENZIE BOWELL—It has not been circulated.

Hon. Mr. SCOTT—No.

Hon. Sir MACKENZIE BOWELL—It has been based upon the resolutions which have been passed by the House of Commons.

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—It is allowing the provinces of Saskatchewan and Alberta to become responsible for the amount advanced or loaned to them?

Hon. Sir RICHARD CARTWRIGHT—Yes.

Hon. Sir MACKENZIE BOWELL—What interest do they pay?

Hon. Sir RICHARD CARTWRIGHT—Five per cent.

Hon. Sir MACKENZIE BOWELL—And the government assumes the responsibility of the distribution of the seed grain to the homesteaders who have not yet secured their patent. At what rate is that loan to them, and at what period is it to be paid back?

Hon. Mr. SCOTT—The rate will be five per cent.

Hon. Sir MACKENZIE BOWELL—For both, for the homesteaders as well as the provinces?

Hon. Mr. SCOTT—Yes, I understand it is five per cent.

Hon. Mr. YOUNG—It is five per cent.

Hon. Mr. McMILLAN—Who makes the purchases ?

Hon. Mr. SCOTT—It is made by the chairman of the the Seeds Commission.

Hon. Sir RICHARD CARTWRIGHT—I may say that the grain will be purchased by Mr. Cassels, grain commissioner.

Hon. Sir MACKENZIE BOWELL—How long it is to be loaned to the homesteaders? Is it only one year?

Hon. Mr. SCOTT—It is believed that the money can be repaid within a year, assuming that crops are as good as they were last year. In regard to the homesteader, it adds so much to the cost of his land.

Hon. Sir MACKENZIE BOWELL—Can the hon. gentleman tell me whether the moneys which were advanced some years ago for a similar purpose have all been refunded ?

Hon. Mr. SCOTT—I think about $20,000 of it still remains unpaid. I am speaking from memory. The last time I looked over it, I thought there was about $20,000.

Hon. Mr. LOUGHEED—My hon. friend was about to make an explanation as to the manner of distribution. I should like to get an explanation on that point.

Hon. Sir RICHARD CARTWRIGHT—It will be done chiefly through the Department of the Interior, through their office as I understand. The Department of the Interior will take charge of the matter, as far as may be at the request, I believe, of the governments of Alberta and Saskatchewan, who, nevertheless, are responsible for the loan.

Hon. Mr. YOUNG—The method of distribution is to be found in the correspondence brought down to the House.

Hon. Mr. LOUGHEED—What does my hon. friend ask for this afternoon ? The second reading.

Hon. Mr. SCOTT—Yes.

Hon. Mr. LOUGHEED—When does the hon. gentleman propose to go into committee ?

Hon. Mr. SCOTT—The feeling among the members, and those who are anxious to facilitate matters, is that we should put the Bill through to-day, and perhaps to-morrow His Excellency will come down and assent to it.

Hon. Mr. FERGUSON—I understand the hon. gentleman to say that the wheat can be procured in the Northwest ?

Hon. Mr. SCOTT—Yes.

Hon. Mr. FERGUSON—And the oats are to be obtained in Ontario.

Hon. Sir RICHARD CARTWRIGHT—Not necessarily; but I may remark that it is considered a matter of great importance by those concerned that the oats should be obtained in as clean a condition as possible, and free from noxious weeds, and so forth. It may be necessary or may be considered desirable to purchase a quantity of these oats in England for that very reason.

Hon. Mr. FERGUSON—In that connection I wanted to point out to the members of the government in this House that I think seed oats could be procured in Prince Edward Island.

Hon. Sir RICHARD CARTWRIGHT—We considered that, but we considered the description of oats grown there, although of excellent quality, are not the same as those required in the Northwest. Yours are dark.

Hon. Mr. FERGUSON—No, white oats are grown quite as largely as black oats are in Prince Edward Island. I have been making some inquiries recently, and I know there was an excellent quality of oats last year, and oats are selling comparatively cheap, and I do not think there is any place on the continent of America where oats are grown so plump, and of so good a quality.

Hon. Mr. YOUNG—Could you quote us the price ?

Hon. Mr. FERGUSON—The market price is 38 cents a bushel at present ; but oats

such as would be required for this purpose would have to be well selected, and clean, much more so than for ordinary commerce, and I do not imagine they could be got at that figure.

Hon. Mr. YOUNG—Does my hon. friend speak of white oats?

Hon. Mr. FERGUSON—Yes, plenty of them.

Hon. Sir RICHARD CARTWRIGHT—I will call the attention of the Department of the Interior, who are specially charged with this matter, to the suggestion of the hon. gentleman. I should say that if we could obtain them of a proper quality and description in Prince Edward Island we should be very glad to do so.

The Bill was read the first time.

Hon. Mr. SCOTT moved the suspension of the rules in so far as they relate to this Bill.

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

Hon. Mr. SCOTT—I move that the Bill be read at length at the table.

Hon. Mr. LOUGHEED—Can my hon. friend tell me what correspondence has taken place between the provinces and the Dominion on this question?

Hon. Mr. SCOTT—It has all been published.

Hon. Mr. LOUGHEED—The regulations only apply to the distribution of the grain to the homesteaders. There are three sums being voted, one to homesteaders, one to Alberta and another to Saskatchewan. What arrangement is there, if any, between the provinces and this government, as to the application of that money? I have been looking through the papers, and I find nothing upon that point at all, except that it was a bald loan. Of course, we understand it is for that purpose, but the manner in which the legislature should make the application of the money should be distinctly understood.

Hon. Mr. YOUNG—As I understood, the arrangement made is this: that the Dominion government will secure themselves for the grain which they give to the homesteader who has not yet obtained his patent? The provincial government will see that the homesteader who has obtained his patent is secured. They are borrowing money to give to that class of people. So that in one case the Dominion government will take care where the patent is not issued, that they will be secured on the homestead, and the provincial government will provide the necessary machinery and legislation to protect themselves.

Hon. Mr. LOUGHEED—I perfectly understand that: but it seems to me that this government should have reserved to itself some authority to intervene or to supervise the application of that money in the purchase and distribution of seed grain, instead of handing it over absolutely to the provinces and permitting them to exercise their own discretion.

Hon. Sir RICHARD CARTWRIGHT—The purchase of the grain is to be made by and through an officer of this government, Mr. Cassels, the grain commissioner. The distribution is another matter.

Hon. Mr. SCOTT—The distribution is to be by agents of the Interior Department. The provinces have consented to that—in fact prefer it because it would cost them a considerable amount to make the distribution. They send an official with the officials of the Interior Department to select the persons to whom the grain is to be advanced, and they, at the same time, take security. The security outside of the homesteaders who have not yet secured their patents is taken by the province, but the distribution is under the officials of the Department of the Interior.

Hon. Mr. McDONALD (Victoria)—The man dealing with this fund should be under bonds. We are now in an age when men handling large amounts of money in any part of the world cannot be trusted. Those men having funds in their hands, and having to supply grain here and there, might be influenced, and great care should be taken to select proper men and have them under bonds to do the right thing.

Hon. Mr. McMULLEN—On a previous occasion, when money was advanced to the Northwest settlers under similar conditions, the system adopted was this: a homesteader

seeking to get seed had not only to sign a bond himself, making it a lien upon his homestead, but he had to get a neighbour to go security along with him that he would faithfully carry out the covenant he made.

Hon. Mr. YOUNG—It was found unworkable.

Hon. Mr. McMULLEN—Afterwards, a Bill was introduced to relieve the security in cases where it was found that the covenant with the government had been carried out. In this case it appears that no security is to be taken. The homesteader merely makes application for seed and his application is granted. Supposing he has a very poor homestead or is disposed to take advantage of the offer the government is making, and secures an amount of seed that is to be registered against his homestead, and supposing he never sows the seed, but allows the lien to be registered against his land, and then abandons it, and buys government land, what do you do in that case ?

Hon. Mr. WATSON—He cannot buy government land.

Hon. Mr. McMULLEN—There is railroad land to be purchased.

Hon. Mr. DOUGLAS—I have had a great deal to do with distributing seed grain myself. When a member of the House of Commons, I had thousands of cases, and the same thing was done in the southern part of east Assiniboia, and such a case as the hon. gentleman suggests cannot really occur. If a party is untrue to his obligation, and does not use the seed, but allows the season to pass and abandons his land and gets other government land, the liability follows him year after year. No matter what property he may own still the obligation goes on the land and he cannot possibly get rid of it in any such way as the hon. gentleman from Wellington suggests. In schedule (a), you find the form of the lien, and it ought to satisfy any reasonable person that the security is perfect. I know that in the other case where the party applying required the endorsation of a neighbour, that gave rise to a great deal of trouble. Sometimes the person had certified on behalf of his neighbour who had an application for such seed grain and had to pay his own and ultimately to pay that of his neighbour. Surely the security of a quarter section of land or more ought to be ample for all the seed grain required for one season. The man who has been there but a single year is not in a position to apply for seed at all, because he could not have lost anything the year before. I am sure that the House is disposed to carry this Bill through without delay. The tenth of April, is the very latest to begin to sow grain in that country. I have had an experience of twenty-six years in the Northwest, and should know all about it. It is time the machinery should be put in operation, if the provincial government is to arrange the whole matter, and the assistance is to be of use to the settlers for the present year. The loss of last season may be considered a severe blow to the whole country, but I do not feel at all discouraged in the matter. We had a peculiar season last year not only in Canada but all over the world. In Saskatchewan, I find from the records of the sowings upon our own land that we were five weeks and two days later than the average owing to the peculiarities of the spring season—owing to the fact that warm weather did not come, and that the frost did not come out of the soil early enough to enable the farmers to begin to sow at the usual date. The consequence was that they were a month later than usual, and much later than the season had ever been before in a quarter of a century. This may never occur again in that country. The difficulty was, we had not sufficient warmth to mature the harvest. Speaking from my own experience, we had, on a large portion of the land, a yield of about 40 bushels to the acre, and the whole difficulty was that the grain was not sufficiently matured to give the quality to bring the price that we were accustomed to get for our grain. The difficulty is largely with oats, and I fear they will not be able to find a supply in the Northwest or procure it in the eastern provinces. It is urgent that this legislation should pass without delay to enable the provincial government to take steps to procure the seed grain even though they should have to look for it abroad. It is a well known fact that if oats is touched by frost at all, so as to leave the slightest mark in it that mark runs through the

germ of the grain and germination is impossible, so that plenty of people in that country, though they have abundance of oats for feed, have grain that will not germinate. Hence it is not poverty they suffer from, but the peculiar condition in which they are placed. I have read over the Bill carefully, and the instructions and rules under which the seed grain is to be distributed, and I think it ought to be satisfactory in every sense.

The Bill was read the third time at length at the table and passed.

PATENT OF EUGENE FRANCOIS GIRAUD BILL.

SECOND READING.

Hon. Mr. McMULLEN moved the second reading of Bill (52) An Act respecting a patent of Eugene François Giraud. He said: The object of this Bill is to renew a patent that was held by this party. The money for the renewal of the patent was paid into the patent office a few hours late, and the department declined to accept it. The patent is for the manufacture of chains out of wire. The whole explanation will be given in committee.

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

SECOND READINGS.

Bill (58) An Act respecting the Ashcroft, Barkerville and Fort George Railway Company.—(Hon. Mr. Bostock.)

Bill (72) An Act respecting patents of the Windsor Pump and Foundry Company, Limited.—(Hon. Mr. Beith.)

Bill (N) An Act respecting the Windsor, Chatham and London Railway Company.—(Hon. Mr. Coffey.)

COMPANIES' ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (L) An Act to amend the Companies' Act. He said: This Bill consists of two clauses. The first is to remove any doubt as to the application of the Companies' Act, 1902. The next is to allow bonds to be issued for sums equivalent to $100. That is sterling £20, marks 400, and francs 500, and it makes provision for by-laws to increase or decrease the number of directors and to change the place of business.

Hon. Mr. LOUGHEED—What is the number of directors now?

Hon. Mr. SCOTT—Anywhere between three and fifteen.

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

TRANS-CANADA RAILWAY COMPANY BILL.

SECOND READING.

Hon. Mr. CASGRAIN (in the absence of Hon. Mr. Choquette) moved the second reading of Bill (M) An Act respecting the Trans-Canada Railway Company. He said: The Trans-Canada Railway project is very well known. It is supposed to start from the Lake St. John district in the province of Quebec and extend in a westerly direction, and to run a wide distance from all existing roads.

Hon. Mr. LOUGHEED—So does the Grand Trunk Pacific.

Hon. Mr. CASGRAIN—It is to pass north of the narrows of Lake Winnipeg, and it will be in a position to construct a branch to Hudson Bay.

Hon. Mr. LOUGHEED—I remember when my hon. friend the leader of the House presented to us a map of the Trans-Canada Railway, and pointed out that that was to be the route adopted by the Grand Trunk Pacific, that the government had practically committed itself to that particular route. I would ask my hon. friend who has charge of the Bill is this to be made a government work?

Hon. Mr. CASGRAIN—No, it is a private company.

Hon. Mr. LOUGHEED—I see it is proposed to extend the time eight years; this is unusual.

Hon. Mr. CASGRAIN—The hon. gentleman in charge of the Bill is absent. If there is to be a long discussion upon it, I think we had better let it stand.

Hon. Mr. McMULLEN—I see that this Bill has had a long existence.

Hon. Mr. WATSON—It is a long road.

Hon. Mr. McMULLEN—I should like to know what work, if any, has been done on this line ?

Hon. Sir MACKENZIE BOWELL—Has any stock been subscribed, and have any surveys been made ?

Hon. Mr. CASGRAIN—The promoter of this project was Mr. J. G. Scott of Quebec, the gentleman who managed to carry through the Lake St. John Railway, a system of 250 miles. Mr. Scott has given a great deal of time and study to this work, and quite extensive surveys have been made, to my knowledge. I know also that a start was made, and I regret that Senator Tessier is not in the House to corroborate this fact. I remember seeing a photograph of the inauguration of this road, where I recognized the portly figure of my hon. friend.

Hon. Sir MACKENZIE BOWELL—Is there a large subsidy granted to this project ?

Hon. Mr. CASGRAIN—I do not think any subsidy has been granted until now. A company was formed, and, I understand, arrangements had been made to finance it. The papers were full of accounts of the trip Mr. Scott had taken to Europe, where he had arranged with some people to finance this undertaking. Then the Transcontinental and the Grand Trunk Pacific came on the tapis and prevented the Trans-Canada Company going on with its enterprise. It lay in abeyance for a number of years.

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

Hon. Mr. CASGRAIN moved that the Bill be referred to the Committee on Railways, Telegraphs and Harbours.

Hon. Sir MACKENZIE BOWELL—I think it is a great pity that we have not had more information on this Bill before referring it to the committee.

The SPEAKER—I would remind the hon. gentleman that the Bill has been read the second time.

Hon. Sir MACKENZIE BOWELL—I am quite in order ; I am speaking on the motion to refer the Bill to the Railway Committee. If my memory had carried me back, as it usually does on matters of this kind, I would be able to discuss it more intelligently. I shall have something to say on the subject, but I shall reserve it for another time.

The motion was agreed to.

THE GEORGIAN BAY CANAL.

DEBATE POSTPONED.

The order of the day having been called :

Resuming the adjourned debate on the motion of the Hon. Mr. Casgrain, that he will call the attention of the Senate to the importance to Canada of the early construction of the Georgian Bay Canal.—(Hon. Mr. Belcourt.)

Hon. Mr. SCOTT moved that the order of the day be discharged, and that it be placed on the orders for this day week.

Hon. Mr. POWER—I think it is only right to direct the attention of the hon. gentleman from De Lanaudière to the fact that this notice is really not in order. The hon. gentleman could call attention to a matter and then ask a question, or move for papers, but he cannot simply ask a question and have it the subject of a debate.

Hon. Mr. CASGRAIN—I should like to supplement the notice of motion I gave, and add the following: 'And will inquire of the government if the report of the survey of that waterway will be laid before the House during the present session.'

The motion was agreed to.

ACCIDENTS AT RAILWAY CROSSINGS.

Hon. Mr. FERGUSON—Before the House adjourns, I wish to call the attention of hon. gentlemen to an error which was made, originally, I think, by the hon. gentleman from De Salaberry, but into which the whole House fell, including the hon. Secretary of State when he laid this return upon the table of the House to-day. The motion refers to railway crossings and

not to highway crossings ; and the information that my hon. friend the Secretary of State has supplied has no reference to highway crossing, but merely to railway crossings where one line of railway crosses another railway.

BILL INTRODUCED.

Bill (Q) An Act to incorporate the London and Lancashire Guarantee and Accident Company of Canada.—(Hon. Mr. Ross, Middlesex.)

The Senate adjourned until to-morrow at Three o'clock.

THE SENATE.

OTTAWA, Wednesday, February 12, 1908.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

BILLS ASSENTED TO.

The Hon. Sir Charles Fitzpatrick, acting as deputy to His Excellency the Governor General, being seated in front of the throne.

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

Who being come with their Speaker,

The Clerk of the Crown in Chancery read the Titles of the Bills to be passed, as follows:—

An Act respecting the West Ontario Pacific Railway Company.

An Act respecting the Manitoba and Northwestern Railway Company of Canada.

An Act respecting the British Columbia Southern Railway Company.

An Act respecting the Campbellford, Lake Ontario and Western Railway Company.

To these Bills the Royal Assent was pronounced by the Clerk of the Senate in the following words:—

In His Majesty's name, His Honour the Deputy Governor doth assent to these Bills.

Then the Honourable the Speaker of the House of Commons addressed His Honour the Deputy of His Excellency the Governor General, as follows:—

May it please Your Honour:

The Commons of Canada have voted certain supplies required to enable the government to defray the expenses of the public service.

In the name of the Commons, I present to Your Honour a Bill intituled: 'An Act for granting to His Majesty certain sums of money for the public service of the financial year ending 31st March, 1908, to which Bill I humbly request Your Honour's assent.

Then after the Clerk of the Crown in Chancery had read the Title of the Bill,

The Clerk of the Senate, by His Honour's command, did thereupon say:—

In His Majesty's name, His Honour the deputy of His Excellency the Governor General thanks his loyal subjects, accepts their benovelence, and assents to this Bill.

The Deputy Governor was pleased to retire, and

The House of Commons withdrew.

CONCURRENCE IN REPORTS OF COMMITTEES.

Hon. Mr. LANDRY—I think we should settle the question now as to the concurrence of the House in the report of the Standing Committee. There is nothing in our rules that asks for a concurrence in a report when the report does not ask something special, and if we consult Bourinot we find at page 554 :

It is the practice to move concurrence in the reports of committees in certain cases. For instance, the reports on printing are invariably agreed to, as they contain recommendations for the printing and distribution of documents, which must be duly authorized by the House. Also reports concerning certain opinions or resolutions are frequently concurred in on motion. But when the report does not contain any resolution or other propositions for the consideration of the House, it does not appear that any further proceedings with reference to it, as a report, are necessary.

I think we should do away with the concurrence.

Hon. Mr. CASGRAIN—For the last four years, to my knowledge, we have always moved concurrence in the report, especially in view of the fact that many hon. members of this House have complained that they did not get an opportunity to discuss the Bill. On the motion for concurrence any hon. member who had not been pre-

sent in the committee could have then discussed the Bill. It is an additional safeguard for those who might not have been on the committee, and it does not take much time. I do not see any reason why we cannot do it. It cannot do any harm to proceed in that way.

Hon. Mr. MACDONALD (British Columbia)—It is not necessary, though it may not do any harm.

Hon. Mr. CASGRAIN—And it will give members an opportunity of further discussing the Bill. A complaint has been made that the reports of committees were put through without hon. gentlemen having an opportunity to discuss them ?

Hon. Mr. LANDRY—If there was some particular suggestion, that might be the case; but when the Bill comes up without any amendment at all in the same form as it was sent to the committee, it does not take a stage more. The Bill cannot be read a third time that day. It must come up the following day for third reading. It cannot proceed a further stage on the day on which it was reported. If the House thinks we should do it, however, all right.

Hon. Mr. POWER—I think the hon. gentleman from Stadacona states the practice which prevailed in this House in the past correctly, and I find in our Forms of Proceeding the following: 86th paragraph in the Manual:

> If the Bill is reported without any amendment, the senator in charge moves that it be placed on the order paper to be read a third time on a future day. When the Bill is reported with amendments, the Speaker having announced the fact as above, adds: 'Is it your pleasure, hon. gentlemen, to receive the report ?' (Pause.) 'When ?' (Answer) 'Now.' Then addressing the clerk he says: 'Read the amendments.' The amendments being read, if they are formal or unimportant or if paragraph (d) or (h) of rule 24 is suspended, he says: 'It is your pleasure, hon. gentlemen, to concur in the amendments.' Carried.

As the hon. gentleman says, there is really nothing to do. The House has sent the Bill to the committee, and they return it without any change.

Hon. Mr. YOUNG—It may be said that a complaint is made that opportunities are not wide enough or frequent enough to those who are not members of any special committee to offer opposition or remarks on a Bill as it is passing through, that upon a formal motion for concurrence in the report, it does not give one more stage in which a Bill may be attacked or remarks may be made upon it as the hon. gentleman sees fit.

Hon. Mr. LANDRY—Is that a stage ?

Hon. Mr. YOUNG—It may be a stage. We often refer Bills to a committee with a clear understanding that the House is not committed to the principles of it, for the purpose of further examination and possibly for amendment. We will suppose then that this Bill, contrary to the expectation of the House, does come back in its shape and is not altered in any way, it may be possible that that report, in the case I have mentioned, might be a report which many hon. members, possibly a majority, would not consent to, and it surely gives the House an opportunity on an occasion of that kind, at least to say to the committee who has considered the Bill, 'We do not approve of your report sending back this Bill without any amendment,' and the matter could be then further discussed, when the second reading possibly was allowed to pass with an understanding that no one would be committed to the principle until it had received the light which the committee might glean from it. And, after all, is there any hardship on the House to say yes or no, we are satisfied with the committee's work. I rather think it gives the House a better opportunity of checking the work of the committee if the decision that the committee has arrived at has to be accepted or rejected by a vote of the House.

Hon. Mr. LANDRY—Suppose there is a motion of concurrence in the report, and I move an amendment that the report be not concurred in, but that it be referred back to the committee with instructions ?

Hon. Mr. YOUNG—Quite a proper motion.

Hon. Mr. LANDRY—Some one might raise the question, What right have you to make an amendment on a formal motion?

Hon. Mr. YOUNG—I understand that the objection to the procedure is not that the

motion is out of order, but that it is unnecessary.

Hon. Mr. LANDRY—If it is unnecessary, some one might take a point of order against my amendment and say, you have no right to send the report back to the committee at this stage; you may send it back at the third reading when it comes regularly before the House, but not on concurrence.

Hon. Mr. POWER—I do not think that the hon. gentleman from Killarney (Hon. Mr. Young) has put the thing just as it is. The only case where an opportunity for further discussion is offered is when some hon. gentleman objects to the motion to concur in a report; because we have a rule which says, a report cannot be discussed when presented. If an hon. gentleman objects to concurrence in a report, it is possible that it may be put off to another day, but that has not been our practice.

Hon. Mr. YOUNG—We seem to presume that there has to be a motion by our rule 24 h, 'For the adoption of a report, not merely formal in its character, from any standing committee.' One day's notice must be given in that case. We assume when it is formal that no notice is required. My hon. friend is making a motion now, without any notice, because his report is merely formal, as there is no amendment to the Bill.

Hon. Mr. LANDRY—I suppose the hon. gentleman will not take the manual as an authority.

Hon. Mr. YOUNG—I will take the rules first.

The SPEAKER—I have a dim recollection that a similar discussion took place on a former occasion since I have been in the chair. I would ask that the practice continue for this day, and I will look up the debate and see what justified us in continuing our practice.

CONVICTS UNDER THE AGE OF TWENTY.

MOTION.

Hon. Mr. COMEAU moved :

That an order of the Senate do issue for a return showing:—

1. The number of convicts under the age of twenty, and their respective nationalities.

2. The number of convicts from the age of twenty upwards, and their nationalities, in each of the penitentiaries under the Dominion control, for the years 1903, 1904, 1905, 1906 and 1907.

Hon. Mr. SCOTT—I have no objection to the motion, only I should like to know why the age of twenty is selected ? Would the hon. gentleman name an earlier age—say seventeen ? Why was twenty selected?

Hon. Mr. COMEAU—I just wanted to get the information.

The motion was agreed to.

THE QUEBEC BRIDGE DISASTER.

INQUIRY.

Hon. Mr. LANDRY inquired :

When is the government going to place on the table of this House the report of the commission appointed to inquire into the causes of the falling of the Quebec bridge ?

If the report is not yet ready, does the government know when it will be ready, and has the government taken any steps to hasten its completion ?

Hon. Mr. SCOTT—The government has no information on the subject any more than the general public have. It has been promised repeatedly, but it has not been sent in.

Hon. Mr. LANDRY—I suppose that applies to the second question as well ?

Hon. Mr. SCOTT—Yes.

Hon. Mr. LANDRY—I want to know if the government has done anything in that way ?

Hon. Mr. SCOTT—We have made inquiries, and it was expected that it would be presented before this ; but, for some cause or other, it has not been submitted —I do not know why.

SALE OF LIQUOR TO RAILWAY EMPLOYEES BILL.

IN COMMITTEE.

The House resumed in Committee of the Whole, consideration of Bill (A) An Act to amend the Railway Act as respects the furnishing of intoxicating liquor to railway employees on duty.

(In the Committee.)

Hon. Mr. McMULLEN—You will remember that when this Bill was up for the

second reading, some changes in the wording of section 414 of the Act were suggested. The hon. senator from Hastings thought that a minimum fine and a minimum term of imprisonment should be fixed. I therefore move to amend the clause so as to provide for a penalty of not less than $100 and not exceeding $500, or imprisonment with or without hard labour for a term of not less than three months and not exceeding one year, or both.

Hon. Mr. PERLEY—If a person buys the liquor before going on duty, what then?

Hon. Mr. McKAY (Truro)—He would not be on duty then.

Hon. Mr. POWER—I did not speak at the second reading, but my remembrance is that there was an understanding that the House did not commit itself to the measure by permitting the second reading. I cannot see my way to supporting this measure. The law as it stands is sufficiently severe. It provides a penalty not exceeding $50, and imprisonment at hard labour not exceeding one month or both. That penalty is quite severe enough for the offence. Of course if the offence were committed in this way—if a train were running through a town and the engineer got off and went into a bar while the train stopped and got a big drink of intoxicating liquor, the penalty of $50 perhaps would not be excessive; but take a case of a servant who on a cold day is on duty and wears an overcoat, and the bartender does not necessarily know that he is a railway employee, to make that bartender liable to be imprisoned for any term not less than three months and not longer than a year, and to pay a fine of not less than $100 nor more than $500 is, I think, unreasonable. One effect of passing legislation of this character, which is looked upon as being unreasonable, is that the law is not carried out. The magistrate, if he is a reasonable man, will try and find some way of acquitting the accused, and public sympathy will be with the accused. The truth is, if one looks in the newspapers, he will find that persons who are guilty of very serious offences, in some cases forgery, are let off more easily than the offender in this case is proposed to be dealt with. It is a sort of sumptuary legislation which I think is highly objectionable, and I hope the House will not pass the Bill.

Hon. Mr. McMULLEN—I might be permitted to say in reply to my hon. friend, that the present law is, in my humble opinion, very defective, in that it imposes a penalty not exceeding fifty dollars. There is no penalty that must be the minimum imposed. Now, some hon. gentlemen stated but a few days ago, in connection with a matter of this kind, that the trial judge or magistrate had in one case imposed a penalty of twenty-five cents and ten miuutes' imprisonment. That would comply with the provision of the law when there is no provision that the penalty shall amount to not less than a fixed sum. That is one reason why I considered it necessary to introduce this Bill. In the next place, my hon. friend says that an officer of a railway company may come in with an overcoat on and thus conceal his badge. If he does so, he is violating an existing law that imposes twenty dollars of a fine and imprisonment for such neglect of duty, and not only that, he is liable to the hotel-keeper, if he is worth anything, for every dollar of damages that he is put to by the railway employee so concealing his badge. He is obliged to wear it so that the hotel-keeper will see it, and thus understand what his position is; if he conceals his badge he makes himself responsible to the hotel-keeper, if the hotel-keeper is victimized, and leaves him subject to a penalty of twenty dollars besides imprisonment.

Hon. Mr. FERGUSON—Is that now in the Railway Act?

Hon. Mr. McMULLEN—Yes.

Hon. Mr. FERGUSON—What section?

Hon. Mr. McMULLEN—I have not the section, but I read it very carefully.

Hon. Sir MACKENZIE BOWELL—I am inclined to agree with the hon. gentleman from Halifax in the view he takes of this clause. If you make the penalty too severe, there will be every means possible adopted in order to evade it, and you will find difficulties where cases of that kind are brought before a magistrate, in imposing a penalty. I would much rather see the fine and imprisonment less; but I would

make them both imperative. The hon. gentleman's amendment does not go so far as I suggested the other day. My experience has taught me that there are many cases of the character to which the hon. gentleman has alluded. If it is left optional with many magistrates to impose not more than a certain fine, nor imprisonment longer than a certain period, they will, if their prejudices and opinions do not agree with the provisions of the Act, make the penalty as small as possible and the imprisonment as short as possible. If he would decrease the penalty which he proposes, and substitute the word 'and' for 'or' it would meet my views. If the minimum penalty for an offence of that kind were twenty or twenty-five dollars, with a maximum of fifty dollars, and imprisonment for a month or two, or three months for a violation of the law, it would be much more effective. There is too much truth in what the hon. gentleman from Halifax has said. We are constantly reading of cases where perjury has been committed, and other offences that we look upon as heinous and serious, where the magistrates have imposed very inadequate penalties. We find other cases where magistrates take a different view of the question, and have imposed very heavy penalties for very light offences. We read about them every day, and more particularly when we consider the decisions of judges in cases of violations of the election law, where perjury is most flagrant and bribery is paramount, we find very often that the offenders are dealt with very leniently, and if the judges do take a somewhat severe action and send them to jail, we find a very benevolent and tender hearted government letting them out of jail before their time expires. I would suggest to my hon. friend to make his penalties less, but to make them imperative. I could cite evidence of the results of bringing cases of violation of the revenue law before magistrates, where the law has not been effective in any way. That is the view I take of it. I am fully in sympathy with the object of the Bill. Conductors, engineers and brakesmen, who are running the trains, have the lives of hundreds of people under their control, and there can be no law, to my mind, sufficiently severe, provided it can be carried out, if necessary, to protect the lives of those who are entrusted to them. I was very much pleased to see the action taken some time ago in the United States upon this question; where the railway authorities made it a rule that any man who drank liquor when he was on duty should be dismissed. When we reflect for a moment upon the results which have followed from a free indulgence in intoxicants in the operation of railways, I do not think we should make the law of such a character that the magistrates cannot enforce it. I had an amendment drafted, and I propose to move to amend the clause by lowering the penalties, and change the word 'or' to 'and.' I would move that the last three lines be struck out and the following inserted :

Penalty not less than—(put it what you please, $25 or $50. I think $25 would be large enough—), nor exceeding the sum of $100, and imprisonment with or without hard labour, for a period not less than one month nor exceeding one year.

That would leave it optional with the magistrate who was trying the case to deal with questions as they came before him with regard to the seriousness of the charge. A man might innocently take a glass of liquor, and another man might be a habitual drunkard. Now, take the habitual drunkard, who would likely be drunk upon duty, and thereby endanger the lives of those under his charge, I would punish him more severely; but in the ordinary case, where it is the mere taking of a glass of liquor by a man who has never been known to take too much or become intoxicated, I would not deal out the same punishment to him as I would to the others.

Hon. Mr. CLORAN—This is only another illustration of the difficulty of having laws applied after they are passed by this House or any other legislative body, in our criminal courts. It is very easy to pass laws here according to our own conception of what they ought to be ; but it is very difficult for anybody who has had experience of the matter, to apply these laws when it comes down to individual and practical cases. My experience has been very extended and extensive——

Some hon. MEMBERS—Hear, hear.

Hon. Mr. CLORAN—And I know what I am talking about. I was going to say, better than those who cry 'hear, hear!' I have found that in cases of people who are unfortunate, from bank presidents down, in our criminal courts, the magistrates and the judges have a great deal of difficulty in applying the criminal law as passed by this House or the Ontario legislature, or any other legislature of this country. I have heard it stated by the hon. gentleman from Hastings that the magistrate should have no discretion, but should impose the fine. I have seen cases, in my experience, where the magistrate was willing to find the defendant guilty, but he thought, and I thought as prosecutor, that the fine was exorbitant, that the penalty was overreaching the crime; but he had no discretion, and the result was that he would pass sentence on the prisoner, but with a recommendation to the Crown to have it remitted. Now, that is no position in which to place our magistrates or judges, and that happens day after day. To come to this amendment of the Railway Act, what do I find? I find that it is simply an increase of the punishment. This provision has been in existence for the past four or five years in the Railway Act. Now, if it could not be applied, and if it has not been applied under the penalty as therein stated, how will it be applied under the penalty provided in this Act? It will not be. I wish to point out to this honourable House that there is an unfairness existing in this case, and often an injustice may arise; but no more under this clause than under the old law. It says every person who sells to any servant of the company intoxicating liquor shall be liable to certain penalties and to certain imprisonment. That clause is not fair. That clause must inevitably give rise to injustice in some cases—not always, but in some cases. The hotel keeper who wants to be honest, and who is honest, and who will not sell to a conductor or any other person prohibited by the law—how is he to know every servant of the company? He may know the conductor who passes there ten or fifteen times a week. He may know the engineer, he may know the brakesman; but how is he to know every servant of the company who does not carry a badge, who wears no insignia, and if he is charged before the courts of the country with selling to a servant of a railroad a glass of liquor, he is liable to a fine of $500 and one year's imprisonment. Now, that is not fair. The hotel keeper will not sell to the conductor, engineer or fireman, because he knows them; but he does not know the other employees of the railway company. They may be strangers. They may be the news agents. They may be subsidiary or supplementary brakemen, or they may be new conductors or new engineers. They carry no badge, yet the man who sells them liquor is liable under this law to a fine of $500 or to imprisonment not exceeding a year. I say that is not fair. Such a law gives the opportunity to do an injustice to these people. I have consulted with other people with regard to this question, and a gentleman who is well versed in these matters states that the clause ought to be qualified by the word 'knowingly'—'every person who knowingly sells,' who knows the person to be an employee of the company running a train at the time that he sells the liquor, should be condemned not only to one year but to ten years. Give him all the years you please if he knowingly sells liquor to the engineer of a train, which may result in the destruction of the train. He should be sent to jail without the option of a fine; but give him a chance to prove that when he gave a glass of whiskey or a bottle of beer to an employee that he did not know he was giving it to an employee of the company, in the service of the company at the time. This penalty is a severe one, and you cannot get one out of ten magistrates to apply it, and the stricter and more severe you make such laws without giving our judges and magistrates a discretion, the harder it is to enforce them and to have them observed. That is the experience of all men who have had to prosecute people for crimes before the courts of our country. I am thoroughly in sympathy with the object the hon. gentleman from Wellington has in view, to prevent bona fide men in the service of the company running the trains to accept liquor from these hotel keepers. Now, as to his argument that the employee of the company is liable to a fine of $20, $15 or $10, whatever it may be, if he does not show his badge, there is no obligation in the

laws of the company, there is no obligation in the laws of our statutes to force any employee to show his badge. He wears it where he pleases. He does not wear it on his collar. He wears it on his vest and his coat covers it, so that that point made by the hon. gentleman from Wellington cannot stand in favour of the hotel keeper. He may come in with an overcoat on, but he carries his badge all the same. He is not liable to a fine. I am thoroughly in sympathy with the object in view, but we must not create machinery whereby injustice and unfairness may be perpetrated, and we must not pass a law which the judges and magistrates of the country will have great difficulty in applying.

The CHAIRMAN—I am told that the hon. gentleman from Wellington wishes to withdraw the amendment he has made. It has not been submitted to the Senate yet. He desires to adopt the suggestion of the hon. gentleman from Belleville, and then the motion will be that the last three lines of section one be struck out and the following words be substituted in lieu thereof :

Penalty of not less than $25, nor exceeding the sum of $100, with imprisonment with or without hard labour, for a period not less than one month, nor exceeding one year.

Hon. Mr. WATSON—I beg to suggest that if that be put on our statute-books, it will be almost impossible to get a conviction for this offence. I do not understand that there is any particular reason for the legislation at all. It seems to me that the Act we have at the present time, which has been explained, a fifty dollar fine or imprisonment of one month or both, is quite severe enough. Then I would ask, is there any particular cause for the legislation, any particular necessity for it ? In my experience, travelling on railroads and with railroad employees, it is very seldom you ever find—in fact I cannot recollect for years of seeing an officer in charge of a train, an engineer, fireman, conductor or brakesman, under the influence of liquor. It is almost a noted fact now, that men occupying responsible positions with railway companies are practically teetotallers. They are required to be so by the company. We find that in the United States some of the great roads will not employ a man unless he signs the pledge and becomes a strict teetotaller. I know that on the Canadian Pacific Railway, conductors and engineers are not only not allowed to take a train out of the depot when they are under the influence of liquor, but if those men are known to frequent bar-rooms when they are off duty, they are discharged from the service of the company, so strict is the Canadian Pacific Railway Company in the west. The Canadian Pacific Railway, in the west, is strict in this respect, and it seems to me that this Bill is quite unnecessary. It is practically treating the railway employees as though they were Indians. It is very far-fetched legislation when you have to put such a law on the statute-books to protect the most intelligent class of men we have in the country. The engineers, conductors, and brakesmen are as sober a class of men as you will find anywhere. The Railway Act as it stands, provides very severe penalties for those who should be punished as guilty—the employees themselves. Section 413 provides that any employee of a railway company who is intoxicated while on duty is guilty of an offence, and liable to be punished by a fine not exceeding $400 or imprisonment not exceeding five years, or both, in the discretion of the court. I venture to say that in the last twelve months there has not been a case where an employee of any railway in Canada has been punished and penalties inflicted under section 413 for being intoxicated. The next section 414, is the one that this Bill is designed to amend. I am in full sympathy with the expression we have heard to-day, that if you make the penalties too severe they will never be imposed. I venture to say that if a case were brought before a magistrate, in which a hotel-keeper is accused of selling liquor to a railway employee, and the magistrate is asked to impose a penalty of $100, or to imprison the accused for three months, you could not secure a conviction. If the penalties were lighter you might secure a conviction. The hon. gentleman should withdraw his Bill. The penalties provided in the Act as it stands are sufficient, and there is no necessity for treating an intelligent, sober class of men as if they were Indians. I am opposed to the Bill altogether.

Hon. Mr. SCOTT—Is it a rule with the Grand Trunk Railway and the Canadian Pacific Railway, that any man who takes intoxicants is not permitted to remain in the service? I am not aware of such a rule.

Hon. Mr. WATSON—I will state what I know. I know that in Winnipeg a conductor or engineer who frequents a barroom, is not kept in the employ of the company.

Hon. Mr. SCOTT—That is not an answer to the question.

Hon. Mr. WATSON—If he frequents barrooms even when he is off duty, he is not kept in the employ of the Canadian Pacific Railway Company. I know that if an engineer or conductor goes to report the taking out of his train and has the least taint of liquor on his breath, he is not allowed to take out the train. When such precautions are taken by the railway companies, and men know that they are liable to lose their positions if they use intoxicants, this legislation is entirely unnecessary.

Hon. Mr. SULLIVAN—I know that an engineer who drove the suburban train from Kingston was discharged because there was an odor of liquor on his breath on one occasion.

Hon. Sir MACKENZIE BOWELL—In the remarks which I made, I intended no reflection on the railway employees as a whole. I quite agree with the hon. gentleman from Marquette, that there is not a more intelligent or sober class of men in Canada, than the railway engineers. Those are not the men we want to hit; we want to strike the men who do indulge.

Hon. Mr. WATSON—The present law does that.

Hon. Sir MACKENZIE BOWELL—No, because it leaves it optional. I can mention an instance where a very severe accident occurred recently at Windsor Junction, N.S., resulting in loss of life and injury to several, the cause of which was that some of the employees on the train were intoxicated. Not only the fireman and the engineer, but I believe the conductor also was intoxicated when the accident took place. What was the penalty imposed? The government dismissed these men, but no other penalty was inflicted. They ought to have been sent to jail at hard labour.

Hon. Mr. WATSON—The Bill before us does not provide for that at all. It deals with those who give liquor to railway employees, the men for whom punishment is provided in the law as it stands.

Hon. Sir MACKENZIE BOWELL—If an employee could not get the liquor, he would not be intoxicated.

Hon. Mr. WATSON—Section 413 provides a penalty for the man who takes the liquor.

Hon. Mr. DOUGLAS—The experience of the hon. gentleman from Marquette is one thing, but others have had a different experience. I have known very different instances from the beautiful picture he has given us of the sobriety of railway employees. As a rule, the public have ground for thankfulness for the sobriety of the officials of the Canadian Pacific Railway Company, especially in the western country; but there are cases which do not come to the knowledge of the company, and I am in favour of the amendment that has been proposed to the Bill, and I hope that it will pass. I will give an illustration of no later date than fair time last summer, at Brandon. It was my business to be there; but owing to the difficulty of finding accommodation in the town, I was forced to travel on an overcrowded train and return home in the night. In this case the conductor owned to myself personally that he did not know I was on the train. The fact is, he was in the first car with some fellows who had liquor, and he had committed the train to the charge of the brakesman. The brakesman ran the train past one station, and on to another and had to back up the train to allow some twenty people to get off. We went on again. The conductor had not got off the train, as it was his duty to do, to give the engineer the signal when to leave. I knew my station was next and stood on the car steps with my valise in hand ready to step off as soon as the train drew up alongside the platform: but instead of stopping

it went on. I saw men jump off, and some of them went into the ditch with their heels higher than their heads. I went immediately for the conductor, and the smell of liquor was on him. I said, 'You ought to stop the train and let us get off.' He said they had made a mistake already and did not like to repeat it, so he ran us to the next station, where four other men and myself had the comforting experience of walking back eight miles on the track to our own station, and we got there by daylight. That was entirely due to liquor. But I do not think that the Canadian Pacific Railway knows anything about that case. I may, when I get an opportunity, speak to the head officials about it. I do not think it is wise to demand the highest penalty in every case; but the company ought to know that such men should not be retained in their employment, as there might be no end to the trouble. The train might have been ditched, and many injured or killed, and what would a penalty of $50 amount to in a case of that kind? I shall certainly favour the amendment and vote for the Bill as amended.

Hon. Mr. PERLEY—There is just one solution to this difficulty which will be effective, that is to stop the importation, manufacture and sale of liquor. I cannot understand why you permit the manufacture, importation and sale of liquor, and then punish people for using it. I think this Bill is defective; it says that liquor must not be sold to a railway employee while on duty. Now, in our western country the engineer is the most important man in charge of the train, and he should be perfectly sober. That man is paid by the mile and he is not on duty until he takes charge of his engine. Once he steps on his engine he cannot get liquor, yet he may have got it half an hour before going to his engine, or he may have it on the engine with him. In that case you could not get at the man who sold him the liquor, because he did not sell it when the employee was on duty. The same remark applies to the conductor and the fireman. I do not think the Bill is worth the paper it is printed on.

Hon. Mr. McGREGOR—A railway employee is on duty always. He is liable to be called out at any moment.

Hon. Mr. PERLEY—The engineer's time only counts when he is on the train.

Hon. Mr. CLORAN—I am prepared to accept the amendment, and if the penalty were increased to $1,000, I would vote for it. The man who sells liquor knowingly to a conductor or engineer of a train, deserves a very heavy penalty, and I would make it an offence if done within three hours before the departure of a train instead of confining it to while he is on duty. But we must not, by our legislation, create difficulties for magistrates and judges. We must not create positions wherein innocent men may be found guilty. I am thoroughly in favour of the object which the hon. senator has in view, and I would not merely fine, but I would imprison any person who would knowingly sell liquor to anybody having charge of human life. I would suggest that the clause should be amended by inserting before the word 'sells' the word 'knowingly,' and make the fine and imprisonment as severe as you like. I would name particularly engineers, conductors, brakesmen and all men in charge of trains, switchmen also. Switchmen do not wear badges. An employee may be handling ice and coal all day or sweeping out cars, and he goes to his lunch with a piece of pork and bread and stops at a restaurant for a glass of beer. As I say, he wears no badge, but he is a servant of the company, yet you leave the hotel-keeper liable to a fine of $500 or imprisonment for a term of one year for selling that man liquor. It is extremely difficult for a parliament to pass a law which shall be applicable under all circumstances, and I would therefore urge my hon. friend to accept my suggestion and insert the word 'knowingly' in the clause. There are not many dealers to whom the clause would apply, perhaps three or four in large towns near the station and one in a village. A notice should be put up in the bars of such places warning them that if they knowingly supply liquor to anybody connected with the running of a train they are liable to fine and imprisonment. We must be careful about making it easy for informers and others of that class to get men into trouble. Our laws should be so plain that there would be no difficulty

in the interpretation and application of them by magistrates or judges.

Hon. Mr. McMULLEN—If my hon. friend will read section 413, he will find that switchmen are included. My object in presenting this Bill is simply to protect the travelling public. When people travel by rail they want to feel that the trains are run by men who are sober. I am making no reflection on the engineers or officers of any railway company. I have not the slightest doubt that our railway companies try to get the best men available, and to avoid employing people addicted to the use of intoxicatiug liquor. But that does not reach the people who supply liquors to railway employees. We want to reach those who sell the liquor. The penalty provided in the statute does not exceed $50, and it is left to the discretion of the magistrate to reduce it, so that a fine of twenty-five cents and imprisonment for ten minutes in jail would meet the requirements of the law. My hon. friend from Victoria division (Hon. Mr Cloran) would amend the clause by inserting the word 'knowingly.' Those who sell the liquor must know what they are doing.

Hon. Mr. CLORAN—How will they know?

Hon. Mr. McMULLEN—Railway employees have to wear a badge, and it is a notice to everybody that they are in the employ of the railway company. On a former occasion, I mentioned the circumstances attending the unfortunate accident which happened at the Horseshoe Curve, near Toronto, to an excursion train. It was run so rapidly on the curve that the cars left the track. The section men at that point were so scared when they saw the speed at which the train was striking that curve that they felt sure an accident would happen and they not only left the track but climbed over the fence and went into the field to be out of the way. There is a general suspicion that the man who was running that train was under the influence of liquor.

Hon. Mr. SCOTT—It could not be otherwise.

Hon. Mr. McMULLEN—He admitted afterwards that while at Owen Sound he had a glass of beer.

Hon. Mr. CLORAN.

Hon. Mr. McMILLAN—It must have been strong.

Hon. Mr. McMULLEN—At all events it is believed that he was under the influence of liquor. Now, with such accidents occurring, it is our duty to prevent men in such responsible positions from being supplied with liquor. I have no doubt that as a rule railway employees are sober and reliable; but occasionally you find amongst them some who take liquor. I want to make the penalty so serious that hotel keepers will not supply liquor to such men.

Hon. Mr. KERR—I should like to call attention to the very sweeping character of the legislation the hon. gentleman is proposing. The contention of the hon. gentleman is that the hotel keeper, from his knowledge of the business, would be likely to know who his customers are; but the language used in the Bill is 'Any person.' Supposing a railway employee while on duty meets with an accident, and a doctor prescribes and gives him liquor for the purpose of reviving him, under this Bill a magistrate would be obliged to impose the penalty provided in this clause. In all cases where you are dealing with a question of this kind, something should be left to the discretion of the presiding magistrate. But there is no qualification at all about this clause. If any person, under any circumstances, gives intoxicating liquor to a railway employee while on duty, he is liable to this severe penalty. Where a man has been endeavouring to act the part of a good Samaritan there ought to be an opportunity giving discretion to the magistrate to impose a light fine or relieve the accused of the penalty altogether. The law is severe enough now, and there is nothing to be gained by making it too drastic.

Hon. Mr. FERGUSON—I should like to ask the hon. gentleman who has introduced the Bill whether before submitting it to the House he has made an investigation into the subject to find what has been the effect of the operation of the present law? Is there any complaint that it has been difficult to secure conviction, or that, if prosecutions have been followed by conviction, they have not been effective in stopping the evil, or have there been prose-

cutions at all to any extent? Now, if it should be found that under the existing law it had been difficult to secure convictions, where the minimum fine is left to the discretion of the magistrate, it is reasonable to suppose that it will be harder to get convictions with the fine and term of imprisonment so greatly increased; and if you put in the word 'knowingly,' you would never perhaps get a conviction at all. My view is that very considerable discretion should be left to the magistrate. He might be perfectly satisfied and clear in his own mind that the liquor was sold, and sold knowingly; but there might still be some grounds for doubt, or in the case of the liquor being given away, some doubt as to the intention of the party giving, or his knowledge of the person being an actual employee. When these considerations would be present in the mind of the magistrate, he would probably impose a very light fine; but if you make the minimum penalty $25, where these considerations would be impressed upon the mind of the magistrate, he will be almost certain to refuse to convict at all. It would be very important for this House to know as nearly as possible—for there are, no doubt, statistics on the subject—what prosecutions have there been for the violation of the law which we now have on the statute books, and what was the result of the prosecutions. Were convictions obtained? And to what extent did they repress—whether these liquor dealers continued to furnish liquor to the employees in defiance of the law. I imagine that if they were convicted and the penalty was large, the practice would be repressed; but if the penalty were small they might go at it over again. The object we all have is to prevent the sale of liquors to railway men when they are on duty. That is our object; but whether that object will not be better served by the law as it stands, than it would be by a law fixing a larger penalty, I am not at all clear.

Hon. Mr. POWER—I think the hon. gentleman from Assiniboia probably had not adverted to the fact that the case of the conductor of whom he has told the House—and with whom he had a very unpleasant experience—would not come under the operation of the Bill before the committee, if it became law; and if the hon. gentleman will look at section 413 of the Railway Act he will find that that conductor was liable to a penalty of $400, or imprisonment for five years, or to both. Consequently, the Bill before the committee is not at all necessary to my mind in the case to which the hon. gentleman has referred. The story about the liquor, as I understand, was that it was given by some passenger on the train, and the probabilities are that next morning the passenger would be in another province and could not be got at. Then, with respect to the unfortunate accident which happened near Owen Sound, one can see—and I do not say it in any unfriendly spirit—that the hon. gentleman from Wellington was rather disposed to think that that conductor had been drinking; but there is no evidence that he had been drinking, as I understand. Is it not possible the conductor might have had an attack of temporary insanity, or that his nerves may have completely collapsed. Such things have happened, and it has been suggested that the conductor is not the man who runs the train, but it is the engineer. Any one who knows the duties of a locomotive engineer is aware that engineers, particularly when they get a little bit on in life, are very apt to have their nerves broken down.

Hon. Mr. WATSON—I think the evidence in the case referred to was that the air brake would not work on the train. I do not think there was any suggestion that the engineer was intoxicated, but the air would not act on the brakes coming down the steep grade.

Hon. Mr. WILSON—I was about to ask the hon. gentleman from Wellington if he was in a position to give us a report on the coroner's inquest that was held in regard to the Horseshoe accident, and if the coroner's jury state that it was owing to the drunkenness of the engineer, conductor, brakemen or employees? He has dwelt upon that, as a reason why he introduced this Bill or desired to make the penalty more severe. It seems to me that if we pass this Bill, we shall impair good legislation now upon the statute-book. At the present time it is left, to a considerable

extent, in the discretion of the magistrate to fix the amount of the fine in case of violation of the law. Are you going to take away from the magistrates, an intelligent set of men, all discretion in these matters? I know that in Ontario the magistrates exercise good judgment in deciding whether the penalty shall be large or small. There are many circumstances under which the engineer, conductor, brakeman or other employee on the road may have met with an accident, or they may have been a long time on the road and their health and strength, to a certain extent, is impaired. Would the hon. gentleman say that in such a case the employee should not have a stimulant of some kind? Would he have that man continue on the train until he fainted rather than give him half a wineglass or a thimbleful of stimulant? This Bill absolutely prevents a physician from giving a drop of liquor. Is it a reasonable thing to pass a law of that description? Is the hon. gentleman so inhuman, is there such a lack of humanity in him that he would make this man suffer for a length of time rather than allow him liquor even as a medicine? Who are the people to look after the sobriety of their employees? Does the hon. gentleman not know that the railroads have as great an interest in the sobriety of their employees and careful attention given to the running of the cars as a magistrate, or the hon. gentleman or his Bill can possibly have? The company are held responsible for all the losses and all the accidents that may occur, and as far as my knowledge goes, in order to protect themselves they employ only good men. If an engineer, brakeman, fireman or conductor has been found in an intoxicated condition, they at once dismiss him. I live in a railroad city, and there the employees of the railroad are afraid to be seen in a bar-room or place where liquor is sold, and why? It is not on account of the penalty of twenty-five or fifty dollars, but because they are afraid of losing their situation upon the railroad. They have an interest in that way in avoiding liquor, and the railroads have an interest in seeing that every one of their employees should strictly observe the law. My hon. friend from Hastings introduces amendments. What effect would they have if placed upon the statute-books? Would they make the railroad companies more careful to see that they have honest men in their employ, or restrain the men from taking liquor of any kind because they are liable to be fined? I do not believe that. I believe we had better let well enough alone. If there has been no prosecution under the existing law, who is to blame? We know that recently there have been prosecutions and men found violating the law are punished for it; and they are punished by the courts of law. My hon. friend from Hastings says, 'Oh they are sent to jail and stay there a little while, and then they are allowed to go out on suspended sentence.'

Hon. Sir MACKENZIE BOWELL—I did not say that.

Hon. Mr. WILSON—I admire the hon. gentleman from Hastings for wanting an opportunity to make an attack on the government of the day. We all sympathize with him on that account. We all know that he feels very keen about it, and anxious to get an opportunity, and seizes that opportunity, and rubs it in to the utmost of his ability; and I confess that he has any amount of ability in that line. I know him of old. I have suffered from his attacks before now, and I know full well what they mean. I say that if the amendment suggested by him should be placed upon the statute-book, it will not have the desired effect; therefore I should be opposed to voting in favour of the Bill even as amended, and I think we should let the law on the statute book remain as it is at present.

Hon. Sir MACKENZIE BOWELL—The government is quite safe as long as they have the hon. gentleman to defend them.

Hon. Mr. WATSON—I move that the committee rise.

Hon. Mr. CLORAN—I should like to endorse the suggestion of the hon. gentleman from Toronto. He has a legal mind, and knows what the effect of it in courts will be. He is perfectly right in that interpretation of the law, and I wish to emphasize once more that I am not against the object of the Bill; but I should like

the honourable House to draft a law that would be applicable, and could be made to apply, and which would not be set aside by the judges of the country. I call attention to the wording of the clause, which says :

Every one who sells, gives or barters any spirituous or intoxicating liquor—

It may be your mother, your aunt or a hotel keeper, or somebody else, and he will be liable under the law. It is an omnibus law that cannot be applied by the courts. It says :

Every person who sells, gives or barters any spirituous or intoxicating liquor to or with any servant or employee of the company while on duty.

If I understand Mr. Shaughnessy's position, he is on duty twenty-four hours a day, pretty much. He is an employee and servant of the company, and if a hotel keeper sells him a glass of liquor he is liable to a fine or imprisonment, and Mr. C. M. Hays is in the same position. There is no distinction between Mr. Hays and Mr. Shaughnessy or any other employee of a railway company.

Hon. Mr. McMULLEN—The hon. gentleman should have read the Act before he said that. He ought to know better—a man who claims to be a lawyer. Read the Act.

Hon. Mr. CLORAN—I will argue the matter before the magistrate, and he will have to admit I am right. They are all employees, and the magistrate will say that they are employees and servants of the company. You ought to mention the men to whom it is prohibited to sell liquor. You should mention by whom it should not be given; that is hotel keepers and unlicensed vendors. This is an omnibus Bill which the courts will not apply. You say 'any servant of the company.' They will not apply that. What judge in the country will sentence a poor man, or ask a hotel keeper to be sentenced to a year's imprisonment and five hundred dollars fine because he has given a glass of beer to a man who has been working on the train for a long period of time?

Hon. Mr. CHOQUETTE—It is already the law. What is the use of talking in that way for nothing. It is already the law, and this is simply increasing the fine.

Hon. Mr. CLORAN—It is too much to make the imprisonment one year, and it is too much to make the fine $100. I am prepared to make it a year's imprisonment without a fine, if he will make it apply to every hotel keeper, licensee, or non-licensee who sells liquor to an employee on a running train, and name them, and then the courts will apply the law and will have no difficulty in doing so.

Hon. Mr. SCOTT—The arguments I have listened to have been addressed chiefly to the existing clause, and not to the present amendment, because the proposed amendment reduces the fine and imprisonment in the hope that if it were reduced it might be passed and put into operation. A case has been brought forward where the magistrate turned the Act into ridicule by a twenty-five cent fine and ten minutes's imprisonment. The object is to avoid any discreditable act of that kind. We know that there are magistrates and, sometimes judges, who are not in sympathy with the temperance movement, who think that, after all, a man is a good fellow and may 'take a horn' now and then, and will not impose a fine on the man who indulges. The object of the amendment is to make the Act effective. It is there for a very good reason. It is there at the instance of the railway authorities, and they consider it is essential that an Act of that kind should be passed, because it is notorious that in past years there were always saloons in the neighbourhood of railway stations, and the saloon man counted largely on the business he got from the men connected with the railroads. I can speak with some knowledge on that subject. I think the experience of the last forty years will justify me in making that statement. It has been held in terror by the railway authorities because there is the constant inducement to give a man a glass of liquor, or perhaps two or three glasses. The necessity for this statute has been proved over and over again and it remains as part of the law of this country. The Senate is asked whether they will make it more effective by reducing both the penalty and the fine. It does not seem to me that $25

is too high for the minimum fine. How much lower would hon. gentlemen make it? Would you make it five or ten dollars? The opportunity for turning it into ridicule is quite apparent on the face of it, and I think that with the amendment of the hon. gentleman from Hastings the law will be a better one, and very much more effective.

The CHAIRMAN—It has been moved by the hon. gentleman from Portage la Prairie that the committee rise.

Hon. Mr. McSWEENEY—I second the motion.

Hon. Mr. McMULLEN—The House will understand that if the motion carries it kills the Bill.

The committee divided on the motion to rise, which was carried on the following division:

Yeas 23, nays 13.

The committee rose.

SASKATCHEWAN POWER COMPANY BILL.

SECOND READING.

Hon. Mr. WATSON (in the absence of Hon Mr. Davis) moved the second reading of Bill (O) An Act to incorporate the Saskatchewan Power Company, Limited.

Hon. Mr. POWER—We have had something to do with another power company which undertook to deal with the Saskatchewan river. That is one of the great railways of this country, and I think the hon. gentleman who moved the second reading owes a duty to the House, to explain just what the character of this Bill is.

Hon. Mr. WATSON—This company asks power to build a dam on the Saskatchewan river at or near Saskatoon. They make provision in the Bill for the passage of steamboats or timber. The main object of the Bill is to erect a dam there for the purpose of developing a hydraulic power. I think all the precautions that are necessary for the purpose of protecting private interests will be provided for in the Bill.

Hon. Mr. SCOTT—Is there navigation there now?

Hon. Mr. WATSON—No, I do not think there is. There are no boats running on the South Saskatchewan at the present time, but if the Saskatchewan is a navigable stream the government will protect the navigation.

Hon. Mr. McMULLEN—What about the overflowing of the lands? Is that provided for in the Bill? It will dam a large amount of water which will overflow the banks. Is there any provision for that?

Hon. Mr. CASGRAIN—The banks are very high in the Saskatchewan river.

Hon. Sir MACKENZIE BOWELL—Is this the counterpart of the Bill that was before the committee last year, asking for extraordinary powers and which was rejected?

Hon. Mr. POWER—No. That was Conmee's Bill the hon. gentleman is thinking of.

Hon. Mr. SCOTT—If it interferes with navigation, the consent of the Minister of Public Works should be obtained, of course?

Hon. Mr. WATSON—Yes.

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

DOMINION LAND SURVEYORS BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into Committee of the Whole on Bill (9) An Act respecting the surveys of the public lands of the Dominion and the surveyors entitled to make such surveys.

(In the Committee.)

On clause 22,

22. Every person who is duly qualified by certificate, diploma or commission as a surveyor of lands in any part of His Majesty's dominions and who has at least two years' practice either as a surveyor or as a pupil to a surveyor, (of which practice at least six months has been in the field), shall be entitled to obtain a commission as a Dominion land surveyor on passing an examination in such subjects as are prescribed by this Act for the examination of candidates for admission as articled pupils and for commissions as Dominion land surveyors, and on his producing an affidavit from a Dominion

land surveyor in form C in the schedule to this Act, together with his own affidavit in form D in the schedule to this Act, that he has, in addition to the service aforesaid, served for one year with such surveyor, inclusive of at least six months' actual practice with him in the field.

2. If, in order to become so qualified in such part of His Majesty's dominions, such person has passed in any subject or subjects an examination sufficiently similar in the opinion of the board to the examination prescribed by this Act in the same subject or subjects, the board may, in its discretion, dispense such person from further examination in such subject or subjects.

Hon. Mr. CASGRAIN—I should like to call attention to the fact that this clause was not in the Bill last year. This is a new clause introduced this year, and I do not think that it is an improvement or that it should remain in the Bill. I would therefore move, seconded by the hon. gentleman from Toronto, that that clause be struck out.

Hon. Mr. POWER—I think the hon. gentleman is not quite accurate in his statement as to the facts. I have not last year's Bill before me, but I find that in the Dominion Lands Act, Revised Statutes, this same provision appears. Section 31 of the Dominion Lands Act reads as follows :—

Every person who shows to the satisfaction of the Board of Examiners that he has been duly admitted as a surveyor of lands in any part of His Majesty's Dominion other than the provinces of Canada, that he has had at least two years' practice either as surveyor or as a pupil to a surveyor, of which practice at least six months has been in the field, shall be entitled to a commission on passing an examination in such subjects as are prescribed by this Act for the examination of candidates, and so on.

It is just the same. That is the law now.

Hon. Mr. SCOTT—I have no objection to the clause being struck out, because it is rather discriminating against the standard of provincial surveyors, giving larger privileges to those outside of Canada than those within, and I have agreed to it being struck out.

Hon. Mr. POWER—I am very sorry the hon. Secretary of State has agreed to do that, because it is a very small piece of business for the parliament of Canada to try to exclude qualified men who happen to come from other portions of the British Dominions.

Hon. Mr. SCOTT—There have been no incidents of the kind. No applicant has ever presented himself, and it is quite unlikely that anybody will.

Hon. Mr. POWER—Then it does not do any harm.

Hon. Mr. SCOTT—Yes, it does harm. It has created a feeling that we have been discriminating against the provincial surveyors. The hon. gentleman argued the other way yesterday.

Hon. Mr. POWER—The hon. gentleman is mistaken. The present law says that any man who has had at least two years practice either as a surveyor or as a pupil to a surveyor shall be entitled to receive a commission as a Dominion land surveyor on passing the examination in such subjects as they are prescribed in the Act, &c. Now I want to know if the foreigner is treated any better than the man from the provinces ?

Hon. Mr. SCOTT—There is no use in wasting time discussing it, because I have agreed to let that clause go in deference to the feeling entertained by the provincial surveyors that we are giving larger rights to outsiders than we are giving to them.

The clause was struck out.

On clause 44,

44. The townships shall be numbered, in regular order, northerly from the international boundary, or forty-ninth parallel of latitude, and shall lie in ranges numbered, in the province of Manitoba, east and west from a certain meridian line run in the year one thousand eight hundred and sixty-nine, styled the principal meridian, drawn northerly from the forty-ninth parallel of latitude at a point ten miles or thereabouts, westerly from Pembina; and in ranges numbered from such other initial meridians as the minister orders to be established, which meridians shall be styled the second, the third, the fourth meridian, and so on, according to their order in number westward from the principal meridian.

Hon. Mr. POWER—A very serious omission has been made in this clause. It applies apparently only to the province of Manitoba. The section in the original Act contained these words, 'And throughout the provinces of Saskatchewan and Alberta, the Northwest Territories and the Yukon Territory in ranges.' That is a very important omission.

Hon. Mr. SCOTT—I am advised that these words were dropped intentionally by the Department of Justice, considering they applied generally to the Dominion lands west of Manitoba without naming any particular locality.

Hon. Mr. POWER—If it says, 'elsewhere then in Manitoba, I admit they might be dropped, but if hon. members will look at the Bill they will see that this clause deals with Manitoba. If you say in line eleven, 'elsewhere than in Manitoba' you cover the ground.

Hon. Mr. CASGRAIN—Manitoba is the only province in which the townships run east and west of the meridian. Outside of Manitoba the numbers all run west.

Hon. Mr. POWER—There is no question about that, but this clause does not say so.

The clause was amended as suggested and adopted.

Hon. Mr. ELLIS from the committee reported the Bill with amendments which were concurred in.

ALBERTA NORTHERN RAILWAY COMPANY BILL.

SECOND READING.

Hon. Mr. TALBOT moved the second reading of Bill (44) An Act to incorporate the Alberta Northern Railway Company.

Hon. Sir MACKENZIE BOWELL—Is not this a work which lies exclusively within the province of Alberta ?

Hon. Mr. TALBOT—I believe it is; but the intention is eventually to extend it into the province of British Columbia.

Hon. Sir MACKENZIE BOWELL—Are the Kootenay Plains in British Columbia ?

Hon. Mr. TALBOT—They are close to the boundary between the two provinces.

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

BILLS INTRODUCED.

Bill (R) An Act respecting the Manitoulin and North Shore Railway Company.—(Hon. Mr. Kerr.)

Bill (S) An Act respecting the Pacific and Atlantic Railway Company.—(Hon. Mr. Kerr.)

DELAYED RETURNS.

Hon. Mr. LANDRY—I should like to know if the hon. Secretary of State has any of the returns for which I have asked this session, on his desk.

Hon. Mr. SCOTT—No, I am sorry to say I have not. I asked for them yesterday and to-day. Some of the information has to be obtained outside.

Hon. Mr. LANDRY—I shall not forget those returns, and may have to ask daily for information about them.

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

THE SENATE.

OTTAWA, Thursday February 13, 1908.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

RAILWAY ACT AMENDMENT BILL.

REPORTED FROM COMMITTEE.

Hon. Mr. CASGRAIN from the Committee on Railways, Telegraphs and Harbours, reported Bill (3) An Act to amend the Railway Act, with amendments.

He said: It will be noticed on reading the amendments, that although the principle of the Bill is not changed, although all the guarantees offered by the first Bill sent to the Railway Committee have been guarded, some machinery for the operation of the Bill has been provided for the railway board, and, as it is a matter of considerable importance, it has been suggested to me that this report be taken into consideration on Thursday next, in order to give hon. gentlemen ample opportunity to look into it.

Hon. Mr. DAVIS—This being a public Bill, will it be submitted to a Committee of the Whole House ?

Hon. Mr. CASGRAIN—It is a public Bill, and I understand it has to go to a Committee of the Whole House before it can be read a third time.

Hon. Mr. SCOTT—That will be the next move.

Hon. Mr. CLORAN—In discussing this Bill, did the committee take into consideration, anticipating the amendment proposed in the Bill coming from the House of Commons, the question whether the railways have sufficient time to put into execution the will of this House and the other Chamber.

Hon. Mr. CASGRAIN—I may say the railways were represented there. All the railroads were represented by one lawyer, Mr. Chrysler, and he made no protest.

Hon. Mr. CLORAN—Did they think of it?

Hon. Mr. CASGRAIN—In fact they seemed to accept the amendment.

Hon. Mr. FERGUSON—Is the motion that it shall be taken into consideration on Thursday next by the Committee of the Whole House?

Hon. Mr. POIRIER—No, by the House.

Hon. Mr. WILSON—Might I ask the hon. chairman if this motion embraces not only the adoption of the report of the committee by the House, but also a motion that the Bill, being a public measure, will be considered in a Committee of the Whole?

Hon. Mr. POWER—Certainly.

Hon. Sir MACKENZIE BOWELL—No, that is not the motion before the Chair.

Hon. Mr. WILSON—I was asking the hon. gentleman if his motion would embrace both?

Hon. Sir MACKENZIE BOWELL—I would suggest, to meet the views of the House, that my hon. friend would amend his motion that it be referred to a committee of the Whole House, instead of making a motion for the adoption of the report. If I understood the motion made by the hon. Chairman of the Railway Committee, it is that the report be taken into consideration; that is by the whole house. If that be the case, and we adhere to the rules, then no member can speak more than once. An amendment might be made when that motion was put, to refer it to a Committee of the Whole, and then we might discuss it.

Hon. Mr. CASGRAIN—At present the only motion before the House is that this report be taken into consideration next Thursday. After consideration, if it should be concurred in, the Senate can take the next step and refer it to a Committee of the Whole House.

Hon. Mr. CLORAN—Why not refer it at once?

Hon. Sir MACKENZIE BOWELL—If you take it into consideration, and adopt the report, there is an end of it.

Hon. Mr. SCOTT—The simple commonsense way would be to refer it to a Committee of the Whole House, with the recommendation of the Railway Committee.

Hon. Mr. KERR—The rule on the subject is the 88th.

Hon. Mr. CLORAN—What I understand the House wishes to do is, to refer the Bill to a Committee of the Whole.

Hon. Mr. CASGRAIN—We are dealing with a public Bill, and a public Bill, as a rule, is not referred to a special committee but to a Committee of the Whole House. Now that you have referred it to a special committee, I submit that the report of the committee should be taken into consideration either by the Senate or by a Committee of the Whole House. My motion is that the report be taken into consideration by the Senate on Thursday next.

Hon. Mr. WILSON—If that motion is simply to apply to the amendments made to the Bill, then if we adopt that motion and the amendments made by the Railway Committee should be accepted, and the Bill passes as amended, it is not submitting it to a Committee of the Whole House.

Hon. Mr. POWER—Every public Bill has to go to a Committee of the Whole House, and when the report comes up on Thurs-

day, the hon. gentleman may move that it be concurred in. It is taken into consideration, and then the natural motion, and one which I think is necessary, is that the Bill and the report of the committee be referred to a Committee of the Whole House.

Hon. Mr. FERGUSON—The suggestion made by the hon. Secretary of State would cover the ground, that the Bill and report be referred to a Committee of the Whole, The hon. senator from Halifax has stated the rule quite correctly when he says that every public Bill should be sent to a Committee of the Whole; but this Bill was not treated with that courtesy last year, and a motion to send it to a Committee of the Whole was voted down with the hon. gentleman's assistance. However, different views prevail now, and I agree with the hon. gentleman that the Bill having been read the second time by this House, must, when it comes back from the Standing Committee, go to a Committee of the Whole House, and by adopting the suggestion of the hon. Secretary of State we can get it there at once.

Hon. Mr. POIRIER—Suppose that instead of moving that this report be taken into consideration on Thursday next, the motion were, as is usually the case, that it be taken into consideration to-day ?

Hon. Mr. POWER—The motion would be ruled out of order.

Hon. Mr. POIRIER—The report would have to be taken into consideration of the whole House, and the House might refer it back to the Special Committee, or accept it and refer it to a Committee of the Whole; but the fact that the consideration of this Bill is postponed until Thursday does not alter in any degree the usual procedure in similar cases. Therefore, the motion of the chairman is perfectly in order, just as much in order for Thursday next as it would undoubtedly be if no objections had been raised, and had he moved that the report be taken into consideration immediately.

Hon. Mr. CLORAN—I quite agree with the leader of the government, that it is just as well now to satisfy the House that the Bill shall go to a Committee of the Whole without any procedure, and if the hon. chairman of the committee has a right to move it, I think he should do so. It is his duty, in view of the expression of opinion.

Hon. Mr. POWER—We are not supposed to know what the committee has really reported. The regular thing is to deal with the report of the committee on the date fixed by the House, and then we can deal with everything.

Hon. Mr. LANDRY—We have heard from the chairman of the committee that the Bill has been reported with amendments. The Bill has, therefore, come back to the House.

The SPEAKER—I have to put the motion which has been placed in my hands, but I feel that it will involve two discussions where but one is needed if the motion is adopted. If the report of the committee is taken into consideration by the House and adopted, what would be the object in sending it to a Committee of the Whole ? The motion should have been that the Bill be committed to a Committee of the Whole House on Thursday next for consideration, but there is a point of order.

Hon. Mr. CLORAN—I will move an amendment.

Hon. Mr. YOUNG—Having acted as godfather to the Bill——

Hon. Mr. POWER—Stepfather.

Hon. Mr. YOUNG—I said the other day that the Bill is in the hands of the House, and should be referred to a special committee which seems to be the desire on both sides of the House. Had that motion not prevailed, the ordinary motion would have been to refer it to a Committee of the Whole House. To solve the difficulty, the suggestion made by His Honour the Speaker is quite proper, and I give notice that I will move on Thursday next that the House resolve itself into a Committee of the Whole on the report of the Railway Committee upon this Bill.

Hon. Mr. LANDRY—I will not give notice of motion, but I now move, as an amendment, that this report be referred to a Committee of the Whole House on Thursday next.

Hon. Mr. ELLIS—Courtesy would require that the House itself should take some notice of the report of the committee. Whatever inconvenience it may entail, that is the proper course to proceed on. When that motion is disposed of, we can do as we please. The fact that there may be two discussions should not interfere with following the ordinary course.

Hon. Mr. SCOTT—If the report is to be taken up first, the House is committed to the report if the majority adopt it, and what is the use of going into committee afterwards. Certainly the true way is to refer the Bill and the report to a Committee of the Whole House. Nobody is tied up by that.

Hon. Mr. POIRIER—I consider that the amendment is out of order. Before we can send the Bill to a committee, either of the whole or a standing committee, it must be taken into consideration, and the amendment simply overlaps the main motion and in my opinion is decidedly out of order. Whether the consideration is postponed until Thursday next, or the usual course, which is proposed now, is followed, the House must take possession of the Bill, which we have not done. Then the second step, in my view of it, from what little experience I have had, would be decidedly out of order. We have to take possession of the Bill, and then refer it back to the committee; the Committee of the Whole reject it or pass it, or do whatever they choose with it; but before doing that we must take possession of it.

Hon. Mr. BEIQUE—We are all agreed, I think, that this Bill ultimately will have to be dealt with by this House in a Committee of the Whole, and it seems to me that we are wasting a good deal of time over the question. However, I think the point of order is well taken. The report of the committee is before us, and the first question to decide is that it shall be considered by the House. Then after that has been decided, the motion is that it shall be considered on such a date; and the next question is whether it shall be considered in the House by a Committee of the Whole.

Hon. Mr. POIRIER—That is my view.

Hon. Mr. BEIQUE—And then only can it be decided. It is premature to go as far as is suggested by the motion.

Hon. Mr. LANDRY—In answer to the point of order, I will tell my hon. friend that the House is in possession of the report as soon as the order of the Chair is given that the report be read at the table.

Hon. Mr. POIRIER—Oh, no.

Hon. Mr. LANDRY—The House is in possession of the report. The Chairman brings in the report and the Speaker ascertains the will of the House, and orders that the report be brought in.

Hon. Mr. POIRIER—And then the question is, shall the report be adopted.

Hon. Mr. LANDRY—I want to explain my point of order, and I do not want anybody to interfere. I know what I have to say, and I do not intend to say what the hon. gentleman wants me to say. The report is at the table, and next comes a motion that the report be considered at a future day; but it is in the possession of the House. The House, knowing that the consideration of that report is to result in a decision that it be referred back to the committee, may give the order immediately that it be referred to a committee.

Hon. Mr. BEIQUE—Does the motion in amendment not amount simply to this: that in effect when this report be taken into consideration, it be considered by a Committee of the Whole House? That is virtually the effect, and the motion in amendment is premature. That is the effect of it.

Hon. Mr. LANDRY—When the motion would be made to refer it back to a committee, what is the conclusion to be drawn there? It has to come to the same conclusion, passing it out of the hands of the House to refer it to a committee.

Hon. Mr. FERGUSON—I think the point of order is not well taken. The motion is that it be referred for the consideration of the House. We certainly have it in our possession before we can say, do that with it; and the amendment is that it shall be taken into consideration by a Committee of the Whole House. We have just as much

right to say now that we shall do one as the other, and if we set it down for consideration by the whole House, it would be really negativing the position that it could be sent to the committee at all, because we are determining that it is to be considered by the House, which means that it shall not be considered by a Committee of the Whole; but if we agree to the amendment, it simply says that we send the Bill to be considered in a Committee of the whole instead of being considered by the House.

Hon. Mr. POWER—I wish to say a word on the question of order raised by the hon. gentleman from Stadacona. I direct the attention of the Speaker to rule 24, which says :

One day's notice must be given of any of the following motions, &c.:

And paragraph 'h' says:

For the adoption of a report, not merely formal in its character, from any standing committee.

The hon. gentleman from De Lanaudière, presented the report, and he gave notice, under paragraph 8, for the consideration of the report on Thursday next. The hon. gentleman from Stadacona, without any notice, moved in amendment a motion which undertook to deal with the report. You cannot do that under paragraph 'h.' The report cannot be considered in any way by the House unless the necessary notice has been given, and then, to confirm that—it does not directly bear on the question—it is the same direction, paragraph 'd.'

For the consideration of substantial amendments made in a public Bill by a Committee of the Whole.

If we undertake, without dealing with the report further, to go to a Committee of the Whole House, I think we are doing something we cannot do under the rules.

Hon. Mr. LANDRY—I answer the contention of my hon. friend by quoting the rule. It says :

One day's notice must be given of any of the following motions :

Then paragraph 'h' says:

For the adoption of a report, &c.

Where is the one day's notice?

Hon. Mr. FERGUSON.

Hon. Mr. POWER—He has given a week's notice.

Hon. Mr. LANDRY—But he is making the motion now. We are voting on the question itself. That is not a notice. We are voting on the motion made by my hon. friend, without a day's notice. He is making the motion to refer the report back to the House, to consider it at a future day. He is not giving a notice of motion.

Hon. Mr. YOUNG—He moves that it be set down for that day. It not only gives you one day's notice, but gives you eight days.

Hon. Mr. LANDRY—I will go further. I will not raise that objection. I suppose my hon. friend has a right to do that. But look at rule 25 which says :

No notice is required for any of the following motions :
(a) By way of amendment to a question.

Hon. Sir MACKENZIE BOWELL — I should like to call the attention of the Speaker of the House to the fact that we are getting to be something like a bear garden, and I should like to call to the attention of my hon. friend, who is a great stickler for rules and order, that under all the rules that govern deliberative bodies, he has no right to enter into any discussion between two members of the body. If a member is interrupted, he must address the House and not the individual. We have got into the habit of talking to each other just the same as in ordinary conversation. But, going back to the point, there has been a great deal of discussion over a very little matter which might have been decided without difficulty. The motion made by the hon. gentleman who introduced the question is quite regular, and quite in order. He presents a report of a committee. The practice has been, if no objection is taken, that it be considered at once; but there being an amendment moved to this motion, the hon. gentleman gives notice that he will move that it be taken into consideration; that is, that the Bill and the amendment be taken into consideration on a certain day next week. When the motion is put by the chair, I take it for granted the hon. gentleman

from Stadacona can then move that the words be struck out, and that it be referred to a Committee of the Whole for consideration, and then, when the Committee of the Whole are discussing the matter, as we are privileged to do, we can speak a dozen times if we like, but if the matter is taken into consideration by the Senate, we can only speak once. Then, when the committee reports, the House would have to adopt or reject the Bill. So that to my mind the motion is quite in order, and when it is taken up for consideration, the hon. gentleman from Stadacona or myself or anyone else can move that it be not considered at that moment by the House or that it be referred to a Committee of the Whole, and then the House can discuss the matter.

Hon. Mr. CLORAN—I agree largely with what has been said by the hon. gentleman, but I will put out a difficulty immediately. When the hon. chairman of the Railway Committee next week.

Hon. Mr. MACDONALD (B.C.)—I rise to a point of order. The hon. gentleman has spoken twenty times on an unimportant matter. If each hon. gentleman had simply spoken once, the question would have been settled before now. I hope the hon. speaker will keep us in order.

Hon. Mr. CLORAN—If I am not in order, everybody else has been out of order.

The SPEAKER—I confess—and I will leave it to the House—that I cannot recall that the hon. gentleman from Victoria spoke after the amendment was put by the hon. gentleman from Stadacona.

Hon. Mr. CLORAN—I have not spoken.

Hon. Mr. POIRIER—I call for the decision of the chair on the amendment

Hon. Mr. CASGRAIN—I rise to a point of order. I did not make any motion. I only gave a notice of motion. There cannot be any amendment to that.

Hon. Mr. LANDRY—That is quite a change.

Hon. Mr. CASGRAIN—I have been trying to explain, but could not get a word in edgeways.

Hon Mr. POIRIER—I shall insist upon the chair rendering a decision on the question as to whether an amendment can be moved to a notice of motion as my hon. friend from Stadacona suggests.

Hon. Mr. FERGUSON—I never knew of a notice being given on a motion of this kind. It follows in due course.

Hon. Mr. CLORAN—The hon. gentleman from Hastings. . . .

Hon. MEMBERS—Order, order.

Hon. Mr. CLORAN—Order will be obtained when my views are placed before the House The hon. gentleman from Hastings has stated that the chairman of the committee had a perfect right to do what he did. Nobody disputes that. He had a right to do what he did do; but what this House has a right to do is to upset what he wants to do, and that notwithstanding his pretention that he has not made a motion. He has given notice that on a certain day certain Bills shall be considered. That notice can only be passed in this House by a vote which will be put by the chair in a few moments. Therefore, this is a motion. The hon. gentleman from Hastings stated that the House would lose nothing of its privileges or rights by allowing the motion to go, and on Tuesday next or Thursday next when the matter comes up, any member would have a right to move that it be referred to a Committee of the Whole. That is right, but we lose our privilege and we lose our right when the hon. gentleman from De Lanaudière will make his motion next Thursday and no member can speak more than once; and if he has enough supporters of this Bill in the House to prevent the House from going into Committee of the Whole we cannot speak any more so that when the hon. gentleman from Hastings says we lose nothing by allowing this motion to go I contend on the contrary that we lose a great deal, we lose the opportunity of discussing it upon its merits. We hold that notwithstanding the point of order raised by the hon. gentleman from New Brunswick, this motion does not require two days' or any other notice. Under rule 25 he has the right to make the motion.

Hon. Mr. LOUGHEED—I rise to a question of order. I submit that there is nothing before the House for discussion, and I would like the ruling of the chair on that question.

The SPEAKER—There is a point of order raised by the hon. gentleman from Shediac against the motion made by the hon. gentleman from Stadacona.

Hon. Mr. CASGRAIN—You cannot amend a notice of motion.

Hon. Mr. LOUGHEED—I wish to get back to the original cause of the discussion. If there was not anything before the House to which an amendment could be moved or a notice of amendment could be given, it must become manifest that all the subsequent motions or notices of motion must fall to the ground.

The SPEAKER—I may state that I have before me a motion and an amendment. I have a motion by the hon. gentleman from De Lanaudière.

Hon. Mr POIRIER—It need not be a motion.

The SPEAKER—I have this amendment. There is no point of order raised against it, or none that appears to me upon which I could render a decision, and I take it as it is. He moved that this report be taken into consideration on Thursday next, and in amendment it is moved by the hon. gentleman from Stadacona that it be taken into consideration on Thursday next by a Committee of the Whole House.

Hon. Mr. POIRIER—With the permission of the House——

Some hon. MEMBERS—Order, order!

Hon. Mr. POIRIER—I now further claim that the motion itself is out of order, because the duty of the chairman of the committee is to give notice.

Some hon. MEMBERS—No, no.

Hon. Mr. POIRIER—Rule 24 says that one day's notice must be given of any of the following motions, and paragraph 'h' reads :

For the adoption of a report, not merely formal in its character, from any standing committee.

Therefore, our rule says distinctly that one day's notice must be given, and the hon. chairman cannot do otherwise. He must give a notice of motion, and we cannot discuss the Bill. My hon. friend from the west very properly said that this discussion was not proper, because there was no motion before the House, merely a notice of motion, which must necessarily be only a notice of motion by the rules of the House.

Hon. Mr. LANDRY—Is that the adoption of the report?

Hon. Mr. POIRIER—No. He gives notice that it will be taken into consideration on Thursday next, as he must do.

Hon. Mr. DeBOUCHERVILLE—The hon. gentleman gave notice of a motion.

The SPEAKER—He put it in the form of a motion.

Hon. Mr. CLORAN—I have just one word more——

Some hon. MEMBERS—Order, order.

The SPEAKER—The hon. gentleman from Victoria has the floor.

Hon. Mr. CLORAN—Has the chairman of any committee the right to give notice of motion, to take his report of a committee into consideration of the House, and has he an equal right to ask the House to take it into consideration by a Committee of the Whole? If that answer can be given in the affirmative, then I will ask the hon. Chairman of the Railway Committee, instead of asking the House to-day to take the report into consideration, that he shall move that the matter be considered by a Committee of the Whole House.

Hon. Mr. CASGRAIN—I beg to give notice that on Thursday next I will move the consideration of the report.

Hon. Mr. FERGUSON—If there is no motion, the amendment becomes the main motion.

Hon. Mr. LANDRY—A motion has been made, and has been put by the chair, and to that motion an amendment has been offered, and the hon. gentleman has no

right to withdraw his motion unless I withdraw my amendment.

Hon. Mr. CASGRAIN—By leave of the House.

Hon. Mr. LANDRY—No, no. My amendment must be withdrawn before his motion can be withdrawn, and I will not withdraw my amendment.

Hon. Mr. CAMPBELL—I was going to ask the chairman of the committee what the practice is; whether this Bill will be reprinted with the amendments, made by the committee before the matter is taken up by a Committee of the Whole House? I do not know what the custom is here, but in the House of Commons where Bills have been materially amended, they have been reprinted before being considered in the House.

Hon. Mr. CASGRAIN—It will be on the journals of the House.

Hon. Mr. CLORAN—I should like a decision of the question I put to the Speaker.

The SPEAKER—It has been the practice of the Senate to fix by motion a day for taking into consideration a report of a committee. That has been the rule since I have been in the chair. On such a motion, I believe, the amendment of the hon. gentleman from Stadacona is regular; that instead of being taken into consideration by the Senate, it shall be considered by the whole House, and I declare the amendment in order, and the motion is on the amendment of the hon. gentleman from Stadacona.

Hon. Mr. YOUNG—I do not know what position we shall be in with reference to the Bill.

The SPEAKER—It will stand committed to a Committee of the Whole House.

Hon. Mr. YOUNG—Let it go at that. We want it to go through.

The amendment was declared carried.

RENEWALS OF RAILWAY CHARTERS.

The notice being called :

The repeated renewal of railway charters without any substantial expenditure on construction is a matter deserving the consideration of the Senate.

Hon. Mr. ROSS (Middlesex) moved that the notice be postponed until Tuesday next, and gave notice that he would add to it an inquiry as to what the government intended to do in the matter.

Hon. Mr. POWER—The hon. gentleman gives notice of something which is neither a resolution nor a question. The usual way is to call attention to a matter, and then ask a question; but the hon. gentleman does not call attention; he simply gives us an abstract proposition, that the renewal of railway charters deserves the consideration of the Senate. The hon. gentleman's notice should read that he will call attention to the practice, and ask the government if they propose to put a stop to it.

The SPEAKER—I would draw the attention of the hon. gentleman from Middlesex to the form of his question as it appears on the order paper.

Hon. Mr. ROSS—The notice would be perfectly in order if I prefaced it with these words, 'Will call the attention of the House, etc.' It is presumed, if I speak on the subject, that I shall call the attention of the Senate. Of course the mere form is important, and I will follow the form.

The motion was agreed to.

REFERENCE OF PRIVATE BILLS TO A COMMITTEE OF THE WHOLE HOUSE.

MOTION POSTPONED.

The notice of motion being called :

To amend Rule No. 128, by striking out the words 'the Senate otherwise order,' and inserting the following in lieu thereof : 'asked by two members of the Senate,' so that it may read as follows :—

128. Unless asked for by two members of the Senate, a private Bill reported from a standing or select committee is not committed to a Committee of the Whole House.

And the clerk is requested to notify the members of the proposed change in the rules.

Hon. Mr. DAVIS—I might say with reference to this matter that I need not go into it very fully because——

Hon. Mr. LOUGHEED—May I ask if the senators have received the notice necessary for changing the rule? I certainly did not receive any notice.

Some hon. GENTLEMEN—Nor I, nor I.

Hon. Mr. DAVIS—If hon. gentlemen will read the notice they will see that it calls for having the senators summoned.

Hon. Mr. LOUGHEED—The hon. gentleman's notice is all right, but several senators have stated that they have not received notice. I am not taking exception to the form of the hon. gentleman's notice, because it is quite regular; but I for one have not received notice.

Hon. Mr. DAVIS—I have followed the rule of the House.

Hon. Mr. FERGUSON—But if the hon. gentleman proceeds without the notice being given, his labour will be all in vain. The House has not been summoned and what the hon. gentleman should do is to postpone his motion; but we ought to know why the summons has not been issued.

The SPEAKER—The hon. gentleman cannot put the motion if the senators have not been called, and I am informed that no notice has been sent out as the motion calls for.

Hon. Mr. DAVIS—If anybody in the Senate objects——

The SPEAKER—There is a rule, No. 29, which precludes the hon. gentleman moving his motion under the circumstances.

Hon. Mr. DAVIS—In order to meet the views of some hon. gentlemen, I move that the motion be postponed until Wednesday next and that the clerk be directed to notify the members.

Hon. Mr. LANDRY—I should like to know if there is not some way to meet those difficulties. In this case, notice has been regularly given, and I want to know whose duty it is to summon the senators? Must the member who gives the notice go to the clerk and ask him to summon the members, or is the fact that the notice is on the paper sufficient to make it imperative on the clerk to summon the members? Our rules do not prescribe how it shall be done; there should be some understanding on the subject.

Hon. Mr. DAVIS—This motion has been on the order paper for quite a length of time, and I was given to understand that if I did not take it up to-day it would be dropped, I remained here all afternoon to proceed with it, although I had other business demanding my attention. I hope on the next occasion when I bring it up the members will have been summoned in the proper manner.

The SPEAKER—There is a motion to that effect which has not been adopted by the Senate.

Hon. Mr. CLORAN—This is the third time this thing has happened when members have given formal notice that the senators be summoned. The hon. senator from Stadacona has asked what procedure should be followed, and there should be some understanding about it.

The SPEAKER—I understand that no notice was sent out because of rule 29, which states:

> No motion for making a standing rule or order can be adopted unless two days notice in writing has been given thereof, and the Senators in attendance on the session have been summoned to consider the same.

The question that arose in the mind of the clerk was whether this is an amendment which falls under rule 29.

Hon. Mr. BERNIER—The hon. senator from Stadacona has asked what must be done to carry that rule into effect.

The SPEAKER—The difficulty has arisen from the clerk not understanding whether this amendment would come under rule 29.

Hon. Mr. BERNIER—I am not complaining of any act or omission; but the hon. member from Stadacona has asked whose duty it is to summon the senators, and that question should be answered.

The SPEAKER—The clerk, by all means. That is the usual way.

The motion was agreed to.

Hon. Mr. POIRIER—Are we to understand——

Hon. Mr. POWER—I rise to a point of order. His honour the Speaker has given a decision on this matter, and another order of the day has been called and it is quite

irregular to go back to what happened before the Speaker gave his decision.

Hon. Mr. POIRIER—Are we to understand that an inquiry made by an hon. senator when the subject was properly before the House, is to be passed over, or that a notice properly given by an hon. member is not to be acted upon by an official of the House, because he thinks we are acting improperly?

The SPEAKER—There is no such intention on the part of the clerk of the House. He knows that it is his duty to send out these notices.

Hon. Mr. POIRIER—He should have done it then.

The SPEAKER—There was a question of the interpretation of a rule on which he could well have his own opinion.

Hon. Mr. POIRIER—Is it the clerk of the House who is to decide such matters or the Senate?

The SPEAKER—The Senate has decided. It has passed a resolution to convene the members, and they will be summoned.

THE QUEBEC THIRD CENTENNIAL CELEBRATION.

INQUIRY.

Hon. Mr. LANDRY inquired:

Is it the intention of the government to present during the present session any legislation on the subject of the celebration of the third centenary of the founding of Quebec and for the inauguration of a national park for that purpose?

Hon. Mr. SCOTT—I am not aware that it is in contemplation to introduce any legislation on the subject. I presume that the item will appear in the estimates when they are brought down. There is an application now standing before the Privy Council for a subsidy towards the celebration.

Hon. Mr. LANDRY—I thought it was the intention of the government to nominate two or three commissioners, and give them certain duties to perform in the way of spending money, and I thought that would be done by legislation.

Hon. Mr. SCOTT—I do not know if legislation will be necessary. If the government vote a certain sum, I presume Canada will be represented. A commission may be appointed, but I do not know that it requires legislation.

THE RULES OF THE HOUSE.

Hon. Sir MACKENZIE BOWELL—Before the Orders of the Day are called, I wish to direct attention to three of our rules which, if properly enforced, would prevent unseemly discussions such as we have had to-day, upon, to my mind a very minor point. I do not wish to be understood as finding fault with the Speaker or any member of the Senate, but I desire to impress on the House the necessity for adhering more rigidly to the rules which govern this House. Rule 21 requires that motions must be made in writing. Had the motion of my hon. friend opposite been put in writing, there would have been no doubt as to what was intended. His intention was, as he explained, to give notice of a motion. It was understood by myself and the hon. senator from Stadacona that he had made a distinct motion. Had his motion been in writing, the unseemly discussion which arose upon it would have been avoided. I desire to call the Speaker's attention to rule 16, in which the committee appointed to revise the rules departed from the practice in the House of Lords by which this House is supposed to be governed. In the House of Lords, the Speaker has no power. Each member of the House enjoys all his rights and privileges independent of the Speaker. In the Senate unseemly discussions used to occur, and the committee appointed to revise the rules decided to give the Speaker power to call members to order. I know it is a delicate matter to interfere when discussions take place, but, speaking for myself—and I think I can speak for every member of the House—when a motion is made, the Speaker should gently intimate to the mover, 'Let me have that in writing and I will put it to the House.' It may cause a little more trouble or inconvenience, but no one would object to that, and the Speaker should insist upon the rule being carried out. I desire also to call attention to rule 35, which provides that without the consent of the Senate no member has a right to speak more than once on any subject. Instead of adhering to that rule, we act as if the House were

always in Committee of the Whole. Now, the reason why a Bill is referred to a Committee of the Whole is because it permits more freedom in discussing details, and any member may speak as often as he pleases. I have taken the liberty to call attention to these rules, and I hope my remarks will be accepted by the senators in the spirit in which they are made.

My object is to have our business conducted in a more regular and dignified manner than has been the case in the past.

The SPEAKER—I have felt my position a somewhat difficult one, because I had to pass through a transition stage. The Senate had formerly been the custodian of its own decorum and order. Greater powers were recently given to the Speaker, but in view of the former practice of the House, I thought a little more leeway should be given to senators for some time. But my greatest difficulty has been this, to prevent speakers from addressing the House two or three times on the one subject. I have allowed the leaders on both sides to infringe the rule, and it has been hard for me to enforce the rule against the junior members when I have not enforced it against the seniors.

Hon. Mr. FERGUSON—Under the rules, the leaders have no greater status than the other members.

The SPEAKER—I meant the seniors.

Hon. Mr. MACDONALD (Victoria)—Any member who is out of order should be called to order without hesitation.

THIRD READINGS.

Bill (45) An Act respecting the Canadian Pacific Railway Company.—(Hon. Mr. Young.)

Bill (48) An Act respecting the Niagara, Grand Island Bridge Company.—(Hon. Mr. Kerr.)

Bill (34) An Act respecting the Lindsay, Bobcaygeon and Pontypool Railway Company.—(Hon. Mr. McHugh.)

Bill (22) An Act respecting the Macleod, Cardston and Montana Railway Company.—(Hon. Mr. Talbot.)

Bill (16) An Act respecting the South Ontario Pacific Railway Company.—(Hon. Mr. McMullen.)

Bill (39) An Act respecting the Kamloops and Yellowhead Pass Railway Company.—(Hon. Mr. Bostock.)

Bill (38) An Act respecting the Edmonton, Dunvegan and British Columbia Railway Company.—(Hon. Mr. Roy.)

Bill (F) An Act respecting the St. Clair and Erie Ship Canal Company.—(Hon. Mr. Lougheed.)

Bill (36) An Act respecting the Boundary, Kamloops and Cariboo Central Railway Company.—(Hon. Mr. Bostock.)

Bill (33) An Act respecting the Calgary and Fernie Railway Company.—(Hon. Mr. Bostock.)

JOINT COMMITTEE ON PRINTING OF PARLIAMENT.

ORDER OF THE DAY POSTPONED.

Hon. Mr. ELLIS moved concurrence in the report of the Joint Committee of both Houses on the printing of parliament.

Hon. Mr. LANDRY—This report is divided into two parts—the returns recommended to be printed and those that are recommended not to be printed. I suppose if we call the attention of the committee to one or two classes of items that were not ordered to be printed, but which it is desirable should be printed, perhaps the chairman might have a recommendation in another report of the committee to have them printed.

Hon. Mr. ELLIS—I think that would be proper.

Hon. Mr. LANDRY—I should not like the adoption of the report to debar us from asking that what has not been recommended to be printed should at some future time be printed.

Hon. Mr. ELLIS—Oh, no.

Hon. Mr. BEIQUE—For my part I think there are matters there such as the summary of the decisions of the Board of Railway Commissioners of Canada, which should be printed, and I understand they have been printed. However, I have had no time to consider the question, and I suggest that the consideration of this report be deferred.

Hon. Mr. ELLIS—These returns as they are brought down are all published in the journals of the House of Commons or in the journals of the Senate, and hon. gentlemen who want to have them printed should make a representation to the Joint Committee or to the clerk of the committee, and then the matter would be fairly considered; but when the committee meets and nobody asks to have a document printed; we do not order it to be printed. I move that the Order of the Day be discharged and placed on the Order paper for Thursday next.

Hon. Mr. LANDRY—We are not complaining of the action of the committee.

The motion was agreed to.

QUEBEC AND NEW BRUNSWICK RAILWAY COMPANY BILL.

SECOND READING.

Hon. Mr. COSTIGAN moved the second reading of Bill (P) An Act respecting the Quebec and New Brunswick Railway Company.

He said: The Quebec and New Brunswick Railway Company seeks this legislation because they held a charter recently which authorized them to construct a road from a point at or near Chaudière Junction, St. Charles Junction, or St. Aselme on the Quebec Central Railway, from the central point in Quebec, to a terminus on the Temiscouata Railway system. The road was subsidized in New Brunswick and Quebec by both parliaments, and partially subsidized in Quebec by the federal parliament. The company entered into a contract to construct the eastern section of the road, starting in New Brunswick. Before that was completed, the announcement was made in the other Chamber by the Premier that it was likely they would take that route for the construction of the Transcontinental. Immediately that announcement was made, I, as president of the company, addressed a letter to the Department of Railways, stating that in view of that announcement, and the probability of their taking that line, no doubt, as the government were constructing the eastern section, that they would prefer to construct that portion rather than have our company do it. I was glad to see the government take that route, because I wanted to see the road built there, both in Quebec and New Brunswick. The government have located their line, and they have taken the central portion of our line, but left both ends. I stated at the time I sent this letter I speak of, that the company would cease to do any work under those circumstances, considering themselves entitled not to be prejudiced so far as their charter was concerned. The Transcontinental has taken all they wanted of that line. They found a shorter line with equally good grades on the eastern end. They have left out the eastern end in New Brunswick, and the western end in Quebec. This charter simply asks an extension of time, because the whole ground is covered by the original charter. We had a right to build from any of these three points down through Quebec to Connor Station.

Hon. Mr. McMULLEN—I observe that there is a peculiarity about this Bill. Clause 5 provides for extending the charter for five years, without any provision that any portion of the money shall be expended within two years, which is usually inserted in such Bills, and I see that clause 10 of chapter 75 of the statutes of 1900, and chapter 76 of the statutes of 1903, are repealed. These provisions were with regard to the time within which the railroad should be built. This gives the company an extension of five years without expending any portion of the money under the provisions of this Bill. I want to draw my hon. friend's attention to that. It may possibly have been overlooked, but I should certainly hope the committee will amend that provision.

Hon. Mr. COSTIGAN—I think the hon. senator refers to the section that requires a percentage to be expended within a certain time.

Hon. Mr. McMULLEN—Yes.

Hon. Mr. COSTIGAN—There was some difficulty in the Standing Orders Committee about the form of petition and the notice. The petition asks for less powers than this Bill gives. The notice mentioned a revival instead of an extension; but a practical view was taken of the case because the intention was self-evident. That

was one of the reasons why revival was put in, because the secretary of the company, who was a lawyer and solicitor of the company also, thought he ought to use the word revival, the time for the expenditure of the fifteen per cent having lapsed, and it had not been wholly extended; therefore he ought to use the word revival, and he did use it. It created some difficulty, but that was overcome, and the notice was considered sufficient; but this is a second extension. The original charter was obtained in 1900. I am sorry I have not the amending Act which extended the time for a certain number of years and did away entirely with the clause which required this expenditure.

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

LONDON AND LANCASTER GUARANTEE AND ACCIDENT COMPANY BILL.

SECOND READING.

Hon. Mr. ROSS (Middlesex) moved the second reading of Bill (Q) An Act to amend the London and Lancaster Guarantee and Accident Company of Canada.

He said: There is nothing in this Bill, other than what is usual in Bills of a similar kind. I do not know that any explanation I could give would be of any advantage, as the clauses will, of course, be discussed in the Committee on Banking and Commerce.

Hon. Mr. LANDRY—I suppose the hon. member knows that this Bill has not been printed yet?

Hon. Mr. ROSS—I have it on my file.

Hon. Mr. LANDRY—I am speaking of the French version.

Hon. Mr. ROSS—I do not know about the French. I did not look for the French copy. It can stand over if my hon. friend takes the objection.

Hon. Mr. LANDRY—I do not take the objection, but I want to call attention to the matter so that if my hon. friend presents the Bill on another occasion——

Hon. Mr. ROSS—We will not proceed with it in committee until it is printed in French.

Hon. Mr. LOUGHEED—The name would seem to conflict with a well-known insurance company, and, possibly, in committee very serious objection may be taken to the use of that name.

Hon. Mr. ROSS—That might be considered in committee. I called the attention of the promoters of the Bill to that matter.

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

COMPANIES ACT AMENDMENT BILL.

ORDER OF THE DAY POSTPONED.

The Order of the day being called: Committee of the Whole House on Bill (L) An Act to amend the Companies Act.

Hon. Mr. SCOTT—I have received a communication from a gentleman suggesting an amendment which I will have to consider, though I may not adopt it. I therefore move that the order of the day be discharged and that it be placed on the order of the day for Tuesday next.

Hon. Mr. LOUGHEED—I would suggest to my hon. friend, that if there be an amendment or proposed amendment, the House should be put in possession of it, so that we may be able to discuss it intelligently, and not have to consider it in the committee stage.

Hon. Mr. SCOTT—It was found that sometimes in the case of railways and ordinary companies, in pledging their bonds, where they have not actually effected a sale, a considerable advance of money has been made on them; the question has arisen in England that when any consideration has been extended for those bonds—whether they afterwards can be put on the market as not having been previously issued? The question has arisen, and I believe a decision has been given in England which affects some of the securities of railways, and it is rather an important subject.

Hon. Mr. LOUGHEED—Can the hon. gentleman say to what extent a company can hypothecate its bonds without putting them on the market? They are issued for sale and not hypothecation.

Hon. Mr. SCOTT—The case decided in England was given to me. I had not an opportunity of looking carefully into it. It was held in one of the courts there that a railway company having issued bonds once, and money having been paid on them, the company could not recall that issue and issue it again. That was the point. I do not think there is so much applicability to companies incorporated under the Companies' Act, because their embarrassment has not been as great, and I am inclined to think that I should suggest that the amendment be made rather to the Railway Act than to the Companies' Act.

Hon. Mr. LOUGHEED—Can the hon. gentleman say to what extent a company may hypothecate its bonds? I am very doubtful of their having such power.

Hon. Mr. SCOTT—I have always considered that they could pledge their bonds for an advance, and that has been the ordinary acceptation. This decision in England, which I have not examined, rather controverts that conclusion by holding that after having received an advance upon it, they could not re-issue them again.

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

APPOINTMENT OF UNDER SECRETARIES.

DEBATE RESUMED.

The order of the day being called :

Resuming the adjourned debate on the motion of the Hon. Mr. Ross (Middlesex), that in the opinion of the Senate, the time has arrived for supplementing the executive government of Canada, by the appointment of under secretaries to the more important departments of the public service, with duties and privileges as near as may be similar to those of the corresponding officers in the parliament of Great Britain.

Hon. Mr. POWER—The practice of adjourning these debates on what one may call abstract questions, in this indefinite way, has advantages; but it has drawbacks too, because one forgets where the debate was at when it was adjourned, and the House loses interest in it. I think I had got this far the other day, and I had mentioned that I had been in favour of the Act of 1887, which provided for the dropping of Ministers of Customs and Inland Revenue, and the substitution of the Minister of Trade and Commerce with two comptrollers, one of customs and one of inland revenue, and also the appointment of a solicitor general to assist the Minister of Justice. I mentioned that I had approved of that; but I went on to say that, on the whole, the operation of that Act had not been satisfactory. The right hon. gentleman who led the Conservative party in 1887 never brought the Act into operation, which showed that, to his practical mind, the improvement was questionable. After his decease the Act was brought into operation, and we had the pleasure and honour of having the Minister of Trade and Commerce in this House in the person of the hon. gentleman from Hastings; and I may say that it is a somewhat fortunate coincidence that we have the present Minister of Trade and Commerce a member of this House. It is very hard to get the public to feel much interest in matters which respect the constitution or the organization of the government, and, as far as I could judge, the public never took very much interest in this matter. After the change of government in 1896, while the Solicitor General was allowed to remain, parliament stepped back to the old position, except that they allowed—and I am glad they did under the circumstances—the Minister of Trade and Commerce to remain, and they brought back again the Ministers of Customs and Inland Revenue. The hon. gentleman who brought this matter to the notice of the House dwelt considerably on the example of England, and he seemed to think we should be influenced a good deal by that. No doubt, in certain respects, it is well we should be influenced by the example of England. I think, for instance, in the manner in which the civil service is constituted, we should be influenced by the example of England; but there is not any great reason why in all such questions we should be very much influenced by their way of doing things. There was in England—I do not think the spirit is as strong now as it was even ten years ago—a spirit of subordination, a respect on the part of young people for their elders, which does not seem to prevail so much on this continent, and in England the under secretary looks up to his chief, and he follows

the directions of that chief without any hesitation. It does not enter into his mind to question the wisdom of what his chief does, or, if it does enter his head, he does not talk about it. I do not think that has been the experience in this country. That is one reason why I do not think that the example of England should weigh so much with us. We have not that spirit of subordination and discipline that they have in England. Then there is another thing in England, which is not altogether admirable; there is a very strong tendency there to multiply staff. Every important officer must have an inferior officer, or two or three inferior officers, to follow him about and help him to do whatever his duties may be. The work is passed on from one step down to another until you have perhaps half a dozen people doing what the one man might do very well. I do not think it is a desirable thing to introduce into Canada a tendency to increase staff, and I think I may venture to indicate that there is at least one department in the government where we have of late been following the example of England to too great extent. There is another thing to be borne in mind with respect to these under secretaries in England. The British House of Commons contains nearly seven hundred members the House of Lords about five hundred.

Hon. Mr. ROSS (Middlesex)—Six hundred and twenty.

Hon. Mr. POWER—It is a sort of political necessity to the ministry of the day that they should have a reasonable sprinkling of members of the administration in these two bodies. The cabinet contains altogether as a rule, not more than twenty members. When you come to divide twenty members amongst 1,200, the proportion of cabinet ministers to members of the House is very small. I can understand that it is really almost necessary that they should have more members of the administration in parliament than we would expect to have here. So far as regards the example of England. The hon. gentleman also dealt somewhat with the practice in the United States. I do not think that we can really draw any conclusions from the practice in that country. The United States cabinet is not in any sense a cabinet such as we have under the British system. Under our system the cabinet is practically a joint committee of both Houses, which is bound to have the support of a majority of the popular House, and that cabinet is the body which forms the motive power of the administration. In the United States, the cabinet is nothing of the kind. It is, as the hon. gentleman himself said, composed of a kind of idealised deputy heads, deputy heads, however, without the permanence of appointment which deputies under the British and our own system have. The members of the United States cabinet are appointed by the president, subject to confirmation by the Senate; but, as a general thing, the Senate do not raise any question with respect to the appointment of members of the cabinet, though they do with respect to other appointments. In the United States the officers who most resemble our ministers are the chairmen of the important committees. They have them in both Houses, and the chairman of what you may call the finance committee is really the Finance Minister, except that there they have such chairmen in both Houses as both Houses undertake to deal with finance. The United States, as far as its legislative work is concerned altogether, is governed by committees, and as far as the executive work is concerned, it is governed by committees, except in so far as the president himself governs directly. Further, the cabinet of the United States is composed of nine members, whereas our cabinet is composed of fourteen. The population of the United States is eighty millions; the population of Canada is about seven millions, so I do not think you will get any argument for an increase in the number of the administration from the case of the United States. But I think we can look at other places where we will get more light and guidance. There is the Commonwealth of Australia, with a population somewhat less than that of Canada; but it is a vast country, as large as the Dominion of Canada. Its administration presents a great many difficulties. There are many different conflicting territorial and commercial interests, and there are social difficulties to contend with there too. In Australia they have only seven ministers. Why should we

in Canada require to have fourteen ministers? And if the hon. gentleman had his way, perhaps a half dozen under secretaries. I do not see why it should be. But it is not necessary to go even to Australia. We can take the cases of our own provinces. There is the province of Ontario. The hon. gentleman told us that he had occasionally found the demands upon his time and energies excessive. Well, I do not wonder. The hon. gentleman came into power in Ontario at a more or less critical time for his party, and I have no doubt that he had to bestir himself energetically for the purpose of keeping his party from slipping out of office. But one of the hon. gentleman's predecessors, the Hon. Sir Oliver Mowat, was Premier of Ontario, for, I think, about twenty-five years, and when he came here to this Chamber was a fairly vigourous man for his time of life, and he lived to a very patriarchal age; so it does not seem to be that, even in the province of Ontario, which, I admit, is probably the hardest province of the Dominion to govern, the life of a minister is quite unbearable. As far as I can judge, the gentlemen who are now governing Ontario, do not feel that they require to enlarge their cabinet for the purpose of doing the work satisfactorily. I think they have only seven or eight ministers in Ontario. But it must be remembered that they have not the valuable help in that province, of a second House. If they had a second House in Ontario, I have no doubt they could do with even a smaller number of ministers. Go to the various other provinces and you will find that in no case are there more than eight ministers who hold office. In the province from which I am myself proud to come, we have only three ministers receiving pay. There are some members of the government without office, but there are only three ministers and that has been the case for several years; and I do not think that there is any province in the country which is better governed than the province of Nova Scotia. I have never learned that any minister there has suffered either in health or intellect from his exertions as a minister. My own impression is this: so far from there not being sufficient force in the way of numbers to carry on the government of the country, I think that we have rather more than are absolutely necessary, and, in support of that view, I might refer to the testimony given by my hon. friend the Secretary of State the other day, when he told us that he had on many occasions governed the country by himself when all his colleagues were elsewhere.

Hon. Mr. SCOTT—Ascribe it to the deputy minister.

Hon. Mr. POWER—That is just it. Under the British system, if you have a good civil service, the country will practically run itself.

Hon. Mr. SULLIVAN—Why don't you have it then?

Hon. Mr. POWER—I wish to say one thing which perhaps may have a little weight with us here. It was stated by the late Sir John Macdonald, when speaking on the Bill for the creation of Under Secretaries, that it would give young men, budding statesmen, a chance to qualify for higher office. Of course it is rather a narrow and selfish view to take; but I do not think that that would apply to the Senate.

Hon. Mr. ROSS (Middlesex)—We are all young.

Hon. Mr. POWER—I do not think any government would be likely to put members of this House into training as youths whose characters had not been formed, and who should be brought up to politics. Most of us come in here, there are perhaps a few exceptions, at rather mature ages, and I do not think we should get any under secretaries from this House. I wish to say this, however, that if the hon. gentleman proposes to reduce the number of what one may call full blown ministers, and substitute under secretaries for them, then I shall be prepared to agree with him; but, as it is now, I do not think there is any necessity for the under secretaries, and the introduction of under secretaries would involve additional expense and would therefore be objectionable on that ground. I may say, in conclusion, although, perhaps, it does not bear immediately on the question before the House, that the government of this country costs

too much altogether. Both Houses cost more than they should, and I feel that just now that we are prosperous and money is plenty, the tendency is towards extravagance. That should not be encouraged. The scheme of the hon. senator from Middlesex, if carried out, would mean further extravagance and expenditure.

Hon. Sir MACKENZIE BOWELL—In considering constitutional questions of this nature, it is quite evident that the members of the Senate are not very much interested in any changes which may be suggested, except, probably a change which would affect their seats. Beyond that, they take very little interest in what is doing. If we look at the House to-day, and consider the question which is before us, we can come to no other conclusion. I cannot but compliment the hon. senator from Middlesex on having brought this question before the Senate, and particularly for the manner in which he has treated the whole subject. I am not prepared to say that I agree with him upon every point that he has raised. The illustrations that he gave us of the working of the British and United States constitutions are not applicable in their entirety to this country. In the first place, the government of the United States, and the whole principle on which it is administered, is diametrically opposed to that which governs Britain and Canada. The responsibility attached to the ministerial position in England is somewhat different to that which prevails in Canada, although ministers here occupy a position somewhat analogous to the ministers of the Imperial government. Not, however, to that extent is there responsibility. The ministry in England have not only vast territories to govern, but numerous colonies, inhabited by different races speaking different languages, and who think differently and must be governed differently—people whose interests are so different from the interests which are uppermost in this country, that to adopt the whole system in its entirety would not be advisable. At the same time, we might adopt a modified form of the system which prevails in Britain, and it was with that object in view the late Sir John Macdonald introduced a Bill for the appointment of what were termed controllers who were supposed to occupy the same position in Canada that Under Secretaries hold in the Imperial parliament and government. Let me say, that I did not understand the hon. gentleman from Middlesex to advocate the introduction of the British system in its entirety, nor, in the remotest degree, the introduction of the United States system into our government.

Hon. Mr. ROSS (Middlesex)—Hear, hear.

Hon. Sir MACKENZIE BOWELL—As I understood his remarks, he explained the mode of governing the United States and the necessity of having in a vast country like that the assistance of others than the ministers. He also pointed out that in England it was necessary to have Under-Secretaries of State to a much greater extent than he would advocate their appointment in this country, owing to the various interests which they have to look after in the mother country; but that there should be assistants to the ministers in Canada to a limited extent. In that view of the question I am fully in accord with him. When the present government came into power, I complained in this House of the want of knowledge which the representatives of the government here displayed on different questions which came before us for consideration, and claimed that they should have had somebody to assist them. The principle was laid down by the Minister of Justice at that time—the Hon. David Mills, and perhaps there was not a better constitutional authority in the country at the time—that the desire of the present government was to model the administration here to as great an extent as possible upon the British system that is, that each minister should govern his own department, without regard, to a very great extent, of his colleagues. When I pointed out to him the difficulties which must necessarily arise in a country like ours, of such a system, I received no answer. The result of it was that government measures were often introduced by the representatives of the government here which they were unable to explain to the House. I remember distinctly two money Bills, one affecting the Inland Revenue, the other the Customs Department, which were brought into the Senate and neither of the ministers

here could tell us what they contained. I take no credit to myself that I understood the details of the Bill affecting the customs. Having been at the head of that department for thirteen years, it was no credit to me to be able to explain to the ministers the object of their Bill; but what I am pointing out is that they did not understand it themselves. We had a similar experience when a Bill was introduced affecting titles to lands in the Northwest Territories. When I appealed to the Minister of Justice to explain the object of the Bill, and how it could affect real estate and titles in that country, he was unable to tell me. I asked 'Is it possible that you have introduced a Bill affecting the titles to real estate in the Northwest Territories without having it first referred to your own department?' He frankly acknowledged that he had never seen it. It had been introduced by the Minister of the Interior, without consultation with his colleagues or reference to the Department of Justice. I pointed out to him how we used to govern the country on questions of that kind, that the Minister of the Interior would have been obliged to make a report to council. The council would refer that report to the Minister of Justice, that the Minister of Justice would report the effect of it upon titles in that country, and if council approved of it, a Bill was drafted embodying the changes which it was thought necessary to make. The effect of that system was this, that every member of the cabinet knew precisely what the desire of the department was, and what effect the passing of the Bill would have upon the titles to real estate in that country. I find no fault with the hon. Secretary of State for not being acquainted with the contents of every government Bill brought into the Senate, for two reasons; first, probably if the principle laid down by the late Minister of Justice was carried out he had had no opportunity of studying the principle of the Bill before he was asked to introduce it in this House. In the second place it is somewhat difficult, for a man must have a good deal of physical as well as intellectual strength to be able to grasp in a very short time the details of every Bill brought into this House. If he had, as the hon. senator from Middlesex suggests, a deputy here whose business it would be to study those different questions then he would be able to give the Senate such information as is necessary to enable him to deal intelligently with the subjects brought before him. I do not propose to go at length into the reasons why the introduction of controllers, whose position was supposed to be that of under secretaries of state, was a failure under the government of which I was a member. They were practically made managers of the Customs and Inland Revenue Department, but not members of the cabinet, and, consequently, their recommendations had to come through the Minister of Trade and Commerce. I do not hesitate to say that the system would have been a success if the original idea of Sir John Macdonald had been carried out as it should have been. I have no desire to cast reflections on former premiers, but in the appointment of those controllers they were promised too much power when they accepted the office. In fact they were given to understand they would have the same privileges with respect to the exercise of patronage as the minister himself had. No such power as that is given to under secretaries of state, and had their duties been confined legitimately to the carrying out of the practical work of the department, and had they not assumed the duties of ministers, the principle adopted in that Bill would have been successful. There are many other reasons that I could give, but I do not deem it advisable or necessary to give them now. An expression used by Sir John Macdonald to myself on one occasion, perhaps will illustrate my meaning better than anything I could advance. We were discussing some very important question affecting the whole Dominion, and I never forgot the expression he used. He said: 'Bowell, the details of your office are of such a character as to prevent you devoting your time or applying your mind to greater questions.' I said: 'Sir John, you are perfectly right.' Under the present system, particularly in the Customs and Inland Revenue Department—and no one knows it better than the hon. gentleman who sits before me—the minister has to deal with a multitude of details. If there is a dispute at any port in the country affecting the duty upon $10 or $20 worth of goods, the importer is

never satisfied until he appeals to the minister, and the minister has to examine into and decide every little two penny-halfpenny question that comes before him. Those are duties which are performed by under secretaries in England and not by the minister. While I admit that the ministers in England have greater responsibilities, considering the magnitude of the empire itself, when they have to consider and decide upon the policy that should govern the Crown colonies and dependencies, and those colonies that are governed as we are under responsible government, their duties and responsibilities are somewhat more onorous than those which our ministers have to discharge.

We may conclude that there are vast interests which require the best thought and the best intellect in the cabinet, when they are considering the interests of this Dominion. It is no longer a little province, as the hon. gentleman from Halifax says. The province of Nova Scotia is a small province unquestionably, but it has interests which are vital to its prosperity. Still, it does not require the same intellect, and the same thought and the same time to be given to considering the interests of that province as it would if you were considering the interests of the whole Dominion. In Canada we have interests as diversified as any country can possibly have. We have the interests of the maritime provinces, which are not at all similar to those of the middle provinces such as Ontario, and these interests have sides as diametrically opposed as they can be to the interests which prevail and govern the Northwest Territories and British Columbia; and it requires—yes, I use the word advisedly—brains, thought, study and time from one year's end to another to try and devise means by which you can unite these people and make the different interests harmonize as much as possible. We are told that the United States have vast interests. It is quite true; but the interests of the west are not exactly the interests of the east; yet when we consider the great question of the unity of the United States, and when English statesmen consider the unity of Imperialism, and the necessity for keeping the unity of the whole empire, it requires thought and study; and, under those circumstances, it is absolutely necessary that the details of office should be in the hands of under secretaries rather than with the heads of departments. That is the view I hold, and I am strongly impressed with the correctness of the views advanced by the hon. gentleman from Middlesex, that we should introduce in this country a modified system of that which prevails in Great Britain. My hon. friend opposite said, in a joking way, that he sometimes governed the country half the time alone when other members of the cabinet were enjoying themselves at the seaside.

Hon. Mr. SCOTT—With the assistance of the deputy ministers.

Hon. Sir MACKENZIE BOWELL—I rather think the country ran itself at that time. I think I can apply to him the remark that was applied to me on many occasions, that he was perhaps the pack-horse of the government, and that he had all their duties to perform. I sympathize with him. I have been in the same position at times—alone; but, when you are alone there is no question of changing any important matter, or considering any important question. It was merely a question of detail when my hon. friend was left alone. I am judging him by my own experience, and I know pretty nearly how the country was governed under those circumstances. That is, the deputy heads of the different departments performed the ordinary routine business of each department; but when they considered any vital question affecting the Dominion as a whole, or when any question arose affecting any particular province as a whole, my hon. friend did not decide that. That was considered when the whole cabinet met, and they discussed those questions. These are reasons which suggest themselves to my mind, that in a modified way the suggestions made by the hon. gentleman from Middlesex should be adopted. I have long been in accord with sentiments uttered, particularly, by the hon. gentleman who spoke last: that by adopting a system of under secretaries, comptrollers, or whatever you may think proper to call them, giving them seats in each House, so that they could explain the details of their of-

fice, and at the same time give them sufficient power to decide questions to which I have referred, which now have to be decided by the minister, and no appeal, except in very important cases, to the minister himself. Although the late Hon. David Mills, when Minister of Justice here, advocated an increase of the present number of cabinet ministers, I could see no reason for it. I suggested to him that if we adopted the system that has been suggested of under secretaries of state, we might reduce the cabinet by four or five at least. Under the Minister of Trade and Commerce the Revenue Departments could be placed, and the comptrollers or under secretaries of those departments could perform the duties without being cabinet ministers, or paid to the extent to which cabinet ministers are paid. It is not a comparison to refer to the United States. Their system is so different from ours that it is not necessary to refer to them. I may say, however, that I was rather surprised at the—shall I say flippant manner in which I thought the hon. Secretary of State treated that question. He said 'We do not require any introduction of the American system into this country.' I did not understand the hon. gentleman from Middlesex to advocate any such policy. To my mind the object he had in view, and the only one, was to show how that country was governed by a limited number of ministers, but a vast number of what might be termed under secretaries or under heads of departments, who performed the duties which a minister in this country has to perform.

Hon. Mr. BEIQUE—Would the hon. gentleman permit me to ask a question for my own information. The hon. gentleman stated that the advantage of having under secretaries would be to relieve the ministers of the necessity of explaining in the House the details of the departments.

Hon. Sir MACKENZIE BOWELL — No, no. I did not go so far as that.

Hon. Mr. BEIQUE—I am asking this for my information, because I have not a clear idea of what would be the duties of under secretaries if this system were adopted, and I would be very glad to have the opinion of the hon. gentleman on that question. I direct his attention specially to that. The under secretary would be sitting in the House. Supposing there was a secretary for the Department of Public Works, he could not be present in both Houses. The under secretary would not be in the House of Commons if the minister was in the House of Commons.

Hon. Mr. ROSS (Middlesex)—He might.

Hon. Mr. BEIQUE—Suppose he would be in the House of Commons, and the Minister of Public Works would also be in the House of Commons. The minister has to be responsible for the expenditure of his department. He could not call upon the under secretary to be responsible for any part of that, and I should like to know how, in the opinion of the hon. gentleman from Hastings, the duties would be divided between the minister and the under secretary in such a case?

Hon. Sir MACKENZIE BOWELL — I thought I was sufficiently plain in explaining that. My view is that the details of the department should be explained by the under secretary, and the policy of the government should be explained by the minister. If the policy was to build twenty-five customs houses, if you please, or the subsidizing of a large number of steamers, that would be the policy of the government, and that should be explained by the minister; but in the carrying out of the work, the minister might be relieved of explaining the workings of the details of the department. That is the idea that I had in reference to the question put by my hon. friend. You can readily understand that when the question came up as to the imposition of duties, as to whether it should be an ad valorem or specific duty, that would be the trade policy of the government, and the under secretaries would not be empowered to deal with a question of that kind. That would be the duty of the advisers of His Excellency, the responsible ministers of the Crown; but when it came to a question of carrying out the details of the collection of the revenue, under the policy which had been adopted by the government, that would be the duty of the under secretary, and that duty would not be im-

posed upon the minister. Under the present system the minister of Customs is not only responsible for the policy of the government, but he has to explain the workings of it, and he has to explain the effect which it has upon every item upon which the duty is collected. Let me give that as an illustration and see how it would apply to every department. There are so many details connected with the introduction of a principle of this kind that it is almost impossible to deal with them all at once. I am only dealing with the general principle, as I understand it. My hon. friends spoke of how easily they could get along but for the length of the sessions. If my recollection serves me right, my hon. friend has felt the effect of the length of some sessions as much as anybody in this House, and if he had had a little assistance to deal with the details of the questions he has had to discuss, he would not be so weary as I have seen him on many occasions when he rose to speak in this House. He speaks of the difficulty of patronage. I can suggest an easy mode of getting rid of that responsibility. I frankly state that I am not so enamoured of the English Civil Service as some gentlemen pretend to be. Studying that question a little, knowing a little of its practical workings from the fact that I have connections in London in the Civil Service, I think that political influence prevails to almost as great an extent in the appointment and promotion of civil servants there as it does in this country, and will continue to be so. I would suggest to the Secretary of State how to avoid all that responsibility. He says that dealing with patronage is one of the most difficult and unpopular things a minister has to do. All he has to do is to just transfer the patronage to the opposition and relieve himself of all responsibility and trouble attached to it. My hon. friend, the leader of the opposition, will assume that responsibility so far as the Senate is concerned, and by that means the Secretary of State could be relieved of the trouble and annoyance which he has to undergo. My hon. friend says if you want to know what is going on in the Commons you can read the 'Hansard.' I should like to ask him, in all sincerity, how much of the Commons 'Hansard' he has read during the last two weeks? Without casting any reflections upon him or any other member, there is no hon. gentleman in this Senate who pays proper attention to the business of this House, can possibly read all that is said in the other House and become acquainted with every question that is submitted there. I do not look upon this as a political question to divide parties. It is one those changes that, if adopted, the government should be impressed with one idea, and that is that it is in the interest of the country it should be adopted. I am not prepared to say that anything that has been said in opposition to this motion, has convinced me that the views I hold on the question are not correct. I can see many difficulties, as suggested by the hon. gentleman from De Salaberry, in carrying it out. All changes in government require time, to approach anything like perfection, and if a failure takes place in a few months, that is no reason why the change could not be justified. Now, having said this much, I do not propose to follow the example set by the hon. Secretary of State and some others, and discuss the question of Senate reform. That may come up under another form. I have tried to confine myself exclusively to the one question. I may say, however, that I do not think it is in the interests of the Senate that the senators should be suggesting improvements or changes in the constitution. It strikes me that those who oppose the existence of the Senate, who were advocating constantly its reform before they go into the Senate, would show a little more discretion and a little more common sense—and that should be paramount in the consideration of almost any question—if they would just let that question alone. Pandering to the clamour of partisans out of doors is not creditable to gentlemen occupying the position that we do in this House. I admit frankly that when the Conservatives had the majority, then the whole Liberal press was down upon the Senate as being partisan. Now that the Liberals have a majority, unfortunately, and not to their credit, the Conservative press are clamoring for a change also. I will give my views upon that question a little more fully when the matter comes

up. I do not suppose the government are going to adopt the suggestion made by the hon. gentleman from Middlesex, but I venture to say that the colleagues of my hon. friend the Secretary of State, I will not say all, but many of them, are not in accord with the sentiments he uttered here, and I make that statement upon pretty good authority. What the result may be I know not, but in discussing this question let us hope that whatever changes may be adopted, they may be in the interest not of the Senate particularly, but of the Dominion as a whole.

Hon. Mr. MACDONALD (B.C.) moved the adjournment of the debate till Tuesday next.

BILLS INTRODUCED.

Bill (19) An Act to incorporate the Bank of Winnipeg.—(Hon. Mr. Young.)

Bill (23) An Act respecting the ministers' widows and orphans fund of the Presbyterian Church of Canada.—(Hon. Mr. Watson.)

Bill (60) An Act respecting patents of the Goodwin Car Company.—(Hon. Mr. Kerr.)

Bill (61) An Act respecting patents of Montague Moore and Thomas James Haskin.—(Hon. Mr. Kerr.)

Bill (75) An Act to incorporate the Women's Auxiliary to the Missionary Society of the Church of England in Canada.—(Hon. Mr. Baker.)

COPYRIGHT ACT AMENDMENT BILL.

FIRST READING.

A message was received from the House of Commons with Bill (28) An Act to amend the Copyright Act.

The Bill was read the first time.

Hon. Mr. POWER—This is not a government Bill, but it is a Bill dealing with an important question, and, in order to keep it going, I move that it be read a second time on Tuesday next.

Hon. Sir MACKENZIE BOWELL—Is it a government measure ?

Hon. Mr. POWER—No.

Hon. Sir MACKENZIE BOWELL—It is rather an important question to be dealt with by a private member.

Hon. Mr. POWER—It was introduced in the Commons by a private member, the hon. gentleman from South Toronto. I simply give notice to keep the Bill going.

The motion was agreed to.

The Senate adjourned untill three o'clock to-morrow.

THE SENATE.

OTTAWA, Friday, February 14, 1908.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

COMMAND OF THE 16TH BRIGADE OF INFANTRY.

MOTION.

Hon. Mr. LANDRY moved :

That an order of this House do issue for the production of a copy of the correspondence exchanged between the Department of Militia and Defence, or any military authority whatsoever, and Lieutenant-Colonel J. J. Davidson, on the subject of his dismissal from the command of the 16th Brigade of Infantry and of the promotion of Lieutenant-Colonel Sir Henry Pellatt to the rank of colonel in the Canadian militia.

Hon. Mr. SCOTT—I do not think there should be any objection to that order.

The motion was agreed to.

QUEBEC BRIDGE.

Hon. Mr. LANDRY—I wish to draw the attention of the government to a telegram published this morning in 'Le Canada' of Montreal. The translation of it in English is as follows :—

The Quebec bridge—The main pier in its turn threatens to break down.

Quebec, February 13.—The main pier of the Quebec bridge is now apparently in great danger. owing to the fact that what remains of the superstructure is in exactly the same position as immediately after the disaster. The engineers declare that there is no other alternative than to cut off the steel structure, which still adheres to the pier, otherwise the ice will cause considerable damage next spring. The depth of the river at this point is 300 feet, so that in sinking to the bottom the steel superstructure, which is altogether lost, will not interfere with navigation.

I desire to inquire of the government, as parliament has guaranteed the issue of

the debentures to an amount of five million and some hundred thousand dollars, if the government will interfere in this matter and direct the company to remove that steel immediately, or if they will run the risk of a further disaster at the Quebec bridge?

Hon. Mr. SCOTT—Before coming to the Chamber I noticed the article that my hon. friend has read, in the Montreal 'Gazette,' and I intended calling the attention of my colleagues to it. I will do so to-morrow morning. If the company do not, the government certainly ought to do anything necessary to protect the pier which has cost a good deal of money. The metal that is in the river, I suppose, can never be utilized.

DOMINION LANDS SURVEYS BILL.

THIRD READING.

Hon. Mr. SCOTT moved the third reading of Bill (9) An Act respecting the surveys of the public lands of the Dominion and the surveyors entitled to make such surveys.

Hon. Mr. McMULLEN—I should like to know what are the instructions generally given the surveyors in surveying Crown lands? Are they supposed to take a note of the quality of the land and classify it, or are any instructions given on that point? I have understood that the men employed to survey lands in the Northwest were supposed to report as to the quality of the lands they surveyed. Now, I have had some experience in connection with lands that were classed as No. 2, and I found some of them were nothing but a bed of sand coated with prairie grass. That is why I wish to know if surveyors who survey Crown lands are required to classify the land and describe its fitness for agriculture?

Hon. Mr. SCOTT—I am quite unable to give definite information on that point. The opinion I have always entertained is that in the first place they are instructed to make the survey and to report as to the character of the land. My reading of the report of the Interior Department would indicate that they always make some comment on the character of the land; but I fancy it is only a cursory one. The main purpose is the survey, and I presume they look upon that as ancillary to it, and probably do not take the same care that they otherwise would. I shall be glad to get a copy of the instructions for my hon. friend and give it to him at the next meeting of the House.

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

EASTERN TRUST COMPANY BILL.

REPORTED FROM COMMITTEE.

Hon. Mr. DRUMMOND from the Committee on Banking and Commerce reported Bill (G) An Act respecting the Eastern Trust Company, with amendments. He said: The amendments are on two clauses and involve some attempt on the part of the committee to limit or guard the powers of the executive committee, so called, to be appointed. The object is to guard the interests of the company by limiting the extent of the powers to be so delegated.

The Senate adjourned until Tuesday next at Three o'clock.

THE SENATE.

OTTAWA, Tuesday, February 18, 1908.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

LIMITATION OF DISCUSSION.

Hon. Mr. McMULLEN—I beg to give the following notice of motion:

That in view of the increased length of the sessions of parliament and the time consumed by members of the House of Commons in discussion of public questions:

In the opinion of this House the rules governing debate should be changed and the Speaker clothed with authority to limit the time for discussion and appoint a date for division on each question, giving a fair proportion of time to both sides of the House.

Hon. Mr. POWER—I wish to direct the attention of his honour the Speaker to the character of the notice which has just been given. I do not think this House has any right to deal with the way in which the other House does its business.

The SPEAKER—I think the hon. gentleman could attain his object by framing his notice otherwise. I shall have occasion to confer with the hon. gentleman about it.

AMENDMENTS TO MILITIA ACT.

INQUIRY.

Hon. Mr. LANDRY inquired :

Is it the intention of the government to submit during the present session amendments to the Militia Act?

Hon. Mr. SCOTT—I am advised by the Department of Militia that the subject is under consideration.

DISTRIBUTION OF KING'S REGULATIONS.

INQUIRY.

Hon. Mr. LANDRY inquired :

1. What class of military persons is the Department of Militia and Defence appointed to make gratuitous distribution of the Militia Act and the King's regulations, of the United Kingdom?
2. How many copies in all of each of these books are thus distributed gratuitously?

Hon. Mr. SCOTT—The answers to the hon. gentleman's questions are as follows :

1. The King's Regulations and Orders for the Militia, 1904, containing the Militia Act, were issued to all officers, warrant officers and staff non-commissioned officers of the permanent force, and to all officers commanding units of regiments, adjutants, paymasters and quartermasters. The King's Regulations for the Army, 1904, were issued to all officers, warrant officers and non-commissioned officers of the permanent force.

2. 2,080 copies of the King's Regulations Orders for the Militia, 1904, containing the Militia Act were distributed gratuitously. 347 copies of the King's Regulations for the Army, 1904, were distributed gratuitously.

SALE OF TIMBER LANDS IN THE NORTHWEST.

INQUIRY.

Hon. Mr. MACDONALD (B.C.) inquired:

1. Will it be advisable to consider the present condition of affairs in the Northwest Territories or the new provinces with regard to large tracts of timber lands acquired by purchase and lease?
2. Have the conditions on which such timber lands were acquired as to progress, utilization and sale been complied with?
3. Does the holding of such timber lands by a few persons retard the progress of settlement in the Northwest and enhance the cost of timber for building purposes?
4. Is the government aware of combinations by dealers in manufactured timber acting as a hardship or almost total prohibition to consumers, and poor settlers endeavouring to make a home?
5. Will the government use its best influence and efforts to lessen abuses in this direction and help new settlers?

He said : The questions that I am asking the government are not put with any partisan feeling. They are entirely in the interests of the people of the Northwest—young settlers, going in with very small means, and no one will deny that large tracts of timber lands have been sold or leased to different people, and the question is whether the holders of the leases are complying with the conditions on which they receive those lands. If not, the government should step in and cancel their leases or holdings, because I believe that timber is very scarce in the Northwest for fuel or building purposes: there have been very many settlers going in there, some of them poor people, and they require all they can get. I am not conversant with the lumber trade, but I daresay the hon. leader of the opposition will be able to tell us about it, if he feels so disposed.

Hon. Mr. SCOTT—The area of forest on Dominion lands in the western provinces was estimated by the Superintendent of Forestry in 1903 as 150,000 square miles, taking only one-fifth of the total area as being covered by forest. There are reserved for the forest parks and forest reserves 10,904 square miles. The area disposed of to private parties under license is 8,174 square miles. There is, therefore, no necessity for any special consideration of the question. I notice that the ministration of the department on the subject of timber licenses is governed by the rule that no licenses are issued until the necessity for them is shown in the locality, and then they are sold by auction. The answers to the other questions are as follows :

2. Yes.

3. No, as the Department of the Interior can require the operation of timber limits on Dominion lands and is doing so in all

cases where such limits are held for five years or more.

4. The government has no evidence in regard to the matter except that presented before a parliamentary committee during last session, and the record of the trial of the case entered by the government of the province of Alberta against the Alberta Lumber Association, but there now appears to be a sufficient supply of lumber in the west and prices have dropped.

5. The government is using and always will use its efforts to lessen abuses and help new settlers.

CIRCULATION OF CANADA GAZETTE.

INQUIRY.

Hon. Mr. LANDRY inquired :

What is the present circulation of 'The Canada Gazette' in each of the provinces and in the territories?

Hon. Mr. SCOTT—I have received the following statement from the department with reference to the circulation of the Canada 'Gazette' :

Statement showing present circulation of the 'Canada Gazette' in each of the provinces and in the territories of the Dominion, also circulation in Prince Edward Island, Great Britain and foreign countries, February 14, 1908.

Dominion of Canada—		
Ontario	690	
Quebec	438	
New Brunswick	120	
Nova Scotia	146	
British Columbia	69	
Manitoba	76	
Alberta	29	
Saskatchewan	29	
Yukon	11	
Prince Edward Island	27	
		1,635
Great Britain	27	
Foreign countries	38	
		65
Total		1,700

THE TELEGRAPH SYSTEM OF CANADA.

MOTION RULED OUT OF ORDER.

The notice of motion being called :

That in the opinion of the Senate the Railway Commission of Canada should be enlarged, and the telegraph systems of the Dominion placed under its control, and that a thorough investigation should be made by the commission into the working of said systems to assure the public an efficient service and an equalization of rates.

Hon. Mr. SCOTT.

Hon. Mr. DAVIS—I might ask the leader of the House if he thinks it desirable that I should go on with this motion to-day ?

Hon. Mr. SCOTT—As there is some practical work before the House, I think we must all recognize that it would be better to defer this motion and place it at the foot of the order paper for this day week.

Hon. Mr. DAVIS—I have been given to understand that a question of order will be raised with reference to this motion, if it is brought up. If it is to be ruled out of order I shall proceed now.

Hon. Mr. POWER—Is the hon. gentleman anxious that the question of order should be raised ?

Hon. Mr. DAVIS—No, I am not; but I have been given to understand that it will be raised if I proceed.

Hon. Mr. POWER—If the hon. gentleman intends to proceed, I shall raise it.

Hon. Mr. DAVIS—Then I propose to proceed.

Hon. Mr. POWER—This motion is not in order, because it proposes to anticipate action which was foreshadowed in the speech from throne, and is therefore against parliamentary usage. His Excellency said in his speech at the opening of parliament :

The time has arrived when the public interest requires that telegraph and telephone companies holding federal charters should be placed under government control. A Bill will be introduced for that purpose.

That is substantially what the hon. gentleman is looking for.

Hon. Mr. DAVIS—I want to call my hon. friend's attention to the fact, that in the same speech from the throne His Excellency says : 'I commend to your thoughtful consideration the several subjects,' which means that we are to discuss them.

Hon. Mr. POWER—Yes, when they come before us.

Hon. Mr. DAVIS—They may never come before us. Something might happen to prevent the introduction of the Bill. Has it never been known that a Bill foreshadowed in the speech from the throne did not materialize ? This particular one may

or may not be brought down ; therefore I claim the right to discuss it, because we have no such legislation before us.

Hon. Mr. POWER—Then we shall have to live the rest of our lives without the light which the hon. gentleman would shed on the subject.

Hon. Mr. DAVIS—We get sufficient light from the hon. gentleman, who considers himself wiser than Moses and Solomon and all the philosophers of the past ; but I want to tell him that I do not wish to draw my light from such a source.

Hon. Mr. POWER—I raise the question of order at any rate.

Hon. Mr. DAVIS—It is for the Speaker to rule, and not my hon. friend.

Hon. Mr. LANDRY—I find that on page 278 of the last edition of May, this question of anticipating a debate is treated. He says :

> A motion must not anticipate a matter already appointed for consideration by the House. A motion is also equally out of order which anticipates a motion for leave to bring in a Bill that includes a subject proposed to be dealt with by the motion or a Bill appointed for consideration, though the Bill may not have been printed. The reference, however, of a matter to a select committee does not prevent the consideration of the same matter by the House.

I do not think we could anticipate a debate until the Bill comes before us, that is if the Bill was brought down in the House of Commons or here, we could not discuss a motion to bring before this House matters really to be discussed afterwards. I think that would be anticipating the debate, but the mere mention in a speech from the throne that a measure is to be brought down does not prevent a member from discussing the question until the measure is brought down.

Hon. Mr. FERGUSON—Up to the time my hon. friend the Secretary of State replied to the hon. member from Prince Albert, I would have leaned to the opinion that this motion was not in order, because the government had put a paragraph in the speech from the throne that a measure was to be brought down dealing with this very subject; but the remarks of my hon. friend indicate that the government do not intend to proceed with it, because he said it was not practical.

Hon. Mr. SCOTT—I did not make a statement of that sort.

Hon. Mr. FERGUSON—My hon. friend said we had more practical business before us, and, therefore, were not to deal with this motion, from which I infer that the government thought it was not a practical issue, and had gone back on their policy. If my hon. friend meant exactly what he said, it would be taken as an indication of the course the government intend to pursue, that they have withdrawn that part of their programme as announced from the speech from the throne, and, therefore, we have right to take him as being absolutely in earnest, and, in that way, my hon. friend from Prince Albert would be perfectly in order.

Hon. Mr. SCOTT—The reason that influenced me in saying, I did not consider the hon. gentleman is in earnest is that this motion has been on the order paper for two and one-half months. Anyone who puts a motion of that kind on the order paper is blocking business. It is an obstruction that we have to jump over every time we come to it. It has been on the order paper from December 2.

The SPEAKER—It is a well known principle that no question can be debated twice during the same session. For that reason, rules have been laid down against anticipating a question with which the House is seized. Parliament has been seized in a very solemn way by the speech from the throne with a notice that a Bill will be brought down. My opinion is that the hon. gentleman could not proceed with his motion before asking the ministers representing the government here if they intend to implement that declaration in the speech from the throne shortly. If the answer is in the affirmative, I will declare the motion of the hon. gentleman out of order. A decision to that effect was rendered by the Speaker of the House of Commons in Great Britain on May 25, 1903. Mr. Lough of Islington, brought up the question on a motion for adjournment. The report of the discussion is as follows :

MOTION FOR THE ADJOURNMENT.

Mr. LOUGH (Islington, W.)—I beg to ask leave to move the adjournment of the House in order to call attention to a definite matter of urgent public importance—namely, the determination of His Majesty's Ministers to spend public money in connection with the Brussels sugar convention without the sanction of parliament.

Mr. SPEAKER—I do not think I can accept that Motion, because, as I understand, a Bill is already down upon that subject, and the matter can come on for discustion then.

Mr. LLOYD-GEORGE—I understood the Prime Minister to say it was proposed to spend the money before introducing the Bill. Surely it is open to the opposition to contest the right of the government to spend money without the sanction of parliament merely on a promise to carry through a Bill.

Mr. LOUGH—The convention is to meet on the 1st of June and the Prime Minister said the Bill would not be introduced before that date.

Mr. A. J. BALFOUR—I said just the contrary.

Mr. WHITLEY (Halifax)—Asked whether a resolution passed last year could be taken under the rules of the House as authorizing this expenditure of public money.

Mr. SPEAKER—That is not a matter which arises on this motion. In fact, I do not know to what resolution the hon. member refers.

Mr. LLOYD-GEORGE—It is not on the order-book.

Mr. SPEAKER—Notice has been given to the House by the government.

Several hon. MEMBERS—No.

Mr. BUCHANAN—Can we be prevented from discussing this motion because of a mere verbal promise to introduce a Bill dealing with a subject not yet on the order-book?

Mr. SPEAKER—Although my statement has been contradicted, I may point out that notice of a Bill to enable the government to carry into effect the convention is on the order-book, and has been there many weeks.

So I consider that the hon. gentleman, before putting his motion to-day, should inquire of the government if it is their intention to bring down that Bill, and if they reply in the affirmative, then the motion must be deferred or dropped.

Hon. Mr. LANDRY—There is no decision given yet.

The SPEAKER—Not until the hon. gentleman puts the question and is answered.

Hon. Mr. SCOTT—I have been asked that question once or twice since the House opened, and replied in the affirmative. I think the Bill is already drafted, and, of course, it contains provisions affecting the matter contained in the notice given by my hon. friend.

The SPEAKER

Hon. Mr. LANDRY—In the case which His Honour the Speaker has mentioned, it was one involving an expenditure, which must be introduced in committee.

The SPEAKER—In that case there had been no Bill, but a declaration of the government that a Bill would be brought down. I think the fact that the speech from the throne mentions the intention of the government to bring down a Bill, which is subsequently confirmed by the government of the day, precludes the hon. gentleman putting his motion.

Hon. Mr. CLORAN—Is that in conformity with the right of public discussion?

Hon. GENTLEMEN—Order, order.

Hon. Mr. CLORAN—I am simply asking a question of the chair.

Hon. Mr. POWER—The hon. gentleman has no right to reflect on the decision of the chair unless he proposes to appeal.

Hon. Mr. LANDRY—But we learn from the report that the Speaker has read that the members of the House of Lords have asked questions of the Speaker.

Hon. Mr. CLORAN—I am very glad that the hon. Speaker of this House listens to the advice of the hon. senator from Stadacona instead of that of other members. I am asking if that decision is in conformity with the right of public discussion?

The SPEAKER—I have said it is in conformity with the practice of the British parliament and should be followed here.

Hon. Mr. POWER—When the Speaker gives his decision, unless an hon. member proposes to appeal, he has no right to question it.

Hon. Mr. DAVIS—If I am forced to do it, I shall move the adjournment of the House. I do not want the hon. senator from Halifax to bob up every time I have anything to bring before the House, and I want him to understand that I will not submit to it much longer.

Hon. Mr. POWER—As long as the hon. gentleman is a member of the Senate, he is bound to submit to the rules of the Senate.

Hon. Mr. DAVIS—I wanted to ask a simple question. I could not follow the Speaker when he was reading from the authorities he quoted; but as far as I could hear I could not see the analogy between the case he cited and the case before the House to-day.

The SPEAKER—The hon. gentleman has not any right to discuss the decision of the chair unless he intends to appeal against it.

Hon. Mr. DAVIS—I shall bring the question before the House in a way that it cannot be ruled out of order.

ROUTES OF THE TRANSCONTINENTAL RAILWAY.

MOTION.

Hon. Mr. THOMSON moved :

That an humble address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to cause to be laid before the Senate a return showing with respect to the two routes of the Transcontinental Railway that were surveyed between Grand Falls and Chipman, in the Province of New Brunswick, the estimated cost of each of the lines, that is to say :—

1. The 'Back Route,' so-called.
2. The St. John Valley route.

With the following details :—

(a) Cubic yards of ordinary excavation and fills.
(b) Cubic yards of loose rock.
(c Cubic yards of solid rock.
(d) Cubic yards of concrete.
(e) Miles of steel trestle and cost.
(f) Number and cost of bridges.

And with respect to the 'Back Route,' giving the last-mentioned details as regards the following subdivisions of that route :—

1. Grand Falls and Tobique River.
2. Tobique River and Intercolonial Railway.
3. Intercolonial Railway and Chipman.

And is it the intention to adopt a pusher grade in the route selected ?

The SPEAKER—Perhaps it will go as an order of the House.

Hon. Mr. SCOTT—Yes.

The motion was agreed to.

WINDING UP OF THE NEW YORK MUTUAL RESERVE LIFE INSURANCE COMPANY.

Hon. Mr. McMULLEN—I should like to inquire of the Secretary of State in regard to a matter of vital importance. I see that in New York the Attorney General of that state has applied for a winding-up order of the New York Mutual Reserve Life Company, and has also asked for a receiver. They have been found upon the recent inspection to be $1,360,000 short of the necessary sum to enable them to continue business. Their license has been suspended, and there are a great many policy-holders in Canada; therefore I should like to know whether it is the intention of the Department of Insurance to suspend the license of this company in Canada, or what steps are likely to be taken in the interests of policy-holders here? We have a great many policy-holders in Canada and I think it would be well that some steps should be taken on their behalf.

Hon. Mr. SCOTT—I will inquire of the Minister of Finance in regard to the matter. I presume that if the license has been suspended in one country it must be suspended in the other; but I will ascertain the facts to-morrow.

DISALLOWANCE OF NATAL ACT OF BRITISH COLUMBIA.

Hon. Mr. LOUGHEED—May I direct my hon. friend's attention to the fact that all the papers—and hence I do not refer to any particular one—have stated in to-day's issue that the government was about to disallow the Natal Act passed by the legislature of British Columbia and that an official copy is daily expected at the office of my hon. friend the Secretary of State. May I ask my hon. friend if the official copy has been received yet, and if it is the intention of the government to disallow the Act at once upon its receipt, and what action has the government taken with reference to protecting the alleged rights of the two Japanese who have been arrested in Vancouver under the Act? I presume my hon. friend's attention has been directed to the fact of that arrest, inasmuch as the statement is made that this government has instructed counsel to protect the interests of the Japanese to whom I allude.

Hon. Mr. SCOTT—Last week, the Department of Justice was instructed to employ counsel for the purpose of defending any Japanese who might be arrested under the recent Act passed by the British

Columbia legislature. The Act itself was received this morning, and was at once sent to the Department of Justice, and I have not seen the Minister of Justice since, nor have I seen his report. Therefore, it would be premature for me to make any announcement. I presume we will have his report to-morrow.

Hon. Mr. LOUGHEED—Were those instructions issued for the defence of the Japanese in question, in contemplation of a disallowance of the Act, if the Act be along certain lines?

Hon. Mr. SCOTT—That I could not answer. The reason for giving the instructions was that we considered the Act passed by British Columbia was wholly inoperative as far as the Japenese are concerned, because it would be contrary to section 95 of the British North America Act, which provided that while a province might legislate on immigration, it must not pass any laws that are adverse to a law of the federal power. Now we have a law on our statute-books under which the Japanese are allowed to come in, and the treaty was confirmed last session; so that the Act, in my judgment—and I presume I am right—would be inoperative as against Japanese. Instructions have been given to the counsel in Vancouver and Victoria, that if any Japanese were arrested they should look after their case and take out a writ of habeas corpus if necessary. If any proceedings were taken against them, the Japanese should be protected.

Hon. Mr. LOUGHEED—It would be in anticipation of the Act being in contravention of the Japanese treaty.

Hon. Mr. FERGUSON—Will my hon. friend inform the House whether the government gave the instructions to the governor of British Columbia in regard to the Natal Act, that he was to disallow it, or if there was any such instruction sent if it was in disobedience of the order of this government.

Hon. Mr. SCOTT—He was left to follow his own course in this matter, and he seems to have taken the advice of his constitutional advisers by signing the Act.

Hon. Mr. FERGUSON—It would be interesting to know why a different course was pursued in this case from that taken in the former case; because in that case a telegram was sent asking for assurance?

Hon. Mr. SCOTT—No. I am the one who had the conversation with Mr. McBride.

Hon. Mr. FERGUSON—I am speaking of the telegram.

Hon. Mr. SCOTT—When Mr. McBride was on his way to London, he called at my office, and, among other subjects, we discussed this Act, and I put the question whether this Act was going to be allowed—whether it was to be assented to, and he told me it was not. I then wired the lieutenant-governor, stating that his prime minister had informed me that the Act would not go into operation—is that the intention? And he answered yes.

Hon. Mr. FERGUSON—The hon. gentleman asked the governor, 'Can we rely on that assurance?'

Hon. Mr. SCOTT—Yes, on Mr. McBride's assurance.

NEW YORK MUTUAL RESERVE LIFE ASSOCIATION.

Hon. Mr. CLORAN—I wish to direct the attention of this House to the question raised by the hon. gentleman from Wellington. He referred to the Mutual Reserve Life Insurance Company, which was under investigation here three years ago under very adverse circumstances, and asked if the government was prepared to take measures to secure the policy-holders in Canada.

The SPEAKER—Does the hon. gentleman intend to put a question?

Hon. Mr. CLORAN—I am referring to what he said, and will put my question later. I asked if the government is aware that it is not the Attorney General of New York, but the policy-holders of the company who have asked that this company go into insolvency, which is altogether a different matter. If the Attorney General of New York demanded an insolvency it might be a party question, or some other question; but the policy-holders themselves in the United States have asked the State

to appoint a receiver. Under these circumstances, I would ask conjointly with the hon. gentleman from Wellington, what steps the government intend to take to safeguard the interests of the policy-holders in Canada.

Hon. Mr. SCOTT—I answered the hon. gentleman from Wellington that my attention had only been called to the matter today, and that I had no opportunity of finding out what the views of the Finance Department were, and that I would do so at the earliest possible moment, and have the information before the House to-morrow.

BILLS INTRODUCED.

Bill (U) An Act to change the name of the head office of the Anglo-Canadian Insurance Company.—(Hon. Mr. Watson.)

Bill (V) An Act respecting the Dominion Guarantee Company, Limited.—(Hon. Mr. Watson.)

Bill (T) An Act respecting the Atlantic and Quebec Railway Company.—(Hon. Mr. Fiset.)

COMPANIES ACT AMENDMENT BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into Committee of the Whole on Bill (I) An Act to amend the Companies Act.

In the committee.

On clause 1,

Hon. Mr. SCOTT—The Act is called by different names in the revision. It is called an Act Respecting Companies, and in the statute it was called the Companies Act of 1902, and it has been held, to make it clear, that the first section should be amended, adding that the Act shall apply to all companies incorporated under the Companies Act of 1902. I move that subclause C stand as part of clause one. It is a mere technical point.

The motion was agreed to.

On clause 2,

Hon. Mr. SCOTT—A firm in Toronto requested us to add a provision in the next section. It appears that they have issued bonds under the Companies Act which are likely to be taken up in France and some in Germany, and they found that the parties who were taking them up objected unless the currency of the particular country was described. So that as nearly as practicable to the equivalent of one hundred dollars, the clause indicated that bonds may be issued in marks and in francs, twenty pounds sterling, 500 francs or 400 marks, or in sums not less than the nearest equivalent in round figures to the sum of $100. It was found that Canada's credit was rising in the markets of the world, and some of our people who were issuing bonds find that a better price can be had for them in Germany and France than in Great Britain, and they wish to avail themselves of the opportunity. It is a great advantage to Canada if our bonds get on the financial markets of France and Germany. It gives us a wider opportunity for floating bonds.

The clause was adopted.

Hon. Mr. McKEEN from the committee reported the Bill without amendment.

BANK OF WINNIPEG BILL.

SECOND READING.

Hon. Mr. WATSON (in the absence of Hon. Mr. Young) moved the second reading of Bill (19) An Act to Incorporate the Bank of Winnipeg.

Hon. Mr. LOUGHEED—I recently directed the attention of the Chamber to the numerous applications for what must necessarily be termed small banks, and I asked my hon. friend what the policy of the government would be with relation to the passage of those Bills. Considerable criticism has been made, not only in the other House but in the press of the country, with reference to the incorporation of banks of this kind. It seems to me that the indiscriminate action of parliament in chartering numerous small banks, is bound to reflect upon the financial status of our banks generally; and it further seems to me that the government should adopt some policy upon this question; so that there may be some better supervision than there has been in the past, with reference to the privileges which are being exercised by those who are organized for the purpose of carrying on the banking business.

Hon. Mr. SCOTT—The hon. gentleman knows that the Bank Act itself prescribes how a charter may be obtained. It even gives the form and wording of it. I submitted the subject to the Finance Minister, who said he was quite unable to make any change in the Bank Act until the term expired. Every ten years our Bank Act is criticized thoroughly and suitable changes are made. It is brought before parliament, and the minister thought the responsibility for allowing Bills of that character to go through rested with parliament itself. They might insist on larger sums being deposited or greater capital subscribed.

Hon. Mr. McMILLAN—The last clause of this Bill provides that it shall remain in force until the year 1911. I think that is an unusual clause. I do not think the Bank Act permits a bank to continue in operation that length of time before the charter becomes invalid, by reason of the stock not being subscribed. However, that is a section that can be amended in committee.

Hon. Mr. LOUGHEED—My impression is that the bank charters expire shortly; but it might very well be said that notwithstanding the fact that the Banking Act makes provision for the incorporation of banks, the financial credit of the Dominion has been very seriously shaken by reason of the failure of some of the smaller banks, and the apprehension which has been expressed in many quarters, particularly in financial circles with reference to the solvency of other smaller banks which have been recently incorporated. If the Bank Act, even as it at present stands, does not sufficiently safeguard the interests of the banking institutions of the Dominion, there is no reason why there should not be an immediate intervention by the government with reference to the protection of those interests; and it seems to me that it is not a good argument that we should wait until the expiration of the present charters before the government gives mature consideration to this question.

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

Hon. Mr. LOUGHEED.

MISSIONARY SOCIETY OF THE CHURCH OF ENGLAND BILL.

SECOND READING.

Bill (75) An Act to incorporate the Women's Auxiliary to the Missionary Society of the Church of England in Canada.—(Hon. Mr. Baker.)

APPOINTMENT OF UNDER SECRETARIES.

DEBATE CONCLUDED.

The order of the day being called:

Resuming the further adjourned debate on the motion of the hon. Mr. Ross (Middlesex), that in the opinion of the Senate, the time has arrived for supplementing the executive government of Canada, by the appointment of under secretaries to the more important departments of the public service, with duties and privileges as near as may be similar to those of the corresponding officers in the parliament of Great Britain.

Hon. Mr. MACDONALD (B.C.)—I do not rise as much to discuss this question as I do to express my surprise that such an experienced parliamentarian as the hon. gentleman from Middlesex should place a subject like this before the Senate.

I consider it a matter entirely for the government—a matter of administration to be taken up, or left alone as it finds the necessity. The motion may be taken as a reflection on the government, as much as to say: 'You are behind in your work, unfit to carry it on. We will give you under secretaries who will quicken you up, and do the work of the country.' Although this construction could be placed on the motion, I am sure it was not the intention of the mover, but rather he was prompted by an overflow of charity and commiseration for a hard-worked cabinet. Since when has the government of Canada become so modest and bashful as not to ask for, and take what it wants? The hon. gentleman may rest assured that if the government felt the want of under secretaries it would have them without asking the Senate, except in the usual parliamentary way, by placing a Bill before us to pass.

Under secretaries elected by the people, if thoroughly honest, might be a source of uneasiness to a minister. It is well known that in the spending departments as well as in that of the Department of the Interior there are always certain matters—such

as contracts, extra payments, purchasers, commission to middlemen, sales and leases of land to favorites kept back from parliament, which an elected under secretary might reveal. Ministers do not complain of the present system, nor does the House of Commons. All departmental information can be had under the present system of deputy heads of experience, who have numerous clerks under them, who prepare briefs, replies to questions, and general information for the minister to lay before parliament as far as he considers necessary. It will be, therefore, seen that it is as easy task for the ministers to reply for their individual departments. The only hardship is in the Senate, where the hon. Secretary of State has to reply for all departments and Senators feel that this is too much for one minister. We know the indefatigable industry of the hon. Secretary of State; but the numerous questions asked by the hon. gentleman from Stadacona would require two under secretaries to reply to them. The hon. gentleman takes a position with the Ross rifle and blazes round the corners at the hon. Secretary of State or he uses the Marconi system. Seriously speaking, however, the hon. Secretary of State should have a responsible person to assist in replying to questions brought before the Senate.

Hon. Mr. ROSS (Middlesex)—My hon. friend from Victoria wonders how it is that from my experience of government and parliament I propose such a resolution. Well, it is because of my experience that I have proposed the resolution; because of what I have seen in the House of Commons during the eleven years I was a member of that body; because of what I have learned since coming here, as well as my observation of the debates in the proceedings of parliament, when I had not a seat in either House, that I have been led to the conclusion embodied in this resolution. Whether my experience is confirmed by the views of hon. gentlemen in this House, is a matter yet to be determined upon. The hon. Secretary of State is not of my view, nor is the hon. senator from Halifax. The only hon. member who has taken part in this discussion who appears to coincide with my view is the hon. senator from Hastings. I have, therefore, the experience of one hon. gentleman who occupied the distinguished position of Prime Minister at one time in this country, that the change now proposed, whereby ministers would be aided in the discussions, and in answering questions, is a change that is in the public interest. I have not at all changed my view because of anything that has been said by an hon. gentleman who opposes this motion. My hon. friend from Victoria says when anything of this sort is needed, the House of Commons will ask for it. We are not so much concerned with what the House of Commons may want or ask for; it is with our own interests we are concerned. I may not voice the opinions of the House; I voice my own opinion, and that is that we do want to ask for it; humbly ask for it of course, and that we do need it and need the change very badly. I do not by these expressions reflect in the slightest degree on the leadership in this House or the support given the hon. Secretary of State by the hon. Minister of Trade and Commerce. I simply mention it because I feel that the leader of this House is overtaxed in being obliged to answer so many questions, and to explain every Bill coming from the House of Commons, numbering from one hundred to one hundred and fifty per session; and also to discuss the Bills brought into this House and wait on the committees throughout the session. The task is more than we should ask any one person to undertake. It is a task which has been on the whole well fulfilled; but this is a progressive age and what we have been doing fairly well we may hope to do better by some change in our plan. The hon. Secretary of State has said that the press has taken no notice of this question, and the hon. senator from Halifax has said that there is no public interest in the question. That is the trouble with our situation. The press, as a rule, takes very little interest in the Senate—why? Because there attaches so little interest to the Senate. One reason is our limited constitutional functions, and, another reason, because we do not initiate legislation here that commands the attention of the country. We are lost to public observation, partly because of our constitutional

limitations, and partly because we undertake so little. My proposal simply is that if we had under secretaries here and could initiate legislation, and bring before this House questions ranging to a certain degree in importance with the questions introduced in the other House, then the press would give us notice. I do not blame the press. You will find reporters flocking to the galleries of the other House, while ours are deserted. Why?—because they find so little here to report. They know we are a registering body—call us that. They know that the details of important measures have been thoroughly discussed before they come to this House. What further can be said about them? Nothing further, as a rule, is said, and some of the most engrossing questions which may occupy the attention of the other House for days, pass here without discussion. Discussion is not necessary. It is to the credit of this House that we waste no time in needless discussion; but if important measures were initiated here, there would be important discussions; and the attention of senators and their mental activity would be engaged in preparing bills for the House of Commons, and time would be saved to the House of Commons in that way. I notice the hon. senator from Halifax favoured the Act of 1887. So far so good; but he held, although he favoured the Act, that Sir John Macdonald had not himself approved of it very strongly when he failed to put it in force during his lifetime. There might have been reasons why that Act was not put in operation. A Minister of Trade and Commerce was appointed after the decease of Sir John Macdonald, and that was, perhaps, as far as the government could go at that stage. In order that Sir John Macdonald could carry out the provisions of his own Bill he would have been obliged to depose some of his ministers—allow them to retire, or relegate them to an inferior position in the government. I can understand that he was not disposed to do that. The hon. senator from Hastings was then Minister of Customs. He could not very well say to that distinguished colleague of his: 'I will make you controller.' He would say: 'I must wait until an opportunity occurs to make appointments.'

The opportunity did not occur in his lifetime. His successor was Sir John Thompson, and he transferred the hon. senator from Hastings from the Department of Customs to the Department of Trade and Commerce. The hon. gentleman from New Brunswick (Hon. Mr. Costigan) was then Minister of Inland Revenue. He could not retire him conveniently, and did not want to relegate him to an inferior position; he had to wait for his opportunity. The opportunity did not come in his lifetime; but in the matter of the Solicitor General when the interest of none of his colleagues intervened and the coast was practically clear, he at once made provision for the appointment of that officer. So we are not in a position to say, and Sir John Macdonald is not here to be examined as to why he did not carry out at an early day the provisions of his Bill. I am giving the reasonable construction, and I think if the hon. senator from Hastings were here he would corroborate what I have said. Then it is said by the hon. senator from Halifax, and the hon. Secretary of State, that the English example is not one we should too slavishly follow. I did not ask this House to too slavishly follow the English system. We may adopt the English system of having a cabinet varying in numbers. Our cabinet seems to be rigid, the number being fixed at fourteen. In England, as I said in the former debate, the cabinet varies from twelve to nineteen, nineteen being the highest number in the last twelve or fifteen years. I would have no objection to the adoption of that system. There is a good deal to be said in favour of it. A cabinet may be too large as well as too small. In fact, the reason why the cabinet was adopted in England in the reign of the Georges, was that the premier found himself in a safer position if he consulted with a smaller number of the Privy Council. Hence there arose an imperium in imperio, a cabinet within the council. That is the origin of the cabinet, and though its numbers have varied with the different premiers, there is no reason why that system should not be adopted in Canada, if we find it suitable to our circumstances. But the hon. Secretary of State goes further and says that although the British government is a very large cabinet and adminis-

tration, the whole government consisting of practically sixty members. Britain has many colonies, and has an extended jurisdiction entirely uncomparable with the jurisdiction which the parliament of Canada possesses. That is true, and she has officers in proportion. If you look at some of the details of the British government, you will find that in many respects the cabinet is really relieved from duties that encumber the government in this country. That is to say, there is such a subdivision of duties that a minister can very definitely apply himself to one department of the public service without having his attention engrossed by other departments. For instance, India has its Secretary of State and under secretaries, but it has its council of state — Lord Minto has his own privy council. India is practically governed in India under the provisions of the India Act, and there is no matter which comes under the imperial government respecting India except questions of war or famine or the regulation or duties affecting English goods. India is as fully free in its government, so far as a crown colony can be, as Canada, under the India Act. Then there is a secretary for the colonies. What has he to do? Very little, except to appoint governors, for the self-governing colonies and the crown colonies. There is no legislation before the imperial parliament affecting Canada unless it be treaties such as the treaty of Japan or the treaty with France, or matters affecting our relations with the United States or some other matter of a kindred character. The colonial office practically is relieved from the government of Canada to a great extent under the British North America Act, and the same may be said with regard to almost all the other duties of a secretary of state. For instance, Ireland has its own privy council, and if we refer to the Act giving Ireland its privy council under Lord Aberdeen, you will see that almost every matter dealt with by the provincial governments of this country come practically under the government of Dublin Castle, and the great offence to Ireland is that Dublin Castle controls her poor laws and almost everything relating to Ireland. Perhaps it might be worth while to refer to that for one moment in order that I may make myself clear. For instance, under the Act establishing a board of works for Ireland, the board of works has charge of all public buildings, parks, harbours, roads and bridges, canals, educational buildings, coastguard houses, customs houses, fisheries, drainage, inland navigation, railways, police courts, prisons, hospitals, &c., which do not belong to counties or to the poor law administration. So that Ireland is governed practically from Dublin Castle, —without the consent of the people of Ireland, it is true—almost as fully as one of our provinces is governed by the British North America Act; so that the Home Secretary who has charge of Irish affairs is relieved by that local board, practically, of all Irish affairs. The same may be said of the chief secretary for Scotland. Look at the extent of his jurisdiction. The secretary exercises important statutory powers on the following subjects—poor law, public works, loan acts, salmon fisheries, fishery board, prisons, education, school sites, board of manufacturers, lunacy, public health, roads and bridges, local taxation returns, wild birds protection, police, general register house, alkali works, assessors of railways, public parks, markets and fairs, county general assessment, registration of births, deaths and marriages, parliamentary divisions, artisans' and labourers' dwellings, turnpikes accounts, locomotives, food and drugs, sheriffs, court houses, burial grounds, and river pollution. So that the Chief Secretary for Scotland practically represents what in this country is the local legislature. If you refer to the government of Britain you will find there are many subdivisions and that the heads of these various departments need not be unduly pressed in the discharge of their duty. Now my proposition is that the heads of the departments here, that is the Ministers of the Crown, the cabinet officers, should be relieved to a certain extent so that in the larger measures of legislation we can avail ourselves of the experience, the ability, the high standing and statesmanship of our public men. It is a serious thing that the public education of Canada in statesmanship and the larger questions of politics, and in the larger horizon which is now opening up to us, that the men who ought to lead us in the discussion of these larger

questions have their time occupied with minor matters which an under secretary could very well discharge, and which are more properly within his limited function. That is one reason, among others, why I have asked the House to very seriously consider whether the proposal I have put before the Senate is not worthy of consideration. The hon. Secretary of State says that the ministers of this country need not be very severely pressed, because we have provincial legislatures which relieve them of many duties. That is true only to a limited extent. If you look at the British North America Act, you will find that many questions by which the constitutional functions of the parliament of Canada and the local legislatures are divided up are given to both, questions in which each has concurrent jurisdiction. For instance, we give a good deal of attention here to the question of agriculture; so do the provincial legislatures, and this House is not relieved from dealing with agriculture because it is also within the jurisdiction of the provincial legislature. So with immigration, a subject which has occupied a good deal of our attention and has become a vexed question in this parliament. That also is within the jurisdiction of the provincial legislatures. We deal with railways and have a Railway Commission; the provinces also deal with railways and, in Ontario, at all events, there is a Board of Railway Commissioners. We have a Companies Act which we are amending to-day; so they have Companies' Acts in the provinces. We have an Insurance Act which will engage a great deal of our attention during the next few weeks; they have insurance legislation to occupy their attention in the local legislature. We deal with the fisheries; so do the provinces. We deal with the public lands in some of the provinces exclusively; but here all the lands of the Northwest Territories come within the purview of the Dominion parliament, so that although by the British North America Act certain questions are relegated to the provincial legislatures, yet they are also within the purview of the House of Commons, and it is no answer to the necessities of the case that we have a divided jurisdiction between parliament and the local legislatures. If the line of cleavage were distinct, and what was within the purview of the local legislatures did not also come before this parliament, then the objection to the proposal I have made would be of far greater force. That is my answer to that objection.

Then my hon. friend from Halifax says that if we appointed under secretaries, they would scarcely respect their chiefs—that they would not be as obedient as under secretaries are in England. Well, let us have a chance to try. I think that Canadians, as a rule, are courteous and respectful. How does the hon. senator from Halifax know that they will not be obedient to their chiefs?

Hon. Mr. POWER—I spoke of the experience we have already had in Canada with under secretaries.

Hon. Mr. ROSS—We have had no experience; we have had no under secretary yet.

Hon. Mr. POWER—Yes, the controllers.

Hon. Mr. ROSS—My hon. friend would not give us a chance to have experience. He is drawing on his imagination. I think Canadians would be quite as respectful to their chiefs as Englishmen are. The deputy heads of the departments are respectful to the heads of their respective departments. I do not like that invidious reflection on Canadians. I would like to have an opportunity of trying, and if we found that Canadians are not worthy of this distinction, we could amend the Act; but I think they are worthy of any honour that may be conferred on them. Then my hon. friend is afraid it would lead to an increase of staff. Suppose it did, our country is growing, and I do not think the public service should be starved. It is important, in every case, that the staff should be equal to the emergencies of the state. Any government that starves its service by non-appointment of officers, does not do its duty to the country. What is the cost of a few experts at most? What would be the difference of expense if under secretaries were appointed? Their salaries might amount to thirty or forty thousand dollars. We spend that on some little harbour, or wharf or post office, and it is scarcely a shining mark even for a local

politician. But if we had six or seven under secretaries they could relieve their chiefs. They could be found in this House and the other House. They would be useful in debates on public platforms and in a hundred different ways which I need not now describe, but which hon. gentlemen can see for themselves. But my hon. friend says he does not think we would get under secretaries in this House. How does he know? I do not think under secretaries could be appointed without the Senate having a share of them. What would they do with six or seven in the other House, having twelve members of the government there? One of the purposes of my proposition would be that there should be a certain representation in this House of under secretaries. Although I am not intimately acquainted with the members of this House, I think the Premier could easily find among them four or five men who could usefully relieve the departments, the hon. member from Halifax for one. I am not going to express an opinion about him. I have the very highest respect for his attainments; his knowledge of forms, in debates surprises me some times, knowing so little about some of those things myself. It would be invidious to mention names. We would take whoever the government might nominate. Notice the distinction as to the mode of appointing under secretaries? In England the under secretary does not resign his seat in order to return to the electors for election after his appointment. He takes his seat without an appeal to the electors as a cabinet minister does. That would simplify things very much, and make the office still more desirable, and the amount of money involved is a matter which need not engage our attention for a moment. Then my hon. friend says we could not follow the example of the United States, very well. I do not want this House to follow the example of the United States, nor do I want them to follow the example of the British government precisely in every respect. The cabinet ministers in the United States, nine of them, are not responsible to the House in any respect; but our under secretaries would necessarily be responsible to parliament, not in the sense that a minister is, for it would be an inferior position. But what could they do? They could take charge of the estimates, and they could take charge of Bills; they could introduce minor Bills and relieve the ministers at some of the long sittings. They could not declare questions of policy, except with the consent of the superior officer. That they could do. The cabinet ministers in the United States have no such powers as an under secretary would have here. We do not want to copy the United States system in any respect, excepting so far as it may be useful to ourselves; but I think this is too large a subject to reject any suggestion that may be of value, though it comes from the United States, from Great Britain, from France, from Germany, or whatever source. If the United States has not under secretaries in the House, it has in one House sixty-two chairmen of committees; that is in the House of Representatives; and in the Senate it has fifty-five chairman of committees; so that between the two Houses, the House of Representatives and the Senate, it has sixty-two and fifty-five, making 117 in all, whose duties correspond to the duties of under secretaries. So that the objection that it follows the system of the United States is not a valid one. In that respect it will resemble, to a great extent, the course pursued in the United States, and although there is no executive chairman to represent the department, there is a chairman of some committee who is familiar with the course of debate and the policy of the government, if the government's policy is of great value, and I do not think it is of very great value there. At all events, he is familiar with the course of public opinion, and, to that extent, he represents the views of the great masses of the people. We want something of that kind here, in my humble judgment, somebody who is alert to what public opinion demands; somebody who is near to the government of the day, who can give to this House the views of the government of the day, and somebody possessed of information, which, on a great many important questions, may help to direct this House as to the best line of conduct to be taken. The hon. gentleman from Halifax states that Nova Scotia gets along with three ministers, although there are some without

portfolio. I am quite satisfied they should get on with three ministers; but the illustration is not very apt. Ontario has eight, I think. I am not sure about Quebec, but the Dominion is much larger than Nova Scotia, and our interests are much wider, and the fact that Nova Scotia has got along tolerably well with three ministers with a population of half a million does not prove at all that this Dominion should not reinforce its ministerial strength in the way proposed. I do not ask for the appointment of additional ministers. I ask for the relief of the ministers now appointed. In the course of this argument I notice two things, and with these remarks I close. In the first place I notice that no reference has been made to one of the consequences that might result from the appointment of under secretaries, in the way of shortening the session. I think that is important. In my early days the sessions lasted from two and half to three months. Now they go along for four or five months, and may continue nobody knows how long. I think it is not in the public interest. I do not think it is for the benefit of members of this House that they should be separated so long from their own private affairs. We are not a wealthy class, not men of leisure. If I were a medical man, I do not think I could accept a seat in the House of Commons, or the more dignified place, the Senate. How can a man maintain himself in a profession—unless he is a man of means—and be absent from his work five months in the year? The same with regard to business men. It is said that the Senate is not attentive to its duty because the members are too much engaged in their private affairs. I think the Senate is remarkably attentive to its duty during the time we are at work. But a man must look after his own private affairs in some sense or another, and to ask a man engaged in banking or in some large corporation, or in commerce or manufacture, to absent himself for four or five months during the year, is to ask him to make a tremendous sacrifice, and I feel that it is a reason why a great many men of standing and ability are debarred from the position. There are able men who would gladly accept a seat in this House, were not the demands

their time, and the sacrifice, so great. So that by shortening the session, in the way I suggest, we might introduce into this House and into the other Chamber men of superior ability, to whom the indemnity was no consideration, who have had large experience, and are prepared to give the benefit of it to the country, in the matter of legislation.

Then there has been no answer to the other plea I made, that this proposal would redound to the relief of ministers. I have referred to that already, and I need not repeat what I said. I am anxious that, in some respect, we should imitate the English method, and that the men on whose shoulders the burden of State lies the men who are chosen by the good sense and judgment of the people to represent them in the councils of the nation, should not be overtaxed, but that they might give their best thought and judgment to the consideration of those questions by which the nation might be made great. It has been said that notwithstanding the pressure upon members of the Senate and members of the House of Commons, their lives are not shortened. I am not so sure about that. I was looking over the Laurier administration and its original membership, and there has been a remarkable decimation of its ranks in the short period of ten years. Sir Oliver Mowat was Minister of Justice, and he is no longer with us. The hon. member from Halifax, said that being a minister, did not shorten his life. I do not know. At least he took an early opportunity to relieve himself of the burdens of state, to accept something less taxing, namely the lieutenant-governorship of the province of Ontario. Then the Hon. David Mills is no longer with us—Mr. Sutherland, Mr. Préfontaine, Mr. Tarte and Mr. Blair, all gone, the last four I have mentioned being men early in years. Mr. Hyman is disabled. We have six ministers in the Laurier administration who have passed away. We have one disabled, in the person of the late Minister of Public Works, and we have, besides these, men who have retired. I do not know why. The present Chief Justice of the Supreme Court retired from ministerial duties at a very early age, found something more congenial and less irksome. Then Sir Louis Davies, Sir Wm.

Mulock, Sir Henri Joly and Mr. Bernier all retired. There are five who retired. Ask them as to the irksomness and the toil and strain of public duties, and I think they will tell you they were glad to be relieved of the strain, and perhaps we lost these men to the public service because of the fact that they were overtaxed, that their health was in danger of being impaired and the duties of the office were beyond what they could appreciably enjoy.

Hon. Mr. LANDRY—What about Mr. Emmerson ?

Hon. Mr. ROSS—Everybody does not retire for the same reason. I am not discussing Mr. Emmerson's retirement. I am simply discussing the retirement of the men whom I have named. And the question has not been answered, that this system which I have proposed would lead to the training of our young men. That feature was urged by Sir John Macdonald in 1887. It is a most important one, and, as I said in opening, many of the most prominent men in English political life were caught young, trained in early years, in some subordinate position, and trained step by step. It is a rule in all mercantile and transportation companies that this should be done. Sir Thomas Shaughnessy was not put at the head of the Canadian Pacific Railway without early training, nor Mr. Hays, nor the vice president. These men grew up from the ranks to understand the whole system of transportation, and when they reached the higher position they were qualified for it by previous experience. Are there not young men in the House of Commons, and in this House, who may enter in a subordinate position, get a course of training, and therefore be qualified for higher positions ? I think the loss to the country from the want of training of that kind may be very great. I want to economize the resources of our intellect, and the resources of our experience and the resources of our talents in every respect, so that the House of Commons and the Senate may rise to a higher plane of efficiency and usefulness. I do not know that I need say anything further to elucidate the proposition I have laid down. I do not expect that any immediate action will be taken. I think I expressed the views of many members of the present government, although I have not consulted them in regard to that matter, and I hope the time will come when the Senate and the House of Commons will feel the importance of acting upon some such resolution as I have proposed.

Sir RICHARD CARTWRIGHT—I am, of course, not about to take part in this debate, as it has been very properly closed by my hon. friend who introduced this motion. I may say that I had not the good fortune to hear the opening address, but, having listened to his remarks on the present occasion, I think the Senate will agree with me that it is an extremely interesting and important subject. It is one upon which, I may say, in former times, and in another Chamber, I had occasion, on more than one opportunity, to express my opinion, and I am not going to repeat it now; but on the whole, I think it is one of those motions which, while it is extremely desirable that they should be discussed here, and while, as I have said, we are indebted to my hon. friend for having brought it to the attention of the public, it is hardly one on which it is right to invite the decision of the Senate. I would suggest to my hon. friend that, having called our attention to it, he should give the government time to digest the very valuable remarks that he and others have addressed upon the subject, and, therefore, that he should consent to allow the motion to be withdrawn, and not press it to a division.

Hon. Mr. ROSS—I did not intend to press it to a division. I simply brought the subject up for discussion, and I ask that the motion be withdrawn.

The motion was withdrawn.

The Senate adjourned until three o'clock, to-morrow.

THE SENATE.

OTTAWA, Wednesday, February 19, 1908.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

STANDING COMMITTEES OF THE SENATE.

The order of the day being called :

That Rule 78 of the rules of the Senate be amended by adding to the standing committees

mentioned in the said rule the following :—
Namely, a standing committee on—
1. Agriculture and Forestry.
2. Immigration and Labour.
3. Commerce and Trade Relations of Canada.
4. Geological Surveys and Mineral Development.
5. Transportation Routes to the Seaboard and Harbours.
6. Coast Surveys and Merchant Shipping.
7. Fisheries.
8. Industrial, Arts and Expositions.
9. Civil Service Administration.
10. Public Health and Inspection of Foods.
11. Public Buildings and Grounds.

Said committees to be composed of not less than five nor more than nine members, and to have and possess the same powers and privileges as the standing committees authorized by said Rule 78.

Hon. Mr. ROSS (Middlesex)—This motion has been before the House for a considerable time, and has been put off at intervals on account of other matters on the order paper which, it was considered, were more important for immediate discussion. I observe that the order paper is somewhat light to-day, and at the risk of troubling the Senate more frequently than is perhaps agreeable, I propose to-day to occupy a short time, I hope not too long, in calling the attention of the Senate to the motion which is now in my hands. It involves, if accepted, the appointment of eleven more to our standing committees, covering a large area for investigation and discussion.

Hon. Mr. FERGUSON—It is an amendment to the rules.

Hon. Mr. ROSS—Yes.

Hon. Mr. FERGUSON—And it requires notice to the members.

Hon. Mr. ROSS—I sent word to the clerk to give the notice. Are we to be blocked by this clerical irregularity?

Hon. Mr. WILSON—I think the hon. gentleman should have given the notice.

The SPEAKER—Is there a question of order before the House? It did not reach the chair.

Hon. Mr. ROSS—The question raised is, was notice given to senators that this motion would be taken up to-day? It is an amendment to our regulations, and, under rule 29, notice has to be given. When I sent the notice to the clerk, I attached a postscript to it, 'Notice to be given to the Senate under rule 29.' I made no inquiry if it had been given. I assumed that the regulations had been complied with.

Hon. Mr. SCOTT—On turning up the records of the minutes and proceedings I find the following notice by Mr. Ross :

January 23—That Rule 78 of the rules of the Senate be amended by adding to the standing committees mentioned in said rule the following:—
Namely, a standing committee on——

Then follows a list of the committees and the notice concludes in this way :

Said committees to be composed of not less than five nor more than nine members, and to have and possess the same powers and privileges as the standing committees authorized by said Rule 78.

There is no reference to any notice to senators.

Hon. Mr. ROSS—It is on my manuscript.

Hon. Mr. SCOTT—Unless attention was called to it, independent of the notice, it would not be sufficient.

The SPEAKER—The clerk of the House gave two or three notices convening the senators for such motions, and he is not clear in his mind if the notice covered this motion specially; but there is a notice calling the members for to-day on the motion of the hon. gentleman from Prince Albert. The clerk of the House will look up the records to see if the notice was given.

Hon. Mr. MILLER—I determined to raise a point of order in relation to the question which has just been debated as to the regularity of the notice of motion for alteration of the rules of the House, and I intended to do it on the motion of my hon. friend from Prince Albert; but I suppose I might just as conveniently do it now. I may remind the House that a year or two ago we appointed a committee selected from those considered the most competent members of the House to deal with such subjects, for the revision of the rules of the Senate. I think a reference to the committee chosen on that occasion will clearly show the fact that it was composed of men every one of whom had special qualifications, either from experience in parliament, in law, or for other good and reasonable causes for the duties assigned to them. I was on that committee,

and I do not wish my remarks to refer to myself. In consequence of ill health at the time, I was not able to attend the sittings of the committee; but I say it was as good a committee as could have been selected for the purpose in view. That committee entered on its deliberations during the session in which it was appointed, but, notwithstanding very arduous labours, and especially of the chairman of the committee, was not able to report that session.

The SPEAKER—Is the hon. gentleman discussing the point of order raised?

Hon. Mr. MILLER—I am going to raise a point of order, and I am making these remarks with regard to it. That committee was not able during the first session to finish the work assigned to it, and it had therefore two years to consider its work. It is to be assumed, therefore, that the rules underwent a thorough revision and were brought to as perfect a state as possible for the business of the House. That was only two years ago; but there seems to be a very general desire now to attack the work of that committee. If the House will consider the qualifications of the men who revised these rules, and the study that they gave to them, they will hesitate before receiving any crude suggestions with regard to changes or innovations. I do not mean to say for a moment that changes may not in time be necessary. When changes are necessary, however, they should be approached with the greatest deliberation and seriousness. Under the rules which existed some years ago, when it was necessary to change a standing order, the subject was generally sent to the Standing Orders Committee, and a report came from that committee, and that report, after a great deal of formality, went through this House. It was only upon a report of the Standing Orders Committee approved by the House that any alteration could be made in the rules. The standing orders are the constitution of the Senate as a deliberative body, and, therefore, of the highest moment, and they should not be altered unless upon its being clearly shown that change is necessary. I find now a disposition, especially among gentlemen who have come to the House only lately, to move for changes of the rules. The subject of parliamentary law is very complicated. Our parliamentary system based upon the outcome of centuries of precedents, requires a wealth of learning to be acquainted with those precedents so as to be in a position to judge correctly as to the applicability of the principle to be enacted in a standing order. Many gentlemen who sit in parliament, and have been in public life for many years, are but superficially acquainted with the rules of parliament. Many of the most useful and able members of parliament go through a long public career in either or both Houses of parliament, without becoming intimately acquainted with parliamentary law and usage. They devote themselves to matters which, in their opinion, are of higher consequence; but I contend there is no subject of more importance in the constitution of a deliberative body than the standing orders. Very often, men of large experience in public life seems to be non-conversant with parliamentary rules. I might just refer to an important notice now upon the Minutes of the Senate, a notice moved by the hon. senator from Wellington who has had large experience in both Houses of parliament. In that motion there are two irregularities. There are two preambles. Now you cannot make a motion in this House with a preamble. Therefore, if anyone had raised the objection, that motion would have to be stricken from the Minutes, a course which I myself would have regretted, for we would have missed the rich intellectual treat which we received from the hon. senator from Middlesex in the discussion of that motion. Let me call your attention to the irregularities in the motion as an illustration of my point. It reads:

> Resuming the further adjourned debate on the motion of the Hon. Mr. McMullen, that in view of the agitation regarding the services rendered by the Senate as a part of our legislative system.

That is one preamble. Then it continues:

> And in view of the criticism both in parliament and the press with respect to appointment to this chamber.

There is another preamble. It does not require a whereas or therefore to go before a statement of fact to be a preamble. It is the statement of facts upon which the conclusion is predicated that makes it a

preamble, therefore I say the motion is out of order. But what is perhaps more amusing still, the hon. gentleman who moves an amendment to the motion, has two preambles, and the amendment is just as irregular as the original resolution. I mention this, not in any disparagement to either hon. gentleman, but to illustrate my point, that where a man, no matter what his opportunities may have been, has not devoted himself to the study of a given subject, especially on a technical question like law or parliamentary usage, he is very likely to make a mistake. I say there is nothing more important than preserving all the forms of this House. I received the other day a notice in connection with another motion on the Minutes, a notice with regard to the case of my hon. friend from the Northwest who wishes to amend rule 128. It is very brief, brief as the edict of a Russian Czar, and very much like it in tone and spirit. It is signed by the clerk of this House and is to this effect :

The Senate,
Ottawa, February 17, 1908.

Circular :

Notice is hereby given that on Wednesday, the 19th instant, a motion is to be made to amend Standing Rule No. 128.

SAM'L. E. ST. O. CHAPLEAU,
Clerk of the Senate.

It is not addressed to any one. It is not addressed to me, and it is called a 'circular.' It is a most insignificant and informal way of calling the attention of a senator to a certain state of facts, and it is just as much addressed to Tom, Dick or Harry as it is to any particular individual. I could not consider it addressed to me any more than to the whole public when my names is not even put upon it. The rules of the House formerly required any changes to be recommended from the Standing Orders Committee. That has been dropped, and we have one less barrier against infringement, innovation and continuous change of our rules than we had in former days. But rule 20 is explicit in this respect. It says that the attention of the House must be formally called to any change of the standing orders. We have three barriers, three chances of saving any rule that may be attempted to be interfered with under the rules at present. First, we have the minutes of the House, and every gentleman is bound to be in his place and become acquainted with the minutes and proceedings of the Senate; and in the third place we are entitled to a specific notice and summons of the particular day upon which the subject is to be brought up, which makes it an extraordinary case, which makes the sitting of the House an extraordinary sitting in order to give all possible solemnity to any change in the rules of the House. Instead of that, what do we find? We have a bare notice of this kind from the clerk, without being even addressed to a single member of the House, telling us that the rules of the House are to be changed on such and such a date. No matter how humble a committee of the House may be, the clerk gives a formal notice in writing addressed to every member of that committee, and if necessary he puts it into an envelope; but here is a slip of paper thrown by the clerk into the post office, without our names on it, not even in an envelope, on the most formal occasion of the kind that can possibly come before parliament. I consider it a disrespectful act on the part of the clerk to send such a notice as that to a member of this House. I acquit him of doing it intentionally; but I can only acquit him on the plea of ignorance. Let me show the House how these things used to be done in the olden times, and the formality that was observed in such matters as this. I am speaking of 1883. I am referring now to the application made for a change in the rules, and I am going to show the House the formalities that were then observed in carrying out such an object. There is first this letter of the clerk. It reads as follows :—

The Senate Office,
Monday, May 14, 1883.

Sir,—I have the honour to direct your attention to the accompanying order of the Senate and to request that you will attend in your place in the Senate Chamber, Wednesday next, the 10th instant, at three o'clock in the afternoon, to consider the same.

I am, sir,
Your obedient humble servant,
EDOUARD J. LANGEVIN,
Clerk of the Senate.

That is virtually a summons. Then on the following page is a full resume of the business that is to be considered on that important question, at this extraordinary meeting of the Senate, for it is intended by the

spirit and letter of our rules to be an extraordinary meeting for an extraordinary and solemn purpose, and here is the report of the committee :

The Senate, May 14, 1883.

The Hon. Mr. Bellerose from the Committee of Standing Orders and Private Business, presented the following report :—

I may say that Mr. Bellerose was one of the parliamentarians of his day in this House.

Ordered, that it be received, and
The same was then read by the clerk, as follows :—

The Senate,
Committee Room,
Monday, May 14, 1883.

The Select Committee on Standing Orders and Private Bills, have the honour to report :—

That in view of the frequent extensions in past years of the time for presenting petitions for private Bills; presenting private Bills and reports from committees thereupon, and the consequent trouble and often unnecessary delay in private legislation caused thereby, your committee have considered whether the rules might not be amended, by extending the time, in order to prevent as far as possible a recurrence of the same in the future.

Your committee, therefore, recommend the following amendments, and that the said rules, as amended, be rigidly enforced in the future :—

1st. That Rule 49 become Rule 50, and that Rule 50 become Rule 49.

2nd. That Rule 50, hereafter Rule 49, be amended by inserting before 'notices' in the third line, 'petitions for private Bills, the presentation of and reporting on 'such Bills and the.

3rd. That Rule 49, hereafter Rule 50, be amended to read as follows :—

'50. No petition for any private Bill is received by the Senate after the first twenty days of each session; nor may any private Bill be presented to the Senate after the first thirty days of each session; nor may any report of any standing or select committee upon a private Bill be received after the first sixty days of each session.'

All of which is respectfully submitted.

JOS. H. BELLEROSE,
Chairman.

On motion of the Hon. Mr. Bellerose, seconded by the Hon. Mr. Armand, it was
Ordered, that the said report be taken into consideration on Wednesday next, and that members be summoned to consider the same in conformity with the Seventeenth Rule.

Attest,
EDOUARD J. LANGEVIN,
Clerk of the Senate.

I may say to non-professional men that the word 'attest' means that this document was attested by the clerk, and filed by the clerk among the records, and instead of all this formality, this 'circular' is all we have at the present day.

Hon. Mr. POIRIER—We should be thankful that we have got this much.

Hon. Mr. MILLER—We might as well abolish the rules altogether if the clerk can draw his pen through them and disregard them. I do not believe it is done through design ; I believe it is through ignorance ; but it should not be allowed to be made a precedent of, and I think the practice, which is the spirit of the rule in our book, of summoning by a special summons every member of the Senate when the standing orders of the Senate are to be altered, should be rigidly enforced. I consider that all these motions on the paper now are out of order, and I do not believe that it would require much consideration on the part of His Honour the Speaker to rule to that effect. My point is that these notices are not sufficient.

The SPEAKER—I would suggest to the hon. gentleman from Middlesex to adjourn his motion till next week, so that a proper notice may issue to the senators to be present on that date.

Hon. Mr. ROSS (Middlesex)—I want to put myself right to the House in regard to this matter. I think it is simply—I must not use strong language, but it is unfair to hon. members of this House, when notice of motion has been given, and it stands on the paper for one month, and the hon. member hands his notice to the clerk and warns the clerk to give notice according to the rules, and the motion has been adjourned from time to time partly to suit the convenience of the House, that then through the negligence of an officer we should be put in this position. My notice is not urgent. It is of no great significance anyway, probably ; but I want to emphasize the annoyance to which members have been more than once subjected just by a defection or negligence of this kind. If it were my own fault, I would be in a different position, but it is not my fault. I will, as far as I am concerned, without any feeling at all, adjourn the debate till Wednesday of next week, and I do not know what will happen if notice is not given for next week.

Hon. Mr. FERGUSON—With reference to the point of order raised by the hon. gentleman, I think it has been well taken, and we should now, since it has been brought up formally, settle what is to be our practice.

The SPEAKER—I would suggest that the hon. gentleman wait till the next motion, because I am not aware that any notice has been given of this motion of the hon. gentleman from Middlesex.

Hon. Mr. POWER—I think the hon. gentleman should move now—and put his motion in writing—that notices be sent to the members.

Hon. Mr. LANDRY—That raises the question I put to the House the other day. Who does that work? Is it the duty of the member who is proposing the amendment to summon, or is it the duty of the clerk? If it is the duty of the clerk, I do not see why the hon. gentleman from Middlesex should be obliged to give a supplementary notice. The hon. gentleman has done his duty. He gave his notice of motion, the purport of which is to alter the standing rules, and, that being given to the House, I think it is the duty of the clerk to issue the proper notice.

Hon. Mr. FERGUSON—With due deference, I think it would be better we should dispose of whatever we have to say on the point of order now, than to bring up the discussion later. As other hon. gentlemen have been speaking with regard to this I think it might be as well that we should continue.

The SPEAKER—But the discussion would be merely academical, whereas the question will have to be settled when the hon. gentleman from Prince Albert makes his motion. There is another question raised by the hon. gentleman from Stadacona as to there being a need for a motion for the clerk to issue the notices.

Hon. Mr. LANDRY—I contend that there is no need of a motion; that the fact of a member giving a notice that he intends to give an amendment to the rule is quite sufficient for the clerk to issue the proper summons.

Hon. Mr. ROSS (Middlesex).

Hon. Mr. CLORAN—De facto.

Hon. Mr. POIRIER—To my knowledge, there was never any notice given. During the twenty-five or twenty-six years that I have occupied a seat here, every time the question came up the clerk sent the notices of his own accord, as part of his duty, willingly, without any coercion, and I think it is his duty so to do without any special motion.

Hon. Mr. POWER—If I heard correctly the precedent which was cited by the hon. gentleman from Richmond, in that case the resolution of the House specified that the senators should be summoned—and I think that is the rule,—I think the practice has been that the resolution moved in the House, in addition to setting out the amendment which is proposed, also points out that the senators be summoned to consider the same. That is my impression, and that is borne out by the case cited by the hon. gentleman from Richmond, and that is the reason why I suggested to the hon. gentleman from Middlesex that he had better make that part of his resolution now.

The SPEAKER—I have nothing but the letter of rule 29 of our Manual. With all deference, I would take a contrary view to the one just expressed. Any senator can move an amendment to the rules, and he having that absolute right of moving would not be debarred, I suggest, by a motion being made to call the senators, which might be negatived; therefore, I take it for granted, it is incumbent upon the clerk, once the notice of motion for the amendment of the rules is given, to convene the Senate specially for that purpose.

Hon. Mr. FERGUSON—I am going to raise another point of order, and I will be able to get in what I wish to say in that way. The point is that when a notice is issued, it should describe the motion that is going to be brought up—the motion that rule so-and-so is to be amended is not sufficient. The change should be printed in the order paper, so that members would know what they were called upon to consider. For instance, if I knew the exact nature of the change, I might feel that it was not important, and that I should not give up some other matter in order to be

present. It might be a very trivial matter which I did not consider of any consequence. If the change is set forth in the notice, we know what we are being called upon to consider. The point of order is that the notices which have been sent to us, apart altogether from the size of the paper, and of their not being addressed to members, and not being put in an envelope, are not sufficient under our rules, because the practice has been not to set forth the change in the rule we are called upon to consider.

Hon. Mr. SULLIVAN—I do not think the clerk is to blame as much as hon. gentlemen who are censuring him.

Hon. Mr. ELLIS—I was going to observe, with reference to what his honour the Speaker said, that Mr. A. gives notice that on such a day he will move so-and-so; but it appears to me there should be an order of the House, as to whether the House would on that day proceed with it, and you leave it in a very uncertain way if the hon. gentleman gives notice that on a certain day he will do it, the House not concurring.

The SPEAKER—The notice is given by a senator that he will move on such a date. The Senate is called for that day. If on that day the Senate is not ready to deal with the question, it can adjourn it, so that the motion of the hon. gentleman from Middlesex is set down for Wednesday next.

Hon. Mr. FERGUSON—Will we have a ruling on the point of order that the summons should set forth the motion we are going to consider?

The SPEAKER—It would come up on the next question, which the hon. gentleman from Richmond has discussed most specially, because he has received a notice for that motion, while there is no notice of the motion of the hon. gentleman from Middlesex.

Hon. Mr. FERGUSON—But we are now considering the notice which has been given by the hon. gentleman from Middlesex. We are considering the instructions in regard to issuing the notice, and would that not be a proper time to consider what form it should take?

The SPEAKER—It is for the Senate to decide.

Hon. Mr. YOUNG—One procedure will govern the other.

The SPEAKER—The procedure on the motion of the hon. gentleman from Prince Albert could be a precedent for the notice which will have to be given for the motion of the hon. gentleman from Middlesex.

Hon. Mr. FERGUSON—I do not want to be in the position of calling the hon. gentleman from Prince Albert to order.

Hon. Mr. BEIQUE—No question of order can be raised as to the motion of the hon. gentleman from Middlesex, although no summons has been issued, because it cannot be questioned whether the notice is regular or not, and therefore it seems to me the hon. Speaker is correct in suggesting that the point be settled on the next notice of motion, inasmuch as a summons has been issued for that.

Hon. Mr. LANDRY—The question put by the hon. senator from Middlesex, has been ruled out of order because there is no notice.

RULES OF THE HOUSE.

MOTION POSTPONED.

The notice of motion being called :

Hon. Mr. Davis will move to amend rule No. 128, by striking out the words 'the Senate otherwise order,' and inserting the following in lieu thereof : 'asked by two members of the Senate,' so that it may read as follows :—

128. Unless asked for by two members of the Senate, a private Bill reported from a standing or select committee is not committed to a Committee of the Whole House.

And the clerk is requested to notify the members of the proposed change in the rules.

Hon. Mr. DAVIS—This motion is the one to which the hon. senator from De Salaberry has given notice of an amendment.

Hon. Mr. FERGUSON—I wish to raise the point of order that notice in this case has not been sufficient. It is due to members that they should get a summons describing the amendments—that the amendments should be set forth in the summons, and the summons is not correct unless it contains them. When we look

at the document which the hon. senator from Richmond read to the House showing what the practice was in such matters in 1883. I have no doubt that his view is right. It was the practice to set forth the proposed amendment in the summons and in this case we are not notified what we are called upon to consider.

The SPEAKER—I would suggest to the hon. senator from Prince Albert to adjourn his motion until Wednesday next, so that the two notices may issue at the same time.

Hon. Mr. DAVIS—I think that would be better, because the hon. senator from De Salaberry has informed me that he wishes to leave the city as he is not feeling very well, and to this I have agreed; therefore, with the permission of the House, I ask to have this motion adjourned until Wednesday next.

The SPEAKER—My opinion is that the notice should contain textually the notice itself as it appears on the order paper.

DELAYED RETURNS.

INQUIRY.

Hon. Mr. LANDRY inquired :

When does the government think that it will be able to lay on the table of this House the following documents, the production of which was ordered during the present session, at the dates mentioned :—

(a) The winter and summer tariffs on the Intercolonial railway for the years 1896-7—January 24 ?

(b) The subscriptions of the directors of the Quebec Bridge and Railway company to the capital stock, the secretary's salary, the bonus to the chairman—January 29 ?

(c) The details asked for on the subject of the additional subscription of $200,000 to the capital stock—January 29 ?

(d) The statement indicating the amounts paid to Mr. Simeon Delisle—January 30 ?

(e) The statement of amounts spent on the Deschambault wharf—February 4 ?

(f) The amounts to certain officers in the employ of the government and connected with the Department of Marine and Fisheries—February 5 ?

Hon. Mr. SCOTT—Some of the answers have been already sent in—that is in connection with the Quebec bridge. I have now received a return which answers other portions of the inquiry.

Hon. Mr. LANDRY—I have received answers to questions 'b' and 'f,' but not 'a,' 'c,' 'd' and 'e.' I hope the government will try to get those answers as soon as possible. The returns are very short, and there is no reason why they should be delayed.

Hon. Mr. SCOTT—Any details we could get in reference to the subscription of $200,000 of stock of the Quebec Bridge Company were in the return which I have brought down.

Hon. Mr. LANDRY—No, the first return gives only the amount paid by the directors of the company ; and the $200,000 was subscribed not merely by the directors but by other members of the association also.

Hon. Mr. SCOTT—There is no information as to Mr. Simeon Delisle—to whom does that refer?

Hon. Mr. LANDRY—The Auditor General was here the other day and I gave him a reference by which he could get it immediately. It would not take long to prepare the return.

THE BRITISH COLUMBIAN NATAL ACT.

INQUIRY.

Hon. Mr. LOUGHEED—Before the orders of the day are called, may I ask my hon. friend if the government has yet taken any action on the disallowance of the British Columbian Natal Act?

Hon. Mr. SCOTT—On Wednesday, the House of Commons meets at two o'clock, so it is impossible to have a meeting of council on that day; but I understand there will be a meeting to-morrow.

Hon. Mr. LOUGHEED—No action has yet been taken?

Hon. Mr. SCOTT—No, only I understand the Minister of Justice has made his report.

MUTUAL RESERVE LIFE INSURANCE COMPANY OF NEW YORK.

Hon. Mr. SCOTT—Before the orders of the day are proceeded with, I wish to answer a question raised yesterday by the hon. senator from Wellington in reference to the Mutual Reserve Life Insurance Company. On the inquiry of the Superintendent of Insurance I am advised that the

Finance Department received the following telegram yesterday :

Re Mutual Reserve ; my firm retained by the receiver appointed in New York by Federal Court. Have obtained winding up order here appointing E. R. C. Clarkson, liquidator, and our proceedings are framed exclusively for protection of Canadian policy-holders. Negotiations on foot for re-insurance in solvent Canadian company, and there is expected to be a surplus in Canadian assets. Writing fully.

GEORGE F. SHEPLEY.

I do not know whether hon. gentlemen saw the notice in the Toronto papers of yesterday, which gave the information, quoting very largely from the last return of the Department of Insurance in which it is pointed out that there will be sufficient assets to re-insure all the Canadian policy-holders. If hon. gentlemen desire it I will be very glad to have the notice read.

A QUESTION OF PRIVILEGE.

Hon. Mr. LANDRY—Before the orders of the day are called, I rise to a question of privilege. I have read in the debates of yesterday that his honour the Speaker has decided that no discussion may take place on a motion which may anticipate a debate. I want the privileges of the members of this House to be settled at once. Without referring to the decision itself, I want to know if, in the future, a reference to any subject in the speech from the throne will debar members of this House from discussing any motion relating to that particular subject? If we take the speech delivered last year we find this :

Bills will be laid before you amending the Election Acts, the Post Office Act, the Dominion Lands Act, a Bill for the more effective supervision and inspection of Canadian canned food products, meats and fish, a Bill relating to the sale and manufacture of patent medicines; and also a Bill to make better provision for dealing with juvenile delinquents.

Now, if the mere mention of the government's intention to introduce these measures had the effect of preventing members of this House from speaking on these several subjects, which really were not before the House, then, I think that our liberty of speech is attacked. I have hunted up different decisions given in the British parliament on this subject, and even the decision quoted yesterday, in my opinion, makes this point very clear—the subject must be on the order paper. If we read what the Speaker quoted to us yesterday we find this :

Mr. LOUGH (Islington, W.)—I beg to ask leave to move the adjournment of the House in order to call attention to a definite matter of urgent public importance—namely, the determination of His Majesty's ministers to spend public money in connection with the Brussels sugar convention without the sanction of parliament.

Mr. SPEAKER—I do not think I can accept that motion, because, as I understand, a Bill is already down upon that subject, and the matter can come on for discussion then.

Observe it is because a Bill was down, and further :

Mr. LLOYD-GEORGE—It is not on the order-book.

Mr. SPEAKER—Notice has been given to the House by the government.

Several hon. MEMBERS—No.

Mr. BUCHANAN—Can we be prevented from discussing this motion because of a mere verbal promise to introduce a Bill dealing with a subject not yet on the order-book ?

Mr. SPEAKER—Although my statement has been contradicted, I may point out that notice of a Bill to enable the government to carry into effect the convention is on the order-book, and has been there many weeks.

Hon. Mr. POWER—I rise to a question of order. The hon. gentleman is bringing up a question to reflect upon the decision given by His Honour the Speaker yesterday. That in itself is out of order. I have not time to look up the authorities, but I find this general rule laid down at page 273 of the last edition of May :

A question of order in the House or in a committee thereof cannot be treated as a matter of privilege.

So that this is really not a matter of privilege at all.

Hon. Mr. LANDRY—I do not want to appeal from the decision of the Speaker at all, or cast any reflection on the Speaker's decision ; I want to know if, in future, we are debarred from bringing up any motion which may refer to a matter which is not yet on the order paper ?

The SPEAKER—This is not a question of privilege, and, in consequence, there is nothing before the House, and the hon. gentleman is out of order. Of course there is another way in which he can bring it up.

Hon. Mr. LANDRY—I will find a way to bring it before the House. I thought this

would be considered a question of privilege, because our privileges are attacked.

THIRD READING.

Bill (G) An Act respecting the Eastern Trust Company.—(Hon. Mr. McKeen.).

GOODWIN CAR COMPANY'S BILL.

SECOND READING.

Hon. Mr. KERR moved the second reading of Bill (60) An Act respecting patents of the Goodwin Car Company. He said: By this Bill the owners of a certain patent ask permission to import, though the time has expired, the article which is patented, The article is a very expensive thing to construct. It is a new process for unloading cars, and it is plainly of special value in the construction of railways, and in other ways. It is a process by which a car-load can be discharged instantly in any way desired, either under the car or at either side, or at either end, and it works automatically. It is believed to be a patent of special value. The cost of constructing the article is very great, and unless it were taken up by our railways there would be no probability of the patented article being brought into use in Canada. The patents are still alive, because the patentee has taken advantage of the licensing clauses under the amended patent Act.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman has given us no reason why this patent, being as valuable as he says it is, has not been manufactured here.

Hon. Mr. KERR—Practically there is only one customer for it, the railways. The expense of putting up an establishment to manufacture it would be very great. The railways now have the right to do it if they choose, because they can get the privilege under the licensing clause of the Act; but, in the meantime, until the superiority of the car over existing plant can be practically shown, they do not choose to do that, and so both the patentee on the one hand loses the use of his patent right, and, on the other hand, those who may wish to use it are not getting the benefit.

Hon. Mr. MACDONALD (B.C.)—Will it discharge any kind of a load, such as coal or timber?

Hon. Mr. KERR—It will discharge coal, but I do not think it will unload timber.

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

MOORE AND HESKETT PATENTS BILL.

SECOND READING.

Hon. Mr. KERR moved the second reading of Bill (61) An Act respecting patents of Montague Moore and Thomas J. Heskett.

He said: This is a process for the treatment of ferruginous ores, and is claimed to be one of special value. Although the time for construction as well as importation has expired, an extension is sought in order that the parties may be at liberty to apply to bring the proposition under the licensing clauses.

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

MANITOULIN AND NORTH SHORE RAILWAY COMPANY BILL.

SECOND READING.

Hon. Mr. KERR moved the second reading of Bill (R) An Act respecting the Manitoulin and North Shore Railway Company. He said: This Bill simply asks for an extension of time.

Hon. Sir MACKENZIE BOWELL—Why have they not commenced work?

Hon. Mr. KERR—This road is controlled by the 'Soo' industries at Sault Ste Marie. A few years ago those industries were very much paralyzed and unable to carry on the extensions which were necessary. A certain portion of this railway has been built, but they were not able to carry it to completion. They now ask for this extension, in order that they may be able to make the arraugements now that they were not able to make before.

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

NATURALIZATION ACT AMENDMENT BILL.

FIRST READING.

Hon. Mr. SCOTT introduced Bill (W) An Act to amend the Naturalization Act.

He said : The oaths that applicants had to take of residence and of allegiance in Saskatchewan and Alberta have been taken under the statute. They are described as in the provinces of the Northwest. In naming them, it says 'In the provinces of Saskatchewan and Alberta with the Clerk of the Supreme Court of the Northwest Territories, pending the abolition of that court.'

The court has now been changed, and the proposal is to alter the Act in order to conform it to the proper court.

The Bill was read the first time.

BILL INTRODUCED.

Bill (69) An Act to amend the routine of the Catholic Mission of St. Basil the Great in Canada.

NAVIGATION OF HUDSON BAY.

Hon. Mr. FERGUSON—Before the House adjourns, I wish to ask the hon. Secretary of State once more for the papers I moved for last session which reference to the Hudson Bay. In the November and December part of the session, I asked my hon. friend about this matter, and gave him the date when the address was passed in regard to it. I have only just now learned that they have not been brought down, and I would like to have them in discussing the motion which my hon. friend from Prince Albert is bringing up with regard to Hudson Bay.

Hon. Mr. SCOTT—What department would have them?

Hon. Mr. FERGUSON—Probably from two or three departments. They were papers relating to the navigation of the Bay and the granting of harbour fronts and giving of fishing rights in the territory contiguous to Hudson Bay ?

Hon. Mr. SCOTT—What was the date of the order?

Hon. Mr. FERGUSON—Towards the end of March. I have not looked it up, but I gave my hon. friend the date, in December.

Hon. Mr. SCOTT—I will make inquiries.

Hon. Mr. FERGUSON—It is important to have the information before the hon. gentleman from Prince Albert proceeds with his motion.

The Senate adjourned until three o'clock to-morrow.

THE SENATE.

OTTAWA, Thursday, February 20, 1908.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

ALBERTA AND BROUSSEAU RIVER RAILWAY COMPANY BILL.

REPORTED FROM COMMITTEE.

Hon. Mr. CASGRAIN from the Committee on Railways, Telegraphs and Harbours reported Bill (No. 44) An Act respecting the Alberta and Brousseau River Railway Company with amendments, and moved that the amendments be taken into consideration on Tuesday next.

Hon. Mr. LANDRY—This is a motion, not merely a notice of motion. It is a motion made. Clause 24 of our rules says :

One day's notice must be given of any of the following motions:
(f) For the adoption of a report not merely formal in its character, from any standing committee.

If we want to comply with our rules, this motion to-day is out of order. There is no notice of one day. It may be given as a notice of motion.

Hon. Mr. CASGRAIN—That is what it is.

Hon. Mr. LANDRY—I asked if it was a motion, or notice of motion, and I was told that it was a motion. If it is a motion it is not in order.

The SPEAKER—I have already had occasion to pass upon this point. I have decided that the motion is in order, and for the same reason I decided the point of order not well taken. This is a motion to fix a date for the taking into consideration of this report, which will serve as a notice that this report is coming up for consideration on Tuesday next; so that the notice is

under the form of a motion. Inasmuch as something has to be put before the Senate, and inasmuch as any one could object to the notice at the date at which it is to come up, I think it must be put in the form of a question to the Senate and the proper form is the motion which has been made.

Hon. Mr. De BOUCHERVILLE—The hon. gentleman gave notice of his motion in the first place, and I think that that was sufficient.

Hon. Mr. FERGUSON—Would the proper motion not be that the Bill be set down for consideration on Tuesday next?

Some hon. MEMBERS—No, no.

Hon. Mr. FERGUSON—The motion is that the hon. gentleman will move concurrence on such a day. Perhaps it means the same thing; but the usual motion is that it be set down for consideration on such a date.

The SPEAKER—The usual way is that a motion is made that the report will be taken into consideration on a certain day, and that is the way I put it.

Hon. Mr. POWER—Paragraph (h) of rule 24 reads:

For the adoption of a report that is not merely formal in its character from any standing committee.

This is really a formal motion, and it is practically only a notice. It has been the uniform practice of the Senate from the beginning to do what the hon. gentleman has done. He has given rather more notice than usual.

Hon. Mr. LANDRY—I differ from the hon. gentleman. It is not merely a formal motion as if there were no amendments. It is a motion to concur in certain amendments. The amendments may be of a very serious character.

Hon. Mr. YOUNG—The motion is only to fix a date.

Hon. Mr. LANDRY—I understand that. I understand it is to fix a date; but in place of fixing a date he has the same power to fix it immediately. If he has the right to make the motion for a future day, he has the right to make the motion to-day.

The SPEAKER.

Hon. Mr. YOUNG—Only for some future day.

Hon. Mr. LANDRY—If it is a motion, it comes under the rule.

Hon. Mr. YOUNG—It is a routine motion.

The SPEAKER—The only amendment to this motion could be another motion fixing a different date to the one contained in the motion.

The motion was agreed to.

BILL INTRODUCED.

Bill (X) An Act to incorporate the Ontario and Michigan Power Company.—(Hon. Mr. Watson.)

THE CIVIL SERVICE COMMISSION.

INQUIRY.

Hon. Mr. LANDRY inquired:

1. When was the Civil Service Commission appointed?
2. Of whom was it originally composed?
3. Of whom is it composed at present?
4. How many sittings has it held?
5. At what places and how many sittings at each place?
6. Has it made a report?
7. If not, when does the government expect to have a report?
8. Has the government taken any measures, or made any efforts, to make this commission understand that its report has been waited for for a long time?

Hon. Mr. SCOTT—The following is the information I have been able to get. To the first question, the answer is on the 8th of May, 1907; the reply to the second is J. M. Courtney as chairman, Thomas Fish, of Montreal, and J. B. Garneau of Quebec. The reply to the third is J. M. Courtney, chairman, Thomas Fish and P. J. Bazin of Quebec. I am unable to say how many sittings they have had. I do not know that they can tell themselves. No report has been obtained, and the hon. gentleman knows quite as much as the government does when they will make their report. It has been expected from day to day, from week to week, and month to month.

Hon. Mr. LANDRY—And year to year?

Hon. Mr. SCOTT—No, I hope not. I hope we shall have it within a month. Perhaps calling attention to it will hasten it up.

Hon. Mr. LANDRY—The hon. gentleman has not replied to the last question—has the government made any effort to give the commission to understand that its report has been looked for for some time?

Hon. Mr. SCOTT—We can do no more than ask them when they are going to report. We could not bring any pressure to bear on them.

Hon. Mr. LANDRY—What I would do if I were in the government, would hasten them a little.

Hon. Mr. SCOTT—I suppose the hon. gentleman would turn them out.

THE NATAL ACT.

INQUIRY.

Hon. Mr. LOUGHEED—Before the orders of the day are called, may I ask my hon. friend if the government has taken any action with reference to the disallowance of the Natal Act passed by the legislature of British Columbia? My hon. friend yesterday intimated that the government probably would deal with the subject at the council meeting to-day.

Hon. Mr. SCOTT—The government are advised that two Japanese have been arrested and imprisoned. The Department of Justice named an agent to look after the interests of the two men. The stipendiary magistrate ordered the fine of $500 to be paid, otherwise the two men were to be imprisoned. The agent for the Department of Justice has made an appeal, which I understand the Chief Justice of British Columbia will hear within a week. Under these conditions, it is very much better not to take any action here at Ottawa. Of course, at any time, the Act could be disallowed, but if the court would pronounce upon it, that would be more satisfactory both for British Columbia and for the Dominion government.

Hon. Mr. LOUGHEED—Then the government will await the action of the British Columbia courts?

Hon. Mr. SCOTT—Yes.

A QUESTION OF PRIVILEGE.

Hon. Mr. MILLER—Before the orders of the day are called, I wish to direct attention to the occurrences of yesterday, and as I am not sure that I can do so by way of explanation or as a question of privilege, I intend to put myself within the rules of the House by moving that the House be now adjourned.

Hon. gentlemen will remember that yesterday I brought to the notice of the House a question connected with the alteration of the standing orders now being made from time to time by members of the Senate, and I expressed my views pretty fully and clearly with regard to the wisdom of moving slowly in these innovations under the circumstances, these circumstances being that within a short time we have had a very able revision of the rules of the House, and that if possible they should be allowed to stand now without any changes that were not absolutely necessary. I spoke, I am told, about 15 or 20 minutes at least. A discussion took place upon the question raised by me, in which discussion several leading members of the House took part. My hon. friend (Hon. Mr. Ferguson), a former cabinet minister, was one, the hon. senator from Halifax was another, and several hon. gentlemen participated in the debate. I think it was generally admitted that the subject which I introduced and which I tried to elucidate in my humble way, was one of the deepest importance as it affected the constitution of this Senate, in regard to the protection of which we all ought to be so solicitous. Of late years I have not been in the habit of addressing this House. There was a time when I frequently addressed the Senate, and took an active part in its proceedings, and I can appeal to the leader of this House whether I had not considerable influence in this chamber and in the committees of this House, and whether a large party in this House had not confidence in me? In those days, I can appeal to the hon. gentleman to say if my course was not characterized with fairness and justice to my political opponents? I leave it to him as a man of honour to say whether that has not been the case. I have not had the pleasure of so long an acquaintance with his honourable colleague beside him (Hon. Sir Richard Cartwright). But that hon. gentleman has been some time in the Senate, and before he came into this House

he had occasion to estimate me at my correct value in regard to partisanship, and as a man of honour in the administration of justice. I had the honour of sitting as a judge over that hon. gentleman, and I appeal to him whether a trace of partisanship was ever evinced during that memorable occasion, and how far or not the report which was brought into this House was due to my influence on that committee? Last year I, unfortunately, had a difference with an hon. member of this House. I was not very particular about having it reported; I am not very particular about having anything I say reported; but I was astonished to find next morning, that not only was my speech eliminated from the press report; not only was the essence of the remarks of the gentleman with whom I had the difference eliminated, but there were words of censure in the report in regard to my remarks. I do not want to recall that occasion. I do not want to bring up unpleasant things, and I would not have referred to it now, but I find that the same thing has occurred with regard to my speech on the subject I spoke on yesterday.

I have always been of opinion that it is a sheer waste of money to have a press reporter on the floor of the Senate at all, even if you had an able man and a good reporter. He is expected to make a synopsis, and that is a most difficult thing to do. It is an easy thing to get an expert shorthand reporter, but it is not an easy thing to get a man capable of making a fair and just synopsis; and, therefore, I have considered for some time past that it was a sheer waste of money to employ a young man who evidently does not possess the qualifications which he should possess for the purpose for which he is employed in this House, at a very large expense. However, the gentlemen who are responsible to the people for the distribution of the revenues of the country think proper to do it, and we, who are in the minority, have to submit; but I may say to this House that I have heard more than one gentleman complain that the synoptical reports are not fair, that the reports made by the present reporter are partisan and unfair as a rule, and that he is under some secret guidance at all times that can be traced in the trend of the reports of the discussions either one way or the other. The question I brought before the House, yesterday, I repeat, is one of very great importance, and I did think that it was possible there might be some allusion to it in the synopsis published in this morning's newspapers. However, when I read in the 'Morning Citizen,' I found that, although there was a reference to the doings of the Senate yesterday, there was not one single word in relation to the subject I brought before the House, on which I spoke for about twenty minutes, and in which, I repeat, several prominent hon. gentlemen in the House took part—not one word—as if it had never occurred. There was only one person interested in suppressing that discussion yesterday, only one. I have nothing more than a suspicion; still there was no one else interested in the matter, and I am entitled to draw my inferences under the circumstances and am entitled to infer collusion between that individual and the reporter in not giving the remarks which I made yesterday when addressing the House. I went over and spoke to the reporter after he took his seat to-day, and I asked him how it was that no reference was made in the synopsis yesterday to the subject that I had brought before the House, and he told me that he had instructions from the Debates Committee not to report any discussions which took place on questions of order. These are very queer instructions, if the committee had given them to him, but it is a most extraordinary thing that the whole synopsis of yesterday's proceedings refers to points of order. I will read the synopsis to the House. None of the points of order were so important as the one I brought to the attention of the House, so that there is a straight contradiction given by the facts of the very report of which I complain. When I looked at the paper this morning and found there was no notice in the synopsis of my remarks, I said at once, the press were not bound to publish anything that our reporter sent to them. We have no contract, I understand, with any of the newspapers. We pay them nothing for it, and they are at liberty to take what they please and to reject what they please, and very often they do that. Consequently, I said to myself: 'I sup-

pose they did not consider the subject worth their space or it was not of sufficient value to them, or it did not suit the newspaper to publish a report of that kind from the Senate, and that they had curtailed the official newspaper report of the House, and I did not allow it to trouble me for a moment; in fact I was very indifferent about the subject. Had these been the circumstances, had the paper declined to publish the reports made on the point of order raised by me yesterday, I should not have bothered myself further about it, but as I see a most brazen attempt, a conspiracy somewhere, to suppress the debates of this House, I am sorry that the chairman of the Debates Committee is not here, because I am going to ask him to make a formal investigation into this case. But on looking at the file and getting the synopsis which the reporter is bound to file with the clerk, I found the report had been published in the 'Citizen' this morning verbatim as it had been sent. Now, as to the question of whether debates on point of order are to be sent to the press, I will read the report sent by our reporter to the newspapers. It is as follows:

The Senate,
February 19, 1908.

Senator Lougheed was told by Hon. R. W. Scott in the Senate yesterday that the British Columbia Natal Act had not yet been dealt with by the government.

Senator Landry on a question of privilege discussed a ruling by Mr. Speaker Dandurand given the day before when a proposed motion by Senator McMullen, relating to the Railway Commission, was declared out of order on the ground that it anticipated legislation proposed by the government and announced in the speech from the Throne. Senator Landry declared that a government could in this way prevent the discussion of any subject by mentioning in the speech from the Throne a Bill relating to it. Senator Landry thought this was an attack upon the liberty of speech which belonged to parliament. He thought the British precedent quoted by Mr. Speaker was not effective as in that case there had been a formal notice of the Bill. In this case there was no notice.

Senator Power objected that a point of order could not be discussed as a question of privilege.

The point was declared well taken, whereupon Senator Landry promised to bring the matter up in another way.

Hon. gentlemen will see that the whole report nearly consists of points of order. I have read to the House the whole report except, of course, the third readings of Bills, all the rest of the synopsis relates to points of order. Such being the case, I am to look for some other reason than the one given by the reporter to me for not reporting the remarks which were made in the discussion of the point of order raised by me in this House yesterday. I regret that I do not see the Chairman of the Debates Committee here, whom I know to be a gentleman of honour——

Hon. Sir MACKENZIE BOWELL—The other members of the committee are here.

Hon. Mr. MILLER—Yes. I intended to appeal to him as the chairman to call a meeting of that committee and have a thorough investigation as to the reasons why the discussion of yesterday was not reported. That discussion was very unfavourable to the Clerk of the House—unanimously so by every gentleman who spoke, and if he is innocent, if he has not been in collusion with the reporter in suppressing it, it would be only an act of justice to him to have the investigation, and I trust—and no one would be more pleased than myself—if after an investigation it would be shown that he had nothing to do in the way of influencing the reporter to suppress the debate of yesterday. As the hon. chairman is not here himself, I shall make my appeal to other gentlemen. The hon. gentleman from St. John, for whom I have the highest respect, is present, and I make my appeal to the hon. leader of the House to put a stop to such treatment of hon. members. I appeal to hon. gentlemen not to allow a system of thugism to be introduced into the proceedings of this chamber, for it is no better. If a man's speech is falsely reported or suppressed by the officers of the House, if the officers of the House are responsible for it, I say it is nothing better, and I do hope, without my taking formal action, that the committee will be called together and that some explanation of the suppression of yesterday's debate will be made. I think I have a right to ask that from the committee. I have a right to ask it from the leader of the House, as an old acquaintance, if not an old friend, and one with whom I have acted in this House for many years, and who knows me perhaps better than any other member of this House. If this

informal appeal is not answered, I shall take steps to have it brought up in a formal manner by placing a notice on the paper to have it considered in the proper way, and I think it is well for us to consider whether in view of the unsatisfactory nature of the synopsis generally furnished, if nothing else, it would not be much more creditable to the House to save the money than to spend it in the way we are now doing. I beg to withdraw my motion.

The SPEAKER—As the officers of the House, of course, cannot speak in this Chamber, I suppose the chair owes it to the House and to the officers that I should declare upon the part of the clerk of the Senate that he has had nothing to do either directly or indirectly with the report of the proceedings of yesterday.

Hon. Mr. MILLER—I withdraw my reference on that ground, if the clerk denies it.

Hon. Mr. ELLIS—I regret that the hon. gentleman from Richmond did not wait until the chairman was in his place. I think it is only fair to the committee, as the hon. gentleman made the appeal, for me to make at least an observation. The hon. chairman of the committee is absent. If the hon. gentleman from Richmond had waited for a day or two, he would have been here, and he would understand the strength and force of his observations. I might say that, so far as I know—and I am quite satisfied that I can say that for the committee—no instructions whatever have been given to the reporter to make any selection, or to treat anybody unfairly, or to take any action that would prejudice a member of the Senate in the observations he might make. But the gentleman who reports our proceedings, it must be remembered, is always at a disadvantage. He makes a report, and it depends entirely on the newspapers to whom he furnishes it whether they will publish the report or not. They take that portion of it which seems to be of the greatest value to the country, which affects most the public interest, rather than matters which come up between members of the House, and that accounts to a large extent for the fact that very often those discussions to which we among ourselves may attach great importance, are not referred to in the newspaper reports. I can safely say to the hon. gentleman that the reporter is not influenced—I think I can say that at any rate—in any way by the committee. It is his duty to deal fairly and properly by all members who speak in the House. I do not believe he is influenced in any way by anybody in regard to the reports that he makes. The hon. gentleman has declared the reporter to be incompetent. I do not think he is incompetent. I think that in making a long-hand report to the press he does his work better than any man we have ever had in the Senate at any previous period.

Some hon. MEMBERS—Hear, hear.

Hon. Mr. ELLIS—And that we get, on the whole, a better showing before the public than we have had for many years. I have not looked at yesterday's shorthand report to see how far the hon. gentleman's observations were reported by the official reporters, but I presume that full justice was done him there. I shall call the attention of the hon. chairman to the attack the hon. gentleman has made on us, and we shall endeavour to hear him, and if there is anything wrong we shall try to make it right.

Hon. Mr. FERGUSON—As a member of the Debates Committee, I must endorse what has been said by the hon. gentleman from St. John. Whatever individual members of the committee may have communicated to the reporter, I am quite sure that no instructions were issued from the committee with reference to the form and shape in which the report should be made, and I think I have attended all the meetings. Last year, very near the close of the session, I had occasion to criticise the reporter on a matter in which I felt very keenly, but it was in exactly the opposite line from the point made by my hon. friend on this occasion. It was for reporting what I thought he should not have reported. When the incident occurred in this House to which I refer and which I am sure we have all forgotten and forgiven, and have no desire to keep alive in any way, I then thought that the reporter should not have reported the offensive words. It might suit the newspapers very well to get something of that kind, but it served the

purpose of giving a personal detraction a wider circulation, and, on that account, I know that the reporter as a newspaper man would be very much inclined to take the newspapers' view of the matter, and whatever would be desirable to the newspaper to get hold of, he would report. However, I did not agree with him, and I think the House will agree with me that it is not desirable when any bitter personal remarks are made, thoughtlessly it may be, by one hon. gentleman regarding another, that they should be sent officially to the papers by our own reporter. I simply desire to show the House the point of view I took by my criticism at the close of last session, but I do think it is regrettable—and I do not know what can be the explanation—that a due reference was not made, in the report of yesterday to the remarks of the hon. gentleman. It was a very important subject. The personal reflections or charges against the clerk of the Senate need not have been reported, but the substance of the speech should have been given, and I do not think that the reporter has a right to use a discretion between what one hon. gentleman says and what another says, or what the representatives of one party in the House say, or what the representatives of the other party say. His duty is to give a fair resume of what took place. I think my hon. friend has had good reason to complain. On the whole, I agree with what the hon. gentleman from St. John has said, that the press has given this House more notice and more space, since the present press reporter has been at the desk, than we have ever received before.

Some hon. MEMBERS—Hear, hear.

Hon. Mr. FERGUSON—I have accounted for that from the fact that he is a newspaper man himself, knows the newspapers better, and makes up a report in a way that suits them better. I think it is a pity that this incident occurred, and that the observations of my hon. friend should not have found a place in the press report.

Hon. Mr. WATSON—If our press reporter takes any direction at all from the members of the Debates Committee, the hon. senator from Marshfield should not have found fault with him for the course he is taking to-day. He says he censured the reporter last year for reporting certain remarks. This session the reporter, acting on the direction of last year, omitted similar remarks, and yet the hon. member finds fault with him. The remarks omitted were allusions to the Clerk of the House, and the reporter should not be censured for having omitted them.

Hon. Mr. FERGUSON—I qualified my remark. I said anything that was personal or reflecting on the Clerk of the House should not have been published, but the substance of what was said as to the point of order was of a public character.

Hon. Mr. WATSON—If he had not reported the reflection on the Clerk there would have been nothing left to report.

Hon. Mr. POIRIER—I happen to be a member of the Debates Committee, and I fully endorse what has been said by my hon. friend from St. John and my hon. friend from Marshfield. While regretting exceedingly that my hon. friend from Richmond has not been reported as the others were, I still cannot help saying that the course adopted by our reporter was the right one. The hon. senator from Richmond, I regret to say, is not heard often enough on questions of order, of which he is a past and present master. We all regret that he does not more frequently give us the benefit of his wide and useful experience, but this was a petty matter, a private affair, and there is nothing to be gained by washing our dirty linen in public. It would not reflect credit on us. If we have to be severe amongst ourselves at times—and I still believe that the castigation given to the Clerk was not too severe—we should be actuated by a sense of charity and propriety and such matters should not go beyond the precincts of the Senate.

The SPEAKER—I suppose the hon. gentleman is aware that he is referring to a past debate?

Hon. Mr. POIRIER—I had forgotten all about it. I simply wanted to express the opinion for the guidance of our press reporter, who occupies a most delicate position, one in which he requires an exquisite

sense of propriety, that in my own opinion (and I think it is the opinion of the majority of the House) whenever any subject of a personal nature, reflecting discredit upon any individual member of the Senate, or upon any official of this House, whose honour and good name are in our hands, is under discussion, those discussions should not enter into his report and should not be given by the press. Let us be as severe as may be necessary, but let us temper our severity with charity, and with kindliness which is a form of charity.

Hon. Sir MACKENZIE BOWELL—The discussion upon this question of having an official press reporter is one in which I took some interest in the past, and to-day's experience only intensifies the opinion I expressed on former occasions, that the employment of an official reporter to prepare reports for the press, and paid for by the Senate, is an utter waste of money. If the press do not think proper to report what takes place here we should allow them to remain in ignorance of our proceedings. I must dissent from the doctrine laid down by the hon. gentleman from Shediac. I object to delegating to any reporter employed by the Senate the right to say what he shall report. None of us should say anything in this House that we ought to be shamed of, and if hon. gentlemen will indulge in personalities that is their own fault, and when their speeches are given to the public, they will soon know where to place them. I have a complaint to make of the report furnished to the press of the discussion in this House of the appointment of our assistant clerk. Not a word appeared in any of the newspapers giving the reasons advanced why he should not have been appointed. The press reports that I read—and I looked at a number—simply spoke of the man's ability to fill the position. I am not aware that a single senator who opposed the appointment said one word against Mr. Evanturel's ability. The objection was to incurring unnecessary expense; yet the public who read that report must have come to the conclusion that we attributed ignorance to Mr. Evanturel, or that we were actuated by party motives and dislike to the individual himself. I know that no member on this side of the House advanced that idea ; we objected to the appointment as being unnecessary. The debate is properly reported in the Senate Debates. Whether the press reporter was responsible for that I do not know. That is only one of very many cases that lead one to the conclusion that there is some influence that guides and controls the reporting.

Hon. Mr. SCOTT—No.

Hon. Sir MACKENZIE BOWELL—I do not say it does, but the incidents lead to that conclusion. We have had an extraordinary statement made here to-day. The hon. member from Richmond tells us that the reporter himself when asked for an explanation said that he had been instructed by the chairman or some other member of the committee to suppress certain discussions which took place in the House. By what authority does any member of that committee give such instructions? The press reporter is as much a servant of the opposition as he is a servant of the government. Where the press send their own representative to report our proceedings, we cannot claim any right to have our speeches published ; but when a reporter is employed by the Senate to furnish reports to the press, no member of the committee has a right to suggest to him what he shall or shall not report. It is arrogating a position which no man has a right to assume, and the sooner members of the committee understand what their duty is, the better it will be for the Senate.

Hon. Mr. POWER—I wish to reiterate the statement made by the hon. member from St. John, that we have never had as satisfactory a summary of our debates published in the newspapers as we have had since the appointment of the present reporter. I think every hon. gentleman agrees as to that. We cannot control the newspapers. I have never made any complaint, but I have known cases where I have made speeches which I myself humbly thought were of some consequence and which gave rise to some debate, of which no mention was made at all in the press; but that is not a matter which concerns the public or this House, and I should not dream of bringing it up here.

Hon. Mr. LANDRY—Why is the hon. gentleman bringing it up now ?

Hon. Mr. POWER—I am not bringing it up; the matter has been brought up, as I think, in a very unjustifiable way. The course which has been adopted by the hon. senator from Richmond, of rising and without giving any notice, as I understand, and attacking officers of this Chamber, is an unfortunate one, and one which should be deprecated. If the conduct of the reporter has not been satisfactory, I humbly submit that the proper course is to bring the conduct of that reporter before the Debates Committee. If another officer of the House is supposed to have done something which is not just the right thing, then the proper course is to call the attention of the Speaker to the conduct of that officer; but it is not fair or proper to make attacks here in the Senate, in the eyes of the public, and to a certain extent in the hearing of the public, upon men who have no opportunity to stand up and defend themselves.

The motion was withdrawn.

AN OMISSION FROM THE MINUTES.

Hon. Mr. LANDRY—I should like to draw attention to what I think has been an omission in the Minutes of yesterday's proceedings. The hon. gentleman from Prince Albert brought up a motion which was declared out of order. A discussion took place, and the chair decided that the motion was out of order.

The SPEAKER—I suggested to the hon. gentleman to adjourn his motion so that a proper notice should be sent out, at the same time as one covering the notice of motion of the hon. senator from Middlesex. I made no formal decision on that point, but I made the suggestion.

Hon. Mr. LANDRY—At all events, the motion was proposed and was withdrawn and it should stand on the order paper.

Hon. Mr. YOUNG—The hon. member postponed the motion until Wednesday, and it is included in Wednesday's orders.

Hon. Mr. LANDRY—That is not the one to which I referred. The motion was one in which the hon. gentleman from Prince Albert proposed to move that in the opinion of the Senate the Railway Commission should be enlarged, and the telegraph system of the Dominion placed under its control.

Hon. Mr. YOUNG—That was ruled out of order.

Hon. Mr. LANDRY—The motion having come before the House and the Speaker having ruled the motion out of order, the decision of the chair should appear in the Minutes of Proceedings.

Hon. Mr. YOUNG—It should, as a matter of record. It is part of the proceedings of the House.

The SPEAKER—The Clerk of the House informs me that he did not enter it in the Minutes and Proceedings because there was a decision of the House that decisions on points of order should not be entered.

Hon. Mr. LANDRY—Quite the contrary; there was a decision last year, which I obtained from the House, that rulings on points of order should be entered in the proceedings.

Hon. Mr. POWER—There was a discussion in this matter some years ago, and the conclusion reached by the House was that the reasons for the Speaker's decision were not to be inserted at length in the proceedings, but the decision was not to be recorded. If the Speaker ruled a motion out of order, that fact should be set out in the Minutes, because, otherwise, how could we account for the disappearance of the item?

The SPEAKER—As far as my knowledge goes, that would be the correct proceeding. I will look up the record and the Clerk will govern himself accordingly.

THIRD READING.

Bill (L) An Act to amend the Companies Act.—(Hon. Mr. Scott.)

COPYRIGHT ACT AMENDMENT BILL.

SECOND READING POSTPONED.

The order of the day being called: Second reading of Bill (28) An Act to amend the Copyright Act.

Hon. Mr. POWER—I find that this Bill has not been printed in English, and I

therefore move that the order be discharged and that the second reading of the Bill be fixed for Tuesday next. I regret that the Printing Bureau, which is supposed to be under the immediate charge of the Hon. Secretary of State, has not found time to reprint this Bill of about three lines, during the week it has been on the order paper.

Hon. Sir MACKENZIE BOWELL—Could the hon. gentleman inform the House what the contents of the Bill are ?

Hon. Mr. POWER—The effect is simply to change the words which are generally put just opposite the title page, 'Entered at the office of the Secretary of State, &c.

The motion was agreed to.

SECOND READING.

Bill (25) An Act respecting the Ministers' Widows' and Orphans' Fund of the Presbyterian Church of Canada.—(Hon. Mr. Mackay, Alma.)

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

THE SENATE.

OTTAWA, Friday, February 21, 1908.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

FUR SEAL FISHERIES.

INQUIRY.

Hon. Mr. MACDONALD (B.C.) rose to :

Call the attention of the government to a matter in relation to the modus vivendi between Great Britain and the United States on the subject of the fur seal fisheries. Will the government consider the question arising thereon should the opportunity arise ?

He said : I think there are rumours of an adjustment or of some arrangement between the government of Great Britain and that of the United States in regard to some of the treaties. I do not know what treaties they are, but very likely the Behring sea arbitration will be alluded to, as the United States government claims, and have claimed exclusive rights to the seal fisheries in the North Pacific. Although they claim these rights, we secure a good share of the seals in the Pacific ocean, and there is a clause in the treaty of 1903 which goes very far in regard to the killing of all the fur seals; that is to say there is a space of time left open from January until May in which sealers can go down south and kill the seals in young while coming up to Behring Sea. I mentioned that to Sir Charles Hibbert Tupper when he came back from Paris, and he said, 'Yes, I know. It is a great pity, but that is all we could get. We were a long time at the treaty, and at last we had to take things as they were.' Our sealers leave Victoria in January. They sail south. They are not supposed to fish for seals north of 35 degrees north latitude. That is about San Francisco ; but there is no patrol of British war vessels to prevent the seals from being taken when they turn to the south instead of turning to the north to come to Behring Sea. The close season is from the 1st of May until the end of July. At the end of July the sealers who have been down south move north to the Behring Sea and remain there until the month of October. If the treaty should come before the government for ratification by them, although this may hurt our own sealers, I think the seals should be preserved as much as possible, and that the taking of seals in any part of the Pacific up to the month of July should be prohibited. After that time, the seals have all passed up to the north of Behring Sea to have their young, and in the month of October regularly, they go south again. I do not know how far south they do go, but they return in January to the sealing grounds in Alaska. I thought it proper to call the attention of the government to this weak part of the treaty. I have the treaty before me, and if the government wish to see it they can do so.

Hon. Mr. SCOTT—All this discreditable conduct occurs, of course, outside of the jurisdiction of Canada. I look upon the sealers, as a rule, as a horde of pirates. They have no respect for law, and no regard for the animals they destroy the existence of, and the result will be that before another generation there will be no seals left. The only remedy that I can suggest is for people who use seal skins to decline to purchase them for the next

twenty years with a view to the preservation of seal life. The reservation of a sixty mile zone, and the rules laid down for the preservation of seals are of no value. It would take the navies of Great Britain and the United States to prevent the operations of these sealers. The only way to meet them is to get them on the land and confiscate everything they have and their vessels. Unless the nations like Russia, Japan, United States and Canada agree upon some policy there will be no seals left in the next ten years. Canada is quite ready to do her share and be a party to any arrangement that will preserve seal life and prevent the destruction of any seals, except the males. By preserving the females and the young seals in that way their extermination will be prevented. You cannot moderate the greed of the men who go out to hunt seals. They kill males, females and the young without discrimination, and they get one available seal perhaps out of four. The government of Canada are prepared at any time to do what they can to put the seal industry on a basis which will leave some seals for posterity.

Hon. Sir MACKENZIE BOWELL—The remarks made by the hon. Secretary of State are of such a character as to lead one to suppose that the government is prepared to accept the dictum of the United States that seal life shall be preserved throughout the whole Pacific ocean. The attack made upon the sealers of British Columbia by the hon. gentleman is of such a character that it must lead one to that conclusion, because there is but one way of accomplishing the object which the hon. gentleman says every one has in view. namely the preservation of seal life. If seal life is to be protected in the manner suggested by the United States, then there must be an arrangement between the different nations, to which we must become a party, to prevent the killing of seals at certain seasons of the year in all parts of the Pacific ocean. The demands of the United States are of such a character that, if conceded, seals could not be killed by any one at any season of the year except by United States sealers. If the hon. gentleman's suggestion is to be carried out, there would be no sealing except when the seals are on their breeding ground where they are under the exclusive control of the United States. Now I question the propriety of this country becoming a party to any such treaty. Under the Paris treaty the United States obtained concessions such as no other nation has ever obtained, establishing a wide zone within which seals cannot be killed. No such privilege is enjoyed by any other country, and if we are to accept the view of the United States as to the seal fisheries on the Pacific it will lead to further encroachments on the Atlantic fisheries. They have made demands in that direction, and I would not be surprised if concessions are granted on the Newfoundland coast which will give the United States fishermen the right of taking fish within a mile or a mile and one-half of the shore. There is no end to the attempts of the United States authorities to encroach upon the rights of the British portion of this continent. What they fail to get to-day they attempt to secure to-morrow. I observe by the newspapers that permission was recently given the United States to take a war ship through the Canadian canals, to be used as a training ship in the upper lakes. That is in direct contravention of the treaty between Britain and the United States, by which no war vessels are to be maintained on the upper lakes. To my mind, it is a suicidal policy. I was glad to see the other day, in a cablegram from England the comments of the leading Liberal newspaper in London, the 'Chronicle,' on this question, pointing out that Canada and Great Britain are continually making concessions to the United States until we will shortly have no exclusive rights and privileges in this country. Our neighbours never give Canada any concession which interferes with their rights, and the sooner Canada makes a hard and fast rule from which it will decline to recede, and let the British government understand that no further concessions to the United States will be permitted, the better it will be for the Canadian people.

Hon. Sir RICHARD CARTWRIGHT—My hon. friend beside me said nothing at all about the terms on which we would deal with the United States, and I can assure the hon. gentlemen opposite that it is the

full intention of the government to see to it that in the event of any further demands being made by the United States, a reasonable equivalent shall be given to the people of Canada. That, of course, is a matter for negotiation and treaty. As to the other point to which the hon. gentleman alluded, I may remind him that it is in the power of the United States, under the convention with Great Britain, to terminate that convention at six months notice at any time, and it is hardly advisable, for the sake of a single training ship, to raise that question. I think the Senate will agree with me that we are not in any very imminent danger of invasion by a United States fleet, even if they have two or three training ships in the upper lakes.

Hon. Mr. LOUGHEED—Before the discussion of the matter is closed, may I ask my hon. friend if the government contemplates submitting, in the approaching reference to the Hague Tribunal, the question of the regulations in Behring Sea? What the hon. senator from Hastings did say was this, that the observations made by the hon. Secretary of State left only one conclusion in the minds of hon. gentlemen who listened to him, and that is, that owing to the dissatisfaction which must necessarily prevail because of the non-observance of the regulations for the protection of seal life, it was an open question, and one which must be dealt with in the near future. If it be the impression of this government that the present regulations are insufficient for the protection of seal life in Behring Sea, then the logical sequence of that seems to be that the question is still open and may possibly be one of the questions yet to be dealt with by the Hague Tribunal. Can my hon. friend say if this question is yet being considered by the government, or whether the United States government has submitted this as one of the unsettled questions, or one of the questions which should be further considered by the government?

Hon. Mr. SCOTT—I do not think there was anything in my language to at all justify any deductions being drawn from it that it was in contemplation to have a new treaty with the United States or that we were moving in the matter at all. We are ready at any time to consider the question when any proposition may be made. There is no proposition before the government on the subject.

Hon. Mr. MACDONALD (B.C.)—None yet.

Hon. Mr. SCOTT—No. My observations were entirely predicated on an existing condition, which, I think, is exceedingly regrettable, and does not reflect credit on the intelligence of any country, where we allow life to be destroyed in this manner. I understand the seal fisheries have been decreased from 50,000 a year at the Pribyloff Islands to ten or twelve thousand, but we are not responsible for that.

Hon. Mr. LOUGHEED—Is the government considering any remedy for the difficulty which has been pointed out?

Hon. Mr. McMULLEN—We younger members in this chamber have been lectured in past days for violations of the rules of the House. On the present occasion, hon. members have for the last fifteen or twenty minutes been violating Rule 39. Hon. gentlemen will observe by that rule that when a question is put to a minister he is allowed to answer that question; but it cannot be made the subject of debate afterwards. We have the older members violating the rule, for which offence we younger members have been lectured.

Hon. Mr. SCOTT—The question cannot be debated.

Hon. Mr. POWER—I humbly submit that the hon. gentleman from Wellington is in error. The hon. gentleman from Victoria, said in his motion that he would call the attention of the government to a matter in relation, etc., and then he asks a question. Our rules provide in that case that there may be a discussion.

Hon. Mr. McMULLEN—Look at Rule 39.

A QUESTION OF PRIVILEGE.

Hon. Mr. LANDRY—Before the orders of the day are called, I desire to call the attention of the government to the following telegram which appeared in the Toronto press :

Montreal, February 19.—(Special).—There are some interesting political notes floating

round here just now. In the first place, a strong delegation has just returned from Ottawa with the assurance that Hon. Arthur Boyer will in the near future be appointed lientenant-governor of Quebec. The story that Sir Louis Jette has been asked to hold on till after the Quebec celebration in August is not without any foundation, and it is quite probable that unless there is a very strong kick from the district of Quebec, Hon. Mr. Boyer's nomination will be gazetted in the near future. Then it appears that a portion of the rumours touching the changes in the government of Quebec is true. Hon. Adelard Turgeon will, it appears, leave the government and accept a senatorship at Ottawa.

He will, it is said, replace Hon. P. A. Choquette, who goes to the City of Quebec as police magistrate. The present head of the police court is Hon. Judge Chauveau, who will be retired, as he is one of the directors of the Banque Nationale. It is understood that he will pass at least three months of the year looking after the Paris branch of that institution. Mr. Turgeon's successor in the cabinet has not been suggested yet, but it not to be supposed that the change will take place before the coming session which opens the 3rd of March.

Hon. Mr. CLORAN—I rise to a point of order. I do not think the hon. leader can answer any of those question.

Hon. Mr. LANDRY—I have not asked the question yet.

The SPEAKER—The hon. gentleman will limit his question to a federal matter and not a provincial matter.

Hon. Mr. LANDRY—I am not going to ask a single question in regard to a provincial matter. I desire to ask if there is any truth in the fact stated here, that a deputation has interviewed Sir Wilfrid Laurier and has exacted from him the promise that Mr. Boyer will be appointed lieutenant-governor in the province of Quebec, to replace Sir Louis Jette, and is it true that a shuffle is contemplated so as to remove from this chamber the Hon. Mr. Choquette and to appoint Hon. Mr. Turgeon in his place? I do not believe the latter part of the despatch, because I do not think the Hon. Mr. Choquette, who has been a judge of the Superior Court, would resign his seat in this chamber to become a magistrate. In the first place, is Mr. Turgeon to become a senator?

Hon. Mr. SCOTT—In all truth, I never heard a reference to the matter until I saw it this morning in the paper.

Hon. Mr. LANDRY—It might have been decided on a Wednesday, the day the hon. gentleman does not attend council.

Hon. Mr. SCOTT—I do attend council. I must ask an explanation of that.

Hon. Mr. LANDRY—The answer given is that personally the hon. gentleman does not know anything about it, but I am asking him as representing the government?

Hon. Mr. SCOTT—I am answering for the government. I never heard of it.

ARREST OF JAPANESE IN BRITISH COLUMBIA.

Hon. Sir MACKENZIE BOWELL—Before the orders of the day are called, I should like to ask the Secretary of State for the reasons for instructing the agent of the Department of Justice to bring before a justice in British Columbia the case of the Japanese who were arrested and imprisoned under what is termed the Natal Act. The hon. gentleman's answer is clear enough, except that he gives no reasons for the action taken by the government in that respect. Is it because the Natal Act, as it is termed, passed by the British Columbia government, is unconstitutional? Is it ultra vires, or was it for the purpose of obtaining a decision as to the constitutionality of the Act from the judges, in order to relieve the government of the responsibility of disallowing the Act? The hon. gentleman knows well that the practice in the past has been for the Minister of Justice to report upon the constitutionality of any Act passed by a provincial legislature, and upon that report the government acts. Assuming the judge to declare that the Act is unconstitutional or ultra vires of the power of the British Columbia legislature, then the government is relieved, I suppose, of the responsibilities attending the disallowance of the Act; and judging from the course that they have taken, I think it is rather a dexterous method of relieving themselves of the responsibility of a proceeding which would be extremely unpopular in the province which passed the Act. I suppose the hon. gentleman can inform the House as to the real reason why the course which he stated was taken has been taken, and the

reason why they did not disallow the Act if they considered it to be ultra vires?

Hon. Mr. SCOTT—It is rather a curious interrogatory. The government of Canada feel it their duty to protect the Japanese when arrested in violation of a treaty with Japan. We think the Act of the legislature of British Columbia is unconstitutional. It is a violation of the British North America Act, which is quite plain. I think I stated in the House the other day that section 95 of the British North America Act debars a provincial legislature from passing an Act on the subject of immigration that is not in harmony with any Act existing in the Dominion. I made that explanation.

Hon. Sir MACKENZIE BOWELL—The explanation the hon. gentleman has given is not the answer reported here or that he gave us yesterday. He gave no reason.

Hon. Mr. SCOTT—I do not recollect what answer I gave.

Hon. Mr. LOUGHEED—In the event of the courts of British Columbia holding the Act to be constitutional, may I ask my hon. friend if it is not the intention of the government then to disallow the Act, as they would have a right to do under the British North America Act? My hon. friend has already given his opinion upon the hardship imposed by the Act upon the Japanese, and has also expressed the views of this government so far as the Natal Act is concerned. Suppose the court should hold the Act is constitutional and intra vires of the legislature of British Columbia, what would be the action of this government in regard to it?

Hon. Mr. SCOTT—We will consider the subject and come to some conclusion. I certainly could not advise the hon. gentleman as to that.

Hon. Sir MACKENZIE BOWELL—I must apoligise to the Senate for referring to the remarks I made yesterday in reference to the report published in the papers supposed to be a synopsis of the proceedings of a few days ago. My remarks would certainly leave the impression that I was casting a reflection on the reporter. The synopsis which he made is on file, and I have examined it since I made my remarks the other day, and I find that the synopsis is a very good one.

Hon. Mr. SCOTT—Hear, hear.

Hon. Sir MACKENZIE BOWELL—I desire to relieve the reporter of all the responsibility in the matter. Still it only intensifies the statement I made that we are spending money for reports which the press will not avail themselves of.

Hon. Mr. SCOTT—The hon. gentleman would rather have no report at all.

THIRD READINGS.

Bill (M) An Act respecting the Trans-Canada Railway Company.—(Hon. Mr. Choquette.)

Bill (N) An Act respecting the Windsor, Chatham and London Railway Company.—(Hon. Mr. Coffey.)

Bill (58) An Act respecting the Ashcroft, Barkerville and Fort George Railway Company.—(Hon. Mr. Bostock.)

SECOND READINGS.

Bill (T) An Act respecting the Atlantic, Quebec and Western Railway Company.—(Hon. Mr. Fiset.)

Bill (U) An Act to change the name and head office of the Anglo-Canadian Insurance.—(Hon. Mr. Casgrain.)

The Senate adjourned until Three o'clock on Tuesday next.

THE SENATE.

OTTAWA, Tuesday, February 25, 1908.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

GRAND TRUNK PACIFIC BRANCH LINE COMPANY BILL.

FIRST READING.

Hon. Mr. WATSON introduced Bill (Y) An Act respecting the Grand Trunk Pacific Branch Line Company.

The Bill was read the first time.

Hon. Mr. WATSON moved that the Bill be read the second time on Thursday next.

Hon. Mr. LANDRY—I think the hon. gentleman should tell us why this Bill is introduced. He does not give us any explanation.

Hon. Mr. YOUNG—The explanation will be given on the second reading. This is merely introducing the Bill.

Hon. Mr. LANDRY—If I want to refer the Bill to the Standing Orders Committee, I should want to know what it was, and it might be too late on the second reading to get the explanation.

Hon. Mr. WATSON—It is for an extension of time for the construction of the branch lines that the Grand Trunk Pacific received power to build two years ago.

The motion was agreed to.

PUBLIC OWNERSHIP OF PUBLIC UTILITIES.

MOTION.

Hon. Mr. McMULLEN moved:

That in the opinion of this Senate of Canada, the public ownership and operation of public utilities would not be in the interest of this Dominion.

He said: In rising to make the motion of which I have given notice, I desire to offer some explanation to the House why I considered it necessary to place the notice on the paper. As most members of this House are aware, the question of municipal ownership and operation of public utilities has been discussed in the press of this country to a considerable extent. A great many organs are disposed to encourage it. Others are opposed to it. Some utilities should unquestionably be owned and operated by every municipality. Water and sewage are two of the most important utilities. They are important because they contribute more to the general health of the city or town than any other utilities; where there is not pure water, and also good drainage, the health of the people is at stake, and whatever it may cost to have these two accommodations, they are such an absolute and imperative necessity, that every municipality, city or town is justified in any expenditure that they may consider necessary to provide them. The utilities that are commonly classed amongst those that might well be controlled by municipalities are electric light, water service, drainage, street cars, transportation and telephone. All these contribute to the convenience of a municipality, and efficient service is desirable. The ownership and operation of public utilities are two different things. It may be pardonable for any municipality to be the owners of their own street cars or their own telephone system; but to be the operators of those systems under present municipal conditions in Canada is, in my humble opinion, a questionable policy. When municipal elections are held yearly, we must recognize that the mayor and aldermen are in close touch with the electors all the time. No sooner is an election contest over than they begin to canvass for the next election. This brings them into close touch with all classes of the community having votes, with the result that they try to cultivate popular feeling. Those who wish to get work in the municipality at which they can make an easy living, are apt to use their influence to obtain positions where they can get a dollar in cash for every ten cents worth of labour. In all municipalities you find as a result a certain number of municipal drones, men who, perhaps, had been engaged in other callings and had failed simply because they did not possess the energy necessary to be successful, and had become a burden upon their friends. Friends naturally are always anxious to shunt such men on to the municipal list and get them something easy to do where they can make a living. That is too common a condition in the affairs of our municipalities. In England it is somewhat different. There councils are elected for three years, one-third of their number retiring every year. Aldermen are elected for six years, one-half the number retiring every three years. In this way, they are not in such close touch with the electors as members of our councils are in Canada. Then, again, they have other corrective powers that we have not got here. In England and Scotland they have a municipal government board, created a few years ago under an Act of Parliament, whose duty it is to keep a close

watch on the transactions of all large municipalities, to see that they keep well within the law, that their expenditures are prudent and proper, and that their accounts are well and carefully audited. In our own country our municipal audits are not as thorough as they ought to be. We should have a better audit system than we have at present. In England and Scotland the auditors have to be chosen from chartered accountants. They have to be approved of by the municipal government board. The municipality cannot even fix the payment for their duties; that is done by the municipal government board, so that everything that contributes to a careful, prudent audit of the accounts of municipalities exists there. All those conditions in England contribute very much to the success of municipal ownership there. What would you think if the Grand Trunk Railway and Canadian Pacific Railway were operated by a new board of directors elected every year? If new men were put in annually, you would have new ideas and new policies and men disposed to act in opposition practically to the course pursued by their predecessors, and you could not hope to attain the success which has attended the management of those companies under a board re-elected from year to year. In our municipal regulations, the risk of yearly changes and of new ideas and new methods in the operation of municipal utilities would bring about a more expensive condition of things than prevails under the guidance of men who are in office continuously, and who are careful and prudent in all they do. Again, in the old country, the Board of Trade has certain powers to fix the rates charged for public utilities. We have no such regulation in this country. Even under the present condition of things in England there has been an enormous expansion in the ownership and operation of municipal undertakings, and the municipal national debt has greatly increased. In 1885 the municipal debt of England and Wales was $406,150,000. In 1898 it had risen to $580,000,000. In 1901 it had reached $718,595,000. In sixteen years the municipal indebtedness of England and Wales had increased by $312,500,000. If that condition of things has developed there, with all the advantages they have in the permanency of their municipal officers, and with a municipal government board and the safeguards thrown around the municipal authorities, I should like to know what would happen in Canada under our loose system if we adopted the same policy? We have no such perfection, and there would be great danger from our cities embarking in municipal ownership and operation. We know that business men push business. Whether they take hold of a street railway or anything else they try to make it a success by attending to every detail. On their management depends the credit they will get for efficiency. In municipal works you have not the same active energy put forth, and, as a result, you never get the same return as you would derive from management under private individuals. I deplore, and I suppose there are others in this chamber who deplore the fact that we do not always have the best citizens elected to municipal offices. We find even in our cities that a great many of our best men refuse to accept the positions of mayor or aldermen. They do not appear to be inclined to spend their time in the service of the city, and the result is that municipal government very often drops into hands that are not capable of conducting the business of the municipality in the best interests of the people. I know several cases in which our best men have declined to act on a municipal board. In England it is different. In the city of Glasgow, for instance, the best men hold positions on the council board as aldermen. The aldermen, of course, are not chosen by popular vote, but by vote of the council themselves. They are not therefore directly responsible to the electors, as aldermen in our cities are. In this country, aldermen are elected by popular vote, and, as a result of that system, they have to fight for the position and many men decline going into a municipal fight, or undergoing the drudgery and work which has to be gone through to get elected as an alderman. It has been clearly proven by experience in England that as good results have not been or cannot be obtained under municipal ownership as have resulted from private ownership and opera-

tion. Glasgow was looked upon as one of the model cities of the British Empire, with 780,000 inhabitants, or a million, counting all suburban corporations. There arose a popular demand for municipal ownership and operation of public utilities, and as a result of the adoption of that policy its debt has risen from twenty-seven and a half million in 1890 to sixty-four and a half million in 1900, while the assessed value only increased from seventeen and a quarter million to twenty-four and three-quarter million. The city debt increased thirty-seven million, the assessed values only increased seven and a half million. In 1890, the rate on the dollar on fifty dollars rental assessment and upwards was 12 cents on the dollar. It is now 16½ cents on the dollar of the assessment. The amount paid into the municipality for tram receipts over operating expenses during the nine years that they had operated their street railway was $534,000, or about $59,000 a year for nine years. The amount paid to the city of Toronto for the same time by the operators of the street car system was $1,833,826, or a yearly average of $203,758. I understand that last year the percentage paid by the street railway of Toronto into the municipal treasury, under the lease that is held by the lessees, amounted to something in the neighbourhood of $400,000. The average rate on the street cars of Glasgow is about a cent a mile. The average rate in the city of Toronto is higher than that; but there is one peculiarity in Glasgow. They give no transfers. In Glasgow, if you get on a street car to ride, you tell the conductor the distance you want to go, and you have to pay for that distance. When you get off that car and go into another car, you have to inform the conductor again of the distance you intend to travel, and he charges you another fee, and so on. That is the way they run their street car system in Glasgow. In Toronto you pay a fee of five cents, and, I believe, you can ride as much as eight or ten, or perhaps eleven miles for that amount. If you were in Glasgow and had to change cars several times, you would have to pay very nearly as much as you have to pay in Toronto. Before dealing finally with Glasgow, let me give you an idea of the extent to which this principle has been carried out in Great Britain. There are in England and Wales 229 municipalities that carry on municipal industries out of a total of 317 municipalities. There are 197 that conduct their own waterworks. There are 97 that conduct their own gas works. There are 102 that conduct their own electric light works, and there are 29 that conduct their own tramways. In Scotland, as I said, Glasgow leads the way in municipal ownership and operation, with civic ownership of electric light, tramways, telephones, etc., controls eleven public works and public galleries, eleven baths and wash houses, and many other things. It owns and rents 373 shops, 49 stores, 43 warehouses, two hotels, one theatre, one pawn office, 43 work shops, and nine churches, and pays the salary of the preacher out of the municipal treasury. It owns stone quarries, and has no less than nine hundred cars for the movement of that stone, and the business that is connected therewith. The total sum spent in water works for supplying water in the city of Glasgow is $19,884,850. Two and three-quarter cents on the dollar for the rental within the city and four cents without the city limit, is charged for supplying water. The rent for water for a house paying an annual rent of say £100 would be between eight and ten dollars.

Hon. Mr. CLORAN—That is cheap.

Hon. Mr. McMULLEN—It is not overly dear. The city's water system covers sixteen miles from north to south, and twelve miles from east to west. The water system is not confined to the city of Glasgow alone, because there are many corporations outside of the city and the waterworks extend to most of these and they supply water, and as you notice, they charge four cents on the dollar of rental for water supplied outside of the corporation, and only two and three-quarter cents for water supplied inside the corporation. Now, telephones should not be classed as public utilities, because a small portion of the population use them. In Toronto only six per cent of the population use telephones, and in the city of New York only 4½ per cent of the entire population use telephones. In that case it would be un-

fair to tax the rest of the people of these cities for a charge that might be imposed for the sake of handling telephones under municipal control and at a fixed municipal rate.

Hon. Mr. CLORAN—The hon. gentleman states that in New York four and a half per cent of the population use telephones?

Hon. Mr. McMULLEN—Yes.

Hon. Mr. CLORAN—And in Toronto six per cent, and so on. Is that a fair proposition? A man that has a 'phone may have ten of a family using that 'phone, and that would mean perhaps forty per cent of the population instead of four per cent. One telephone will do for ten people.

Hon. Mr. McMULLEN—Four and a half per cent of the population of the city of New York are on the telephone list as users.

Hon. Mr. CLORAN—Representing how many people who use the 'phone?

Hon. Mr. McMULLEN—Representing those that pay rent for the telephone service. That is only four and a half per cent of the entire population. A very large proportion of the population may be interested in the telephone system, but it is only that percentage that is on the list as payees for telephones in New York, and there are six per cent on the list in Toronto.

Hon. Mr. CLORAN—The hon. gentleman would not want a 'phone for each member of a family or each clerk in an office?

Hon. Mr. McMULLEN—No, certainly not.

Hon. Mr. CLORAN—That brings the average up.

Hon. Mr. POWER—What is the proportion in Glasgow?

Hon. Mr. McMULLEN—I have not made out the proportion in Glasgow. I have just taken those two places. The fact of the matter is that I was afraid I was going to bother the House with too many figures. I have already stated that in the municipalities in England and Scotland there is very great care taken in the expenditure of money, owing to the existence of the municipal government board. The municipalities know that they have to subject their accounts and expenditures to that board, and the result is that they may suffer very seriously unless they can show good return for the money that is expended. In Huddersfield, for instance, there was £414,000 spent for the construction of thirty miles of tramway. When the accounts came under the eye of the municipal government board and had to be balanced by them, there was £100,000 that could not be accounted for. There was nothing to show that that money had been properly spent—$500,000 out of £414,000.

Hon. Mr. PERLEY—That was boodle.

Hon. Mr. McMULLEN—That may have been. They had nothing to lay before the municipal board to satisfy them that that money had been properly spent.

Hon. Mr. PERLEY—They must have sent it over to Canada?

Hon. Mr. McMULLEN—The city of Munich, Bavaria, took over the street railway system, and in the first five years' operation the earnings were $51,733 less as a net return than the average profit five years before when it was operated under lease to a private corporation. If a city is not well governed, municipal ownership is the most dangerous thing imaginable.

Hon. Mr. DAVID—Hear, hear.

Hon. Mr. McMULLEN—If you have not men who are anxious to see the affairs of the municipality carefully and honestly conducted, and who will bestow their best ability, their energy and their close attention upon matters of vital interest to the municipality, extravagances will occur and money will be squandered. Keir Hardie, the socialist, voiced the sentiments of English socialists when he said at Bradford, when giving an address there, the following:

> It becomes increasingly evident that socialism in this country will come through the municipalities. Municipal tramways, municipal water, municipal gas, municipal elec-

tricity, municipal bread, municipal coal, municipal land—these things are all putting the people or will put them in possession and control of the essentials of life, and that is what socialism aims at.

Perhaps I do not understand socialism aright, but from what little information I have gathered in regard to it, I hope the good Lord will protect us in Canada from being under the control of socialists. It destroys energy and industry; it teaches the principle that the world owes a man a living and he has a right to have it whether he works for it or not, and it teaches the principle that what belongs to others, if necessary, should belong to the public, and that men who have amassed fortunes have no right to enjoy them—that the land should belong to the people, and so on. Such are the ideas which are promulgated and advocated by those people. While socialism has a very strong footing in England, I hope it will not get a strong footing here. I have looked over the statistics of cities and towns in England that have lost by taking over and operating the electric light system. I find that sixty-two towns and cities in England have lost in the operation of their electric lighting plant $405,150, or an average of $8,534 each. The city of Brighton heads the list with a loss of $51,165. Now let me give you an illustration of extravagance under municipal management. It was cited in a discussion in Manchester on the subject of municipal ownership and operation, but it happened in one of the suburbs of the city of London. A lamp had got broken and a man was sent to report on it. It took him about a day to do so, and when he reported on the condition of the lamp a carter was sent to bring the lamp to where it could be repaired. Then it had to be carted back and men were employed to have it put in place. The whole expense involved was $18.60. They could have bought a new lamp for $6, and the only additional expense to that would have been the cost of putting it up. A peculiarity in the operation of street railways in the municipalities of England is that nothing is set aside for depreciation, and accounts are often cooked—that is, charges are often made to capital account that should be charged to revenue, etc. That is one reason why the municipal government board was appointed. Rottenness and deception in the handling of municipal matters had crept into municipalities in England and Scotland to such an extent that the government, after making some investigation, decided that some control over those municipalities was necessary. A municipal government board was appointed, standing in the same relation, virtually, to the municipalities of England as our railway commission stands to Canadian railways. They control their dealings, make them keep rigidly within the provisions of the law under which they operate, and see that municipal matters are conducted in the interest of the people. I have examined statements relating to sixteen towns in England which operate municipal street railways, and I find that the net loss in those cities last year was $234,980, an average loss of $14,686. Now let me give the House some idea of the experience of the Australian colonies, of government ownership and operation of railways. In the fourteen years, prior to the time they were taken under the management of a commission, the annual loss was $1,406,996. In 1904 a commission of three men was appointed. One of them, the chairman, is a Canadian. They turned that annual loss into a surplus of $2,595 over all expenses. The road has been worked so that it has made a small return after paying all expenses including interest on the bonds.

Hon. Mr. CLORAN—It is still under the system of public ownership.

Hon. Mr. McMULLEN—In 1901 the operating expenses amounted to £616,945; in 1902, £671,588; in 1903, £591,897; and in 1904, £586,014. The reduction in operating expenses alone in the four years was $154,655. The reduction was largely brought about by dispensing with the services of a number of men who were not needed. The staff was cut down, and yet an efficient service has been given to the people of Australia, just as good as they had before, and all this has been accomplished by simply removing the railway from under government management and placing it under a board of commissioners.

Hon. Mr. FERGUSON—The railways are still owned by the government of Australia?

Hon. Mr. McMULLEN—Yes, but they are managed under commissioners who are absolutely and entirely independent of political influence. They are not controlled in any way. Of course, in England the opportunity of borrowing money at low rates has undoubtedly been a great temptation to the people to spend money as they have done. Municipal ownership of public utilities has so increased in England, Scotland and Wales that the municipal debt has risen from $226,250,000 in 1885 to $481,000,000 in 1901, an increase of 112½ per cent in ten years. That, of course, is largely owing to a desire to become possessed of municipal utilities of various kinds.

Hon. Mr. CLORAN—What are the assets to represent that amount?

Hon. Mr. McMULLEN—They are owners of their street railways and so on, but, as I have already shown, in most cases they are not remunerative. In some cases, perhaps, the rates are too low. As I have said, they are now talking of increasing the rates in Glasgow and Manchester. Manchester has suffered from the adoption of the system of municipal ownership, and, its street car system has got into a dilapidated condition, and the service is poor. Glasgow gives the best service of any city in the British Islands. Manchester has seriously lost by depreciation of plant, evidently for want of money, because of their desire to make it appear that the system was earning something for the municipality. Municipal ownership does not appear to have taken hold of the people in United States cities, as it has done here. I do not know of any system of municipal ownership of street railways in any United States city. In New York, even their subways, while they belong to the city, are operated under lease, and it is the same in Boston. In Detroit, there are two street railway systems operated by two incorporated companies. In Buffalo it is about the same, so far as I know. I know that in Philadelphia and Kansas City the street railways are operated by private enterprise. The legislature of Massachusetts appointed a committee to investigate the whole question of municipal ownership and operation of street railways, and, after an extended investigation, occupying many months, they brought in a recommendation that it was pardonable for a municipality to be the owner of her own utilities, but they were pronounced in opposition to municipal operation.

Hon. Mr. FERGUSON—Was this a committee of the legislature?

Hon. Mr. McMULLEN—A committee of the Massachusetts legislature, appointed for that purpose. Municipal operation of street railways has become very common in Great Britain and Germany, and the principle is extending in both those countries. The average rate of operating expenses where street railways were owned and operated by the cities themselves in 1902 was 72 per cent of the earnings. In the United States under private ownership the percentage was 62 per cent, or ten per cent less than in Great Britain, though wages are higher in the United States than in the mother country. Everything that goes into the improvement of a street railway can, I am sure, be got cheaper in England than in the United States, yet, notwithstanding that fact, there was this difference in cost of operation in favour of the United States. We have had some experience in Canada if not in municipal ownership and operation, at least in Dominion ownership and operation in connection with our Intercolonial Railway. In my earlier experience as a member of parliament, I used to criticise the expenditures in connection with the Intercolonial Railway. I thought that money was sacrificed —I believe it was—I hoped very much for improvement. I believe that every Minister of Railways—and I include Conservatives as well as Reform governments—began with an honest and earnest desire to improve the condition of the Intercolonial Railway; but during my parliamentary experience of over 23 years, every minister has failed. They have had to fight against the influences brought to bear by members of parliament in favour of their own constituencies, men seeking to be employed on the Intercolonial Railway or to get some job of draining or fencing or other work on the line. That has been going on for years, and will continue as long as the road is operated under a government head. I do not care who is appointed to that posi-

tion, there will continue to be loss on the operation of the line under a government. I am satisfied that my esteemed friend the Hon. Mr. Graham has begun with a determination to try and lift the Intercolonial Railway out of the rut in which he finds it; yet, after all, his experience will be that of his predecessors. Eventually he will have to yield to the same influences, or get down and out. He will be forced to make concessions in behalf, possibly, of his political friends and his experience will be the same as that of his predecessors. I can recall the time when Sir Charles Tupper was Minister of Railways. He made a vigorous effort to show that he had wiped out the large annual deficit which had occurred under the Hon. Mr. MacKenzie. The deficit at that time was something like $700,000 a year. In order to terminate that deficit Sir Charles discharged a large number of men from the repair shop. Cars were turned to sidings and not repaired; new cars were bought and charged to capital account. It was the same with engines. When the snow sheds along the line got demolished, new iron snow sheds were put up and charged to capital account. Every item that could possibly, by any excuse, be charged to capital account was so charged in order to show that the railway was earning more than it expended. I do not say that the expenditure under him was any worse than under any of his predecessors. When his successor came into the office, he found a large percentage of the stores had been used without being replaced, and a very large number of cars were lying on side tracks that had not been repaired, while the engines were in the same deplorable condition. All these had to be repaired and stores had to be purchased, all involving increased expenditures, because the road had to be put in proper shape. As a result of all this we have piled up against the Intercolonial Railway to-day something like $81,000,000 charged to capital account, and the amount is still growing, and unless checked will reach the $100,000,000 mark before ten years. That has been our experience in owning and operating a railway as a government enterprise. While I am willing to give the government every credit for making an honest effort to manage the road to the advantage of the people of this country, I predict that there will be no improvement until we follow the example of Australia and put it under an independent commission—a commission who will be as independent of the government as is the auditor general of this country—more independent if possible. Appoint two or three commissioners if necessary and let them operate the line as though they owned it—cut it loose from all political influence and allegiance, and handle it in the interest of the country and the country only. If that is done, I believe that the line will eventually return a respectable annual surplus over expenditure. I remember many years ago, in travelling from Toronto to Montreal, meeting the then president of the Canadian Pacific Railway, W. C. Van Horne. The Canadian Pacific Railway had not then built their short line to St. John, and I remember him saying distinctly that if the government would hand him over the Intercolonial Railway, the Canadian Pacific Railway would agree to give the country as good, cheap and efficient service as was being given then, and pay $1,000,000 a year for the privilege. What a pity that was not done in the interest of this country. The people would have had a good service, and the public treasury would have been $20,000,000 richer than it is to-day. In conclusion, I think it is well that this House should discuss questions of this kind. The people will appreciate our effort to furnish information on such subjects. I have endeavoured to get facts and figures; if any of them should be found incorrect, I am open to correction.

Hon. Mr. CLORAN—I have but a few words to say in answer to the very painstaking, able speech on this question of public ownership to which we have just listened. The hon. senator from Wellington has evidently studied the subject deeply and broadly. He is one of those public men who have very little confidence in government by the people, so far as local affairs are concerned. Evidently he has confidence in government by the people in national affairs; otherwise he would not hold a position in this House, and ask that the country be governed as it is being governed as it is to-day. He seems to think, however, that what the people are able

to do on broad national lines in the administration of the country, they have not the same ability and determination to accomplish in municipal matters.

I for one fail to see why any philosopher, any student of human history, any observer of human advance, will give to men the right to dictate, to regulate and to administrate in the higher sphere matters of grave import, matters that touch the vitals of the nation; who will allow the government of the day to administer public utilities such as the post office ; who will allow the government of the day to administer such a public utility as the navy and the army. He will allow the government of the day to utilize, to own and exercise patronage in the matters of the Interior Department. He will allow the government of the day to utilize, operate and own the administration of the Justice Department, and so on, along the whole list; but when it comes home, where the people will feel the burden of ownership and of utilization of ownership, whether by itself or by individuals, he refuses immediately to the community the right to own or to exercise its rights in regard to public utilities. That is a position that I can appreciate, but it is a position that I cannot endorse. If the people are capable and honest enough to conduct their affairs along particular national lines, why not allow them to do so along their smaller lines of municipal and home life? I do not intend to discuss the details which the hon. member has taken such great pains and great trouble to collect and place before the House. On that score he deserves all consideration and praise; but I am talking on this question from the point of view of principle. What is good for the whole should be good for the lesser part, and if we can secure better government in the smaller areas, it is the duty of public men to cultivate that sentiment. We cultivate public opinion in regard to national matters by public discussions in the Senate, in the House of Commons, in the pulpit, on the platform, and in the press, and we attain our object. We should be able to convince the people that the government of the day are capable of owning public utilities in the first place, and then operating them. If, in the lower spheres of society such a position does not obtain, it is the duty of public men and the press to educate the people to appreciate, and to endeavour to secure for themselves the same measure of responsibility in regard to public utilities as the government exercise in the broader sphere of life. He has stated that municipal bodies are extravagant. There is not the slightest doubt about that. Nobody will pretend that municipal corporations are very economical. They are very often spendthrifts; but not always. There are many municipal bodies who strive to obtain, and who succeed in obtaining, for the people and for the community which they represent, the best that they can for the smallest amount of expenditure. I know from personal experience that it has happened. I know that if men want to use their honest endeavours to secure for the people the rights of public ownership of public utilities to the best advantage, they can do so. I know from personal experience that electric corporations are probably to-day the most exacting among those who supply the people of our cities and towns the light that is necessary for our use and for the protection of life. Electric companies, like others, are most exacting. I know that in the city of Montreal, the Montreal Light, Heat and Power Company exact prices for their light which are simply exorbitant, which are crushing on the poor man. I know that they charge from 100 to a thousand per cent more than the light is worth. I know that, as a municipal officer, I secured for a city in the province of Ontario light 24 hours a day every day in the year, for a dollar and a half per light per year.

Hon. Mr. SULLIVAN—What does he want of it in the daytime?

Hon. Mr. CLORAN—He has it in the daytime if he wants it.

Hon. Mr. SULLIVAN—He does not cook by it?

Hon. Mr. CLORAN—He has it, I won't say in the daytime; but in the night time he has it for a dollar and a half a year. He can burn it night and day for $1.50 a year.

Hon. Mr. SULLIVAN—I do not know about that.

Hon. Mr. CLORAN—I know about that, and I forced the contractor to an agreement that he would not charge more than half a cent a night per light for all time to come. If municipal officers would only exercise their best endeavours and be honest, these public utilities would give dividends to the people instead of to two or three capitalists. The hon. gentleman spoke of the extravagance of municipal government. Why not hand the public utilities of roads to a private corporation, and allow a private corporation to construct our roads and maintain them? That is a public utility. Will the hon. gentleman from Wellington, or any hon. friend who will follow me, and who is in favour of this principle, ask the city of Ottawa to hand over the ownership and administration of roads to any private corporation? Will any hon. senator ask this government to hand over the public utility of the post office to a private corporation? No. Will any senator ask the city of Montreal to hand over the administration of its parks, a public utility, to a private corporation? No. Will any hon. senator in this House ask the government to hand over the ownership of its canals to a private corporation? No. Then why come before this honourable House with a proposition which hon. members will admit themselves—is diametrically opposed to the principle of public ownership involved in the utilities that I have referred to. His position here is to ask this House to declare against the public ownership of public utilities under all circumstances. If the matter came to a vote, we could not stultify ourselves in our own eyes and in the eyes of the people of Canada by declaring that this honourable House does not believe in what it practises. We are here, day after day, in this House, and in the House of Commons, practically doing what the hon. gentleman wants us not to do. We cannot as a body declare on the motion of the hon. gentleman that it is against the interests of the Dominion to ask for public ownership of public utilities, or public administration of them? We cannot do that in the face of the circumstances existing in the municipalities in the different provinces. The hon. gentleman went into a lengthy statement of the experiences of municipalities that have adopted municipal ownership. He has taken them from the statistics of the different countries, but what has he given to us? He has told us, for instance, that in England the indebtedness of the street railways rose in seven or eight years from $216,000,000 to four hundred and some odd million. I interrupted the hon. gentleman. I did not think the statement was fair. And why? The indebtedness might have increased on account of the increase of cars and machinery and other necessaries for running a road. I asked him what was the amount of the assets as compared with the $200,000,000 increase of indebtedness. He did not furnish me with the information, although without it the argumentt based on the facts he has adduced can have no value to establish the principle he wants us to adopt here. He went into that as far as England is concerned as a whole. What is $400,000,000 indebtedness spread over the municipalities of Great Britain? Montreal is only a small town and we have an indebtedness of thirty or forty million. We count it nothing. People make a bugbear of debts. Public debts are absolutely necessary, and I will say more than that, they are an absolutely honest element in public life. Why should I as a municipal officer build a road that is going to last 25 years and pay for it out of annual revenue? Why should I supply four engines that will last ten or fifteen years for the protection of life and property in my municipality, and pay for them out of the revenue of one year, instead of borrowing at a low rate of interest, which will be redeemed by a small levy to pay interest and provide a sinking fund. A public debt is no calamity to a nation. A debt is no dishonourable thing in the life of a municipality to be pointed at. On the contrary, the more you owe the more you can show that you have done something for posterity that is coming after you.

Hon. Mr. POWER—Hear, hear.

Hon. Mr. DERBYSHIRE—That is good logic.

Hon. Mr. CLORAN—And why? The money that is borrowed is not thrown into

the gutter. When you build a railway station in Ottawa, or a city hall that is going to last thirty or forty years, as your present one has done, why should the people who have lived here thirty or forty years have to pay for it? A debt is not necessarily a dishonourable thing, nor is it an indication of poverty. The largest debt in Europe is that of England, the richest nation in the world. So that this cry of the national debt growing larger is a bugbear. There is nothing in it. As long as the money that is borrowed is spent honestly and fairly in the public interest it is all right. The hon. gentleman alluded to extravagance of municipal government. There is extravagance, but I venture to state from my place in this honourable Senate that there is more extravagance in one insurance company or in one bank than in all the municipalities of Ontario. I venture to say that the insolvency of one bank will do more harm to the people of Ontario than all the extravagance of every municipality in the province. I venture to say that the insolvency of an insurance company will do more harm, and rob more people than all the municipalities in the Dominion of Canada put together. Talk of extravagance and dishonesty. Why we find these elements in individuals. We find them in private corporations. It is not to be wondered at that there is a little of that kind of thing in municipal corporations. Municipal extravagance is not based on theft. That extravagance does not arise from robbery, the same as it does in the management of our banks, insurance and other companies. Municipal extravagance arises from the desire of the representative body to give jobs to the poor man. From the time the snow falls in the city of Montreal, is it extravagance to engage two or three thousand men to cart the snow away? It is extravagance, if you will, but it is not theft. That is so far as the character of our municipal corporations is concerned, and, after all, supposing there is extravagance, whose fault is it? It is the people's fault, and I am one of those who believe that with proper education in the press and on the platform, and among men themselves when they meet, either in their club, in their social union or no matter where they meet, if they simply do the right thing, they can find men who will administer these things on an honest basis. If we cannot obtain them, it is our own fault. The hon. gentleman stabbed his own argument three or four times, and drove the life blood out of it, when he stated that the railroads of Australia, owned by the people, and administered by them under the form of a commission, were made to pay. The hon. gentleman from Wellington drove the life blood out of his own argument when he made that admission. He was fair enough to do so. If that can be done for railroads in Australia, why can it not be done with telephones and telegraphs? Why can it not be done for tramways, trolleys and electric light? The hon. gentleman has knocked the foundation from under his own feet. I am with Wm. J. Bryan in the opinion that people are getting better every day, notwithstanding the reports of murders, notwithstanding the divorces and the onslaughts on the virtue of women; but the vast masses of the people of this country are becoming better and better every day, and it ought to be our honest endeavour to make them better, and educate them to fulfil the duties not only pertaining to private citizenship, but of public life.

The hon. gentleman cited other instances to which I will not allude, to prove that a commission—nominated by a legislature elected by the people—had made the public ownership and operation of public utilities and the administration thereof, a success. In regard to that point, I may quote his own figures. He stated that for fourteen years the railways in Australia were losing over a million dollars a year; but for the past five or six, or probably seven years, they have been making a surplus, their earnings being greater than their expenditures, and that is a public utility. He quoted that in England there were 62 lighting companies which lost $400,000. What is that? What is the loss of $400,000 in, I don't know how many years, compared to the gain by the people, instead of putting dividends of six or seven per cent into the companies' pockets and instead of increasing the capital, watering it and adding more dividends—what is the loss of $400,000 in 62 cities of Great Britain compared to the gain made by the people in obtaining gas or light at 25, 50 or 75 per

cent cheaper than they would from a private company? Why not illustrate his argument with a comparison? It is true that a private corporation may lose, according to its size, according to the amount of merchandise furnished, more or less, and while the municipality as a corporation loses, the people as a whole gain, and in Montreal we have had experience of that. We have two companies in Montreal, one outside the town and the other inside. We have the Montreal Light, Heat and Power Company that will charge six or seven dollars for one or two lights a month, when we can get the same light—and I get it myself—seven or eight lights a night for three dollars and a half a month, and that light is under the control of the municipal corporation. I hold that the hon. gentleman from Wellington has not made out a case on behalf of his motion. His motion is academic, but it would not be in the interests of this honourable House, as far as our appreciation of affairs of public life, or the life of the nation is concerned, to have it go abroad that we have no confidence in our municipal or provincial system. We would put ourselves on record against a principle which to-day is gaining ground in every part of the world. He stated that the principle of public ownership of public utilities was not making any headway in the United States. And why? Did he ask himself the question? Does he not know that nearly all the public utilities of the United States are largely in the hands of the legislators and that the legislators have been known to sell charters for fabulous sums? It was almost the case in the province of Quebec, I am sorry to say, in past years. For the past twenty years our municipalities were under the screw and the thumb and the burden of the Quebec legislature. They granted all kinds of charters, all kinds of monopolies to companies that simply drove the people wild. But that day has passed. To-day we have a government by men who say that these charters shall not be granted to private corporations to enable them to grind the public and take all they can out of them. In the United States, that state of things has not ripened to the extent it has here; but the day is coming when the nation, by revulsion of feeling, if not by revolution of the people, will drive this corporate greed from its place. The day is coming in the United States—and it will never come in Canada—if we are wise, if we are concerned about our future—the day is coming when the people of that country will rise in their might and drive from their positions the men who have amassed such untold wealth as God never gave to man through the honest sweat of his brow. I say the day will come when these people who to-day stand in their offices and dictate the prices of food for man and animal, the price of light, the price of railway travel, instead of having it dictated by the representatives of the people, will find that the people cannot be trifled with all the time, and that they will not allow themselves to be crushed. They are amassing their wealth to-day. Let them amass it, but let them be careful. To-day we stand in a position to relieve the situation and not perpetuate a serious state of things. We can be careful in our legislation, and we must remember that, under all circumstances, we have confidence in the people. I submit that the resolution of the hon. senator from Wellington, although so ably defended and well put forth, should not be endorsed by this honourable House.

Hon. Mr. BELCOURT moved the adjournment of the debate.

Hon. Mr. SCOTT—I think this motion should be placed at the foot of the orders of day. We must not allow academic motions of this kind to interfere with the business of the Senate.

The SPEAKER—Then it will be adjourned till to-morrow, to stand at the foot of the orders of the day.

The motion was agreed to.

ROYAL GRAIN COMMISSION.

INQUIRY.

Hon. Mr. PERLEY inquired of

The government for a detailed statement of expenses in connection with the services of the Royal Grain Commission from the date of appointment to the time they ceased to be on duty, including the days in the service and the amount of each commissioner per day

Hon. Mr. SCOTT—The answer furnished me by the department is as follows:

Name.	Days.	Salary per Day.	Services.	Travelling Expense, Etc.	Other.	Total.
		$ cts.	$ cts.	$ cts.	Ocean Tickets. $ cts.	$ cts.
John Millar, chairman	307	15 00	4,605 00	1,995 46	882 00	7,482 46
W. L. McNair	309	12 00	3,708 00	1,970 78	.....	5,678 78
G. E. Goldie	302	12 00	3,624 00	2,258 11	.....	5,882 11
J. R. Boyle, secretary, to Dec. 24, '06.	126	10 00	1,260 00	1,590 52	.....	2,850 52
					Manuscript of Evidence and Reporting.	
E. Neild, secretary	146	10 00	1,460 00	1,224 76	2,732 25	5,442 01
Vice J. R. Boyle	.....	.....	25 00 *	1,142 03	1,763 25	2,905 28
R. C. Dunbar, reporter	.....	.....	.....	156 00	400 05	556 05
Geo. Simpson, reporter	.....	.....	.....	.....	.....	.....
	.....	.....	14,682 00	10,337 66	5,777 55	31,797 21

* Remuneration for secretarial duties from February 6 to May 11, 1907, during suspension of Commission's sittings.

THIRD READINGS.

Bill (E) An Act respecting a certain patent of Frederick C. Rehm, Elias Frank and Isidor Frank.—(Hon. Mr. Beith.)

Bill (8) An Act respecting the Tobique Manufacturing Company, and to change its name to 'Fraser Lumber Company, Limited.—(Hon. Mr. Thompson.)

Bill (52) An Act respecting a patent of Eugene François Giraud.—(Hon. Mr. McMullen.)

Bill (72) An Act respecting patents of the Windsor Pump and Foundry Company, Limited.—(Hon. Mr. Beith.)

Bill (75) An Act to incorporate the Women's Auxiliary to the Missionary Society of the Church of England in Canada.—(Hon. Mr. Baker.)

Bill (60) An Act respecting patents of the Goodwin Car Company.—(Hon. Mr. Kerr.)

Bill (61) An Act respecting patents of Montague Moore and Thomas James Heskett.—(Hon. Mr. Kerr.)

NATURALIZATION ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (W) An Act to amend the Naturalization Act. He said the object of this Bill is to name the officers who are now holding positions to take oaths in the courts of Alberta and Saskatchewan. It is simply to transfer the authority.

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

COPYRIGHT ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. POWER moved the second reading of Bill (28) An Act to amend the Copyright Act. He said: This is a very short Bill. It reads as follows:

1. Section 14 of the Copyright Act, chapter 70 of the Revised Statutes, 1906, is amended by striking out of the said section the words 'entered according to Act of parliament of Canada, in the year . . . . , by A.B., at Department of Agriculture,' and substituting therefor the words 'copyright, Canada, 190 , by A.B.'

This is a public Bill; it is not a government Bill. It was introduced in the House of Commons by the hon. member from South Toronto; and his reasonable and proper object is to save verbiage. The new inscription for the fly leaf of a book would be only about one-third the length of that which is required now.

Hon. Mr. LOUGHEED—I should like to have some further explanation why an Act

of parliament which has been on the statute-book since confederation should be amended as proposed? The economy theory advanced by my hon. friend will scarcely appeal to the reason of the House, if it is for the purpose of saving the printing of some half-dozen words. What is required to appear on the fly-leaf of a copyrighted book is 'Entered according to Act of Parliament of Canada in the year—by A.B. at the Department of Agriculture.' It is proposed to substitute for this the words 'Copyright, Canada—by A.B.' The words used at present suggest to those who wish to make inquiries where they may get information, namely the Department of Agriculture. Any one referring to a copyrighted work will find that information, but the proposed words give no information of the kind so far as the public are concerned. The government should express its approval or disapproval of this proposed change. The hon. gentleman from South Toronto is a responsible authority for the introduction of any measure, but who has inspired him to introduce an amendment of this kind? Have the government given any consideration to the subject? It is a Bill affecting a department of the government and in my judgment should bear the imprimatur of the government of Canada upon it.

Hon. Mr. POWER—I assume that the government did not disapprove of the measure, since they allowed it to pass the House of Commons. As I understand, the words which are proposed to be substituted for the comparatively long string which has to be put on the fly-leaf of a book now, are the same as those which are used in other countries, substantially. Then with respect to the humble seeker for information who might be misled by the change, he will, as a matter of course, know that the copyright is entered at Ottawa; and when he comes here he will have no difficulty in finding the proper office in which to apply.

Hon. Mr. LOUGHEED—He is to apply to fourteen departments to ascertain which one deals with copyright?

Hon. Mr. POWER—Any intelligent citizen will tell him where to go.

Hon. Mr. LOUGHEED—I venture to say that nine out of every ten intelligent citizens do not know which department has control of copyright.

Hon. Mr. POWER—If he addresses a letter to the Copyright Branch, Ottawa, it will get there. I am not enthusiastic about this measure; but I must say I think it is a decided improvement, and if we have been using an unnecessarily long and clumsy expression for some years, that is no reason why we should not shorten it now as long as the meaning conveyed is absolutely the same, which it is.

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

ALBERTA NORTHERN RAILWAY COMPANY'S BILL.

AMENDMENTS CONCURRED IN.

Hon. Mr. CASGRAIN moved concurrence in amendments made by the Standing Committee on Railways, Telegraphs and Harbours, to Bill (44) An Act to incorporate the Alberta Northern Railway. He said: The first amendment changes the title of the Bill. It was 'An Act to incorporate the Alberta and Northern Railway Company.' It was found there was already the Alberta and Northwestern Railway, so the title is changed to 'An Act to incorporate the Alberta and Brazeau River Railway Company. In clause 9, the words 'In Canada,' were struck out, as it was supposed to be too wide a margin to give, and the words 'tributary to the territory traversed by the railway,' were substituted therefor. Then subclause (c) and (d) were stricken out of the Bill and subclause 2, of clause 9 also, as it was to give effect to subclause (c) and (d.)

The motion was agreed to.

ONTARIO AND MICHIGAN POWER COMPANY BILL.

SECOND READING.

Hon. Mr. WATSON moved the second reading of Bill (X) An Act to incorporate the Ontario and Michigan Power Company.

Hon. Mr. LOUGHEED—Is my hon. friend not going to give us an explanation

of this Bill? I think I am right in saying that parliament rejected this same Bill last session or a very similar Bill.

Hon. Mr. WATSON—A similar Bill to this was introduced last year, but there was not time to consider it, and the consequence was it was not passed. The power was asked for because it is proposed to dam a river which is an international stream, Pigeon river.

Hon. Mr. LOUGHEED—Did we not deal with that question last session?

Hon. Mr. WATSON—It was not fully dealt with; there was not time.

Hon. Sir MACKENZIE BOWELL—My hon. friend says it is not the same Bill.

Hon. Mr. WATSON—Yes, it is the same Bill.

Hon. Sir MACKENZIE BOWELL—I see that in order to bring it within the purview of the Dominion parliament, it is declared to be a work for the general advantage of Canada. It was discussed for some time in a committee room last session. I see that larger powers are asked for in this Bill than were included in the Bill of last year, but there is no question about it being practically the same Bill, and I have no doubt the same parties are connected with it, and the principle is the same. It is the same attempt to get from the Dominion power to carry on a work which belongs exclusively to the province of Ontario. However, that is a question which we can discuss more fully when the Bill comes before the committee.

Hon. Mr. KERR—What I did say was, that a somewhat similar Bill was introduced last session and passed practically, covering the ground which is here described in this Bill. After long consideration that Bill passed the committee of the Senate and was sent to the House of Commons, but there was not time apparently to dispose of it before prorogation.

Hon. Mr. POWER—I have no feeling hostile to the Bill, but I wish to direct attention to the fact that it goes a good deal further than the Bill of last session did. The Bill of last year authorized the company to do certain things in the Dominion of Canada or Isle Royale. Isle Royale is in the United States; and there was a great deal of discussion in the committee and in the House also over this question of authorizing the company to do anything on Isle Royale. The promoters of the Bill instead of dropping out Isle Royale have added 'Or in any place in the United States of America.' That expression appears in two or three places. It appears to me that this parliament has no power to authorize a company to do things in the United States.

Hon. Mr. YOUNG—We have incorporated the Mexican Light, Heat and Power Company, the Rio Janeiro Railway Company and other companies.

Hon. Mr. POWER—I think the company must get power from the United States or the State of Michigan.

Hon. Mr. LOUGHEED—I presume Mr. Conmee will be present when this Bill is before the committee and will explain the powers of the parliament of Canada. I suppose we shall have his assistance in considering the Bill.

Hon. Mr. WATSON—I will undertake to have Mr. Conmee present.

SECOND READING.

Bill (V) An Act respecting the Dominion Guarantee Company, Limited.—(Hon. Mr. Baker.)

BILL INTRODUCED.

Bill (31) An Act respecting the British Yukon Railway Company.—(Hon. Mr. Belcourt.)

The Senate adjourned until to-morrow at Three o'clock.

THE SENATE.

OTTAWA, Wednesday, February 26, 1908.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

BILL INTRODUCED.

Bill (Z) An Act relating to the Water Carriage of Goods.—(Hon. Mr. Campbell.)

COMMITTEES OF THE SENATE.

MOTION.

Hon. Mr. ROSS (Middlesex) moved:

Rule 78 of the rules of the Senate be amended by adding to the standing committees mentioned in said rule the following:

Namely, a standing committee on—

1. Agriculture and Forestry.
2. Immigration and Labour.
3. Commerce and Trade Relations of Canada.
4. Geological Surveys and Mineral Development.
5. Transportation Routes to the Seaboard and Harbours.
6. Coast Surveys and Merchant Shipping.
7. Fisheries.
8. Industrial, Arts and Expositions.
9. Civil Service Administration.
10. Public Health and Inspection of Foods.
11. Public Buildings and Grounds.

Said committees to be composed of not less than five nor more than nine members, and to have and possess the same powers and privileges as the standing committees authorized by said rule 78.

He said: The motion I am about to propose to the Senate calls for the appointment of a number of committees in addition to those which, by our standing rules, are usually appointed at the beginning of our sessions. The rules of this House require the appointment of certain select committees, but these committees have different functions. In the case of a few of the committees—four or five—they appear to have no initiative at all. They are merely committees to whom the Senate refer certain matters. I so understand the Committee on Banking and Commerce, the Committee on Railways, the Committee on Miscellaneous Private Bills, and perhaps the Joint Committee on the Printing of Parliament. The duties of these committees seem to be limited to a consideration of such matters as may be referred to them by the Senate. There are other committees that may, I suppose, fairly be considered as having the right of initiative, such as the Joint Committee on the Library, the Committee on Internal Economy, and the Debates and Restaurant Committees. My proposal is to increase the number of the committees of the Senate. I do not say, in making this proposal, that the committees may have no right of dealing with matters referred to them. Many matters might very properly be referred to them; but the main object of my motion is to have a number of committees, with, shall I say, original powers of inquiry and investigation. Papers might be referred to such committees by the House. Motions that have passed this House might be referred to such committees for consideration, and returns and matters of a similar kind that the committee might very well consider. But the main object of my motion is to have a series of committees dealing with important matters, that might consider what is best to recommend, what report to make that would be most useful to the House, and generally pursue such a line of inquiry as might suggest possibly to the Senate certain legislation. You will notice the subjects of the committees are somewhat important. I will not read them all. Agriculture and Forestry stand at the head. Then we have Immigration and Labour, Commerce and Trade Relations of Canada, Transportation Routes to the Seaboard, and so on. I want at the outset to demur to the idea that the Senate is merely a court of review, or if you choose to change the phraseology, a Court of Registration for the House of Commons. Though, perhaps, not a co-ordinate branch of the legislature, for our constitutional limitations prevent that, we are a branch of the legislature, and parliament is not able, without recognizing the status of the Senate to do its full duty to the country unless the Senate, as a branch of that parliament, discharges its own proper function in whatever direction these functions lie. I noticed that the Minister of Customs stated at Windsor the other night that our sole duty was to revise the hasty legislation passed by the members of the Lower House. I do not think that is our sole duty. I do not know that the House of Commons is guilty so very often of passing hasty legislation that it is necessary to have the Senate for the purpose of revising such legislation. If it were so, then of course the Senate would be indispensable; but I think that, as a rule, the House of Commons is sane enough to send to this House legislation that may not be obstructed or rejected, simply because it is hasty, but legislation sometimes incomplete and so imperfect, necessarily because of the amount of work to be done there, that such legislation might be revised in this Chamber. And it is because I do not think that that is the sole

function of the Senate that I ask for additional committees whereby the Senate may widen its scope and perhaps fulfil more perfectly than it now does—though I am not censorious in that observation—the functions for which it was originally intended. The question resolves itself simply into this: shall we be a registration or revising board, or shall we extend our scope and endeavour, through committees such as I have indicated to secure for the Senate greater information than we now possess even from the Debates of the House of Commons—and they are voluminous enough—or from departmental reports, and these are certainly voluminous enough, information at first hand that would be useful to us in forming our own judgment, and, may be, suggesting legislation. It may be encouraging ministers to introduce legislation or it may be enabling ourselves to originate legislation. Now, there are but two models for us, so far as I know, in other legislatures to which we could for a moment refer by way of illustration and assistance. We follow the practice of the House of Lords very largely. The committees of that House are somewhat similar to ours, seem to be framed for a similar purpose. They have no committee, so far as I can see, that may be called a committee for the purpose of initiating. The example of the House of Lords is a good one to follow. Its precedents govern us to a certain extent. There is another illustration in the United States having great influence and great prominence in the councils of the nation, and exerting, perhaps, more relatively its influence over the policy of the United States government than this Senate does over the policy of the government of Canada ; I refer to the Senate of the United States. In that Chamber there are 55 different committees, with unlimited powers of initiation, and usually also 10 to 12 select committees to which matters of urgent importance are referred. Now, it may be said that there is no reason why the Senate should not appoint secret committees to cover the subjects mentioned in my resolution. I admit that that is within our right. We have had select committees for special purposes. Last session we had a special committee appointed to investigate the navigability of the Hudson Bay and resources of the Northwest. That committee carried on an investigation extending over many weeks. Its reports were submitted to and approved of by this House and have since been published by the Department of the Interior and distributed in the country. That is a very valuable report. I do not know of any committee of any other legislative body that has ever collected more valuable information than that committee did, and the fact of such publicity being given to its report shows the extent to which its importance has been appreciated by the Department of the Interior. But committees appointed from time to time as select committees, would be intermittent in their labour, perhaps spasmodic. It might not occur to members of the Senate to ask for the appointment of select committees. There is usually some hesitation in appointing them, lest for some reason they might cause trouble. If we had standing committees, the members of which had some continuity in office, the chairmen of which would see that the committees did valuable work for the country, it would give continuity to the work of the committees and put every member of such a committee on the alert to see that its reports contain valuable information. There is another advantage in the course which I suggest, and that is, we would have certain members of the Senate who would be, practically, experts, I asked the other day for the appointment of under secretaries. That matter has been laid on the shelf for the present. Had that motion carried, the necessity for the committees I have named would not be so great; but assuming that we had those eleven committees, with eleven chairmen specially charged to see that the work of the committees was efficiently done, with five to nine members of that committee who had evidence at first hand, had heard the examination of witnesses; who were obliged by the duties imposed on them to study reports and make recommendations to the Senate or if not recommendations, to present condensed and practical reports, then, whenever the subject of any resolution came up for consideration, we would have men who could speak on those points with authority. No person in this House, so far as I know, has made a special study of agriculture and forestry. We have a great deal of information, no doubt, stored

up in the minds of members of this House on both subjects. Similarly with immigration and labour, with coast surveys and fisheries, etc. There is a good deal of information that ought to be co-ordinated and classified and made available for the discussions in parliament on these points. Supposing we had eleven committees with five members on each. We would have 55 members of this House, therefore, who would be in a certain sense special authorities with regard to every subject to which these committees related. That would be of great advantage to us. It is absolutely necessary, in order to be able to form a judgment on questions before this House, that our information should not be meagre. We can get it, we are told, from the debates, from the public press, and from reports; but information gathered at second hand is never as valuable or serviceable as information gathered at first hand and besides the responsibility imposed on the chairmen of such committees or its members to see that they are fully informed with regard to these matters would give an impetus with regard to investigations of these questions which I am sure would be valuable to the Senate in more senses than one. That is the general scope of the resolution which I have the honour to submit. It may be objected that this is a new departure. In a certain sense it is; but we are making new departures here every day. The parliament of Canada is designed almost expressly for the purpose of making new departures in legislation. We made a new departure last year in the revision of our rules. We do not understand them yet; perhaps like Parnell we will learn to know them by breaking them; and I think we have been breaking them pretty freely this session. It was a new departure and caused some friction. New departures are not to be condemned. The whole world is in a state of evolution, and parliaments and industries which stand still will find themselves behind in the race for distinction or for advancement. Confederation was a new departure; the Senate itself was a new departure; every hon. member who comes in the Senate for the first time makes a new departure, and I hope no hon. member of this House will be afraid of making a new departure if the proposed departure commends itself to his judgment. I am not a radical, and yet I do occasionally like to strike out on a new line, and to make fresh investigations, and, if possible, further discoveries and add to the achievements of the past, and something in the way of accomplishment in the present. Some hon. gentleman may say, and I have no doubt the word has a somewhat malodorous effect upon this House, that it is an American innovation, and, therefore, objectionable. I hope the Senate is broad-minded enough not to reject good suggestions, no matter from what source they come. Looking at our history, and at the terms in which business is carried on, and public bodies named in this country, we have become wonderfully Americanized, and yet we are, nevertheless, none the less British. The very name we bear as the Dominion of Canada came from an American source, the Dominion of old Virginia, christened of course by England, but coming to us from the United States. To us the Dominion of Canada is of American origin. The very principle of our government, the federal principle, is American. We were the first federation under the British constitution, and I hope we will not be the last. Then the very term Senate is American. We were to be called, by the Quebec resolutions, a legislative council. By some legerdemain unknown to me, we adopted the American term Senate. Our currency is American, and our standards of weights and measures is American. We got our very school system and normal schools from the United States. These are valuable contributions to us as Canadian people. I want to make one more; I want no member in this House to reject my suggestion or treat it with indifference or contempt because, perhaps, it is more closely related to the American than to the British system of government.

Now, what will be the advantages of what I propose? I have already hinted at one, namely we would get our information at first hand. I have also hinted that in this House we have no representatives of the various departments with whose legislation we have to deal, and in that respect we are less fortunate than the House of Lords. In England the practice is, when royal commissions are appointed on any important subject, to select for them one or more members of the House of Lords,

and from long usage it has become a rule that a member of the House of Lords is chairman of the commission. We have since confederation appointed a great many Royal Commissions, and yet I know of but one case in which a member of the Senate has been appointed to such a commission. I refer to the Ottawa Improvement Commission, on which two members of this House, the hon. member from De Lanaudière (Hon. Mr. Casgrain) and the hon. member from Smith's Falls (Hon. Mr. Frost) are members. Now, suppose some proposition arose concerning our relations with the city of Ottawa, in what a convenient position we would be in this House with two of our members on that commission, to give us information at first hand. Let me refer to some commissions appointed by the House of Lords, and the very name of the commission will indicate the superior position in which the House of Lords finds itself in dealing with the questions with which that commission was specially charged. First on the list is the subject of elementary education. A vexed question, and one that seems to give a great deal of trouble to both parties just now, and indeed has done so for many years. Then the aged poor, the poor laws, from the time of Elizabeth have been revised off and on, and still they have a commission on that with a member of the House of Lords as chairman. The Vaccination Act, the condition of the blind, deaf and dumb, the Welsh land question and the Irish land question. When I mention the Irish Land Act, hon. gentlemen can see how closely that is allied with the question of the United Kingdom and how important it is that the members of the House of Lords be informed with regard to it just as well as members of the House of Commons. The Indian opium trade, the currency, market rates and tolls, horse breeding, Sunday closing in Wales, Scottish universities, mining royalties, militia and volunteers, poor law, motor cars, trade disputes, ecclesiastical disputes, lunacy laws, railways and canals, capital and labour—(a very irritating and urgent question)—licensing, local taxation, physical training, railway accidents. I have run over about twenty or more titles of some of the commissions that have been appointed in the last twenty or thirty years. Every one of these commissions was closely identified with the public interests of the United Kingdom. In every one of these commissions the House of Lords was represented, in most cases through its chairman. I am not finding fault with the government because members of this House have not been appointed on commission. Far from it. I am fortunately in the position of having no grievance individually or politically; and, therefore I can speak sincerely and with the greatest freedom; but I do say that there has been some oversight to which the attention of the government might very properly be called, and if my humble voice would reach them I now call attention to this oversight whereby this House, with its large experience and its social and public standing, has been ignored ever since confederation, as far as I can learn, by every government since that time in the matter of appointment on commissions. Let me say again that there is no commission so insignificant, nor is there a commission so important, on which members of this House might not properly serve. It would not be beneath the dignity of any member of this House to do so; and when we look at the practical advantages of it, we can see perhaps what we have lost as a Senate, and we can see perhaps the discourtesy—I use that word not in an offensive sense—that has been cast upon us. The British practice is followed by the United States and if the United States can follow British practice in the appointment of their commissions, we need not feel humiliated in following the United States practices. Take the commissions of recent date. First the commission on the Alaska boundary—shall I call it a committee? One of the members of that committee was Henry Cabot Lodge, senator for Massachusetts, an influential member of the Senate. Looking at it from our point of view, he should never have been appointed, as he was a member of the United States Senate. Take another commission known as the Washington commission, that first met at the city of Quebec, and afterwards at Washington, and for several months was considering the relations between Canada and the United States. One of the influential members of that commission was the present Vice-President Fairbanks, not then vice-president,

but a member of the United States Senate. Associated with him were Mr. Dingley, who was a member of the House of Representatives, and Mr. Foster, who was one of the secretaries of state. I mention these two as they were first at my hand, and had I taken the trouble to proceed further through the records of the United States Senate, or House of Representatives, no doubt I would have found other commissions similarly situated. Let me say then that in the absence of such commissions the urgency of the committees suggested in my motion is all the greater. In the second place, such committees might suggest legislation. As a rule the legislation of this House is of a somewhat elementary character. Nearly half our legislation deals with private Bills and with renewals of patents. Sometimes we have important legislation, such as the Bill introduced in this House in regard to surveyors, and we had some important Bills last session also; but if we had such committees getting right at the heart of public matters, coming closely in contact with the essential elements in the organisation and in the foundation work of government, I venture to say that legislation much more important and much more comprehensive might very properly originate in this House. In the third place I think the action of such committees would stimulate public service. Every minister of experience—and I am sure my hon. friend the Secretary of State, with his wide experience, and the right hon. Minister of Trade and Commerce, as well as the experienced representative from the county seat of Hastings—know how the tendency towards apathy and routine, and sometimes towards indifference, grows into the public service—not that our public service is inefficient by any means. I think we have men of distinction and ability that would do honour to any government in the public service; but assume for a moment that the public service that is now mainly subject to the supervision of the House of Commons, was in some other manner, I could not specify how, subject to the review of a committee of this House, is it to be for one moment assumed that such review might not add to its alacrity, to its energy, and perhaps to its forethought and prudence? A minister cannot alone keep before his eye the extended service of his department. I do not say we should be meddlesome; but I do say that in some way we might, as in the United States, very well inquire into the efficiency of some branch of the public service, into its mode of doing business, preparing reports, etc., and in that way improve the public service, and hon. gentlemen of experience, such as the hon. members of this House are in the main, would understand what form public service should take, and how its duties are best discharged.

Then, in the fourth place, such committees would increase our own usefulness. One gets exceedingly tired of observations that are made in regard to the inactivity of the Senate—exceedingly tired. Just fancy this remark made by a minister of the Crown:

> A body of old gentlemen, who sat and dreamed life away in complete serenity.

You cannot characterize that remark in its proper term. He must have been representing some kind of public opinion.

Hon. Mr. ROBERTSON—He was at a dinner that day.

Hon. Mr. POIRIER—And he was a teetotaller, too.

Hon. Mr. ROSS—It does not matter whether the remark was made before dinner or after dinner. It is the remark I am quoting, without any censure upon the minister, because he has just as much a right to say what he thinks about the Senate, as we have a right to say what we think about the Commons here or anywhere else. This is a land of free discussion and free speech, and if the hon. minister chooses to give utterance to these observations, I do not object, for he is my senior by several years, and consequently I am not included in that observation necessarily.

Hon. Mr. FERGUSON—Who was the minister?

Hon. Mr. ROSS—My hon. friend might refer to the Ottawa papers of last evening, and as he believes in a free press, as I do, I am sure he will be satisfied with his inquiries. I do not want to be personal. I am not personal. I do not want to be censorious; but I refer to this because I fear the expression by the hon. gentleman

is the expression of somebody else. Why should that be? I do not believe it is true. I have never in my experience outside this House indulged in such observations; but I fear, because of the form in which it is expressed, that it may be expressed elsewhere. Can we do anything to correct it? Is it within our power in any way to correct public opinion? We talk of reform of the Senate. The Senate can never be reformed except by itself. We are the reforming body. We cannot be destroyed except by our own act, and I do not suppose we are prepared to commit political suicide; and if we feel in our minds that our work is not well done, or if in any way our usefulness could be increased, then it is our duty to obey the calls of conscience and do our duty. I think this will increase our usefulness. I am not discounting our present efficiency. I am merely pointing out that by the adoption of the course I suggest, we would get additional employment for the relief of our superabundant activity—which we are not permitted to express—a wider scope for our experience, and in that way I think we would stand higher in the country, and if we did not, then we would have ourselves to blame.

The question naturally may be asked, have we the qualifications for the work which I have assigned to the Senate? In the first place, I think we have the experience. Some persons may say that we have gone beyond the age at which experience is profitable to a man. I remember reading a remark by Beaconsfield, which I may quote here, in which he complimented a man late in life upon his entering on a political career, and Beaconsfield made this remark:

> 'You have chosen the only carer in which a man is never old. A statesman can feel and inspire interest longer than any other man.'

If Beaconsfield's statement was true—and he is an eminent authority—then our advanced years do not disqualify us for the ordinary duties of legislation. Besides we have the experience. Man for man, this House has a wider experience than the House of Commons. We have 20 members in this House who had seats in the House of Commons. We have 32 members in this House who had seats in the local legislature. We have seven ex-ministers of the House of Commons, and four ex-Speakers, and in farming, banking and mercantile pursuits we have some men of the ripest experience, who have shown themselves to possess qualifications of the highest order, who have accumulated fortunes by their experience and their judgment, and would reflect honour upon anybody. I feel that we have the experience. I feel that we have the qualifications necessary for the work to which I ask this House to address itself, and it is, therefore, with the greater confidence that I submit this resolution for the consideration of the Senate. Let me be sure upon this point: that this resolution is not intended as an attack upon anybody individually, upon any members of the government or upon the House of Commons as a whole. Let me disavow the intent to meddle with anybody's business. I do not think the committee would indulge in anything like a meddlesome interference with the administration; but at the same time let us feel that the whole of the government of Canada comes within our purview, except the matter of tariffs and the expenditure of public money, and that we should reach forth our hand and deal with all those questions which legitimately belong to us as a deliberative body.

Let me proceed briefly to urge reasons why in the case of a few committees—for I cannot take time to deal with them all—that the request I make should be granted. Take agriculture and forestry. On the ground of experience we have fourteen farmers in this House. They surely ought to know, if they were on the committee, what suggestions might be made on that subject. First consider the expenditure which we will have to consider by and by for the development of agriculture, $1,255,500. When we have no right to investigate in detail how that money is to be spent, we have a right to know, by inquiry, and to be furnished with information that the expenditure in the public service is a wise expenditure. I cannot criticise it; I have no objection to it. I do not know that anybody in this House has. I merely mention it as one of the reasons why agriculture is sufficiently important to receive our attention, and, secondly, the immense

amount of our trade and business depending upon agriculture, the importance of which will be greatly enhanced. For instance, out of a total of $237,000,000 of exports, agricultural products and animal products, constitute $113,000,000 or nearly one-half. So that the subject of agriculture looms large. I suppose about sixty per cent of the people of Canada live by the product of the farm, or live on a farm. Now notice how many questions would open up under this topic. For instance, we might consider whether the methods of agriculture could be improved. We might consider the distribution of literature on the subject. We might consider the markets available to the farmer. We might consider the importance of our experimental farms and ascertain if they could be improved; and to the Northwest, as well as to the east, the matter of a wisely conducted experimental farm is of supreme importance. I think the old government did very wisely in the establishment of these farms. I notice the present government is increasing them in number. I do not think we shall ever get full control of the agricultural possibilities of the Northwest, unless we have experimental farms, and reveal to the people first what cereals are most productive, and best adapted to the soil and climatic conditions of the Northwest, and secondly what grasses will supply the stock of the rancher with the necessary supply of food in times of stress. Then we have irrigation, an immense question, which presses upon us by our relations with the irrigable land, and the unproductive land of Alberta more particularly. That question is engaging the attention of the United States. The British government is reviving the land of the Pharaohs by the millions of money it is spending on irrigation work in Egypt. India is being saved from starvation in certain districts by expenditure on irrigation works. We have no urgency such as exists in Egypt or India, or even in the United States, in regard to this matter; yet while the land is in the Crown, before it is alienated, perhaps a committee might very well give its attention to the subject of irrigation, save money to the country, and promote industrious settlement. Then there is the question of ranching, in which more than one member of this House is concerned. The question of stock raising, which yields us $56,000,000 every year. There is the British embargo on cattle. We have heard the remonstrances of the Canadian government against that embargo. I think myself it is intolerable. I think it is ill-advised. I do not think it is justified at all by the considerations which prevail in this country; but the Senate has not been heard upon it yet. Is it barely possible that if, to the voice sent out by the government of Canada, the still small voice of the Senate of Canada were added, that the British government might give more attention to the remonstrances from Canada than they have done? It is worth while. An opportunity might arise if the committees I have named were granted. Then we have the treatment of the diseases of our cattle, a most important subject. I was delighted to know that at the experimental farm they are carrying on experiments on the basis laid down by Pasteur as to the treatment of glanders and cholera and other diseases of cattle, with remarkable success. That subject might be followed up and extended. I ought to know more about it than I do. I cannot speak for any other members of the Senate, I have briefly mentioned a few of the subjects, but the horizon is far wider than this meagre sketch, and the force of it would only be fully appreciated when the committee got to work; but that is not the scope entirely. We have the whole question of fruit growing to consider. There were 625,000 barrels of apples shipped, I see by the report from Montreal, last year, and I am sorry to know that in spite of the efforts of this House and the other House, that fruit packing has not yet obtained a proper standard. In the last bulletin from the Department of Trade and Commerce, I read very alarming statements. Here is a statement by Mr. Jackson, our agent at Leeds, who says:

> Mv attention has again been called during the past season of apple imports to the unsatisfactory way in which several barrels sent here from Nova Scotia have been packed, and from a personal knowledge of the matter I am satisfied that the regulations laid down in the Fruit Marks Act were not observed, and that the complaints of the retailers here were well founded.
>
> It will be instructive to read what a local

trade journal has recently had to say on the subject;

There is supposed to be a very rigid inspection of Canadian apples for export, but, notwithstanding, there is a crop of complaints again this year against the goods sent out. In England there is a vigorous kicking, by retail fruit and grocery men, against the faulty nature of the Dominion government inspection of apples, and St. John's grocers are making similar complaints. Many barrels of apples arriving here, branded No. 1, are really only second grade, and second grade apples are merely 'windfalls.'

And there are several other comments of a similar character in the report which I will not wait to read. Now, that is a very serious thing. Do you think this committee would help in correcting that matter? Is it not worth trying? I see by the reports that we have 25,000,000 fruit trees in Canada. These are less productive than they ought to be, and the good name of Canada is involved in seeing that goods branded as first class arrive in a proper condition. Defective packing is a serious matter. Transport to the market is a serious matter. Have we sufficient cold storage for such purpose? I think we cannot give too much credit to the government of Canada for its efforts in that direction; and yet we have not at all reached perfection in the matter of cold storage. Go to the British market and you will find beautiful fruits from New Zealand and Australia that are laid upon the British market fresh and bright as the day they were packed. They came there, through the torrid zone, across the equator, and landed in a good condition. Could we not do something in that direction? And could we not do something more than we have done in the matter of pears and peaches? That is an important matter, and one which a committee such as I have named might very well give some attention to. Then we have the placing of our fruit in the Northwest. The Northwest is largely dependent in the matter of fruit upon dried or dessicated fruit. Could we place our apples there and give ourselves a wider market? Then there is the transport to the Northwest, and there might be the adoption of the California method of dealing with oranges; a very simple process. The grower of oranges does not grade them or classify them for the market, nor does he pluck them. There is a fruit exchange that supplies the labour for plucking the orange crop and branding and classification, and they are branded by officers who are not concerned in the marking of the fruit at all. They are marketed with the brand of the fruit exchange, and the honour of that exchange is involved, and as it is done by impartial operators the standard of the oranges is less variable than the standard of the Canadian apple. That is a matter that might require consideration. Then in the Department of Agriculture, in which Canada has won distinction, is the department of dairying. We have in this House a man who has been worth millions to Ontario, I think; the hon. gentleman from Brockville. We have another hon. member in Western Canada, almost of equal value, Mr. Ballantyne, who has been Speaker of our local House. These two men have been instrumental in improving the dairying of our province, and to-day Canadian cheese holds about 87 per cent of the British market. The United States cheese has been driven out almost completely. That industry can be extended. This year it has not been as good as in the past, and the export of butter has fallen. But there is a wide field for the committee to consider the details necessary to adapt ourselves to the British market. But we must remember that perhaps the greater branch, if not the greater, one of immense value, is the export of timber. Are we doing what we should do in the matter of preserving our forests? The government is doing something in that direction. Forest reserves have been laid out in the different provinces as follows:

	Square miles.
Manitoba	3,575
Saskatchewan	740
Alberta	186
British Columbia	890
Total Dominion	5,391
Ontario reserves in acres	11,728,000
Quebec reserves in acres	105,903,360

	Square miles.
Dominion parks	10,904
Ontario parks	18,325
Quebec parks	175,474

It will be seen that Quebec has outdistanced us all in the matter of forest reserves. She has 105 million acres of forest reserves, and not an acre too many. This

is a most suggestive question, and it would take the time of the committee for weeks and weeks to consider it, and then it would not be exhausted.

One of the greatest authorities in the United States, Mr. Pinchot, says, and this is a very suggestive expression :—

> The Mississipi river carries as much soil to the sea as we are removing from the isthmus to build the Panama canal.

What a waste of the best part of the soil. With the denudation of our forests, our rivers and streams, carry out, shall I say the juiciest part of the soil, the most friable and fertile part of the soil, and dump it into the lakes, or carry it to the seacoast of the St. Lawrence. We want that soil, and to preserve it we must preserve our forests. So greatly is the United States impressed with this matter, that I notice President Roosevelt has called the governors of the different states of the union to meet him at Washington at an early date to consider the whole question. That is in regard to forestry. That brings us to the question of the preservation of our pine, the preservation of our pulp-wood, how to deal with pulp-wood, the question of an export duty upon pulp-wood—all these are involved. We have in the province of Ontario, according to the report of a commission which I had the honour of appointing in 1890, the fact stated by that commission that we have 300,000,000 cords of pulp-wood north of the height of land in our province. At ten dollars a cord—perhaps that is too large a figure—say at five dollars a cord, it represents a billion and a half of money. We cannot realize the value of the forest. I know the statement was made by a deputation that waited on the premier—and I cannot comprehend it, it seems so wide of the mark—that the value of our forests to Canada every year is about a billion dollars. I should like to verify that statement before I leave it with my own authority; but I took it as I got it from the despatch. Without committing oneself to these statements, one can see at a glance that so much of the future wealth and prosperity of Canada depends on the preservation of the forests that the subject ought to receive our immediate attention. The United States people are almost dependent, or very soon will be, upon Canadian forests for their pulp-wood. Last year, in the matter of pulp-wood and other wood, we sent to the United States about $3,000,000. That pulp-wood, if made into paper, would represent $25,000,000. How to make that transformation is a matter that might receive the attention of our committee.

Then electricity is usurping the place of water and steam power. We are going on presumably before long with the Ottawa and Georgian Bay canal. There will be a tremendous water power there. If our forests are denuded, the sources of supply for the Georgian Bay canal will pass away with the spring freshet to a certain extent, and serious consequences might happen. You can multiply instances whereby mills might be injured and other calamities caused by the denudation of forests. My committee composed of such men as I could name, if I might dare presume so far, might do a great deal to clarify the subject and draw public attention to its importance, and suggest to the House the best line to pursue.

I have immigration and labour as the next question. That is a very urgent matter just now. Some of you may have read the animadversions passed upon the immigration to Canada last year by the Inspector of Prisons and Charities for the province of Ontario. I am not prepared to criticise them, for I am not sufficiently informed; but if his statements be true that the charities of Ontario are taxed, and taxed very severely because of the class of derelict immigrants who have landed in the city of Toronto and elsewhere in Ontario, helpless and partially diseased, then I think this matter ought to receive early attention. We received last year 277,376 immigrants, a number almost equal to the population of the city of Toronto. That will go on, if we are able to assimilate them properly, for years to come. The immigration to the United States now numbers over one million per annum. It is not all good, nor is our immigration all a tale that is pleasant to tell. We have to take its advantages and disadvantages as part of one whole. But look into the question of immigration and see what it involves? It involves first, if possible by the immigration department the selection

of immigrants from those countries more like ourselves in point of education, general habits and industrial pursuits, than the people of other countries might be, and the nearer the foreign immigrant is to ourselves in modes of thought, intellectual pursuits and in education, the more readily will he be assimilated. I notice in the report of a commission appointed in 1905 by the United States government, that the government commission reported that no immigrant should be naturalized who did not know the English language. It does not say that no immigrant should be admitted into the country who did not know the English language; but such was the emphasis laid on the use of the English language—and that implies English literature and tastes and English traditions embedded in the mind—that this commission felt that a knowledge of the English langauge was essential to American citizenship. It suggests, therefore, that we select our immigrants, as far as possible, from countries where the English, or shall we say the French language, is spoken, for, with us, both are on a parity, both are in sympathy with our institutions. We are familiar with both races and both languages. Each has an equal share in the government and an equal standing, as they have a right to, in the community. I would suggest further, that we should direct our attention chiefly to the United Kingdom, for the assimilation of the citizen of the United Kingdom would be an easier matter than the assimilation of the Galician, Russian or Italian. We are suffering now somewhat from the peculiar habits of the Italian, for his taste in seeking the blood of his companion in a manner very direct and very uncomfortable to his victims.

The matter of inspection at ports of embarkation is also of great importance. We are at considerable expense now in the deportation of undesirable immigrants. Do not let us get him here at all if he is unfit. There should be such a rigid inspection on the other side where the emigrant takes ship for Canada that when he is on board ship it is because he has been declared fit to be landed within our own Dominion. A more rigid inspection may be desirable. Could a committee help in doing that? Then I do not know that the bonuses to steamships need be further continued unless more vigilant inspection is given to the immigrant. There is also the reception of the immigrants at the port of entry, a very difficult and important matter; their distribution among the various trades and agricultural districts is also important. I think the congestion now felt in the city of Toronto arises partly from the fact that the system of distribution has not be adequate. The immigrant is very much inclined, coming from cities and towns in the old land, to locate himself in a city or town in Canada. As far as possible, we should encourage the immigration of the agricultural classes. Ontario is going through an extraordinary revolution now, has been passing through that revolution for the last twenty-five years, largely from the want of agricultural labourers. In my old riding of West Middlesex there is one school section well known to me, for I have traversed it very often, in which there was a general attendance of 50 to 60 pupils in the public school. The attendance now is three or four. What is the matter? Not from the sterility of the inhabitants by any means, but because lands have been turned into grazing fields that were formerly given to the production of cereals. The farmer could not find sufficient help, and the only way he could protect himself was to go into stock raising. What is the effect? It simply thins out our population, and stock raising is not the most productive way in which the farms in Ontario could be worked. The change is one that effects our population and politically in more senses than one.

Then we have the very perplexing question of labour. It is a somewhat serious fact which you will find in the report of the Bureau of Labour in the United States and I do not know but you will find it in our own, that in six years we have had in Canada seven hundred and sixteen strikes, involving upwards of 140,000 employees and costing the Dominion two million five hundred thousand working days. Convert two million five hundred thousand working days into money at two dollars a day, and that would be an average wage I suppose, you have a loss of $5,000,000. Follow that loss to the families of the

workingmen or the charitable institutions of this country and you will see it will have to be replaced in one of two ways, either by charitable contributions or the sufferings of the wives and families of the working men. The Lemieux Act has been of immense advantage; could that Act be extended? I am not in favour of compulsory arbitration as they have it in New Zealand; but so successful has been the working of the Lemieux Act that some industries that did not legally come under it have accepted its principles for the settlement of their own strikes. Perhaps if a committee of the Senate took the matter up, aided by the very capable Deputy Minister of Labour, who would certainly give us the benefit of his experience, the advantages of that Act could be extended. Then there is the question of skilled labour. We do not want the unemployed of the British Islands to come here; we do want skilled labour, but there necessarily must be some conciliation between the skilled labour of our own country and the imported skilled labour. I remember a few years ago, when I undertook the task of organizing technical schools in Ontario, the difficulty that confronted me was the opposition of the trades unions. We had entered on a new experience in the matter of labour. not in fashion, as apprenticeship was in the old land, and the trades unions felt that by the education afforded by technical schools, their own grip on skilled labour would be slightly weakened, and I had to proceed much more slowly than I would have wished. I was able to establish five or six technical schools; but that was only touching the fringe of the subject. We have now reached a time when we should proceed to organize trades schools in Canada, something like the Pratt Institute in the State of New York where trades are being taught, and young lads of fourteen to sixteen years of age can prepare themselves for entering, when they leave school, upon an apprenticeship, at all events, in the work of skilled labour. The great want of our school system here, in England, in the United States and everywhere, is that we do not get the grip of a boy at the age when he begins to know that he has real hands and fingers and that his brain is the centre of cerebral activity that must spend itself either in mischief or some active pursuit. Here is the complaint made at the great convention which met at Chicago, at which President Elliott, of Harvard University, was present. Among the startling statements made at the convention was one to the effect that 55 per cent of the boys in Berlin, Germany, between the ages of 14 and 16, are in the industrial schools, while in Chicago less than one-tenth of one per cent are being so trained. Germany, it was said, trains its youth for a vocation; the United States trains its youth for a job. In those two sentences which I have read we have the secret of the extraordinary development of German industry. From a third rate position, in a military as well as in an industrial sense, Germany has reached a foremost position since the Franco-Prussian war of 1870, and England's greatest competitor at home is the product of German manufactories, largely because of her skilled labour, and the superabundance of that skilled labour—if superabundance there be—is owing to the industrial schools. Bavaria, with a population not much greater than that of New York city, has 290 trade schools, giving instruction night and day in 28 trades and crafts, and the wealthy Dominion of Canada has not a single trades school from beginning to end, with a revenue $110,000,000. President Elliott, quoted from the figures collected by the Massachusetts commission on industrial and technical education, showing that 25,000 children in that commonwealth were engaged in trifling occupations that failed to promote skill or advancement or to prepare for more useful manhood. The report of that convention is good reading for everybody. Skilled labour ought to occupy somebody's attention. Now, I am not prepared to say that the Dominion of Canada should usurp by any means the functions of our provinces with regard to education in any department. I do not think it should. It has been suggested that a Royal Commission should be appointed by the Dominion on the subject of technical education, but I would be far from committing myself to the policy that the Dominion government itself should assume the burden of technical education. Our provinces are rich enough to discharge this duty to the satisfaction of

the people and as far as the necessities of the case may require. As education is provincial under our constitution in other matters it should also be so in technical education. No two provinces require the same kind of skilled labour. What would suit British Columbia might not suit Prince Edward Island; and what would suit Nova Scotia might not suit the province of Ontario. The variety of technical education would be one of its virtues. I would therefore say that some note might very well go forth from a committee of the Senate that would suggest perhaps to the provinces increased activity in this regard. I am not going to admit that the judgment of the Senate, formed by a committee of experts such as we might have on that question, is a judgment which would be disregarded by the legislature of any province. My next committee would be one of trade and commerce, or commerce and our trade relations. I must say a few words on this, as it is a matter of supreme importance. Now, if there is anything that brings to our minds some appreciation of the great possibilities of Canada it is the extraordinary development of our commerce in the last ten years. The whole trade of Canada in 1896 was $239,029,360, and in 1907 it had increased to $617,965,147, greater per head nearly three times than the trade of the United States, and within a few dollars of being equal per head to the trade of Great Britain, greater than Germany, greater than France. We have extraordinary powers of productivity, of development and of acquisition, as shown by these large exports. There is only one feature of our trade to which I would call attention, and that is that our imports from the United States are growing much more rapidly than our exports to that country. For instance, in ten years our imports have increased from $64,334,800 to $220,280,876, or 340 per cent; while our exports to the United States have only increased from $44,448,410 in 1896 to $104,260,394 in 1907, an increase of 240 per cent. Our trade with Great Britain has grown with reasonable satisfaction. Great Britain can only be expected to take our natural products, and she takes of them in great abundance. The United States does not require our natural products, and the present tariff in force in the United States puts up a high wall against importations from Canada; still, is there not something that can be be done whereby our trade with the United States might be brought nearer to an equilibrium. If there is one thing that justifies the establishment of the Department of Trade and Commerce it is the appoinment of trade commissioners to different countries, sub-consular agencies you might call them, to call the attention of manufacturers and consumers of these countries to what Canada has to sell. I attribute to the activity of that department to a certain extent the development of our trade with Great Britain, coupled with the Preferential Tariff, and the maintenance of our position in France and perhaps the West Indies. As yet we are but at the beginning of the development of our trade which I am sure the Minister of Trade and Commerce so fondly desires. It is a new department. The hon. senator from Hastings (Hon. Sir Mackenzie Bowell) was present at its organization. It is not yet more than about fifteen years of age, and could not be expected to have accomplished at that age all that the minister would desire or all that is within its power. The Board of Trade of Great Britain, so powerful and influential in the shaping of tariffs and the promotion of British commerce was organized in the days of Oliver Cromwell, and that is one thing that good old Oliver did for us during his short protectorate. We find in the United States a far better illustration, I may be permitted to say with my American proclivities, which are very outspoken on the development of trade, than either Canada or Great Britain, much as Great Britain has done. Let me give two or three illustrations. Take, for instance, the trade with Australia. It is not much more distant from Canada than it is from the United States. We have subsidized steamers in order to increase trade facilities between Canada and Australia, and the Pacific cable, for which we pay a considerable sum every year, had no doubt a similar object in view. We have two trade agents in Australia, and the United States have no less than eight, so that with their increased representation in Australia, making it a question of arithmetic, they ought to reach out to four times the trade which the Canadians can secure. I cannot say whether our trade commissioners

cover the whole of Australia or not, but if they do not, and if that trade is worth having, we ought to get it and get it soon. In the case of France, with which country we have negotiated a treaty that is soon to come before us, there is but one Canadian trade commissioner; the United States have seventy-four. Suppose with the adoption of this treaty new commissioners will be appointed, our trade with France will increase accordingly. In Japan, with which we are trying to establish a trade, and with which we happily have very cordial relations, notwithstanding the effervescence in British Columbia, we have one commissioner; the United States have thirteen. There is an immense trade to be done in Japan in flour, and perhaps in other domestic products, and yet we have only one man to deal with 45,000,000 of people and see that the goods they have to buy are purchased in the Canadian market. In Mexico we have only one trade commissioner. The United States have fifty-seven. We have one in Newfoundland; they have four. I have here perhaps something of the secret of the vast increase of exports from Canada to the United States, and that is in the fact that in Canada the United States have 145 consuls; which are sub-trade commissioners. In the province of Ontario alone they have 45, and if there is anything an American wants to buy, there is a consular agency somewhere in Canada, in that number of 145 who will indicate where to buy or where to sell. I do not know whether we could improve our trade with the United States by the appointment of commissioners in the Republic. That would be a matter for a man with much larger knowledge of trade than I have. We want to open trade with China. We have one commissioner there; the United States have thirty. In Norway we have one; they have seven. In Belgium we have one; they have twelve. We have a total of twenty, including five who do not give their whole time to matters of trade; the United States have eleven hundred and ten scattered over the whole globe. No wonder their iron finds its way to every market of the world; no wonder they produce now nearly three times as much metal and steel products as old England produces, notwithstanding her centuries of attention to the development of her iron industries; no wonder her textiles are to be found in every market. She has worked for that market and for that trade. It is in vain that our farmers produce good butter, cheese and stock unless they can find a market for them. It is in vain that we manufacture goods of the finest quality and the most elegant texture and design, unless we can find a buyer for them. I know the hon. Minister of Trade and Commerce sympathises with that view. I have had no conversation with him on the subject, and I do not know what is in his mind, but I have had this experience when I was Minister of Education, and it was not a very pleasant one to me at times—that if I wanted money for technical schools or educational purposes out of the ordinary rule, the treasury was very poor, and the treasurer had many misgivings as to the wisdom of the expenditure. He always wanted a surplus, and the larger the surplus the more glorious his position, in his own opinion, and I had often to go empty away. Is it possible the Minister of Trade and Commerce is so treated? I do not know. If he is, I for one member of the Senate would be glad to say on his behalf that any reasonable expenditure for the development of our trade by the selection and appointment of proper commercial agents for that purpose, would secure my hearty support. I am confirmed in this view by the report made by Mr. Gregg to the Board of Trade of Great Britain on the result of his visit to Canada, in which he recognizes the necessity of doing for Great Britain precisely what we have done in a small way, and what the United States is doing in a large way, namely, the appointment of trade agents in Great Britain and the United States. Here is what he said:—

'There is undoubtedly a need for what may be called national trade representation in Canada.' There is not a single agent of Great Britain here that I know of, unless it be a representative of the city of Manchester in Toronto, looking out for trade. There may be commercial travellers, but that is another thing. He goes on to say:—

> There can be no question as to the substantial services which have been rendered to the United States trade as a whole by the consuls who are scattered throughout Canada, at present the United Kingdom is totally without any such representation. Consular advice

and information can never take the place of efficient trade representation, but unquestionably if the right gentlemen are available, it can render substantial service, and it is generally believed in Canada that such service has been done to the trade of the United States by its consular representatives in the Dominion.

Then he goes on to recommend the appointment of trade agents in the United States and Canada. That sums up all I wish to say on the matter of trade and commerce. There are other objects to which I should like to call the attention of the House, which I must pass over. For instance there is the question of geological surveys and mineral development, a very large question. Strange to say our great discoveries of minerals in Ontario were made by prospectors and not by geologists. I am not finding fault with that; but I do know as a matter of fact, that districts which were declared to be entirely without minerals have been found to be very productive. Our prospectors found gold in the Rainy River district, and some of the mines are said to be very valuable. Our prospectors discovered Cobalt, and there is much more that may be discovered still. We located, ourselves, the iron mines of Michipicoten, and some on the northern side of Lake Superior. Can something be done to develop our mineral resources? We cannot estimate the value of these, but we might investigate still more perhaps with satisfactory results.

Then there is the question of transportation rates to the seaboard, and our harbours. We have now the Canadian Pacific Railway as the northern artery extending continuously from east to west. The Intercolonial Railway is a midway section. The Canadian Northern is reaching out both west and east across the continent. Later we will have the National Transcontinental Railway, and perhaps later still communication by way of Hudson Bay. The whole question of transportation lies at the foundation of the future trade and commerce of Canada—cheap, quick transportation. There is on the horizon to-day the All Red Line and the construction of the Georgian Bay canal. These are immense projects which we might sit down and consider, and many of them will no doubt be realities in time to come. How soon should they be begun and what consideration should lie in their management? Should they be under government control, under a commission, or owned by private capital; how should they be regulated, etc? If they develop electrical power who owns the power? To which government, provincial or Dominion, should that revenue go, and so on? And the question of harbours is equally urgent. We are spending millions on deepening the harbour of Montreal and the channel of St. Lawrence, and not too soon. We are spending money at Fort William, and we have a whole series of western harbours on Lake Huron, Lake Erie and Lake Ontario and seacoast harbours at St. John and Halifax. We must have means whereby the largest ships in the empire can load and unload their goods rapidly and successfully.

I am going to draw my remarks to a close, though I have not gone over half the subjects I have mentioned. I will just run over the names. We have coast surveys and merchant shipping. I notice an order in council was passed not long since to the effect that the coasting trade of eastern Canada is to be reserved to ships of British registration. That excludes Norwegian and other foreign vessels from competition. I suppose that is all right; I cannot express an opinion on it one way or the other. The question arises, however, should similar rules be adopted with reference to our inland waters. Our Canadian shipping is declining—why? We build fewer vessels—why? We have perhaps insufficient accommodation for repairing ships, and they go to United States dry docks for repairs. Should that condition of things continue? We are not a maritime country in a certain sense, and perhaps we ought to be. We have an equipment for a naval reserve, in our fishermen, that no country in the world can equal. That ought to be considered.

Then there is the whole question of the fisheries, most perplexing matters for international negotiation. Matters which have perplexed diplomatists since the treaty of 1783, and since the treaty of 1818 more particularly, and the United States are setting up pretentions which have to be very seriously considered. Then our inland lakes are being depleted, because the United States regulations differ from Canadian re-

gulations. Lake of the Woods has been almost fished out by United States fishermen, though at one time Lake of the Woods was one of the best fishing lakes in Canada. I understand that the Manitoba lakes are also being rapidly fished out. Do our fish hatcheries supply a sufficient quantity of fish? Then in Ontario we have this perplexing question, that we own the shores and beds of the rivers and consequently the fish, while the Dominion government regulates the close season, and the close season in our opinion does not correspond with the emergencies of the position. The same with Lake Superior and Lake Huron; one is colder than the other, and the same close season does not apply. There are these and many other questions to be considered. Then we have the civil service to be considered. Here, because it is a matter of public notoriety, I might refer to an observation made in the 'University Magazine' on the question of the civil service. It is rather an important matter. It says:

An anomalous situation has been created by the rapid expansion of the Dominion during the past twenty years. At the present time there are about 2,800 government employees at Ottawa. Of these, 600 are workingmen, of one sort or another, almost wholly attached to the Public Works Department. They are not regarded as civil servants in the strict meaning of the term. Of the remaining 2,200 only half appear in the official civil service list. The others are 'temporaries.' They work side by side with the 'permanents,' but they are not eligible for annual increases of salary beyond a certain limit, nor do they come within the privileges of the Civil Service Act with respect to sick leave, superannuation, insurance, promotion and so on. They are not even accorded uniform treatment. In the Public Works Department, for example, they are subject to a schedule which is unique. In the Post Office Department they are not allowed either holidays or the limited sick leave recognized in other departments. There is neither a definite minimum nor maximum rate of compensation applicable to all departments. They are not 'temporaries' at all, in the sense that their tenure is to meet a passing emergency. They form a fixed and indispensable part of the staff. These conditions call urgently for regulation.

In this relation the status of young women in the civil service arises. Twenty-one years ago there was less than a score of female clerks in all the departments. To-day there are seven hundred, of whom a vast majority take rank in the temporary class alluded to. They have come to stay. There are cogent reasons why they should not be placed on precisely the same footing as men; but the presence of such an army of women in the service suggests the need for something better than the present system. They have amply demonstrated their usefulness; they are not overpaid; they might at least be given a separate class, having a liberal maximum, and be brought within the scope of the privileges open to male civil servants on the permanent list.

A discussion in all friendliness, for we could not have anything else if my ideas were carried out, on the question of the civil service would be very much in the public interest. It might be advisable to put the civil service under a commission, as is done in the United States. Here is a report from the Federal Civil Service Commission which is well worth considering. Practically two-thirds of the civil service of the United States are appointed by examination.

The article reads as follows:

According to the annual report of the Federal Civil Service Commission, partisan activity on the part of employees in the competitive service has practically ceased in the United States. The report gives the testimony of Mr. Bryan that in both his contests for the Presidency he received less opposition from the civil servants than from the employees of the railways, who were coerced by their employers into supporting the Republican ticket. He declares that he would rather risk the influence which a President can bring to bear on the civil service than to risk the influence which railroad owners can bring to bear on their workmen. During the year two convictions were obtained for violation of the Civil Service Act relating to political assessments, and several removals were made for pernicious political activity. The commission says that 'now that examinations are open to members of all parties on equal terms and public officials may freely vote and exercise their opinions, the various forms of political coercion and campaign assessments are being overcome, and the subsidence of partisan spirit on the part of the adherents of one of the great parties will be offset by a like forbearance on the part of the adherents of the other party.' There are approximately 337,000 officers and employees in the executive civil service, and of this number 196,918 are subject to examination. During the last year 1,500 different positions were classified by order of the President. In the twelve months period covered by the report, 136,108 persons were examined, 99,261 persons passed and 44,712 were appointed. As compared with the previous year, this is an increase of 14,047 in the number examined, 4,222 in the number that passed and 4,835 in the number appointed. Many appointments were declined, and the commission says that on this account much of its work has gone for nothing. It adds that 'the departments, instead of securing the best material from the registers, are only able to obtain persons who are less successful in outside business.'

Then the civil service at Washington is appointed pro rata from the various states

and territories, according to the population of the states or territories. No city or town has a monopoly of the appointments to the civil service. When a vacancy occurs, they inquire what state has its quota of representatives. That state is passed over and they go to another. These are a few instances indicating what has been done elsewhere. Perhaps an inquiry into this matter might be useful to us here. Now I close with one or two observations. First in carrying out the proposition I have suggested we may find additional employment for ourselves, giving assistance to the members of the House of Commons and valuable assistance to the government in suggestions that we might offer, and we would strengthen our own position as a Senate. Mr. Asquith, speaking in England not long ago, makes this remark :

> In the long run every society is judged and survives according to the material and moral minimum which it prescribes for itself.

My comment upon that sort of observation—which I perhaps anticipated earlier—is that the usefulness of the Senate and its standing in the community will increase or diminish according as it vindicates its proper functions and applies itself to the various departments of legislation which lies within its constitutional limits.

Hon. Mr. DAVID—Will the hon. gentleman permit me to ask a question. He refers to a speech made by Mr. Paterson—I did not understand very well what he said. Was that an after-dinner speech ?

Hon. Mr. ROSS (Middlesex)—I am sorry I was not present, and did not enjoy the dinner or hear the speech.

Hon. Mr. ROSS (Halifax)—I am not going to take up the time of the House discussing this subject, but I wish simply to draw the attention of the House to this remarkable utterance of an hon. member of the government, Mr. Paterson : The report of his remark reads as follows :

> Paterson's idea of the Senate.
>
> (Special to the 'Evening Journal.')
>
> Windsor, February 25.—Hon. Wm. Paterson and Hon. Adam Beck were the principal speakers at the dinner of the Windsor Board of Trade last night. The Minister of Customs convulsed his auditors by referring to the Senate as a body of old gentlemen who sat and dreamed life away, in complete serenity, undisturbed by the storms of political life, who feared neither elections nor the results thereof, and whose sole duty it is to 'revise the hasty legislation passed by the members of the lower House.'
>
> Mr. Paterson kept clear of any political questions of moment.

In the first place, the hon. member of the government makes a false statement. I can give him the names of two prominent men from Nova Scotia who refused seats in the Senate—Mr. Blackadar, editor and proprietor of the Acadian 'Recorder,' and Mr. Currie, of Windsor ; and I think there are instances in the province of New Brunswick also where a senatorship has been refused. If these flippant remarks were made by a green or a new member of the House of Commons, they would not receive any attention from me, but being made by a member of the government, and reflecting on the members of the government in this House, I think they should receive the severe censure of this Chamber ; they are certainly uncalled for and unjust. When he reflects upon the Senate, he is reflecting upon members of his own government who are ornaments to the Senate, and when he reflects upon this Chamber he reflects upon a body that is superior to the House of Commons. I am not at all so sure, if the hon. gentleman happened to be defeated at the next election, that he would not be rapping at the doors of the Senate asking for admission. I am sorry that my hon. friend and namesake has passed that statement over so lightly, because I wanted to call the attention of the House to the uncalled for remarks of a member of the government, reflecting not only on the Senate but on members of the government in the Senate. I think the hon. Secretary of State should be glad to call his colleague to account for these ungentlemanly and uncalled for remarks about the Senate.

Hon. Mr. SULLIVAN—I desire to say that I seconded the motion of the hon. gentleman from Middlesex, because I do not think the hon. gentleman had made any arrangement for a seconder, and I approve so strongly of his conduct while in this House, so independent and so devoid of any party spirit, that I was very glad to have an opportunity to second the resolution. His speech was eloquent and full of material and valuable information. Whether we agree with it or not, we are bound to ex-

press our satisfaction at the learning and ability which he has shown, and his knowledge of every Canadian subject. I particularly agree with, him, because I think if any spirit requires to be cultivated in this Senate it is one of independence. So soon as the trammels of party are done away with, so soon will the Senate rise to a higher position than it occupies at the present time. I do not make these remarks with reference to any particular gentleman here. I only give them as my own for what they are worth. I regret very much that I am not prepared to discuss this resolution as fully as its importance demands, and I simply make these remarks as the seconder of the motion.

Hon. Mr. SCOTT—Reference was made to me by the hon. member for Halifax when discussing the remarks of a colleague of mine made at a Board of Trade dinner, I think, at Windsor. I understand that it was a non-political gathering, where Mr. Paterson was not permitted to introduce the subject of politics, and, necessarily, he was short of subjects, and he happened to think of the Senate, and in a very jocular way made the allusion which has given offence to my hon. friend. I am quite sure if Mr. Paterson was spoken to on the subject, he would express his regret that he was reported. Many of us when speaking often use expressions we would rather not see in the public press. However, public men's ideas and views are public property and members have a right to seize on them and criticise them when the opportunity offers; but I am quite sure these remarks are not the real honest opinion of Hon. Mr. Paterson.

Adverting to the address of the hon. gentleman from Middlesex, as nobody else seems to be desirous of speaking at the present moment, I may say that I do not propose to make a long speech on the subject. The hon. senator received the applause of this House when he resumed his seat. It is an assurance to him that when he rises to address this Chamber his views are always listened to with very great pleasure, because we recognize that he has given whatever subject he brings before the Senate the fullest consideration. His views are always exhaustive. They leave nothing for anybody else. Whether we agree with him or not, it adds to the intellectual life of the Senate to hear a gentleman who is so well versed in the subjects he discusses. My own view is that in the past history of the Senate on all occasions, when very important matters were before the public mind, the Senate has had committees appointed to discuss them. Many years ago, it is now some twenty-five or thirty years ago, we had a large committee which spent a session, perhaps more, on the Great Lone Lands. A quarter of a century passed by and men had forgotten it, and last year another committee was appointed on the same subject and investigation was revived, and the committee added a most valuable mass of information, which is being now utilized by the government and by the public in drawing attention to the great value of the northern parts of Canada. On other occasions, on one particularly that now happens to come to my mind, when I was on the other side of the House, a committee of the Senate was formed, hostile of course to the government of the day, on the expenditure of Canada. It was probably a proper subject for inquiry at the time, and a whole session, I think, was spent in discussing the extravagance of the Mackenzie administration. I need not allude to other occasions on which the Senate has formed special committees for the discussion and investigation of topics that at the hour and at the time engrossed public attention. My own view is that it would not be wise or prudent, and it would bring the Senate rather into disrepute, to form committees on those eleven different subjects included in the motion of my hon. friend. Practically it would supersede the administration of the affairs of this country by the government of the day, because on all those subjects there is a policy announced by the government. Take, for instance, immigration and labour. We spend considerably over a million dollars a year now in bringing immigrants to this country. The subject is being discussed in the public press. It is being discussed in the House of Commons, and it might be discussed in this chamber, too, as to whether the policy and the mode of bringing immigrants to Canada by the Department of the Interior was the proper one. And so with many other subjects. For instance, the

trade and commerce and trade relations of Canada. We have a Department of Trade and Commerce. They are collecting a vast amount of information at a very considerable cost, which they are circulating, week by week, among the mercantile community of the country through the different channels where they have trade. They have also appointed agents—England, Australia, France, and other countries—ascertaining where Canadian goods can be best marketed. It would be idle for the Senate to suppose it was going to throw any light upon that subject, unless a very considerable sum of money had first been voted to pay the expense of experts and witnesses that would have to be brought before the committee.

Then we have the Geological Survey's report of the mineral development of Canada. I ask hon. gentlemen who of us can throw any light on that subject, other than to take up the volume of the Geological Department. The Geological Survey of Canada has made very great progress, and their work stands high in the estimation of scientists outside of Canada; therefore it would seem rather—I will not use a word that might be offensive—but it would not seem in keeping with the dignity of this House that we should dictate to men of science as to whether they were adopting the right method in bringing to light the various geological conditions of different parts of Canada. The question of Coast surveys, &c., is immediately under a department of the government, and we have experts who are giving it very great study, men who have been in the service of the country for 25 or 30 years, and who certainly must know more about it than a committee of this House could ascertain. Take the fisheries question ; we could not add any information to that now in the possession of the government. The fisheries involve an international question. For years and years attempts have been made to adopt regulations that would be the same on both sides of the line. The fish do not recognize Canada or the United States. They have the freedom of the rivers and lakes whether it is on the Canadian or the United States side, and common sense would bring the experts both in the United States and Canada to the conclusion that whatever regulations were made—and they ought to be the best—they should be uniform in both countries. That is such a self-evident proposition that it should not require an argument to prove its wisdom. I am in hopes the day is not far distant when these regulations will be uniform on both sides. Certainly, Canada has been at all times most anxious and willing to preserve the fish life of the country, and to unite with our neighbours to the south of us in framing regulations that would preserve the fisheries and at the same time yield to sportsmen and those engaged in the trade a reasonable access to the fish.

Then take the civil service administration. Hon. gentlemen are aware that there is a commission now about to make a report on that subject. I am quite unable to foreshadow what their views are, or what changes they may recommend. I admit that it is a system that may be improved. It is a long inquiry to enter upon, and therefore the better way for me is not to express any views at the present moment about it. Then as to public health and inspection of foods, subjects that pertain to the life of every individual in the Dominion, I should have no objection to a committee on these questions. I think a good deal of information could be obtained that is not now available and that is not utilized ; at all events, it could be brought to the public notice. I perhaps have rather advanced views on the subjects that are covered by that item, and I quite recognize that the people want a good deal more information upon it than they now possess and would be benefited immensely if it were received. With those observations, I should suggest to my hon. friend, as an experiment, that if he would limit his committees to agriculture and forestry—because that is a subject upon which the public have not all the information that could be given them, a subject on which they require education—I would agree with his views. They are views that I have held for over thirty years. It was my privilege thirty years ago to be Commissioner of Crown Lands in Ontario, and I, therefore, recognize the enormous value of our forest lands. I did what I could in my time to reserve forest lands from settlement, because I had noticed in other provinces of the Dominion that there had been a fearful

waste of wealth by the wreckless destruction of the forests. Certainly the provinces down to the east of us ought to be the wealthiest portions of the world in proportion to their size if they had conserved in any reasonable degree the timber wealth of the country. I can remember now when the flames of the forest burning in New Brunswick extended up as far as the town of Prescott. I can remember a huge fire that lasted a good part of the summer that followed the St. Lawrence up as far as Prescott—seven or eight hundred miles from where the fire started, destroying timber that would have amounted to millions and millions of money. I mention that simply as an incident. There is a vast amount of information on the question of forestry that could be given to the public, because the future of this country, the future of its transportation, the future of its agricultural resources, the future of its supply of timber, depends entirely to-day on whether we are prepared to preserve and reserve to some extent the remnant that we now possess. It is only a fragment. Anybody who has gone through any part of our province and has seen the terrible destruction by fires uselessly and carelessly started, must be impressed with the enormous waste of money in the shape of timber that has gone up in smoke. However, hon. gentlemen quite appreciate it as much as I do. At the same time, I recognize that you cannot impress the public mind too strongly with the importance of the preservation of our forests. We see now in every place, where they have not reserved their forests, in the spring of the year freshets rise and sweep down the streams, and rivers are changed in their course by the enormous volume of water rushed off in probably a few weeks when the normal flow of water should have extended eight or nine months. The Ottawa river rises twenty feet opposite the city of Ottawa in the spring of the year. Nobody would doubt if we improved the navigation between the upper reaches and Quebec that we could conserve that water by a very moderate expenditure. Those are points on which public men should be educated. They do not appreciate the value of a subject of that sort until it is brought home to them by practical illustration. Now, with regard to the particular committees, if my hon. friend would limit them at the beginning it would not interfere in future with his enlarging the scope of our usefulness here by the formation of other committees; but let us begin by a more moderate attempt to gather information which will be of value to the people of this country. I ask my hon. friend if he will consent to limit the committees to agriculture and forestry, immigration and labour and public health and inspection of food, to start with?

Hon. Mr. LOUGHEED—Before my hon. friend responds to that question I should like to congratulate the hon. gentleman from Middlesex on the very interesting and exhaustive manner in which he has presented to this Chamber his views upon the important subjects involved in the motion. I, however, cannot congratulate him upon the measure of comfort afforded him by my hon. friend the leader of the House with respect to the adoption of the motion. My hon. friend has dealt out a measure of cold comfort. The hon. gentleman from Middlesex may possibly know that during his administration in Ontario what cold comfort meant to certain portions of that province. The term is a familiar one, and therefore it may be appreciated. I was, however, about to say that the comments made by my hon. friend the leader of the House were not without some humour, with reference to the various subjects dealt with. My hon. friend appears to think that it would be a work of supererogation for a committee of this Senate to attempt to review the different subjects represented by the different departments of the government, and he made the rather humorous remark, it seems to me, in view of the impression left upon the House by my hon. friend from Middlesex, that the adoption of this motion and the selection of those committees, would simply mean a usurpation of the rights of the various departments of government, and would mean, also, a supersession of the duties performed by those departments. However, my hon. friend was apparently willing that the Department of Agriculture should be sacrificed. It seemed to me that the question of the administration of agriculture did not occupy the prominent position in my hon. friend's mind that the other departments did. He was also willing to sacrifice the De-

partment of Inland Revenue, that department being charged with health, and the analysis of food, and of food products. I do not know whether that will quite meet the expectations of my hon. friend from Middlesex, but we have the assurance that the government will co-operate with this Chamber in making inquiries into those subjects, namely, agriculture and inland revenue.

Hon. Mr. SCOTT—And forestry.

Hon. Mr. LOUGHEED—He has also suggested forestry. I fancy the discussion which has recently taken place in the other branch of parliament has impressed on my hon. friend the desirability of doing something to protect our forests. It seems to me that such an indiscriminate disposition has been made of our forest property, and our forest preserves, that even fire is not so great an enemy to those valuable properties as other elements which are being so self-assertive at the present time, and which have apparently been looked upon with a great deal of favour by the government. The idea should commend itself to the hon. gentleman from Middlesex, and I hope, under no consideration, will he overlook the necessity of seeing that a committee is appointed to look well into the question of forestry, and the further preservation of our forest preserves. And the same might be said of minerals; but he has more confidence in the administration of coal lands than of forests. I might be permitted, however, to say, apart from any political reference to the various subjects dealt with, that the suggestion made by my hon. friend from Middlesex, and embodied in this motion, might be carried out with very good effect in this Senate. There has been considerable complaint during the present session at the non-representation of members upon the standing committees of the House. This, it seems to me, would afford a safety valve for hon. gentlemen whose time is not occupied upon other committees, to devote what spare time they have to the consideration of the various subjects indicated in my hon. friend's motion.

It, however, might be pointed out with some degree of gratification to the Senate, that the investigations hitherto made by committees of this Chamber upon any special subjects have received considerable prominence both from the press and from the public. We can look back upon two or three investigations particularly, made by the Senate, in which great interest was taken by the public. The investigation made last session into the resources of the Hudson Bay district is to-day receiving a great deal of attention throughout the country and will be productive of much good. There is, therefore, no reason why small special committees of the Senate should not be appointed to make inquiry into the various subjects suggested, and I should be very pleased indeed to see the hon. senator from Middlesex place his motion in such a shape that the Senate can carry out the suggestions embodied therein.

My hon. friend the leader of the House considered it necessary to make an explanation on behalf of the Minister of Customs. Our attention has been directed by the press to a speech made by the Minister of Customs at Windsor the other night, in the course of which he made certain allusions to the Senate, and the report assured us that the hon. gentleman was in a fine vein of humor and in an excellent tone of voice. It will be gratifying to the Senate to know that we furnished that gentleman a subject for humourous comment on that occasion. It is not often that the Minister of Customs is in that mood, and it is well that he should have every opportunity to indulge his sense of humor and volume of voice even at the expense of the Senate. I was surprised, however, at the attempt of my hon. friend the Secretary of State to explain his colleague's allusion to the Senate on the ground that he had nothing else to talk about. In a moment of candour and frankness, my hon. friend admits that there was no other subject which the Minister of Customs could bring before the Windsor Board of Trade and the guests from Detroit. It was unfortunate that the only subject the Minister of Customs could discuss before the representatives from the United States at that banquet was the one upon which he indulged his oratory. My hon. friend assures us, notwithstanding his colleague's inappropriate remarks about the Senate, that he really did not mean what he said.

Under all the circumstances, we must accept the explanation made by the hon. Secretary of State and simply suggest that should the Minister of Customs hereafter attend a banquet, he should prepare himself with some other subject for discussion than that of the Senate of Canada. In conclusion, I wish to assure my hon. friend from Middlesex that so far as I can individually assist him in carrying out the idea embodied in his motion I shall be very glad to contribute in any way I can.

Hon. Mr. BEIQUE—I am considerably in accord with the views expressed by the hon. senator from Middlesex. We may not agree as to the advisability of forming all the committees mentioned in his motion, but, on the whole, he is to be commended for having raised this important question. I have had it in mind ever since I entered this House to suggest something of the kind. However, I did not feel that I had sufficient authority to bring up the subject until I had acquired more experience. The hon. leader of the opposition need not be afraid that any committee of this House would fail to work harmoniously with the government departments. Their object would be to work in harmony with the departments, and help them in maturing important questions and forming public opinion upon them. For instance, an important question was raised yesterday by the hon. member from Wellington, and it was a question which could be very well considered by a committee of the Senate. Such a committee could be formed, not only for one session, but could be adjourned from session to session to gather all the necessary information, and thus be the means of keeping this House informed on such questions and directing public opinion in its proper course. I am in accord with the principle embodied in the motion and think we should take an early opportunity to form as many committees as possible with that end in view. The committees need not necessarily be limited to those mentioned in the motion, and some of those mentioned might be left out and others added, but the idea of the hon. gentleman commends itself to my mind.

Hon. Mr. POIRIER moved the adjournment of the debate.

The motion was agreed to.

26½

THE ARMY ACT AND KING'S REGULATIONS.

INQUIRY.

Hon. Mr. LANDRY inquired :

To what class of military persons is the Department of Militia and Defence appointed to make gratuitous distribution of the Army Act and the King's regulations, of the United Kingdom.

How many copies in all of each of these books are thus distributed gratuitously?

Hon. Mr. SCOTT—The answer of the department is as follows : To the first question, the King's regulations and orders of the Militia 1904 contained in the Militia Act, were issued to all officers, warrant officers, and staff non-commissioned officers of the permanent force, and to all officers commanding units of regiments, adjutants, paymasters and quarter-masters. The King's regulations for the Army, 1904, were issued to all officers, warrant-officers, and non-commissioned officers of the permanent force. The answer to the 2nd question is : 208 copies of the King's regulations and orders for the Militia, 1904, containing the Militia Act, were distributed gratuitously ; 347 copies of the King's regulations for the Army, 1904, were distributed gratuitously.

Hon. Mr. LANDRY—Will the hon. gentleman be kind enough to return that answer to the department, and ask them to be kind enough to answer the questions I put ? I did not say a word about the Militia Act ; I asked about the Army Act.

THE SENATE DEBATES.

Hon. Mr. WILSON moved :

That an order of the Senate do issue for a detailed statement of the expenses incurred during the past three years, in connection with the synoptical reports of the debates of the Senate, furnished by the special reporter of this House; as well as a statement of the nature and particulars of the agreement with the present reporter.

He said : Although I move for this return, I have no intention to make a reflection upon the committee or upon the gentleman who makes the press report. The statement has been made time and time again that this report costs more than it should, in view of the small benefit we derive from it. The papers do not publish it as prepared, and, apparently, do not desire to record what is going on in the Senate, and the

amount paid for preparing this report is more than it is really worth. We pay the reporter some $40 a week, even when the House sits for but a short time or when it is adjourned for weeks. Some other means might be adopted to popularize the Senate and bring our debates before the country in a manner creditable to the Senate. I have, therefore, moved for this return, and, when I get it, we may be in a position to make some suggestions to the House for an improvement. We cannot expect that under the present system the Senate will receive that consideration at the hands of the press that it ought to receive. The Debates Committee have, or pretend to have, absolute power to employ any one they please, and fix the salary. Of course they must come to the Senate to get approval of it, whereas the appointment of other employees of the House has to come before the Committee on Internal Economy. The Debates Committee adopts a different course.

The motion was agreed to.

THE CIVIL SERVICE COMMISSION.

INQUIRY.

Hon. Mr. LANDRY inquired of the government:

1. How many sittings has been held by the Civil Service Commission since their appointment?
2. At what places and how many sittings at each place?
3. When does the government expect to have a report from the said commissioners?
4. Has the government taken any measures, or made any efforts, to make this commission understand that its report has been waited for for a long time?

Hon. Mr. SCOTT—The number of joint sittings held was 140. Of these 125 were held at Ottawa, five at Montreal, five at Quebec, and five at Toronto.

Hon. Mr. LANDRY—What about the report?

Hon. Mr. SCOTT—They have promised the report from day to day. I do not know how soon it may be. I cannot squeeze a report out of them. They know that the public and parliament are looking for their report. The hon. gentleman does not suppose that the government can force a commission to make a report?

Hon. Mr. LANDRY—The hon. gentleman has not answered the last question.

Hon. Mr. SCOTT—They have been asked how soon they will make their report, and it has been promised from time to time. I believe it is in press now.

Hon. Mr. LANDRY—I asked if the government had taken any measures to make the commission understand that this report has been expected for some time?

Hon. Mr. SCOTT—And I answered the other day that the government had asked when the report would be presented, and that it had been promised from time to time. The last reply I had was that the report was in press.

BILL INTRODUCED.

Bill (AA) An Act for the relief of Andrew Walker.—Mr. Frost.

THE GEORGIAN BAY CANAL.

DEBATE POSTPONED.

The order of the day being called:

Resuming the adjourned debate on the motion of the Hon. Mr. Casgrain, that he will call the attention of the Senate to the importance to Canada of the early construction of the Georgian bay canal, and will inquire of the government if the report of the survey made of that waterway will be laid before the Senate during the present session.

Hon. Mr. BELCOURT moved that the Order of the Day be discharged, and that it be made the first order of the day for tomorrow.

Some hon. GENTLEMEN—No, no, let it take its turn.

Hon. Mr. SULLIVAN—I have an address to make on this subject, which will bring something new and interesting before the Senate. I have given this matter a good deal of study, and if it is put off until after the adjournment it will be no use. The subject has been discussed in the House of Commons lately, and if anybody has anything to say on the subject it will be superceded by members of the House of Commons, and the chance to bring the matter properly before the public will be destroyed. I do not mean to say that my remarks will be in opposition to the very fine speech made by the hon. senator from De Lanaudi-

ère. This order should be the first order for to-morrow.

Some hon. GENTLEMEN—No, no.

Hon. Mr. SULLIVAN—Well, I am going to move to-morrow that no adjournment take place until all the subjects on the order paper be fully discussed.

The motion was agreed to.

The Senate adjourned until to-morrow at three o'clock.

THE SENATE.

OTTAWA, Thursday, February 27, 1908.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

AN ADJOURNMENT.

Hon. Mr. BAIRD moved:

That when the Senate adjourns to-day it do stand adjourned until Thursday, March 5.

He said: I understand some hon. members have intimated that there should be no session on Ash Wednesday, and they would like to have the time extended.

Hon. Mr. CLORAN—I second the motion, on the understanding that an amendment will be moved.

Hon. Mr. PERLEY—I beg to move in amendment that the Senate stand adjourned until the 10th March, seconded by Hon. Mr. Owens.

Hon. Mr. DAVIS—I prefer to support the amendment moved by the hon. gentleman from Wolseley. I think it is nothing but fair that we from the western provinces should have a chance to visit our homes. We have been here a considerable time, and our friends in the other Chamber have furnished us with very little work. The mountain has laboured and has not even produced a mosquito.

The SPEAKER—I would ask the hon. gentleman to limit his remarks to the work of this House.

Hon. Mr. DAVIS—I wish to draw a comparison. We are asking for a longer adjournment because there will not be very much work for the Senate during the next two or three weeks, judging from our experience in the past. This House is prepared to do the work, but no work has been done by the other House up to the present time, and, therefore, we have little to do. We should place the blame where it belongs.

Hon. Mr. ROBERTSON—I wish to express my approval of the position taken by the hon. Secretary of State when this motion was made. He told us that he expected the French treaty would be introduced in this Chamber in a day or two, and we should be here to receive it when it comes. On the other hand, we who have to remain here do not want a long adjournment; the 5th of March is quite long enough, but if we are likely to be here until July, let us have a long adjournment at Easter when we can all go home. I object entirely to the amendment.

Hon. Mr. POWER—I quite agree with the hon. gentleman from Georgetown, and wish to direct attention to this further circumstance. As a general thing, when the Senate has adjourned, the order paper has been cleared up. At the present time, though we have been fairly busy, there are a good many orders on the paper, and there is not the excuse for adjourning that there very often has been in the past. The better way is to take the short adjournment proposed by the hon. Secretary of State and keep on working until we feel that we can have a reasonably long adjournment at Easter.

Hon. Mr. MACDONALD (B.C.)—It was pretty well decided some sessions ago that the House would only adjourn when assured by the honourable leader of the House that it would not interfere with the progress of the public business. I hope the amendment will be rejected. It will not be long until the Easter holidays come.

The Senate divided on the amendment which was adopted by the following vote: Contents, 29; non-contents, 28.

Hon. Mr. POIRIER—I rise to a question of privilege.

The SPEAKER—That will come properly when we reach the orders of the day.

RULES OF THE SENATE.

MOTION.

Hon. Mr. DAVIS moved :

To amend rule No. 128, by striking out the words 'The Senate otherwise order,' and inserting this following in lieu thereof: 'asked by two members of the Senate,' so that it may read as follows:

128. Unless asked for by two members of the Senate, a private Bill reported from a standing and select committee is not committed to a committee of the whole House.

And the clerk is requested to notify the members of the proposed change in the rules.

He said : This motion embodies the same principle as the one contained in the motion made by my hon. friend from Saskatchewan (Hon. Mr. Douglas) namely requiring that public Bills and private Bills when reported from standing committee may be referred to a Committee of the Whole House. At the time of that discussion, some objection was taken to the motion of the Hon. Mr. Douglas because there was a certain class of Bills which some hon. gentlemen in the House thought should not go through a Committee of the Whole House, and perhaps that contention may be right. However, there are many members of this House who would like to have an opportunity of discussing the clauses of certain Bills in a Committee of the Whole House. We are told that members who wish to get information with reference to those Bills can do so by going to the different committees that are sitting when the Bills are before those committees. But I want to point out that it is absolutely impossible for all the members of this House to attend the different committees. For instance two or three committees may be sitting at the same time, and it would be impossible for any hon. member to be in three places at the one time. He, therefore, should attend the meeting of the committee of which he was a member, and would not be in a position to get any information with regard to the measures before the other committees. Under the practice in this House at the present time, when the chairman of a committee presents a report it is adopted, and the Bills go through, and a great many members of this House have no opportunity at all of discussing any of those Bills at that stage. We are told by some hon. members that we can discuss the Bills on the motion for second reading. I am certain that a great many hon. members know as a matter of fact that one can get very little information about a Bill at the second reading. The majority of the Bills presented here stand in the name of some hon. gentleman, who accepts them as a matter of courtesy, and I venture to say that one-half of the Bills that are fathered by some hon. member of the House are Bills of which he knows very little, and when the second reading is called, and we are supposed to adopt the principle of the Bill, and we ask the hon. member in charge to give us some information with reference to it, he will tell us he knows very little about it. The only people who know about it are the promoters of the Bill. When it goes to committee, it is threshed out there, and when it is threshed out in committee, you hear all that is to be said for or against it by those who are supporting or those who are opposing the measure. That places the members of the committee in a position to be seized of the facts, but the rest of the members of the House are in a position to learn little about the Bill at all. All we ask in the resolution which I have submitted is that if any one or two members should like to discuss a Bill reported from the Standing Committee that they shall have an opportunity of doing so by requesting that the Bill be submitted to a Committee of the Whole House. I observe that there is an amendment proposed by the hon. gentleman from De Salaberry, which appears on the order paper. It has been suggested that perhaps if this resolution were adopted, and it were placed in the power of any two members to have Bills sent to a Committee of the Whole House, it might result in obstruction. I do not think there is anything in that contention. If two hon. gentlemen wished to obstruct any legislation going through the House, I think they would find ample opportunity under the rules to do so. I do not think there is any hon. gentleman in this House who desires to obstruct legislation simply for the purpose of obstructing it. Our rules were revised a year ago, and we may be told that when they were revised we should not now be interfering with them. I have also heard it said these rules

have been the rules of the Senate for some forty years. I read some place, I do not know where, the statement made by a philosopher that wise men can always change their minds; but another class of gentlemen cannot. If the rules do not suit, and we find that we can improve them so that we can have more discussion on the legislation, and satisfy, not only the members of the House, but the public at large by making a change in the rules, I do not see why we should not change them. Our rules are not like the laws of the Medes and Persians. We do not have the same rules forever. I submit that if we can show it is beneficial to have a rule changed, we should have it changed. All that we ask is that if any two hon. gentlemen in this House wish to have an opportunity of discussing any Bill that goes through this House, and they ask that it be committed to a Committee of the Whole House, that that course shall be adopted. It is not unfair. It is a free parliament, and we have a right to discuss everything that comes before us, and in discussing those things, it will be better for the legislation going through the House. Everybody is possessed of some ideas, and when a Bill is discussed in Committee of the Whole where the members have an opportunity of speaking more than once, you always receive valuable suggestions. The question of obstruction should not be taken into consideration at all, because I do not think any hon. member of this House would obstruct legislation simply for the sake of obstruction. There are Bills going through this House, and Bills have gone through this House in the past, in regard to which several members sitting around me would like to have had an opportunity to make some remarks. The Bills could not be referred to Committee of the Whole, and they had no opportunity of discussing them. Legislation affecting the part of the country we come from has gone through, and members representing that part of the country have had no opportunity of offering a suggestion at all. They have a right to offer suggestions with regard to any clause of a Bill which particularly affects the part of the country they represent. In conclusion, I wish to say that if any hon. gentleman thinks that two members are not sufficient to demand that a Bill be referred I would be willing to increase the number, and make it three or four members, if that will meet the views of my hon. friends in all parts of the House.

Hon. Mr. WILSON—I second the motion.

Hon. Mr. CLORAN—I am heartily in accord with this motion, for two reasons. In the first place, it is not a new thing for me to endorse such a proposition, and in the second place the public demand it. During this session, and during previous sessions, members of the Senate who do not belong to certain committees have had occasion to ask the reason why certain Bills were submitted for our approval, and no explanations given. In the past few years that proposition was not favourably looked upon and was set aside. This year one or two hon. gentlemen of this House, who seem to be in touch with the needs of the people, and voice the sentiments of the people, have renewed the demand that reports of committees be submitted to a Committee of the Whole House for full and proper discussion and in order that light should not be kept out. That has been my position. I find that the people of Canada whom we are supposed to represent, demand the same thing, and in support of what I say I wish to quote the opinion of a newspaper with the largest circulation in Canada, one which voices the sentiments of the people in a larger degree than any other journal in Canada. This is what the Montreal 'Star' says:

TWO SENATORIAL MISTAKES.

The Senate seems determined to create in the public mind the impression that it is a corporation-ridden body. After having voted down the other day a proposal that committees declaring any works to be 'for the general advantage of Canada' must report their reasons in full to the whole House, it again on Wednesday rejected a motion intended to balk the 'lobby' at another point by requiring all private Bills coming from a standing committee to be passed upon by 'the committee of the whole.' The way in which this would work out is clear. When a private Bill is accepted without much question from a standing committee, all the 'lobby' which is working for it need do is to capture the small standing committee; but if it had then to go before the committee of the whole House, the 'lobby' would have before it the much greater task of winning over a majority of the entire Senate.

But the Senate has voted down both these proposals intended to clip the claws of the

'lobby.' It does not want its railway committee to be compelled to report to the full Senate a summary of the arguments pro and con which it heard when it decided to lift a local railway out of the jurisdiction of——

The SPEAKER—I would like to draw the attention of the hon. gentleman to the fact that he cannot read a criticism on the proceedings of this House from a newspaper.

Hon. Mr. CLORAN—Then I shall not read it; I shall express those views as my own. When a private Bill is accepted without discussion it means that the interests of the people are passed upon in the dark, that the House is subject to the influence of a lobby.

Hon. Mr. POWER—Not at all.

Hon. Mr. CLORAN—Not at all?

Hon. Mr. POWER—Certainly not.

Hon. Mr. CLORAN—Probably the hon. gentleman says not at all, without knowing whereof he speaks.

Hon. Mr. POWER—I do. I know better than the hon. gentleman.

Hon. Mr. CLORAN—Does the hon. gentleman know for the whole House or for himself personally?

Hon. Mr. POWER—I rise to a question of order. The hon. gentleman has stated that the reports of the committees of this House are influenced by the lobby; that is a reflection upon all the members of the committees of this House and is therefore out of order.

Hon. Mr. CLORAN—The influence of the lobby may be perfectly justifiable; but we want to know the justification of the influence.

Hon. Mr. POWER—I persist in my point of order.

The SPEAKER—The hon. gentleman cannot refer to what takes place in committees, nor speak disparagingly of the conduct of senators in committees, unless he brings a charge.

Hon. Mr. CLORAN—I do not wish to speak disparagingly of anybody, but the hon. senator from Halifax says I want to do so. I should like the hon. gentleman to understand that the influence of the lobby is necessary in many cases to throw light on legislation. We have Bills before our committee which we do not understand without the instructions and explanations of what I call the lobby—of the attorneys interested in the case, and of the members who promote the Bill. That is a justifiable influence. Why does the hon. member from Halifax assume that I want to say that Bills are subject to undue influence? I did not use the word undue. The hon. senator from Halifax is too ready to raise questions of order without any basis whatever. It is time he stopped the practice. I for one, and I know others share my feeling, am tired of this.

Hon. Mr. POWER—I can readily understand that the hon. gentleman should be tired of questions of order more than any other member of the House.

Hon. Mr. CLORAN—I have not had to withdraw any speeches I have made.

The SPEAKER—I would ask the hon. gentleman as far as possible to be amenable to the rules so as not to produce friction in the House.

Hon. Mr. CLORAN—I can be as mild as a lamb when I am not attacked, but I do not want statements put in my mouth that I have not uttered. I am speaking of something in the interest of the House and of the people of Canada, and am prepared to show that the organs of public opinion in Canada have condemned votes taken in this House two or three weeks ago. I am told by His Honour the Speaker that we cannot quote expressions of a public opinion which are criticisms of what has taken place in this House. I submit humbly, and with a great deal of diffidence to the decision of the chair. That decision is to be respected for the present; but if it is to be maintained with regard to all discussions, then it will limit debate very considerably in this Chamber. This House has placed itself in opposition to the public interest by its action in the past. To-day it has a chance to redeem its position by adopting this motion. I am making a contrast between what has taken place and what I hope will take place to-day. The hon. senator from Saskatchewan is

asking from this House the right to discuss matters of public interest on which he has had no occasion previously to express an opinion here or elsewhere. What can be objectionable in that? Is it that committees which report Bills are afraid of open, free discussion? That is what the people think. In my opinion they are justified in thinking that something is wrong. That is a position which I do not wish to hold myself in personally, and that is why I have taken the stand I am explaining today. If the hon. Speaker had only allowed me to quote the opinion of the Montreal 'Star' with its circulation of over 100,000 copies and four to five readers of each, representing from a quarter to a half a million readers in Canada he would have seen that public opinion is directed against us on account of our own foolishness in not opening our eyes to the wants and needs of the public. But I am debarred from putting on the records of this House the opinion of over a quarter of a million of the people of this country. It is a pity that a young man like myself should be obliged to stand on the floor of parliament and ask to have the rights of the people respected. I feel myself—I will not say abashed—for when standing up for what is right a man is never abashed and never afraid—but I feel a little lonesome when combatting for this principle when I find that older men with vast interests in this country, and large experience of public life, seem to have fallen out of touch with the people of Canada. They forget that this country is a democratic country, and, as our leader said, a democratic country to the hilt. I do not wish to blame or asperse them for their attitude; it is the result of habit and custom, and we know that it is more difficult to get rid of a custom or a habit than it is to get rid of a particular vice. Under the circumstances, I, with the people of the country behind me, ask this honourable House not to repeat the mistake it has made in the past, and to consent to let full light in on subjects debated, I will not say privately, but in close quarters before small committees, if hon. members wish to have these matters brought before the whole House.

Hon. Mr. BEIQUE—I have been sitting in this Chamber for six years, and I am not aware that a demand to refer a private Bill to a Committee of the Whole House has ever been refused. I would have expected that the members in favour of submitting private Bills to a Committee of the Whole House would have suggested that that course be adopted, and had tested the feeling of this honourable House for the purpose of ascertaining whether the rule really required to be changed or not. I do not think really that the rule needs any change. I am in accord with the desire that, if occasion should arise, opportunity should be given for discussion on private Bills in Committee of the Whole, but to my mind the rule need not be changed for that. I believe that the leader of this House would be willing to grant any reasonable request of that kind, and, therefore, I would have much preferred that the hon. member from Saskatchewan should wait before making his motion until some necessity was shown for changing the rules. However, since he has adopted a different course, it becomes my duty to move an amendment. I have no objection to private Bills being referred to a Committee of the Whole House, but if the rule were amended as proposed by the hon. gentleman from Saskatchewan it might lead to mischievous results, especially at the end of the session, and might be the means of blocking legislation. A considerable part of the legislation comes up near the end of the session, and of necessity the rules have to be suspended to enable us to pass all the Bills. If the rule were changed as proposed by the hon. senator from Saskatchewan, it would be the means of blocking legislation to such an extent that the rule would have to be repealed. I therefore deem it my duty to move an amendment that the following words be added to the motion:

If this amendment is adopted, any member of the House may move to have a Bill referred to a Committee of the Whole; but it will remain the right of the majority at any time to suspend that rule for the balance of the session.

Hon. Mr. KERR—That should not be added to the amendment, but added to the rule.

Hon. Mr. LANDRY—The amendment of my hon. friend is adapted to the rule as amended.

Hon. Mr. BEIQUE—Yes.

Hon. Mr. LANDRY—I would ask my hon. friend if he could not alter his amendment so that we could understand what he means by 'the balance of the session.' Suppose the first day of the session a motion of that kind is made, and a request is made to refer a report on a private Bill to a Committee of the Whole; would that mean that all the rest of the session would be counted the balance of the session?

Hon. Mr. BEIQUE—It would be in the power of this House to adopt what I suggest at any time. It is not to be supposed, however, that the House would abuse its power. We cannot fix any day when this power may have to be exercised, and, therefore, I do not think it advisable to adopt any other wording.

Hon. Mr. LANDRY—We might follow the course that is usually pursued towards the close of the session. The House decides that for the balance of the session such and such rules are suspended. That would be a fair way to attain the object my hon. friend has in view, and the House having that power there is no object in making the amendment.

Hon. Mr. BEIQUE—As rule 128 now reads it is subject to a majority of the House. The effect of my amendment will be to reverse the order. As it is, it requires the consent of a majority of the House to send a private Bill to a Committee of the Whole. According to the motion, and with the amendment the rule would be reversed, but would be subject to the will of the majority.

Hon. Mr. LANDRY—The effect is this; you give to two senators the right to refer a Bill to Committee of the Whole, but, at the same time, you say they have no right at all because the majority may decide against them.

Hon. Mr. BEIQUE—Not for an individual Bill; only for the whole.

Hon. Mr. FERGUSON—I do not think the amendment of the hon. senator from De Salaberry is necessary. By rule 30 we can suspend the rules at any time, and if we are going to change the rule at all it is a very simple, and, I think, harmless one, to provide that any two members who ask for it shall have a right to have a private Bill referred to a Committee of the Whole. It might be that these two members, or even one member might possess information which should be elicited before a Committee of the Whole. It might affect his constituents, and in view of the fact that only a small number of our members can be on the particular committee dealing with the Bill, it is only reasonable that any two members should have the right to have the Bill referred to a Committee of the Whole. Then with the power we have to suspend any rule or part of a rule, we can accomplish what the hon. senator from De Salaberry asks for by his amendment, without encumbering the rule with all these words which are rather puzzling. It is going back through the same hole by which we entered. The simple way is the one proposed by the amendment. I was not in the House when the larger question was discussed and settled adversely, but if I had been, I should have voted against it. But this protects a minority, and a very small minority, in their right, not to force their views on the House, but in their right to have a Bill thoroughly discussed, and I think we might pass it very well in the way in which it has been submitted.

Hon. Mr. DOUGLAS—As I had the privilege a few weeks ago of submitting a motion very much of the same nature, I wish to say that I still approve of the principle of the motion suggested by the hon. gentleman from Saskatchewan, and for the very reason given by the hon. mover of the amendment. He has stated that in the last days of the session it might be a source of trouble; that the House might not be able to get through with its business. From my own experience I may say that I consider ourselves to be all honourable gentlemen, honest and sincere; but is it not a fact that in a body like this, whether it be parliamentary or otherwise, you will find men who are not honest and who are not sincere, and who have designs, and it is our duty as prudent men to prevent the dishonest individual from gaining advan-

tages in the last days of the session? I know of hasty legislation that has gone through the House of Commons and through the Senate in years gone by that was mischievous, and if the rule as it now is stands unaltered you can deny one or two members of a committee permission to investigate a particular Bill, where they have suspicions. If they have suspicions, they should have the right to ask this House to allow them the privilege of stating the reasons why they have suspicions, and to warn hon. gentlemen to be careful in exercising their power in connection with such legislation. We all know that in the history of legislation many private Bills have been held back till the last hours of the session, just because they may be kept in the dark, and that these designing parties—I am not saying they are members of the House at all—the designing parties may in that way get measures through the House in its dying hours, because of this rush, and in that way gain an advantage that may not be for the interests of the country, nor yet to the credit of the legislature which allows them to do so. I am not going to say anything about the motion voted down in the past, because we do not reflect on the past action of the Senate; but my reason for opposing the amendment is the very reason that the mover of the amendment gives to-day. It is because there is a possibility under this motion submitted by the hon. gentleman from Saskatchewan, in the very last rush of the session, for any individual who may have suspicions well grounded, to have the opportunity of making statements to this House and having the attention of the House called to them. I cannot see that it reflects on the dignity of the House to give this right to any two members who are supposed not to be seeking to obstruct, unless they have reason for obstructing—and if they have reasons for obstructing they ought to obstruct.

Hon. Mr. FERGUSON—The hon. gentleman will observe that this rule has only reference to private Bills, and private Bills rarely appear in this House at the close of the session; therefore there is no necessity for the amendment.

Hon. Mr. DOUGLAS—I am making it apply on general principles to any Bill at all. Neither does the motion reflect upon the standing of the court or the honour of the court or any member of it; but we hold it to be a sacred right which I claim I have here or anywhere else, that if I have to cast a vote and represent my people, and assume the responsibility of casting it, that I ought to have the opportunity of considering it and having it thoroughly considered, and under the existing state of things, the privilege of knowing what is really involved in a Bill is not given to us if we allow it to pass in the ordinary way. I do not say that every Bill should be discussed clause by clause—not at all. I am perfectly willing to leave it to the judgment of this honourable House, but I wish to retain the opportunity, the privilege, the right, if I feel so disposed, if there is anything wrong with the Bill, that I may have an opportunity of stating the reasons why I cannot vote for the Bill, and that is certainly my right as a member of this House. I do not see why the House should hesitate for a moment in allowing two members of this body to ask that a Bill should be detained for a short time until it was looked into carefully. I shall support the motion.

Hon. Mr. GIBSON—The hon. gentleman who has just resumed his seat seems to labour under a misapprehension with regard to the duties of hon. members of this House. In the first place we are supplied with a copy of every Bill and sometimes before it receives its second reading objection is taken to a Bill because it is not printed in French. Every hon. member of this House has therefore an opportunity of studying the details of the Bill, and if any hon. gentleman was denied the right to go before any committee and state his grievances there, then there might be some good reasons for making this amendment; but I hold it is the bounden duty of every hon. member of this House, when he knows there is something wrong in a Bill to appear before the committee to which it is referred and give his reasons for objecting to it. I am bound to say that if his objections are of such a nature as to command the respect of the committee, they would be far more ready to acquiesce in his suggestion than they would be in a Committee of the whole House.

Hon. Mr. CLORAN—Supposing he finds it out after the report of the committee has been made, what is he going to do?

Hon. Mr. POWER—He can bring it up at the third reading.

Hon. Mr. GIBSON—He can make his objection at the third reading. You already have all the privileges you are now asking without any amendment of the rules at all. You are going to introduce into this House the same condition of affairs that exists in the House of Commons of reviewing a Bill that has already been reviewed by the committee, and giving hon. members an opportunity of discussing it over again. That might be all right if there were any serious objection to the Bill, and the member who has a serious objection to the Bill at present, under existing rules, has a right to voice his objections to it on the third reading, and I am bound to say that if his objections are of a valid character, the members of this House, either in the Private Bills Committee or any other committee will listen to him, and so will the members of the House as a body. Take for instance the Divorce Committee. They bring in a report. The members of the House are treated with the confidential report of that committee. Would it be wisdom on the part of this House for two hon. gentlemen to rise and ask some further explanation from the committee when they are not denied the opportunity of attending the meeting of the committee? Some of the hon. members who want amendments made to the rules of the House do not feel disposed to waste the time at committee meetings; in fact some of them never attend committee meetings. and in order to save their precious time or to save trouble, they want a chance to review or criticise the Bills before this House. During the six years I have been in the Senate I have never heard the House refuse to allow any hon. gentleman to express his opinion upon any subject, whether of a public or private character. The rules have been carefully revised by every member of the Senate. They have worked well in the past, and I see no good reason for the amendment proposed by the hon. gentleman from Saskatchewan. Under the existing rules every hon. gentleman has all the rights and powers that the hon. member now demands as a right. The right is given to him now. There is no need to extend that right. My hon. friend from Montreal spoke about the constituency of half a million people that he represents, or is represented by a certain paper, and in a few minutes he dropped down to a quarter of a million. He is backing down gradually. I would have been more delighted to have him raise the number from 500,000 to a million people. But be that as it may, this chamber is constituted to protect the rights of the people of Canada, irrespective of public opinion, to do what is right in the premises. We may be criticised, and when an adverse criticism is made against the Senate there are plenty of hon. gentlemen within the precincts of this chamber to defend the honour of the Senate at any time. We need not be alarmed that any hasty legislation ever passes through this House. I am bound to say as a member of this House, and attending the committee meetings, that I have never heard any hon. gentleman, whether he was a member of the committee or not, refused a hearing. Indeed we go further than that, we allow members from the House of Commons to come here and discuss private and public Bills which they are interested in. So that, so far as the members of our own House is concerned, every latitude and liberty is given to them, and we extend that liberty also to members of the other branch of parliament, and to gentlemen who come here to represent the interests of promoters of private Bills.

Hon. Mr. CLORAN—I have a few words to say in answer to the remarks of the hon. gentleman who has just spoken. He says what a shame it would be to refer the reports of the Divorce Committee to a Committee of the Whole House. He urges that as an argument against adopting the resolution of the hon. gentleman from Assiniboia, and why? If the other committees would do what the Divorce Committee does, we would not ask for it. Let them print the evidence and the conclusions, and then we will know what is going on before the committee. But it is not necessary should two members ask to have a divorce case examined, for us to do it with open doors. I have known divorce Bills to be granted when I know in my soul they were not deserved, but I could not discuss them. Other members could not discuss them. They had to be swallowed holus bolus, though I knew the Bills were wrong, but I could not discuss them.

Hon. Mr. GIBSON—Why did you not object?

Hon. Mr. CLORAN—On account of the scandal, which was more to be feared than swallowing my own conscience, so to speak. That is the reason. If it were necessary to discuss the divorce Bills, we could do it with closed doors, but the Divorce Committee give us enough to go on. They print their evidence and the conclusions, and the reasons why they make such a report to the House. The hon. gentleman from Beamsville says that every hon. gentleman is at perfect liberty to thresh out what is in the Bill. Certainly we are, but there is so much between the lines that it takes a good lawyer or clever business man to find out what is in them, and it is only when they are thoroughly threshed out, and when you have the opponents and supporters of the Bill face to face that you can really find what is in them in many cases. He says that every hon. member has the right to go to the committee. Please do not advance that argument any more. It is a matter of impossibility for all senators to attend more than one committee at a time. They have other business to do and other committees to attend to, and it is a flimsy argument to say that we have a right to attend the committees. We have the inherent right, but we are not in a physical position to do so. I agree with the hon. gentleman from Assiniboia that it is the sacred right of every public man to know the facts on which a Bill is based before being called upon to vote on it. We are adjourning for want of business. We say we have no business, and we refuse to give ourselves business. The hon. gentleman says the committees do their work. No doubt about it, but when other members of this House want to know what a committee has done, they should be given the opportunity of discussion. Under the rules an hon. gentleman cannot discuss what has taken place in committee, and to-day, according to the decision, we cannot discuss anything that has been enacted in the past. These decisions are beginning to limit the right of public discussion, and if the attitude assumed by the hon. senator and those who think like him in this House, is correct, we still will be again under the reprimand of the people.

Hon. Mr. POWER—I have a sub-amendment which I propose to move, but before doing that I should like to say a few words. Of course this matter was discussed at considerable length on the motion made some weeks ago by the hon. gentleman from Assiniboia, and I do not think it is necessary to go over all the arguments which were used then. Something has been said as to the want of wisdom of the man who does not change his mind. There is another saying, by the way, that a loud laugh betrays the vacant mind; but I shall not apply that quotation to anybody. I quite agree in that. The man who, when reason is shown to change his mind, is not willing to change it, is certainly not a wise man; but I think he is anything but a wise man, just the reverse of a wise man, who changes his mind when no reason is shown for changing it. Is that not the case here? Here is this rule which has been in operation so long, framed by the wisdom of the Senate, introduced when, probably, senators were not as wise as they are now; but here is the fact; not one hon. gentleman has shown a single case in which this rule has led to any abuse. Then why call upon us to say we are fools, if we do not change our minds?

Hon. Mr. DOUGLAS—We are not supposed to review the past action of the Senate. If you wish us to cite cases we can find them.

Hon. Mr. POWER—The hon. gentleman does not make any point there. If the hon. gentleman asks for a change in our procedure, he has to show some failure in our procedure in the past, and if he can point to no failure he has no ground on which to demand a change. I was rather amused at one hon. gentleman who told us, that I think it was a half million people, called for this change, and in order to show the accuracy of the hon. gentleman's figures, he went down in the course of his remarks from half a million to a quarter of a million.

Hon. Mr. CLORAN—If the hon. gentleman will permit me——

Hon. Mr. POWER—Will the hon. gentleman allow me to proceed?

Hon. Mr. CLORAN—I shall not go on record in that way. I rise to a point of order.

Hon. Mr. POWER—What is it?

Hon. Mr. CLORAN—The interpretation of what I said. I used the expression quarter of a million, and immediately after said half a million.

Hon. Mr. POWER—I accept the hon. gentleman's statement. It is only the difference between Tweedledum and Tweedledee. He said a quarter of a million, and then immediately raised it to half a million.

Hon. Mr. CLORAN—I refuse to have these words put in my mouth. I said nothing of the kind. I said the circulation of that paper was 100,000, an average of five readers to a paper, and that made half a million.

The SPEAKER—The hon. gentleman can only rise and speak, while a speech is in progress, with the permission of the hon. member who has the floor.

Hon. Mr. POWER—The hon. gentleman stated—and I am in the hearing of those who listened to him—that there were 250,000 readers of the Montreal 'Star,' and then he amended that statement by saying that there were 500,000. Is that correct?

Hon. Mr. CLORAN—If you ask me, I say no, it is not correct.

Hon. Mr. POWER—Then I withdraw the statement. Anything to get rid of the hon. gentleman. Just think of the argument that there are 500,000 readers of the 'Star' who express the views the hon. gentleman proposed to read to the House. Does the hon. gentleman not know that these are not necessarily the views of the readers of the 'Star'; that they are simply the views of the gentleman who wrote that article in the 'Star', and he may not represent the views of ten men besides himself; and, further, I do not know just what the politics of the Montreal 'Star' are now, but I do not think the hon. gentleman himself would be prepared to accept the views of the Montreal 'Star' upon political questions.

Hon. Mr. DAVIS—No politics in this House.

Hon. Mr. POWER—I do not think that any ground has been shown for a change in these rules; but as the mind of the House, and the minds of hon. gentlemen may have been somewhat unsettled by the eloquence which they have listened to, and by the amendments which have been offered, I beg to move in amendment to the amendment, seconded by the Hon. Mr. Ellis:

That the proposed alteration in rule 128 and the amendment thereto to moved by the hon. gentleman from De Salaberry be referred to the committee on standing orders to consider and report.

The rule will receive more careful consideration there than you can give it in the House.

Hon. Mr. FERGUSON—I really do not see any reason for sending this matter to the Standing Orders Committee. It is a very simple matter. We know as much about it as they can possibly know. We have been discussing it for a while, and I think we had better come to a conclusion about it.

Hon. Mr. DAVIS—There are so many amendments and amendments to the amendments to this resolution that I must say I do not know just where I am at. I believe that I struck it better than I imagined, when I moved this resolution, on account of the interest that I observe is given to it by some hon. members of this House. The last hon. gentleman who spoke after the hon. gentleman who moved the amendment to the amendment, in discussing the resolution said that he did not see any reason for wise men to change their minds so far as this resolution was concerned; that we did not give any reasons why such a resolution should be adopted or this rule changed, and he wanted, I suppose, to dig back into the past history of this House. I do not propose to dig back into the past history of this House, but if the hon. gentleman wishes me to cite cases I shall cite them. I proved conclusively in this House, only about a year ago, that a private Bill, a railroad Bill at that, was railroaded through a committee of this House, and that it became law, and had the consent of the Governor General ten days before the notice that was required by the rules had expired. I proved that

last year, and I think I am correct in saying that we have a perfect right to discuss the legislation, and when we want to hold up a Bill and discuss it in Committee of the Whole, we have a right to do it. With regard to the arguments of the hon. gentlemen opposed to my resolution, there is nothing in them. We were told by the hon. senator from Beamsville that we had the right at the present time, on the third reading of a Bill to discuss the measure then before us at will. That is all right so far as he is concerned, but I am here speaking for myself, and I say I do not and cannot get sufficient time for proper discussion of those Bills on the third reading. If he is satisfied I am not, and there are other senators who are not satisfied. I do not see what there is in this motion that should raise objection. Stated in plain language, certain Bills reported to this House from committees, pass without many members knowing anything about them. They say we would like to know what we are voting on, but when they ask for information they are told that no allusion can be made to what goes on in the committees. We are taken, so to speak, by the throat, and told 'You hon. gentlemen who do not belong to the committee have no right to know what is in that Bill.' I take issue with hon. members on that point. If any two members wish to have a Bill submitted to a Committee of the Whole House for further consideration they should have a perfect right to demand it. If any legislation comes before a committee of which I am not a member, I claim as a right, and as a duty to the people I represent, that I should be permitted to refer that Bill to a Committee of the Whole House. What harm can it do? We are told that it might cause obstruction near the end of the session; and, to prevent that, the hon. senator from De Salaberry moves an amendment that means nothing. I am not as wise as the hon. senator from Halifax who stands up here day after day reeking with wisdom; I do not understand the rules of the House as well as he does, but I think that under our rules, should this motion of mine be adopted, the House can have it suspended at any time without the amendment proposed by the hon. senator from De Salaberry. That amendment is simply drawing a red herring across the trail. We here demand the right to refer a Bill to a Committee of the Whole House, but when I move for this simple matter of right we have an amendment and an amendment to the amendment, and last but not least, we are asked to carry this matter to the highest court, that is the Committee on Rules. The Committee on Rules formulated this rule; does any one expect that they will go back on what they have done?

Hon. Mr. POWER—The Committee on Rules was a special committee, and a totally different committee from the Committee on Standing Orders.

Hon. Mr. DAVIS—I do not see any necessity for submitting this resolution to anybody. It is merely asking for a simple right. We are asking for no privilege, yet we are told by hon. gentlemen on the other side that we cannot have that right, that we must be denied free discussion. I never heard a more childish thing than the discussion on the Lancaster Bill as to whether it should be referred to a Committee of the Whole House or not. That discussion lasted for about an hour. Under the rule that I propose, any two members could have had it referred to a Committee of the Whole and saved time and discussion. I can readily understand that some hon. gentlemen who are the fountain head of wisdom, and who are oracles and some of whom are the fathers of the rules, do not want any one to lay sacreligious hands on the rules. They made the rules and do not want them changed. That is all very well, but when we as representatives of the people ask to have the rule changed so that we can have opportunities to discuss the legislation that comes before us, we should not be met with this opposition.

Hon. Mr. DAVID—If I understand the motion of the hon. gentleman, it means that any two members of this House may oblige the House, even against its wish, to go into a Committee of the Whole?

Hon. Mr. DAVIS—Yes.

Hon. Mr. DAVID—If it does not mean that it means nothing. If it does not

mean that, would the hon. gentleman have any objection to adding two or three words —'With the consent of the House'? Then any two members would have a right to move that the Bill be referred to a Committee of the Whole with the consent of the House. I must admit there is something in the arguments of the hon. gentleman and his friends in favour of the motion. There is no harm in giving every facility to discuss a Bill. At the same time, I would not like to put the House, towards the end of the session, at the mercy of any two members. Therefore, if the hon. member is willing to add the two or three words I have suggested, I do not see that there is any objection to the motion.

Hon. Mr. DAVIS—I understand the House can always control. Even supposing we adopt the amendment of the hon. senator from De Salaberry, I do not see how that is going to better the position. If my motion is adopted, the rule will read, 'Unless asked for by two members of the Senate, a private Bill reported from a standing or select committee is not committed to a Committee of the Whole House.' But the whole House can suspend that rule any time they like.

Hon. Mr. KERR—I wish to state why I intend to vote against the motion. I have been a member of this House long enough to have witnessed here something of the effort which is frequently made to block Bills in committees, and in the other House. That practice has been more apparent towards the end of the session, and when private Bills have been more or less opposed in the standing committees. We hear sometimes reflections upon the procedure of this House and of the other Chamber, and although we are not called upon to pass any judgment upon proceedings elsewhere, we are perhaps not alone in thinking that reflections might be cast upon efforts at obstruction frequently made both in committee and in the House. I fear that this is just one means by which such a course would be encouraged. I say that because I do not know of any case that has ever occurred, since I have been a member of the Senate, in which a request made to go into Committee of the Whole had been refused.

Hon. Mr. FERGUSON—I will state a case. The Lancaster Bill of last year. I moved myself that it be sent to a Committee of the Whole House and my motion was voted down.

Hon. Mr. KERR—That was not a private Bill and an entirely different matter.

Hon. Mr. CLORAN—It was all the worse.

Hon. Mr. KERR—No, because, as a matter of fact, the Lancaster Bill was dealt with here as it would have been dealt with in Committee of the Whole. Had we spent a week discussing it in Committee of the Whole it would not have changed the decision. Until some case is made for changing the present rule, we had better leave well enough alone, and when a case does occur, and any one has a grievance, I shall be the first to stand up to assist him in having that grievance removed. But, until that takes place, it is unbecoming for the Senate to have discussion after discussion and motion after motion on the same question. It is this constant discussion over rules and points of order which tends to bring discredit upon the manner in which we conduct business in this Chamber. Everyone is afforded facility in this House to know all about the legislation coming before us.

Hon. Mr. DOUGLAS—I wish to call the attention of the hon. gentleman from Toronto to a case which occurred in 1903. A railway Bill was submitted in the House of Commons and passed that body and was sent to the Senate and passed in the last days of the session. In the Commons it contained no clause dealing with the question of demurrage—the detention of cars beyond 24 hours. The reason for leaving it out was to place the farmer in the same position on the question of demurrage as every other business man in Canada; but the Senate, in its wisdom, in the rush of business, allowed a clause to be introduced fixing the charge against the farmer for demurrage at 25 cents an hour. That was on the very last day of the session, and I call the attention of the leader

of the House of Commons to the fact that it was a grievous outrage. The difficulty was to know how it could be remedied. The proposition was made simply to leave it as it was, and the amendment subjecting farmers to the payment of $6 a day instead of $2 a day never came into force. There is a case showing how errors may occur and wrongs be inflicted by rushing private Bills through in the closing hours of the session.

Hon. Mr. POWER—I gather from the way the hon. gentleman speaks of this Bill that it was a public Bill.

Hon. Mr. DOUGLAS—It does not matter.

Hon. Mr. POWER—Every public Bill has to go to a Committee of the Whole in the Senate. It affects the hon. gentleman's illustration. In order to show how badly this rule, which deals with private Bills, works, the hon. gentleman brings up the case of a public Bill.

Hon. Mr. DOUGLAS—The principle is equally applicable. My contention in proposing changes to rule 128 has been to prevent anything of the kind occurring again. If we search into the history of the past we could find other cases. I see no wrong that can be inflicted upon the honour and dignity of the Senate in allowing two members to ask for a reference of a private Bill to a Committee of the Whole House. If the House deems it not expedient, then the two members can bow to the will of the majority. If other reasons were needed, we are not barren of them; we can find more.

Hon. Mr. POIRIER—There is no doubt our handling of the reports of the committee in this House is unsatisfactory, and there is reason for complaint. Bills coming from committees are railroaded; that is, a motion is made that the report of the committee be immediately adopted, before the House really knows what the report is. The motion is made and generally carried. It is unsatisfactory, no doubt, to those senators who are not members of the committee, and it is oftentimes unsatisfactory to the minority of the committee itself. Our rule 24, requires one day's notice for the adoption of a report 'Not merely formal in its character.' If that rule were acted upon, and not superseded by a form of proceeding which allows it to pass without a day's notice, then I would oppose the motion of my hon. friend; but, as it is now, this rule which should prevail over the procedure, does not prevail. The rule is very obscure, I grant. It is very difficult if not impossible to find out what is meant by 'Not merely formal in its character.' I would deem a report not merely formal in its character is a report on a Bill. The subject of the report is a Bill, and any Bill reported to the House, amended or without amendment, is a report that is not merely formal in its character.

The SPEAKER—I draw the hon. gentleman's attention to the forms of proceeding which have been circulated and adopted by the Senate in years gone by, which was cited to the House by the hon. senator from Halifax as precluding even the necessity of a formal motion for the adoption of a report where a Bill is reported without any amendment. I adjourned the question which was raised, to ascertain if there was even a necessity for a notice of motion before the adoption of a report.

Hon. Mr. POIRIER—That I am perfectly aware of, and it is why I say there is some contradiction between our formal proceedings and our standing orders. There is another clause which contradicts rule 24. It is rule 39. This is a formal proceeding, but that again conflicts with the standing order No. 24 and our practice, before our present Speaker was in the Chair, prevails over the standing order, causing a great deal of confusion. The motion of my hon. friend will, I am afraid, accentuate the confusion. It will produce chaos. That is why, although I am prepared to vote for the motion, I should like to have it referred to the Committee on Standing Orders, so that all these contradictions might be taken into consideration and a careful report made. We could then deal with the subject once for all in a lucid and clear manner, and know what we should do so that every member of the House would be satisfied. I shall therefore vote for the motion to refer this question to the Committee on Standing Orders.

Hon. Mr. BELCOURT—I should like to know exactly the meaning of the motion proposed by the hon. senator from Saskatchewan. As I understand it it proposes to ask that rule 128 be amended to read:

Unless asked for by two members of the Senate, a private Bill reported from a standing or select committee is not committed to a committee of the whole House.

What, in the opinion of the mover, would be the meaning of the rule if adopted? Will it mean that if the two members ask to have a Bill referred to a Committee of the Whole House, it will be referred as a matter of right?

Hon. Mr. CLORAN—That is what it means.

Hon. Mr. BELCOURT—Without it being submitted to a vote of the House?

Hon. Mr. LANDRY—Certainly.

Hon. Mr. BELCOURT—Whether the House is willing or not willing?

Hon. Mr. CLORAN—Yes.

Hon. Mr. WILSON—The hon. senator from Toronto said that no injustice had been experienced by members of the Senate on account of Bills not having been considered in Committee of the Whole House. No longer ago than last session, the Lancaster Bill came here, and, contrary to the wishes of many senators, was referred to the Railway Committee, and never came back.

Hon. Mr. SCOTT—The Lancaster Bill was a public bill. The committee reported was a public Bill. It was by virtue of a majority vote of this House that it went to the Railway Committee. By right it should have gone to a Committee of the Whole House under the rules. Any one could have insisted on the rule being observed unless one day's notice was given that it was to be sent to the Railway Committee. Every public Bill must go to a Committee of the Whole House.

Hon. Mr. KERR—The Lancaster Bill came back here and this House was in possession of the whole matter. If there had been a disposition to deal with that Bill in any other way, it could have been done.

Hon. Mr. LANDRY—The title only came back.

Hon. Mr. WILSON—In reply to the leader of the House, I may say the Bill did not go to a Committee of the Whole here. A vote was taken, and it was decided it should go to the Railway Committee, and the leader of the House and the hon. senator from Toronto knew perfectly well when it went to that committee what its fate would be. Did it ever come back here?

Hon. Mr. BEIQUE—Yes.

Hon. Mr. WILSON—Some of us contend for the right to have these Bills considered in Committee of the Whole. There is ample time to give them full consideration in the House, and there is no use in talking about taking up time towards the end of the session. My hon. friend from Beamsville referred to reports of the Divorce Committee. Do we not give you a full printed report? You can at your leisure read it over carefully, and if there be one single item in the Bill to which objection is taken, it can be discussed in the House. Not once or twice, but several times, have we been treated in the same way, as in the case of the Lancaster Bill. The House has the sovereign right in all cases, whether the Bill be a public or a private Bill, to refer it to any committee of the Senate. All we can do when a Bill comes back to the House is to raise our voice against it, a vote is taken, and where are we if we are in the minority? We are asking now that the rights of the public be protected. Not many years ago, I understand that one hon. gentleman, feeling that justice had not been done to him and that his rights were being trampled upon, talked three or four hours to prevent a measure from passing. Would a private Bill be likely to take up that length of time? If it did, it would be because members of this House felt there was an injustice in that private Bill, and that if it was allowed to pass it would do an injustice, not only to the member in charge of it but to his constituents. I therefore say that I think the resolution proposed by my hon. friend from Saskatchewan is a reasonable one, which this House should not hesitate for a moment to adopt. Why do you want to

prevent a Committee of the Whole House considering a private Bill? Is there something behind it that it is not desired to have exposed here? Talk about lobbying, I know that any measure will be lobbied, perhaps not in the House, or in the committee, but it will be lobbied, and as long as human nature is what it is, you will find influences brought to bear on members. Those who are opposing the motion appear to me to be indicating a desire not to have everything examined by the light of day, and to try to prevent the searchlight being turned on these matters. I am strongly in favour of the motion of the hon. gentleman from Saskatchewan. I believe it is honest, just and right. I believe we have ample time and opportunity to consider any Bill in Committee of the Whole House, and I shall vote against all the amendments proposed.

Hon. Mr. SULLIVAN—Do you want a postmortem held on every Bill?

Hon. Mr. CHOQUETTE—Though I am in favour of giving ample opportunity to have every Bill thoroughly examined, I am not prepared to put the whole House in the hands of two members, notwithstanding the fact that I have the greatest confidence in every member of the House.

Hon. Mr. LANDRY—It is already done.

Hon. Mr. CHOQUETTE—No, not exactly. I rather accept the motion of the hon. gentleman from De Salaberry; but I would suggest to my hon. friends to make it five members instead of two.

Hon. Mr. LANDRY—Hear, hear.

Hon. Mr. SULLIVAN—What is the difference in the principle?

Hon. Mr. CHOQUETTE—Because the House is already in the hands of five members when a Bill is sent to the committee.

Hon. Mr. DAVIS—I think that would perhaps clear the ground.

Hon. Mr. POWER—The hon. gentleman cannot amend his motion now.

Hon. Mr. DAVIS—If the House would consent——

Hon. Mr. WILSON—I do not think hon. members have a right to object to the hon. gentleman speaking. He has the right to speak now.

The SPEAKER—That point has not been raised.

Hon. Mr. DAVIS—In closing the debate, I may say that the remarks of the hon. member from Grandville (Mr. Choquette) have cleared the ground——

Hon. Mr. POWER—I rise to a point of order. The hon. gentleman spoke on my amendment, and he has no right to speak again.

Hon. Mr. DAVIS—I have a right to close the debate.

The SPEAKER—The hon. gentleman spoke on the amendment to refer the question to the Standing Orders Committee, and he is debarred from speaking again.

Hon. Mr. BERNIER—Has he not a right to assent to the proposal that is made?

The SPEAKER—He certainly can say that he is ready to agree to the suggestion made.

Hon. Mr. DAVIS—That is what I was doing when I was called to order.

The SPEAKER—When he has stated that fact, he has exhausted his right to speak, and when the amendments are disposed of, a further amendment can be moved by somebody else, to alter the word 'two' and make it read 'five.'

Hon. Mr. DAVIS—If that will satisfy the House, with the consent of the Senate I will accept that suggestion, making it five instead of 'two.'

The yeas and nays being called for.

The SPEAKER—Call in the members.

Hon. Mr. CLORAN—I want to know from the chair if I can ask a question.

Hon. Mr. POWER—No, no.

The SPEAKER—No, the debate is closed when the members are called in.

Hon. Mr. CLORAN—The ex-Speaker should not talk so much.

Hon. Mr. POIRIER—All the hon. gentleman can do is to sing a song.

The House divided on the sub-amendment proposed by the hon. gentleman from Hali-

fax, which was carried on the following division :

CONTENTS :

The Honourable Messieurs

Baird,	Legris,
Baker,	Lougheed,
Béique,	Macdonald (Victoria),
Bostock,	McGregor,
Campbell,	McMillan,
Cartwright (Sir Richard),	McMullen,
David,	Poirier,
Derbyshire,	Power,
Dessaulles,	Riley,
Ellis,	Robertson,
Fiset,	Ross (Middlesex),
Forget,	Scott,
Frost,	Sullivan,
Gibson,	Tessier,
Godbout,	Thompson,
Jaffray,	Wood,
Kerr,	Yeo.—34.

NON-CONTENTS :

The Honourable Messieurs

Belcourt,	McKay (Truro),
Bernier,	McLaren,
Choquette,	Merner,
Cloran,	Montplaisir,
Davis,	Ross (Halifax),
Douglas,	Roy,
Ferguson,	Talbot,
Landry,	Wilson.—17.
McDonald (C.B.),	

EXTENSION OF LIMITS OF MANITOBA, ONTARIO AND QUEBEC.

MOTION.

Hon. Mr. LANDRY moved :

That in the opinion of the Senate the limits of Manitoba, Ontario and Quebec should be extended to the north so that each of those provinces be bounded north by at least the sixtieth degree of latitude.

Hon. Mr. SCOTT—I think the announcement was made in the Speech from the Throne that a Bill would be introduced on that subject.

Hon. Mr. CLORAN—I rise to a point of order. I do not think this motion is in order, owing to the decision given last week. The hon. Speaker decided on a motion similar to this that it was out of order, and I think I was the gentleman that had to resume my seat on the question of order. When a matter is announced in the Speech from the Throne, this honourable House cannot anticipate discussion thereon or take any action in regard to it. I think the hon. Speaker should apply his decision of last week to this motion.

Hon. Mr. DAVIS—I rise to a question of order. My resolution last week was ruled out of order on the ground that it was dealt with in the speech from the Throne. This matter is mentioned in the speech from the Throne.

The SPEAKER—There cannot be two similar points of order. The point raised by the hon. gentleman from Victoria Division is the first point raised, and the hon. gentleman from Saskatchewan cannot raise the same point. He can support the point.

Hon. Mr. POWER—Inasmuch as, judging from appearances, there will be a very protracted discussion on the question of order, perhaps the hon. gentleman would not object to having it stand over till after the adjournment.

Hon. Mr. LANDRY—I have postponed it from day to day at the request of hon. gentlemen. I think we should proceed with it to-day, and if it is not decided, we will postpone it to another day; but we might commence the discussion. I am merely going to speak on the point of order, and I will not be as long as hon. gentlemen may think who anticipate a long debate. The point of order is that the subject matter of this motion having been announced in the speech from the Throne, the motion itself is out of order, because it anticipates a debate. With all deference to the point that has been decided already, I will submit a few authorities, which will show that the conditions that are generally required for a decision of that kind are wanting in regard to this particular subject. What would be the consequence if my motion were ruled out of order? Take the metaphysical aspect of the question. The consequence would be that any question whatsoever that might arise for discussion could be choked off by the simple announcement in the speech from the Throne that the government has the intention to bring down a Bill on such a subject. In this way all discussions on the public departments may be debarred, if it happened to be the intention of the government, announced in the speech from the Throne, to bring down a measure on public works, a measure on fisheries, a measure on inland revenue or agriculture,

on any one of the public questions that interest the Dominion at large. That would be the consequence, and the absurdity of the consequences prove the absurdity of the premises. If the consequences are so absurd as that, the premises are naturally absurd, and this is one of the reasons why this point of order should not be sustained. But what is our practice, what is our procedure on such a matter?

The SPEAKER—I beg to notify the hon. gentleman that the reason given by the hon. member who has raised the point of order is not the decision of the Chair. The reason given by the hon. gentleman from Victoria, that the hon. member would be precluded from making this motion, inasmuch as notice of legislation on this subject has been given in the speech from the Throne. I say it has to be implemented by a notice from the government.

Hon. Mr. LANDRY—Yes. I will take that point also. What is our practice and procedure ? Every year we have speeches from the Throne containing solemn promises, which are not always fulfilled, and for good reasons sometimes. If you look at the speech from the Throne during the session of 1906, delivered on the 8th March of that year, you find that in it a promise was made that a Bill would be submitted for consideration, empowering the government to set apart forest reserves of lands under its control, and also legislation for the Lord's Day, legislation for the amendment of the Railway Act, for the Fruit Marks Act, an Act respecting Usury, and the Dominion Elections Act. Out of those six subjects, we find that five of the promises were fulfilled, but no Bill was brought down before the commons in regard to the Dominion Elections Act, as promised in the speech. There is an instance where the promises in the speech were not fulfilled. Nevertheless, in the session of 1906, at page 28 of the Journals of the House, we find that Mr. Borden, of Carleton, brought in a Bill to further amend the Dominion Controverted Elections Act. Here is an Act which has been amended, or on which a Bill has been presented by a private member, notwithstanding the promise of the government to bring in their own amendment. If we now take the speech from the Throne in the session of 1906-7, we find that in that speech there were promises given to increase the representation of Alberta and Saskatchewan, of a Bill to amend the Customs Act, to ratify the treaty with Japan, to amend the Electoral Act, the Post Office Act, the Dominion Lands Act, Canadian Food Products, Patent Medicines Act, and Juvenile Delinquents. Here are nine promises made in the speech of last session, three of which were not fulfilled. Nothing was done to amend the Electoral Act. Nothing was done for the Dominion Lands Act nor the Patent Medicine Act. Those two measures were withdrawn, and the Electoral Act was not presented at all.

Hon. Mr. POWER—With respect to the Bill regarding insolvency, was objection taken to that? Was a question of order raised? You cannot judge of it if a question of order was not raised. That Bill was introduced some years ago.

Hon. Mr. LANDRY—I said nothing about the insolvency law. It is the representation of Alberta, the Customs Act, the treaty with Japan, the Electoral Act, the Post Office Act, Dominion Lands Act, Canadian food products, patent medicines and the Criminal Code to which I referred. I did not speak of an insolvency law. Out of the nine measures promised, six were brought down and three were ignored, and though the government announced in the speech from the Throne that they would amend the electoral law, Mr. McDonald—you will find it at page 166 of the Votes and Proceedings of the House of Commons—proposed a Bill to amend the electoral law. He introduced Bill 16 'An Act to amend the Dominion Elections Act, 1900,' which was read a first time and ordered for a second reading at the next sitting of the House. No objection was taken at all though it had been mentioned in the speech from the Throne. Mr. Borden introduced a Bill on the 25th January, 1907, to amend the Criminal Code, although the government had promised a measure of that description. Mr. Aylesworth himself presented two other Bills on two different subjects, but both amending the Criminal Code, which the government had promised to amend.

Hon. Mr. DAVID—The hon. gentleman was speaking on the assumption that the hon. Speaker of this House had decided that the announcement in the speech from the Throne of a certain measure is sufficient to prevent a certain member from presenting a Bill of the same nature, but I understand that the decision of the Speaker was not in that line.

Hon. Mr. LANDRY—I am not saying that. I am taking the point of order as raised by my hon. friend. The Speaker has not given his decision, and I am not referring to the decision given last week by the Speaker at all. I am taking the point of order raised by my hon. friend from Victoria division. I am reviewing the point of order as raised by him. I have given what is our procedure; but what is the practice as laid down by British precedents? A motion to anticipate a debate must come in reality in conflict, with a Bill, with a notice of motion or something that is on the order paper, and not merely with a verbal promise given by the government, as in the speech from the Throne. It must be a motion entered on the order paper. That is the practice which has been sanctioned in England. The first decision I shall cite was given in 1888. It will be found on page 1411 of 'Hansard' for that year. The citation is as follows :

Mr. PARNELL. I beg, sir, to ask leave to move the ajournment of the House a definite question of urgent public importance—namely, the statement that we have just heard from the rt. hon. gentleman, and the position which he has assigned to this most important motion.

Mr. SPEAKER. Order, order; I am sorry to interrupt the hon. member, but that would be a violation of the rules of the House. It would be anticipating the discussion of a Bill standing on the notice paper. The hon. gentleman would be quite out of order in moving the adjournment of the House, anticipating a discussion on a question already on the order paper.

I find in 1874 another decision given by the Speaker at that time as follows :

Mr. SPEAKER. In answer to the hon. member for North Warwickshire I may state that the practice of the House is this—If the House should order a Bill relating to a certain subject to be read a second time on a given day it will not anticipate the discussion on the matter, which it has so ordered, by a motion on the same subject. And, therefore, if the hon. member postpones the second reading of the Bill to a later day than the resolution of which he has given notice, that resolution could not be proceeded with.

It must be a Bill on the order paper fixed for a certain date. Another decision is the one cited the other day. It was a case which arose on a motion for the adjournment of the House :

Mr. LOUGH (Islington, West). I beg to ask leave to move the adjournment of the House in order to call attention to a defininite matter of urgent importance—namely, the determination of His Majesty's ministers to spend public money in connection with the Brussels Sugar Convention without the sanction of parliament.

Mr. SPEAKER. I don not think I can accept the motion, because as I understand, a Bill is already down upon that subject, and the matter can come on for discussion then.

. . . . . .

Mr. LLOYD-GEORGE. It is not on the order book.

Mr. SPEAKER. Notice has been given to the House by the government.

Several Hon. MEMBERS. No.

Mr. BUCHANAN. Can we be prevented from discussing this motion because of a mere verbal promise to introduce a Bill dealing with a subject not yet on the order book?

Mr. SPEAKER. Although my statement has been contradicted, I may point out that notice of a Bill to enable the government to carry into effect the convention is on the order book, and has been there many weeks.

It was for that reason that he decided it would be anticipating the debate, because there was a motion on the order paper given by the government and it had been there for some weeks. I find the following at page 915 of the 'Hansard' 1875 :

Mr. SPEAKER. In reference to the motion of the hon. member for Swansea (Mr. Dillwyn) which stands next upon the paper, I have to state, for the information of the House, that by the rules of the House, it is irregular to propose any motion which anticipates discussion of a matter already appointed for consideration by the House. Those rules may apply with some severity to the hon. member for Swansea, because he was the first member of the House during the present session to propose any motion with reference to the exclusion of strangers; but the circumstances of the case are such as to preclude the hon. member from making a motion inasmuch as the motion of which the hon. member has given notice is substantially the same as one of the motions submitted to the House by the noble lord the member for Radnor (The Marquess of Hartington) and which the House has appointed to take into consideration on Monday next.

On the 4th May the noble lord the member for Radnor having given notice of three resolutions, proceeded to submit them to the House. He argued in support of all these resolutions, and was prepared to submit them successively to the House, but when the first

resolution was proposed a debate arose, and was adjourned. That debate was adjourned from time to time, and now stands for Monday next. When that debate comes on the first resolution will be proposed in due course, and when that has been disposed of the other two resolutions of the noble lord will be put from the Chair and disposed of, forming part of the same order of the day. Thus if the motion of the hon. gentleman for Swansea were now to be put to the House, the debate on Monday next must necessarily be anticipated, and that inconvenience would arise which it is the object of the House to prevent.

In 'Hansard' 23rd of June, 1871, at page 500, we find that Mr. Brady rose to call attention to the unequal enforcement of the Lord's Day Observance Act, and was proceeding to speak upon his motion when the Speaker said :

A notice has been given by an hon. member (Mr. P. A. Taylor) of his intention to propose on the 18th of July the repeal of the Act the 29th of Charles II., and that notice having been given for some days ago the hon. member from Leitrim wishes now to move that this House deprecates the attempt to put the Act of Charles II. in force, and that it is the opinion of the House that the said Act should be repealed. Now there is a rule of the House that when a matter has been expressly set down for consideration, no hon. member can anticipate it by raising a discussion on the subject. I think the course pursued by the hon. gentleman would be an infringement of that rule.

I now come to a case which occurred in the session of 1881. In the Speech from the Throne that year, the sixth paragraph was as follows :

A measure will be submitted to you for the establishment of county government in Ireland founded upon representative principles, and framed with the double aim of confirming popular control over expenditure and of supplying a yet more serious want by extending the formation of habits of local self-government.

Though this had been announced by the government of the day, on the 7th of January, the day following Mr. Parnell moved the following resolution :

At the end of paragraph 9, to add the words 'but we humbly assure Her Majesty that we are convinced that the peace and tranquillity of Ireland cannot be prompted by suspending any of the constitutional rights of the Irish people.'

The debate went on upon that motion, though the government had announced in the speech from the Throne that they would bring down a measure to settle that question.

The SPEAKER—Was that motion of Mr. Parnell's in amendment to the Speech from the Throne ?

Hon. Mr. LANDRY—It was, and it is referred to later in another speech made in 1893 by Mr. Chamberlain, in which he speaks of that question. He says:

I confess I do not want to anticipate in any way the discussion on the Home Rule Bill. This is a general principle of policy; when the Home Rule Bill is brought before us it will then be our duty to consider how far you have been able to carry out your intentions, but at present we only ask what is your object and intention. I must confess that to my mind the matter is one of such cardinal importance that I have thought of bringing it to the test of proposing an amendment to the address. (An hon. member: out of order.) Such an amendment would not have been out of order, as an hon. member says, who does not appear to be acquainted with the procedure of the House; because an amendment of a similar character which might be assumed to have some connection with the proposal in the Queen's speech was moved in 1881 by Mr. Parnell and another amendment was moved in the same way by another Irish member. Therefore there was a precedent for the course I proposed to take.

On the 6th of May, 1891, page 307, 'Hansard,' I find the following :

Mr. REID (Dumfries) rose, pursuant to notice, to move the following resolution :

That in the opinion of this House a measure is urgently needed enabling town councils and county councils in England and Scotland to acquire by agreement or compulsorily, on fair terms and by simple and inexpensive machinery, such land within or adjoining their several districts, as may in their judgment be needed for the requirements of the inhabitants.

Mr. SPEAKER, interposing, said: I am bound to point out to the hon. and learned gentleman what I have had an opportunity of pointing out to him in private before, that the motion which he proposes to introduce anticipates discussion of the subjects dealt with in two measures that are already before the House. I refer to the Bill standing in the name of the hon. member for the Leith district—local authorities (Scotland). Acquisition of lands—and to another standing in the name of the hon. gentleman for Forfar —Land purchase and division (Scotland). Although I am unwilling to put any impediment in the way of the hon. and learned gentleman, I do not see how he can make any statement without infringing on the principles contained in these two measures.

Mr. J. MORLEY. Then I presume that if my hon. and learned friend were to withdraw the words 'and Scotland' from his motion he would be in order.

Mr. SPEAKER. I made that suggestion to the hon. and learned gentleman, but, he, seeing that he represents a Scottish constituency, appeared unwilling to make the alteration. It is a matter for the discretion of the hon. and learned member. If he is willing to withdraw the words 'and Scotland' from his motion, that appears to me to remove the objection. If these words were omitted the hon. and learned gentleman would be in order.

There is another case of the kind in 1891. It will be found at page 1636 of 'Hansard.' There was before the House of Commons four local veto Bills, one for England, one for Wales, one for Scotland and one for Ireland. Mr. Lea asked whether a resolution was in order applicable in its terms to the four countries, and whether it should not be confined to England, the local veto Bill for England having been withdrawn. The Speaker decided :

The resolution as drawn is in very general terms and as it stands it applies to the whole of the United Kingdom—England, Scotland, Wales and Ireland. A few days ago there were four local veto Bills before the House, but the Bill for England has been withdrawn so as to enable the hon. gentleman to proceed with his motion. As the resolution stands, however, if affirmed by the House, it would prejudice the consideration of other Bills, and especially of the Irish measure. It would therefore be convenient if the hon. member were to confine the terms of his resolution to England, and this may be done by the insertion of the words 'in England.'

The suggestion was accepted, the motion was amended accordingly and discussed. On the 4th of March, 1903 ('Hansard,' page 1427), Mr. Bell, on a point of order, desired to know whether a motion would be in order, seeing that there was a Bill down for a future day dealing with the same subject. The Speaker said :

He was about to call the hon. member's attention to the fact that there were several Bills on this subject and as the motion was couched in wide terms he was about to ask the hon. member what matters outside the scope of these Bills he proposed to discuss, and whether he would modify his motion so as not to include their subject matter.

This decision is important, because it settles this question that even if a motion is made on a subject, we may discuss that question if it is not identically the subject-matter of a Bill. The discussion went on, and sometimes the Speaker thought they were encroaching a little in the way of anticipating a debate, and he brought them back to order. These few decisions, I think, settles the question upon that point. We have the doctrine laid down at page 278 May, that a motion must not anticipate a matter already appointed for consideration by the House; but it must be a motion, not merely a promise or intention. Now the rule against anticipating in the A. B. C. of parliamentary procedure is as follows:

A motion is out of order which anticipates an order of the day, a notice of motion, or an amandment set down for a future day, also any matter of which public notice has been given in the House when notices are given, or a notice of motion for which no special day has been fixed on the notice paper, a motion for leave to bring in a Bill that includes the matter to be proposed by the motion, or a bill appointed for "consideration."

With these few remarks I have treated the point which is before us, that a mere intimation given by the government in the speech from the Throne is not sufficient to debar us from the right to discuss the questions mentioned.

Hon. Mr. DAVID—Even when confirmed by a representative of the government?

Hon. Mr. LANDRY—Even when confirmed by a representative of the government, because they are not obliged to fulfil that promise. They may promise legislation in the speech from the Throne, but may never introduce the Bill promised. If we read the speech from the Throne delivered here last year we find it contains the following :

In accordance with the announcement made in a previous session you will be asked to consider a Bill for the revision of the customs tariff.

Here we have a promise that legislation will be introduced in accordance with a promise given the year before, and is it reasonable that we should be debarred from discussing the customs tariff because of a promise made two sessions before? If so, the government could, if they wish to do so, choke off discussion on any subject simply by mentioning it in the speech from the Throne without any intention of bringing in the legislation mentioned.

Hon. Mr. SCOTT—When my hon. friend first rose to speak, I made the announcement that the government would have a Bill on the subject. I now formally state that the Bill will be brought before this Chamber, and it will be rather unfortunate if the Senate should be called upon to express an opinion on a question which may have to be considered from another standpoint. Hon. gentlemen would be committing themselves to certain principles which might be very embarrassing and inconsistent afterwards and therefore I make that announcement positively that the Bill will be brought in.

Hon. Mr. LANDRY—We are speaking of the question of order. This is another ques-

tion altogether. The government in this House has a majority, and is able to control the majority, and if it is not good policy to bring up that question it can be suppressed easily. We are speaking now of a matter of right, and I say that until the government puts a notice on the order paper, any member has a right to discuss a question and it is not anticipating a debate.

The SPEAKER—As this question has been so exhaustively treated by the hon. senator from Stadacona, it would be better perhaps that I should adjourn my decision on the point of order raised. All the same, I may state just now that the decision rendered the other day covered the notice given by a member of the cabinet that a Bill would be brought down as intimated in the speech from the Throne. The difficulty in applying the rules which govern the British House of Commons to our own House is that all Bills in the British House of Commons, as well as in our Commons, are prefaced by a notice of motion which goes on the order paper and which blocks the way to any similar motion being raised covering the same subject. I find from two of the decisions cited by the hon. gentleman, that in 1890 an amendment to a paragraph in the speech from the Throne was ruled out of order because there was a notice of a Bill, as mentioned in the speech from the Throne, on the order paper.

Hon. Mr. LANDRY—Hear, hear.

The SPEAKER—I could not find the notice of the Bill on the order paper, but I find five or six days afterwards a motion of Sir Michael Hicks-Beach.

I suppose, although I did not find any such notice when looking through 'Hansard' of the days preceding, there must have been a notice on the paper, and although this Bill brought in five or six days after the decision, and ruling out the said amendment a few days afterwards, the minister had not yet drafted his Bill, but his notice of motion had effectively blocked the way to any discussion on the subject of his Bill. Now inasmuch as all Bills coming before this Chamber come without notice, passing mostly through the hands of the Speaker with a message from the House of Commons, if a notice is given by the representative of the cabinet in this House that a Bill is before the other House, and will be submitted to the Senate, is this a sufficient notice to conform to the precedents which govern the British House of Commons? As we are about to adjourn for a few days I will put down my opinion in writing during this recess.

At six o'clock the Speaker left the chair.

After Recess.

ITALIAN IMMIGRATION.

Hon. Mr. CLORAN rose to call the attention

To the deplorable condition of things that obtain in the city of Montreal and in other parts of the Dominion of Canada, regarding the respect and safety of human life, which is in daily jeopardy, owing to the entry and presence of an undesirable class of immigrants in Canada; and will inquire what measures the government intends to take to prevent the further influx into Canada of such enemies of life, law and order?

He said: I beg to direct the attention of this honourable body to a condition of things that exists in many parts of Canada. It is not only an honour to me under the circumstances, but I may plainly tell the House that it has become a duty for me to direct attention to this question. I do not wish in this motion to air any personal views in regard to what I have to say on the question; but I desire through the medium of the Senate to call the attention of the government of the day to a condition of things that must not be allowed to exist any longer, and to ask the government to take effective measures, to put an end to it as soon as possible. As an expression of opinion in regard to the matter, I may say in the first place that the people of Montreal are somewhat alarmed over the condition of things that obtains in that city. I do not ask this honourable House to take the statement on my assertion, but I desire very briefly to read a few lines from one or two papers of that city, to show what anxiety exists and what disgrace has been left on the community in the city of Montreal. The articles are somewhat long, but I will only quote sufficient to indicate what the people of Montreal think, and I am going to add further on what other sections of the community think, and further on what the con-

tinent think of the present condition of things. Take for instance the Montreal 'Daily Witness' of Monday last, which publishes the following statement:

If the Italian murder mania is not soon ended or mended there will inevitably before long begin an agitation to exclude certain classes of that nationality from this continent. The matter grows worse instead of better. In Montreal last week there were two of such murders, one by a stiletto and the other by pistol shots, and in the big cities of the United States hardly a day passes, without the commission of similar crimes. One thing is clear, whatever else is done or left undone, the Italian labourer should not be allowed to carry murderous weapons, as he almost invariaby seems to do. There should be a thorough system of searching instituted. Weapons when found should be confiscated and destroyed, and those found carrying them should be punished severely. One very grave feature of these assassinations, both in the United States and Canada, is the frequency with which the assassins escape justice. Through fear on the part of many, and through active sympathy on the part of confederates, the murderers are hidden away from the police by their compatriots, and helped by underground means to slink off to other cities, where they are hidden again. Is there not some way in which the respectable Italians of this continent, who infinitely outnumber their murderous countrymen, could band themselves together and assist the authorities to remove this great reproach upon Italian reputation, from which they must all more or less suffer? A movement of this sort has been started in New York and would seem to be needed in Montreal and other cities. Present conditions are intolerable.

That comes from an organ of public opinion which is never unduly exercised in regard to public danger or never unduly exercised in regard to questions of public safety. Another case from the Montreal 'Herald,' and it says under the heading of 'The Record of Italian Crime':

It is impossible to contemplate without a shudder the appalling record of serious crimes committed by persons of Italian nationality here within the past few months.

Hon. Mr. SULLIVAN—I rise to a point of order. I should like to know if the hon. gentleman can attack a whole nation in the way in which he is doing. I think it is very wrong and in very bad taste, and should not be allowed in the Senate. If I kept silent, and permitted that to go on, I might be accused of a tacit endorsement of these sentiments, and, therefore, I think the hon. gentleman should not bring the matter up in this Chamber. These things might even embroil the country in trouble, and I would ask the hon. Speaker whether the hon. gentleman is in order in using the language he does against a whole nation, which is one of the most courteous and most polite, and which has contributed more to the civilization of Europe than any other?

The SPEAKER—The hon. gentleman does not raise a question of order.

Hon. Mr. SULLIVAN—Yes, I want to know whether the hon. gentleman is in order in using these abusive epithets against the Italian people.

Hon. Mr. BERNIER—He does not attack the Italian people. He attacks the Italians in Montreal.

The SPEAKER—I do not think the point is well taken.

Hon. Mr. CLORAN—I thought the point of order belonged to the other side, but I am afraid——

Hon. Mr. McKAY (Truro)—Go on with the speech.

Hon. Mr. CLORAN—I will go on with the speech when I get through with the point of order. I am in hearty accord with the decision of the chair that the point of order is not well taken. I was about quoting from another organ of public opinion to show that, as I have stated in opening, I am not putting forth any personal views whatever in the matter. I am simply here voicing the sentiments and feelings of the constituency that I represent, and I further hope of many people throughout the Dominion of Canada. The sentiments that I have read to the House are not mine. They are the echo of the fears and the anxieties of the whole city of Montreal and of other centres throughout the Dominion, and where the hon. gentleman could find ground upon which to base a point of order is more than I could understand, notwithstanding his brilliant talent for observation. I wish to quote now from other organs of public opinion in regard to this question, and I will simply read two or three lines. I quote from 'La Patrie' and 'La Presse' and others. 'La Patrie' says:

La criminalité italienne dans notre ville prend véritablement des proportions alarmantes. En moins de deux mois, depuis le commencement de l'année 1908, nous avons déjà eu à enregistrer cinq assassinats commis par les fils de l'Italie. Deux meurtres vien-

nent d'être perpétrés coup sur coup de vendredi à samedi.

Nous ne croyons pas que notre population s'habitue jamais à ces mœurs violentes, et il est temps que nous prenions des mesures pour nous en préserver.

Then another part of the article reads as follows :

Mais quelle mesure faut-il prendre pour enrayer ce fléau grandissant? La première chose à faire n'est-elle pas d'amender notre système d'immigration. Dans notre désir de peupler rapidement notre vaste pays, nous offrons une hospitalité trop large à toutes sortes d'individus.

Sans discernement aucun, nous accueillons tous ceux qui se présentent. Et comme résultat, nos grandes villes sont aujourd'hui débordés par la lie de faubourgs de Londres, de Naples ou de Palerme. La plupart des crimes qui ont été commis depuis assez longtemps l'ont été par des immigrants de bas étage auxquels nous n'aurions jamais dû ouvrir nor portes. Il faudrait un système d'inspection sévère qui permette d'opérer un triage aux divers ports d'immigration.

If the hon. gentleman wants to know what that means in English, I can translate it.

Hon. Mr. SULLIVAN—I do not want it translated, certainly not.

Hon. Mr. CLORAN—These are only a few of the expressions of public opinion in the city of Montreal. I may say that the opinion which exists in the city of Montreal in regard to that class of immigrants is endorsed by every large centre throughout the Dominion of Canada. No later than last night the mayor of Winnipeg was threatened by the Black Hand Society with the blowing up of his residence, himself and his family, if he did not plank down a thousand dollars. That is this evening's news. If this were a local matter, I would not take up the time of the Senate in regard to it, and I am not attacking the Italian immigrants so far as Montreal is concerned. I am attacking them now as a class, not only in this country, but throughout the continent ; we have assassinations and murders perpetrated by those people who are very seldom punished. I am told that it is only the criminal ones who commit murder. In the city of Montreal to-day an Italian can murder two, three, four or five, or a whole household, in their quarters, as they have done, and there is not one out of the 200 in the block who will give any information to the police. They shield and protect the murderer. They provide him with means whereby to escape. The one who murders is guilty and the one who shields him is still more guilty, because the one who shields him gives him a chance to go elsewhere and commit similar crimes. This crime, so far as we can find out—we prove it from our police authorities—is a frequent one. No later than last Saturday an immigrant, unknown to the police, massacred one of his own nationality. That man freely walked the streets of the city of Montreal for four days, although the police, were looking for him. They could not put their hands on him. Why? Because no information was forthcoming to the police to identify the man, and what happened? The victim who was assassinated was brought to the church, and the Italian parish priest of Montreal states that the money that was collected for the funeral expenses of that poor victim, assassinated in cold blood, was used to ship his murderer to the United States. I received information just before coming to this House to-night that he has been arrested in Syracuse. The guilt does not lie alone with the murderer ; it lies also with the community who protect the assassin, and that is what we have to guard against. It is not only the individual murderer, but it is the whole community we have to protect ourselves against. I could quote dozens of instances, but I am citing the last case that occurred, only four or five days ago, in the city of Montreal. They go out on the streets with their stilettos and revolvers and shoot, stab and wound our citizens.

Hon. Mr. CHOQUETTE—Bad place, Montreal.

Hon. Mr. CLORAN—If Quebec were a little larger, they would have more Italians; but it is so small a place they do not have any. The hon. gentleman from Kingston stated that I was making an attack on the Italian race. Now it is far from me to make an attack on the Italian people. Years and years ago, when I was a student I learned to admire their sculpture, to read their poets' work, and stand amazed before their paintings and other works of art. No, I do not attack the Italian people, and the hon. gentleman was a little premature is trying to raise a point of order on that score. Italy has given too much to the

civilized world. Italy has given too much to the Christian world, for me or anybody else to stand on the floor of parliament and attack it. No such intention ever entered my mind, and the hon. senator did not do me justice in imagining that it did. I have respect for the Italian people. I have respect for what they have given to the human race in the way of science, not only in literature, but in art of all kinds. I have respect for the Italian people for what they have given to Christianity in the shape of theologians and saints. No, I do not attack the Italian people. What I want to do is simply to call the attention of the government to this fact, that conditions have changed in the history of Italy within the past thirty years, and where there was one a Christian people recognizing a God and observing law, to-day we have too many factions in that unfortunate country, who recognize no divinity, who bow to no man in law, whose own personal will is their law, the Mafia and the Black Hand and other elements that are disorganizing a nation which has shed such lustre over the history of the Christian world. These are elements that we have to protect ourselves against, just the same as the Italian government has to protect itself. In the past, that people recognized a supreme ruler, recognized that the law of the land should be their guidance and their protection in public affairs, and in their relations one with the other; but to-day, as in many other countries, there are large sections of that country which have departed from the ways of Christianity, and those principles which make for the safety of human life to-day in civilized countries. The influence which ruled over them and which guided them having been taken from them you have as the result that many of them have no compunction whatever in sacrificing the life of their fellow citizens. They carry daily and nightly in their pockets or hidden in their clothes all kinds of weapons whereby to take human life, and for no other purpose. Yesterday our chief provincial detective of Quebec went out on the streets of Montreal, and in one hour he secured a carriage load of stilettoes, revolvers and other deadly instruments, all meant to kill. Every second man he met in an Italian colony carried these weapons.

Hon. Mr. CLORAN.

Is that a condition of things to be tolerated in this country? I may be told in this House 'But let the municipality look after that. Let them look after their criminals.'

Hon. Mr. SULLIVAN—Hear, hear.

Hon. Mr. CLORAN—Such a suggestion would not be fair to the municipalities of this Dominion. They are not responsible for the dumping within their limits of criminals of whom they know nothing. We are asked by the Italian consul to appoint a force of Italian detectives. Why should the city of Montreal, or the city of Quebec, or any other metropolis or large centre of the Dominion be compelled to establish a special police and detective force for a certain class of immigrants? The thing is absurd. It is the province of this government to take precautions against the entry of these people. I am far from saying that the government is responsible for the presence of that class of immigrants in Canada—far from doing so, because I know as a fact that the government does not encourage Italian immigration into Canada. They have not a single agent in Italy. But if the government does not encourage them, corporations do, and these corporations are finding, much to their dissatisfaction, much to their own annoyance and much to their own loss that the importation of these people is not profitable, even from a labour point of view. They are the most untractable men you can get on a system of works. I have seen them myself on the construction of the Transcontinental Railway last year. There is no way to conciliate them. Once they take it into their heads to leave work and the contractor they depart and I am told to-day they demand that the foreman who controls their labour shall be of their nationality, and what is the result. The result is that contractors to-day have put forty or fifty men in a gang, on work that could be done by ten or fifteen, and I have seen it with my own eyes. This is the class of people that has been brought in, not by the government, but by great corporations, thinking they would get their cheap labour. It may have been profitable the first few years but to-day these people are turning on the corporations, and they are always a source of trouble and misery to the people

who employ them. I am not saying it of all, but of too many of them. Now that we have them, what are we going to do? The chief of our police system in the city of Montreal says that there is only one way to cope with the situation, and that is to prevent their further entry into the country. He says that owing to their habits, owing to their present modern education, under the system which they are brought up now, that he can place no reliance on them. Chief Carpenter, of Montreal, is not alone in the statement. One of the largest and most efficient police bodies in the world, apart from London, is the New York police, and what does the chief commissioner there say? He declares under the responsibility of his office that he is unable to cope with the criminality of that class and that is why the Montreal 'Witness,' from which I have quoted, has said that this matter is not only a Canadian question but it will be necessary to put it on a continental basis and see what can be done. Why, from Denver to Winnipeg, from Montreal to New York or to New Orleans wherever this class exists, there is crime and crime of the worst description—crime enough to make men shudder. A crime was committed last Sunday in Denver that sent a thrill throughout the whole of Christendom, where a man, infamous in his revenge, infamous in his appetite for blood went to the church and pierced the heart of a priest celebrating mass at the altar. Such crimes are abominable, and are not local; they are general, and I hold with the press of this country, and with the police authorities of this country, and with the press and police authorities of the United States, that severe and rigid action should be taken to prevent the further influx of such a class of immigrants into this country. What means should we take? That is for the administration of the day to formulate and to execute. If our laws are not efficient and effective enough in their drafting as they stand on the statute books, then let the administration make them efficient and have effective work done in regard to this matter. I say that this question is one that should appeal to the government immediately. It is one that this parliament should not lose sight of and if our immigration laws are not able to meet the situation, it is our duty as representatives of the people to safeguard the life of our fellow-citizens. It is the duty of parliament to enact laws that will be effective in preventing, I cannot say the presence of these people—they are here now and we must do the best we can with them—but in preventing these crimes. We are not here to oppose Italian immigration as a whole. There are many noble citizens among them. I believe the vast majority of our Italian community are just as good as we are. We are not protesting against their presence, but we have a right to protest against the admission and the presence of the criminal classes that overflow our borders. All I have in view is the welfare and safeguarding of the lives of our people. It is to put a stop to these dangerous examples of brute force. It is terrifying to read the reports which come in constantly in regard to these people. Therefore, I say, with all due respect to that grand old nation, notwithstanding the respect and admiration I have for them, that the government should take effective measures to prevent the entering of the criminal classes into this country.

Hon. Mr. SCOTT—The Italians have not come here at the invitation of the government. They come and go in all countries freely, and I know of no reason why we should interdict them here. We have Italians in the city of Ottawa who are law-abiding and industrious and give us no trouble, because we put our laws in force. There are Italians in all the cities of Canada. The reason why they are considered a dangerous element in Montreal is plain. It is because the police officers are absolutely indifferent in their duty, and because Montreal abounds with drinking houses, both legal and illegal—more than any other place in Canada. Some time ago I called the attention of the House to the sad commentary that Montreal had more drunken men in proportion to population than any other place in Canada, owing to the abundance of taverns in the city. The police have made no attempt to stem the tide of criminality as they should have done. I saw a month or two ago that some fifty men had been hauled up for selling liquor. Were they punished? No; the chief officer asked them each to contribute $5 to a fund, and they were all let off. That is the con-

dition in Montreal, and this is the consequence of it. Had the police done their duty in Montreal, those murders would not have been committed, and had they closed up a number of the drinking houses that would have put a stop to it. What is the opinion of the Italian priest in Montreal, who has charge of that parish? He says:

The police and the magistrates are far too lenient on some of these offenders. If they are found with a concealed weapon they are offered the option of a fine, which they pay at once, taking it for granted that it will not be difficult for them to 'collect' the money from some other Italian. This system of 'collecting' is carried on extensively, and I have known instances where good, industrious men had to give so much in aid of a worthless Italian who had got in trouble with the police. They do this because they are afraid of some of these men, and they know that revenge would surely visit them if they did not yield to the demands for money.

I can give you an instance. Yesterday and the day before, a collection was made among the Italians to defray the funeral expenses of Antonio Di Lucca, the man who was stabbed to death by Vitto Macoli. This was the reason given, but I have cogent reasons for stating that part of the money was to help the guilty to escape from the country and go to the States.

I cannot understand why the police have not yet arrested that Vitto. He was seen on St. Catherine street yesterday noon, and there are at least a hundred men who know perfectly well where he is.

Why no one interferes? That's easily answered. They know that if they inform the police will give their names away and that the friends of the accused will make their life not worth living. That is the reason they do not tell all they know and often refuse to talk at all.

Then he mentions the incident which was quoted by the hon. gentleman, and he goes on to say he wonders why the police did not arrest this man, because he was seen for days afterwards.

Hon. Mr. CLORAN—By Italians, not by the police.

Hon. Mr. SCOTT—He was seen there, and the police made no attempt to arrest him. This government cannot be responsible for carrying out the criminal laws in that city. New York has over 300,000 Italian inhabitants, yet you do not hear of such murders being committed there, simply because the authorities are acting vigorously; but if you have a body of police in Montreal who commute crime for $5 or any other sum, it is an inducement to commit crime. I think the police authorities made a mistake when they did not act upon the suggestion of the Italian consul to select a certain number of Italians to act as detectives. That would be the only way of defeating the action of these men. I presume there are not more than a dozen men in Montreal who are implicated in these crimes which have been described so floridly by the hon. gentleman, and yet he blames all these crimes committed in Montreal on the Italian inhabitants of that city. In other cities, where the police enforce the law, and the law is abundantly strong for the purpose, the criminals are kept in subjection. The government of Canada are in no way responsible for it. The responsibility is altogether on the city of Montreal.

Hon. Mr. CLORAN—What does the City Clerk say to that?

THIRD READING.

Bill (44) An Act to incorporate the Alberta Northern Railway Company.—(Hon. Mr. Talbot.)

SECOND READING.

Bill (21) An Act respecting the British Yukon Railway Company.—(Hon. Mr. Belcourt.)

THE GEORGIAN BAY CANAL. DEBATE CONTINUED.

The Order of the Day being called

Resuming the adjourned debate on the motion of the Hon. Mr. Casgrain, that he will call the attention of the Senate to the importance to Canada of the early construction of the Georgian Bay Canal, and will inquire of the Government if the report of the survey made of that waterway will be laid before the Senate during the present session?

Hon. Mr. BELCOURT—The question of transportation is to-day the greatest and most momentous question, and it constitutes the heaviest and most urgent task to which Canadian energy and Canadian ambition can and should be mainly directed. This question is of paramount importance to every nation which is seeking greatness, but nowhere is it of greater—I might say of as great importance, as it is in Canada, because the Canadian people have in their own hands the solution of the transportation question, not only in so far as their own dominons are concerned, but very largely for the greatest part of the North American

continent. The very large national area, the great forests, the fisheries, the rich mines, and especially the vast and fertile wheat fields of the Dominion, make it absolutely necessary that transportation shall be given in Canada the greatest possible development.

But there is an additional reason beyond present resources and needs, and beyond future developments and possibilities —that reason is that, owing to its geographical situation, the solution of the transportation question of the North American continent is largely in the hands of Canadians. The St. Lawrence, the Ottawa and the other noble Canadian streams constitute, with our share in the great lakes, the bulk of Canada's great heritage, and stand first and foremost on the list of Canada's most valuable assets. There is not anywhere in the wide world a greater, or as great a natural commercial route as that formed by the St. Lawrence and the Ottawa rivers. Though Canada has done a great deal to improve her transportation facilities, I am one of those who think that we have not done all that we should, not as well as we could, certainly not as well as we have done with many other branches of national activity. It is probably because there was so much more to be done in the way of transportation than there was in reference to other matters, owing largely to the vastness of our territory and its slow development. To-day the great bulk of the harvest of the Northwest intended for foreign markets is shipped by way of Buffalo to New York or some other United States port, and the control of at least four-fifths of the vast and ever-growing trade of the great lakes is in the hands of our neighbours. And yet it is in the power of the Canadian people to completely reverse the situation, and to carry through Canadian channels and in Canadian vessels the whole of the products of our through Canadian channels and in Canadian vessels the whole of the products of our own soil, and in addition absolutely control the trade of the inland seas of North America. Nature has given Canada the means of solving and controlling the transportation question of the North American continent. Canadians can, if they wish and will it, cause the sceptre of commercial supremacy to pass from New York and Boston to Montreal and Quebec. This language may seem exaggerated and perfervid, I do not think it is. It is amply justified and it is made, so far as I am concerned, advisedly and in cold and sober sense, with a full appreciation of all that it implies and the consciousness that it is susceptible of complete demonstration. It is sufficient to glance at the map of North America, to analyze its geographical and topographical conditions, to scan the work of Providence and scrutinize her designs and to apply the lessons which experience has taught mankind to prove the absolute correctness of this conclusion, a conclusion to which everyone has been driven who has given the subject proper and unprejudiced consideration.

It is proven by the recorded opinions of those best qualified to speak on the subject, not only in Canada and in England, but also in the United States of America, where there would be so many strong reasons for entertaining and propagating an entirely different opinion. And how is this to be accomplished? Principally, and first of all, by perfecting the navigation of the Ottawa and French rivers from Georgian bay to Montreal. Until quite recently, the advocates of this project in parliament and in the public press of the country, have been largely recruited from the representatives and journalists living in the Ottawa valley. It is with considerable gratification and encouragement to those who have for many years—and I am one of them—strenuously advocated the construction of this waterway, that the project is no longer looked upon as one of merely local interest to the people inhabiting the Ottawa valley; but in the light of the truly great national unmay be permitted to do so here, I appeal to the public men of the great cities of Montreal and Quebec especially for their assistance and support so as to secure the realization of this all important undertaking, to my mind the greatest and most important of Canada's enterprises. I wish to make an appeal to all the business men in this parliament and out of it, from all the provinces of Canada, to come to the assistance of those who are pressing upon the Dominion government the undertaking of this work at an early date.

The Georgian Bay canal is feasible physically, financially and commercially. There

are no engineering difficulties that cannot be successfully and easily overcome, and the cost of so doing is not unreasonable, nor is it beyond Canada's financial resources. Commercially its success is assured; it is Canada's greatest national necessity, in the interest of transportation. I shall not, to-night, say much with reference to the physical and financial aspects of the undertaking, but shall confine my remarks very largely to its commercial aspects and to what I deem, and to what I have no hesitation in asserting, is the great and urgent necessity of this waterway. The route has been so often described that I shall not trouble the House with any attempt at further describing it to-night. We had the other day, in the very instructive and interesting speech of our hon. friend from DeLanaudière (Mr. Casgrain), a complete and detailed description of the waterway, especially from an engineering point of view, and I was very much gratified indeed to listen to the strong argument of the hon. gentleman all the more so because I believe he has not always been in favour of the Georgian Bay canal. I was the more pleased, because he spoke from his own personal experience and knowledge as a professional man; and we all know that in speaking of the engineering possibilities and difficulties of this scheme he was eminently qualified to do so. I welcome him to the ranks of those who advocate the construction of this canal, and have no doubt that he will continue to press the matter on the attention of the government. I would merely remind the House that the total length of the waterway is 425 miles, nearly 400 of which are in deep stretches requiring only suitable improvements here and there, and none at all in many places; only 29 miles of artificial canal require to be made, and 27 locks of a total aggregate length of four miles. That there are no engineering obstacles has been frequently and amply demonstrated by the reports of such eminent and practical engineers as Messrs. Walter Shanley, T. M. Clarke, Marcus Smith and others. We have had several reports made by officers of the Public Works Department of Canada, and especially one which was made only three years ago—on the 24th of March, 1905.

Then we have the opinion, in respect of the possibility of the undertaking, of one of the most competent engineers of the present day on the subject of waterways and irrigation, Mr. Geo. Y. Wisner, who spent his whole life in scientific investigation and practical work on transportation whose knowledge and experience were probably greater than that of any of his contemporaries, Mr. Wisner died about a year ago. Mr. Wisner, it will be remembered probably by most hon. gentlemen of this House, was one of a commission of three appointed by President Roosevelt for the purpose of looking into and reporting upon the deep waterways of the American Republic, for the purpose of finding out where a deep waterway could be constructed to connect the lakes with the seaboard, for the purpose of securing for the United States the control of the vast traffic of the great lakes. Another member of this commission was Senator Newland. I have forgotten the name of the third. These commissioners made a thorough examination of the continent and, after their examination, made a report to the President of the United States in which they did not advocate any particular route —in fact the report, if you read through the lines, amounts to an admission that there was no place in the American Republic where such a waterway could be constructed. Mr. Wisner went over the Ottawa and Georgian Bay route from end to end, and after making his examination and looking at the plans and estimates prepared, stated that it was not the United States of American, but the Dominion of Canada that had the means of constructing a deep waterway to the seaboard. He appeared before the Royal Commission on transportation on the 15th June, 1904, and then and there expressed his opinion most emphatically in the way I have just indicated.

Then we have the report of the Department of Public Works, made in November, 1907, which has been submitted to parliament quite recently, and which deals more particularly with the navigation of that portion of the canal which extends from the mouth of the French river to North Bay. The engineering difficulties are there referred to, and the engineer in charge reports that navi-

gation providing for a 20-foot draft can be had from Georgian Bay to North Bay at a cost of $13,000,000. The Department of Public Works has also completed a comprehensive and exhaustive examination and survey of the whole route from Montreal to Georgian Bay, and a complete report of this survey is promised for the end of March. The report of the engineer in charge will be laid on the table of the House, and I have it from the chief engineer of the survey himself, that the report will positively assert that there are no engineering difficulties or obstacles in the way of completing a twenty-two foot waterway from Lake Huron to Montreal. Some years ago the Engineering News of New York made the following statement as to the engineering difficulties of the proposed canal:

> From an engineering point of view, disregarding for the moment political boundaries, there can be no doubt that the Ottawa route is by far the best for a deep waterway from the upper lakes to the sea. So far as export traffic from the Northwest to Europe is concerned, it offers by far the shortest possible route, and practically its only drawback is the dangers of navigation of the St. Lawrence Gulf.

Let me quote an expression of opinion on this point from the late Mr. Wisner, which I find embodied in an article which appeared in the Ottawa 'Citizen' on the 20th June, 1901. Mr. Wisner said:

> There is absolutely no question as to the feasibility of the project. If the whole territory were under the United States control, the work would be gone on with very quickly.

So much for the physical possibility or feasibility of the canal. Let me now say a word as to the financial side of the question. According to Mr. Wisner's estimates, and they were based on an actual examination of the whole route from French river to Montreal, and after a careful examination of the plans prepared by the engineers of the Georgian Bay Canal Company, who spent a couple of years at the work, he estimated that the cost would be $85,000,000.

Hon. Mr. SULLIVAN—Does the hon. gentleman mean $85,000,000 for all the Georgian Bay canal ?

Hon. Mr. BELCOURT—Yes, from Georgian Bay to Montreal. The estimate of Mr. St. Laurent, chief engineer in charge of the survey, whose report we are promised within a very few weeks—and I have the figures from himself,—is $90,000,000. There is only a difference of $5,000,000 between the estimate of Mr. Wisner and the estimate of Mr. St. Laurent. This estimate is for a 22-foot canal which will allow for at least 20 feet of navigation. Mr. St. Laurent's estimate includes the cost of buoying and lighting the whole route, of providing electric plant, wharfs, docks, &c., and all damages for flooding lands taken, &c., and the cost as well of acquiring all the water-powers which have been disposed of. If we take Mr. St. Laurent's figures, $90,000,000, and assume that we can borrow money at the rate of four per cent, which I think Canada can unquestionably do, and probably do better, we will have an annual expenditure for the payment of the interest on the cost of $3,600,000. The cost of maintenance has been placed by Mr. Wisner and others at one million dollars, so you will have an annual expenditure of $4,600,000. Is that beyond Canadian financial resources? No one would for a moment question our ability to provide this sum for such a purpose. But the question is not as to our ability, but rather as to the justification to provide for such an expenditure.

I for one venture to assert that if the cost of making and maintaining this waterway were to be provided wholly out of the national treasury, as it would be if built and operated by the government, and the canal were made free of tolls (as it would likely be in the latter contingency) it would be a wise and amply justified expenditure in view of the immense commercial benefits which would be derived from it. But the annual expenditure would not be wholly provided for by the government even if the canal is built and operated by the government, and the waterway kept entirely free of all tolls. Assuming that the government will not receive one cent of direct revenue from the operation of the canal, there is in sight about $5,000,000 of indirect revenue for the national exchequer. In completing this waterway, there will be developed and immediately available for general use immense water-powers. The estimates as to the amount of horse-power to be developed vary from 800,000 to 2,-

000,000. Now, taking the lowest estimate, 800,000 horse-power, and putting the lowest figure of value upon it, $6 per horse-power, which to-day the government is in receipt of for power on the St. Lawrence canals, we would have an annual revenue of $4,800,000, so that the canal when completed would even if operated by the government, and entirely free of tolls, be self-sustaining. I say, therefore, it is no exaggeration to assert that this magnificent waterway can be secured and operated at practically no expense to the country. Whilst dealing with this, I should call the attention of the House to a statement made recently by the President of the United States in addressing the commission appointed to investigate the national inland waterways of the United States, Mr. Roosevelt among other things said :

Still another fundamentally important question is that of waterpower. Its significance in the future development of our whole country, and especially of the west, is just beginning to be understood. The plan of the city of Los Angeles, for example, to bring water for its use a distance of nearly 250 miles—perhaps the boldest project of the kind in modern times—promises not only to achieve its purpose, but in addition to produce a water power sufficiently valuable to pay large interest on the investment of over $23,000,000.

Hitherto such opportunities for using water to double purpose have not always been seized. Thus it has recently been shown that water enough is flowing unused over government dams, built to improve navigation, to produce many hundreds of thousands of horse-power. It is computed that the annual value of the available but unused water power of the United States exceeds the annual value of the products of all our mines. Furthermore, it is calculated that under judicious handling the power of our streams may be made to pay for all the works required for the complete development and control of our inland waterways.

It seems to me that those words, true, no doubt with reference to the United States, are still much more true with respect to Canada, and more especially with reference to this particular waterway. It may be doubted whether there will be a demand for all this water-power to which I have referred. I think, and with considerable assurance, that that power, will be required almost immediately, and it will be utilized in the manufacture of lumber, in the making of pulp and paper and various wooden and other goods; for smelting purposes; for the manufacture of Portland cement, the material for making which is to be found all the way along this route, and for numerous other articles. Then the power would be used in operating electric railways, and in the opinion of some, in the operation of railways now worked by steam. It has been stated by an expert that the Canadian Pacific Railway, running parallel and alongside of this great waterway, is bound in a short time to be operated by hydro-electric energy and no longer by steam. It will be needed in the large cities. It will be needed in Montreal, as was so clearly pointed out by the hon. gentleman from DeLanaudière the other day; and with the increase in the price of coal it is going to be used largely for long transmission. It was only last week that the newspapers stated that Mackenzie and Mann had acquired a portion of the power at Niagara and other water-powers throughout Canada, with a view of electrifying at least a portion of their road. That is being done to-day, and in future it will be done much more. Now, with this water-power along the route and available in the way I have stated, it is surely all going to be required at an early date. I may say with considerable assurance that before the canal is completed, say seven or eight years—because I assume it will take that long—that the whole of this power will be in absolute demand. The St. Lawrence canals cost about four million dollars annually, and certainly it cannot be said that they have materially diverted the grain trade of the west into Canadian channels. Only a small share of the advantages can be claimed for the St. Lawrence which the Ottawa route offers; and in this respect I wish to read to the House what was stated by the New York "Herald" quite recently. I find an article in the New York "Herald" copied into the Ottawa "Evening Journal" which in part reads as follows:

The results expected from the construction of the fourteen foot navigation on the St. Lawrence river—namely, to divert the water borne export grain trade from Buffalo to Montreal—have not been realized.

The hope that this route can ever effect this diversion must be abandoned. The general character of the lake traffic, the enormous size of the vessels, coupled with opportunities for obtaining return cargoes in American ports on Lake Erie, more than set off the disadvantages arising from the cost of the transportation to the seaboard from Buffalo as against transport in bulk by the rival Can-

adian all water route in the smaller vessels. But the struggle is not yet over. Admittedly, the limit of size of lake shipping has now been reached, and this limit finally exhausts the advantages of the cheapest American route via Buffalo to the seabord.

Canada holds in reserve, however, a trump card in the proposed Georgian Bay canal.

I might make a digression here to say that I have in my citations to the House selected, almost altogether, opinions from United States sources. I have done this for two reasons; first of all because I wish to offer to the House something which has not been said before in the way of outside opinion, and, as must be obvious because the opinions of United States people on this subject must carry a very great deal of weight, as they are to say the least, disinterested. The article proceeds:

She means and is preparing to play it. By this route, which utilizes the French river, Lake Nipissing and the Ottawa river, a twenty foot navigation can be established through to Montreal without breaking bulk, i.e., lake navigation conditions through to tidewater. This line is also 450 miles shorter than the present all water route by St. Lawrence river to Montreal. The estimated cost of the new line is £12,000,000.

No effective competition with this route appears in any way possible. When in operation the Buffalo route will be hopelessly outclassed, and the St. Lawrence will then solve and control the transportation conditions of the continent. On this point the following considerations appear to be final.

I wish to draw the attention of the House to the statement of the New York 'Herald' that the St. Lawrence route controls the transportation conditions of this continent, as the justification for the language which I have used in regard to this matter. There is an opinion also here of a Canadian journal, one of the very few which I have to quote, but which I will ask the permission of the House to refer to. It is from the 'Trade Bulletin,' and I find it quoted in the Ottawa 'Citizen' on the 1st of June, 1906. It is as follows:—

After all, the construction of the Georgian Bay canal is not so much a matter of cost, as an absolute necessity in meeting transportation requirements to cope with a rapidly-expanding trade, which, if neglected, may easily degenerate into a national calamity. Cost? Of course it will need a good round sum to complete the canal; and it might not be unwise to calculate upon its costing a few millions more than the above estimate, but Canada is good for it. It is the best national investment she could make for her future prosperity, the returns from which will make her glad.

It has been said that because we have spent eighty millions on the St. Lawrence canals, or rather one hundred millions, because the actual cost is about eighty millions and we have expenses in operation and maintenance since of about twenty millions more, and because the St. Lawrence canals cost four millions annually, and they have not accomplished the object in view—that is, diverted trade to Canadian channels—that we should not go on and incur the expense involved in this great undertaking. But the moment we are forced to admit that the St. Lawrence canals have not realized the object which the Canadian government had in enlarging them, it seems to me that very reason is the reason why this route, if it can be demonstrated that it will secure that object, should be constructed.

I shall say no more about either the physical or financial feasibility of the scheme, but will now devote my remarks to the other aspect of the matter—its commercial advantages? And in this respect I am going to quote the opinion of others. I should like to remind the House of the opinion—I will not read it, because it is familiar to every hon. gentleman in this House—expressed by Sir Wm. Van Horne at the time of the inquiry by the special committee of the Senate of Canada in the year 1898. I should like to remind this House also of the opinion given by Mr. Wm. Whyte, one of the vice-presidents of the Canadian Pacific Railway. Very interesting is the opinion of that eminent engineer to whom I have already referred, Mr. Walter Shanley, in the report printed in 1900. I find on page 10 of that report the following:

It is not my intention to array great columns of statistics to show what the possible trade from the west to the seaboard may be some ten years hence, within which period such a navigation as is above foreshadowed may become a reality. The increase of population and commerce in the western states and western cities has invariably outstripped the anticipations of the theorists and are perfectly certain to continue to do so for a long series of years.

It would be almost in vain then to speculate on what the next ten years of progress should bring forth, but it may be a fairly asserted that producing powers in the west, and demand for its products in the east are increasing in such rapid ratio that any project which should have for its end to diminish space and increase the facilities of trans-

port by water carriage will find such favor in the eyes of the mercantile community that the restless spirit of commerce will neither slumber nor sleep while a possibility remains of effecting some radical improvement in the water communication between the Great Lakes ports of the interior and the seaports of the Atlantic Coast. Millions will be freely contributed and freely expended for the furtherance of such a purpose ere another decade has passed away.

The natural outlet of all that fertile region east of the Mississippi, which drains into the Great Lakes, is of course their outlet, the St. Lawrence, and the preponderance of the trade of that immense area, as it assumes dimensions proportioned to the vastness of the river, will settle into that channel as a matter of destiny. No wholly artificial avenue can keep pace in increasing capacity with the gigantic commerce which is growing up to the west of Lake Michigan, and which will force us Canadians into bolder undertakings than any we have yet embarked in. Canada lies directly across the leading route from the far west to the Atlantic Seaboard, and over some portion of our territory the great tide of western traffic must forever roll.

I have another quotation from the 'New York Herald,' which reads as follows:—

The Georgian Bay Surveys.

The Canadian government has been so impressed with the economic advantages and possibilities of this Georgian Bay and Ottawa canal route that it is an open secret that it will construct the works itself and come to some arrangement with the present charter holders. The final and detailed surveys of the first section of the canal from Lake Huron via French River to North Bay on Lake Nipissing have been hurried forward and should be complete ere now. The present rapid settlement of Western Canada and the construction of the Grand Trunk Pacific Railway can only serve to hasten the early completion of Canada's new water route. Cereal production in the prairie regions is advancing with giant strides. It threatens to anticipate the capacity of the existing and prospective outlets. The futility of enlarging the hopper without enlarging its spout is obvious, and the interest shown by the authorities in grappling with this and similar measures of relief is therefore most commendable. Incidentally, also, this particular undertaking to benefit water transport would promote the development of the enormous water powers which occur all along the canal route in a region full of natural resources, and so give rise to an industrial situation of the first magnitude.

Mr. Jas. J. Hill put himself on record in connection with this waterway when he said, among other things:

Nature has done everything it can for you when it divided the continent by the St. Lawrence, the Ottawa river and the lakes, you must do your share to utilize this great natural route. It would be easy to have a waterway 24 feet deep from Quebec or Montreal to the head of Lake Superior. This enterprise completed, you would be able to send all your wheat from the head of Lake Superior to Quebec for three cents a bushel. By paying six or seven cents from the prairies to the lakes, the cost of the transport of wheat to Liverpool will be reduced to a minimum.

Addressing the Canadian club at Ottawa, about two years ago, Mr. Hill expressed very much the same view, but I shall not trouble the House by reading it now.

Let us see for a moment what the Erie canal has done for the state of New York. have seen it stated on good authority that the Erie canal has put into the treasury of New York State twenty million dollars more than its cost. It has caused to be expended in New York State $350,000,000 paid in as freight. It has built up towns and cities all along the canal. It has more than anything else made the great port of New York the most important one on this continent. If this small canal, the Erie ditch as it has been called, has produced such results, can we not venture to think what this magnificent waterway would do for Canada, for northern Ontario and Quebec, for our shipping industry and for our natural ports? Sometimes we have unfavourable opinions about the Georgian Bay canal from gentlemen who live in the western part of the province of Ontario. We know that in the city of Toronto, for instance, it has not received a very warm support, and from some other places along the St. Lawrence canals it does not receive very much encouragement, but I am glad to be able to quote one of the Toronto newspapers on the subject, the Toronto 'News.' In referring to the Ottawa and Georgian Bay route, that paper said:

The question may be solved by the construction of the Grand Trunk Pacific but this will be in the future. Between times the great commercial artery of Canada must be partly by rail and partly by water, and the Georgian Bay offers in this respect exceptional advantages equally large in all cases as Buffalo. The exportation of Canadian wheat cannot help but be increased and besides the exportation of American wheat is already diminishing. Consequently, we must utilize our ports on Lake Huron and Georgian Bay.

This should be the method of putting a stop to the ceaseless complaints which are being made about the congestion of traffic on the railways, without taking into consideration that we should see cities rising on the shores of Lake Huron and Georgian Bay. The development of Buffalo would not have been acomplished otherwise, &c.

But the great advantage of this waterway is that the time for carrying and delivering freight from the great lakes to the seaboard would be reduced by at least 48 hours, and perhaps 72 hours, and the cost of doing that would be reduced twice over. Let me prove it. The distance from Chicago to Buffalo by the lakes is 900 miles. Chicago to Montreal via Georgian Bay and Ottawa river, 905 miles. The cost of transporting wheat from Chicago to Buffalo is one and a half cents; Buffalo to New York it is at least three and a half cents and possibly four cents, but for the purpose of my argument I am putting it at three, and you have there a total cost of at least four and a half cents from the lakes to the seaboard. What would be the cost along this route? The cost of transporting the grain from the lakes to Montreal would be one and a half cents. Am I not justified in saying that the cost of transporting wheat from the lakes to New York is two hundred per cent higher than it would be by the Ottawa waterway. To my mind that is the strongest argument to be advanced in favour of this waterway. It is an argument which, to my mind, cannot be controverted, and which alone would justify the large expenditure which the construction of this canal would entail, and I am assuming that the canal would be free of tolls. If the canal were handed over to a company to build, and at no expense whatever to the national treasury, and if this company did collect toll on the canal, we would still be able, with the toll added, to transport grain from the lakes to Montreal for one-third less than it is being transported to-day to New York. The toll which the company would collect would be another cent and a half. You would carry the grain from the lakes with the toll included for three cents to the Canadian seaboard, whereas it cost now four and a half cents at least to bring duced by at least two thirds of the canal were built by the government, and by one-third if the canal were built by the company and toll collected. If cheap transportation means anything, unless all past experience is a delusion and a snare, who is there bold enough to say that, with such a result, this waterway does not offer Canada the greatest and most important commercial possibilities? Who can doubt that such an enormous advantage over the New York route would cause such a diversion of the trade of the Great Lakes as to completely reverse the present situation and cause the control of that trade to pass from the United States to Canada? Let me ask, is there a single shipper of grain in Chicago, Duluth or Milwaukee who would make his shipments by Buffalo and New York if he could make them by Montreal for one-half or one-third less? Even a quarter or an eight of a cent below present charges per bushel would be sufficient to cause this diversion, and I have here I think conclusive proof of that. In the month of March, 1901, the Armour people of Chicago wrote as follows:

> You are right in assuming that we think the new route would only have to drop their rate ⅛ to ¼ cent below present rates, in order to obtain a good share of the business, and any such rate as that you quote—3 cents per bushel from Chicago to Montreal—would throw as much business via that route as it could possibly handle, the all-rail lines via Buffalo not being able to compete with any such figure. Of course, this would be with the understanding that ocean rates from Quebec to Montreal would remain on the same parity as they now are, compared with New York and Boston.

I could quote many other opinions similar to this to show what a very slight reduction in the cost of transportation would cause this great trade to come our way. We all know that trade is cold-blooded. There is no sentiment in trade. Armour and Company, Swift and Company, and all the great shippers of Duluth, Chicago and Milwaukee, are not going to ship their grain and products through United States channels if they can ship them through Canadian or other channels at a lesser rate. That argument is irrespective.

I should like for one moment to give some figures to show the immensity of the trade of the great lakes. Let me remind the House that the trade extends over an area of agricultural and industrial activity of over 2,000,000 square miles, with a population of 25,000,000, and the present grain production of over 3,000,000,000 bushels. In this area, two-thirds of the total iron production of the United States is manufactured. The freight traffic of the lakes is estimated at 100 million tons annually. In 1906, there passed Detroit to and

from the Great Lakes, 70,000,000 tons of freight; 25,000 vessels passed Detroit in a season of 230 days. A ship passed every thirteen minutes, and 200 tons of freight per minute. The Soo (American and Canadian), in 1906, had a total traffic of 51,751,080 tons, carried in 22,155 boats, and this traffic was valued at the enormous sum of $600,000,000. In 1907, the year following, the trade passing through the United States and Canadian Soo canals, increased from 51,751,080 tons to 58,217,214 tons. Through the American Soo canal in 1906, there passed in round figures, 45,000,000 tons. Through the Canadian Soo there passed six and a half million tons, making the total which I have given of fifty-one million odd. Now, hon. gentlemen will see the proportion that passed through the Canadian Soo as against the American Soo. It is just one to seven, and I do not think the figures show exactly what did occur after all, because it is well known that the American Soo is so much more busy, having so many more ships to accommodate, the Canadian Soo having far less, that many American vessels pass through by way of the Canadian Soo canal.

Compare these figures with what passed through the St. Lawrence canals in the same year of 1906; we have 51,000,000 tons passing through the Soo canal while in the same year only 1,700,000 tons passed through the St. Lawrence canals, and yet that includes not only the trade coming from the Great Lakes but also the local trade picked up by these boats all along the St. Lawrence and the lakes east of the "Soo." Let us see the amount of grain that was carried in 1906. The quantity carried by rail and water to Montreal was 792,000 tons, or about 25,000,000 bushels. In the same year the quantity carried by rail and water to New York was 4,300,000 tons, or nearly 150,000,000 bushels, about in the same proportion as the traffic passing through the Soo canals that is, one to six. The St. Lawrence canals carried 405,000 tons, or 13,500,000 bushels; while the small Erie canal carried 295,000 tons, or nearly 10,000,000 bushels. The Erie canal did only one-third less business than the whole of the St. Lawrence system. Our railways carried only one-sixth of the grain trade handled by the New York state railways. In 1906 there were shipped from Port Arthur and Fort William by rail and water over 70,000,000 bushels of Canadian grain, and yet, to say nothing of the large shipments from Ontario, less than 25,000,000 bushels or about one-third, reached Montreal. Now, where did the rest go? It went to New York on United States vessels and railways and through United States canals. Of our 70,000,000 bushels of grain, two-thirds went through United States channels to be shipped from United States ports. The wheat crop of Manitoba, Saskatchewan and Alberta in 1906 was slightly over one hundred million bushels. Of this 75 per cent, as I have shown, was shipped to eastern Canada and United States and across the Atlantic. Less than 25,000,000 bushels from all parts of Canada reached Montreal, so that in 1906 we failed to carry at least two-thirds of our own wheat export trade alone. How long is this going to continue? Are we content to let the Americans do not only the business which by right belongs to them, but are we going to let them continue to carry two-thirds of our export grain trade also? To give another idea of what this trade means, let me remind the House that two-thirds of the whole iron industry of the American nation to-day originates in the lakes region and the lake country furnishes over one-third of the world's total supply of iron. Our nickel mines alone would afford an immense trade to the waterway. A United States expert not very long ago estimated that the nickel deposits at Sudbury contained 625,000,000 tons of ore in sight, and large discoveries have since been made. There is an immense quantity of nickel ore, a large portion of which must be transported. Quite recently one of the richest iron mines of the North American continent has been opened up, and I am glad to say that it is in Canada. It has been said in the past that Canada possesses no large iron deposits. The Moose Mountain iron mine which is only eighty miles north of Key harbour, near the mouth of French river, has been shown by tests to contain 42,000,000 tons of ore in sight averaging 58 per cent of iron. It is a sheer wall of rock 150 feet high—black solid ore drilled to depth of 500 feet. For a distance of half a mile in one direction, and one and one-

half miles in another, one outcrop after another. The drill showed that 150 feet below a drift of sand on the hillside the ore was just as good as it is nearer the surface.

That the Moose Mountain deposit is one of the best and biggest in the world was admitted by all the members of the American Institute of Mining Engineers who visited it three months ago. John W. Gates of New York, is president of a company who own 4,700 acres of land, and will next year be shipping to Cleveland and other coal-handling ports. Preparations being made for smelting and iron works at Toronto that will eventually employ 15,000 men—will be the biggest metallic industry and the most convenient to Pennsylvania coal that Canada possesses.

With this immense quantity of iron ore to be shipped to smelters, there would be given for this waterway a traffic of at least 2,000,000 tons a year, and there would be contributed one-fifth of the total annual cost on the construction as well as maintenance of this water route. When we look at the figures which have been given of the American industry on the lakes, we see that this alone would afford sufficient traffic to justify the construction of the canal. I should like to quote again Mr. Wisner's evidence before the transportation commission, but as his evidence is available I would refer hon. gentlemen to the published report. Mr. Wisner has made an estimate that if the canal were completed to-day it would at once command a traffic of eight to ten million tons. Our total carrying trade by rail and water to Montreal, in 1906, amounted to less than 800,000 tons; so the Georgian Bay canal would at once give us a carrying trade at least ten times larger than it is to-day. These figures of course are based on the present traffic, but with the marvellous development now going on in the west it will be at once apparent how these figures will grow in the near future, and what enormous proportions that western trade will soon assume. Now, a word about the indirect commercial advantages which would flow from the opening up of this route. Of course it is difficult to estimate in dollars and cents all these advantages. It is difficult to say exactly what will take place in ten, twelve or twenty years, but there are certain estimates that one can make with safety. As I have pointed out, the first indirect commercial advantage of the opening up of the Ottawa canal would be the development of the immense water powers from which a revenue of nearly $5,000,000 a year would be derived. But it would also immediately increase the value of the land in the vicinity of the route. It has been estimated that there are several million acres of land along the waterway which, to-day, are sold at 50 cents per acre, the value of which would increase at once to eight or ten dollars per acre—land which is quite as good and fertile as any lands in the province of Ontario. In that respect let me quote the opinion of the Railway and Shipping World.. I take the following from an article which appeared in that publication on the 13th August, 1898:

> The increase in value of these alone, owing to their being brought on a main line of traffic, should repay the entire cost of opening navigation, lands now held at 50 cents an acre becoming immediately worth at least 10 times that sum. Sturgeon Falls alone is said to be the shipping point for forests estimated to contain about 2,000,000 cords of spruce. On every cord of this from $1 to $2 would be saved to the producers as the direct result of the opening of the waterways. About the head of the Temiskaming and northward is an inexhaustible supply of the same material tributary to the Ottawa river. The manufacture of this kind should employ numerous mills. Waterpower is abundant.

The saving of duty alone on Nova Scotia coal, which would, by means of this canal, be afforded a market in the interior of the continent where the United States coal is now used exclusively, has been estimated by an hon. gentleman in the other House—an hon. gentleman who has sat there many years, and is a man of great experience, would be sufficient to pay one-half the interest on the cost of construction, and maintenance of the route. That would mean an annual saving to the mine owners of Nova Scotia of $2,500,000 a year. If the waterway were built, and water powers developed, a great deal of the cost of mining and smelting mineral ores would be saved. They could be smelted at or near the mines and the cost of transportation would be materially reduced. There would also be a saving on the transportation of lumber. It could be cut and manufactured on the spot with the power produced at various

points on the route, instead of being floated down the Ottawa and manufactured there. It would—and this is a very important matter—at once give a strong stimulus to the shipbuilding industry on the lake ports. It is a well known fact that four-fifts of the trade and shipping on the great lakes is in the hands of the Americans. If we had our own waterway and transportation of not only our own products, but also of a portion of the products of the Northwestern States, the shipping industry would receive a new birth.

But great as these advantages would be, cogent as these reasons are, there is another, and, to my mind, greater and more convincing reason for the immediate construction of this waterway. I venture the opinion that it has become an absolutely national necessity not only to our future development, but to our present needs. The cost of the canal is not only a means to cheaper transportation—as water transportation always affords—as against more expensive transportation—as railway transportation always and everywhere means, the advantage of being five or even six times in favour of water routes; but it is a question of a means of transportation as against no means of transportation, as far, at all events, as concerns our northwest harvests, to say nothing of the vast trade of the great lakes, which by right belongs to Canada. Unless we are prepared to forego the advantage of carrying our fast increasing production of wheat and grain, to say nothing of the rest of our carrying trade, nay, unless we are going to allow our neighbours to handle our present production, we shall have to at once proceed with the construction of this waterway. We should not forget that transportation means something more than transportation—it is a species of production. In being transported, goods are increased in value in proportion to the cost of their transportation. You add on to the value of every bushel of grain carried from the lakes at least six or seven cents value, and when I say we should not allow the Americans to do our transportation, it implies that we should not allow them to do our production. Let us see the position to-day in the west. We have now under wheat in the prairie provinces over 5,000,000 acres, yielding about 100,000,000 bushels of wheat. In the five years from 1900 to 1905 the acreage has considerably more than doubled and so has the production. This increase is more than likely to be repeated within the next five years, so that in 1910 or 1912 we shall have a crop of at least 200,000,000 bushels of wheat, to say nothing of the coarser grains. At least 75 per cent of that wheat, that is 150,000,000 bushels, will have to be carried as far as Montreal or across the Atlantic. We shall have as much, if not more, of coarser grain to transport to the seaboard, that is, 150,000,000 bushels. We shall therefore have in 1910 or 1912 nearly 300,000,000 bushels of grain to transport from the west to the seaboard.

Hon. Mr. FORGET—Does the hon. gentleman mean in two years?

Hon. Mr. BELCOURT—Yes, in 1910 or at the latest 1912. The average has doubled since 1905 and the production has in that period more than doubled. We can fairly estimate that by 1910 or 1912, that is two or four years from now, the production of the North West will be 200,000,000 bushels of wheat, of which 75 per cent will have to be transported.

Hon. Mr. POIRIER—But not all exported.

Hon. Mr. BELCOURT—Not all, but it will have to be carried down to the lakes and to Montreal. The proof of it is that in 1906 we produced 100,000,000 bushels, and of that quantity 75,000,000 bushels were carried to Fort William and to Port Arthur to be shipped to the east and to be exported. I am therefore right in saying that 75 per cent of the wheat produced in the North West must be transported to eastern markets. Within the time I have stated if the development which has taken place in the last five years continues, as it is likely it will, we shall have 300,000,000 bushels of grain to be transported to the markets or the ports of the east. Now, how is that going to be done? Can it be carried by the Canadian railways? Can it be carried by the Canadian railways, and the St. Lawrence canals combined? Is it going to be done by the railways even if they double their present

capacity? If the Canadian Pacific Railway were to double its tracks to Fort William, and the Grand Trunk Pacific and the Canadian Northern and other railways were fully equipped and in operation and a railway built to Hudson Bay could they transport that enormous output of grain? They cannot possibly do it.

Hon. Mr. SULLIVAN—How long will it take to build the Georgian Bay canal?

Hon. Mr. BELCOURT—At least seven or eight years. What better proof of my assertion is required than the figures I have given? The railways and canal combined in 1906 could only carry to Montreal for use there and for export 25,000,000 bushels out of 70,000,000 bushels—less than one-twelfth of what will have to be carried in a few years. Will the railways or canals, or both, be able to carry 300,000,000 bushels of grain in three or four years from now, when they could not carry more than 25,000,000 bushels of the harvest of 1906? And yet, to-day, there is at Winnipeg a large part of the crop of 1906 awaiting shipment.

Hon. Mr. SULLIVAN—The Americans complain of the Canadians taking away their trade.

Hon. Mr. BELCOURT—I think they are crying for the loss of very little wool, because we have taken very little of their trade. It might be said that I have picked out a year which would be favourable to my argument; but 1906 is just the other way. It was the best year in the transportation business in the history of Canada. The increase that year in the quantity carried by the canals was over 2,000,000 bushels and of the quantity carried by rail nearly 8,000,000 bushels, so that in 1906 the railways and canals carried 10,000,000 bushels more than were carried before or have been carried since. I think it is safe to say, therefore, that in less than five years it will tax the combined capacity of all the railways to move the grain crop to the terminals on the lakes, and that they will be unable to take more than a small part of it to the seaboard. The St. Lawrence canals, in 1906, notwithstanding their cheaper rates, and the removal of tolls, carried less than 15,000,000 bushels to the seaboard. They have been able to secure only a small portion of the export of our own grain; will they be able to carry any considerable quantity of the 300,000,000 bushels which we will be in a position to export by 1910, or, at latest, in 1912? I submit with absolute confidence that there is but one solution to the problem, but one way to meet the exigencies of the future, and it will be found in perfecting the navigation of the French and Ottawa rivers to the maximum depth of the navigation to the great lakes, namely 20 feet. Otherwise it will go the way it has been going, largely through United States channels.

Hon. Mr. CAMPBELL—I think the hon. gentleman said that 150,000,000 bushels of grain went to Buffalo; how much or that was exported?

Hon. Mr. BELCOURT—I cannot say; I have not those figures. The figures I have are that 4,300,000 tons, which is about 150,000,000 bushels, went to New York.

Hon. Mr. CAMPBELL—I think you will find that a large portion of that was not exported at all.

Hon. Mr. BELCOURT—I dare say. Some hon. gentlemen are disposed to question my statement that the railways cannot and will not carry this trade. I should like to quote some, to my mind, very convincing authorities on that point; and first I shall quote the remarks of Sir Thomas Shaughnessy. He is reported in the Toronto 'Globe' of January 19th, 1904, as follows: lows:

Waterways cannot be ignored.

Having discussed the development of the west to its present state. Sir Thomas proceeded to consider the methods of transportation east of Port Arthur. When the articles of production reach the head of Lake Superior what, he asked, are we going to do with them? How is it going to be arranged that such portion of the production of that important territory west of Lake Superior as must leave the country should pass through Canadian channels to Canadian ports for export? It was his firm conviction that we cannot and must not discuss the question of transportation east of Fort William without giving every consideration to our waterways —(applause)—which through the St. Lawrence canals, upon which we have spent millions, furnish a direct waterway from Fort William to the ship's side at Montreal, and there is no cheaper means of transportation than water transportation. It is of course slower and more cumbersome, and by reason of climatic conditions the canal season is shorter than the lake season.

But the Canadian canal system should be utilized to a greater extent than it is at the present time. The distance from Fort William to Montreal is, in round figures, 1,000 miles. The distance from the east end of Lake Nipissing—that is, North Bay—to Montreal is 365 miles; the distance from Midland to Montreal can be made 360 miles. Wheat or flour, or anything else in the nature of coarse products, can be carried by water at one-quarter the cost from Fort William to Midland or to North Bay that it will cost to carry the same traffic nearly 650 miles over the railway. Now, what sane man, said Sir Thomas, will assert that with that enormous difference in cost against rail transportation we should neglect our waterways?

A fat salary begging.

"I know," said Sir Thomas, "that a great many gentlemen who have given the subject a considerable amount of attention are of opinion that all rail transportation from Winnipeg to the seabord is quite feasible; that over a line properly built traffic can be handled so as to make it a feasible railway proposal. Some of them argue from wrong premises. I think I can say I know a railway company that will be glad to pay half a million dollars a year for the service of some individual if the figures they quote can be realized." (Laughter and applause.) Continuing, he said that while he would not be understood as saying one word in criticism of a project that will result in opening up a vast new territory and will be a factor in colonization, he was convinced that in connection with such project or in addition to it or apart from it, as may be thought best, if we are to get the best and most economical results in transportation, we must utilize these great stretches of water which Providence has provided.

Now, on the same question, here is what Sir Wm. Van Horne, who is no less an authority than Sir Thomas himself, says:

Never will the grain of the Canadian west be hauled to the Atlantic seabord voluntarily by any Canadian railway by a rail route alone. No railway will do it unless forced to do so. The harvest of the Canadian west will never be brought to the Atlantic seaboard by an all-rail route voluntarily, and I say this confidently and for publication.

On another occasion Sir William expressed himself this way:

I hope that in carrying out its big railway scheme, the Government will not forget the two most important things affecting its transportation interests. One is the rail and water route via Georgian Bay to tide water. The other, and by far the most important, is our ocean ferriage, which involves among other things the improvement and safe-guarding of the St. Lawrence route.

These are the views of gentlemen who are not only the most competent to express an opinion on the subject, but who might possibly be suspected of having some interest in expressing different opinions, because they are connected with rival transportation routes; but the proposition is so evident that it cannot be gainsayed. I could go and quote Mr. Roosevelt, whose expressions on that matter would carry great weight. While speaking on the subject of waterways generally, let me also say that to-day in the United Kingdom, in France, Belgium, Holland, Germany, Russia and the United States there are being expended in the work of making waterways probably $1,000,000,000. I mentioned these figures to show that the area of canals is now fully at hand.

Hon. Mr. GIBSON—Does that include the Panama canal?

Hon. Mr. BELCOURT—I think it does. Whilst on that subject, I want to speak of something I omitted. Senator Newlands of Nevada introduced just a few days ago in the Senate of the United States a Bill involving $500,000,000 for the construction of a canal paralleling the shores of the Atlantic and the Gulf of Mexico, in order to bring trade to the Gulf of Mexico.

Hon. Mr. POIRIER—That is through Florida, is it not?

Hon. Mr. BELCOURT—Yes, partly. It has been urged that instead of constructing this waterway, the St. Lawrence canals should be deepened. Personally I have no objection to the St. Lawrence canals being deepened. Not only that, but I believe the day is not far distant when they will be deepened. I believe the day is not far distant when it will require the St. Lawrence canals and the Ottawa waterway to handle the traffic of the Northwest. But I think the first thing that should be done should be the construction of the waterway, because the expenditure will be one-half less. Because the cost of this waterway will be $100,000,000. Mr. Wisner and other experts have given their opinions on the cost of deepening the St. Lawrence, and they state that it would require $200,000,000 at least. I have read their evidence given before the commission. One can readily accept these figures. In the Welland canal alone there are 27 locks to build over again, and on this route we only have twenty-seven altogether,

and the advantages of the Ottawa water route would be conclusive in its favour. The advantage in time via the Ottawa waterway is forty-eight hours over the other, and possibly 72 hours. I have the figures of Mr. Shanly and Mr. Wisner as well as to this. The deepening of the St. Lawrence would not offer the immense indirect advantages to which I have referred. The territory along the St. Lawrence is settled. The Ottawa waterway would open up a very large tract of land which is unsettled. It would open up northern Ontario and northern Quebec, and facilitate the great mining and lumber industries in that vast region and would permit of the utilization of immense water-powers. The deepening of the St. Lawrence canals would not do that. Another argument in favour of the Ottawa waterway as against the other is that the Ottawa waterway is well inland, and protected. It does not run alongside and parallel to the United States boundary, and this is no mere fanciful objection. It was dramatically illustrated not long ago. We all remember that a few years ago some miscreant attempted to destroy the value of the St. Lawrence canals by putting dynamite in one of the Welland locks. We have that fact. So that it is not a mere fanciful objection that I am making. The Georgian Bay route is shorter, better, cheaper and easier, and less exposed than the St. Lawrence route. Then in a very short time there will be plenty of traffic for both. Some people in the country have looked upon this project as sectional. Some have not enlarged their vision sufficiently to see in it a truly national undertaking; but if they will only consider for a moment that there is not one single province of Canada that would not benefit by it, they would realize that it is truly a national undertaking. Now let us see. The Maritime Provinces would have a larger business with their ports. It would increase their traffic and shipping industry. It would benefit their fishing trade. It would very largely benefit their coal mines. I need not point to Quebec, because the effect on Quebec is self-evident. The large cities of Montreal, Three Rivers and Quebec would have a very large increase in their traffic. The northern portions of Quebec and Ontario would, as I have pointed out, receive a very extraordinary development. It will cause the commercial supremacy to pass from the ports of New York and Boston to those of the St. Lawrence.

Hon. Mr. SULLIVAN—How many locks are there on the St. Lawrence canals and how many locks on the Ottawa and Georgian Bay route?

Hon. Mr. BELCOURT—There are 47 or 49 on the St. Lawrence route, and 27 on the whole of the Ottawa waterway.

Hon. Mr. SULLIVAN—There are seven more large locks on the Georgian Bay route than on the other.

Hon. Mr. BELCOURT—I have no doubt my hon. friend will demolish me when I am through; but I would rather he would defer the execution till I have concluded. As to Ontario, it would produce an extensive colonization, and would facilitate the development of the rich mineral districts in Cobalt and elsewhere. It would establish new towns and new industrial centres.

This waterway could not be of any serious detriment to the St. Lawrence canals which could always count on the traffic of eastern Ontario and a good share of the trade of the great lakes, and so far as western Ontario, I do not think it should be indifferent to this waterway. Anything that will add to the population of the province and its agriculture and industrial development, is going to benefit the city of Toronto. If the population of Ontario was increased by 500,000 or one million there will be so many more people to be served, and so many more people to whom goods will be sold, and the large wholesale dealers and manufacturers will find an increased market for their product. Therefore, the city of Toronto and the other Ontario western cities ought not to be indifferent to the construction of this waterway. On the contrary, it seems to me they should help it. So far as Manitoba, Saskatchewan and Alberta are concerned, the waterway is an absolute necessity. If they are going to get the best profit and benefit out of their immense agricultural industry, they must have some means of transporting their produce cheaply to the seaboard. Possibly the only province which will not derive a large benefit from it will be British Columbia.

Hon. Mr. POIRIER—What about Prince Edward Island ?

Hon. Mr. BELCOURT—They will have their fishing industry benefited by having new facilities for shipping supplied. Even British Columbia would derive some benefit. It would derive that benefit to which I have just alluded with reference to the western cities of Ontario. Another objection has been raised to making the expenditure necessitated by this waterway is that we are now engaged in the construction of the Transcontinental Railway. I voted in the other House in support of that project. I felt at the time that it was an absolute necessity, and the conviction has grown on everybody since, and it is now universal that it was an absolute necessity ; but to my mind the construction of this waterway is, to say the least of it, of equal importance and necessity with the construction of the National Transcontinental. It is true the Transcontinental is going to open up a large section of country and will facilitate the transportation of the products of the Northwest to the terminals ; but it is going to do but very little in the transportation of products from the west to the seaboard. I have not the slightest doubt that in a very few years it will tax the full capacity of our railways to handle the crop of the Northwest and of Manitoba, and to bring it to the terminals, let alone the transporting of it to the seaboard, and there is only one way it can be done, and that is by a waterway. It cannot be done by the St. Lawrence canals. The failure to do it has been established. It can never be done as long as those canals remain a 14-foot waterway. We are either going to do it by the Ottawa and Georgian Bay route or allow the United States people to secure it for ever. We all know what has taken place in the development of Montana, Minnesota, Dakota and Wisconsin in the last few years. The country west of the Mississippi was colonized in that time with 200,000,000 and yet they have a soil not so fertile as ours. What will be our population in twenty years ? It is a matter of guess and speculation; but it is frequently stated that the population of Manitoba and the two new provinces will be within that time ten or twelve millions. If it is ten or twelve millions in twenty years, how are existing transportation facilities going to serve the interests of that large section of the country ? Not the railways, as I have stated, and not the St. Lawrence canals. If we start building this waterway now, it will take at least seven or eight years before it is completed, possibly ten.

I should like before closing—and I am about doing so—to refer to an argument which was advanced the other day by the hon. gentleman from DeLanaudière. My hon. friend thought that a difficulty presented itself with reference to the jurisdiction and the ownership of the water powers along the Ottawa river, and according to him the contention may be raised that these water-powers are the property of the provinces, and that they may be a serious obstacle to the Dominion government making this canal a federal undertaking. I do not think it is a serious difficulty. I do not think there is any difficulty at all. The Ottawa river is a navigable river, and under the provisions of the British North America Act the jurisdiction in the navigable rivers is placed under federal power. Then again, under the British North America Act the trade and commerce shipping and navigation are placed exclusively within the jurisdiction of the federal parliament. The construction of a water way would be a necessary incident to the exercise of that power, and it has been held over and over again by the Privy Council that where the exercise of a federal jurisdiction involves interference with a provincial jurisdiction—in other words where the jurisdiction say in the matter of railways, involved a matter of property and civil rights, if that matter were merely a necessary incident of the exercise of a federal power, the federal parliament was fully clothed with sufficient jurisdiction to deal with the whole subject; but there is more than that in this case. The Ottawa river, during the time when the two provinces might have made objection, if they were so inclined—that is, when Ontario and Quebec were united—under the union the parliament of the province of Canada voted time and again large sums of money for the purposes of this canal. In other words, the province of

Canada, the predecessor in title of the Dominion of Canada, dedicated this river for the purposes of a canal. Between five and six hundred thousand dollars were expended alone between Ottawa and the Chats lakes for the purpose of making a canal. There has been a complete dedication of the Ottawa river for federal purposes. So that, to my mind, no serious question can arise as to the jurisdiction. Then, under section 108 of the British North America Act, the title to all the lake and river improvements made by the province of Canada was declared by the Act of Confederation to be with the Dominion, so that these works which have been built along the Ottawa river, the Grenville canal, the Carillon canal, the Chats canal, and works done at Ottawa, have all been placed by the two provinces, when they were united, under federal jurisdiction, and by the Act of Confederation these works have passed to the Dominion Government.

To refer again to the commercial advantages of this route and to what this trade means, let me here point out what it would mean to Canada to have the transportation of 300,000,000 bushels of wheat, which I expect we shall have to do in a very few years. At three cents a bushel, it would mean a revenue of nine million dollars. If we build those waterways in a very short time. Canada shall receive as a direct advantage from this waterway, nine million dollars in the way of transportation alone. And it does not mean that alone. It means that a very much larger sum will be expended in Canada on ships, on machinery, on coal, on wages and in transportation business generally. Now that is not any part of the trade of the United States. That is our own trade. Those figures are based only on our own trade. If, as I shall point out in a moment, we can secure a great deal of the United States trade besides, how much more will these figures be increased? Let us remember that the State of New York is now spending $100,000,000 in deepening by a few feet the Erie canal; that is from nine to twelve feet, so as to permit of ten or fifteen hundred ton barges being utilized. On the Ottawa waterway we shall have vessels carrying eight or ten thousand tons. It simply means that the railways have failed with us, to carry that trade. Now, in order to show that I am not romancing when I say that we are going to get a large portion of this trade from the United States, I shall read a few letters, originals, which have been written to the secretary of the Georgian Bay Canal Company. I have one here from the Plankinton Packing Company, Milwaukee, Wis. I cannot make out the signature, but that gentleman writes:

We have your favor of February 2nd and also maps and description of your proposed route.

In regard to your request for us to fill out blank enclosed, would state that it would involve considerable work to do this, and would state that we shipped during the past year approximately fifteen hundred refrigerator carloads of meat for export, worth about two and a half million dollars, and possibly the largest part of this could go on a favorable rate through the gateways you propose opening.

The Calumet Grain and Elevator Company, about the same time wrote:

Yours of the 18th inst. received and contents noted, and in reply will say that we ship during the summer months about one million bushels a month, the volume of which goes via Buffalo and the St. Lawrence, and we think a large proportion of this could be diverted via your route and we heartily wish you every success, and we will do all in our power to turn the business in your direction upon its completion.

The American Steel and Wire Company, write:

Of course any estimate of this kind, so far as we are concerned, would only be approximate. I should judge however if freight cars and all other conditions were satisfactory, we could move at least a minimum quantity of ten thousand tons of wire and wire products per annum via this route.

The North Western Consolidated Milling Company write as follows:

I am quite certain that a large portion of our tonnage would be so routed, provided rates are equal. The service via the Georgian Bay should in my opinion be far superior to any of the routes now existing. The time consumed between Lake Superior and Lake Michigan ports and the other side could be greatly reduced. The delays in transit accidental to shipping via American seabord ports is, and has been a great detriment to the flour trade. I should by all means advocate the completion of the Georgian Bay route with as little delay as posible. I am quite sure that such a route would receive liberal support from this section.

Then Swift and Company, a very large packing establishment in Chicago, write as follows:

Will say for your information the freight charges paid by this company at its western plants for the year was in excess of ten million dollars. If the canals are built and are

available for the kind of traffic we ship, we shall be very glad to avail ourselves of them. You can count on us to the extent of doing all we can for the new route.

Then Armour and Co. say:

This project is of very great interest to us, and we have no doubt that if this canal were constructed upon the plan you outline, an immense amount of business from Lake Michigan and Lake Superior ports would unquestionably be controlled by it. Large shipments of merchandise and grain, which whould be the principal tonnage affected, would, wthout doubt be drawn from Buffalo and Erie lake routes, as well as for all-rail routes to the Atlantic seaboard and the Gulf of Mexico. On the present adjustment of rates between Chicago and the East we are very close to Gulf competition, and as you doubtless well know, the change of a few eighths of a cent per bushel will divert grain from one channel to another, offering practically equal advantages. We are therefore fully satisfied that upon the completion of the proposed canal its more favorable rates, as compared with other routes will attract very large amounts of tonnage. As you well know, there is a total absence of sentiment in this business. If grain can be carried over your route one-eighth of a cent per bushel cheaper than by other routes, you will assuredly be masters of the situation. There is always a class of freight that cannot avail itself of water routes, such as high-class merchandise and perishable property which must necessarily be transported in refrigerator cars. The goods included in the latter class are, as you are aware, transported and handled on passenger train schedules. Regarding your question as to volume of freight that might be annually moved over the proposed canal, it is our opinion that the amount will be solely dependent upon its capacity. The new route will demand just as much of the grain business as it can properly take care of.

We hope that the above may be of some value to you and although it does not contain specific data as to the actual shipments of grain, or other property made by us, or by others largely engaged in such business, we are well satisfied that this omission will be entirely lost sight of the view of the much larger fact that the entire transportation business of the Great Lakes, with such slight exceptions as are noted, will without question avail itself of the superior advantages offered by you.

I have but one or two more quotations to make, and I have reserved one of them for the last, because it is, to my mind, a very significant one. This is an article, in a magizine called 'The Reader,' published in January, 1908, entitled 'Inland Waterways.' It is a very interesting article, which, I am sure, every hon. gentleman would be delighted to read. The language there in relation to this project is equally as strong as any I have used:

The mere writer has ever before him the temptation to become perfervid and sensational. His statement that the commerce of Manhattan is destined to be drawn off from the rear would carry little weight, perhaps, even though reinforced by the consideration that trade is cold-blooded and unpatriotic, and goes along the line of least expense. The committee on Railways and Canals of the Fifty-second Congress, however, had no temptation to overstatement. Listen to what it said: "On the day it becomes possible to send ships direct from the Great Lakes to the ocean by way of the St. Lawrence river, while they are unable to go by way of the Hudson, the scepter of commercial supremacy will begin to pass from New York to Montreal and the merchant marine of the United States, which has had a new birth on the lakes, will receive its deathblow from Canadian competition.

Then further on it says:

The farmers of the Mississipi valley find their hardest competitors in the Canadian Northwest. Winnipeg is the greatest wheat market in the world. The scepter passed from Chicago to Minneapolis, then to Duluth, and now has gone to the young giant of Manitoba. Last vear Winnipeg exported twenty per cent more wheat than West Superior and Duluth combined—and the flood of grain from the new northwest has only begun. One cereal competes with all the others. The grains of the Saskatchewan basin will displace the corn of the Mississippi valley; and when it goes to the sea in ships, while ours, if in American bottoms, must go in barges, shall we not be indebted to Canadian generosity if we stand on an equality with Canadian farmers? Let the Bently congressional report again speak more strongly than I should dare to speak; "When we come to compete" it says, "with men of our own race, with a soil just as productive, and with transportation facilities immeasurably superior, the farmers of our western states are going to have an agricultural depression such as they never knew before, unless our own nation shall give us a way to the sea so that our ships can go and come as freely as they do on the ocean." It is submitted that a barge canal, such as New York is now building, will not save the situation for either New York or the nation."

Further on it says:

The real strategic opening out of Lake Huron eastwardly and seawardly is by the projected Georgian Bay ship canal through the French river and Lake Nipissing—both noble bodies of water of ample volume. From the eastern shore of Nipissing it is a short portage to the Ottawa, a magnificent stream flowing right to Montreal with immense volume. To make this route navigable takes less actual canal construction than Canada has done on the St. Lawrence from Lake Ontario to Montreal—it is given at only twenty-nine miles. Most of the way is broad, open water. There are falls and rapids to pass to be sure, but so there were in the St. Lawrence. One can see no reason why this route should not be quicker, mile for mile, than the present way. A ship canal would bring seagoing vessels to every lake port, through British territory on a line so short that outgoing vessels taking it could be cleared from Montreal and on the way to the open sea before the Erie Canal

barge starting at the same time from the same place could reach Cleveland. Montreal is as near Liverpool as is New York. The Canadian route would save all the time and charges of the Erie Canal. the breaking of bulk twice, and, it would seem, could not fail to bring that revolution in favour of Canadian ports which the Bently report predicts. It would seem to be able to put both the Erie Canal and New York out of business so far as the great continental commerce is concerned."

This magnificent waterway, unequalled anywhere in the world, to the interior of this continent was blazed three hundred years ago by the French pioneers, who left their names, and some of them their blood and their bones as well, all along the trail. Is it not time that we followed their example, and in the blazed trail endeavour to ensure, as they did, for Canada and the Empire, the great and ever growing trade of the West and Great Lakes, to which we have every right by reason of our geographical and topographical situation? Is it not time that we profited by our incomparable advantages? Are we prepared to renounce this trade and allow it forever to be held by our rivals across the boundary line? If not, let us at once begin the work of completing at the earliest possible date, the Ottawa waterway.

Hon. Mr. GIBSON—I should like to ask the hon. gentleman one question. I tried to follow him as closely as I could, but I fail to understand whether the project is practicable or not. My hon. friend from Montreal proposed as a substitute for lack of water at the summit that they could pump water into the canal.

Hon. Mr. BELCOURT—There is no occasion for that. My hon. friend need not take my opinion. Evidently he was not in the House when I first began my remarks.

Hon. Mr. GIBSON—Yes, I was.

Hon. Mr. BELCOURT—I quoted Wisner, the American engineer, who had gone over the whole route, and examined all the surveys made by the company, and said it was feasible, and I further quoted the opinion of the chief engineer in charge of the survey made by the government, whose report will be laid on the table within a few days. He absolutely says that there is no engineering difficulty of any kind; that the necessary water is to be found in the French and Ottawa rivers and tributaries, and no necessity for pumping.

Hon. Mr. GIBSON—That being the case, I am sure it is a matter that should not be lost sight of by the House until such time as the government take up the matter and some official report is made that will be of value to the House and to the public.

Hon. Mr. BELCOURT—There was an interim report made by the department, which speaks of the feasibility of the route and sets that question at rest, but the subsequent report will, I am sure, remove any doubt that may exist on that point.

Hon. Mr. GIBSON—It is only after the surveys have been made and levels taken that we can obtain reliable information about the route. When the final report comes down, we shall know whether the route is feasible or not. It strikes me if we have to resort to the expedient of pumping water into our canal in order to make it workable, we shall have to go slow.

Hon. Mr. BELCOURT—I hope the suggestion of my hon. friend is not a case of the wish being father to the thought?

Hon. Mr. GIBSON—No, it is not.

Hon. Mr. BELCOURT—I am glad to hear it.

Hon. Mr. GIBSON—I am in accord with my hon. friend, provided we have reliable data before we start in with an undertaking of this kind. We are building a railway which will cost a hundred million dollars, and now it is proposed to build a canal which will cost the same amount.

Hon. Mr. FORGET—Plenty of room for both.

Hon. Mr. SULLIVAN—I congratulate the hon. gentleman on the fact that he has retained his audience till this hour, because to-day has been a very tiresome one. It was particularly tiresome to me, because we opened the evening session with a chapter of Horace. It was doubly complimentary to the hon. gentleman from Ottawa to have so many tired members remain in the Chamber all evening. I move the adjournment of the debate until to-morrow.

The motion was agreed to.

The Senate adjourned till three o'clock tomorrow.

THE SENATE.

OTTAWA, Friday, February 28, 1908.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

BANK OF WINNIPEG BILL.

REPORTED FROM COMMITTEE.

Hon. Mr. DRUMMOND from the Committee of Banking and Commerce reported Bill (19) An Act to incorporate the Bank of Winnipeg, with an amendment.

Hon. Mr. YOUNG moved that the report of the committee be concurred in. He said: This is merely adding another name to the number of provisional directors. In the Bill, only four were mentioned and the Act requires five.

Hon. Mr. GIBSON—The House is entitled to a good deal more information about this Bill. Its object is to charter a new bank, and, as every hon. member knows, the biggest and strongest bank in Canada is not any stronger than the weakest in the aggregation. As all the banks are responsible for this bank or any other bank that starts, ample time should be given to find out the financial strength of the promoters of the Bill.

The motion was withdrawn and placed on the orders for Tuesday, the 10th of March.

LONDON AND LANCASHIRE GUARANTEE AND ACCIDENT COMPANY'S BILL.

REPORTED FROM COMMITTEE.

Hon. Mr. DRUMMOND, from the Committee of Banking and Commerce, reported Bill (Q) An Act to incorporate the London and Lancashire Guarantee and Accident Company of Canada. He said: The amendments consist generally in adding to the amendment requisite before the company goes into operation, and all apparently in the direction of securing the interests of the public.

Hon. Mr. ROSS (Middlesex) moved that the amendments be taken into consideration on the 11th March.

The motion was agreed to.

THE QUEBEC BRIDGE AND RAILWAY COMPANY.

INQUIRY.

Hon. Mr. LANDRY inquired:

When does the government think that it will be able to lay on the table of this House the following documents, the production of which was ordered during the present session, at the dates mentioned hereafter:

(a) The winter and summer tariffs on the Intercolonial Railway for the years 1896-7—24th January?

(b) The details asked for on the subject of the additional subscription of $200,000 to the capital stock of the Quebec Bridge and Railway Company—29th January?

(c) The statement indicating the amounts paid to Mr. Simeon Delisle—30th January?

(d) The statement of amounts spent on the Deschambault wharf—4th February?

Hon. Mr. SCOTT—I laid on the table the winter tariff of the Intercolonial Railway. The others I have not yet received. I shall make some further inquiry about the motion.

BILL INTRODUCED.

Hon. Mr. SCOTT introduced Bill (BB) An Act to amend the Board of Trade Act. He said: The object of the Bill is to authorize the formation of boards of trade in large districts where it is shown by the increase of population that there may be another board of trade.

The Bill was read the first time.

ITALIAN CRIMINALS IN MONTREAL.

A QUESTION OF PRIVILEGE.

Hon. Mr. CLORAN—Before the orders of the day are called, and before many of us leave for the metropolis of Canada, I should like to call the attention of this House, on a question of privilege, to a report of the proceedings of this House which appears in to-day's Montreal 'Gazette.' I may say that although the 'Gazette' in its report of the proceedings of yesterday has not misrepresented, it may have exaggerated the import of the declarations made by the leader of this honourable House in regard to the condition of things in Montreal. I will read what the public press of the country has given to the people of Canada in regard to the city of Montreal.

The SPEAKER—Will the hon. gentleman state what his question of privilege is?

Hon. Mr. CLORAN—That the Montreal 'Gazette' has either misrepresented or exaggerated the statements made on the floor of this House yesterday.

Hon. Mr. SCOTT—I do not think the 'Gazette' has exaggerated in the slightest degree.

Hon. Mr. CLORAN—The House will decide when I read it.

Hon. Mr. SCOTT—It is not for the House to decide.

Hon. Mr. CLORAN—The 'Gazette' says——

Hon. Mr. POWER—I rise to a point of order. This is not a question of privilege.

Hon. Mr. CLORAN—He is at it again.

Hon. Mr. POWER—Yes, I am at it again. The hon. gentleman said, in answer to His Honour the Speaker, that he brought up a question of privilege because the statements of the hon. Secretary of State has been exaggerated in the public press. Thereupon the hon. Secretary of State said that the report in the 'Gazette' did not exaggerate. Now, where is the question of privilege? There is not any.

The SPEAKER—Of course I take it for granted that the report in the newspaper has been taken cognizance of by the hon. Secretary of State, who has informed the House that it is not exaggerated; so that this puts an end to the question. The hon. gentleman can only put a question as to the correctness of the report. He has done so, and has had his answer.

Hon. Mr. CLORAN—I accept the decision of the chair, and, in order to put myself right before the House and the country, I move the adjournment of the House. It is so easy to let things go without raising points of order, but when wisdom reeks, as the hon. senator from Saskatchewan said yesterday, from an hon. member of this House it is hard to stop the leakage.. The report in the 'Gazette' is one which does infinite discredit to the city of Montreal, and it is based on statements made in this honourable House. I do not deny the right of the Montreal 'Gazette' or any other paper to state what has happened in this House or outside of it; but I do deny them the right to exaggerate or misrepresent, and when I rose it was simply to ascertain from the hon. the leader of this House if his statements were exaggerated or misrepresented. We were only a few in the House last night when these statements were made. We have not yet received the revised edition of the hon. gentleman's statements. We cannot quote the unrevised edition, as the hon. gentleman has a chance to either cut out his speech or correct it; but here is a statement that goes before the entire civilized world, that Montreal is not able to put down crime, because the city is given to drunkenness, because the city issues too many licenses, and because the police do not enforce the laws. I, as a representative of the city of Montreal, cannot stand for such statements even coming from the hon. leader of this House, and I want him to understand that law is as much enforced in the city of Montreal as it is in the city of Ottawa with which he compared it last night. He said to the people of Montreal, if you enforce your laws the same as they do in Ottawa, you will not have such crimes committed. The crimes of which I spoke were of one class, not theft, debauchery, violation of any rights—I spoke simply of one crime, that of murder, and the hon. gentleman is evidently not acquainted with the situation. He does not know the character of the men I spoke of yesterday. He sought to put down my throat that I denounced the Italian people. Never have I done so, and never shall I do so. The Italian nation like all civilized people, has all that is good and great to uplift the human race, but amongst them as amongst others it has classes against whom society has to protect itself. What is the experience of Europe and other parts of the world in regard to immigration from Canada? Do we send thieves, thugs and assassins to the United States in the persons of our French Canadian people who go there? No, we send peaceable and industrious citizens, a class who are willing to observe the laws of the country to which they go to seek a living. That is the position, and when I ask this government to take measures to prevent the influx into this country of a criminal class of any nationality, the hon.

leader of this House, as a member of the government, has no right to throw into the face of the metropolis of the Dominion that we——

The SPEAKER—The hon. gentleman is out of order. He has no right on a motion of adjournment to discuss a previous debate.

Hon. Mr. CLORAN—Past history does not evidently count with the Senate. I accept the decision of the chair; but I tell the House and the Speaker that these decisions will rankle in the minds of members of this House for many a day. If we cannot compare the situation to-day with the past, where shall we get light? We look to the past for light, and the chair has decided that we cannot refer to past events. Then what is the use of living? What is the use of venerable senators here if we cannot refer to their past records and experience? Have we to rely on young kids that come to the Senate?

Some hon. MEMBERS—Order, order.

Hon. Mr. CLORAN—Have we to rely on such a new member as the hon. senator from Middlesex (Hon. Mr. Ross) the Hon. Mr. Derbyshire and others? I accept the decision of the chair. I shall not allude to the debates of the past, I shall let the dead bury their dead, and a good many living ought to be buried also.

Hon. Mr. BERNIER—Chloroformed.

Hon. Mr. CLORAN—The hon. member from St. Boniface, who is a disciple of Dr. Osler, says they ought to be chloroformed. But I shall not insist upon that, because the day may come when I will wear a crown with a silver rim; but I shall then know enough not to impede the impetuosity of youth, if you call it so. I will let them have their fling. But I am not prepared to endorse the suggestion made by the hon. senator from St. Boniface, to chloroform anybody. I believe it is against natural law and Divine law.

Hon. Mr. MACDONALD (B.C.)—I should like to ask the hon. gentleman why does the city of Montreal allow a murderous class to go about the city without disarming them?

Hon. Mr. CLORAN.

Hon. Mr. CLORAN—Because our parliament has not made the law sufficiently stringent to allow the police authorities the right to search. I am surprised that the hon. member from British Coumbia, who has been directing legislation in this House for the last 40 years, does not know that. Is he not aware of the fact that you must have a warrant signed by a magistrate to search a house? Is he not aware of the fact that a policeman cannot stop a citizen on the street and search him without a warrant? This is the experience of the past, that, under the decision of His Honour the Speaker, I am not allowed to allude to. When the chief detective of the province of Quebec and the chief detective of the city of Montreal went to the judges in the city of Montreal to ask permission to search these people, what was the answer they received? That the judges could not authorize the searching of people, because the law did not provide for it. But they said, and I believe they are right, the supreme law is the safety of the people, and the detectives undertook on their own responsibility to go into the streets of Montreal and search suspected characters. Within an hour, as I said last night—though I should not allude to a past discussion—they confiscated a cart load of stilettoes, revolvers and other weapons. The result was that, yesterday, six Italians were brought before the courts and tried on the charge of carrying concealed weapons. Five of them were condemned to the full penalty of the law, a fine of $50 and imprisonment for one month. To show the equity and justice that prevail in our courts, the sixth was let off, although he carried a deadly weapon on his person. Why was he let off? Because he had with his razor a piece of soap and a strop, and his lawyer urged that he carried the razor for shaving and not for killing purposes. That was sufficient for the magistrate to let him go scott-free, showing that wherever an opportunity occurred to administer justice, the court was prepared to do so. Now what was the result of these trials? As these men were leaving the dock, one of them immediately threatened to take the life of the recorder, and was about to do so when the police got word of it and made a rush to get the man; but

there were too many Italians in the court and the ruffian escaped, as they escape now, not through any negligence on the part of the police as was stated by the hon. leader of the House——

Hon. Mr. SCOTT—Why did they not do that ten days ago, and there would have been no murders?

Hon. Mr. CLORAN—They have been committing murders there for years.

Hon. Mr. SCOTT—The police did nothing in the meantime.

Hon. Mr. CLORAN—I shall not, as a citizen of Montreal, allow our police and civic authorities to remain under the stigma that they are derelict in their duty and that they commute crimes for $5 apiece.

Hon. Mr. SCOTT—That is true.

Hon. Mr. CLORAN—What the hon. gentleman said——

The SPEAKER—The hon. gentleman has no right to refer to a past statement made by the hon. Secretary of State.

Hon. Mr. CLORAN—The hon. Secretary of State said it just now.

The SPEAKER—He was answering an affirmation made by the hon. gentleman just now, but the hon. senator has no right to refer to the debate of last evening.

Hon. Mr. CLORAN—The debate of yesterday is dead, and now the statement is made that the police of Montreal commuted crime for $5 a head, and that is a calumny and slander upon the police of Montreal.

The SPEAKER—The hon. gentleman should withdraw that statement. He has no right to use that term.

Hon. Mr. CLORAN—The debate of yesterday is dead; but I can refer to any statement that is made here to-day. I want to keep within the rules of order which are very severe against free discussion. I say any statement that is made that the police of Montreal commute crimes for $5 a head is not a fact. It is against the fact and it is a slander against the police department of Montreal. I do not say that such a statement is made, but I say that any statement to that effect is a calumny. When a statement is made that the police commuted crimes for $5 per head and that the money is contributed to a fund, I say it is not in accordance with fact. I say that there is no such money contributed to a fund. When a case is settled out of court in Montreal the money is collected to liquidate the costs of the case and is not put into a fund, which anybody would infer was a fund for the protection of the criminal classes. I regret very much the decisions of this honourable chair will not only have a bearing upon this discussion, but will for evermore have a bearing on all discussions, limiting a public man to the discussion of one fact——

Some hon. MEMBERS—Order, order.

The SPEAKER—The hon. gentleman is entitled, by our regulations, to be informed of what I base my decision upon. If he will refer to Bourinot, page 467, he will find the following:

> But even this practice (moving the adjournment of the House), which is liable to abuse, has its limitation. No member will be permitted, on such a motion, to discuss an order of the day, or a notice of motion on the paper or a motion which was dropped owing to a count out, or what has taken place in a fordebate.

This is the practice on which we go.

Hon. Mr. CLORAN—I am trying to keep away from the former debate. I am trying to put the name of Montreal in a fair position before the Dominion of Canada. The press of this country has announced that Montreal is governed by dissolute men who do not enforce the law and who sell their responsibility for $5. It is put down to the bad management of the hotels and restaurants of the city of Montreal. Now, it is well known that what gave rise to a statement of that kind in the paper to-day is not founded on fact. The Italians are not frequenters of hotels. They are not men who get drunk. The Italians are men who kill in cold blood. They are not men who contribute one cent to the revenue of the hotel keeper. They are men who gather together and amuse themselves in their own way, and in their own way terminate their amusement by outrages which shock humanity. The Italians do not as-

sassinate when they are under the influence of liquor. They are too cute for that, they have too much care for their own skins, because if they were drunk they would not be able to escape, when killing citizens in Montreal and elsewhere. When they threaten the lives of our judges, mayors and contractors, when they kill one another on public works, when they kill people on the public streets of Montreal, is it not time to call attention to these facts and to ask this honourable House not to believe that because Montreal has four or five hundred licensed hotels that murder is rife there, and not to believe that the police are a purchasable body for $5. Now, I do not want such statements to stand uncontradicted on the records of our country. I do not want to have it said that our city is any more disrespectful of law and order than any other community. We have a population unparalleled in Canada, composed of citizens of all nations, classes and creeds, and we have led, as far as public life goes, a virtuous life. We have been a peaceful people, but for the past two or three years this criminal element owing, not to the action of the government in bringing them here or soliciting their coming, but owing to the needs of large corporations who wanted labour five or six years ago—owing to their needs I will not say their greed—brought in thousands and thousands of Italians without any inquiry as to their character or standing in their own country; without knowing whether they had been inmates of penitentiaries of their own land, and today those contractors are obliged to dismiss many of them. Why? Because they are intractable; because they will not render service that is expected of them in many cases, and the result is that Montreal, Winnipeg and Toronto have Italian quarters. There are not many Italians in Ottawa, and it is easy to enforce the law here where there are few; but in cities where they congregate in thousands, they are a permanent menace to society. I hold it is the duty of the government to take measures, and enact laws if the laws are not sufficient as they exist, to prevent the further influx of these criminal classes. I am not speaking of the Italians as a race, because the Italian people themselves suffer as much at the hands of their criminals as we do; but what I ask is that the government enact laws to prevent the further influx of this murderous class, and that the government, through its leaders, do not asperse the good name and the reputation of the city of Montreal.

Hon. Mr. ROSS (Halifax)—The hon. gentleman is repeating his speech of yesterday. The influence of the government is invoked to put down crime in the city of Montreal. If the city of Montreal has the most enlightened population of Canada with enlightened laws, it is their own fault that they do not enforce them. In one sentence we hear from the hon. gentleman the virtues and good qualities of the Italians. In the next breath we hear of the vices and crimes of the Italians in the city of Montreal, and that the criminals are shielded and protected by their own people. The hon. gentleman made one statement which surprised me, namely, that the judges cannot give authority to search houses. If so, the law in Montreal differs from the law in Halifax, because the police of Halifax can enter any house in the city and search to ascertain whether liquor is sold there without license, and such places are entered every day, and the offenders are fined if found guilty. If the people of Montreal wish to preserve law and order, there ought to be sufficient authority in the city to put down crime if it is more rampant there than in other cities of the Dominion; the same criminal law prevails.

Hon. Mr. DAVID—In view of the position which I hold, I wish to make a few remarks. The hon. Secretary of State had an absolute right to defend the government and show that they are not responsible for everything that happens in Canada, and especially in Montreal and to say that it is a question for the police; but it was not necessary, in defending the government, to assail the city of Montreal.

The SPEAKER—I would ask the hon. gentleman if he is referring to a past debate?

Hon. Mr. DAVID—I am referring to the speech which the hon. senator from Victria has just made, and I am speaking on the question of adjournment.

The SPEAKER—I merely draw the attention of the hon. gentleman to the decision I gave just now, that he cannot refer to a previous debate or to remarks which cover the debate of yesterday.

Hon. Mr. DAVID—Speaking in a general way, I hope that when a minister feels obliged to defend the government he will not find it necessary to attack the city of Montreal, especially when the attack is unmerited I have no objection to the hon. Secretary of State saying that there are too many licenses issued in Montreal. That is a question of judgment. He has a right to criticise the administration of Montreal, but not without some special reason. The hon. Secretary of State the other day excused what had been said by another minister of the Crown under certain circumstances, on the ground that he did not know exactly what to say and wanted to say something, and the Senate came to his mind. and he thought proper to amuse his audience by attacking the Senate. We say in French, when anybody wishes to attack some person that his is a good head to hit. The hon. Secretary of State believes that Montreal is a good head to hit. A head which one may strike as much as he likes. I was not here yesterday when the hon. Secretary of State spoke, but I am obliged to criticise the statement attributed to him that we have a body of police in Montreal who commute crime for $5 and it is an inducement to commit crime.

Hon. Mr. SCOTT—The hon. gentleman is not stating at all what I said. I mentioned a circumstance which occurred in Montreal about six months ago.

Hon. Mr. DAVID—The hon. gentleman was misled by certain papers. Accusations were withdrawn which had been made against a certain number of tavern keepers——

Hon. Mr. SCOTT—I referred to that fact.

Hon. Mr. DAVID—But it is a very different thing from what is reported in the debates. I see that the hon. Secretary of State is reported as having said that for the contribution of $5 to a certain fund, Italians were liberated.

Hon. Mr. SCOTT—I am quite sure I could not have been reported in a manner so absolutely different from what I said.

Hon. Mr. DAVID—I am glad the hon. Secretary of State denies having said such a thing, because it would be unfair and unjust to Montreal.

Hon. Mr. SULLIVAN—I only wish to say that when I appealed to His Honour the Speaker to call this gentleman to order, I declare on honour I did so in the interest of the hon. gentleman who, I thought, was transgressing the rules of the House. I thought he was attacking the Italian nation, and that I had a right to call him to order, and if the Speaker had acted upon my suggestion and insisted on enforcing the rules to the fullest extent, we would not be bothered with this discussion now.

The SPEAKER—I do not see the hon. gentleman who moved the adjournment of the debate in his seat.

Hon. Mr. YOUNG—The motion cannot be put if he is not here to put it.

The motion was dropped.

A CORRECTION.

Hon. Mr. DOUGLAS—I ask permission to correct the statement which I made yesterday. In the discussion on changing the rule, I referred a Bill which I had in charge in 1900 and which was amended, as I thought, in the Senate. This statement I made in perfect honesty. I had the honour of being chairman of the committee that drafted Bill 232, the one in question, and when it left the committee, the penalty clause for demurrage was not in the Bill. I have been living all these years under the delusion that the penalty clause was introduced in the Senate, and hence my statement of yesterday. Last night I took the trouble of looking up the history of both Bills in the Commons and Senate, and I find that I was in error, and that the clause was introduced in the Bill in the Commons. I make this explanation which is due to this honourable body. As to how the clause got into the Bill is a mystery, but I merely wish now to say that my statement was made honestly and in all sincerity; but it is not right that an incor-

rect statement should remain on record without being corrected.

SECOND READING.

Bill (AA) An Act for the relief of Andrew Walker.—(Hon. Mr. Frost.)

GRAND TRUNK PACIFIC BRANCH LINES COMPANY'S BILL.

SECOND READING.

Hon. Mr. WATSON moved the second reading of Bill (Y) An Act respecting the Grand Trunk Pacific Branch Lines Company.

Hon. Mr. POWER—This is a Bill as to which we should have some explanation.

Hon. Mr. WATSON—The Bill is very short. It is asking for an extension of time for building branch lines in connection with the Grand Trunk Pacific. Hon. gentlemen are aware that a Bill was passed some two years ago, giving that company power to build branch lines. They have not built any branch lines up to the present time. In fact I do not believe they have even commenced the construction of them, and they are now asking for an extension of time.

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

COPYRIGHT ACT AMENDMENT BILL.

IN COMMITTEE.

Hon. Mr. POWER moved that the House resolve itself into a Committee of the Whole on Bill (28) An Act to amend the Copyright Act.

Hon. Mr. ROSS (Middesex)—I should like to ask the hon. gentleman in charge of the Bill if this is really an urgent matter. I have had a good deal to do with copyright matters in my time. The declaration on the fly-leaf of a book is not a tedious one to read and it contains information which might be worth knowing to those who might be disposed to infringe on copyright or to get the privilege of using a copyrighted book. Under the old Act the declaration was 'Entered according to Act of parliament in the office of the Minister of Agriculture, etc.'

Hon. Mr. DOUGLAS.

The SPEAKER—I would call the hon. gentleman's attention to the fact that there is a motion to go into a Committee of the Whole. Does he wish to speak now or in committee?

Hon. Mr. ROSS—I can speak as well in committee.

The motion was agreed to.

(In the Committee.)

Hon. Mr. ROSS—I would ask the promotor of the Bill. What is to be gained by the proposed change? If I wish to publish a book which is copyrighted, when I look at the fly-leaf I find just the statement that it is copyrighted. I may not be familiar with the usages or the laws of the country, and may not know that copyright is under the control of the Department of Agriculture. Now, under the provision in the existing law, by referring to the fly-leaf, I can see at once that the copyright was entered in the Department of Agriculture.

Hon. Mr. POWER—I tried to explain at the second reading of the Bill what it means and why it was introduced. As it is now, every work that is copyrighted in Canada has generally on the fly-leaf these words:

Entered according to Act of the parliament of Canada in the year by A.B. at the Department of Agriculture.

That is the length of two whole lines of this Bill. It is proposed to substitute therefor the words 'Copyright, Canada 190—by A.B.' That is a little more than half of one line. The meaning of the two things are absolutely the same. When you say 'Copyright, Canada, 190—by A.B.' that says everything; and why should we use the long, complicated phraseology where a simpler phraseology would do, I cannot understand; and I may say that looking at a United States work I find that they use in Washington, the form which it is proposed to use here now, 'Copyright 19— by so and so.'

Hon. Mr. ROSS (Middlesex)—But that is American?

Hon. Mr. POWER—Yes. 'Fas est et ab hoste doceri.' If you get a good thing

from the enemy take it. I do not approve of American things always; but I think this change helps to make the matter clearer. It certainly saves space, and I assume that the member from south Toronto was acting on behalf of the publishers of Toronto when he introduced this Bill.

The clause was adopted.

Hon. Mr. BAKER from the committee reported the Bill without amendment.

CUMBERLAND RAILWAY AND COAL COMPANY BILL.

AMENDMENTS CONCURRED IN.

Hon. Mr. YOUNG, in the absence of Hon. Mr. Casgrain, moved concurrence in the amendments made by the Standing Committee on Railways, Telegraphs and Harbours to Bill (46) An Act respecting the Cumberland Railway and Coal Company.

The motion was agreed to.

Hon. Mr. YOUNG—I move the suspension of rule 24 (b) in order to permit the third reading of this Bill. The hon. gentleman from De Lanaudière asked me to make this motion. The Bill contains some very important legislation. In subsection 2 of the Bill, it refers to the purchase of lands, timber and coal, and it is of some importance to the company, that the Bill be passed at the earliest possible date. That is the only urgency. My attention has also been called to a mortgage which is legalized by the proposed legislation. The Bill is of more than ordinary interest to the company who is asking for this legislation. However, the matter is in the hands of the House.

Hon. Mr. WILSON—If they are not asking for unreasonable powers, I do not wish to obstruct the measure, but the mover of it has not shown any cause for urgency that the Bill should pass immediately, and the rules of the House suspended so as to enable that course to be taken.

The SPEAKER—If any hon. gentleman dissents, the motion cannot be made.

Hon. Mr. BERNIER—I will object to the motion.

Hon. Mr. YOUNG—Then I move that the Bill be read the third time on Tuesday, the 10th March.

Hon. Mr. SCOTT—In the meantime, nobody will look at the Bill.

The motion was agreed to.

BILL INTRODUCED.

Bill (102) An Act to amend the Winding Up Act.—(Hon. Mr. Scott.)

The Senate adjourned till Tuesday, the 10th March, at 3 p.m.

THE SENATE.

OTTAWA, Tuesday, March 10, 1908.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

PRINTING OF THE KING'S REGULATIONS.

INQUIRY.

Hon. Mr. LANDRY inquired:

To what class of military persons in the Department of Militia and Defence appointed to make gratuitous distribution of the Army Act and the King's regulations, of the United Kingdom ?

How many copies in all of each of those books are thus distributed gratuitously ?

Hon. Mr. SCOTT—The answers to the hon. gentleman's questions are as follows:

1. The Manual of Military Law, containing the Army Act, and the King's Regulations for the Army, are issued to all officers, warrant officers and staff, non-commissioned officers of the permanent force.

2. Eighty copies of the Manual of Military Law, 1899 edition (containing Army Act) were issued gratuitously, and forty-one copies of the Manual Military Law, 1907 edition (containing Army Act) have been issued gratuitously, and over 350 more copies are due for issue gratuitously, when received from England.

CONSTRUCTION OF A RAILWAY TO HUDSON BAY.

MOTION.

Hon. Mr. DAVIS moved:

That in the opinion of the Senate the government should on account of the rapid development of western Canada, and the continued inadequacy of existing transportation facilities take early action towards the construction of a railway to Churchill on Hudson's bay.

He said: This resolution has been standing on the order paper for some weeks, but it was not my fault that it remained there so long. It is a subject on which we require information, which I have been endeavouring to obtain, and for that reason have had to postpone the motion from day to day. This matter has been discussed in the Senate and in the other House on different occasions—that is, with reference to a route to the Hudson Bay. For several years this question has been brought before the parliament of Canada and before the legislature of Manitoba, and has been discussed largely by public bodies in the new provinces of Saskatchewan and Alberta. We in the west have come to the conclusion that a great deal of the information with reference to the navigability of Hudson bay and straits, furnished in years gone by, was unreliable. I therefore ask the indulgence of the House to discuss this question again, because as years go on we are getting new light upon it. Up to a short time ago, an impression prevailed in this country that Hudson bay was a great inland sea of ice. The only source of information until recent years was the Hudson Bay Company, who had a complete monopoly of the Northwest and also of Hudson bay. For reasons best known to themselves, their officials were not anxious to furnish correct information with reference to this route, since it might have a tendency to open it up for transportation purposes. The same remark applies to the prairies of the Northwest. What are today the three greatest agricultural provinces of the Dominion, and the portion of Canada bound in the future to make the Dominion a great nation, were represented by the officials of the Hudson Bay Company, and others interested in preventing them from becoming settled, as being practically uninhabitable. They represented Manitoba, as a huge swamp, and Saskatchewan and Alberta as territories in which it was impossible to grow anything, or for civilized people to live in. In the course of time, explorers entered that country and their report dispelled the mist and let in new light, and we know the results. What were represented to be swamps and plains incapable of sustaining population are today the richest parts of this great country.

Hon. Mr. DAVIS.

Hundreds of thousands of people are settled there and are prosperous. Ten or twelve years ago immigration to that country began at the rate of some ten or fifteen thousand per year; now the stream of population has increased to two hundred thousand and is steadily growing, so that in a short time the three great agricultural provinces will become great hives of population. For some years they have been producing enormous quantities of grain in that country. Last year we met with a very bad season; it was bad not only there but throughout the whole of the western states, and, in fact, all over the continent. In some parts of eastern Canada, the farmers found the season anything but profitable. There is a wrong impression about the crop in western Canada last year. In the part of the country in which I live, northern Saskatchewan, we had a magnificent crop. The average yield was not so high as in former years, but the grain was good. While at times, in the west, we may have partial failure, the country is too vast, and too many people are producing there ever to have a general crop failure again. For nine years traffic has been congested every year, and the farmers have been unable to get their grain to market. Now, transportation is something on which the welfare and development of the country depends. Although transportation routes are being opened up in many directions, they are not being built fast enough to keep pace with the increasing development of the country. Congestion of traffic will continue just as we have had it for the last nine years. You may build a few hundred miles of railroad every year and open up your National Transcontinental Railway, but while you are doing that, settlers are pouring into the fertile plains of the Northwest increasing the annual production of grain, and furnishing freight faster than facilities can be provided to carry it to the markets of the world. I venture to say that as soon as the Grand Trunk Pacific, which is now under construction, is completed, it will have all it can do, and it will be impossible for them to carry the products of the country to the seaboard as rapidly as the production increases. We have been discussing the Georgian Bay canal project. That is

a very worthy subject of discussion, and perhaps, in the next ten or twenty years something may be done in that direction; but the cost will be so enormous that I think the people will pause, particularly in view of the work the country is now undertaking, before they rush into that expenditure.

Hon. Mr. POWER—Hear, hear.

Hon. Mr. DAVIS—This is a different proposition altogether. We are not talking about building a canal that is going to cost two hundred million dollars. This proposition is simply to build a small piece of railway, only 470 miles, from the Pas on the Saskatchewan river to Hudson Bay, because the Canadian Northern Railway, at the present time, have their steel laid to the Pas, and it is just about 470 miles from there to the Hudson bay. That is not a great undertaking—not much further than from Port Arthur to Winnipeg, and there are two lines of railway constructed there, and the Canadian Pacific Railway is busily engaged double-tracking their line, which will mean practically three lines of railway between Port Arthur and Winnipeg in the near future. So that the 470 miles which would be required from the Pas to Churchill is a small undertaking, and I think I am able to prove to the House conclusively that the saving to the farmers of Western Canada on their crops last year if that route were open, would produce sufficient money to construct the road, if built as a government undertaking. Some people may think that the westerners are a little too grasping in the way of wanting large undertakings to be built for their benefit; but I think in Canada we have all got over, or ought to have got over that period in which sectionalism—as was the case in years gone by— was such a detriment to the country. Whatever is done is done for the public good. You cannot construct a railway or any other public work in Western Canada without doing something to benefit Eastern Canada; and if you construct a work in Eastern Canada, you are benefitting Western Canada. We must put aside sectionalism, and consider these questions from a national standpoint. This is a national undertaking, and if we can prove that the Hudson Bay and Straits can be navigated at least four months in the year, I think the government of Canada should take the matter into consideration, and proceed as rapidly as possible to open up and develop that route. As I have said before, prosperity in the west means prosperity in the east, because if you put the farmers of the west in a position that they are going to get fifteen cents a bushel more for their wheat, or eight dollars per head more for their steers, they will have more money to purchase the manufactured articles produced in the east, because we in the west manufacture nothing, and it will be years and years before we become a manufacturing people. We are agriculturists, and have to depend on the eastern portion of Canada for anything we obtain in the way of manufactures. There is no question that the world is looking at Western Canada at the present time. The Hudson Bay project is not only popular in our own country, but it is also popular in the United States, whence we are drawing a large part of our immigration at the present time. The country to the south is looking forward to the opening up and development of the Hudson Bay. Charters are being asked for by corporations in the United States. I see in some of those charters names of representative men with considerable means, who are asking the right to construct railways from the Pacific coast to the Hudson bay. When capitalists are prepared to put their money into an undertaking as large as that, I think there should be no hesitation on the part of the government of Canada in putting money into the construction of 470 miles of road, as an extension from the point to which it is now constructed, to Hudson bay. It has been said with reference to Hudson bay, that with only four months of navigation in the year, it would be impossible to make a railroad of that kind pay; that you would have to store your grain at Churchill during the winter months. But I wish to point out that we are storing grain at Port Arthur at the present time. The larger portion of the grain produced in western Canada to-day is stored at the head of Lake Superior, at Port Arthur and Fort William, and has to remain there for the winter months, until navigation opens, before it can be marketed. So that if some of it had to be stored at Hudson bay, we would be in the

same position as to winter storage as we are at the present time on the great lakes. The only difference is that at the present time we store grain at the head of the lakes, a thousand miles from ocean navigation, while if we stored it at Hudson bay, we would be storing it at tide water, where it would be as close to the markets of Liverpool and the world as it would be if we stored it at Montreal or Quebec. One of the arguments advanced against the proposition is that the enormous amount of rolling stock which would have to be used during the fall and the latter part of the summer in moving the grain and cattle out of the west, would be useless in the winter. I venture to say that if we are going to store our grain at all, a great deal of that rolling stock will be used in hauling grain down to Hudson bay or to Churchill, just the same as it is used in hauling grain to Port Arthur at the present time. Then again, supposing we had to move the rolling stock off, any person who knows anything about railway transportation must see that it is not a very serious matter to remove a few trains of cars 470 miles. We could remove all the rolling stock off the Hudson bay branch in a day and a night, and put it on the main line and use it there, whatever company it was, supposing the Canadian Northern or the Canadian Pacific Railway operates the road; because, after all, what the people of the west would prefer is that the government should build the road, but not operate it. I would suggest that they build it and lease it, and give running powers to all the roads on that 470 miles. In this way they would realize sufficient to pay the interest on the bonds, and also probably would realize a small amount towards a sinking fund to meet the bonds when they became due. With reference to the country through which this road runs, up to a few years ago the impression existed that the whole district north of Saskatchewan was useless. I think that that idea has been dispelled by the evidence taken before the committee last year, and by the explanations of the officials sent out by the Geological Department to explore the northern part of Saskatchewan. It was found that the country lying between the Pas and Hudson bay is not the kind of country that we supposed it to be. There is any amount of good land there, and minerals and fish. There is also sufficient evidence to prove that a colonization road would pay; even if this 470 miles were built merely as a colonization road, the government should undertake it to open up that portion of the country, apart from the opening up of a new route to Europe via the Hudson straits. We have been collecting evidence in the last few years, and I will ask the indulgence of the House to place some of this evidence on our official report. The benefit of the Hudson bay route is set forth in the following language:

Canada's greatest inland sea, called Hudson bay, gives the west tide water in the meridian of the Mississippi valley. A glance at the map shows that the shortest route from the centre of Canada's grain fields to the world's markets is via the Hudson bay and strait. Churchill harbour is as near the central point of the wheat area as the centre of that area is to the head of lake navigation; and it is about the same distance from Liverpool as is Montreal.

The Canadian Northern Railway is now at the Pas on the Saskatchewan river, and from there to Churchill is some 480 miles. With that distance spanned, Winnipeg, which is, via the Canadian Pacific Railway, 1,422 miles from Montreal, would be within 945 miles of Churchill. Brandon is 1,555 miles from Montreal, from Churchill 940. Regina is 1,780 miles from Montreal, from Churchill 1,200. Medicine Hat is 2,082 miles from Montreal, from Churchill 1,500. Calgary is 2,262 miles from Montreal, from Churchill 1,682. Prince Albert is by the shortest rail routes, 1,958 miles from Montreal, from Churchill some 717. Edmonton is, by the shortest rail routes, 2,247 miles from Montreal, from Churchill 1,129. And these distances by rail to Churchill are measured over existing railways that were built for carriage east and west. With a railway from the Pas to Churchill, roads would be built over the shortest routes between important centres and that port. With a direct connection between Regina and the Pas the distance to Churchill from that centre would be 774 miles, from Medicine Hat it would be 1,076, from Calgary 1,256 miles.

Churchill is 2,946 miles from Liverpool, while Montreal is, via Belle Isle, 2,761 and via Cape Race 2,927, and New York by the northern route, is 3,079.

There can be no question that, if the route via the bay and strait be feasible, it should be availed of; for its utilization would effect an average shortening of a thousand miles in the distance between the wheat fields of the west and the Atlantic seaboard, without increasing the ocean distance to the world's market.

It is absolutely necessary to the Northwest for the following reasons:—

The average saving in rail transportation for Manitoba, Saskatchewan and Alberta, via

Churchill, as against Montreal to Liverpool, would be 970 miles.

The distance from Churchill to Liverpool is 2,946 miles. From Montreal, via Belle Isle, 2,761 miles. From Montreal, via Cape Race, 2,927 miles. From New York, 3,079 miles.

The freight upon grain from the wheat belt to Hudson bay would approximate 10 cents a bushel, the same as to Port Arthur; the additional 15 cents from there to the Atlantic seaboard would be saved to the farmer, and this, of itself, represents a fair profit to the wheat grower. Assuming an export trade of 20,000,000 of bushels, which can easily be handled in two months of the season by the proposed railway, the saving of 15 cents a bushel, being the difference in cost of freight from Port Arthur to the Atlantic seaboard, would amount to $3,000,000.

A very important feature in connection with a railway which secures quick access to the sea is with relation to the shipping of cattle to the European markets; this great industry is at present seriously handicapped in consequence of the long journey to be endured under present conditions. It is admitted as a well recognized fact, that cattle shipped to the Atlantic coast arrive at the shipping port in poor condition, emaciated by long days of rail travel. It is also admitted that on the sea journey they gain rather than lose in flesh, if put on board in good condition. Experience proves that after three days of rail travel cattle will deteriorate; that three days is about the limit of the time during which they can travel and maintain the condition in which they are placed on board. This being so, cattle could be transported to Fort Churchill without loss in flesh, and the voyage to Liverpool would improve this condition rather than the contrary. Therefore, this great industry alone would find in the Fort Churchill route a solution of the difficulty under which those engaged in the business of cattle shipping now labour.

Mr. F. W. Peters, assistant freight traffic manager of the Canadian Pacific at Winnipeg, states that up to the end of October, over 72,000 head of cattle had been shipped to Liverpool from western Canada, and he expected a further 10,000 head to be shipped that season. The freight rate on these cattle would be about 60 cents a hundred pounds in car lots from Winnipeg to Montreal. The rate from Calgary to Fort Churchill would be about the same as to Winnipeg, and the distance about equal, so that this 60 cents a hundred pounds could be saved to the shipper if he could put the cattle on board at Hudson bay, and he would also prevent the shrinkage which would otherwise occur, by reason of the additional rail journey from Winnipeg to Montreal.

Upon the 82,000 head of cattle shipped to Montreal from the west during the past season, the saving in freight alone, $6 a head, or in round figures $650,000, would be equal to about 20 per cent of the selling price.

Now, as a matter of fact, that is one of the greatest difficulties that the cattle raisers in the west have to contend with. The saving of $8 per head in the cost of shipping cattle by the Hudson Bay route over the cost of transportation by any existing route, does not represent all the saving. There is a great loss from shrinkage when cattle are carried for days by rail. I have shipped cattle myself, and know what I speak of. When they are kept on cars for a week or longer the shrinkage amounts to a considerable sum, so that instead of saving $8 per head in shipping by the Hudson Bay route, the cattle raisers of the west will save about $12 on every head they send out by Hudson Bay.

To reach this waterway it is necessary only to build 480 miles of railway. That is not an extensive undertaking, nor is it in the nature of an absolutely new enterprise. Years ago Canada embarked upon the project of rail communication with the bay. Not only were charters granted, but a special provision was made by parliament for giving a particularly large land grant in aid of the construction of the road. The grant has been made in part, and as a result we have a railway from Winnipeg to Erwood and beyond, and in course of construction an extension to the Pas. The very purpose of the grant was to secure construction to the bay. There is no justification for stopping at the Pas. Having gone so far, and having paid so liberally for the commencement of the work, we should not stop within less than five hundred miles of the point we set out to attain. The policy of reaching the Hudson bay waters and utilizing them as a route to Europe has been entered upon. The question now is simply as to the completion of that policy.

From the reports that we have of the country between the Pas and Churchill it would appear that there are no unusual difficulties in the way of railway construction; and that the territory is not without resources.

It would seem that, after the Saskatchewan is spanned at the Pas, the construction of a line of railway to Churchill would not be unusually difficult or expensive. And from the reports it would appear that there are in the intervening country stretches of fair timber, and waters replete with fish; that in a part of it wheat has been grown, and that vegetables commonly thrive.

The total mileage of the route explored is 690 miles. It is estimated that the length of the line along the route explored from Churchill to Le Pas for the construction of a railway would be 474 miles.

From the above exploration I made of the country, a good railway can be built at a reasonable cost, almost anywhere close by my proposed location. What is absolutely necessary is good drainage, the country having so little slope; the closer one follows the rivers, the cheaper the drainage of the line will be.

Mr. McInnes stated that he has been employed in the Geological Survey since 1883. The regions in the west with which he is familiar, first the district between the Saskatchewan and Split lake on the Nelson, a country which he was over last summer, and secondly, the region lying between the west coast of Hudson bay and the northern part of Ontario, Lake Nipigon and the Lake of the Woods.

The whole region from Split lake to a line of about forty miles north of the Saskatchewan is a clay covered country.

The witness passed through this country, went by the Burntwood river and came back by part of the Grassy river, and made a number of excursions inland between these two rivers. After leaving Split lake, ascending the river, this clay covered country shows absolutely no boulders and no gravel. Even the shores of the lakes, until you reach a height of about 800 feet, show no gravel bars at all.

There is absolutely nothing to interfere with the cultivation of the soil there. It is a country that has been burnt over. Witness assumed that the Burntwood river got its name that way. It has been subject to repeated burns. At the present time it is covered by a very open forest. Grasses grow fairly luxuriantly. There are two species of this, blue joint grass and a wild rye, that are the prevailing grasses. He understood, though he is not very familiar with those grasses himself, from Professor Macoun, that these are very excellent meadow grasses and make excellent fodder.

Mr. McInnes left Norway House in the second week of June and made the circuit and came out at the Pas on September 6, so it was June, July and August he was there. He saw grass growing from eighteen inches to two feet high.

The witness computed the area of this country at about 10,000 square miles. He does not mean to say that all of that ten thousand square miles is good land, but the basin characterized by this deposit of clay has an area of about ten thousand square miles. It is bounded on the north by the Churchill river. The witness was at about the center of the basin. The Indians told him it extended north to the basin of the Churchill river. Beyond that, northwards, instead of clay you get sand and gravel.

Starting at the Pas and proceeding towards Churchill the witness first passed through about 140 miles of country underlayed by the flat limestone of northern Manitoba. He walked for miles over hills of almost bare limestone with hardly any soil. Beyond that—that is above the contour he had spoken of where this clay was deposited, there is about 170 miles to Split lake, possibly in a straight line about as the railway is projected, that is characterized by these clay deposits.

All the timber between the head of the Little Churchill river and Churchill is reserved for fuel purposes. The pulp wood belt as estimated below, begins at Split Lake and extends to Le Pas, ten miles in width on each side of way proposed for route of Hudson Bay railway. On this area, assuming one-sixth to be covered by pulp wood, the balance being river, lakes, ponds, swamps, &c., and assuming 10 cords per acre of an average of 6 inches in diameter, there would be 5,756,660 cords. This is a very low, but safe estimate.

Mr. McInnes explained that the forty miles of limestone he spoke of as having passed over north of the Saskatchewan is an excellent stone for building purposes. It has a large proportion of magnesia, perhaps 45 per cent. But it ocurs in regular layers and can be got out in thicknesses from a foot up to six feet and in blocks of any size.

Asked as to the size of the Dubawnt lake, witness explained that he travelled around one side of it for about 150 miles, but the other shores were not visible from that side. Nobody knows the full size of that lake. The south and east shores, as shown on the map, are just an imaginary sketch. Standing on the hills on the west shore the witness could not see the east shore, though the hills on which he stood were several hundred feet high. It is a large body of water. The map merely shows the lakes that are known. There are thousands of others that we know nothing of, because nobody has been through there. Some of the larger ones are sketched in. The witness sketched in many, from the reports of the Esquimaux, and they still appear as he so sketched them on the map. The whole country is studded with lakes.

South of that again is a belt of forest. That country is essentially suited for agricultural purposes. It starts on the east between Lake Winnipeg and Split lake, and extends westward along the Churchill river to the Athabaska river, which is as far as witness knows. The eastern side of the tract in question would be the Nelson river. He was not east of the river—with the exception of about 20 or 30 miles. He does not know the country. That belt of forest is for the most part excellent agricultural land. As far as the observation of witness goes, he believed that that country, while a little harder to settle up, and not so productive to settlers who are going in and looking for farms ready made and cleared for them and ready to put the wheat in, that forest belt will be as fine an agricultural tract of land as there is in the northwest.

Everywhere in travelling through it, the evidence of rich vegetation was abundant, and everywhere where gardens or any kind of agriculture or horticulture had been attempted in this forest belt it had been eminently successful.

It is a forest country, a spruce covered country, and is southwest of Hudson bay and the Nelson river, north of the Saskatchewan river and extends to the Mackenzie and Athabaska rivers. It would be about 200 miles wide from north to south. Witness did not remember the length of it. It is similar land to Ontario, except possibly down in the southern peninsula of Ontario.

The summer is warm. The winter does not count, because things do not grow in winter. There is a good rainfall. A small part of the district is park country, half wooded. It is a continuation northward of the Saskatchewan country.

Mr. Tyrrell said he had seen growing in that country all the garden products that they grow in Ontario—potatoes, carrots, turnips, cabbage, cauliflowers and all the ordinary garden produce. He saw excellent potatoes in the district around Nelson House. He could not say what time they were planted, because he was not there.

The Indians, constantly in hunting, plant little patches of potatoes here and there in the spring and leave them all summer and go back in the fall and dig them up when they go back to their hunting grounds, and use them for their winter supply. The witness had gone out and dug a pail of beautiful potatoes on several occasions out of these little Indian patches buried in the woods.

They had never been hoed or cultivated in any way. They are not looked after from the time they are planted in the spring until they are dug in the fall. The potatoes seem to be able to grow sufficiently to keep down the weeds. As a protection against wild animals these potato patches are usually planted on islands. Witness had not actually seen wheat, barley and oats grown in that country. He had fairly good evidence that they are grown there, but as far as he remembered he had not seen any himself. He had been told and believed that they grow there.

There is no doubt whatever that the country described will support quite a thick population.

North of Lake Winnipeg there is another magnificent area of from five to ten thousand square miles of as fine country as there is in Manitoba or anywhere else.

That is on the proposed line of the Hudson bay railway. When the witness came out there a number of years ago, after spending a summer there, and said there was a rich agricultural country north of Lake Winnipeg. the Hudson bay men and the people of the southern country pooh-poohed the idea. They said they had been up at the head of the lake and knew there was not a foot of good land there. But there is a magnificent stretch of country there, and it extends westward along the Churchill. These lands north of Lake Winnipeg are clay lands, an extension of the same basin as the Manitoba clays.

Mr. McInnes gave particular attention to the question of climate, which he rightly considered of 'vital importance in connection with this region.' He kept a careful record of temperatures, and from the time it was 'begun on the 19th June until the night of the 29th September, when the thermometer fell to 26°, there was no frost that affected even tender vegetation. On the night of the 10th of August the temperature fell to the freezing point, but did not get low enough to do damage, at least in the valley of Grassy river, though some of the potato vines on the summit of the high ridge north of the Pas were slightly touched.' He was convinced that the 'district is not at all too cold for general agricultural operations.' The longer daily duration of sunlight in these high latitudes must be taken into consideration and for purposes of comparison with more southerly localities yearly averages of temperature are of no value. A region lying in a higher latitude, though showing a lower yearly average temperature, may during the growing months, owing to its longer hours of sunshine, have quite as good an average.' His record showed that 'during July the temperature at 6 o'clock p.m. was equal to or higher than the noon temperature on fifteen days; during August on nine days and during September on eight days, and the 6 p.m. averages for these months were lower than the noon averages by only 1°, 1½° and 2° respectively.

For the purpose of comparison, Mr. McInnes procured from the director of the Meteorological Service at Toronto, an abstract of the past summer's temperatures at Minnedosa, Stony Mountain, Hillview and Brandon, and comparing them with his record he concluded that the country along the route of the proposed railway to the bay is 'conspicuously warmer than the same latitude four hundred miles further east.'

We are often told of the severity of the winters in that northern country, but people forget that we do not grow anything in the winter months. It is only in the summer months there is any growth, and while the season is shorter there than in more southern latitudes, the longer days of sunshine make up the difference. That accounts for the fact that we can grow grain so far north. Take the experience of last year. Prince Albert is two hundred and fifty odd miles north of Regina, and wheat is grown eighty miles north of Prince Albert, grain of a better quality, I venture to say, than is grown at Prince Albert. Last year we produced excellent wheat at Prince Albert and north of Prince Albert, while the wheat at Regina was frozen. Around Prince Albert we have a country which has been settled for some time and have been growing grain for years. We have not had frozen grain in the last fifteen years. Any frost that we experienced was in the early years of settlement, but we have had no trouble from that source of late. We have been told that the climate north of the Saskatchewan is so severe that people cannot exist there in the winter season, yet people travel up and down between the Pas and Hudson bay right along. This winter men with their wives and little children have travelled by means of dog trains all through the winter. If the country was as cold as we have been led to believe, that would be impossible. If you were to talk to any one in Ontario of travelling hundreds of miles with women and children in the depth of winter with dog trains between Quebec and the Georgian Bay, you would be told it was impossible, yet that sort of travel goes on all through the winter between Hudson Bay and the Saskatchewan, and no party has ever been frozen. The mounted police travel through there regularly, so the idea that it is such a cold climate that people cannot live there through the winter is exploded.

During last January and February Constable Seller, of the R.N.W.M. Police, made a trip from Churchill to Winnipeg. He followed the left bank of the river for some twenty-five miles, then crossed to the mouth of the Deer; and after following that river a short distance took a southwest course. striking a large lake.

During the whole trip, the constable reports 'splendid weather.' From his records of thermometer readings it appears to have been about zero on 2nd January, the day he left barracks at Churchill. On the 5th it was 25° below and on the 7th it was 10° above. The lowest record is for the 17th, 'from 55° to 60°. But the 9th of February is noted as warm. The depth of snow for the first two hundred miles was 'hardly eighteen inches'; but thence to Norway House 'it was very deep.'

The view of the Rev. Dr. John McDougall :

Rev. Dr. John McDougall, a pioneer missionary of the west, thus describes the country to the south of Split lake : 'There are but two seasons there—summer and winter—each fitting into the other with little or no spring or fall. This, to a large extent, does away with the broken weather which is so often experienced in the east at the changing of the seasons, and makes the conditions more favourable for settlement. The winter is steady and pleasant, and although cold, is not nearly so severe as is generally supposed. In fact, the climate is far more moderate than in southern Manitoba, the home of 'No. 1 Hard' wheat. The summer begins early and the growth and vegetation are almost of a tropical character. This is attributable to the longer hours of sunshine that prevail and to the proximity of streams of living waters everywhere in the district, each of which is conducive to plant nourishment.

There is considerable rock throughout the section, which indicates in the near future, a season of development for the mineral prospector, but there are also countless acres of good land which can be easily made to yield fruitful returns to the farmer, as has been the case southward in Manitoba and westward in Saskatchewan and Alberta. The soil is o clay sub-strata with sandy loam on the surface, and, although wooded to a considerable extent, is a far more enticing agricultural proposition than that which faced the early settlers on the bush farms of Ontario and other eastern provinces fifty years ago; and, with the advent of railways, a better market than the eastern settler had would be always available. The district in which are situated Norway house, Cross lake, Oxford house, Island lake, Nelson house, and Split lake, covers a wide area, and at each of these places garden vegetables and grain for personal requirements have been successfully grown for a term of years. Summer frosts are practically unknown and the germination of vegetation, owing to the long hours of sunshine, is exceedingly rapid.'

Meteorological Office,
Toronto, March 9, 1907.

To J. B. Tyrell, Esq.,
Toronto.

The temperature conditions of the district between Lake Winnipeg and Split lake in the several months, May-September, may be compared with Europe as follows :—

May—50°-40°, with north of Scotland and southern Norway.

June—56°-54°, with Scotland.

July—63°, with south of England.

August—57·5° to 55°, with Scotland.

September—50°-45°, with northern Norway and Sweden.

(Signed) R. F. STUPART.

Hon. Mr. DAVIS.

The several reports of Dr. Robert Bell, F.R.S., who spent much time in and about Hudson bay by making scientific observations, may, in so far as they refer to navigation, be thus summed up ;

Both the bay and strait are remarkably free from rocks and shoals. The groups of islands near the east side of the bay are surrounded by deep water, and a wide channel leads up to the centre of James bay. The main body of the great bay is entirely without shoals, reefs or islands. The depth is very uniform over most of the bay, and nowhere does it present any great irregularities. It averages about seventy fathoms throughout deepening to one hundred and upwards in approaching the outlet of Hudson strait; while in the strait itself the soundings along the centre vary from about one hundred to upwards of three hundred fathoms. The bottom appears to consist almost everywhere of boulders, clay and mud. Near the shores a stiff clay, affording good holding ground for anchors, is almost invariably met with.

Along the west coast of the bay the rise and fall at spring tides amounts to about eleven or twelve feet, on an average, and is pretty uniform, diminishing somewhat towards the south. It is greatest at the mouth of the Nelson river, where it reaches about fifteen feet. The tides are lower all along the east side of the bay. In the strait there is a very good tide.

The bay is open all the year round; and there does not seem to be much evidence that the strait is entirely closed at any season. The great width and depth of the strait, and the strength of its tides, probably keep it open all winter. From all that he could learn or observe, there appeared reason to believe that the strait and bay might be navigated and the land approached by steamships during an average of over four months each year, or from the middle of June till near the end of October.

Commander Gordon, who commanded the expeditions of 1884 and 1885, which were undertaken by the government with a view to ascertaining the actual conditions pertaining to the bay and strait, made two detailed reports from which the following are excerpts:

The ice has been supposed, hitherto, to be the most formidable barrier to the navigation of the straits, but its terror disappears to a great extent, under investigation. The ice met with on the cruise of the 'Neptune' may be divided into three classes having distinctly separate origins. They are: icebergs from the glaciers of Fox channel; heavy arctic field ice from the channel itself, and what may be called ordinary field ice, being that which had been formed on the shores of the bay and straits.

The 'Neptune' was, on August 1, at Nachvak bay within 100 miles of the east end of the straits and on August 30, had just left Nottingham island on the west end, so that the month of August was spent in the straits region.

The following table gives the weather experienced in Hudson's bay from the 1st to 16th September:—

		Mean Temperature.
	Cape Digges and Marble Island.	
Sept.	1.—Fair weather, light N.E. winds	43°
"	2.—Fine and cloudy p.m., with strong N.E. wind	42°
"	3.—Rainy weather, moderate gale from S.E	40°
	Off Churchill.	
Sept.	4.—Rainy weather, strong gale from N.W.	40°
"	5.—Cloudy weather, strong gale from N.W.	40°
"	6.—Cloudy, light rain, light N.W. wind, thick weather	39.5°
	At Churchill.	
Sept.	7.—Fine weather, light S.W. wind	42°
"	8.—Fine weather, light N.W. and S.W. wind	44°
"	9.—Fairly cloudy weather, moderate N.E. wind	41°
	York.	
Sept.	10.—Cloudy weather, light rain, moderate S.E. wind	40°
"	11.—Fair weather, moderate N.E. wind	41°
"	12.—Fair weather, light S. wind	46°
	York to Digges.	
Sept.	13.—Fair weather, light N.E. wind	42°
"	14.—Fog in a.m.; fine p.m., light N.E. wind	35°
"	15.—Foggy weather, strong N.W. wind	34°
"	16.—Fair weather, light N.E. wind	32°

Commander Wakeham in his summing up stated :

There can be no question we were favoured with an unusually open season, and once the strait became open on the 15th July we encountered much less ice than others have constantly met with.' He quoted Mr. Stupart, director of the Meteorological Service, in support of this view. That officer wrote: 'It is very obvious to me that you had this year a most favourable and open season, and that the winter weather set in later than usual. The most doubtful thing is the force of the wind. According to the records you had very few gales indeed.' The Commander continued:

'I now conclude this part of the report by saying that I absolutely agree with Captain Gordon in fixing the date for the opening of navigation in Hudson strait, for commercial purposes, by suitable vessels, at from 1st to 10th July. I do not consider that the strait can be successfully navigated in June. Such ships as the 'Diana' might force a passage through, but these vessels would be useless for commercial purposes. They have to be so braced and strengthened that they are impossible freight carriers.'

Mr. Beech, who has lived at Churchill for two years and who recently returned there after a visit to Winnipeg, stated:

'There is a most erroneous feeling prevailing throughout Canada, with regard to the difficulty in navigating the straits at the mouth of the bay. It is my opinion, based on facts from any sources, that these straits never freeze over, and that the only danger to navigation is when the ice-floes are running in June and July. I know for a fact, that in 1905 the steamer left Fort Churchill on October 24 and made the trip to St. John's, Newfoundland, in eleven days. The straits were wide open until that time, and surely with such a short haul the greater part of the grain could be shipped before November 1. The bay is open all the year round, and was open when I left there on January 3rd last.'

'The period of safe navigation for ordinary iron steamships through Hudson strait and across Hudson bay to the port of Churchill, may be taken to extend from the 20th of July to the 1st of November. This period may be increased without much risk by a week in the beginning of the season and by perhaps two weeks at the close.'

Walter Dickson, who was twenty years in the service of the company about the bay and strait, expressed the belief that they could be navigated for five months in each year, and made this statement:

'From what I have observed of the movement of ice in Hudson bay during the summers I passed there, I am perfectly assured that an ordinary screw steamer would never have any difficulty in getting through or round that which is usually met with in the bay and strait. The chief reason why the old sailing vessels of the Hudson Bay Company often met with detentions in the ice was and is that the season when floe ice is met with there is generally very little wind and sailing vessels are consequently as helpless amongst the ice as they would be in a dead calm in the centre of the Atlantic or elsewhere. The bay has always been found of easy access to a good and careful navigator. From what is known, and the experience already obtained on the subject, there is every reason to believe that, were the Hudson bay thoroughly surveyed, it would be found to be one of the safest of known seas. I have known a season when the harbours were accessible for seven months in the year.'

Captain Adams, who had thirty-five years' experience in northern waters, gave this opinion: 'Ships may enter the strait and bay from the 20th to 25th June almost yearly, and the strait remains open till the young ice forms about October 26. In round numbers the straits are open four months a year, but even when open, navigation at the entrance is sometimes difficult, because the current from Davis strait carries ice across the mouths of Frobisher, Cumberland and Hudson straits.'

Captain James Hackland was thirty-nine years in the service of the Hudson Bay Company. He first navigated the bay in 1846, and for years commanded a schooner that coasted from York to Churchill. He left Orkney on the 22nd June and passed through the strait in the middle of July. He saw no ice except at a distance to the southward. He wrote : 'The strait is open all the year round. The ice from Fox channel comes down in July. It never goes into the bay, but follows the current through the strait. The navigation of the western end of the strait is, therefore, most interrupted at that time.'

Captain Colin Sinclair, who was brought up at York Factory and who navigated these northern waters for six years, passed through the strait on a sealing voyage as early as April and saw no ice. He was confident that there

was 'no unusual danger or difficulty in the navigation of the bay and strait.'

Captain Silsby, a practical man, engaged for many summers in Hudson strait and bay, wrote in 1884 : 'My experience tells me that navigation by steam is entirely practicable for four months in the year, viz., July, August, September and October, and in many years the most of November.' He saw no reason why steamships could not make excellent speed on that course to and from Europe for four months certainly in the year and in open winters for five months.

Captain Kennedy who commanded the 'Prince Albert,' chartered to search for the Franklin expedition, was previously in the service of the company for some eight years at Ungava bay. In the autumn of 1838 he traversed the coast from Chimo river (Kaneabascon river) to George river and coasted that shore line in a York boat every year of the eight years. He found 'no ice after July in the bay and only on one occasion found ice on the 1st November, and then only small pieces of field ice.' He regarded as very regular the currents, which, he wrote, 'open up the channels of ingress and egress into Hudson bay and convert the bay and strait into a pathway for commerce.'

Mr. Low again expressed the opinion that from the latter end of July to the middle of November, from three and a half to four months, there was probably safe navigation, where ordinary iron tramp steamers could be used. He did not mean that it was absolutely free from ice, but sufficiently free to make it safe navigation. The ice would not sink your ship or anything like that. The ice that is met up there is rafted up, and sometimes rafted deep. In the midsummer months it gets warm and more easily broken. The cementing material is practically gone from it. You just run into it and it breaks to pieces, and you see four times as much as you did before.

The Hudson bay ships, as a rule come into the Hudson bay about the first of August, and the ship from Churchill comes back again about the end of the month. It goes to Fort Charmell in the Ungava river and generally lies there until September.

The strait is navigable from about the middle of July until the first day of November anyway, and a couple of weeks might be added at the end, because the ice in Hudson bay, the new ice, is of no consequence to a ship until it gets to be 15 or 18 inches thick, and not much ice forms before that date. The Arctic ice that comes down Baffin's bay is serious, because it is heavy ice and sometimes it is 40 feet thick. It comes down from the north, and the witness expected that at the end of November and December it is beginning to fill the eastern part of the straits. Part of it sweeps around Resolution island, and witness had seen heavy ice up as far as Digges island, about the middle of the straits, and it is quite a serious thing. That would not be the case every year. If there were high westerly winds it would drive that ice from the coast, and it would pass the straits without coming in.

In the report of his trip in the 'Neptune,' Mr. Low had spoken of that ship having got into the ice about July 22, and of having to ram her way through it. He explained to the committee that that was coming out of the bay from Fullerton. They got in the ice just off Cape Wolstenholme. He thought they were too far south and met the ice, but to the north it looked as if they could have had open water if they had kept away from Cape Wolstenholm. Very heavy ice would not come very much earlier than November, because the Baffin bay ice would not break up sooner.

Altogether the witness considered the Hudson bay route, when it was clear, an even clearer one than via the St. Lawrence. There is at least two months when there is no trouble from ice at all, and when you do meet that loose ice in the summer time there is no trouble. There would have to be several lights established. There would have to be lights at Nottingham island, and probably at Cape Digges. Charlatan island would probably have to be lit at both ends, because it is practically in the middle of the channel, and then there would have to be lights at Cape Chigney and on Resolution island. Lights would also have to be placed at the mouth of Churchill harbour.

Asked by the Honourable Mr. Ferguson if the Hudson Bay Company placed the information very cheerfully at his disposal, witness replied that the Hudson Bay Company do not like to have fur trade interfered with.

Mr. Tyrrell left Churchill about November 25th or 29th. The bay was open then and there were no icebergs. A ship could not go out and in then. The harbour was closed. The witness arrived at Churchill one year from the north on October 16, in a canoe. He considered if he could travel down the shore of Hudson bay in a Peterborough canoe, and get to Churchill safely with it in two successive years, one year as late as October 16, and the other year as late as the 1st, that a steamer or a well protected boat ought to be able to get through a little better.

Dr. Bell, replying to a question by the Hon. Mr. Tessier, said it is hard to say how many months of the year steamers could pass through the strait. He did not see why they could not pass through at any time in the winter, though it would be inconvenient. Neither the bay nor the strait are frozen up any more than the Atlantic ocean. He could not conceive a bay 600 miles wide, in the same latitudes as the British islands, being frozen with the meteorological conditions being normal for their latitudes. He might be told that it is the influence of the gulf stream that keeps the navigation open in the same latitude on the coast of Europe, but his informant would not know himself how the gulf stream works. Here you have no Arctic current such as you have along the Labrador coast, nor have you the advantage of the gulf stream; you have just the normal conditions for their latitudes.

The mouth of the Churchill forms the most southern harbour on the west coast for ships drawing over twenty-four feet of water. The channel of approach is fairly deep and wide. The tide is pretty uniform, rising at its maximum, on an average, eleven or twelve feet. At all its stages the harbour can be reached. Mr. Thibaudeau, C.E., made extensive soundings last fall. He reports the depth at low water at the entrance of the harbour to be from eight to twelve fathoms. Half a mile within the minumum depth is seven fathoms. At the head of the harbour there are two shoals over which at low tide there is from two and a quarter to two and a half fathoms of water, and between and around

them the depth is from four to four and one-half fathoms. With modern aids to navigation along the approach, and docks and elevators in the harbour, Churchill would afford all the port requirements necessary for connecting the railway with the waterway afforded by the bay and straits.

A record kept for seventy years by the Hudson's Bay company officials at Churchill shows that the harbour was open on an average for five months—from June 19 to November 18. The longest open season was five months and eighteen days. That was in 1846. The shortest—four months and eight days—was in 1838. The earliest date at which the harbour opened was June 5, 1863, and the latest July 2, 1866. The earliest on which it closed was November 1, 1837, and the latest December 4, 1861 and 1885.

The harbour can be kept open all the year by the employment of ice-breakers. Last year, 1906, the harbour closed between December 5th and 10th. The conditions in January, 1907, were as follows:—In the bay at Fort Churchill the ice was eleven inches thick. It extended for a third of a mile from the shore into the bay. Ice was much thinner in the bay than in the harbour. There was some floating ice about a quarter of a mile from the edge of the bay ice. This is sent in by a northerly wind; should the prevailing winds blow from any other direction, there would be no floating ice.

Beyond this floating ice there was clear open water straight away into the bay and beyond.

There are plenty of harbours on both sides of the Hudson strait. One is on the north side and east of Digges island, but has not been properly examined yet. But there is no doubt there are a number of good harbours there. On the south side the witness examined the coast from Cape Wolstenholme to the south part of Ungava bay, and there are a number of very good harbours along that coast. Between the end of July and the end of September when he was there, the strait was not quite clear of ice, for some was floating in the strait.

The straits are practically never clear, but the ice that was in there after the middle of July until November almost would not harm an ordinary vessel. The great danger in the autumn in the navigation of Hudson strait is the stream of Arctic ice that comes down from the Arctic ocean and from Baffin bay. Then from the end of September snow squalls are frequent. The navigator is in far more fear of snow squalls than fog. Late in September there is a heavy fog that rises from the water, brought on by the excessive cold. When the temperature gets below zero there is a continuous fog that rises from the water, sometimes 100 feet and sometimes 200 feet. You could not overcome that by lighting nor with anything, except getting on the top of the mast and looking over it; it is a light fog.

The mouth of Churchill river is an exception to the general character of the Hudson bay shore. There is at the mouth of the Churchill river a rocky hill rising, or at least a mass of rock. The remarks about the shore descending to the bay do not apply exactly to the mouth of the Churchill river. That is the reason Churchill is a harbour. Churchill would be a harbour in low water; it is one of the most magnificent harbours in the world, probably the finest harbour. It is a rocky hill rising about 100 feet high and bow-shaped. Projecting out into the bay is a rocky knuckle on one side, so that in entering the harbour ships have to take a slight curve, but they very, very quickly get away from the influence of the ocean waves. At the present time the harbour is about 30 to 40 feet deep. The tide is heavy and rising from nine to sixteen feet at low tide. The channel is the same width at low and high tide. The channel out into the bay from the harbour is a rock-bound channel, probably one hundred or two hundred feet deep, so that that channel is clear either at high or low water. It is wide enough for a couple of ships to pass, and incur no danger. There is one rock in the mouth just a short distance from the point of the projecting rock he had spoken of, and if that were removed it would widen the harbour and about double its width. The width of the harbour is now about 200 or 300 feet. The entrance is narrow. It is a beautiful harbour for the ships to enter from the ocean. The rock rises precipitately on both sides to one hundred feet. There is no possibility of a ship getting away from it. Where the rocks run as they do at this harbour, it makes a natural slip, about as safe a place to enter with a ship as one could very well imagine. The entrance is from a quarter to half a mile long. Outside of the harbour is the open ocean with its deep water.

Mr. Tyrrell was at Churchill in the fall two different years, approximately in the months of October and November. He reached there October 15 one year, and he was there part of November. In one of his reports he purchased a table giving the dates of the opening and closing of navigation; obtained from the records of the Hudson Bay company at Churchill.

Hon. Mr. FERGUSON—I wish to point out to the hon. gentleman from Saskatchewan that he has read from Mr. Gordon's report a statement that icebergs came down Fox's channel. In the following year, Mr. Gordon corrected that statement. In the later report he said he was mistaken with regard to that, and states that no icebergs came down there. They came from the Atlantic.

Hon. Mr. DAVIS—I understood that they came in on the tide from the Atlantic. He gives the weather September 8 and 9 at Churchill as being very fine. On several occasions, when this matter was under discussion in the Senate, it has been held up as a bogey that there was such heavy and continuous fog in the straits that it was impossible to navigate, and that there were snowstorms, during which it was impossible to navigate. In order to explode that idea, I submit the following table:

	Belle Isle Straits.	Hudson's Straits.
Number of days on which fog is recorded..	13	9
Approximate number of hours of fog..	220	102
Days on which snow fell.. .	0	4
Days on which wind exceeded 25 miles per hour, but did not reach 40..	6	5
Days on which wind exceeded 40 miles..	2	1

The month of August thus shows favourably for Hudson's straits, the fog there being reported on six days only, as against thirteen days in Belle Isle; and the total number of hours of fog being respectively 102 in Hudson's straits, and Belle Isle, 220; and if the duration of the snow storms in Hudson's straits, nineteen hours, be added to the number of hours of fog, it still shows favourably. The number of gales also is six at Belle Isle for five in the straits; and of heavy gales, two at Belle Isle, and only one in the straits.

The following comparison for September is between station No. 1, at Cape Chudleigh and Belle Isle:—

	Belle Isle Straits.	Hudson's Straits.
Number of days on which fog is recorded..	7	4
Approximate number of hours of fog..	82	34
Days on which snow fell.. 6	3	8
Days on which rain fell.. ..	15	6
Days on which velocity of wind was between 25 and 40 miles per hour..	4	5
Days on which velocity of wind was 40 miles or over per hour..	11	3

Days on which any snow fell are put down as snow days, though rain as well as snow may have fallen on those days.

In the character of the weather, therefore, for the two months (August and September) so far as it affects navigation, Hudson's straits compares favourably with the straits of Belle Isle, there being eleven heavy gales at Belle Isle against three in Hudson's straits, and more than double the amount of fog.

The mean temperature of the month at Cape Chudleigh for August was 29°, for Belle Isle, 49.67°; and for September, Cape Chudleigh, 32.76°; Belle Isle, 43.1°.

The above shows one gale lasting nearly three days, viz., the 3rd, 4th and 5th, and two days on which fog occurred. On the 14th the fog lasted from 9 a.m. to nearly 7 p.m., closing down again early on the morning of the 15th and continuing thick fog until about 3 p.m.

The temperature of the surface water off Belle Isle on 25th July was 41.6° which gradually decreased as we proceeded northward to 34.7° on 4th August, off the entrance to Hudson's straits.

On the northward voyage these temperatures were : off Hudsons straits 32.5° on 29th September, and abreast of Belle Isle, but some distance to the eastward, 36° on the 9th October.

In Hudson's straits, the mean surface temperature as obtained from observations taken when the ship was at sea, was, on the westbound voyage, found to be 32.9°, the highest mean of a day's observation was 33.3°, and the lowest 32.6°. On the homeward voyage the lowest daily mean was 31.8° and the highest 33°. The highest temperatures were in each case observed at the eastern end of the straits and the lowest off Nottingham island.

In the bay the surface temperatures varied much with the geographical positions, being 39.4° off Marble island, 41° off Cape Churchill, 39.7° about 100 miles northeast of York Factory, observed whilst steaming across to Cape Digges, and 36° off the south end of Mansfield island.

I shall now read to the House a short compilation of facts and conclusions from different reports since 1861, by Captain J. E. Bernier, commanding officer of the C.G.S. 'Arctic,' 1908:

1861.—October 17, Capt. Buddington, on board the 'George Henry' was closed in Rescue harbour.

1879.—November 4. Capt. Spicer, on board whaler 'Era' was closed in New Gummuite harbour , just outside of North Foreland.

— .—Capt. Adams, who has been in the regions with several ships, during his experience of thirty-five years time, says that the strait of Hudson is navigable in round numbers about four months per year.

1884 and 1885.—Commander A. R. Gordon, steamship 'Alert,' is of the opinion that the strait is navigable during four months each year, from July to October inclusively.

1885.—November 4. Capt. Glisby, on board the whaler 'Era,' was beset in New Gummuite harbour.

— .—October 15. Capt. Charles Smith, of Dundee, on board the steamship 'Esquimault,' left Cumberland Sound, homeward bound and he had to go through about 150 miles of pack ice which he had met near the headland, before he could shape a course for the north of Scotland.

1897.—October 30. Commander Wakeham, on board the steamer 'Diana,' in the mouth of Hudson strait, reports that at this date the mouth of the strait was clear of ice, but he adds that it was snowing and that the ice was not far off.

1897.—Capt. E. B. Fisher, states that he has visited the strait and the bay several times on board of several vessels since 1864, and in his judgment the strait can be navigated from three to three and a half months each year by steamers for commercial purposes.

1904 and 1905.—Commander A. P. Low, in command of the ss. 'Neptune,' says that the period of safe navigation for ordinary iron steamships through Hudson strait and Hudson bay to Port Churchill may be taken to extend from July 20 to November 1, this period may be increased without much risk by a week in the beginning of the season and by perhaps two weeks at the close.

1905 and 1906.—Mr. Beach, who has lived at Churchill for two years and who has recently returned here, after a visit to Winnipeg, states that he knows for a fact that in 1905 a steamer left for Churchill on October 24, and made the trip to St. John's, Newfoundland, in eleven days. The straits were wide open until that time. The bay is opened all the year round and was still opened when he left on January 3.

1905, 1906 and 1907.—October 16. Capt. J. E. Bernier, of the Canadian government steamer 'Arctic,' arrived at Fullerton on this date, saw no field ice in the strait except a couple of icebergs. There was no ice in the bay and the ice in the harbour of Fullerton was only four inches thick. In the spring of 1905 we left Fullerton, about July 5, and we encountered the field ice outside of Churchill, sixty miles north, a strong steamer could have passed through and enter Port Churchill. During the month of October, 1907, no ice was visible in the strait at Resolution island, we saw this place on October 7. The average date of the closing of navigation at this place is about November 1, while the opening at Port Churchill is about July 15. A ship could certainly navigate the strait while the land ice is still firm in the bays and harbours.

Deductions.—The average date of the closing of navigation for the eastern entrance of Hudson strait, when considered from the above opinions, is about the last days of October.

The reason and cause for the closing of navigation is due to the pack ice drifting on the coast at the entrance of Hudson strait. This drift is caused by the northern current which partly enters the northern side of the strait and partly closes on the Labrador coast, and this fact is well established by the filling up with ice of the northern harbours and Port Burwell at the entrance of the strait, while the western part of the strait and bay are free of ice. It is a well known fact that the Hudson bay itself never freezes, except a certain margin of ice of a few miles along the land around the bay.

Port Churchill is often still opened in the first weeks of November, and could easily be kept open with an ice boat, if desired. With proper aid to navigation the danger would not be so great during the fall. And with wireless telegraphy in a station at the entrance of the entrance of Hudson the opening of navigation could be made in the first week of July, by informing the steamers which side of the strait to pass on to find clear navigable water. In this way much detention would be saved in the first part of the month of July. There is no doubt that the strait is navigable during four months of the year with suitable steamers, and that Hudson bay is navigable for a month longer, though there is a large field of ice in the bay, the output of the land ice, the ice is of the year's formation, and a suitable steamer would have to pass through to reach Port Churchill.

J. E. BERNIER,
Commanding Officer Canadian
Government steamer 'Arctic.'

That is Captain Bernier's report, and the latest report we have. It is made up to the present year of grace, and he is of opinion, after passing two years in there, that at least four months of the year the Hudson Bay and Straits can be navigated.

Now, it is unnecessary for me to pile up more evidence on that point. All we claim is that Hudson Bay and Straits are navigable for four months of the year, part of the month of July and all of August, September or October and part of November. With four months of navigation we will be able to carry all the cattle and the bulk of the grain shipped out of the west, and the balance can be stored at Churchill. When you take into consideration that the saving of freight on twenty million bushels is three million dollars, you can at once realize the importance of the route to the producers of the west. The undertaking is small. Only four hundred and seventy miles of road require to be built, through a country presenting no serious difficulties, and the cost should not be more than twenty-five or thirty thousand dollars a mile. If the government would take the matter up they could probably arrange to have the road built to Churchill without much cost to the country. The Canadian Northern has its line 250 miles nearer Hudson Bay than any other road, and, I suppose will be expected to construct the extension from the Pas to Hudson Bay. We have given them an enormous land grant, and they could go on and complete the work which they have now carried as far as the Pas, if they got assistance. The associated boards of trade for years have strongly urged this project upon the government. The people of the three western provinces are united in demanding that the work be undertaken without delay. I suppose the provinces themselves could build the road, but they regard it as a great national undertaking, and think it should be carried on by the people of Canada as a whole. There is some jealousy I know in the older provinces of Canada, some people thinking that this route will divert traffic from the established routes. They should remember that we cannot have all the trade of the country passing through our own back yards. We should insist upon having the best routes irrespective of any other consideration, and I submit that the Hudson Bay route, when you take into consideration the fact that it will be not only a transportation route but a colonization road, deserves favourable consideration from the people of Canada, and I hope that the government will see to it that some-

thing is done in the near future to carry out the project.

Hon. Mr. FERGUSON—I do not intend to add much to the observations made by my hon. friend from Prince Albert, nor to enter at any length into the discussion of this question. We had it up last year in the House. It was then introduced by myself, and I made some extended remarks upon it. I do not propose to add anything to the views which I then laid before the House, further than to call attention to a correspondence with reference to this question, which had its origin with His Excellency the Governor General, and in connection with which I have permission to use his name. During the progress of the discussion, His Excellency sent some copies of the debate which took place in this House to a very wealthy ship building firm in Newcastle on Tyne. The head of that firm at the time was the late Sir John D. Milburn. His Excellency received a reply from Sir John Milburn, and as I had taken a prominent part in the discussion of this subject in this House, it was sent to me with His Excellency's permission to use his name if I entered into a correspondence with Sir John Milburn on this subject. I shall read my letter to Sir John and his reply. They are as follows:

Tulloch avenue,
Marshfield, Prince Edward Island,
May 13, 1907.

Dear Sir John Milburn,—His Excellency the Governor General of Canada has communicated to me the substance of your recent letter to him respecting the navigation of Hudson bay and has very kindly suggested the use of his name in introducing myself to you.

As His Excellency informs me that you are engaged in a Baltic shipping trade in which it is necessary to use steamers specially constructed to battle with ice, your experience would undoubtedly be most valuable in considering the means to be taken in developing a grain and cattle trade with Great Britain, through Hudson bay and straits.

Would you consider the shortness of the season of navigation—three to four months—or the presence of detached and unpacked ice in portions of the straits, during that season, as presenting insuperable difficulties in the estimation of owners of steamships.

Briefly I may say that exploring steamers sent out by the Canadian government in various years have experienced no delay on account of ice during the season I have mentioned.

A railway starting in any central part of our great Canadian wheat belt which extends from Winnipeg to Vermillion on the Peace river would reach the harbour of Churchill in about 800 miles.

A line to connect the eastern end of the wheat country with Churchill is already built about half way.

There is no doubt about the feasibility of railway construction as all the lands to be traversed are more or less valuable for agriculture and forestry, except less than 100 miles nearest to Churchill. The harbour at the latter place is excellent, while the possibilities of the hinterland in the production of cereals and cattle are simply enormous.

This great problem hangs upon the practicability of the navigation of Hudson straits.

I will greatly appreciate any information which you will be good enough to furnish.

I am faithfully yours,
(Sgd.) D. FERGUSON.

Milburn House, Newcastle upon Tyne,
June 20, 1907.

Dear Mr. Ferguson,—Will you kindly excuse the delay in replying to your letter of the 18th ultimo, but I have been a little run down and left home for change and rest.

I had the pleasure of seeing the Governor General when he recently made a hurried visit to this country. I am quite in sympathy with you in your endeavours to open out what must be the most direct and the most economical route for western produce. I have had the advantage likewise of perusing certain debates in the Canadian Senate on the subject of the Hudson bay route and this matter, I am glad to see was introduced by yourself. Lord Grey, moreover, has been kind enough to furnish me with an interesting book detailing the surveys in Hudson bay and strait.

Coming to the question which you put to me, I may say briefly that cargo-carrying steamers are nowadays constructed differently to the earlier type, which was in use in the earlier days of steam navigation. In those days of iron, the plates were considerable thicker than are those of steel, and we steamship owners thought nothing of getting our vessels blocked up by ice in a Baltic port, notably at Cronstadt, and relying upon our vessels to force their way through the ice, one vessel giving assistance to the other by shooting a few yards in advance through fairly thick ice. I am of opinion, however, that to do this now with modern steel built steamers without the assistance of ice-breakers, it would be necessary to introduce some strengthening in the stem plates and fit doubling plates from the stem to a certain distance along the hull. The forepeak likewise should be short, and filled with some light composition such as bitumastic cement or caoutchouc. This would not entail a serious cost and it would practically render the steamers' bow impervious to leakage through collision with a moderate thickness of ice. I take it, however, that before the navigation of Hudson bay can be made a commercial success it would be necessary to arrange with underwriters rates of insurance on cargo. Without some recognition of the safety of the route by underwriters, the alternative would be a demand for higher rates of ocean freight in order to meet extraordinary risks and charges. I am of the opinion that the underwriters after perusing the survey reports of the Hudson bay and strait would stand more in dread of the fogs and rocks—which are in fact a dangerous enemy to navigation on the seaward coast—

than any risks of ice. Personally, I am a firm believer in the Hudson bay route, and look forward to the time—not long distant I hope—when the immense wealth of Canada will be poured into Europe through this, its natural channel.

I am pleased to be in correspondence with you and shall be very pleased to hear that events are progressing towards accomplishment.

Believe me,
Yours sincerely,
(Sgd.) JOHN D. MILBURN.

Hon. D. Ferguson,
Tulloch avenue, Marshfield, Prince Edward Island.

I may just add the observation, that some three weeks after the writing of this letter, Sir John Milburn died. In the letter he spoke of being run down, and having been away taking a rest, and died a few weeks later. I think that is a subject of very great regret, for I am informed on undoubted authority that his firm is one of the most wealthy and one of the most successful in the navigation of the northern waters of Europe, and that his attention was directed very earnestly towards the navigation of Hudson bay, and, furthermore, that whatever his firm may now do, he was ready to have taken up practically the carrying of the produce of the west through Hudson bay straits to Europe, had he lived.

Hon. Mr. POWER—I move that the debate be adjourned till Friday next.

The motion was agreed to.

ROYAL GRAIN COMMISSION.

INQUIRY.

Hon. Mr. PERLEY inquired of the government:

The date the Royal Grain Commission started work and the date they finished work.

Hon. Mr. SCOTT—The first sitting was held August 29, 1906. The last instalment of the report and evidence was received on December 6, 1907.

QUEBEC BRIDGE AND RAILWAY COMPANY STOCK.

INQUIRY.

Hon. Mr. LANDRY inquired:

When does the government think that it will be able to lay on the table of this House the following documents, the production of which was ordered during the present session, at the dates mentioned hereafter:—

(a) The details asked for on the subject of the additional subscription of $200,000 to the capital stock of the Quebec Bridge and Railway Company—29th January?

(b) The statement indicating the amounts paid to Mr. Simeon Delisle—30th January?

(c) The statement of amounts spent on the Deschambault wharf—4th February?

Hon. Mr. SCOTT—I am advised that the Department of Finance are preparing the return asked for in paragraph A, and that it is not likely to be ready for a week or ten days.

As to the second question, I have no information that I could give the hon. gentleman. Answers have been received from the Auditor General, Marine and Fisheries, and some of the departments. As to (c), a portion of the papers to complete the return are in the hands of the Public Accounts Committee of the House of Commons. It is, therefore, impossible to bring down this return until the papers are returned to the Department of Public Works.

GOLD AND SILVER MARKING ACT AMENDMENT BILL.

FIRST READING.

Hon. Sir RICHARD CARTWRIGHT introduced Bill (CC) An Act to amend the Gold and Silver Marking Act.

He said: I should like to explain to my hon. friends opposite that this Bill simply proposes to extend the time at which this Act is to be brought into operation, and that as that time is very close at hand under the original Act, I propose, to-morrow, when the Bill will be printed and in the hands of the House, to ask for a suspension of the rules. I may add that the cause of this is that in the first instance, the various parties who are affected apparently had all agreed to the Act which was passed last year. Since that time, and before the Act has been put in operation, certain difficulties have presented themselves to their minds, and they ask that a number of amendments be made. Under these circumstances, it appears to be desirable in the interests of the trade, both manufacturers, wholesale dealers and retailers, that time should be given to consider these amendments, which, I am told, are numerous, and for that reason the government will ask that the Act be suspended.

This is the sole object of the Bill. The suspension will probably extend for another year.

Hon. Mr. LOUGHEED—Can my hon. friend say whether it is the intention of the government to introduce another Bill with regard to the amendments referred to during the present session?

Hon. Sir RICHARD CARTWRIGHT—It is, if the parties can be got to agree. The original Act, as I am advised, was introduced on the supposition that all the parties concerned were agreed, and I think it was on those representations that it was passed through the two Houses.

Hon. Mr. FERGUSON—They knew there was a disagreement?

Hon. Sir RICHARD CARTWRIGHT—They finally came to know it. I am merely stating what I am advised by the department which has this matter in charge. At the present moment, parties are desirous of having certain amendments, and the government are anxious to consider them, and thereafter, if they can arrive at a certain conclusion, they will introduce amendments to the Act. In the meantime, all that is asked is to suspend the Act so as to leave the matter as it is at the present moment. It has never come into force.

Hon. Mr. LOUGHEED—It comes into force by order in council.

Hon. Sir RICHARD CARTWRIGHT—It was to come into force by proclamation, I understand?

Hon. Mr. SCOTT—The Act passed last session was to come into force on the 13th March, 1908. It was presumed that before that date some legislation would have taken place. That legislation cannot take place just now in time, and, therefore, it is proposed to extend this period for a certain time longer. In the meantime, during this session, or next session, a Bill may be introduced.

Hon. Sir RICHARD CARTWRIGHT—It is not likely that anything can be done this session.

The Bill was read the first time.

Hon. Sir RICHARD CARTWRIGHT—I move the suspension of Rules 23 (f), 24 (a, b and c), and Rule 63, in order that the Bill may be read the second time to-morrow.

Hon. Mr. FERGUSON—My recollection is that the Bill was passed two years ago in this House. It was before the House last year, and an effort was made to make some change with reference to the degree of fineness of a carat of gold. The Bill went to the House of Commons, and I understand it was discussed at very great length there, and ultimately the compromise that was arrived at there was that the Act would not go into effect until this year, and, with that compromise, the Bill was allowed to go. Now those who are strongly opposing the principal features of the Bill are evidently bringing influence to bear, their object being, I presume, to fight the battle all over again. I am not going to oppose it, but I think that is likely to be the exact position.

Hon. Sir RICHARD CARTWRIGHT—I am advised that all the parties concerned—by which I mean the manufacturing interests and the retail and wholesale interests, are all agreed that some amendment should be made. They are not entirely agreed as to the character of the amendment, but they are all agreed some amendments should be made before the Act goes into effect.

Hon. Mr. GIBSON—I might be permitted to say a word in regard to this measure, because I had charge of the amendment proposed a year ago, and my hon. friend from Prince Edward Island is quite right in bringing the matter to the attention of the House. It was carried from this House to the House of Commons, and, as the hon. gentleman from Marshfield very well remarked, several days' discussion took place there with the object of bringing about a solution of the difficulty. Finally, as the hon. gentleman says, it was decided that the Bill should not come into operation; it was postponed until the date mentioned by the Secretary of State, the 13th of this month. A committee representing the wholesale people, a committee representing the manufacturers, and a committee representing the retail trade were appointed by the several divisions of the trade, and they have arrived at a conclusion. It has been settled so far as I am informed, with one exception—that is as to whether the standard shall be

nine or ten carats. During the time this Bill has been in abeyance these gentlemen have been working very hard, and the time is now so short it will be impossible to bring in an amended Bill, and the right hon. Minister of Trade and Commerce has certainly asked for an extension of the time, so that the Bill may remain in statuts quo for another year. I think it is due to the House that I should make this explanation.

Hon. Mr. LANDRY—What rules are to be suspended?

Hon. Sir RICHARD CARTWRIGHT—Rule 23 f, 24 a, b and c, and 63.

Hon. Mr. LANDRY—Rule 24 c has nothing to do with it. That is referring to a private Bill. I understand we are to suspend the rule to permit the Bill to be read a second time to-morrow.

Hon. Sir RICHARD CARTWRIGHT—Yes.

The SPEAKER—There is no need of suspending any rule except 23 f for the time being. Does the hon. gentleman desire to suspend all the other rules for future proceedings?

Hon. Sir RICHARD CARTWRIGHT—Suspend all rules that will stand in the way of the Bill passing through all its stages.

The SPEAKER—I suppose if this rule is suspended for the purpose of permitting a second reading to-morrow, the motion to suspend the other rules can be made to-morrow if necessary.

Hon. Sir RICHARD CARTWRIGHT—Yes. Then I move that Rule 23 f be suspended, so far as it relates to this Bill.

The motion was agreed to.

A POINT OF ORDER.

THE SPEAKER'S DECISION.

The SPEAKER—On the motion made by the hon. gentleman from Stadacona,

That in the opinion of the Senate the limits of Manitoba, Ontario and Quebec should be extended to the north so that each of those provinces be bounded north by at least the sixtieth degree of latitude.

The hon. gentleman from Victoria raised the point that said motion was not in order because it anticipated a Bill to be brought down by the government, as announced in the speech from the Throne.

The hon. gentleman from Stadacona (Hon. Mr. Landry) cited a number of precedents from the British House of Commons' reports which go to establish that under the rules of that House no such point of order can be raised when there is not already a motion or a notice on the order paper. This fairly states the practice of that House.

The Senate, however, when it has no rule of its own governing a matter, has to fall back upon the rules or practice of the House of Lords. The House of Lords has no rule on this subject, and I have found no precedent from that source.

Our practice governing the bringing in of Bills is different to that of the British House of Commons and to that of our own Commons where Bills can only be introduced upon a notice of motion for leave to present a Bill, and such notice being given stops any other member from raising a debate upon the matter covered by said Bill or notice. The rules of the Senate are different: Bills only appear on our order paper when down for a second reading.

Since the vast majority of public Bills are initiated in the House of Commons and only reach our order paper when inscribed for a second reading, would it be the true doctrine to assert that the subject matter of the Bills going through the House of Commons could be debated before those Bills are properly before the Senate? Would it be a correct form to allow of discussions anticipating the most important legislation announced in the speech from the Throne and officially promised by members of the Privy Council? I do not believe it.

As Bills are brought in without notice and as the majority of them only reach us after having passed the Commons, in the later period of the session, I am of opinion that an official statement from a Minister of the Crown that a Bill will be brought down should be a complete estoppel for the time being. Marshall's A B C of Parliamentary Procedure, cited by the hon. gentleman from Stadacona, seems to be of that opinion when he states that: 'A motion is out of order which anticipates any

matter of which public notice has been given in the House when notices are given, or a notice of motion for which no special day has been fixed on the notice paper.'

I must nevertheless confess that having found no precedents in the House of Lords nor in our own practice, I am somewhat adverse to establish a hard and fast rule on this subject—the need of which has seldom, if ever, been felt, since 1867.

I decided on the 18th of February last that when a minister of the Crown declares that a Bill promised in the speech from the Throne will be brought down, a motion covering the same matter should be dropped or adjourned. I am still of the same opinion; but I think that it is more appropriate for the Senate to deal itself with these questions and to adjourn such motions or debates, which would necessarily anticipate a forthcoming Bill, at its own free will and convenience.

For these reasons I over-rule the point of order.

Hon. Mr. LANDRY—With regard to the ruling of the Chair, I think the notice of motion should appear in the order paper, and the House could take whatever position was thought proper when the motion came up in the regular course. My notice of motion appears in our minutes of proceedings of January 27. Now that the hon. Speaker has given this decision, I suppose it will not kill my motion. It will be placed in the proper position on the orders of the day for to-morrow.

Hon. Mr. SCOTT—I have no desire to express any opinion on the subject. I hope the House will deal with it independently of anything I may have said.

Hon. Mr. LANDRY—I do not want to bring it up as a matter of discussion—just as a matter of procedure.

The SPEAKER—I think the notice of motion should have remained on the order paper; so that it will be revived to-morrow among the notices of motion.

QUEBEC BRIDGE REPORT.

Hon. Mr. LANDRY—Before the orders of the day are called, I should like to know from the government if the report of the Commission appointed to investigate the accident with regard to the bridge at Quebec will be laid on the table ?

Hon. Mr. SCOTT—It has been laid on the table of the House of Commons. I do not know if they have another copy or not.

Hon. Mr. LANDRY—Would it be asking too much for me to suggest that we shall be furnished with a copy ?

Hon. Mr. SCOTT—It has not been printed, and I fancy there is only one copy.

Hon. Mr. LANDRY—I suppose it will be printed at once ?

Hon. Mr. SCOTT—As soon as possible, no doubt, it will be printed and copies will be supplied.

THIRD READINGS.

Bill (28) An Act to amend the Copyright Act—(Hon. Mr. Power.)

Bill (46) An Act respecting the Cumberland Railway and Coal Company, as amended.—(Hon. Mr. Power.)

NATURALIZATION ACT AMENDMENT BILL.

IN COMMITTEE.

The House resolved itself into Committee of the Whole on Bill (W) An Act to amend the Naturalization Act

(In the Committee.)

On clause 1,

Hon. Mr. SCOTT—The first clause of this Bill is just in harmony with what parliament intended by the existing Act.

Hon. Mr. MACDONALD (B.C.)—Will naturalization be open to all classes of people in the country ? Near Alberta, Japanese have gone in and bought large tracts of land for beef-raising. Perhaps they will petition for naturalization papers to become British subjects. A case occurred in Vancouver where thirteen Japanese went up for naturalization, and were refused by the officer. Whether he had a right to refuse or not, I do not know, but it is an important question. Then again, can Doukobors be naturalized? If a dozen Doukobors came up to the officer, stark naked, and asked to be naturalized, what would happen them ?

Hon. Mr. POWER—They should be arrested for indecent exposure.

Hon. Mr. SCOTT—The law has been for many years that a resident in Canada for a certain time, three years, on taking the oath of allegiance can become a British subject. It applies to all nationalities. If a Chinaman pays five hundred dollars and lives here three years, he can become naturalized, if he chooses to take the oath.

The clause was adopted.

Hon. Mr. SCOTT—Now we propose to change the Act as it exists in Manitoba, in order to give a wider range to it. I give notice that when the Senate is again in Committee of the Whole on (Bill W) An Act to amend the Naturalization Act, I shall move the following amendment:

(f) In Manitoba, to the Court of King's Bench during its sittings in the Judicial District within which the alien resides; to a Judge of the Court of King's Bench, sitting in Court; or to the County Court during its sittings in the division within which the alien resides.

We are substituting the Court of King's Bench for the County Court, as the County Court does not sit regularly.

Hon. Mr. LOUGHEED—I would suggest to my hon. friend that he lay that proposed amendment upon the table, and move that the committee arise and report progress, so as to permit hon. gentlemen to examine the proposed amendment before dealing with it.

Hon. Mr. SCOTT—Yes, I will do that. I received a letter from the firm of Metcalfe, Sharpe and Stagpole, giving certain reasons for this charge. I shall postpone the amendment till to-morrow, so that my hon. friend can look into it, and I shall also lay this letter on the table of the House so that hon. gentlemen will be able to see the reasons that are given for the change.

Hon. Mr. BERNIER—I would like to call attention to the fact that the County Court in Manitoba is held regularly. The sittings are fixed by the government of Manitoba and they are regular.

Hon. Mr. SCOTT—This letter from Metcalfe, Sharpe and Stagpole is written to the Minister of Justice, and he concurs in their suggestion. I was requested to ask this amendment.

Hon. Mr. BERNIER—It may not be material to the object of the Bill, but the county courts are sitting regularly. Their terms are fixed.

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

WATER CARRIAGE OF GOODS BILL.

SECOND READING.

Hon. Mr. CAMPBELL moved the second reading of Bill (Z) An Act relating to the water carriage of goods.

He said: The object of this Bill is to endeavour to overcome some of the difficulties that shippers of Canadian products have to contend against by reason of the most unjust and unreasonable clauses that have been inserted for a number of years in ocean bills of lading, by which the vessels are relieved from all responsibility as to the proper carriage of those goods, the safe custody of them, and the proper delivery of them in the old country. For some time past, there have been a great many complaints from the receivers of our goods in Great Britain against Canadian shippers accepting bills of lading containing those clauses. It has been impossible for the shippers, although representations and protests have been made, to effect any improvement. The federation of steamship companies have refused or neglected to remove any of those objectionable clauses, and, consequently, it has been thought wise that an Act should be passed by parliament forbidding them to insert those clauses in their bills of lading. For instance, I may state some of the clauses which are objected to. I have before me now a blank form of the Dominion line, and I may say that the Leland line and all the other steamship companies have bills of lading identically the same as this, and containing the same objectionable clauses. One clause to which great objection is taken reads as follows:

That the steamship company shall not be responsible for hook marks, or injury from hooks, storage or contact with or smell of evaporation from any other goods or from live stock or their excretions however caused.

Now, it would seem to me that a steamship company that would take butter,

cheese, flour or any of our goods and deliberately stow them in a filthy part of their vessel or in contact with the excretions of cattle, whereby they would be injured, should be responsible for that damage; but under this clause they are perfectly free from all loss or damage done to the goods by reason of their own negligence. Another very objectionable clause is that they shall not be responsible for the description of weight or measure, or the condition of brand of the goods they receive. In other words, if a party ships a thousand bags of flour or packages of butter or cheese he always describes them as of a certain brand. Although thus described in the bill of lading, the common carrier can, under this clause, deliver to the receiver in the old country some other brand, and yet not be responsible. There is another clause that is particularly objectionable, and to which I call the attention of hon. gentlemen, many of whom are interested in our financial institutions: it is a clause which I am sure will appeal to them in a very great degree. As everybody knows, goods shipped to the old country are generally sent to the order of a bank. A bill of exchange is made payable at sight or at thirty days or sixty days after the arrival of the goods, as the case may be, and any bank with which the customer is dealing will generally buy that bill of exchange because the bill of lading says that the goods are sent to the order of the bank, and the receiver cannot get the goods in England without paying the bill of exchange; but one of the clauses in this form makes the following provision:

> But nevertheless the goods may be delivered to the consignee named therein without the production of an endorsed bill of lading, and such delivery shall free the master, owners and agents, from all liability to deliver to any other person.

That practically makes our bills of lading of no value at all, because under this clause the vessel can, if the company see fit, deliver the goods to the party without the Bill of lading. The result is that our banks and financial institutions will not advance money upon these worthless bills of lading, because there is no security that the goods will be held for payment of the bills of exchange. Then another clause is that the law of England shall prevail, and it has been decided by the higher courts—so I am informed—in England, that no matter what clauses are inserted in a Bill of lading, if the shipper agrees and ships his goods under that bill of lading, then the receiver in England must accept that bill of lading with all those clauses in it. Therefore, it is very important that the law of Canada should prevail, Canada being the place from which the goods are shipped, and not the law of England. There are several other objectionable clauses, but I do not wish to take up the time of the House in going over them. I have pointed out only a few that I think need remedying. I may say that this Bill is largely copied—in fact almost literally copied—from an Act passed by the Australian commonwealth a few years ago to overcome the same difficulties of which we have been complaining. The United States also passed a Bill almost identical, word for word, a few years ago, known as the Harter Act, forbidding under penalty of a severe fine, any vessel from inserting clauses in bills of lading such as those I have alluded to. I have in my hand now a copy of a bill of lading of the Cosmopolitan Shipping Company of Boston, Philadelphia and Rotterdam; and also a bill of lading of the New York Central and Hudson River Railway, and I find in those bills of lading no such objectionable clauses as are to be found in the bills of lading issued by our federation of steamships. On the contrary, I find this clause:

> And it is also mutually agreed that this shipment is subject to all the terms and provisions, and all the exemptions for liability contained in the Act of Congress of the United States approved on February 13, 1893, and entitled 'An Act relating to the Navigating of Vessels.'

Now, it is a strange thing that if a shipper in Milwaukee or Chicago were to send a hundred boxes of cheese or a quantity of butter or flour by any Canadian route, say over the Canadian Pacific Railway and by steamer from Montreal to England, and an Ontario shipper were to send a similar quantity of the same classes of goods on the same vessel, the Canadian shipper would have to pay a considerably higher rate of insurance than the United States shipper, because the goods from the United States would be carried under the Harter Act, and would be exempted from

many clauses which appear in our Canadian bills of lading. At this particular time, when the United States and the great commonwealth of Australia are our largest and fiercest competitors for the same products in the old country, and while we are endeavouring to establish a very profitable trade with the old country, a trade that is growing year by year, and will ere long amount to very large dimensions, it is the duty of the government and of parliament to see that obstacles and difficulties should be removed, and that our Canadian shippers should be placed on an equal footing with those of the United States, and the great Australian commonwealth. Another objectionable clause in these bills of lading is that the ship shall not be liable for any damage to any goods, however caused, which is capable of being covered by insurance. So that if a ship throws the goods around, destroys the flour or cheese or butter, it is not liable because that loss could have been insured. Well, it is true the shippers can insure their goods under what is known as the all-risk clause, but they have to pay for it if the insurance company has to pay the loss and not the steamship, because the steamship is the one that does the damage, and it comes back on the shipper in the long run, because the insurance companies charge higher rates. That is one reason why United States shippers of those products can get their goods insured for a very much lower rate than can Canadian shippers. So that I think the Bill, notwithstanding the efforts of the Department of Trade and Commerce, who have been having this matter up with the federation of steamship owners and no redress has yet been obtained, will be accepted by this House. The only way we can obtain redress is by passing a Bill somewhat on the lines of the Australian Act and also the Act passed by the Congress of the United States. The fourth clause of this Bill provides :

4. Where any bill of lading or document contains any clause, covenant or agreement whereby—

(*a*) the owner, charterer, master, or agent of any ship, or the ship itself, is relieved from liability for loss or damage to goods arising from the harmful or improper condition of the ship's hold, or any other part of the ship in which goods are carried, or arising from negligence, fault, or failure in the proper loading, stowage, custody, care or delivery of goods received by them or any of them to be carried in or by the ship ; or

(*b*) any obligations of the owner or charterer of any ship to exercise due diligence, and to properly man, equip, and supply the ship, to make and to keep the ship seaworthy, and to make and keep the ship's hold, refrigerating and cool chambers, and all other parts of the ship in which goods are carried, fit and safe for their reception, carriage and preservation, are in any wise lessened, weakened or avoided ; or

(*c*) the obligations of the master, officers, agents, or servants of any ship to carefully handle and stow goods, and to care for, preserve, and properly deliver them, are in any wise lessened, weakened or avoided ;

that clause, covenant or agreement shall be illegal, null and void, and of no effect.

That provides that if they do not keep the ship seaworthy, or if they do not properly stow and deliver, or if their officers are negligent in the handling of the goods, the ship shall be liable for the loss sustained thereby. I do not think there is anything unreasonable in that. A ship should be in the same position that the railways occupy now. Our railways carry these products from the interior of the Dominion to the seaboard and are responsible to the shipper for loss or damage sustained while the goods are in their possession, and this clause only provides that the steamer shall be made equally liable. Then clause 6 provides for certain exemptions:

6. In every bill of lading with respect to goods a warranty shall be implied that the ship shall be, at the beginning of the voyage, seaworthy in all respects and properly manned, equipped and supplied.

2. In every bill of lading with respect to goods, unless the contrary intention appears, a clause shall be implied whereby, if the ship is at the beginning of the voyage seaworthy in all respects and properly manned, equipped and supplied, neither the ship nor the owner, charterer, master, or agent, shall be responsible for damage to or loss of the goods resulting from—

(*a*) faults or errors in navigation,
(*b*) perils of the sea or navigable waters.
(*c*) acts of God or the King's enemies,
(*d*) the inherent defect, quality or vice of the goods,
(*e*) the inefficiency of package of the goods.
(*f*) the seizure of the goods under legal process,
(*g*) any act of omission of the shipper or owner of the goods, his agent or representative,
(*h*) saving or attempting to save life or property at sea,
(*i*) any deviation in saving or attempting to save life or property at sea.

This amply provides everything that a ship should be free from. In fact, the Bill only provides that the ship shall be

careful in the handling, stowing and delivery of these goods, and that in no case shall the goods be delivered until the bills of lading are surrendered by the receiver in the old country. I commend the Bill to your careful attention. I believe it will receive the approbation of every shipper of products, numerous as they are, and increasing as they are all over this vast Dominion. It will relieve shippers of the grievous burden which they have to bear, and remove one of the difficulties in the forwarding of Canadian trade.

Hon. Mr. LOUGHEED—It is not my intention to take exception to the general principle of the Bill or to criticise it in any way, but it seems to be a Bill eminently fitted for introduction in this House by the government, which has been peculiarly entrusted with the shipping interests of the Dominion. This is certainly a very radical Bill. It would mean a general upheaval in the law affecting contracts for the shipment of goods by water carriage, and it is one which should not be passed without the attention of the shipping interests of the Dominion being directed to it. I rose to ask the government, and particularly my right honourable friend who presides over the Department of Trade and Commerce, if the attention of the department or of the government has been directed to the provisions of the Bill? The natural tendency of all consigners of goods is to at once take exception to the contract usually embodied in a bill of lading. The impression usually prevails amongst shippers of goods that they should be protected in every conceivable way as against the carrier. One is not, therefore, surprised to find the shippers of goods asking for protection of this nature. On the other hand, this chamber has to take into consideration what are the general interests of owners of boats and the shipping interests generally of the Dominion. Possibly my right hon. friend can say whether the attention of his department has been directed to this Bill? I may say that the fact of such legislation having been passed by the Commonwealth of Australia does not necessarily imply that the interests of this Dominion likewise call for the passage of a similar Bill.

Hon. Sir RICHARD CARTWRIGHT—My hon. friend is quite right in calling the attention of the House to the fact that there are two interests to be considered in this matter. The attention of my department has been called to the stipulations contained in certain of these bills of lading, and the matter is even now under our examination. I think, however, that there could be no objection, and it is quite within my hon. friend's right to introduce any Bill that he pleases on this subject, and without committing ourselves further that it would be of advantage if this Bill were allowed to go to the Committee on Banking and Commerce where both sides of this question could be heard. This would be a subject eminently fit for that committee to consider. Of course my hon. friend and this House know that it is not an infrequent thing, both in bills of lading and contracts of insurance and other matters of the kind, for conditions to be inserted which I take it the courts would hardly enforce. Unless my memory is entirely at fault, I think both English courts and our own courts have practically put their pen through a good many clauses in some contracts, particularly contracts of insurance. I think I am right in that, am I not?

Hon. Mr. LOUGHEED—I think so.

Hon. Sir RICHARD CARTWRIGHT—Judging from what I heard from my hon. friend and one or two matters that came under my notice, I am rather inclined to think that some of the clauses at any rate are clauses which are so directly opposed to the reasonable obligations of common carriers that the courts would hardly enforce them; but it would be decidedly of advantage to have the whole matter investigated by a competent committee such as our Committee on Banking and Commerce. I would reserve the right to myself and the House would reserve the right to themselves of considering—though we would send it to the Committee on Banking and Commerce—that they are not committed to the Bill as it stands, however desirable it may be that the subject should be discusssed and ventilated. Would my hon. friend have any objection to having this Bill sent to the Committee on Banking and Commerce?

Hon. Mr. CAMPBELL—I intended to make that motion after the second reading.

Hon. Sir RICHARD CARTWRIGHT—If it goes to that committee, I do not think the government could have any objection to have the matter discussed and considered.

Hon. Mr FERGUSON—My attention was not called to this Bill until a few moments before my hon. friend rose to make his observations regarding it. Since then I have looked it over, and I think it is one of the most important measures we have had under our consideration for a very long time, and I agree with my hon. friend from Calgary that the measure should be in the hands of the government. I cannot think it possible that in the hands of a private member this Bill can be successfully navigated through parliament, particularly as it comes in somewhat late in the session. There will be, I have not the slightest doubt, very strong hostility to the passing of this Bill on the part of the S.S Coys. I must, however, compliment the hon. gentleman on introducing this Bill. It contains some very valuable provisions. I agree with my right hon. friend, the Minister of Trade and Commerce, that many of these conditions inserted in bills of lading have not been upheld by the courts. That is true not only with regard to bills of lading for water carriage, but also bills of lading issued by the railways, and I may say also, messages taken by telegraph companies. If you look at the conditions in the form on which you are sending a telegraphic message, you are making a contract under which the company contracts itself out of its obligations. I am quite confident that the majority of the conditions that are attached to ocean bills of lading, and many of those that are to be found connected with bills of lading for railway transportation, are not such as any court would uphold.

Hon. Mr. CAMPBELL—I am advised that the courts of England have decided that if these clauses are inserted in a bill of lading and the shipper accepts them, as he does, that the receiver in England must be governed by them.

Hon. Mr. FERGUSON—There may be a statute law in England which governs that, and in that case there would be no question at all about it; but, under common law, no common carrier can contract himself out of his obligation with regard to negligence or anything that can be really traced to negligence on the part of the carrier or his employees; and it is more in connection with these conditions than others that would be upheld by the courts, that the trouble comes in, because when common carriers insert conditions in bills of lading, though they would not be upheld by the courts, they nevertheless effect the object just the same, because they serve as a bluff on the part of the shipowner against the shipper who is not informed as to his legal rights, and would be inclined to let matters take their course—let the common carriers have their way without seeking a fair measure of redress. If then with regard to this class of conditions we have a measure put on our statute-book that inserting such a condition in a bill of lading is an offence punishable by a heavy penalty, it would prevent common carriers putting such provisions in bills of lading as a bluff. I have not had the Bill under my eye except for a few minutes, but it is a very important measure, and I would strongly impress on my right hon. friend the Minister of Trade and Commerce that he should take it up seriously and either adopt a Bill or in some form introduce into parliament and, with the power and influence of the government, pass into law some measure on this subject. I think it rather a neglect on the part of parliament that we have not a Canadian law dealing with this subject. The clause which is to be found in this Bill—I cannot exactly turn up the clause now—which provides that the settling of disputes as to bills of shipment in Canada shall be in Canadian courts, or the courts of the country from which the shipment is made, seems to me to be eminently right, because if shippers have recourse only, as it is now in many cases, to the law of England, they have great difficulty in asserting their rights in the British court, and they know so little about the law on that subject, that in most cases the shippers will let the matter go rather than assert their rights in the courts.

Hon. Mr. CAMPBELL—That is clause 5.

Hon. Mr. FERGUSON—My hon. friend proposes that there shall be a penalty against the carriers if they insert an illegal provision in their bills of lading. I

think that is a good enactment., I hope the Minister of Trade and Commerce will look into the matter, and if the department considers that legislation on this subject is necessary, the government will introduce a measure perhaps not altogether in the form in which my hon. friend has it in this Bill, but in such a way as will not inflict any wrong on the carriers, and will at the same time protect the shippers from imposition. I hope my hon. friend will take it up and deal with it effectually during this session of parliament.

Hon. Mr. DERBYSHIRE—I am sure we all feel satisfied with the way the Bill has been introduced in the House. It is an old question, and one that for years has been taken up by the council of the Montreal Board of Trade and other centres of traffic. For instance, the Montreal council of the Board of Trade in last year's report brought this whole matter before the Railway Commission with the hope that they could secure bills of lading that would be equal to the bills of lading issued by other countries. A bill of lading given at Chicago will insure a cheaper rate of freight and also cheaper rate of insurance on account of its provisions, than one issued in Canada. When we have built these roads and furnished the bonuses, and done the work we certainly should have as good a bill of lading from them as they give to a foreign country. I compliment the hon. gentleman from York for introducing this Bill, and upon his address in explanation of it. The Montreal Board of Trade a year ago brought this matter before the Railway Commission and, speaking generally, they say the terms and conditions of carriage as affixed to a bill of lading should be drafted in accordance with the law governing common carriers, and that railways should not be allowed to escape any liability placed upon them by the present law on this subject. They represent:

That, without being familiar with all the obligations placed upon common carriers by the law, the following criticisms of the draft terms seem reasonable, in view of the necessity of protecting merchants shipping goods by the various railway companies, particularly as the approval of the Board of Railway Commissioners of a set of terms and conditions of carriage will make such effective in spite of the provisions of common law on this question.

Clause 1 should state clearly who is to be considered a duly authorized agent of the company. At cartage stations the teamster should be considered as a duly authorized agent of the company.

Clause 2. The company having accepted goods for carriage should not be relieved of any of its responsibility with respect thereto, simply because such goods have not been rated in the published classification or a special contract entered into for their carriage. If the company's classification is not complete it should be made so if necessary, or a special contract should be required by the company, but the failure of the company to take either of these courses should not prejudice the rights of the owner or shipper to recover damages in case of loss, provided he has properly described the goods.

You see by this report that the carriers should be responsible for these goods, and should issue bills of lading that would make them responsible. The Council of the Montreal Board of Trade communicated that report to the Board of Railway Commissioners with a letter stating that while the council approved of these recommendations, it did not consider that the bill of lading, even if thus amended, would be satisfactory, the council being strongly of opinion that railways and other carriers should not be allowed to relieve themselves by such documents of their liability as common carriers; that a bill of lading should be a simple document, and that its provisions should conform to a common law.

What we want is a bill of lading that will make the railways and steamship companies liable for the safe delivery of goods shipped through them to the ultimate market, and we hope that this Bill will receive such consideration and be perfected in committee so that Canadian shippers can have as good a bill of lading in regard to goods shipped from Canada as they have in other parts of the world. I think it is a very important measure, and something that is in the interest of the whole country, and the relief of these companies from such obligations should not be allowed any longer.

Hon. Mr. CLORAN—I wish to highly commend the hon. senator from York for having the initiative to introduce this Bill. I desire also to express my want of sympathy with the views of the hon. leader of the opposition and my hon. friend from Marshfield in regard to the Bill stating that it should be a matter that would lie within the purview of ministerial supervision and ministration. I cannot agree with that.

A measure that has not ministerial influence over it, is more likely to be fully discussed in all its details in parliament. The matter which is involved in this Bill is not one that is strictly or necessarily ministerial, or that strictly applies to government action. Therefore I am heartily in accord with the hon. gentleman from York in asking this honourable House to pass judgment upon this measure. I disagree entirely with the suggestion made by the hon. leader of the opposition and the hon. senator from Richmond that members should not undertake to discuss or introduce questions of such serious importance. This is one of the occasions in which the Senate can make itself useful without having to wait for ministerial instructions. This is an occasion—and I hope there will be many others —where senators will introduce measures on their own responsibility pertaining to the welfare of Canada and the proper ministration of its affairs. We all know that today the government has a great deal to do. The departments are overworked, and no doubt are not able to meet all the demands of the country. Therefore, when an hon. senator introduces measures relating to matters of public concern, which are not strictly ministerial, which are not political, which are not administrative, from the government point of view, he should be encouraged, and other senators, should be encouraged to do likewise.

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

Hon. Mr. CAMPBELL moved that the Bill be referred to the Committee on Banking and Commerce.

Hon. Mr. ELLIS—I do not know how my constituents may regard this Bill, and I should like to have them informed of it. The Bill has passed the House with the understanding that it should go to a committee for consideration, and it is understood that the House is not fully committed to it.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. ELLIS—And there should be ample time allowed to the boards of trade of the various provinces to consider the measure before it is taken up by the committee. It is an important measure, imposing severe penalties, and while it is no doubt for the general advantage, yet when all the observations made by my hon. friend from Brockville refer to railways and not to vessels——

Hon. Mr. DERBYSHIRE—It means the same for vessels.

Hon. Mr. ELLIS—I think ample time should be allowed the boards of trade to consider it.

Hon. Mr. FERGUSON—And that ample notice be given to all parties interested. There is an association in Canada that has brought many matters before the Railway Commission; I think it is the Freight Association of Canada, and they probably would be prepared to send men who could explain the matter from their point of view. I think that we should not merely hear one side, but that those who are supporting the Bill as well as those who are opposing it should be heard before the committee.

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

SECOND READING.

Bill (S) An Act respecting the Pacific and Atlantic Railway Company.—(Hon. Mr. Kerr.)

Hon. Sir RICHARD CARTWRIGHT—I give notice that I shall move to-morrow for the suspension of such rules as might prevent the immediate consideration of the Bill to amend the Gold and Silver Marking Act.

The SPEAKER—The clerk will note in the motion the rules required to be suspended.

BILLS INTRODUCED.

Bill (5) An Act respecting cooperation.—(Hon. Mr. Scott.)

Bill (25) An Act respecting the Hamilton Radial Electric Railway Company.—(Hon. Mr. Gibson.)

Bill (47) An Act respecting the Montreal, Ottawa and Georgian Bay Canal Company. —(Hon. Mr. Kerr.)

Bill (50) An Act respecting the Dominion Atlantic Railway Company.—(Hon. Mr. Power.)

Bill (51) An Act respecting the Erie, London and Tilsonburg Railway Company. —(Hon. Mr. Wilson.)

Bill (57) An Act respecting a certain convention between His Majesty and the President of the French Republic.—Hon. Sir Richard Cartwright.)

Bill (67) An Act respecting the Canadian Northern Ontario Railway Company.—(Hon. Mr. Gibson.)

Bill (73) An Act respecting the Quebec Railway Light and Power Company.—(Hon. Mr. Choquette.)

Bill (74) An Act respecting the Ottawa, Brockville and St. Lawrence Railway Company.—(Hon. Mr. Derbyshire.)

Bill (76) An Act respecting the Interprovincial Railway Bridge Company of New Brunswick.—(Hon. Mr. Costigan.)

Bill (77) An Act respecting the Canadian Northern Quebec Railway Company.—(Hon. Mr. Tessier.)

Bill (81) An Act respecting the Canadian Northern Railway Company.—(Hon. Mr. Young.)

Bill (83) An Act respecting the Owen Sound and Meaford Railway Company.—(Hon. Mr. McMullen)

Bill (87) An Act to incorporate the Vancouver Island and Eastern Railway Company.—(Hon. Mr. Bostock.)

Bill (111) An Act respecting the National Battlefield at Quebec.—(Hon. Sir Richard Cartwright.)

The Senate adjourned till three p.m. tomorrow.

THE SENATE.

OTTAWA, Wednesday, March 11, 1908.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

BRITISH YUKON RAILWAY COMPANY BILL.

REPORTED FROM COMMITTEE.

Hon. Mr. CASGRAIN, from the Committee on Railways, Telegraphs and Harbours, reported Bill (21) An Act respecting the Yukon Railway Company, and moved that the report be adopted.

The SPEAKER—I have examined the practice in the past and find that we decided as late as last session that there need be no motion to receive or adopt a report of committee when there is no amendment.

Hon. Mr. CASGRAIN moved that the Bill be read the third time to-morrow.

The motion was agreed to.

RESTRICTION OF HINDOO IMMIGRATION.

MOTION WITHDRAWN.

The Order of the Day being called :

That it is expedient that the immigration of natives of British India should be limited to the smallest possible number, if not entirely prohibited. That the government of the Dominion should at an early day invoke the aid and counsel of the imperial government to mitigate the present and prospective influx of so undesirable a class of people.

Hon. Mr. MACDONALD (B.C.)—I had prepared the notice of motion which appears on the paper under my name before I saw the report in the papers that the government was sending the Deputy Minister of Labour to England to confer with the imperial government in regard to the question of restriction of Asiatic immigration into the country. I know the question is surrounded with great difficulties. We go to India and rule there, and no doubt these people will consider it a hardship if they are prevented from coming to Canada; but the danger is great. They are not the class of citizens we want. They come to our shores; every steamer brings in a certain number of East Indians who will not go into the country districts, but remain about the towns, starving and begging for food, badly clad, and entirely undesirable. We know there is nothing to prevent a million people a year coming in from that country, where famine is staring them in the face, and where plague and pestilence prevail, and where able-bodied men receive about ten cents a day when they get work, but there is not always work for them to do. If they are not at once stopped from coming to our shores, in time they will come like a flock of locusts and destroy the country. I am not speaking in the in-

terests of white labour. I think white labour is going too far, and takes very good care of itself. I am speaking in the interests of the whole country. I know that the people in the eastern part of Canada do not feel apprehensive about this matter at present. An article in the Montreal 'Gazette' the other day referred to this as a party question. I do not see how any editor could describe it as a party question, because the government at present in power in this country are not responsible for this immigration; but I hope they will do all they can to prevent it. If negotiations are going on with the imperial government, we know it will take a very long time, and we shall have those people coming in unchecked during the whole summer. I do not know whether it is possible for the Dominion government to pass an Act with regard to the shipping companies accepting passengers of that class. If an Act were passed to prevent any ship bringing more than one immigrant to a thousand tons, it might be very salutary, and in the meantime very useful. These people are also under a great disadvantage if they do not come into Canada under the immigration regulations of the Canadian government. If they do not come direct from a port in their own country, they are deported. If they go to Hon Kong, Singapore or Shanghai and come on to Canada from there, they are not allowed to land, because they have not come direct from a port in their own country.

That is one very great difficulty for these poor people, and we cannot help feeling for them, when, after selling out their goods and spending their money, and taking the long voyage to our country, they are turned back. It is a question full of difficulties and one where a great deal of humanity should be exercised. It is a very remarkable thing that when these people come to our shores they are at once imbued with the spirit of freedom that prevails in this part of the world. They will not look at small wages; they want the highest that are paid, and people will not employ them because they are not skilled in anything. They cannot work in the mines, the fisheries or the forest or anything of that sort, and the consequence is they go around from door to door begging, and they are very impertinent and become a great offence to everybody. I do not know what the government can do in the matter, but if it is true that the Deputy Minister of Labour is going to England to consult with the imperial authorities on this question, it is highly commendable, and I hope he will be able to come to some arrangement by which this influx of undesirable immigrants can be stopped.

Hon. Mr. SCOTT—The hon. gentleman's observations indicate that he fully appreciates the embarrassing nature of a subject of this kind. The natives of India at present are British subjects. Britons one hundred and fifty years ago did not ask permission of the people of India to go in and absorb their country, and it becomes a very difficult question to make the East Indians appreciate that while British subjects have a right to go into India, the natives of India have no right to go into Canada and other parts of the empire. The problem is one that is exceedingly difficult to solve. You can quite appreciate the view taken of the question by the imperial authorities. Naturally they cannot appreciate the view that we take. Our opinions are grounded, no doubt, as the hon. gentleman has observed, on the fact that the Hindoos are not suited to this country; that even in their own best interest they would not be a success in British Columbia I presume they are not given to farming industry. They flock to the towns and cities and engage in small enterprises. The only way we could properly bring the subject to the notice of the British Government is by sending across the Atlantic a gentleman who is familiar with the conditions, who has recently been in British Columbia and noted the embarrassment that the presence of natives of India was causing the people of British Columbia. My hon. friend is now aware that Mr. Mackenzie King has gone to England for the purpose of personally explaining the conditions in British Columbia. I am unable to say what the result will be, but the British Government have already had their attention called to it, and are quite aware of the embarrassment caused on this side by large bodies of the natives of India coming into British Columbia.

Hon. Mr. LOUGHEED—It might not be inopportune to point out to my hon. friend the inconsistency in the attitude of the government with respect to the Natal Act. Up to last session of the British Columbia legislature the attitude of this government was manifestly in favour of the disallowance of that Act. True, the government did not disallow the Act, but it was on account of the understanding which apparently obtained between the lieutenant governor of that province and this government that he would withhold his assent to this Act. Expressions which recently fell from my hon. friend indicated that this government would be prepared to disallow the Act, but apparently a way of escape presented itself recently, so that the government is not called upon to assume the onus of disallowance, and the convictions which were made against the Japanese, who were arrested under the Act having been quashed, of course, the government has not been called upon to act at the immediate moment. But it might be pointed out to my hon. friend that the course pursued by the government in permitting the courts of British Columbia to intervene will not affect the immigration of the Hindoo population. The argument presented to the court in the Japanese case would not be tenable with respect to the Hindoos, the conviction having been quashed on account of the treaty between Canada and the empire of Japan. The question is so important and far reaching as to become of imperial significance, whether this government will permit the Natal Act to go into force and thus prohibit Hindoos having free access to the shores of Canada. Of course if this government will permit the Act to go into operation it will have its bearing on the population of India. It seems to me to be out of the question for the imperial government to intervene and say to any section of the population of India, 'You shall not go beyond the shores of India—you shall not go into any other part of the empire,' in view of the restlessness which exists in India, judging from press reports received from time to time. A grave responsibility now rests on this government to declare what this policy will be with reference to the Natal Act, whether it is to go into force or to be disallowed.

Hon. Mr. DOUGLAS—I feel free to speak on this subject, having lived for some time among these people and knowing something of their habits of life. There are various reasons why we need not be greatly exercised about their coming to Canada and settling here in great numbers. In the first place, constitutionally they are not fitted for the climate, then secondly their religious habits and laws stand very much in the way of their immigration to foreign countries. My own opinion is that the government of Canada need not be greatly exercised about them. It seems to me that if they are to be dealt with at all it is the part of the imperial government to take any action they may see fit to prevent them from coming to our shores; but I am satisfied that the evil, if it be an evil, will cure itself at no distant day, and that it will require no legislation on the part of the federal government. They will soon find that they cannot maintain themselves in a climate such as ours. I am astonished at what has been said by the hon. member from Victoria, that these people remain in the cities and that they are objectionable in appearance. My own impression and knowledge are very much against this. The people of the lower classes are given to agriculture and are diligent and active. The better classes prefer literary work and are very expert in official work. A large body of people in India now have a refined education and find it exceedingly difficult to get employment under the British government, in connection with railways or otherwise, and they are discontented and seek to improve their condition by looking elsewhere. They are a high class of people, eminently fitted for official work. Many a time I have heard British officials state that no graduate of Oxford or Cambridge could accomplish the same amount of work in the same time, especially in figures. In calculations they are always accurate, having their own methods. I have not the slightest anxiety about the Hindoos giving us much trouble. They are not a people given to wandering or to visiting foreign countries, just because they are almost sure to break caste and get themselves and their families into great trouble on their return. From what has been stated

here to-day, I am sure that these people will be severely punished by their caste laws on their return to their own country. If I had any advice to give, I would say that the government might very well allow the thing to subside without taking any action from a Canadian standpoint.

Hon. Mr. POWER—While I do not undertake to differ from the hon. gentleman who has just taken his seat, there is one point as to which I should like to have him answer. I have no doubt that the climate of British Columbia will not suit Hindoos, and there may be a good deal of force in what the hon. gentleman says to the effect that no large number of them will come to British Columbia or persist in remaining there; but the hon. gentleman made a statement to the effect that Hindoos did not care to leave their own country and were not likely to do so in any considerable numbers. I wish to direct the hon. gentleman's attention to the fact that there are very considerable numbers of Hindoos in British Guiana and some of the West India Islands, and in other portions of the neighbourhood of the Caribbean Sea, and also that there are very considerable numbers of Hindoos in South Africa. I think these facts do not seem to be consistent with the doctrine the hon. gentleman has laid down, and I should like to hear his statement.

Hon. Mr. DOUGLAS—The climate to which you refer is entirely different from that of British Columbia and Canada.

Hon. Mr. POWER—I said there was that difference—that that would probably hinder them from remaining in large numbers in this country; but the other point was that they did not care to wander, and their caste laws would prevent them from going abroad. I simply point out that they have gone abroad, and I should like to have some explanation.

Hon. Sir MACKENZIE BOWELL—It seems to me the difficulty that presents itself in dealing with a question of this kind pertains more to British Columbia than it does to other parts of the Dominion or to England. As long as the Natal Act remains upon the statute-book, it would be impossible, without subjecting themselves to arrest for Hindoos to come into that province. The question is, what does the Dominion government propose to do under those circumstances? If I understand the working of that Act, it applies particularly to this class of immigrant and not to the Japanese, because under the treaty with Japan, the Japanese have a right to enter any British possession, and, as pointed out by my hon. friend from Calgary a few moments ago, it is very important for the people of this country to know what position the government intend to take in reference to allowing the Natal Act to remain upon the statute-book of British Columbia. When that is decided then there may be other steps taken to prevent the importation into this country, if I may call it importation, of undesirable immigrants. My own view is that there is a great deal of force in the remark of my hon. friend from the west who has just spoken, in regard to this. When in British Columbia a couple of years ago, I paid some little attention to the immigration of that class of people. I watched them attentively, while crossing the continent, in their working upon the railways, and I came to the conclusion then that has been expressed by my hon. friend here who has had a number of years experience in British Columbia, that they were totally unfit for this country; that men coming from a semi-tropical country like theirs, for working with a shovel in a snowstorm they were of very little use, either to themselves or the railway companies who employed them. I am not going to discuss that question now. What I should like to know, and what I think the country ought to know, is what benefit does the government expect to derive from sending the Deputy Minister of Labour to England to try to induce the imperial government to prevent British subjects living in one portion of the empire from travelling to another? All who have paid any attention to the policy of Great Britain in dealing with questions of this kind, will come to the conclusion that any attempts to prevent subjects of His Majesty emigrating from one part of the empire to another, will prove abortive. Coming back to where I started: can the representatives of the government in this House give us any in-

formation as to their intention, or what they propose to do with the statute as it now stands upon the Statute-book in British Columbia ? Are we to understand that in referring it to the law courts that they expect the judges of British Columbia to declare that Act ultra vires. They might do so, if it were exclusively dealing with the Japanese immigrants who come to this country, basing their judgment upon the treaty that exists between Great Britain and Japan. But what do they propose to do with the Act as it applies to the Hindoos ? Every one of them who lands on our shores in British Columbia is subject to be arrested and sent to jail. Is it the intention of the government to allow that Act to remain on the statute-book, and if they do intend to allow it, in what position will they place themselves in regard to the relations we hold to the British government ?

Hon. Mr. SCOTT—The Act is just now before the courts, and the government do not propose to foreshadow what their policy will be until the question before the courts is disposed of. It is not usual for governments to define what they are going to do in the future, as my hon. friend is very well aware.

Hon. Mr. MACDONALD (B.C.)—I did not quite gather what the hon. Secretary of State said with regard to the Deputy Minister of Labour going to England.

Hon. Mr. SCOTT—I said that Mr. King having been so recently in British Columbia, and having been brought into contact with the foreign population now entering that province, including the Hindoos, that he is so familiar with the conditions there that he could explain to members of the British government, if necessary, the conditions that prevail to outsiders who have not thought the subject over thoroughly. Some features that have been mentioned by the hon. gentlemen from the Northwest are very important, particularly the difficulty of getting Hindoos to work with other classes of labourers on account of the question of caste. Two of a different caste, even amongst themselves, will not unite to work in one gang. There are many reasons why these people are unsuitable in British Columbia, wholly apart from climatic conditions.

Hon. Mr. MACDONALD (B.C.)—It has not been decided that Mr. King is going home.

Hon. Mr. SCOTT—Oh yes, it is.

Hon. Mr. MACDONALD (B.C.)—In that case I withdraw my resolution. There is no occasion for it. Many difficulties will arise under the Natal Act. Chinamen who pay five hundred dollars tax go to China periodically to see their friends, and after this act has been passed, when they come back, will they be liable under the Natal Act, after they have once paid their tax ?

Hon. Mr. SCOTT—Not if they come back within one year. The statute is perfectly plain. They are entitled to return within a year.

The motion was withdrawn.

FRENCH EDITION OF THE REVISED STATUTES.

Hon. Mr. LANDRY—Before the Orders of the Day are called, I should like to know from the government when we shall have the French edition of the Revised Statutes. We were promised a year ago that we would have it in January.

Hon. Mr. SCOTT—It is all the fault of the translator. It might have been issued six months ago. It is entirely his fault.

Hon. Mr. LANDRY—That does not answer my question. I am asking when we shall receive it.

Hon. Mr. SCOTT—The translator is an official of the House of Commons. I have brought the subject before the government, and personally before Sir Wilfrid Laurier, and I think they ought to deal with it.

Hon. Mr. LANDRY—So do I.

Hon. Mr. FERGUSON—Who controls the translators? Has nobody any control over them?

Hon. Mr. BEIQUE—I have had the French edition of the statutes.

Hon. Mr. LANDRY—How many volumes ?

Hon. Mr. BEIQUE—Three volumes.

Hon. Mr. LANDRY—The fourth is not printed yet.

Hon. Mr. SCOTT—Some time ago the translator caused a new translation to be made of Acts that are incorporated in the fourth volume.

Hon. Mr. LANDRY—The constitutional Acts.

Hon. Mr. SCOTT—Yes, the British North America and other Acts, and he made a new translation differing in many particulars from the recognized translation which has existed since confederation. The King's Printer came to me and asked me about it, and I said 'It is very improper to have two translations of the British North America Act and the other Acts relating to the constitution. We have one translation which has been approved of for thirty years, and that is the only one that can be inserted in the fourth volume.' The translator has been obstinate about it, and refuses to take the old translation. I called the attention of the government to the course he was taking, and certainly Dr. Dawson would not be warranted in having a new translation of Acts in force and recognized for so long a period.

Hon. Mr. LANDRY—I suppose that difficulty has been settled now?

Hon. Mr. SCOTT—It has been settled that he must accept the translation as given.

Hon. Mr. LANDRY—I shall remind the hon. gentleman of this matter from time to time.

Hon. Mr. BERNIER—According to the remark of the hon. gentleman, that is a mere translation we will get of the Revised Statutes.

Hon. Mr. SCOTT—It does not rest with me, or it would have been finished long ago.

FRENCH EDITION OF THE RULES OF THE SENATE.

Hon. Mr. LANDRY—I would like to know when the French edition of the Rules and Regulations of the Senate will be finished?

Hon. Mr. SCOTT—I thought they were finished long ago. I understood they were distributed long ago.

Hon. Mr. LANDRY—I do not know who gave the information. I never understood that. I never received a copy.

Hon. Mr. GIBSON—The hon. gentleman does not need a copy.

Hon. Mr. LANDRY—I see that the hon. gentleman from De Salaberry has received a copy.

Hon. Mr. BEIQUE—I am under the impression that I have a copy in Montreal.

Hon. Mr. LANDRY—Well it is a bad impression, because we have not received it yet.

A QUESTION OF PRIVILEGE.

Hon. Mr. CLORAN—I wish to rise to a question of privilege and shall deal with it very briefly. I had occasion to state certain things in discussion in this honourable House, and I find that the hon. Secretary of State has in a very lengthy letter published in the press on the same subject, placed me in a position which I do not consider fair or according to the facts. He has made me say things which I did not say.

Hon. Mr. SCOTT—That is absolutely untrue, unless the hon. gentleman has been badly reported. I took the official report.

Hon. Mr. CLORAN—The hon. gentleman says it is not true. I am quoting his own correspondence. He said:

> When thus challenged I could not remain silent, and have thereby admitted that the federal government was at fault.

That is not in answer to anything published in the press, but it is in answer to what I said on the floor of this honourable House, and which still remains in the Senate Debates; but as published in the press, I said this, and it is verbatim according to the report in the 'Debates':

> Why should the city of Montreal, or the city of Quebec, or any other metropolis or large centre of the Dominion be compelled to establish a special police and detective force for a certain class of immigrants? The thing is absurd. It is the province of the government to take precaution against the entry of these people.

Hon. Sir MACKENZIE BOWELL—Might I ask the hon. gentleman if he has a copy of the letter sent by the Secretary of State to the city council of Montreal, giving an explanation of the speech that he delivered

here ? I think it would be well before we discuss that question that we should have the whole of the facts before the House.

Hon Mr. CLORAN—I am not aware of any letter having been sent to the city council of Montreal by the Secretary of State or anybody else ; but what I hold in my hand is correspondence signed by the Hon. R. W. Scott, dated Ottawa, March 3rd, in which the matter is discussed and threshed out in full, as far as the hon. Secretary of State is concerned, but not to the satisfaction of a great many people, of whom I am one.

Hon. Sir MACKENZIE BOWELL—Read the letter.

Hon. Mr. CLORAN—No, I shall not. It is too long.

The SPEAKER—I would advise the hon. gentleman to limit his remarks to exactly what is personal to himself.

Hon. Mr. CLORAN—That is what I was doing. I will simply call attention to one or two facts which concern myself personally. After quoting what I said in the discussion on February 27th, the hon. Secretary of State writes as follows in the letter referred to :

> When thus challenged I could not remain silent, and have thereby admitted that the federal government was at fault.

If the hon. gentleman had simply added the following lines to the quotation he made from my speech, he would have been able to publish in the press, the following:

> It is the province of this government to take precaution against the entry of these people.
>
> I am far from saying that the government is responsible for the presence of that class of immigrants in Canada—far from doing so, because I know as a fact that the government does not encourage Italian immigration into Canada. They have not a single agent in Italy. But if the government does not encourage them, corporations do, and these corporations are finding, much to their dissatisfaction, much to their own annoyance and much to their own loss that the importation of these people is not profitable, even from a labour point of view.

That is as flat a contradiction as can be given to the statement made by the hon. Secretary of State, in his letter that I wish to place the responsibility for this condition of things on the shoulders of the government.

Hon. Mr. SCOTT—Did I quote the hon. gentleman's words correctly? I quoted them exactly as I found them in the official report, and I stand by them.

Hon. Mr. CLORAN—My words in the Senate Debates are as follows :

> I may be told in this House 'but let the municipality look after that. Let them look after their criminals.'
>
> Hon. Mr. SULLIVAN—Hear, hear.
>
> Hon. Mr. CLORAN—Such a suggestion would not be fair to the municipalities of this Dominion. They are not responsible for the dumping within their limits of criminals of whom they know nothing. We are asked by the Italian consul to appoint a force of Italian detectives. Why should the city of Montreal, or the city of Quebec, or any other metropolis or large centre of the Dominion be compelled to establish a special police and detective force for a certain class of immigrants ?

That is practically word for word. It is a little stronger in my favour. All I wish to point out in regard to this matter, as a question of privilege, is that I have not challenged the government policy. It will be time enough to challenge the policy of the government when they are in the wrong. I do not want to stand before the country as challenging the policy of the government when they are not responsible. When I felt it my duty to discuss the matter, I did so on the floor of this House. That is the position I want to be placed in. I have no time to write letters to the press to correct their errors. I let them go as the wind, but as it is a matter which affects me in my own home I thought I had a right to state my case in regard to that attack and prove from the documents themselves, and the 'Debates' that my position is the contrary to what the hon. Secretary of State has written. The statement is made also that I furnished evidence as to the laxity of the Montreal police. If there was anything in my speech it was a clear defence of the police against that charge. I surely did not offer any evidence as stated. Another statement with regard to myself, in presence of all that evidence, part of it supplied by the senators themselves.

> Was I not warranted therefore in calling attention to the apparent laxity of the city laws?

I wish to disavow that. I furnished no evidence whatever that the police were

derelict in their duty, and it is not fair to place me in the light of having said so before my constituents in the city of Montreal. I know their feelings in the matter. I know the statements have excited strong feelings in that part of the country, and that they did not relish what was said of their character either as citizens or police. They are not in a position to come here and state their feelings, but it is my duty, as their representative, to press what they think and feel in this matter, and it is my right not to have my name placed before the public in a false position, and on grounds which do not exist, and which are not justifiable.

Hon. Sir MACKENZIE BOWELL—I should like to take this opportunity of congratulating the hon. Secretary of State on having succeeded in bringing the Senate prominently before the country.

The SPEAKER—Is the hon. gentleman speaking on the question of privilege?

Hon. Sir MACKENZIE BOWELL—No, this is not a question of privilege. I have said all I intended to say. There has been a complaint that the press did not take any notice of the Senate, and I wanted to congratulate the hon. Secretary of State on having said something that has called public attention to the Senate.

THIRD READINGS.

Bill (23) An Act respecting the Ministers' Widows' and Orphans' Fund of the Presbyterian Church of Canada.—(Hon. Mr. Mackay, Alma.)

Bill (AA) An Act for the relief of Andrew Walker.—(Hon. Mr. Frost.)

GOLD AND SILVER MARKING ACT AMENDMENT BILL.

SECOND AND THIRD READINGS.

Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (CC) An Act to amend the Gold and Silver Marking Act.

The motion was agreed to.

Under suspension of the rules the House resolved itself into a Committee of the Whole on the Bill.

(In the Committee.)

Hon. Mr. LOUGHEED—Has the government in any way acted under this law?

Hon. Sir RICHARD CARTWRIGHT—No action whatever has been taken.

Hon. Mr. LOUGHEED—I notice that a provision was embodied in the former Act for the passing of regulations.

Hon. Sir RICHARD CARTWRIGHT—Yes, but no regulations have been passed. It leaves the position undisturbed, exactly as it is to-day.

Hon. Mr. DAVID from the committee reported the Bill without amendment.

The Bill was then read the third time and passed.

BOARDS OF TRADE ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (BB) An Act to amend the Boards of Trade Act. He said: the necessity for this legislation arises from the fact that heretofore boards of trade were given very large districts. New towns are springing up in the Northwest, and applications are being made for authority to create other boards of trade and thus embarrassment has arisen. As an illustration, at Battleford there is a board of trade. The Battleford district would include what is now called New Battleford, which has also applied for a board of trade. This Bill is to permit the Governor in Council to deal with such applications.

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

WINDING UP ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (102) An Act to amend the Winding Up Act. He said: The object of this Bill is, in the province of Manitoba, to authorize the Court of Appeal to have cognizance and jurisdiction over the winding up of companies. As the law stood before, the conditions were made for Ontario and Quebec only, and then so far as all other pro-

vinces were concerned it was to the Superior Court in banc. Now it is proposed to substitute in Manitoba the Court of Appeal.

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

NATURALIZATION ACT AMENDMENT BILL.

IN COMMITTEE.

The House resumed in Committee of the Whole in consideration of Bill (W) An Act to amend the Naturalization Act.

(In the Committee.)

Hon. Mr. SCOTT—I gave notice that I would move the following amendment when the House was in committee on this Bill :

Paragraph (*f*) of section 16 is repealed, and the following substituted:—

(*f*)In Manitoba, to the Court of King's Bench during its sittings in the Judicial District within which the alien resides ; to a judge of the Court of King's Bench, sitting in court ; or to the County Court during its sittings in the division within which the alien resides.

It is for the convenience of the alien. If parties wish to become naturalized it is but fair that they should be allowed to attend the court which is most convenient.

Hon. Mr. BERNIER—What change does this make ?

Hon. Mr. SCOTT—In the existing law, the application is made in Manitoba to the County Court, or, if there should be no County Court in the place, to the County Court of the county nearest to the applicant's residence. This is to increase the facilities, because the County Court does not sit often enough, and it is found inconvenient. When a higher court is nearer to a man's residence it is easier to attend.

Hon. Mr. LOUGHEED—Why is the place of residence departed from ? My hon. friend will perceive that three conditions are provided for, that is to say, he may apply to the Court of King's Bench sitting in the district in which he resides, to the County Court holding its sittings in the division in which the alien resides, or to a judge of the Court of King's Bench sitting in court. That is entirely outside of the district. I do not know of any good reason why that should be inserted.

Hon. Mr. SCOTT.

Hon. Mr. SCOTT—Of course it is open to that interpretation, but it could be construed to the court sitting in the district.

Hon. Mr. LOUGHEED—I would point out that the amendment affecting the provinces of Alberta and Saskatchewan provides that the application shall be made to the court sitting in the district in which the alien resides.

Hon. Mr. SCOTT—I have no objection to make it read: 'In the judicial district in which he resides.'

The clause was amended and adopted.

Hon. Mr. GIBSON, from the committee, reported the Bill with an amendment, which was concurred in.

CONSTRUCTION OF OTTAWA AND GEORGIAN BAY CANAL.

DEBATE RESUMED.

The order of the day being called :

Resuming the adjourned debate on the motion of the Hon. Mr. Casgrain, that he will call the attention of the Senate to the importance to Canada of the early construction of the Georgian Bay canal, and will inquire of the government if the report of the survey made of that waterway will be laid before the Senate during the present session ?

Hon. Mr. SULLIVAN—Canada has the finest system of inland navigation in this world, notwithstanding the cold that freezes up so many of its waters in winter. These are not my words. They are the words of the most distinguished hydraulic engineer in the British empire. They are the words of the gentleman under whose designs the great Manchester canal was constructed, the man who is now consulting engineer on that work. He spoke, too, not in an interview or in an offhand manner, but when writing a treatise for a work, which is the most authoritative, and most looked up to of any work on literature and science. I mean the Encyclopaedia Britannica and you will find these words at page 522 of the 26th volume of the 10th edition. The man who uttered these words was Sir Edward Leader Williams, the great hydraulic engineer, and he says that since 1870 the Canadian system of canals has been such that it opened up a waterway unparalleled in the world, of 2,260 miles, without any

break from the head of Lake Superior down to Montreal, or to tidewater. That is an extraordinary thing to say. If there be any monument to the people of this country, to their enterprise, their intelligence and their devotion to their country, besides the faith and confidence they have in it, it is the canal system. If there be any public work I should like to show my friends, or anything I should like to praise in Canada, it is the canals, because their strength and utility have been tried and not found wanting. I do not give the credit for it to any particular party. These public works are above all parties. They are the work of the people of Canada, and they are a mark of their intelligence and enterprise. History will decide to whom this credit may belong. I am sorry that the hon. gentleman who preceded me in this debate, in a very eloquent manner tried to introduce another canal project, which I am not at all opposed to—I would be very glad to see it undertaken if the time were propitious. At the same time I could not help but think that the advocates of the Georgian Bay route administered, or wanted to administer, and did not care if they administered a crushing blow to one of the best links of that system of which I have been speaking so highly. There is no doubt whatever that a comparison of these two works is out of the question. We have a conglomerate lot of hypothesis on one side, laying down certain dimensions and certain rules against another system of canals which has done a great service to this country, and which has been obsolete since 1894. Its history has always been one of progress, and at that time it had the same dimensions as it has to-day. It is not because anything is wanting in the St. Lawrence system that they should propose to build another. I should think they ought rather to improve the ways which we have, and the only way in which we can deal with it in an economic sense would be either to deepen the Welland canal and allow the other canals to remain as they are—that is one system—or deepen all the canals from the lakes until the tide water is reached. Montreal is 310 miles nearer to Liverpool than is New York. There is another portion of the canal system. The ship channel is practically a canal from the city of Montreal to the city of Quebec, another marked indication of the enterprise of the people of Canada, especially of the citizens of Montreal, with the aid, I suppose, of the federal government. These hon. gentlemen made no allusion whatever to this canal, except in a deprecatory way, calculated to lower what might be said of it, of which I think they might have spoken better. They alluded to the fact that it would take $200,000,000 to deepen the St. Lawrence canals. Why that is out of the question. If it would take $200,000,000 to deepen the St. Lawrence canals, I do not know how many millions more than that it would take to build the canal system which the hon. gentleman from De Salaberry was advocating. To make any parallel between those two is unfair, and to compare the dimensions, the power and the possibilities of a canal twenty-one feet deep with one which is only 14 feet at the present time, is unfair. But even on that basis we could make a comparison. By enlarging the Welland canal and the St. Lawrence route to what it ought to be, would answer not only for the present, but would meet future requirements, until we secure reliable information about what would be a better course to pursue. Hon. gentlemen must remember that it is out of place in this House to decide any important and intricate questions of this kind which will require to be discussed by specialists in private and not before the public. The hon. gentleman from De Lanaudière, for whom I have the highest respect, made a very eloquent speech, but I looked upon it merely as the harbinger of an approaching election. In my whole political life I never heard better platform or post-prandial speeches than those two speeches were, and they were not very particular about the exact truth.

Hon. Mr. LANDRY—Hear, hear.

Hon. Mr. SULLIVAN—They made a comparison of freight rates, but I will not go into that. I have a calculation here which I think would be too intricate for hon gentlemen to understand, or for me to explain.

Hon. Mr. LANDRY—Hear, hear.

Hon. Mr. SULLIVAN—At all events, it makes a difference of three eighths of a

cent lower rate via the Welland canal than on the Georgian Bay route. I will probably explain that to hon. gentlemen afterwards. Then in regard to the lockage of the canal, the hon. gentleman from Ottawa stated that there were forty-nine locks on the St. Lawrence route. I did not go down there to count them, but I can tell the House from authentic government sources that there are only seventeen, and if all the hon. gentleman's statements are as wide of the mark as that, I think they would not have a great deal of value. There are seventeen locks on the St. Lawrence and twenty-six on the Welland canal. I refer to the St. Lawrence canals and not to Chambly and other places further down. Another point in favour of the Welland is the lockage. If you calculate the height to be overcome from tide water, you will find in the one case it is 732 feet that is on the Ottawa and Georgian Bay route, and in the other it is 200 feet less than that—530 something. At all events, it is 200 feet less than the 732 feet that I calculate for the Georgian Bay route. It would require eight more of the locks over twenty-five feet. That makes a great deal of difference in the expense and in the loss of time. I suppose my hon. friend from Montreal (Hon. Mr. Forget) can tell us how slow these boats have to go in the canal, both approaching the lock, while in the lock and coming out of it. There is a great deal of time lost, so that the speed of the vessel in such a canal would be only about four miles an hour. I do not know at what speed the large vessels can go through the canal. Then there is another point; that is, the length of the season of navigation. The Welland canal is open nearly the whole year. There are only a few days in the year that vessels cannot pass. There would be no use in passing vessels through it when the St. Lawrence canals are not open unless they merely wish to go to Lake Ontario. Then the hon. gentleman from Halifax will understand that the duration of the season of navigation in the Georgian Bay canal depends on French river, which is not very far away from the head of Georgian bay; and that is frozen at a very early period and that at the time you want the canal open to carry the harvest of the Northwest. It must be open during October and November to accommodate that traffic. That is another point where the proposed canal could not compare with the St. Lawrence route. The St. Lawrence canals are open as long as the port of Montreal is open. My learned friend spoke of the large vessels going down to the Atlantic and doing a coasting business during the winter. I think that would be absurd. They would not be able to do it; they are not fitted for it. It would be difficult to get boats suited for both trades. That is a matter that would require to be tried; and then there would be a great loss of time when they wanted to return to the upper lakes. Navigation might be still closed below Montreal, when there would be no ice in the canals or west of Montreal. Of course when any of the streams on the Ottawa and Georgian Bay canal route freeze up that ends the canal navigation for that season. A very important point is the water supply. It might require a great deal of water to feed the canal. From the hon. gentleman's statement, we would infer that he had some difficulty in getting enough water supply for this new canal, and one of the schemes which was suggested was to pump water into it from Lake Nipissing. Another scheme to augment the water supply was to divert the course of some streams at the summit. In fact, the hon. gentleman used the most potent methods possible.

Hon. Mr. CASGRAIN—I protest against the pumps.

Hon. Mr. SULLIVAN—Well, he dammed and pounded when there was not enough water. He dammed the other side.

Hon. Mr. MACDONALD (B.C.)—Too many dams altogether.

Hon. Mr. SULLIVAN—There was enough of them. He did not stand at trifles. I think he placed the drainage area from which the canal would be fed at the summit at 600 square miles. As the Welland canal has the whole of the great lakes, and the proper amount of water secured by dams, it does not require to make any further provision for water supply than canals and locks at proper intervals. That I think is another point that ought to be taken

note of. Then there is the water-power. There was a great fuss about the water-power. If the Georgian Bay Canal Company undertakes to build the canal if the government would let them have the water-power, by all means give it to them. The hon. gentleman from De Lanaudière calculated that hundreds of thousands of horse-power of hydro-electric energy would be developed in the construction of this canal, and he put a value of $10 to $15 per horse-power on it. It is only worth $1 per horse-power. I will leave it to the hon. gentleman from Lincoln (Hon. Mr. Gibson). He meant the electricity. It was the electrical horse-power, clean and pure, just the finished article. It is a different thing to give them the hydraulic energy required to develop the electric power. I saw the great power houses at Niagara falls last summer, and I think they sell power there on a sliding scale. They develop 400,000 horse-power and will lease a hundred thousand horse-power at a dollar per horse-power. The hon. gentleman fromLincoln knows all about it. There is a Cataract Company at Hamilton. He is probably a director of it. They take water from the canal and pass it over the falls at Depew a hundred feet high, and they only give that amount for it, I think—one dollar per year. The amount of horse-power on the Ottawa would not be a great deal more than on the Welland canal. To compare the drainage basin of the St. Lawrence above Montreal with that of the rivers on the Georgian bay route, you will get a fair idea of the comparative possibilities of both routes for developing horse-power, and will find that it is in the ratio of five to one in favour of the St. Lawrence and with an additional advantage in the fact that you have established industries. There is another point. You have established industrial centres near at hand to take the water-power and pay for it. A few objections to the Ottawa and Georgian bay scheme that I might mention are: First, that the Georgian bay is the most stormy and most dangerous of the lakes. Over and over again, when there was more trade coming to Kingston than there is now, I recollect the sailors always complaining of the severe storms in Georgian bay in the fall of the year. It is a very rocky and dangerous place. Then there are the rock cuttings on the canal route. I believe the rock formation up there is all granite and hornblende not at all like on the Welland canal, where they have nothing but limestone, and of course very often nothing to excavate but the earth. But on the projected route it is all hard rock excavation. I do not want to be too severe on the hon. gentleman from De Lanaudière, although he explained that this rock formation was a great advantage. He explained that he could hang the lock gates on the end of the rock cuts and do away with any expenditure for locks. There would be no expense for masonry or anything of that kind. There is another point in reference to the rock cuttings, and that is the depth. The depth of the Georgian bay canal, 21 feet, will not do at all, because it would not make any allowance for the future. The possibilities of changes that may occur in connection with canals and hydraulic work is something astonishing. In a few years a project of to-day becomes completely obsolete. I will give you an example of that a little later on. I think these matters should be considered if the government are going to build this canal, which I hope they may, only after they complete the other project. I think they should build the easiest, cheapest, best and most advantageous one first, and then they can can build the other aterwards, but I would be perfectly satisfied to leave that to any impartial tribunal to decide. The present indications are certainly that the dimensions which they suggest will not be sufficient for future years. To give an example of the way in which these lake vessels are changing in size, in 1904 there was only one ship from 500 to 600 feet, while in 1906 there were no less than 57 of this class on the upper lakes. It will probably take from ten to twenty years to construct the Georgian bay canal. I think that is not too long a time to estimate, and the canal should be designed to meet the requirements of that date. Then, supposing the Georgian Bay Canal were built, it would render the other canal obsolete, and is it possible that there is any man, woman or child in this country who would be foolish enough to favour any attempt to devise anything which would injure that magnificent waterway which I mentioned when I began my address? I trust there may not be. This is a question

that rises above any political party or locality either. If there is anything in the locality which would interfere, I would put it aside. This canal is to be for all time, a monument to the people of Canada, and therefore the best possible scheme for the purpose should be decided upon. If we decide on the Georgian bay, of course the St. Lawrence canals cannot be enlarged, and that affects the whole system clear down to tidewater below Montreal. If it were a scheme that would not possibly injure the others, I would not have very much to say about it. However, that must be discussed and the proper economic value given to each of these schemes. I consider the project of enlarging the St. Lawrence canals to accommodate the large lake vessels to be not at all impracticable. You would have to deepen some parts of the Welland canal. There is a stretch of 17 miles of the canal which is on the level of Lake Erie, and the whole canal is only 26 miles. Seventeen miles of that would only require to be sunk a few feet. In high water there is eighteen or nineteen feet in it at present. Part of it is the new canal. They would only have to dig out and deepen one side of the old canal. How under heaven could the Georgian bay scheme ever be equalled in economy to that? Another point is that the traffic would still proceed while they were constructing this canal. It would not require to be stopped in any way.

There is another point I wish to speak about. The hon. member from Ottawa spoke of only 13,000,000 bushels of grain passing through the St. Lawrence canals in 1906. Why there must be some mistake as I can give the names of two Kingston forwarders who had shipped to Montreal over 15,000,000 bushels. The best, cheapest and most satisfactory mode of forwarding western and northwestern grain of all kinds, the harvest of Canada, from Lake Superior, Port Arthur, Duluth, or other ports is that which Mr. Richardson, a well known shipper of Kingston, who beyond any other had studied the subject of the northwestern transportation problem, and which he never ceased to advocate, namely, the deepening of the Welland canal to a depth necessary to enable the big lakers to continue on to Kingston with a full cargo of 330,000 bushels having a clear passage through the beautiful water of Lake Ontario at full steam ahead fearless of any obstruction, or the ship might enter the capacious mouth of the St. Lawrence and continue on to Prescott sixty miles distant, being really the head of river navigation. Arrived at either Kingston or Prescott, barges of 2,200 ton capacity are in waiting there which desire special mention. They are of light draft, are manned by a captain and three men sometimes. The captain's wife acts as cook and he pays them as he contracts. He engages for the season at about $90 per month. The forwarder arranges with him and he only pays the sum agreed on. The captain must arrange with his men. Each of these barges will carry from 70,000 to 80,000 bushels. The transhipping to ocean vessels is done rapidly. I forget the number of hours, but it is done astonishingly quick and the big ships are free then for a return cargo. In less than twenty hours from Kingston the barges are at the side of the ocean steamer and the grain, so much benefited by the transhipment as to be advanced a grade, is loaded rapidly for its destination in Europe. Mr. Richardson is an enthusiast on this question and convinced me that it will suffice for many years as being the quickest, cheapest and most satisfactory route for grain or any similar products of Canadian growth across the ocean. Mr. Richardson has forwarded millions of bushels to Europe by this route without an enlarged 'Welland' and has made it a success. Knowing the size of vessels in the trade and following the route on a map hon. gentlemen will be of the same opinion as I am.

I have a copy of the 'Engineering News,' the greatest magazine authority on engineering in the United States, dated the 28th January. It refers to a report of a meeting and the examinations made by the Superintendent of Public Works of the State of New York. He is a very eminent man. His name is Stevens and he makes this report, and it shows how matters change in the line I was speaking about; things that were two years ago quite right and considered up to date are now considered there to be very much behind. Hon. gentlemen have heard of the trouble the United States had about the Erie canal, that canal being only eight or nine feet

draft and carrying such a small amount of traffic. The engineers discussed one or two plans, and they finally decided on a thousand-ton barge canal. This was to carry the small vessels from Buffalo to Albany on the Hudson. That is found now to be of no use. The legislature voted $100,000,000 for that purpose, and they gave out contracts, about twenty in number. Some of them were for three or four million, but the majority of them one million dollar contracts, and I desire to give the cabinet ministers a warning about the danger of submitting large contracts to tenderers. He finds that it requires from one hundred to three hundred thousand dollars to get an equipment for a contractor to go on with the work, and when the contractor is finished he is not sure he will get any further employment for his plant. That has led him to say that it would be all thrown on the state afterwards. They are attempting to find fault with the canal on account of the inadequacy of it. At all events they have changed their design of the barge canal which my hon. friend was afraid was going to ruin us. He could not sleep at night on account of the dangers which would befall the country. I want to tell him he can now sleep in safety, that Canada is solid, that we are ahead of the United States as far as we were before, and as Canada can show, it was always in advance of the United States from the time they undertook to build the 'Soo' canal. Many thought at that time it was a waste of money and that United States vessels would never have occasion to use it, but the time has come when they will have to use it. I hope Canada will get her share of the traffic, not only her own share, but a great deal of the United States business. I told the hon. gentleman from Ottawa (Hon. Mr. Belcourt) that the United States people complained that we were taking away their trade. I will give you the particulars in a few quotations. The report is concisely and beautifully written, and evidently by a gentleman who knows what he is writing about. The first allusion he makes to Canada is as follows:

> The type of the Canadian canal is very similar to the proposed barge canal, but they were found to be unsuited to present conditions, and even before construction work was begun on the barge canal, the Dominion government had set about to make important changes in the physical condition of the locks and structures to better meet the growing demands of commerce.

He complained of that, but that is not all. It goes on further to show that nothing goes out of date quicker than these designs —they cannot keep pace with the progress of the age. These large canals, suited for large ships, are able to distance the railways altogether, and it is true, as the hon. senator from De Lanaudière (Hon. Mr. Casgrain) stated, that the smaller the canal the less able it is to compete with railways. When a canal will accommodate vessels carrying ten thousand tons of freight it is able to outstrip the railways in the race for patronage. Speaking of this he says:

> Suggestions which, ten years ago if made would have been credited to the dreamer, are to-day regarded as eminently practical by men of affairs; but in such matters it is the future that is had in view, not yesterday, to-day or even to-morrow. Had this plan been followed in the past, fewer millions would have been wasted in what to-day are regarded as useless or practically useless water highways.

He thought they might keep the trade for a while if the canals were large enough, but because the canals were not large enough they had recourse to another system. I want to show how they become obsolete. He says:

> The canals of Ohio have been abandoned as inadequate. The Illinois-Mississippi canal only just completed, after fifteen years of construction work, is found to be practically obsolete though this structure has locks 35 feet wide and 170 feet in length. Fifteen years ago this project was thought to be ambitious, but already the boats which may be operated on this canal with profit are too large to pass through the locks.

That gives an idea of how soon canals go out of business altogether. Then it goes on to speak about how Canada is treating this question. He says:

> At the inception of the barge canal the purpose was to restore to New York state the traffic which had been taken away as a result of a better system of Canadian canals. The barge canal may be suited to compete with the present type of Canadian canals, but the Dominion government has forseen the need of a different type and has undertaken to supply it in the so-called Ottawa-Georgian Bay route. Surveys have been completed and estimates of the cost for a 21-foot ship canal have been prepared, connecting Georgian bay with the St. Lawrence river by way of Ottawa and Mattawa rivers. The Dominion parliament is expected to make an appropriation for the construction of this

canal during its present session. The Ottawa-Georgian Bay canal is planned to provide the shortest outlet by water for the grain, forest and mining products of the great Northwest, and it is potent to ask whether with that route for shipment once open, commerce can be changed so as to take the route through the lower lakes and cross the State of New York, particularly such commerce as is bound for European ports? Commerce, history tells us, when once lost is difficult to restore. Canada in the race for commerce must be dealt with as a rival. The simplicity of the Ottawa-Georgian Bay route from the standpoint of construction, as viewed by engineers, taken in conjunction with the methods which that government applies to the solution of any project looking to enhancing the glory of the Dominion, threaten, if they do not fully insure the completion of this waterway before the barge canal under the present system of construction can be completed. Commerce once lost under such conditions, if not forever lost, would be hard to regain. Not only New York, but the whole nation is interested in retaining supremacy in this regard.

Here then is the problem. What is the solution? I would not for a moment delay any energy that may be brought to bear to a completion of adequate waterways and a utilization of the magnificent rivers and lakes and the facilities which New York State has to offer in this regard to a full utilization of the great lakes traffic. Before the barge canal had been seriously considered, the federal government took note of the opportunities offered by New York state for the construction of a deep waterway. Careful surveys and estimates were made by the board of engineers on deep waterways, and submitted in 1900. The estimate was for a ship canal 21 feet deep, connecting Lake Erie with the tide waters of the Hudson river, the estimate being one hundred and ninety-eight million dollars, divided as to that part of the canal connecting Lake Erie with Lake Ontario, $42,500,000; and to that part connecting Lake Ontario with the Hudson river tidewaters, by way of Oswego and Mohawk river route, $155,500,000.

He avoids any mention of the Welland canal route and has only reference to this Georgian Bay-Ottawa route. In all the references which my hon. friend from Ottawa (Hon. Mr. Belcourt) made to different authorities, the only Canadians he could quote were Sir Thomas Shaughnessy and Sir Wm. Van Horne. I think they have an interest in Norh Bay, and from North Bay down the Canadian Pacific Railway runs parallel with the proposed canal. I do not say that that had anything to do with it, but it made them feel a little warm towards the project. All the other authorities quoted by the hon. gentleman were United States authorities. He continues:

> The inevitable conclusion to my mind, as, I believe it will be to the mind of every fair minded man who makes a careful study of this project and eliminates all consideration of locality, is that your honourable body should without delay memorialize Congress to join with New York in making that portion of the barge canal route from the Hudson river by way of the Mohawk river, Oneida lake and Oswego river, a ship canal of the type contemplated in the government surveys of 1900, and that this memorializing of Congress should be followed by such pressure from those interests within our state as may not be ignored, to the end that the plans suggested as may be accomplished. The construction of the connecting link between Lake Erie and Lake Ontario could be wisely left to the federal government for when this improvement was once considered, no other argument, it seems to me, would be necessary to accomplish the necessary legislation.
>
> This suggestion is not made, and may not be honestly construed by any person, as a plan to delay construction work on the Barge canal now in progress. The cost to the state, if its completion could be consummated, would not be greater than will be the cost of completing the lesser waterways, and the benefits to result not only immediate but for the future will be a hundred-fold.
>
> If this enterprise is undertaken along the lines of this suggestion and at once, practically none of the moneys expended or about to be expended by the state on the Barge canal route named will have been mis-spent.
>
> If this plan could be brought to fruition, it is my belief that not only would New York state be in a commanding position so far as commercial shipments go in the event of the completion by the Dominion government of the Ottawa-Georgian Bay canal; but it is not impossible that if the construction of the ship canal across New York state were authorized in the near future, the construction of the Ottawa-Georgian Bay canal would be abandoned altogether for the time being. The net result to the state would be a 21 foot canal from the Hudson river to Lake Ontario instead of a 12 foot canal, with adequate locks and other structures, with a possible adjustment of operating expenses favourable to New York state, and in addition, a completion at an earlier day than may be hoped for in the case of the Barge canal as now planned. Finally, but not the least item of consideration, a solution of the water tariff problem so far as New York is concerned for all time. The suggestion I have made, if carried out would not involve any abandonment of plans or the work now under way for the construction of a barge canal from Buffalo to Oneida lake, or of the Champlain canal from Whitehall to Waterford.

The whole gist of that is only a bluff to make men turn more to the construction of the canal through New York State. His object is to urge the people of the state to some rivalry to get ahead of Canada. I do not think that will, to use a slang phrase, cut much ice with the people here. He makes no mention of the Welland canal route, from which I judge that the Welland canal is the route that they are afraid of, and they are only using the other for the

purpose of bluffing. The other way to keep ahead in water transportation is not known to many and I will mention it now.

You are aware that all the colonies are like a constellation and the one bright star in that constellation is Canada, and it will continue so long as it lasts whether as an independent state or as a colony. Mr. Harold Begbie, a well known journalist, published a letter recently in the London 'Morning Chronicle,' giving his views on Canada after having travelled through it from end to end. He said the Canadians can never be made to model themselves on the British people. Everything is American, the social life and even the amusements of the people. To illustrate this, he mentioned the fact that baseball has superseded cricket, and everything is more American than English, because we think the English rather slow; but there is one thing that he said which is true as gospel, 'those Canadians will never become Americans.' From one end of Canada to the other, take the two extremes of British Columbia to Quebec, and they would die in the last ditch before consenting to be alienated from their allegiance to Britain. If these things were known to King Edward at the present time and he knew the 85,000,000 people in the neighbouring country were determined to build a canal that would take commerce from Canadian routes, he would have spunk enough to say, 'We will not be beaten by them.' If we went to him and showed the policy of our neighbours and the way they are helping their canal, and mind you there is a little bit of strategy about that canal—he would be interested in our canal system. The Rideau canal was constructed by the Duke of Wellington as a war canal, and I do not think the Canadians ever paid for it—it is a way they have. I would like the government to appeal to the King and show what our neighbours are doing for the state of New York, and let the British government do the same for us, and we will be ahead of them for all time.

Hon. Mr. POWER—With respect to this question which has been brought before the House by the hon. gentleman from De Lanaudière, I can only say that I concur with all the other members of the House in thinking it a question of very great importance. No doubt it would be a very desirable thing for the country that this canal should be constructed, but, as the hon. member from Kingston indicated, gentlemen who promote schemes of that kind take a rather roseate view of the undertaking. I would direct the attention of the House to the facts that a number of wise men, the wisest men in this country, decided many years ago to spend several millions of dollars in deepening the St. Lawrence canals, and that practically that deepening has had no effect whatever on the commerce of the country. As I understand it, there are no vessels going through those enlarged locks that did not go through the small locks thirty odd years ago. We must bear that in mind, that no matter how well the thing may look to-day, twenty years from this when this work is completed, as the hon. member from Kingston said, the conditions may be altogether different, and the building of this canal may not have the wonderful success which the hon. gentleman from De Lanaudière supposes. But my objection to any hasty action is not based so much on the fact that we cannot tell how this enterprise will ultimately result, but upon this fact, that Canada for a country of her population has at the present time a great many very serious undertakings on hand, and it is the part of prudent men in public life in dealing with public business to exercise a little ordinary prudence such as they do in dealing with their own affairs. For this country to undertake to spend anywhere from one hundred to one hundred and fifty million dollars more, probably one hundred and fifty, on an undertaking of this kind, when we have so much on hand already, would be a most imprudent thing. The better way is to wait until we get the National Transcontinental Railway and several other undertakings we have on hand pretty well on towards completion, and if we feel then that the condition of our finances is such as to justify us in spending one hundred and fifty millions of dollars let us go ahead. I may simply advert to the fact that our yearly expenditure to-day is not less than one hundred million dollars. That is a very handsome sum for our population. Then there is another feature about this undertaking; we have built—I say that speaking broadly—the Canadian Pacific Railway at a cost of about

one hundred million dollars. Although we have not built the Canadian Northern still we have subsidized the various roads which constitute the Canadian Northern system to the tune of several millions of dollars and several millions of acres of land which are worth several millions more of dollars——

Hon. Mr. FORGET—Not the Canadian Northern ?

Hon. Mr. POWER—Certainly the Canadian Northern. We are now engaged in spending millions of dollars to build the National Transcontinental Railway. What is the principle of all this construction ? We are spending a very large sum of money in addition to what an ordinary road would cost on the National Transcontinental Railway so that the grades on that road shall be so low that the grain of the west may be transported cheaply ; and if I am not mistaken, during the discussions which took place in 1903 the ground was taken that this road with its low grades would carry grain as cheaply as water would. We have spent all these millions of dollars chiefly for the purpose of carrying the grain of the west out to tide water, and I want to know what sort of wisdom or prudence there is in our undertaking to-day to spend $150,000,000 on another project to compete with these roads already constructed and in course of construction. It is exceedingly unfair to the companies that have put their moneys into the roads, and it is an exceedingly unwise thing on our part. We are practically spending a great many millions of dollars to provide methods of transportation and spending many millions more to render those unprofitable and take the business away from them. No private individual or company would dream of taking a course like that. I notice that it was assumed by both the hon. gentlemen who spoke in favour of this scheme that it would be constructed as a government work, and one of them—I think the senator from De Lanaudière—expressed the opinion that no tolls should be charged on the canal. That would make the competition with the railways still more unfair. You go into competition with those railways, you put your government owned canal into competition with them and then charge no fees for the use of the canal.

Hon. Mr. POWER.

Hon. Mr. CASGRAIN—There are no fees on the other canals.

Hon. Mr. POWER—The reason why there are no fees on the other canals is that without any fees the other canals are not doing any business worth speaking about, although in order to induce shippers to send their freight by those canals the government took off the tolls.

Hon. Sir MACKENZIE BOWELL—For the reason that the Erie canal was obliged to do it.

Hon. Mr. POWER—I know the canals are not doing the business; but if the hon. gentleman from De Lanaudière and the hon. gentleman from Ottawa are correct, this canal would do a tremendous business, and the fees might possibly pay a portion of the interest on the cost. I do not believe they would, but it is barely possible they might. My view with respect to this canal is that it should not be a Dominion work. The greater part of the canal is in one province. I think that if the undertaking is a valuable one the provinces interested ought to do something very handsome by it. For instance, coming from the lower provinces, I do not feel that I have any interest in the construction of this canal—any appreciable interest—and I do not think that there should be too much of making the whole country pay for projects that are not of general advantage. I do not press that. There is not much in it. But I mention it. I call attention to the fact that in the United States, a country with a population more than ten times the population of Canada, a country whose wealth I suppose is at least ten times as great as ours. and a country which gives large sums for river improvements, appropriations for harbours, and pensions, and so on, yet they do not do this sort of work. They let the state do it. The United States government do not build canals or railways either. They allow the business wants of the community to dictate where canals and railways shall be built, and allow the enterprise of the people to build them. They do not tax the people of the whole country for the purpose of building such works, and I do not think we should do it either.

Hon. Mr ELLIS—What about the Panama canal ?

Hon. Mr. POWER—I am not going to discuss the Panama canal. That stands altogether by itself. I do not wish any one to suppose from what I have said that I shall not be glad to see this canal built. I think the building of the canal would be a very considerable advantage to the country, but I think the right way is to do as they do in the United States, to allow private enterprise to do the work. I understand that a company has been incorporated—in fact I think a Bill to amend their Act of incorporation is before the Senate now, and that that company are prepared to go on with the work of building the Ottawa and Georgian Bay canal. The proper course to take is to let the company proceed with the work, and I should have no objection at all to the parliament of Canada encouraging the work by giving it a reasonable subsidy, not an excessive subsidy, but a moderate subsidy, and then if this canal came into competition, as it would, with the Canadian Pacific Railway and the other roads I have mentioned, the shareholders in these roads could not complain that the government were competing with them. It would be simply one private company competing with another, and there would be no unfairness in it. It is quite certain that this undertaking will cost an immense sum. I should say, although the hon. gentleman from De Lanaudière tried to figure it down to about a hundred million, that it is safe to cost at least $150,000,000. Our experience would lead us to believe that. If the undertaking is a promising one, the company will proceed with it, and the better plan is to allow the company to go on and build it. We have a great many undertakings on our hands now, and I do not think we should add this tremendous undertaking to our present obligations.

Hon. Mr. OWENS—It is rather a new phase in reference to this undertaking, when it is advocated that the work should be done by a private company. However, if the government and members of the cabinet were of the same opinion as the hon. gentleman who has just resumed his seat, there need be no hesitation in reference to that. There is a Bill at present before parliament in reference to this canal, and under that Bill a private company is prepared to undertake the work and also to permit a clause to be inserted in that charter, by which the government can take over the work at any time by paying the cost of construction with a very small commission attached to it. Therefore, if the majority of this House and of the government are favourable to that clause, the work can be proceeded with very quickly; but the hon. gentleman from Halifax was advocating a postponement. He wished to procrastinate. It was too soon to take up the work.

Hon. Mr. POWER—Pardon me, I said it was too soon for the government to take it up as a public work.

Hon. Mr. OWENS—Well, too soon for the government. If the majority in parliament and the government are in favour of the work being done by a company, there is a way out of it immediately; but my impression is that neither the government nor the majority of this House would be in favour of a work of that kind being undertaken and controlled by a private company. He has also advocated that the work should be carried on as a personal work as a provincial work, as it is in the United States, by the different states. We know that all the canals of the United States are built by the different states, but has that proven an advantage? No, just the contrary. The result is that Congress has no control over the canals, and the rates of toll are not uniform. The difficulty would be, for instance, if we were entering into any interstate commerce regulation with the United States Congress could not arrange for our use of their canals. Their boats can come through our canals under the Washington treaty, but our boats are not permitted to enter their canals, simply because the canals belong to the different states. They are not under control of Congress. I do not think that is anything in their favour, and to suggest to-day that this immense work should be undertaken by one province appears to me ridiculous, when in the past all such undertakings have been carried on by the federal government. I do not think there can be much argument in favour of that. As to the hon. gentleman's argument that we should procrastinate, the article read by the hon. gentleman from Kingston would be the strongest answer we could give to that. Here are the United States people already alive to

the importance of this Georgian Bay canal scheme, and they are advocating now to go on and build a twenty-one foot canal to offset our proposal. They realize that if this canal is built, their western trade will be diverted into Canadian channels. They are not afraid of the St. Lawrence canal. I do not wish to detract from the St. Lawrence canals, but it has been shown that they have not been able to compete with the United States canals. I regret that the hon. gentleman from Kingston looks upon it as competition. There is no competition. The St. Lawrence route will always be fulfilling its duty as far as bringing the grain from the southern part of Ontario, and bringing down grain and other freight to which it is the natural tributary. But this great national undertaking we propose to build, the Ottawa and Georgian Bay canal, is to compete with the United States routes, so that the export trade of Canada will not be diverted to United States ports. The United States people realize that. It is for that reason they are suggesting to build this twenty-one foot barge canal, and should the Georgian Bay canal be built, it will not be such a burden upon the country. My hon. friend says our expenses are already a hundred million dollars. If our annual expenditure is one hundred million, I do not think it would require any great stretch of economy to reduce that four or five million, and the interest on the cost of this canal would be less than five million. The hon. gentleman from Halifax wishes to fix the cost at $150,000,000, but we are not working in the dark as to the figures. A large amount of money has been spent in surveying. Money has also been spent in surveying by a private company, capitalists who intend to put their money in it, the same company that built the Manchaster canal, the wharfs, docks and other works in the possessions of Britain, Bermuda and other places. These capitalists are willing to invest their money in this project, and before doing so, they have made surveys. The estimate they have got of the cost of this canal is eighty-five million. The government during the last year having expended a large amount of money on surveys, the estimate from their engineers is ninety million, and that includes, as was stated by the hon. gentleman from Ottawa, the lighting, buoys and complete equipment. So you see here are two estimates for that immense work that come almost to the same amount. So that we are not going in the dark. We know very well as to the approximate amount. In reference to the matter of tolls, the hon. gentleman from Halifax wished to lay stress on that. That is a matter the government has control of. If that canal collects tolls as it should do, the canal will pay a large interest on the investment. I have no doubt what led to the suggestion of taking the tolls off that canal is because the government is not imposing tolls on any of our canals to-day. As the hon. senator from Halifax has said, we have contributed a hundred million to the Canadian Pacific Railway. We are contributing a large amount of money to the Canadian railways. Are we receiving any tolls from them? Does the government receive anything from either of these enterprises in the way of toll? Nothing of the kind. It will be purely a business arrangement, as to whether the government in their wisdom should impose tolls upon these canals or not. If the government build the canal, and do not impose one dollar of tolls, it has been shown very clearly by the hon. gentleman who introduced this motion, and by the hon. senator from Ottawa who has gone into the matter very carefully, that the indirect revenue from it would more than offset the interest on the cost and certainly the figures they themselves give are very conservative. I am afraid that my hon. friend the senator from Kingston has been the victim of some trickster and joker when they tell him the water-power is only worth one dollar a year per horse-power. If the hon. gentleman from Kingston will invest five cents in the electric car and go to Hull where they have one of the magnificent water-powers of Canada, he will find with all that water-power that they cannot sell or supply the demand for that power at fifteen dollars per horse-power.

Hon. Mr. SULLIVAN—That is electric power.

Hon. Mr. OWENS—Well, the water power develops the electric power. This power is used for manufacturing electric power.

Hon. Mr. BOWELL—We are going to use it.

Hon. Mr. OWENS—We will use it all over Canada. In a very few years our trans-Canadian railways will use it, wherever we can obtain the power. It is going to be the motive power of this country. The hon. gentleman from Montreal knows well to-day the advantage of hydro-electric power and knows very well that whether it is generated by steam or by water, they cannot obtain too much electric power in Montreal.

Hon. Mr. FORGET—They are selling electric power for fourteen dollars and water-power for four dollars and a half out of the pipe.

Hon. Mr. OWENS—We take it as it comes out of the pipe. It is sold at four dollars and a half at Shawinigan Falls as it comes out of the pipe away back in the woods. If it is worth that there, what will it be worth at Ottawa and the other great centres through which the canal will run? You cannot belittle the question of water power. It becomes more valuable every year, and in a very few years it will be one of the valuable assets of the country, and this route being opened up through a country where there is any amount of ore, the electric power will be used for smelting, and will enable them to utilize low grade ores that cannot be touched to-day. All along that route there will be a great quantity of ore shipped by water that cannot be carried by rail, and instead of the canal being in opposition to the Canadian Pacific Railway, to which we have advanced money, it will be a great feeder for the Canadian Pacific Railway. It is going to be bulit up beside the Canadian Pacific Railway. The amount of supplies and machinery that will be taken in there during the construction will be carried by the Canadian Pacific Railway.

Hon. Mr. FORGET—The grain cannot be carried all the way down by rail.

Hon. Mr. OWENS—As far as the grain is concerned, our hon. rriends from the west know that that country will produce more grain than our roads can carry. We will not only require all the railways we have, but the best canal facilities we can obtain to carry the grain from the west at a reasonable figure. There is one thing this canal will do as far as the grain is concerned. It will control the rates to a certain extent, so that our grain producers and farmers in the Northwest will not be charged an exorbitant price for bringing down their grain. In fact, I may say that when that canal is completed, our wheat lands will double in value. It requires very few cents per bushel to give the profit. It costs so much to produce the grain. The margin of profit for the farmers is not so very large. Every cent per bushel that they can obtain over the cost of production and transportation is so much profit, and when this canal is built, the reduction in freight rates will enable them to reap a greater profit from the farm, and their lands will double their present value.

Hon. Mr. POWER—Pardon me a moment. Is the hon. gentleman bearing in mind the fact that the grain must come by rail as far as Lake Superior?

Hon. Mr. FORGET—That is right.

Hon. Mr. OWENS—I do not lose sight of the fact that it comes by rail to the head of Lake Superior, and that would be an answer to the argument of the hon. gentleman that we are going to ruin the railways. It will tax the railways to their full capacity to carry the grain from the wheat fields to the head of Lake Superior.

Hon. Mr. POIRIER—And they are doubling the tracks for that purpose.

Hon. Mr. OWENS—Yes, and it will tax them to their full capacity even then to carry the grain to Lake Superior, and then it can be brought to tidewater at a low freight rate. To-day my hon. friend knows the rate by rail. I think from Fort William to Montreal the lowest rate is fifteen cents a bushel, and this scheme should bring it down to about a cent and a half a bushel.

Hon. Mr. LOUGHEED—From where?

Hon. Mr. OWENS—Fort William to Montreal. The hon. gentleman who introduced this resolution was endeavouring probably to induce capital to go into steamships. He was figuring a rate of three cents per bushel, but in doing so he was showing that

a vessel would clear about $6,000 in five days with freight only one way, without considering the return freight. If return freight were counted, it would bring it up to $8,000 or $10,000 a trip, which would increase largely the number of vessels on the lakes. But my hon. friend from Kingston and some other hon. gentlemen have asked the question: How much shorter is this route going to be? It is only about half of the distance of the route by the St. Lawrence and Welland canal. It is only half the distance from Lake Superior by the Georgian bay canal to Montreal than by the other route. I think the distance is 427 miles, and in all that distance there is only about 25 miles of canal. You may spend millions upon millions on the other route and you cannot bring it down to a twenty-foot canal. There is too much canal. In this case the canal is built by nature. There are remarkable stretches of navigable water. There are only about 25 or 27 miles of canal and 50 or 55 miles or dredging in the river. We are not speaking in the dark in regard to the cost of the work. The surveys have been made and quantities have been estimated. If the information is not before the House, it will be in a short time. We are not speaking at random, and we have not taken reports of any foreign country for it. We have here the facts ascertained by our own competent engineers. The hon. gentleman from Halifax stated that none of our Canadians ever advocated this scheme.

Hon. Mr. POWER—No, the hon. gentleman from Kingston said so.

Hon. Mr. OWENS—Well, we will say the hon gentleman from Kingston, but I thought a great many hon. members would agree with me that the words fell from the hon. gentleman from Halifax. The hon. gentleman must have been a Rip Van Winkle. He must have been asleep for fifty years or he would realize that a great many years ago Walter Shanley, who was one of the most eminent engineers of his day, made surveys upon that route. It was only for a 14-foot canal, but his estimates were very low compared with the present estimates. His figure was $25,000,000 or $30,000,000 I think. This would show that there were no engineering difficulties in the way. The hon. gentleman spoke about business men not taking the matter up. How many business men of the country are acquainted with it? Sharp business men do not talk about matters of which they know nothing. Many of our business men in Montreal know the advantages are in favour of that route and have advocated it for years. It is true that they have not been going through the country making stump speeches in reference to it, but they have been advocating the route. and if you look upon the map you see what a direct route we have. With those magnificent water stretches it is difficult to realize how that route could have remained dormant so long, but the fact was they had commenced spending money on the St. Lawrence route. They felt they were obliged to do it. Canada was not always the Canada it is to-day. When our annual expenditure was for $28,000,000 or $30,000,000 some of the gentlemen in parliament to-day held up their hands in pious horror at the government and prophesied that we were going bankrupt. No wonder the government would not undertake in those days such a proposition as is before us now. Canada is to-day a wealthy nation compared with what it was a few years ago, and this work will not be of such very great importance in comparison with the financial condition of the country to-day, because even if you take the most extravagant estimate of its cost the interest upon that money, supposing there were no returns from the canal, would be paid by using a very little economy, out of our present expenditure; but speaking seriously, the canal does not require to be a burden of one dollar on the country. The revenues we would receive from water-power and other sources would more than pay the interest on the money. It would be only fair that the government should place tolls on all the canals as far as that is concerned. The reason they did not place tolls on the St. Lawrence canals is that they could not compete with the United States canals. But that argument will not apply to this canal. They will be able to pay toll, and even then secure the western grain traffic. The cheapest and best route to New York will be down the Georgian Bay canal, through the Ottawa river to Montreal and thence to New York. For consumption

in New York city and in the eastern states, this route would be adopted for western produce. When we say that, hon. gentlemen can imagine how little of the grain for export would go through the United States route. None of it would go that way. We would carry it through Canada to Canadian ports. I hope the hon. gentleman will not allow the bugbear cry of the great charge it will be on the country to frighten them from this undertaking, because it will not be a charge. The saving in time on the round trip for vessels running between Port Arthur and Montreal will be at least three days as compared with the present route, which is a very important factor in deciding the value to shippers of the Ottawa and Georgian Bay canal. The hon. gentleman who introduced the motion explained it clearly, I hope the House will realize that the subject is one of the most important that can be brought before the people of Canada. It is to the whole Dominion the most important work that can be undertaken, and I hope that the government will take hold of the project and carry it to completion.

Hon. Mr. BERNIER moved that the debate be adjourned till to-morrow.

The motion was agreed to.

BILLS INTRODUCED.

Bill (32) An Act to incorporate the Bank of Vancouver.—(Hon. Mr. Bostock.)

Bill (68) An Act respecting the Edmonton Yukon and Pacific Railway Company.—(Hon. Mr. Davis.)

Bill (70) An Act to incorporate the Saskatoon, Saskatchewan, Peace River and Dawson Railway Company.—(Hon. Mr. Roy.)

Bill (99) An Act to amend the Immigration Act.—(Hon. Mr. Scott.)

The Senate adjourned till 3 o'clock to-morrow.

THE SENATE.

OTTAWA, Thursday, March 12, 1908.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

APPOINTMENTS OF SENATORS.

MOTION.

Hon. Mr. DOMVILLE moved :

That the return to an order of the Senate, dated January 31, 1908, showing the appointments made to the Senate from Confederation, with date of appointment, and dates when they ceased to be senators, be printed.

He said : I make this motion with a view to having a public record, which I thought would be in the interests of the friends of those who have passed away and the friends of those who will pass away. I have the list in my hand. I find the first is John Hamilton, the Hon. Roderick Matheson, John Ross, Samuel Mills, and so on. It is not necessary to read all the names and they may be taken as read. I think it will be a very nice tribute to all these hon. gentlemen, for most of us are living, we might say, almost in a fool's paradise. We all like honour. We like to have everybody know what we have been. We like to give publicity to our family records. Some of us have very long ancestries. Perhaps we are all related, inasmuch as we are all descended from Adam. He was the common father of us all, and, therefore, to a certain degree, we are all connected. I was going to tell a Scotch joke, but as I observe an hon. gentleman is laughing I shall not do so. When future generations examine the records of the country they will discover the hon. gentlemen who served the country with honour, who were well thought of by their friends and by the public at large. I think there might be a record made of it in the 'Debates,' and the only way to obtain this record that I can discover is to make this motion. The names can go on the 'Debates' and remain there forever.

Hon. Mr. SCOTT—Why not have it printed as a sessional paper ?

Hon. Mr. DOMVILLE—Yes, but this will appear on the 'Debates' and we might have a special document printed, if that would suit my hon. friend's views.

Hon. Mr. SCOTT—I do not see any use inserting the names in the 'Debates' if we have it as a sessional paper. The sessional paper will be a nice record but the 'Debates' are very voluminous.

Hon. Mr. DOMVILLE—It will go on the 'Debates.'

Hon. Mr. SCOTT—No, it will be printed as a sessional paper by itself.

Hon. Mr. DOMVILLE—And on the 'Debates.'

Hon. Mr. SCOTT—No, no.

Hon. Mr. DOMVILLE—I am willing to bow to my hon. friend's view. If that is the wish of the House, I have nothing more to say, except to make the motion seconded by the hon. gentleman from Lauzon (Hon. Mr. Bolduc.)

Hon. Mr. LANDRY—If this is an order given by the Senate it should be referred to the Joint Committee on Printing. I am told that this return refers only to the Senate; but we print documents brought down in both Houses. The rule is to submit such documents to the Joint Committee on Printing, who make a choice and recommend that such and such documents be printed. I do not know if there is a report of the Joint Committee on Printing dealing with the document before us. I am not sure that we are not now interfering with a matter that is already before the committee.

Hon. Mr. ELLIS—The hon. gentleman has himself moved that this report be printed. If that be so, I do not see that the report will go to the Printing Committee; but if it should go to the Printing Committee they will deal with it as they do with any paper referred to them.

Hon. Mr. LANDRY—I want to know if that return has already been before the committee, or if the committee has done anything with it?

Hon. Mr. ELLIS—No.

Hon. Mr. LANDRY—It is to avoid interfering with the work of the committee.

Hon. Mr. ELLIS—This is a paper which has already been laid before the House, and I presume on motion it would go before the committee. The meeting of the committee will be to-morrow morning, and possibly that document will come before them.

The motion was agreed to.

STATE LIFE INSURANCE COMPANY OF INDIANAPOLIS.

INQUIRY.

Hon. Mr. CHOQUETTE inquired of the government:

1. What is the amount of the deposit made by 'The State Life Insurance company,' of Indianapolis, U.S. ?
2. Has the company filed a report of its last year's operations in Canada ?
3. If so, how many contracts are in force in Canada ?
4. How many contracts have been passed in Canada since the beginning of the operations of that company ?
5. How many of these contracts have lapsed, and for what reasons ? How many have been cancelled, and how many not issued, and for what reasons?

Hon. Mr. SCOTT—The answers sent to me by the department are as follows:

1. The deposit of the State Life Insurance Company in the hands of the Receiver General consists of securities of the par value of $85,000.

2. Yes.

3. The last return made by the company reports 174 policies as in force at December 31st, 1907; amount insured thereunder, $1,039,456, exclusive of amounts re-insured.

4. The number of contracts issued in Canada between March, 1904, when the company was first licensed, and December 31st, 1907, was 420.

5. Between March, 1904, and December 31st, 1907, the number of contracts which were terminated was 246, made up as follows: By death, 4; by surrender, 2; by being 'not taken,' 47; by lapse, 170.

The department is not in possession of specific reasons for such terminations.

THE HINDOOS AT VANCOUVER.

Hon. Mr. LOUGHEED—Before the orders of the day are called, may I direct the attention of the leader of the House to a telegram which appeared in last night's Free Press. It is as follows:

Vancouver, B.C., March 11.—Yesterday afternoon Magistrate Williams gave judgment in the cases of eighteen Hindus, tried for failing to pass the educational test of the provincial Natal Act. They were found guilty and sentenced to pay the statutory fine of $500 or twelve months' imprisonment. The defending counsel intimated that the appeal would be taken without loss of time.

I need scarcely point out to my hon. friend that those Hindoos upon their arrival in Canada would scarcely be provided with $500 each to satisfy this fine. In India, I presume it would take one of those immigrants a life time to earn that amount. What I should like to ask my hon. friend is: what has the government done, or what will the government do with regard to the

prosecution of those Hindoos? Will the government take the same steps as were taken with reference to the Japanese who were arrested under the Natal Act? On that occasion they instructed counsel to defend the Japanese. If they have done so in the case of the Hindoos, what are the instructions that were given?

Hon. Mr. SCOTT—The government has taken no action at present, and I am not in a position to say what action may be taken. I read the telegram, but have had no opportunity of discussing it.

Hon. Mr. LOUGHEED—Will the hon. gentleman be good enough to furnish the information to the Chamber ?

Hon. Mr. SCOTT—No, not unless the government come to some decision. They may take no action. The case has gone to the Court of Appeal, I understand, and we will allow the Court of Appeal to settle it.

Hon. Mr. LOUGHEED—In the case of the Japanese, the government instructed counsel and assumed the responsibility of paying counsel. If it was reasonable to do so in the case of aliens, it would be still more so in the case of our fellow subjects.

Hon. Mr. SCOTT—The conditions were entirely different. We had a treaty with Japan, and the government of Canada were responsible that the Japanese should be protected under that treaty, particularly as we were then negotiating for a better understanding with Japan. While those negotiations were going on, it was the duty of the government to protect the Japanese who were being prosecuted.

Hon. Mr. DOMVILLE—I cannot understand why the Hindoos are kept out of this country. Why not disallow the Act at once ? At one time the British government imported cargoes of Coolies, as the Hindoos were then called, into Demarara, Trinidad and British Guiana. The sugar estates could not have been worked without cheap labour. It is time for us to consider whether Canada is prepared to have cheap labour, whether combines and monopolies are to exist at large, and whether the masses are to have any say on this question. It is not what we as judges may think, because we are human and imperfect and getting somewhat old and living in the past; we are not as bright as we were thirty years ago, and if we were to speak to-day as we would have spoken thirty years ago, it would be useless, everything is changing so fast. Instead of playing with this question, would it not be better to come to some decision as to what should be done. As an integral part of the British empire, hoisting the union jack and crying imperialism when it suits us, nationalizing the plains of Abraham and assembling 20,000 troops to commemorate a glorious event in the history of this country, inviting the Prince of Wales to come out as a mark of good fellowship, why should we rule out from this country our fellow subjects in India? Do we not require India to work for us if there is any trouble ? Are we not maintaining all those Rajahs with an army under British residents ? And if a general mix-up occurs, as sometimes happens, they will have so many Indian armies that will fight for them, stand by them, and hold up the British flag. Now, under those circumstances, our supporting the Indian princes, and supporting the principle that they are a necessity to the empire, does it not seem very unbritish that we should shut out our fellow British subjects from our shores ? I would suggest to my hon. friend that the Act be disallowed in so far as it relates to British subjects. When the objection is taken to Dagoes and that class of immigrants, that is another story. We unite to keep them out; but when it is a question of excluding Hindoos,—I do not think that is the right word—Coolies or East Indians, I think it is the duty of the Senate to consider it, on its merits, untrammelled by any labour influence, as is the case in the House of Commons, where both sides are embarrassed. When it comes before a deliberative body like the Senate, we should fairly relieve both sides of politics in the Commons, and come to some decision. If our influence is worth anything at all, we should point out that it would be well to repeal that Act at once and be done with it.

The SPEAKER—This discussion has gone beyond the range of our practice.

THIRD READINGS.

Bill (21) An Act respecting the British Yukon Railway Company.—(Hon. Mr. Belcourt.)

Bill (P) An Act respecting the Quebec and New Brunswick Railway Company.—(Hon. Mr. Costigan.)

Bill (K) An Act respecting the Western Alberta Railway Company.—(Hon. Mr. De-Veber.)

Bill (W) An Act to amend the Naturalization Act.—(Hon. Mr. Scott.)

RAILWAY ACT AMENDMENT BILL.

HOUSE IN COMMITTEE.

The House resolved itself into Committee of the Whole on the report of the Standing Committee on Railways, Telegraphs and Harbours, to whom was referred Bill (3) An Act to amend the Railway Act.

(In the Committee.)

The CHAIRMAN—Bill No. 3 has been referred to a special committee, and has been reported to the House, and the House has by motion referred that report, with the Bill, to a Committee of the Whole, and I think the question, as the matter now stands, is this: that we take up the report of the committee as given to the House.

Hon. Mr. YOUNG—As against the Bill?

The CHAIRMAN—No. The Bill has been referred to a standing committee.

Hon. Mr. YOUNG—With a recommendation.

The CHAIRMAN—The Standing Committee has done the work on the Bill and reported it to the House, and the House has referred that report to a Committee of the Whole. The main question now is on the report of that committee.

Hon. Mr. SCOTT—Yes.

Hon. Mr. YOUNG—Is the Bill as well not referred to the committee?

The CHAIRMAN—I am speaking of what the House has done. The question is shall the report of the committee be adopted.

Hon. Mr. BEIQUE—As this question is a very important one, and has been made the subject of several Bills which, in late years, have been passed by the House of Commons, and rejected by this Chamber, I think it is proper that we should place on record as concisely as possible, but as fully as necessary, our reasons for amending the Bill, as has been suggested by the committee to which the Bill was referred, or as this House may finally decide to amend the Bill. I desire to call your attention at the outset to this point: that in virtue of the Railway Act, as it was adopted in 1903, this parliament created a Board of Railway Commissioners who are vested with all the technical knowledge possible in the way of engineers and experts, and entrusted that board with the duty of protecting the interests of the country at large, of protecting the commercial interests, the railway in a fair measure, protecting the public against the railway in a fair measure, and protecting also human life. Under section 30 of the Railway Act it was provided that:

> The Board may make orders and regulations :
>
> (a) Limiting the rate of speed at which railway trains and locomotives may run in any city, town or village, or in any class of cities, towns or villages, and the Board may, if it sees fit, limit certain rates of speed within certain prescribed portions of any city, town or village, and different rates of speed in other portions thereof.

Under this clause, power was given to the board to limit the speed of trains as the board deemed it advisable; but it was deemed advisable to go a step further as regards thickly peopled portions of cities, towns or villages, and an important provision was embodied in section 275. It was section 227 of the Railway Act of 1903, but it is section 275 of the Railway Act as consolidated in 1906. I say that the parliament went a step further in this respect: that parliament loaded the commission with the responsibility of acting in individual cases, and adopting a special order for individual cases whenever a railway traversed any city, town or village, if they desired, to exceed a speed of ten miles an hour. In other words, the Railway Act limited to ten miles an hour the speed in such cases, unless the board decided otherwise. Parliament did so, because, as I apprehend, it desired to protect human life, and wanted to place the responsibility on the Railway Board for special cases of that kind, where there was presumed to exist a special danger. Therefore, section 275 of the Railway Act, which was a departure to a certain extent from section 30 of the same Act, was embodied in these terms:

No train shall pass in or through any thickly peopled portion of any city, town or village at a speed greater than ten miles an hour, unless the track is fenced or properly protected in the manner prescribed by this Act, or unless permission is given by some regulation or order of the Board.

Hon. gentlemen will notice that the speed is limited to ten miles an hour in all these cases, unless two conditions obtain; namely, unless the track is fenced or properly protected in the manner prescribed by this Act, or unless permission is given by some regulation or order of the board. This, to my mind, was a wise provision, and I am not aware that any reason has been given to do away with it. I am not aware that railway companies have complained, and surely it had the effect of protecting human life, by preventing railway trains from running at a speed of twenty or thirty miles an hour in thickly peopled portions of the cities, towns or villages, even if the railway was not fenced in. The House of Commons, in its desire to deal with another matter, not the speed of railway trains within a city where the track had been fenced in, but in dealing with highway crossings had this idea: to repeal section 275 of the Railway Act, and did so by the Bill which has come before this House on this occasion, as well as by the Bills which came before this House on two or three previous occasions.

Hon. Mr. SCOTT—Will the hon. gentleman point out in what respect section 275 of the present Railway Act is defective?

Hon. Mr. BEIQUE—I do not propose to take out that section. I am not going to point out in what way it is defective, because I approve of section 275 as far as it goes, and I want to leave it, and the report which is now before this House is to leave it as it is, and adding thereto a provision, not referring to that part of the railway at all, but referring solely to highway crossings. The form in which section 275 of the present Bill came before this House was this :

1. Section 275 of the Railway Act is repealed, and the following is substituted therefor :—

275. No train shall pass over any highway crossing at rail-level in any thickly-peopled portion of any city, town or village at a greater speed than ten miles an hour, unless such crossing is properly protected, or unless such crossing is constructed and thereafter duly maintained in accordance with the orders, regulations and directions of the Railway committee of the Privy Council and of the Board in force with respect thereto. The Board may limit such speed in any case to any rate that it deems expedient.

2. The company shall have until the first day of January, one thousand nine hundred and nine, to comply with the provisions of this section.

For my part, I take exception to the Bill drafted as I have read it, first, because, assuming to deal with highway crossings, it repeals the provisions of 275, which limits the speed to ten miles an hour if the railway is not properly fenced in. It is a different subject altogether. For my part, I suggest that section 275 remain in the Railway Act as it is. Then I take exception to this Bill, as worded, for this additional reason: that instead of leaving to the Board the decision as to how in each case the highway crossing shall be protected, it leaves it to a jury in all cases, and in this I am not seeking to protect the railway companies; I am seeking to protect the people at large, because it is a question which should not be left open, and should be settled beforehand. It should be made the duty of all railway companies to protect the highway crossing and to make them responsible if it is not protected, as is deemed advisable by decision of the experts of the Railway Commission. If it were left to a jury, of course it would be left to a jury in each individual case. One jury in one case would decide that such a thing is a proper protection, and the jury in another part of the country would decide that it is not a proper protection, and there would be a confusion of decisions which should not obtain in matters of this kind; therefore it seems to me that the extent to which this parliament should go would be to make it the duty of the Railway Board to take up all these matters as fast as they possibly can, and to prescribe in a technical way and in a wise manner, how the protection in each case should be made. This Bill is further defective, because it is sought to apply the same rule to some two thousand five hundred crossings that are to be found from one end of the country to the other. It is sought to apply the same rule to the whole twenty-four hours of the day, where-

as it is known that a speed which may be dangerous for twelve hours of the day may not be dangerous at other hours at certain places. It is also defective in this further respect, that the Bill as drafted would not attain its object, and for this reason——

Hon. Mr. YOUNG—You are now speaking of the Bill as it passed the House of Commons?

Hon. Mr. BEIQUE—Yes. It must comply with any one of three conditions; first, unless such crossing is properly protected. That is a question which will be left to the jury; second, or unless such crossing is constructed and thereafter duly maintained in accordance with the orders, regulations, and directions of the Railway Committee of the Privy Council and of the board in force with respect thereto. The third, the board may limit such speed in any case to any rate that it deems expedient. Let me call your attention first of all to the fact that according to the last phrase the limiting of speed would be from ten miles down. The board could not give permission to exceed that limit under any conditions. But the point to which I am at present directing your attention is this, that when such a condition as the following is inserted: 'Or unless such crossing is constructed and thereafter duly maintained in accordance with the orders, regulations, and directions of the Railway Committee of the Privy Council and of the board in force with respect thereto'—that this condition is not importing really a new condition into the law as it stands. Under the Railway Act of 1903, as well as under the Railway Act of 1888, it was incumbent on all railway companies to furnish plans to the committee of the Privy Council and get an order approving of the plans, and the plans have to show all these crossings in every case. Therefore, I say that there exists to-day orders—they are general orders if you like—covering all these cases, every crossing. They are general orders applying to each railway, and therefore a railway company, if this Bill were passed, would be enabled to show that they have complied with the law and with these regulations; consequently the Bill would not attain its object. What we should seek to achieve is this—to make it the duty of the Railway Board to issue an order that will affect every crossing. That is, it will prevent the railway companies from maintaining that they are complying with the Railway Act by complying with general orders issued in the past. That is why I have come to the conclusion that the report of the committee is defective in that respect. The report was made of course in a hurried way, and followed the wording of the original Bill in that respect. It is for that reason that I move to amend subsection 3 so that it will read as follows:

3. No train shall pass over any highway crossing at rail-level in any thickly peopled portion of any city, town or village at a greater speed than ten miles an hour, unless such crossing is constructed and thereafter duly maintained and protected in accordance with an order, regulation and the directions of the Railway Committee of the Privy Council or of the board in force with respect thereto, or unless permission is given by some regulation or order of the board. The board may from time to time fix the speed in any case at any rate that it deems proper.

In the report which you will find at page 212 of the Minutes you have this wording:

No train shall pass over any highway crossing at rail level in any thickly peopled portion of any city, town or village at a greater speed than ten miles an hour, unless such crossing is constructed and thereafter duly maintained in accordance with the orders, regulations and directions of the Railway Committee of the Privy Council or of the board in force with respect thereto.

That is defective, because it says, 'In accordance with the orders, regulations, and directions of the Railway Committee.' I suggest that it be made to read, 'In accordance with an order, regulation, and the directions of the Railway Committee.' So that it will remove it from these general orders.

Hon. Mr. SCOTT—The Act would not operate until an order had been made by the Railway Board.

Hon. Mr. BEIQUE—The speed will be reduced until the board makes an order or gives permission otherwise.

Hon. Mr. CLORAN—Do I understand the hon. gentleman to say that the Railway Committee would be obliged to pass a special order for each crossing?

Hon. Mr. BEIQUE—Practically.

Hon. Mr. CLORAN—You will need to have some extra commissioners.

Hon. Mr. BEIQUE—The second condition in the report of the committee is:

Or unless such crossing is properly protected in accordance with such orders, regulations and directions, or unless permission is given by some regulation or order of the board.

I draw your attention to this, that this wording is making a difference between crossings 'duly maintained in accordance with the orders, regulations and directions of the Railway Committee' and 'crossings properly protected in accordance with such orders, &c.' It would be very confusing, and for my part, as a lawyer, I would be at a loss to understand the meaning of the Act in making such a difference. So, in the amendment which I offer, I make all into one condition so that it will read:

3. No train shall pass over any highway crossing at rail-level in any thickly peopled portion of any city, town or village at a greater speed than ten miles an hour, unless such crossing is constructed and thereafter duly maintained and protected in accordance with an order, regulation and the directions of the Railway Committee of the Privy Council or of the board in force with respect thereto.

It is much shorter. It has the advantage of not repeating the same thing; it makes it much stronger, and avoids any question being raised if the protection in one case is different from the protection in others. The court and jury will have in each case to decide whether the crossing was, at the time of the accident, protected as decided by the Railway Board. It will be incumbent on the railway company, before they can exceed a speed of ten miles an hour at highway crossings, to obtain an order of the Railway Board prescribing how that highway crossing shall be protected, and to comply with that order or otherwise be liable. It will be incumbent on them, failing their being able to comply with that, to obtain in the meantime permission from the Railway Board to exceed for a given time that speed either for the twenty-four hours of the day or for certain hours of the day. Of course the courts or juries will have to decide whether the company has complied with the requirements of the Railway Board. If they have not complied, then the railway companies cannot fall back upon the wording which is to be found in the Bill as brought to this House, that they had a proper protection, because it would be always open to the railway companies to contend that although they had not the protection prescribed by the Railway Board, the railway crossing was properly protected, and, in that respect, I claim that it is important to change the wording in order to diminish as much as possible litigation. Before moving the amendment I wish to place on record the facts as I understand them. The question is of considerable importance. I think it is conceded that there are about twenty-five hundred railway crossings which would be affected by this Bill.

Hon. Mr. FERGUSON—Where does my hon. friend get his figures?

Hon. Mr. BEIQUE—These are the figures which were placed before the committee by the companies concerned. I know that it is not regular for me to refer to what took place in committee, but this being a public Bill, I think it much better to do so. The facts which were put before the committee were published the next day in the 'Free Press' and were also embodied in the report of the investigation before the House of Commons in 1906. They were practically to the same effect. The facts were these. Mr. Chrysler, who appeared for the Grand Trunk Railway——

Objected that the Bill as passed by the Commons would compel the railways to make changes on a very large number of level crossings within a year or have to face the alternative of reducing the speed of their trains. He argued that the existing law and the powers of the Railway Commission gave the public ample protection. It would, moreover, be impossible to give the protection asked for by the Bill within the year specified. In many cases the roadway would have to be altered because it would be necessary to construct either an overhead or subway crossing. This would take years. The other alternative was that the companies should place gates with watchmen in charge of them; that also would take years to do properly.

Would Lengthen Journeys.

He pointed out that it took two miles to slow down a passenger train to ten miles an hour. If the Bill were passed in its present form the result would be that the time for running the night train from Montreal to Toronto, and vice versa, which now took seven and a half hours, would be increased to thirteen hours. Another important point was that the reduction of speed of fast trains would deprive the Canadian roads of a large quantity of traffic in fresh meats and fruits which would go to United States roads. He pointed out that

cattle trains now went through to Montreal in twenty-four hours. If the Bill were enforced this would be impossible and the cattle would have to be taken out of the cars, fed and watered, with the result that the business would go to the American roads, which would not be hampered by similar regulations. The length of freight trains would also have to be reduced.

Means a Big Expenditure.

The Canadian Pacific Railway had 1,375 and the Grand Trunk Railway 787 crossings which would be affected by the Bill. The installation of gates cost at least a thousand dollars a year each to maintain them, so that the problem which the railways had to face was apparent. The fact was that the passage of the Bill would mean an expenditure by the railways of at least $50,000,000.

Mr. Chrysler argued that this was a matter which should be left to the Railway Commission, a body which knew what it was doing. In the west villages had grown up after the railways had gone there, and he argued that in such cases the municipalities should bear at least a share of the cost of providing such protection as was required by the Bill.

Senator Davis said that the railways had made all the money there was to be made out of the villages by selling lots and warranted to get some of it

Railway Experts Speak.

Mr. G. A. Mountain, chief engineer of the Railway Commission, stated that the Commission was looking into the matter of protection at railway crossings. In the past three years its officers had examined and reported upon 503 crossings and had ordered bells, gates or subways at most of them. To instal a bell cost about $300; to put in a set of double gates about $700, while the cost of maintenance was about $1,000 a year. As an example of what the Bill would involve he cited the case of the subway at Bank street, in this city, which cost $75,000.

In the case of all new railways highway crossing plans were referred to the municipal or village authorities and permission was not given to the railway to construct until the permission of the municipalities had been secured. More than once municipalities had appealed against plans, and in several cases the plans had been modified. With the present staff it would take the commission several years to examine all the level crossings, but the number inspected was increasing every year. Each crossing ought to be dealt with on its merits.

Mr. Dillinger, traffic officer of the Railway Commission, said that to reduce the speed of a passenger train to ten miles an hour meant a minimum loss of time of three minutes, while in the case of freight trains it was twice as much. With ninety crossings between Montreal and Toronto the increase in time for passenger trains would be from four to five hours.

Would Imperil Imperial Contract.

Mr. Charles Drinkwater, speaking for the Canadian Pacific Railway, pointed out that his company had on the route a fast train, the Overseas Limited, to compete with the Suez canal route to the Orient. This was scheduled to make the distance across the continent in, first, 100 hours, then 84 hours, and now it had been reduced to 72 hours. If that train were compelled to reduce its speed to ten miles at crossings it would mean going back to the 100 hour basis, and this would inevitably result in the loss of the British mail contract.

These are facts which were placed before the committee of this House and practically before the House of Commons in 1906. It appears from these facts that the question is one of the greatest importance, not only to the railway companies, but to the commerce at large and also for the safety of human life. For my part, I am not influenced by the expense which this legislation will involve. The expense should be met by the railways, which means by the public at large, it should be met in a reasonable and practical way and I am satisfied that it cannot be done in twelve months. We have the expert evidence of the chief engineer of the Railway Commission and other persons that it is impossible, that it has taken over three years to deal with 503 crossings, and if they have 2,500 crossing to deal with surely they cannot be disposed of in three years. Therefore, we should make the Bill as effective as possible, provided we make it reasonable and practicable, and we should go to the extent of making it the duty of the Railway Commission to proceed as fast as possible in requiring the railway companies, to provide as great protection as is practicable in every case. I therefore move that subsection 3 be amended to read as follows :

3. No train shall pass over any highway crossing at rail-level in any thickly peopled portion of any city, town or village at a greater speed than ten miles an hour, unless such crossing is constructed and thereafter duly maintained and protected in accordance with an order, regulation and the directions of the Railway Committee of the Privy Council or of the board in force with respect thereto, or unless permission is given by some regulation or order of the board. The board may from time to time fix the speed in any rate that it deems proper.

Hon. Mr. FERGUSON—I agree entirely with the hon. member from De Salaberry when he says that if this House proposes to reject a Bill of this kind, which has been three times deliberately and unanimously passed by the House of Commons, we should put our reasons very fully and strongly before the public in order that they might weigh whether our conduct is right or otherwise in thus setting up the judgment of this House

against the judgment of the people's representatives in the House of Commons. And I submit that if this House proposes to do in another way the same thing as to throw out the Bill absolutely—that is, by thoroughly emasculating it, so as to leave it of no use whatever—it devolves upon them to give good and sufficient reasons for that course. Let me say in the inception of my statement, as I have already intimated, that this Bill has passed the House of Commons three times in exactly the same form that we have now before us, that the question was submitted to a Select Committee of the House of Commons consisting of the following gentlemen:—Mr. Lemieux, the present Postmaster General, Mr. Aylesworth, the present Minister of Justice, Mr. Emmerson, the former Minister of Railways, Mr. McDonald, Pictou, the late Mr. Stockton, and Messrs. Lennox and Lancaster, seven eminent lawyers, four from one side of the House and three from the other; that they heard as my hon. friend from De Salaberry stated, all the reasons and arguments and the facts which my hon. friend has been pleased to call them, which the railway authorities placed before them, and that, as a result, the Bill known as the Lancaster Bill which has been passed three times unanimously in the House of Commons, was drafted and submitted to the House. I may state further what is a fact, that the Bill was prepared as it now stands, not by Mr. Lancaster, but by the Hon. Mr. Emmerson. There were several drafts, but Mr. Emmerson's was the one accepted, and accepted unanimously by that distinguished committee, who reported it two years ago to the House of Commons, where it was accepted unanimously by the House, and it has twice since been re-enacted, and twice rejected by this House. Mr. Emmerson, a year ago, made the following observations on the subject:

> We thought it in the public interest that there should be some further protection with respect to level crossings, and it seems to us under present conditions that no better provision could be had than that contained in this proposed legislation. No one can fail to recognize that there are very many accidents all over Canada yearly, monthly, weekly, almost in connection with these rail level crossings, and it was considered that some provision should be made to obviate that danger. The committee, therefore made this proposition, which was accepted by the House of Commons unanimously, in fact while the Bill was promoted by a private member it was adopted by the government and made part of the government Bill in amendment to the Railway Act, but when it went to the Senate in the last hours of the session the Senate declined to accept it. It is not for me to question the judgment of the Senate, but it seems to be in the public interest that there should be legislation of this character.

This was one year after the Bill was first passed by the House of Commons. This year it was again introduced, and after Mr. Lancaster had made a long speech in support of it, the Minister of Railways made these remarks:

> Now the question of level crossings and their dangers is one that will not down in this country. The accidents that happen, not only in Canada—because perhaps Canada is as free as any other country, if not freer than some other countries, in that respect—forces this matter on our consideration. The question of transportation is one of great importance, and the methods of moving the people to and fro is one of great interest to the people themselves. But the paramount interest, to my mind, is the protection of the lives of the people. This may be regarded by some as a small matter, but to my mind it is not a small matter. We have throughout the country districts, leaving out anything which this Bill touches at all, many crossings that are very dangerous. Every member of this House can call to mind some crossing in his own constituency, the approach to which is very dangerous to the travelling public. While it would be rash to go to the extent of insisting that something should be done at these crossings all at once, I am in hearty sympathy with the movement to approach the subject gradually, and take in thickly settled parts, such as cities, towns and villages. While saying this, I have no desire to encroach upon the rights of the railways. We have now a commission and that commission is to be enlarged. It has been proved heretofore that the duties placed upon that commission have been so onerous and so numerous that the members have not been able to perform them, and if we placed this work upon that commission with its present number, we would perhaps burden them unduly. But it is the intention of the government, with the approval of this House, which I believe will be unanimous to enlarge this commission and provide that these complaints shall practically go to the decision of the commission, and the orders of the old Privy Council will be included as well, to avoid certain injustices that might otherwise be done. I do not wish to make any further remarks, only to say that I concur in this Bill, and I will consent to the second reading, without its going to the Railway committee.

These are the remarks of the Hon. Mr. Graham, Minister of Railways, on the passage of this Bill; and he concluded his

speech by saying that he was entirely in sympathy with the object of the measure and the Bill itself, and therefore he would consent to the Bill being read a second time without referring it to the Railway Committee, and the Bill came to us in this way at the beginning of the present session. Now we must inquire, what is the present state of the law with regard to this question? Mr. Chrysler's argument, which has been read to the House, was that the existing law and the powers of the commission gave the public ample protection. My hon. friend read this evidently with approval, but he has still some amendment to submit.

Hon. Mr. BEIQUE—No, I took the position in my remarks, and by the amendment which I have proposed, and as a party to the report of the committee, that it was incumbent upon this House to go further than the law goes at present.

Hon. Mr. FERGUSON—My hon. friend apparently—for I think it is only apparently—admits that by his amendment we should go a little further; but I contend that he has not gone one inch further than we were before. He is simply working and twisting and getting us back just to the position in which the law is at the present time. However, I shall reach that part of the question a little later. My hon. friend read section 275 of the Railway Act and made the remark that a mistake of the House of Commons was that they repealed section 275, which is a very important provision, and should remain in the law. If my hon. friend will turn to section 393 of the Act, he will find there a provision exactly word for word the same as section 275, with the difference that in section 275 the penalty of a reduction of speed is imposed, whereas in 393 the penalty is a cash one of $100 for each infraction. I will read the portion of 393 that deals with that. It is as follows:

> The company shall incur a penalty of $100 if—
>
> (c) Any train of the company passes in or through any thickly peopled portion of any city, town or village at a speed greater than ten miles an hour, unless the track is fenced or properly protected in the manner prescribed by this Act, or unless permission to pass at a greater speed is given by some regulation or order of the board.

Hon. Mr. FERGUSON.

Here we have the very same provision as section 275, the only difference being that in the case of 275 there is a penalty of reduction of speed attached to the railway, while in 393 the penalty is $100 if that speed should be exceeded, in precisely the same cities, towns or villages. My point in connection with that is that the repeal of section 275 does not weaken the Act at all. It only takes away one penalty; that is the reduction of speed in connection with the passing of trains, not over highway crossings, but over the tracks of railways apart from the highway crossings. I have no hesitation in saying that, when we had this question before us last year, I was deceived. The Railway Committee was deceived. We were led to believe and were told—I daresay in good faith I am not going to say that my hon. friend from De Salaberry, among the rest of the gentlemen who told us that, was not speaking in good faith—that section 275 was an ample protection for the highway crossings. That is what Mr. Chrysler told us when he appeared before the Railway Committee last year. He went so far this year as to say that the present law was full and ample, together with the powers of the board, but he did not go so fully into that matter as he did last year.

Hon. Mr. BEIQUE—Will the hon. gentleman permit me to correct his statement by saying this: that neither last year nor on any other occasion did I take any part at all with the Bill either in committee or otherwise.

Hon. Mr. FERGUSON—On the floor of the House.

Hon. Mr. BEIQUE—No, I do not think I took any part in the discussion on the floor of the House.

Hon. Mr. FERGUSON—We are in committee, and I shall not break the thread of my speech, but I shall show hon. gentlemen later that the hon. member from De Salaberry contended that section 275 was full and ample, and he did say this on the floor of this House, and I promise my hon. friend I will quote the words, I shall also quote the statement he made last year that the Lancaster Bill

was very badly drafted, that it was reviving the powers of the Railway Committee of the Privy Council, and although I tried to convince him that that was not the effect, I was not a lawyer, and therefore my views were not entitled to much consideration. He dismissed me with a wave of his hand and went on with his own statement. Now I shall not offer my own judgment on that question, but I shall submit the judgment of the Supreme Court of Canada. We have a judgment of the Supreme Court in the case of McKay vs. the Grand Trunk, in which a very elaborate judgment has been rendered, and the case turned upon section 259 of the Act of 1892 which corresponds with 275 of the Railway Act. That section reads as follows:

275. No train shall pass in or through any thickly peopled portion of any city, town or village at a greater speed than ten miles an hour unless the track is fenced or properly protected in the manner prescribed by this Act or unless permission is given by some regulation or order of the board.

I confess I was misled last year myself, and I thought this clause had reference to highway crossings, but it has no such reference, and in order that I may convince hon. gentlemen that this view is right, I will read an extract from the judgment of the Supreme Court of Canada dealing with section 259 of the Act of 1892 which corresponds with 275 of the Railway Act.

Hon. Mr. CASGRAIN—We are all agreed on that.

Hon. Mr. FERGUSON—I thank my hon. friend, but I will take my own way. I hope we are all agreed, because we were not last year, and we were not agreed in the committee this year; but I hope we shall be agreed before we are through in this House. I have here the finding of the Supreme Court in the case of McKay vs. the Grand Trunk. In Forest, in the county of Lambton, a man named Angus McKay was struck by a train on a highway crossing, and his wife and two children were killed and himself badly injured. He took the case to a jury and won it. The verdict was sustained in the Court of Appeal, but was reversed by the Supreme Court of Canada. The following is the finding of the Supreme Court:

In passing through a thickly peopled portion of a city, town or village a railway train is not limited to the maximum speed of six miles an hour prescribed by 55 and 56 Vic. chapter 17, section 8, so long as the railway fences on both sides of the track are maintained and turned in and the cattle-guards at highway crossings as provided by section 6 of said Act.

The court found that clause 259 of the Act of 1892 which corresponds with 275 of the Railway Act of 1903 as it stands in the present case had no reference to highway crossings, and there was no limitation on the speed of the train as long as the track was protected, and as long as the fences were turned in to the cattle guards. Here is the judgment read by Sir Louis Davies and concurred in by his brother judges, Mr. Justice Girouard dissenting:

The manner of fencing 'prescribed by the Act' is by turning the fences on both sides of the crossing and on both sides of the track to the cattle-guards.' Unless and until this is done the limitation upon the speed at which the trains are to cross the highway namely six miles an hour prevails. When it is done the limitation no longer exists. As I have already said these sections neither authorize nor empower the railway to place fences or gates across the highway, and their object was not to provide for the protection of the travelling public, which was provided for by the 187 section of the Act but for the safe passage of trains and to secure that passage as far as possible the exclusion of animals from the track either by way of the highway or from the adjoining lands.

Here we have the finding of the Supreme Court that section 259 of the Act of 1892 which corresponds with 275 of the present Act, which this House was made to believe last year was ample protection for the highway crossings, had no relation whatever to the highway crossings, but only to the fencing of the track.

Hon. Mr. POIRIER—The cattle were protected, but not the people.

Hon. Mr. FERGUSON—The cattle were protected and the people on the train might be protected from accident by the train running off the track, but there was no provision in section 275 for the people using the highways, and I may say that there is no provision in the Railway Act, from the first section to the last, imposing on the railway companies or on the board a positive duty in regard to the protection of the railway crossings.

Hon. Mr. SCOTT—I think the hon. gentleman will find it in section 238.

Hon. Mr. FERGUSON—Yes, a permission that they may do it; but not an imperative provision, and I will show that before I am done. There is a great deal of permissive power given to the board, but if the hon. Secretary of State will follow me through, I will show him how the matter stands, and what the rules of the board are in regard to that subject, and he will find that he is labouring under a mistake, and that there is no positive enactment in the Railway Act from beginning to end, either to impose a duty on the railways of protecting their highway crossings, or to impose a positive duty on the Railway Board to take up the matter of the examination and protection of these crossings on railways in operation.

Hon. Mr. SCOTT—They have the authority to do it.

Hon. Mr. FERGUSON—I know that. As the Minister of Railways said, although this was a government measure in the other end of the House, when it comes here my hon. friend shows his zeal against it from its very inception; but what I ask is a fair opportunity to place my views before the House, and when my hon. friend has heard me fully he will then know better whether my argument is sustained by the law and the facts.

Hon. Mr. SCOTT—I merely called attention to the section which gave the board authority to do it.

Hon. Mr. FERGUSON—It gives them jurisdiction and permissive powers to do it; but I have read the Railway Act over and over again, and studied it closely, and I cannot find one single clause imposing a positive duty on the railways with regard to the protection of their highway crossings, beyond blowing a whistle or sounding a bell which Mr. Chrysler told the committee was not protection but warning. nor can I find any words imposing such a duty on the Railway Commission. It may do certain things, but there is no positive enactment that it shall be its duty to protect the crossings. The hon. gentleman from De Salaberry stated that it was better to give the power to the board and make it the duty of the board. If that were done we would be satisfied. That is what we want; but my hon. friend in his amendment leaves it as it was before, without any positive duty being imposed on the board to protect the crossings. There is another point, to show the pitiable helplessness of the Canadian law in this regard, I am going to read another portion from the judgment of the Supreme Court in McKay vs. the Grand Trunk. In the extract I have already quoted, Sir Louis Davies delivered the judgment on behalf of himself, Mr. Justice Killam, and Mr. Justice Tachereau. But Mr. Justice Sedgewick, in a separate judgment, elaborated another point, and it is so very important that no hon. gentleman in this House who desires to give an honest vote on this question should fail to grasp it. It is this: that no matter what might be the desire of the companies, they have not, under our Canadian law, the right or the power to erect gates on the highways to protect the crossings without an amendment to the Act or an order of the board. Here is what Mr. Justice Sedgewick said:

> No person has a right to prevent any other person from driving his horse, or from himself going up to within a foot of a passing train; and certainly none has the right to prevent anyone going upon that part of the highway which is opposite to the unoccupied portion of the railway grounds. If the railway company without express statutory authority, were to erect gates opposite to its side fences, and lower these gates at any time, any person prevented from driving or walking towards the line of rails by such gates would be interfered with in his legal common law rights. It must be apparent then that there must be some authority given to a railway company before it can assume to erect gates upon a highway.

The finding of the court in this case was that the only statutory obligation imposed upon the railway was to blow the whistle at the whistling post, and there was some evidence to show that that had been fairly done, and there was no evidence to show that the accident had resulted from neglect of that particular duty. The court found that the railway company were not only without blame, but that they would be offenders against the law of the country if they had put up a gate at that place without the authority of the Railway Com-

mission or the authority of parliament, and poor Angus McKay, whose wife and two children had been killed at this railway crossing of the Grand Trunk, after proceeding with the case before a jury and getting a verdict, and the verdict being sustained by the Court of Appeal, lost his case in the Supreme Court and was saddled with all the costs by that court. It put this interpretation upon the law, which I am bound to say in my humble judgment was a correct interpretation. I am not finding fault with the court; I think they ruled properly; but I find fault with parliament and the government that they should leave the law in such a weak, and helpless condition, that not only is there no duty imposed on the railway companies to protect their crossings, but we have left the law so that if they, of their own free will, erect gates, they can be prosecuted for it. Is that a condition in which to leave the law? Hon. gentlemen will agree with me that it is not a desirable position in which to leave it. I will read the judgment of the court upon the broad question of the liability of the company. Sir Louis Davies read the judgment, and it was concurred in by the chief justice and the other judges. It reads as follows:

In my judgment parliament has by the 187th section of the Railway Act vested in the Railway committee of the Privy Council the exclusive power and duty of determining the character and extent of the protection which should be given to the public at places where the railway track crosses a highway at rail level. The exercise of such important powers and duties requires the careful consideration of many possible conflicting interests and the fullest powers to enable this committee to bring all such interests before them and determine all necessary facts, are given by the Act in question. Similar powers to enable this tribunal effectively to enforce any order it may make in the premises are vested in the committee. It is quite open to any municipality through which a railway runs at any time it thinks proper, or to an interested person or corporation, or indeed to any one of the travelling public to invoke the exercise of this jurisdiction. The composition of the tribunal, the simplicity and ease with which its powers can be invoked, and the completeness with which it can carry out the intentions of parliament, and the scope and extent of its powers, all combine to convince me that parliament designed to establish and has established a tribunal which, while guarding the interests of the railway corporation, would at the same time provide the fullest necessary protection to the travelling public. I cannot think that these powers, so full, so complete, and so capable of being made effective, can if exercised, be subject to review either as to their adequacy or otherwise by a jury, nor do I think that failure to invoke the exercise of the powers is of itself sufficient to take the matter away, jurisdiction to which parliament has committed it, and vest it in a jury. If no such statutory powers had been given by parliament a jury must ex-necessitate, determine in each case as a question of fact whether with regard to level foot crossings or highway crossings, the proper precautions with regard to speed and warnings had been adopted and followed.

The substance of the judgment is, that parliament, by passing the Railway Act, and constituting the Privy Council, whose successor is now the Railway Board, took all these questions from the jurisdiction of a jury, and vested them in the Board, and if the Board performs its functions with regard to these crossings, of course there is no appeal to a jury, and I say there should not be, or need not be, except to find out if the company had fulfilled the orders of the Board. But it goes further and declares that although these powers are not exercised, parliament took away from the jury all these questions, and the man whose wife and children were killed at a railway crossing has no remedy. Under the common law he would have a remedy. He could take his case before a jury and they could settle it. But we have statutory law; we have appointed this Railway Commission and passed a Railway Act, and by doing that the judgment of the court is that we have taken all these questions away from the jurisdiction of a jury, and the only point on which a jury can come in and award a verdict on behalf of the family of a man who has been killed at one of the highway crossings is, in the event of the railway company not having carried out some order or instructions of the Board, or not, having fulfilled the existing statutory obligation of blowing the whistle. I have now dealt with the statute law, and I think any hon. gentleman who will follow me and will take up the Act, as I have done, will find that my interpretation of it is right, and that will become more fully manifest as I follow the subject a little further. Section 26 of the Railway Act reads as follows:

October 26. The Board shall have full jurisdiction to inquire into, hear and determine any application by or on behalf of any party interested——

(a) Complaining that any company or person, has failed to do any act, matter or thing required to be done by this Act, or the Special Act, &c., &c.

The powers are ample, but there is a discretion with regard to the exercise of them. The Board has the full jurisdiction, but the discretion is given in section 30, where it says they may make orders and regulations with regard to practically all the subjects enumerated in section 26. Then we turn to section 28, and when I first looked over the law and found this provision, I thought that it was ample and would work out all right. It reads as follows :

28. The Board may, of its own motion, or shall, upon the request of the minister, inquire into, hear and determine any matter, or thing which, under this Act, it may inquire into, hear and determine upon application or complaint, and with respect thereto, shall have the same powers as, upon any application or complaint, are vested in it by this Act.

Section 26 gives the board jurisdiction on application. Section 28 says the board may, of its own motion, do so and so, and then it uses the word 'shall'—'Shall upon the request of the minister do anything which it can do on application.' We now turn to the report of the Railway Commission. There we find that they have drafted a set of rules governing their proceedings, and in drafting these rules, they regulate the discretion which is given to them by section 28. Rule 3 reads as follows:

3. Every proceeding before the board under this Act shall be commenced by an application made to it, which shall be in writing and assigned by the applicant or his solicitor; or in the case of a corporate body or company being the applicants shall be signed by their manager, secretary, or solicitor. It shall contain a clear and concise statement of the facts, the grounds of application, the section of the Act under which the same is made, and the nature of the order applied for, or the relief or remedy to which the applicant claims to be entitled. It shall be divided into paragraphs, each of which, as nearly as possible, shall be confined to a distinct portion of the subject, and every paragraph shall be numbered consecutively. It shall be endorsed with the name and address of the applicant, or if there be a solicitor acting for him in the matter, with the name and address of such solicitor. The application shall be according to the forms in schedule No. 1.

The board here make this rule which binds them, only to hear matters on application, and, therefore, there is no discretion exercised by the board under section 28. The hon. gentleman from De Salaberry is shaking his head.

Hon. Mr. KERR—My hon. friend is mistaken about that. That only applies to applications by other parties. It does not apply to the board acting on the initiative. The statute provides for that.

Hon. Mr. FERGUSON—I am not a lawyer, but I claim to have a little commonsense, and I claim that I can understand plain common English just as well as the hon. gentleman from Toronto. There are a great many hon. gentlemen in my hearing who are not lawyers, who have common sense and who know a little about the English language. It says: 'Shall be commenced,' not 'may be commenced,' etc. Hon. gentlemen will understand this plain English, but I will furnish further proof before I proceed much further, which will show that my understanding of this language is the correct one. Then we have in the schedule to No. 7 of the Rules a form of application which shall be made with reference to highway crossings. There must be plans of the track and everything, which cuts out every private person unless he is wealthy from entering into a contest with the railway company.

84. No. 7—Highway crossings.—Sections 184 to 191. Send to the secretary of the board with an application, three sets of plans and profiles of the crossings. Scale—Plan—100 feet to inch. Profile—100 feet to inch horizontal ; 20 feet to inch vertical.

1st set for approval by and filing with the board.

2nd and 3rd sets to be furnished to the respective parties concerned, with a certified copy of the order approving the same.

The plan and profile shall show at least half a mile of the railway and 200 feet of the highway on each side of the crossing.

The applicant must give ten days' notice of application to the opposite party and with such notice shall serve a copy of the plan and profile and of the application.

Now what were we told before the committee, as read to this House by the hon. senator from De Salaberry—what he was pleased to call facts, which I am sorry to say we cannot accept as such. Mr. Mountain said:

The commission was looking into the matter of protection at railway crossings. In the past three years its officers had examined and reported on 503 crossings and had ordered bells, gates, or subways at most of them. . . .

With the present staff it would take the commission several years to examine all the level crossings, but the number inspected was increasing every year. Each crossing ought to be dealt with on its own merits.

I am now reading from the statement made by the expert of the commission before the Railway Committee. Fortunately, we are able to place our hands on the exact state of protection at highway crossings when the board came into existence, and succeeding years. We are not able to carry it down to the 31st March, 1907, because of an error on the part of the Railway Department, which I am sure was not intentional. The returns for 1907 do not contain the information that the Act requires, with regard to the number of highway crossings protected or otherwise. Mr. Payne, the controller, advises me, and I know his statement is absolutely correct, that the board this year endeavoured to assimilate our returns with those of the Inter-State Commission of the United States, and that in adopting the United States classification it was never observed, until after the returns were accepted and had been published, that the law of the United States did not provide that this particular class of information should be given, and for that reason in 1907 it dropped out of the report of the Railway Department of Canada. But we have it for the years 1904-1905 and 1906. We find that in 1904 there were 239 guarded crossings. In 1905 there were 222, that is 17 less than in the year before; and in 1906 there were 205, or 34 less guarded crossings than there had been in 1904 when the Railway Commission entered on its work. I am putting these facts before the House in order that they may go to the country, and it will be for the Railway Commission to make some explanation regarding them. I am quoting from the sworn returns of the railway companies to the Department of Railways. Under the Railway Act, they are obliged to make returns sworn to by their officers with regard to a large variety of matters affecting the railways, and this with regard to highway crossings is one of them. I have explained why I am unable to carry that up to the end of 1907. It is not my fault, but I am able to cover two of the years in which the commission were at work.

Hon. Mr. CASGRAIN—The statement of the hon. gentleman is very misleading to some hon. gentlemen. We cannot understand how those protected crossings could have disappeared.

Hon. Mr. FERGUSON—It is not for me to explain it. I am quoting from the sworn returns furnished by the railway companies themselves.

Hon. Mr. CASGRAIN—Would not subways or bridges be substituted in some cases?

Hon. Mr. FERGUSON—I can give statistics with regard to bridges and subways and the hon. gentleman can judge for himself how far that explains it. In 1904 there were 463 overhead bridges. In 1905 they had increased to 472; but in 1906 they had fallen to 431; so there were actually 32 less overhead bridges in 1906 than there were in 1904. Then we come to the subways. Of these there were 333 in 1904. They had fallen to 329 in 1905, and there were 336 in 1906, an increase of three subways in that time, while there was a falling away of 32 overhead bridges, and 34 protected highway crossings. The ungarded crossings have also been reduced. In 1904 there were 13,493; in 1906 they had fallen to 12,962. I am putting before the House the sworn returns of the railway companies of Canada; it is not for me to explain them but I think an explanation might be furnished. Highway crossings may have been closed, and we know that the railway companies will close every crossing they can if they get permission from the board, and sometimes close them without permission. The point I want to put before the House is this. Mr. Mountain said that 503 crossings had been examined in three years and that the board had ordered bells, gates, bridges or subways at most of them. I have shown that in two years out of the three in the matter of gates, subways, bridges, etc., the protection had decreased, and I leave it to the officers of the Railway Commission to explain what became of these gates, bridges, bells and subways which he says were ordered by the board to be installed, when it is found that there were less protected level highway crossings in 1906 than there had been in 1904, that the number of

overhead bridges had also diminished, and that the subways under railway tracks show the magnificent increase of three in that time.

We had also another interesting episode in this House and in the committee. The hon. senator from De Salaberry put a notice on the order paper asking for a return showing the fatalities and injuries to persons at railway crossings. A return was produced by the hon. Secretary of State, and laid on the table of this House with some comments. The moment my eye flashed on that return, I knew that it was not the full statement of deaths and injuries at the highway crossings, because I had previously examined the figures and knew that they were much greater than the statement showed, and I called the attention of the House to the fact. Mr. Mountain came to the second meeting of the committee with this statement, which had been submitted to the House, in his hands and read it to the committee, and said it was a true statement. He said that although the expression 'railway crossings' had been used, highway crossing was meant. I at once sent up to my room and brought down the report of the Department of Railways. When Mr. Mountain was done, I asked him to turn to the last sheet of the document he had in his hands in which he would find a return, which I have before me, showing that there were just 50 per cent more accidents at the highway crossings in Canada than the statement which he had been reading from showed, and I asked him for an explanation. It must be this way he said: the Intercolonial Railway is included in the government statement and it is not included in ours, because we have no jurisdiction over the Intercolonial Railway. I at once turned up the government return again, and there found that there had been only three persons killed on the Intercolonial Railway and the Prince Edward Island Railway, and five injured, in the last year, and deducting these, it would only reduce the number to that extent, and I asked him for an explanation of the discrepancy of 29 persons killed but he could not give any. I have had none from Mr. Mountain or from the officers of the Railway Commission, but I have dug into their reports and found some things for myself. Let me say that the returns submitted and signed by Mr. Payne, the Controller of Railway Statistics, are compiled from the sworn returns of the railway companies themselves, and Mr. Payne assures me that I may make the statement as positively as I please that they are absolutely correct, unless the absurd contention should be set up that the railway companies would swear to a larger number of deaths and injuries at their highway crossings than had actually occurred. The sworn returns made under section 372 of the Railway Act by the railway companies show that there were 50 per cent more casualties at those crossings than the report of the Railway Commission shows. In looking at the last named report I found some things that surprised me. There is a correct classification in the report of the Railway Department, but when I turn to the classification in the report of the Railway commission I find a very clumsy one indeed. The law requires that one of the things that must be reported, and reported on oath, is the number of persons killed or injured by being 'struck by engines or trains at highway crossings,' and the railway companies make a return complying with the law. The Railway Commission have proceeded in some clumsy way of their own and make a table which nobody can understand. They speak of level crossings, which applies to the crossing of one railway over the track of another as well as the crossing of a highway, and they put the number at so much less than the returns furnished by the government. There is another entry, further down, of the number of trespassers killed, and the number is very large; but they do not say, as the Act requires they should say, where or how those trespassers were killed. Was it at highway crossings, at the station, or along the track. By a very strict interpretation of the law I suppose every man killed on the railway is a trespasser, because any man who is on the track, or that part of it which crosses the highway, when the train is scheduled to come is a trespasser. It is for the Railway Board to explain whether the large number they describe as trespassers does not include the number killed at railway crossings, although they are summarily set down as trespassers. It looks as if there was an attempt to conceal the number of fatalities

at highway crossings. I am not complaining of the Department of Railways. The Act is faithfully carried out by the department, but it is extraordinary to look at the report of the Railway Commission, which does not show more than 50 per cent of the number of accidents that actually occurred. You can take the government report and tell in a moment how and at what crossing of any railway company anyone was killed. The Railway Commission should have supplied similar information, but the information to which I have called attention was what they submitted to the House. Possibly Mr. Mountain thought the officer who had charge of the accidents branch, had done his duty faithfully. I know enough of Mr. Mountain to say that I do not believe he made an incorrect statement knowingly. He must have been misled by the officers in charge of the accidents department, who put this very clumsy and inaccurate information in his hands. Now, I am going to compare for a moment the fatalities at highway crossings in Canada with the fatalities at railway crossings in the United States. The neighbouring country has had the reputation of having the worst record with regard to their railways of any country in the world. The following statements show the number of accidents at highway crossings in Canada and the United States :

CANADIAN ACCIDENTS.

	Killed	Injured
1905..	59	67
1906..	50	76
1907..	73	74

UNITED STATES ACCIDENTS.

	Killed	Injured
1905..	837	1,564
1906..	926	1,884

Hon. Mr. McMILLAN—Do those figures show the accidents at railway crossings ?

Hon. Mr. FERGUSON—At highway crossings. All those are described in both countries as people struck by an engine or train at points where a railway crosses a highway. The surprising part of these returns is that while the number killed in Canada is ten per cent greater than the number killed in the United States, there is a very much greater proportion, almost 50 per cent greater, of persons injured in the United States than in Canada. I attribute that to some different rule in making out the returns. A person very slightly injured in Canada may not be reported among the injured, while in the United States the rule may be more strict; but in the number killed, Canada has the worst reputation of any civilized country in the world.

Hon. Mr. CLORAN—How does the mileage in the countries compare ?

Hon. Mr. FERGUSON—I am dealing with the population of the two countries; I did not work it out the other way. Last year, leaving out the Intercolonial Railway, there were seventy persons killed on the highway crossings of Canada by being struck by trains. Financial experts claim that every individual belonging to the country is worth $1,000. In killing seventy persons annually, the country sustains a loss of $70,000 without taking into account the loss to the families and the sad fact of so many persons being sent to eternity. Then there were sixty-nine injured, and assuming that the loss to the country from these injuries was $500 each, that would give $34,500 lost to the families of those injured. These sums amount to $104,500. I submit that this large annual sum would go a long way towards providing protection at the highway crossings throughout this country. You can hardly take up a paper without reading of some serious accident at highway crossings in Canada. A very striking one occurred at Sunnyside, near Toronto, about two weeks ago, when a Canadian Pacific Railway train running over the Grand Trunk Railway track at sixty miles an hour, struck a young man named Hansford, killing him. The coroner's jury, after hearing all the evidence, found that the engineer and officers in charge of the train were not blameable in any way whatever; but they severely censured the Grand Trunk Railway Company. Their finding was as follows :

We attach no blame to the engineer or crew in charge of the train.

We, the jury also find the Grand Trunk Railway is to blame and responsible for the death of the said Percy Hansford by maintaining such an extremely dangerous crossing, having a total disregard to the interests of the public using the same. There is a large number of passenger trains, thirty-three in

number, passing the point at a rate of from fifty to sixty miles an hour, as admitted by the railway witnesses. The view of the tracks when travelling southerly is interrupted and shut out by buildings and cars left by the shunting engine.

The jury recommended that the Grand Trunk Railway Company should be compelled to make good the damages to the family of this man. They probably have found out by this time that they have no case at all; that there was no order of the Board with regard to this crossing, and as the engineer had blown the whistle at the whistling post, the railway company had done all they were required to do, and this man's family will go without any compensation whatever, although from thirty to thirty-five trains, many of them running at the high speed of sixty miles an hour, pass that highway crossing every day. I want to submit figures showing the record of the two greatest railways of Canada with regard to the matter of deaths and injuries at highway crossings. The following is a statement of persons killed or injured at highway crossings at rail-level on the following railroads for the years 1905, 1906 and 1907:

—	Number of Persons killed	Number injured.	Number highway crossings.	Proportion of Persons killed or injured to No. of crossing.
Grand Trunk...	78	126	3,445	1 to every 17
Can. Pac. Ry...	44	38	4,879	1 " 59

I do not know that the Grand Trunk Railway is any more zealous than the Canadian Pacific Railway is to allow things to remain as they are; but we have heard their voice more in our committees than the voice of any other railway company in Canada.

Hon. Mr. BEIQUE—Are these only highway crossings?

Hon. Mr. FERGUSON—Highway crossings.

Hon. Mr. BEIQUE—It does not include railway crossings?

Hon. Mr. FERGUSON—No. I am submitting no figures dealing with level crossings where one railway crosses the track of another. I am confining my observations entirely to the places where railways cross highways. I have under my hand a book 'Haines Restriction Legislation,' recently published from which I have some extracts with regard to statistics of European countries. After referring to the people killed at highway crossings in the United States he says:

This class of casualties is almost absent from the statistics of European countries, where highway crossings are either separated from the tracks or if on a level are carefully guarded.

There is an example for us in all European countries, and some of these countries are as sparsely settled as our own. There is almost an entire absence of such fatalities as I have been referring to, because the laws of those countries compel the railway companies to protect their crossings. The writer referring to Great Britain says:

In Great Britain all railroad construction and operation was held up to a uniformly high and expensive standard until 1868, when the desire to provide better facilities for districts with but little traffic induced relaxation of certain requirements as to second tracks, signalling apparatus and highway crossings in favour of a subsidiary class of roads known as 'light railways.' Lines of this character are only allowed to be operated at law speeds and with light equipment.

In England there are, in some parts of the country that cannot afford the expense of first class railways, provisions made for running light railways; but they come under the very restrictions we want to impose in Canada with regard to the speed of trains at highway crossings. I turn now to another point which has been raised in this debate and which was contained in these so-called facts to which the hon. senator from De Salaberry referred and which were laid before a committee of this House by the railway solicitors. One of these quoted by the hon. gentleman was from the argument of Mr. Chrysler before the committee. It was as follows:

Another important point was that the reduction of speed of fast trains would deprive the Canadian roads of a large quantity of traffic in fresh meats, and fruits which would go to the United States roads. He pointed out that cattle trains now went through to Montreal in twenty-four hours. If the Bill were enforced this would be impossible and the

cattle would have to be taken out of the cars, fed and watered with the result that the business would go to the American roads which would not be hampered by similar regulations.

I am surprised that the railway companies of Canada would put such words into the mouth of Mr. Chrysler—that the United States roads are not hampered by regulations of this kind. I have taken the trouble to wade through the laws of some of the neighbouring states. The statement was made in the committee that if these restrictions were imposed on our railways it would ruin the trade between Detroit and Buffalo which now passes through Canada because Canadian trains would be hampered by these regulations while United States roads would be free from them. I have taken the trouble to read up the laws of the four states that would be traversed by trains running between Detroit and Buffalo and I find that in all of them large powers are given to the local authorities to deal with this very question. The power is given to towns or villages to insist upon the railway companies protecting their highway crossings. What would the railway companies of Canada say if we imposed such legislation upon them here?

Hon. Mr. POIRIER—We should have the same here.

Hon. Mr. FERGUSON—I find the following in the laws in the State of New York:

Page 1529, Article 3; section 88, subsection 10.
The municipal corporation may by a two-thirds vote of all members of the board, require railroad companies to erect gates at crossings, to employ competent men to attend to the same and to employ competent flagmen at such crossings.

It requires a two-thirds vote in New York, but in other states a majority can do it. I find the following in the railroad law of the State of New York:

Page 3273, section 33.
Whenever the crossing by a railroad at grade of the streets, highways, turnpikes, plank roads or travelled ways of any village or city having a population by the last state or federal enumeration of less than fifty thousand, shall be protected by gates with persons to open and close the same, when an engine or train passes, the local authorities of the city or village shall not impose any limitation, less than 40 miles an hour on the rate of speed at which such engine or train shall run.

In Pennsylvania the municipality has power:

To require the erection of safety gates and the placing of flag-men at the intersection of railroads with public streets; to forbid the obstruction of the said crossings by locomotives or railroad cars, and also to make reasonable regulations concerning the rate of speed at which locomotives, cars or trains shall pass upon or cross the streets within the built up portion of the city.

That is another state through which competitive trains would have to pass. I now turn to the law of Ohio. It reads as follows:

Sec. 247c. When, in the opinion of the city council of any city of the third grade (b) of the second class, the public safety requires that a gate or gates be erected and maintained at any place where the public road or street is crossed in said city at the same level by any railroad, and which crossing has been declared by the said council to be a dangerous one, or that a flagman be stationed and maintained at such dangerous crossing, council shall give the superintendent, manager, or other officer in charge of such railroad, a written notice that the same is required and such company, person or corporation owning or operating such railroad, shall erect or station the same within such time thereafter as council may prescribe.

I come now to the State of Michigan, in which the following is the law:

(3112) Section 6..... ; also, to require and compel railroad companies to keep flagmen or watchmen at all railroad crossings of the streets and to give warning of the approach of trains thereat, and to light such crossings during the night; to regulate and prescribe the speed of all locomotive and railroad trains and street railway cars within the city; but such speed shall not be required to be less than six miles per hour; and to impose a fine of not less than five or more than fifty dollars, upon the company, and upon any engineer or conductor violating any ordinance regulating the speed of trains.

I have now quoted the laws of these four states dealing with this very question, and hon. gentlemen will now not wonder at the report which our Railway Committee made when they had such extraordinary information put before them by the railway people. They stated that the United States roads were not hampered by regulations of this kind, whereas everyone who knows anything of the United States law must be aware that the regulations in that country are far more strict in this matter than anything we are proposing to do in Canada.

Hon. Mr. YOUNG—As it is now nearly six o'clock I would suggest that the committee rise and report progress, and the hon. gentleman can conclude his speech when the committee resume consideration of the Bill. While the hon. gentleman cannot hold the floor, still, out of courtesy, he should be allowed to finish his speech at the next sitting of the committee.

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

MONTREAL, OTTAWA AND GEORGIAN BAY CANAL COMPANY BILL.

SECOND READING.

Hon. Mr. POWER (in the absence of Hon. Mr. Belcourt) moved the second reading of Bill (47) An Act respecting the Montreal, Ottawa and Georgian Bay Canal Company.

Hon. Mr. McMULLEN—Are we going to renew this charter in face of the discussions which have taken place in this House and in the other Chamber ? I think we should defer the further reading of this Bill giving a private company the power to proceed and construct the canal. I sent for the Act by which they obtained their incorporation in 1894, fourteen years ago, and I find that about one-third of the incorporators are dead. I do not think we should renew this charter to empower a private company to build this canal. I certainly should oppose it, and I think in face of the small House that we should defer the consideration of it till to-morrow.

Hon. Mr. POWER—Private Bills are not considered by the House. The Senate does not commit itself to a private Bill by allowing the second reading to pass, and it is quite clear that the committee is the proper place to consider these questions.

Hon. Mr. McMULLEN—I move that the further consideration of the Bill be postponed till Wednesday next.

Hon. Mr. DOMVILLE—I second the motion.

Hon. Mr. POWER—With the permission of the House, I withdraw the motion, and move that the Bill be read the second time to-morrow, when the hon. gentleman from Ottawa will be here.

The motion was agreed to.

SECOND READINGS.

Bill (50) An Act respecting the Dominion Atlantic Railway Company.—(Hon. Mr. Power.)

Bill (51) An Act respecting the Erie, London and Tilsonburg Railway Company.—(Hon. Mr. Wilson.)

Bill (67) An Act respecting the Canadian Northern Ontario Railway Company.—(Hon. Mr. Jones.)

Bill (73) An Act respecting the Quebec Railway, Light and Power Company.—(Hon. Mr. Choquette.)

Bill (74) An Act respecting the Ottawa, Brockville and St. Lawrence Railway Company.—(Hon. Mr. Derbyshire.)

Bill (76) An Act respecting the Interprovincial Railway Bridge Company of New Brunswick.—(Hon. Mr. Costigan.)

Bill (77) An Act respecting the Canadian Northern Quebec Railway Company.—(Hon. Mr. Tessier.)

Bill (81) An Act respecting the Canadian Northern Railway Company.—(Hon. Mr. Young.)

Bill (83) An Act respecting the Owen Sound and Meaford Railway Company.—(Hon. Mr. McMullen.)

Bill (87) An Act to incorporate the Vancouver Island and Eastern Railway Company.—(Hon. Mr. Bostock.)

NATIONAL BATTLEFIELDS OF QUEBEC BILL.

SECOND READING POSTPONED.

Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (111) An Act respecting the National Battlefields of Quebec.

Hon. Mr. LOUGHEED—At this late hour I do not ask for any explanation of the Bill, on the understanding that when we go into committee my hon. friend will fully explain the purpose of the Bill.

Hon. Sir RICHARD CARTWRIGHT—Certainly.

Hon. Mr. CHOQUETTE—I was going to ask the House to suspend the rule and go into Committee of the Whole to-day. This is a most pressing matter. The commission has been appointed, but they have no authority. They were here to-day. Mayor Garneau, of Quebec, was among them. They could do nothing at all, and the time is very short. The Governor General asked to have the Bill passed yesterday if possible.

Hon. Mr. LOUGHEED—My hon. friend asks what is extremely unreasonable. Here is a Bill involving the expenditure at once of $300,000, and the appointment of a commission vested with extraordinary powers so far as reporting to parliament is concerned, with a view to an expenditure which may involve another million dollars. True, the expenditure of that amount would be subject to the voice of parliament, but there is no good reason why the government should not, at an earlier period of the session, have brought down a Bill of such importance as the one we are about to consider, and to say that the rule should be suspended and the Bill passed without any consideration or discussion and without any explanation, it seems to me, would be a reflection on the intelligence of this Chamber.

Hon. Mr. CHOQUETTE—I quite understand that, but this matter has been so much discussed in the other Chamber and the public press, that we know all about it. The question is a very plain one. The sum of money is voted and everybody knows the reason. So that, under the circumstances, as the matter is very pressing, and the time to make the necessary preparations is very short, and, in view of the commission having been appointed, which has no authority to act, and as my hon. friend knows just as well as I do what is going to be done with this money, it seems to me it is not unreasonable that the rule should be suspended to-day. I should like to have the third reading taken to-morrow. I am informed that as soon as the Bill is passed His Excellency the Governor General will come down and sanction it. I simply place the matter before the House, so that if it is possible to go into committee, and pass the measure, I think the whole city of Quebec will be ready to at once start preparations for the celebration.

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

Hon. Sir RICHARD CARTWRIGHT—I move that the Bill be referred to a Committee of the Whole to-morrow.

The motion was agreed to.

VIOLATING THE SIX O'CLOCK RULE.

Hon. Sir MACKENZIE BOWELL—I should like to call the attention of the House to the rules under which we are supposed to act. The rules declare that at 6 o'clock the Speaker should leave the Chair. Why should we sit here after six ? I know what the practice has been—we have been in the habit of violating the rule.

Hon. Mr. YOUNG—It is never six o'clock until we happen to call attention to it.

The SPEAKER—Sometimes when there is something on the order paper which can be put through in five minutes, we do not look at the clock, but sit a few minutes after six.

Hon. Sir MACKENZIE BOWELL—I understand that, but I am calling attention to the rule under which we are supposed to act.

Hon. Mr. YOUNG—We are supposed to meet at three o'clock, and if my hon. friend would insist on carrying out that rule, we might make better progress.

Hon. Sir MACKENZIE BOWELL—I have had it in my mind to call attention to that fact.

Hon. Mr. WATSON—Great minds.

The Senate adjourned till three o'clock to-morrow.

THE SENATE.

OTTAWA, Friday, March 13, 1908.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

BILL INTRODUCED .

Bill (DD) An Act respecting the Board of the Presbyterian College of Halifax.—(Hon. Mr. McGregor.)

CHANGE IN LEASING REGULATIONS OF COAL LANDS.

INQUIRY.

Hon. Mr. MACDONALD inquired of the government:

If the regulations of the Interior Department with respect to the leasing of coal lands have been changed, reducing the acreage from 2,560 acres, which one person was allowed to lease, to a smaller number of acres, and what is the number of acres now allowed?

Hon. Mr. SCOTT—The regulations of the Interior Department with respect to the leasing of coal lands have not been changed. By an order in council dated the 4th of March, 1907, the regulations at that time in force for the disposal of coal mining rights were absolutely rescinded. These regulations, however, did not provide for the leasing of coal mining lands but for the sale of such lands, and under the provisions thereof not more than 320 acres could be sold to one applicant. The area of coal mining lands which one applicant might purchase was restricted to 320 acres since the regulations of the 17th of September, 1889, came into force.

By an order in council dated the 9th day of May, 1907, new regulations were approved for the leasing of coal mining rights under lands the property of the Crown in Manitoba, Saskatchewan, Alberta, the Yukon Territory, and that portion of the province of British Columbia belonging to the federal government. These regulations came into force on the 15th of June last, and permit of one applicant obtaining a lease of 2,560 acres of coal mining rights instead of 320 acres, as heretofore. I submit a printed copy of these regulations.

QUESTION OF PRIVILEGE.

Hon. Mr. CLORAN—Before the orders of the day are called, I wish to afford his honour the Speaker an opportunity to place himself in a true light as regards the administration of the affairs of this honourable body. I find that he is personally charged with extravagance in the administration of the affairs of this chamber, which practically comes under his supervision, and I suppose he will hold it as an honour to vindicate himself and the Internal Economy Committee, if anything has been wrongly stated against their administration. My attention has been called by several people to statements made by one who holds a prominent position in another place and who has been described not only as one of the leading men of this country but as the greatest Orangeman in the empire. I find that he took occasion in a speech, the night before last, at Mount Forest, to deal with the condition of affairs here on an unfair basis, especially in regard to nationality and religion. He went so far as to say that we not only duplicated but quadrupled the number of pages and messengers necessary to give attendance on this House.

Hon. Mr. CASGRAIN—Would it be very inconvenient to the hon. gentleman to postpone this matter until Tuesday next? Some of us might like to take part in the discussion. I understand that there is a government Bill on the orders which it is very important we should get through today. I therefore would request the hon. gentleman to postpone this matter until Tuesday next.

Hon. Mr. CLORAN—I would most willingly accede, and I am at one with the hon. gentleman in regard to that matter; but when the viper of untruth is in the grass you do not know how far it will run, and I want to catch it before it runs very far.

Hon. Mr. CHOQUETTE—Let it run.

Hon. Mr. CLORAN—It will not take long. The chairman of the Internal Economy Committee will settle the question in one or two minutes. But to understand the nature of these charges, I have to quote a few of the remarks of the gentleman who made them. The meeting was held at Mount Forest on March 11th, under the auspices of the Orange Grand Lodge. Dr. Sproule is an eminent statesman and prominent in the country. He was introduced in the following manner:

'I introduce to you the Sovereign Grand Master of British North America, the greatest Orangeman of the empire, a member of the House of Commons who does not earn his $2,500 by lying around saloons,' was the closing sentence of the speech of Mr. E. T. Essery, of London, Grand Master of the Grand Orange Lodge of Ontario West, in introducing Dr. T. S. Sproule, M.P., at the public meeting this evening in the town hall. Dr. Sproule in his reply did not refer to this remark, but im-

mediately launched into a defence of the Orange Order, claiming that it was the champion of free speech, a free press and of religious liberty. The order has been an important and restraining influence in keeping Ireland united to the empire. 'When I have thought it my duty to stand up in the House of Commons to say something I considered it my duty to say there were from ten to fifteen French and Irish Roman Catholics jumping up to interrupt me, and I regret to say that some Protestants joined in those interruptions.' He criticised the action of the late Mr. Martin, when member for the riding in which Mount Forest is located, and some other members, who had refused to present to the House petitions from the Orangemen. He declared that Roman Catholics had received an undue share of appointments in the departments at Ottawa. The Roman Catholic population of Canada was only forty per cent of the whole, yet in the Printing Bureau there were two years ago 388 Roman Catholics and 149 Protestants. He was told that now the numbers were 525 and 75 respectively. Of the 78 pages and messengers of the House of Commons, 58 were Roman Catholics and 20 Protestants, and of the 67 pages and messengers in the Senate, 42 were Roman Catholics and 25 Protestants. He thought it a shame that Christian ministers were not among the Orange Order in greater numbers, for the order stood for all that was best in Christian work.

Here is a statesman who is supposed to know what he is talking about, a member of the Dominion parliament, and he should be acquainted with the councils of his party.

Hon. Mr. CHOQUETTE—I rise to a point of order. What has this to do with us? I am surprised at the hon. gentleman, and I am sorry to see him raise a question of this kind which does not affect the Senate. We should put a stop to that. We have most important measures to deal with today, and I do not know why we should take up this matter. The only answer to such a charge is to despise it, and remain silent. It is nonsense. The action of the hon. gentleman is giving publicity to all this nonsense.

The SPEAKER—I understand the hon. gentleman wanted to put a question to the hon. chairman of the Internal Economy Committee.

Hon. Mr. CLORAN—The Speaker understands the question much better than the hon. gentleman from Montmagny, and appreciates it more.

Hon. Mr. CHOQUETTE—I rise to a point of order. Let the hon. gentleman put the question, but do not let him read to the House all the papers of the country with this nonsense.

Hon. Mr. CLORAN—The hon. gentleman is exercised over nothing. I stated that in order to become seized of the point and to understand the drift of the accusation against the Senate it was necessary to read a few remarks.

Hon. Mr. CHOQUETTE—There is no accusation.

Hon. Mr. CLORAN—Evidently the hon. gentleman is not sufficiently acquainted with the English language to understand what I have said.

Hon. Mr. CHOQUETTE—I understand enough.

Hon. Mr. CLORAN—I have cited the facts, and I desire to ask the hon. chairman of the Internal Economy Committee if he has on his staff, under his control, 67 messengers and pages, of whom 42 are Catholics and the remainder Protestants? The hon. gentleman from Montmagny should not be so precipitate, especially in a matter of this kind. If he understood the drift of this statement, before the people of the country, he would understand that it is well to nip the lie in the bud.

Hon. Mr. WATSON—The request is not very serious, and not hard to answer. We certainly have not 67 messengers and pages on our staff. The total number of messengers is 12, and the pages 4. So far as their religious proclivities are concerned, I do not know anything about it.

THIRD READINGS.

Bill (Q) An Act to incorporate the London and Lancashire Guarantee Accident Company—(Hon. Mr. Ross, Middlesex.)

Bill (V) An Act respecting the Dominion Guarantee Company, Limited.—(Hon. Mr. Baker.)

Bill (U) An Act to change the name and head office of the Anglo-Canadian Insurance Company.—(Hon. Mr. Ellis.)

Bill (19) An Act to incorporate the Bank of Winnipeg, as amended.—(Hon. Mr. Watson.)

NATIONAL BATTLEFIELDS OF QUEBEC BILL.

REPORTED FROM COMMITTEE.

The house resolved itself into Committee of the Whole on Bill (111) An Act respecting the national battlefields of Quebec.

(In the Committee.)

Hon. Sir RICHARD CARTWRIGHT—As desired by my hon. friend, I shall state briefly the reasons which have induced the government to introduce this measure. The Act is one intended to give power to the government, under certain regulations which will be more fully explained as we go through committee, to acquire certain properties at Quebec, in addition to those they already hold, and to lay these out in such fashion as to make a national park on the site of the engagement known as the Battle of the Plains of Abraham.

As hon. gentlemen are aware, looked at from one point of view, the encounter which took place on that occasion might be regarded rather as a brief but bloody skirmish, chiefly remarkable from the tragic death of the two gallant leaders on either side, but there are several other aspects from which it may be regarded, and I think I am fully justified in saying that no action ever took place in North America which involved in the ultimate result so many grave issues and had such far reaching effects, as the battle on the Plains of Abraham. As hon. gentlemen no doubt are aware, although the facts of late have been somewhat overlooked, the contest which had been waged in former years between Great Britain and France for the supremacy in North America, and which, I may say, was finally decided by this action, was a very long and bitter one, and very much more closely balanced than people are perhaps aware of. In point of fact, at one time there was very little doubt that the odds were rather in favour of France than of Great Britain, in that great contest. At one time, it was well known, the French government occupying the province of Louisiana on the south and the province of Canada on the north had practically surrounded the British colonies on three sides with a chain of fortified posts of more or less strength, and had moreover acquired a practical supremacy through their alliance with the Indian tribes of all the territory which lay to the west and north of the rivers Ohio and Mississippi. In truth, at one time it looked exceedingly as if North America would become French rather than British. It is somewhat remarkable that two years before the action to which I have alluded, the Marquis of Montcalm was actually threatening Albany and had very nearly succeeded in cutting in two the northern colonies of the United States. But one year before the action in which he fell he had repulsed with very severe loss a large British force, more than double, if my memory serves me, the force which fought under Wolfe on the Plains of Abraham. Had Wolfe failed on that occasion, and everybody knows who has taken the trouble to examine the history of that encounter, that it was a very hazardous and almost desperate action on his part—had he failed on that occasion, looking to the fact that there were very few more weeks that the British fleet could remain before Quebec, there is very little doubt that Canada would have continued to be a dependency of the French crown. I am quite certain that his failure would not have been repaired before the abdication of the elder Pitt, and we know very well that Pitt's unworthy successors would have been the last persons in the world to have succeeded in the enterprise in which he had failed, while, on the other hand, the success of Wolfe meant nothing less than the absolute isolation of the forces of old France in the colony of Canada. The capture of Quebec virtually cut off all possible communication with the mother country and made the surrender of Canada at large an almost inevitable result. So much for what I may call the immediate results of the action, but, as I said before, there is another point of view from which it may be regarded, and that is, the very remarkable issues which were involved in the surrender of Canada. If hon. gentlemen have ever read the letter attributed to the Marquis of Montcalm, said to have been written a short time before his death, they will know that on that occasion, while expressing great doubt as to the result of the action, he declared his firm conviction that if he fell,

and if Canada was lost to the French government, beyond all doubt one result would be that within a very short time the American colonies of Great Britain would quarrel with the mother country and declare their independence. That letter may or may not have been authentic, but there is no doubt other observers, who were also thoroughly qualified to form an opinion, had come to very much the same conclusion as Montcalm. And there is likewise no doubt at all that the ink on the Treaty of Paris was scarcely dry before the quarrel which he had anticipated actually took place between Great Britain and her colonies. That commenced practically in 1764-65, the treaty having been concluded in 1763, and within ten years it had culminated in actual civil war. It is not too much to say that on the action of Wolfe, and on the surrender of Canada hinged the possibility of the American revolution in the first place. But it is not perhaps so clearly known that to a very great extent the American revolution and its success operated to produce the famous French revolution which followed but a very short time after the Americans had asserted their independence. Beyond all question, the spread of democratic ideas caused by the American revolution, and moreover the great injury to French finances resulting from their contest with Great Britain in that war, had a very powerful effect in precipitating the French revolution, and, at any rate, caused it in all probability to be conducted in a very different fashion and on very different lines from those on which it would have been conducted in the ordinary course of affairs. I said just now that from one point of view this battle might have been regarded as a mere bloody skirmish having reference to the number of troops engaged and the losses on either side, but looking at it in a broader and larger light it is perfectly clear that the result of the action which took place on the Plains of Abraham was of such a character as to make it in reality a true link in the world's history—I might almost say, without exageration, the hinge on which the destinies of two continents depended in a very great measure. Under these circumstances, having regard to its peculiar relation to our own history, and having regard also to the world wide consequences which resulted from the action in which Wolfe fell, the government came to the conclusion that it was highly desirable that the site on which this memorable encounter took place should be preserved as a public park, and should be so beautified and arranged as to impress all persons who might visit Canada, and impress the people of Canada themselves, with a vivid recollection of the important events which took place on that occasion. The details of the measure will be discussed as we proceed in committee, and I trust that the House, as well as the people of Canada at large, will be willing to agree that the government in this matter have shown a reasonable regard, and not more than a reasonable regard, to the position that Canada is assuming in the world, and that our action will be fully endorsed, as I believe it has been in the lower House, by both sides of this chamber.

Hon. Mr. LOUGHEED—While one may confidently say that every hon. gentleman in this Chamber has appreciated very much the interesting resume of the important events which took place on the Plains of Abraham as reviewed by my right hon. friend, yet I regret that before sitting down he did not enter more fully into the policy of the government with reference to the scheme which is in view. We are now to discuss a Bill involving a very large expenditure. The policy of the government with reference to that expenditure should certainly be more fully explained. One hesitates to be too censorious with reference to the lateness of legislation which characterises many important Bills brought before this House. There is no good reason why this Chamber should not have had before it for some weeks this Bill, so that it might pass through the ordinary stages and receive that consideration after due explanation by the government to which such a Bill is entitled. Within the last few days, the House of Commons has passed upon an estimate of $300,000 which represents simply an initial expenditure towards the carrying out of this scheme. Any one who has perused the columns of 'Hansard' will have observed the criticism of the House of Commons as to the very meagre details

given by the government on the introduction of this measure. The paucity of information which we have before us on this very important matter is something which will justify us in severely criticising the government on account of its, I cannot say anything less than negligence, in not putting before this Chamber all the details in connection with this matter. Now, I am not pronouncing on this scheme, not questioning the wisdom of the action the government propose to take, but surely it would not be unreasonable, and it would be nothing more than is due to this Chamber, that the government should have put us in possession of those facts days ago. There may be a difference of opinion as to the advisability of the federal government entering on such a large scheme, as to whether they should assume the responsibility of purchasing the Plains of Abraham and expending at least a million dollars in the acquisition of that property and all the incidental expenses which must afterwards be attached thereto. What I would desire to learn from my right hon. friend is this: what does the government intend to do with reference to the acquisition of the property in question? There should certainly be some information before us as to how much it will take to purchase this property. Hon. gentlemen who have looked over this Bill will observe that it proposes the appointment of a commission of five that will enter more elaborately than the government has done into the carrying out of the scheme. It contemplates an expropriation of the property which was formerly the Plains of Abraham, now owned by private parties, and afterwards maintaining the property and carrying the scheme to a successful issue. Now it has been estimated, so far as I can learn from the discussion which took place elsewhere, that the minimum expenditure for the purpose of acquiring that property would amount to one million dollars. The $300,000 already voted, I understand, is for the purpose practically of contributing to or covering the expense of the tercentenary celebration to take place next July. That item will undoubtedly be absorbed by the celebration, and at the next session of parliament we will doubtless be confronted with an application made by the committee in charge of that celebration for a supplementary grant to cover further expenses. That is simply a small fraction of the expenditure contemplated, and yet, notwithstanding the enormous expenditure which is in view, we have no information before us. While I have no desire to obstruct the passage of this legislation in any way, it seems to me that it should certainly not be urged to a final passage without the Chamber being put in possession of all the facts incident to the carrying out of that scheme. Possibly that information may be elicited as we proceed with the various clauses of the Bill. My hon. friend may be able to give the Chamber the information to which I have referred, but certainly it is owing to this Senate that a measure of this historical importance and of the financial importance which must necessarily be attached to it, should not be railroaded through on account of the commission which is to be or has been appointed by the government, who desire to get possession of this money for the purpose of proceeding with its expenditure. I can very well appreciate the anxiety of my hon. friend from Grand Ville to have this legislation put through at once. His impatience to have the rules suspended and to have the Bill become law has manifested itself in such a way as to do him credit as a representative of the historic city of Quebec; but while the citizens of Quebec may have the fullest possible knowledge of the expenditure upon which we are entering and upon the scheme which the government has in view, yet it must be that the other portions of the Dominion of Canada have little or no information upon the subject. I think as we proceed with the various clauses that this information should be forthcoming.

Hon. Sir RICHARD CARTWRIGHT—We had better discuss it clause by clause and in connection with the clauses I may be able to give my hon. friend all the information he desires.

Hon. Mr. SCOTT—I am somewhat surprised at my hon. friend's position. The opposition are in full possession of the facts which have come to the government. The subject has been discussed in the press during the last three or four months. It first started with the intended celebration of the tercentenary at Quebec. The government were appealed to to make a contribution. They agreed to make a contribu-

tion, subject to the approval of parliament, of $300,000. There is not a word about any further sum of money. My hon. friend draws a deduction leading to millions more—it may possibly be more. The public all over Canada have been invited to contribute to this project. It is a national testimonial, supposed to be erected for the benefit of posterity, that they may ever keep in mind the change that was brought about on this continent by the alliance of the two foremost nations of the world. The government have no information beyond what each member of this House now possesses, gathered through the public press. Perhaps they do not know the names of the five members of the commission. I think that was given to the public the moment the names were suggested. Byron Walker of Toronto, Col. Dennison, Sir George Drummond, who is a member of this Chamber, Mayor Garneau of Quebec and the Hon. Mr. Turgeon, Minister of Crown Lands in Quebec. An appeal has been made, not to the government at Ottawa alone, but to all the provinces of the Dominion. Provision is made that any province contributing more than a certain amount will be represented on this commission. The people of Canada of every class have been asked to give something towards it, to show their interest in the proposal. Even the school children, as a matter of education, have been prompted to subscribe, as they are doing to-day, raising their five cents or ten cents, or such further mite as they can obtain. I think my hon. friend's observations are quite unworthy of him, because there is really nothing the government are withholding—nothing whatever. The government do not undertake to lay down that all that is proposed shall be carried out. They have appointed a non-political board who are to have the control, so far as they are concerned, in the disposal of those moneys. Public opinion has intimated that, at all events, those sacred battle fields shall be acquired as a park for posterity, that a statue representing peace shall be erected on the island of Orleans. The idea originated with His Excellency the Governor General. All this has been a matter of public notoriety in the press of Canada. It is free to everybody to make a suggestion as to how the tercentenary shall be celebrated. There is no form or scheme my hon. friend can possibly refer to in existence. Nothing has been foreshadowed. It is all in chaos at present. Those five gentlemen who have been named are a proper body to originate how this proposition can best be carried out. The general idea is that there is to be a celebration in Quebec; that this property is to be acquired; that some monuments and testimonials to the past and historical figures are to be erected in various places. It is all in prospective, all open to suggestions from my hon. friend or anybody else to say what is best. I do not think the commission have met yet. They may have had a formal meeting here, but until the Bill has been passed and they are put in possession of the funds, they can really do nothing. They are powerless to make any move.

Hon. Mr. LOUGHEED—I cannot congratulate my hon. friend upon furnishing the Senate with very much further information. In fact he has rather beclouded the matter.

Hon. Mr. SCOTT—I have given you all I know about it.

Hon. Mr. LOUGHEED—If my hon. friend would look at the Bill, he would discover that it does not deal with the tercentenary, except in only the last clause. The Bill has a different project in view. The project of the Bill is the celebration next July, and acquiring of the battlefields in question. That has nothing to do with the tercentenary, except possibly in a sense to mark the celebration which has been held. He says the government knows nothing about it, practically, except what it learned from outside sources. That is what I take exception to. If the government knows nothing about it, and the government contemplates placing the machinery in a commission of five, empowering them to expropriate property which at least will cost over a million of money, then I say the government is to be censured for bringing down an ill-digested measure of this kind. No exception would be taken at the present stage if the government would confine its action to the appropriation of $300,000 for the celebration about to be held. But that is simply an incident in comparison with the scope of this scheme, and what the country wants and what this House is

entitled to have, is a well digested scheme submitted, with the probable cost, so that the country may know the project upon which it is embarking.

Hon. Mr. DANDURAND—I have had occasion to follow the work which has been initiated towards raising a fund for the acquiring of the Plains of Abraham and the fields of St. Foye. Already much work has been done during the last two months in some of the cities of the Dominion and more especially in the city from which I come. I do not know that I can throw very much light on the subject in answer to the hon. gentleman's inquiry as to what will be the whole scheme. My idea is that the question of the acquiring of the Plains and of making a national park would all depend upon the amount of money that will be raised. I surmise that the $300,000 may all go towards the demonstration for the celebration of the founding of Quebec, which was practically the founding of Canada. When this commission has started its work, and the committees of the different Canadian clubs from the Atlantic to the Pacific have been at work gathering funds, then we shall be in a position to know what amount we can count on, and what kind of scheme can be worked out. We may have to expropriate a few farms in order to link together the fields of St. Foye with the Plains of Abraham without touching the city of Quebec jail or the Ross rifle institution, and yet make a very fine park around the city of Quebec, which would compare favourably with any park in existence to-day in the world. Of course, if the liberality of the people of Canada permitted us to roll up a sufficient amount to acquire the land and wipe out those two eyesores, the jail of Quebec and the Ross rifle institution, we would all applaud. My idea is that if the further million which probably such an expropriation would entail is not forthcoming from the people of Canada, then the national park will have to be limited to whatever area can be acquired with the fund then raised. It is quite impossible at this moment to say exactly what form that national park will have and what its cost will be, inasmuch as the commission which has been named, and the various committees which have been organized, on the inspiration of His Excellency the Governor General, do not know what amount will be at their disposal.

Hon. Mr. LOUGHEED—What do the contributions of the Canadian clubs already amount to?

Hon. Mr. DANDURAND—I cannot say. The Montreal committee is hard at work. With the sum to be voted by the city council Montreal will very likely subscribe in the neighbourhood of $100,000. I understand that many towns and cities have already voted or gathered quite respectable sums. Edmonton was one of the first to be heard from. It is expected that all the towns and cities will subscribe to this scheme for the beautifying of the Plains of Abraham and the fields of St. Foye and making of them a national park.

Hon. Sir RICHARD CARTWRIGHT—I would call the attention of my hon. friend to the fact that no purchase of lands can be made until it has been approved by parliament. The commission will not have a free hand to lavish the money without check, by any means.

Hon. Mr. BERNIER—If the object of the Bill were only to vote a certain sum of money for the acquisition of the plains as a national park, I do not think we would be justified in giving such a large sum for it; but there is something else connected with it. There is the idea of peace in the Dominion. It is not incorrect to say that the peace and union that exists in all places in the Dominion is not yet as complete as it should be. It is well known that this scheme has been launched by high personages in this land, and as a means for paving the way for a complete union between the two most important sections of the people of this country. I think it is a very desirable object, and having that object in view parliament should not hesitate for one moment to vote a large sum, double the sum mentioned in the present Bill if necessary, to accomplish this most desirable object of having complete peace in the country.

Hon. Mr. PERLEY—We have that now.

Hon. Mr. BERNIER—No, we have an example in Manitoba that we have not. Take the schools there; they do not show a great

desire to respect other creeds and nationalities. My view is that we have not as complete a peace between the two most important sections of the country as we should have. I for one am desirous that this object shall be attained, and having that object in view, I repeat that if we can improve the situation and make a complete union between all the sections of the people, parliament would be justified in voting this large sum of money for the realization of this scheme. Therefore I hope the Bill will pass.

Hon. Mr. MACDONALD, (B.C.)—The remarks of the hon. Secretary of State indicate that this Bill points to a large expenditure beyond the $300,000. If the hon. gentleman would read sections 10 and 11, he would see that after the property is secured and converted into a park it is to be maintained perpetualy. That may not entail a great expense, but it will be an expense. I think we should have some explanation as to what the approximate cost would be of buying out the property required on those Plains. We do not know what the government could buy the Ross lease for. Then in section 10, it is provided that the committee, before initiating any work, shall come before parliament, and they may come before parliament perpetually, year by year, asking for new grants. I do not object to the Bill. Its sentiments are ideal more than anything else; but while it is highly sentimental, yet there is a financial question which has to be discussed carefully. I observe that the commissioners are to work without salary—no provision for any payment to the commissioners excepting actual expenses. I do not know if gentlemen can be found to carry on the work for any length of time without proper compensation, but I think this is information we should have, particularly as to what the approximate cost of expropriating the property would be.

Hon. Mr. POIRIER—I would not have taken part in the debate on this project, with which I am wholly in sympathy, were it not for the statement by the hon. Speaker of this House, that the founding of Quebec was the founding of Canada. I beg leave to point to a historical mistake. We are all agreed upon the past and present glories of Quebec. We all appreciate the importance of this move, and know what bearing the final victory by the British over the French on the Plains of Abraham had on the destiny of Canada, although the battle of St. Foye a few days after was won by the French, the last pitched battle between the two great nations on the continent. I say we are all agreed as to the momentous importance of that event; but I certainly do not agree with the hon. Speaker in viewing the founding of Quebec as the founding of Canada. Four or five years before Quebec was founded, the same Champlain, Dumont, Pont-Gravé, and others came over to New France in search of a location for the first white settlement in Canada. There was in 1604 no settlement in Canada; in fact, if I remember right—I am speaking from memory—no settlement in North America by white people except St. Augustine, Florida. The same Samuel Champlain having gone over where the city of St. John has since grown up and developed, went in with his companions to Annapolis Valley, and it was in 1605 that the town of Annapolis was founded, and that the first permanent colony that was founded in Canada. The founding of Canada dates back to 1604—In 1904 we in the province of Nova Scotia made a similar appeal to that which has been made so successfully by our friends from Quebec, and is being responded to by the Dominion government. We were listened to with an indifferent ear. We went to work, however, and celebrated the true tercentenary of the founding of Canada. The town of Port Royal—today Annapolis—has its own history, not lacking in deeds of military valor. I may say that the subduing of Port Royal was attended with as much military glory at least as that of Quebec. It took four successive expeditions of Englishmen and colonists to subdue the little town. The last siege was conducted by Nicholson who had under his command more soldiers to land, whom he did actually land, than there were souls, not only in Annapolis Royal, but in the whole of Acadia, and such a lesson had the English troops got on three previous occasions that, notwithstanding the overwhelming army they had at their command that Subercase, who defended Port Royal, had granted to him all the honors of

war. He was allowed to evacuate the fort with his garrison, a very small garrison at that with military honors, and if I am permitted, I might for a few minutes refer to that historical point. The matters which I am referring to are matters of Canadian glory, because whatever glory redounded at that time to either French or English, to-day redounds to Canada. When Subercase, who had only 150 regulars under him, capitulated and these terms were given to him he proposed to Nicholson to sell him the cannons that he had. Nicholson was ready to accept anything, so he bought from Subercase the cannons of the fort. Subercase had no horses, no oxen, nothing to remove the cannons, and the soldiers were about six months behind with their pay. With the money he got from the English general, he paid the arrears due to his soldiers. Port Royal or Annapolis to-day is really the first city or town founded in Canada. Therefore it is well that the Bill should state as it does, I believe, that this is the tercentenary of the founding of Quebec, but not of Canada. I am wholly in favour of the object of this Bill, but I am also in favour of distributive justice and fair play. There is another battlefield equally great, equally glorious, and equally stupendous in its bearing upon the destiny of Canada as Quebec, and that is the battle of Louisburg. Have any of you gentlemen ever gone to Louisburg? If you have, and if also you have been in the Orient, and in those old Biblical Asiatic towns, you will find an air of solemn similarity between them. The desolation of the field which was once the greatest citadel of New France, in fact possibly the greatest citadel ever built in America, is a sight to-day that is desolation to the eye. Some years ago a movement was set on foot to secure that field and make it public property. It has become so now by private enterprise. Gentlemen from the old country, some members of royalty, are members of that enterprise. We have in the maritime provinces a committee organized, which is making efforts towards securing that battlefield. That battlefield has what the Plains of Abraham and St. Foye have not—some of the old casements still visible, although the ramparts were demolished, as those of Jerusalem were by Titus—demolished by Amherst, Boscawen and our own General Wolfe. It is all wrapt to-day in mournful solemnity.

Shall we who, with a unanimity that is certainly consoling, we of all races who, are building a mighty nation in a spirit not of imperialism but of Canadianism, who take from the public coffers enough money to secure that battlefield not for Quebec but for Canada. Shall we leave unnoticed the great battlefield of Louisburg? I hope not. I make these remarks simply to indicate what I think will be coming before parliament in the near future, a similar movement towards getting not $300,000 or any large sum, but a sufficient amount to have at least a guardian put upon the battlefield of Louisburg in order to take care of what debris remains and keep sacred that spot, I might say that holy spot where to-day English and French repose under the sod without any mark of consecration of their common glory visible over their graves. I submit these few remarks to hon. gentlemen which I would not have made had not the hon. Speaker made what I considered an anarchronism; but I abridge them in view of the fact that my hon. friend from Cape Breton is prepared, I understand, to bring in a more formal manner before the Senate, a question the fringe of which I have simply touched.

On the first clause:

1. The Governor in Council may appoint five commissioners, who shall hold office during the pleasure of the Governor in Council, and who, with any additional commissioners who may be appointed under the authority of this Act, shall be a body politic and corporate, under the name of——

Hon. Mr. LOUGHEED—How does the governor in council intend to appoint these commissioners?

Hon. Sir RICHARD CARTWRIGHT—The gentlemen to be appointed have been already named, I think. They are Sir George Drummond, Mr. Byron Walker, president of the Bank of Commerce; Col. George Denison, known to fame I dare say, particularly if my hon. friend has ever been in the Toronto police court.

Hon. Mr. LOUGHEED—I have not had the honour yet.

Hon. Sir. RICHARD CARTWRIGHT—Another is the mayor of Quebec, Mr. Garneau ; the Hon. Mr. Turgeon, Commissioner of Crown Lands.

Hon. Mr. FERGUSON—I have not a word to say against the personnel of the commission. All the gentlemen named are highly respectable and eminently suited for the work which is laid before them. I call my hon. friend's attention to the fact that if it is proposed to make this a Canadian project in every sense of the word, the appointments made by the federal government should be Canadian in character and not limited to two provinces of Canada.

Hon. Sir RICHARD CARTWRIGHT—Subclause 2, provides :

2. The government of any province which contributes a sum not less than one hundred thousand dollars to the purposes of the commission shall be entitled to appoint a commissioner, and such commissioner shall hold office during the pleasure of the government of the province.

Hon. Mr. FERGUSON—These two big provinces, without contributing anything, get all the appointments.

Hon. Sir RICHARD CARTWRIGHT — I understand that the province of Quebec contributes $100,000, and the city of Quebec $50,000.

Hon. Mr. FERGUSON—Anything contributed that way will be a drop in the bucket compared with the contributions from the public chest.

Hon. Sir RICHARD CARTWRIGHT—That may or may not be. Anything further than the $300,000 will have to be obtained from parliament.

Hon. Mr. FERGUSON—In the present year of enthusiasm there are likely to be contributions, especially from Quebec, where this great celebration is to take place; but we know that ultimately this will involve a large expenditure. The pace has been set. Two gentlemen have been selected from the province of Ontario and three from the province of Quebec, and the mighty west is left out and the maritime provinces are not mentioned. True, there is a condition that if a province contributed $100,000, it will get a commissioner, but the larger provinces get representation without contributing anything. The smaller provinces are not likely to contribute. I know that a contribution of $100,000 from Prince Edward Island would be regarded as a large sum.

Hon. Sir RICHARD CARTWRIGHT—The city and the province of Quebec are contributing $150,000, so they would be clearly entitled to fair representation on the Commission, and I believe, although I cannot pledge myself to it, that the province of Ontario likewise proposes to contribute.

Hon. Mr. FERGUSON—If we were dealing simply with the tercentenary celebration, we can all understand that liberal contributions will come from private sources and largely, of course, from the centres of wealth such as Montreal and probably Toronto. But we have to look beyond that. There are two propositions before us which I do not think should be mixed. The one is the acquisition of the battlefields at Quebec, to be preserved as a Canadian national park, and the other is the tercentenary celebration. When the celebration is over, and we settle down to real business with regard to the preservation of the battlefields as a national park the burden will ultimately all come down on this government—on Canada as a whole. If we were only dealing with the tercentenary, I would not have so much fault to find, but all the provinces will be contributing through the federal government towards the national park, a portion of whatever is placed at the disposal of the commission. That is one consideration which comes up in connection with this Bill. We are all agreeing about the acquisition of the Plains of Abraham. My hon. friend from Shediac (Hon. Mr. Poirier) would probably like to include Port Royal. Certainly Port Royal has the advantage in seniority as the first settlement and of also having been a battlefield. I might set up a claim for Prince Edward Island because it was the first part of Canada to be discovered. Perhaps some of my French Canadian friends would not assent to that, but it is well established that Cabot discovered Prince Edward Island. He made the discovery on St. John's day and gave the name

of St. John to the island which he discovered. I might claim that Prince Edward Island should be taken into consideration, and that the anniversary of the discovery of Canada by Cabot should be celebrated; but we are unfortunately a good deal past the date. We missed a great duty when we did not do it, but we cannot recall the date and go back to it now. Seriously, I think that when we are establishing a Canadian national park on the Plains of Abraham and appointing a commission to permanently managed that park, and as it will ultimately have to be maintained at the expense of the people of Canada, whatever may be done this year, the commissioners should have been selected with a broader view.

The clause was adopted.

On clause 5,

5. The commission may purchase, acquire and hold the lands or immovable property in the city of Quebec, or in the vicinity thereof, where the great battles were fought, or which were occupied by the various commands of the respective armies upon the battlefields.

Hon. Mr. LOUGHEED—Can my hon. friend give me any information as to how much of this land is at present vested in the Crown.

Hon. Sir RICHARD CARTWRIGHT—Speaking from recollection, about 150 acres of the Plains of Abraham were purchased by us some years ago. Probably the hon. gentleman will recollect that there was an item in the estimates for that purpose. As to the quantity to be purchased, it will depend very largely on the amount of the subscriptions.

Hon. Mr. CHOQUETTE—Including the St. Foye ground, I suppose, there is about 50 acres altogether to be purchased.

Hon. Mr. LOUGHEED—How much is owned by the government now?

Hon. Mr. CHOQUETTE—All the Plains belong to the government, but there is another part of the ground, what is called St. Foye, which has to be expropriated.

Hon. Mr. LOUGHEED—How many acres are owned by the Crown at present?

Hon. Mr. CHOQUETTE—About 60 acres altogether.

Hon. Mr. LOUGHEED—Is there any of this land vested in the province of Quebec?

Hon. Mr. CHOQUETTE—A very few acres. The jail occupies a part of it, but the building could be used for a museum.

Hon. Sir RICHARD CARTWRIGHT—As I understand, it is not the intention of the government, except in a very few cases, to purchase properties that are occupied by the citizens. It is the vacant land that they propose to acquire. If I remember right, there are some villas along some of the roads which it is not intended to disturb; only the vacant land will be acquired.

Hon. Mr. LOUGHEED—Can any of my hon. friends from Quebec say what would be the acreage of vacant lands that may be acquired by expropriation entirely apart from the expense involved?

Hon. Mr. CHOQUETTE—Belonging to private parties?

Hon. Mr. LOUGHEED—Yes.

Hon. Mr. CHOQUETTE—Very little. I do not think there are any buildings to be expropriated.

Hon. Mr. LOUGHEED—What would be the attitude of the government with reference to expropriating the Ross rifle factory? Very recently the government gave the Ross Rifle Company nineteen and a fraction acres of land under lease for ninety-nine years. Sir Charles Ross has stated that at least a million dollars has been spent in the erection of the factory and the works incident thereto. What would be the attitute of the government with reference to the expropriation of the land leased by the government? Of course if that land should be expropriated it would be necessary to expropriate the factory.

Hon. Mr. CHOQUETTE—There is a question whether the Ross rifle factory stands where the battle took place. It is not on the Plains of Abraham, and I do not think it will be necessary to remove the factory.

Hon. Sir RICHARD CARTWRIGHT—As I understand a very large proportion of the sum named by Sir Charles Ross was for the valuable and very expensive

machinery in the factory. He had not reference to the mere factory, much less to the valuable ground which had been leased to him, but to the machinery which is very expensive indeed. As to the other question my hon. friend asks, as to what would be done with the Ross factory, that has not been considered, and I do not know that it would come under the purview of this Act at all, because what is proposed to be done is to acquire the site of the battlefield.

Hon. Mr. LOUGHEED—I thought it was understood that the land leased to the Ross rifle factory was carved out of the battlefield?

Hon. Sir RICHARD CARTWRIGHT—There has been some confusion as to that. I do not understand that it has been satisfactorily ascertained that it is part of the true Plains of Abraham.

Hon. Mr. CHOQUETTE—Not a bit of it.

Hon. Mr. LOUGHEED—Are not the boundaries of the battlefield a matter of certainty?

Hon. Sir RICHARD CARTWRIGHT—I do not think so by any means. My hon. friend will remember this, that the battlefield covered a considerable area. There were some four or five thousand men on either side, and they moved about for some considerable distance. I am not sufficiently acquainted with the locality of Quebec to say exactly where the fight closed. I should think though, from my recollection of the ascent from the Cove, that it is before you come to the Ross factory; but that is a matter which no doubt the commission to be appointed will have to carefully investigate, and they will have to consider, as my hon. friend very properly remarks, the cost. I do not think it at all follows that because parliament puts $300,000 at their disposal this year that they are to be given carte blanche. That is not our intention. Later on, when we come to clauses 9 and 10, my hon. friend will see that pretty severe restrictions are put on them both with regard to acquiring land and to expenditure. Nothing will be done without being thoroughly criticised in parliament.

Hon. Mr. LOUGHEED—No one will appreciate better than my hon. friend, that if the government place machinery in the hands of a commission of this kind, actuated by a spirit of loyalty, advantage will be taken of that commission by private parties, to get them to acquire at public expense lands that a business commission would not purchase, and it therefore will require a very strong hand to be exercised by the government, to restrain the commission.

Hon. Sir RICHARD CARTWRIGHT—As I am advised, a very small quantity of private property will be acquired. A great deal of the property is already in our hands. I was under the impression that it was considerably in excess of what my hon. friend mentioned, but he possibly is much better informed than I am. My experience, which is pretty extensive, rather inclines me to think that such a commission as we have appointed would be very much less likely to be subject to undue pressure than possibly members of the government residing in the locality.

Hon. Mr. LOUGHEED—I hope so.

Hon. Sir RICHARD CARTWRIGHT—My hon. friend knows the character of Sir George Drummond and of two or three of the other gentlemen appointed. I am inclined to think they will exercise a reasonable discrimination. He will observe that they are not partisans of ours by any manner of means.

Hon. Mr. LOUGHEED—The selection is a good one.

The clause was adopted.

On clause 7,

7. The commission may,—
(a) Receive and expend any moneys, whether appropriated by parliament or the legislatures or contributed by any municipal or other body or private individual, for the purposes authorized by this Act ;
(b) Remove all buildings and other structures upon the lands taken or acquired, and erect a museum and such monuments and statues or other works as seem fitting or appropriate; and,
(c) Lay out and construct on or through the said lands such avenues, drives or paths, gardens, squares or other works as are, in the opinion of the commission, desirable for the improvement of the grounds and the conversion thereof into a national park of a character to commemorate worthily the events which happened there.

Hon. Mr. LOUGHEED—Is it the intention of the government to maintain this

park at its own expense for all time to come, or will the government enter into a treaty with the province of Quebec. to maintain it ? It seems to me it would not be unreasonable, in fact it should be expected that the province of Quebec should assume a portion of this responsibility.

Hon. Sir RICHARD CARTWRIGHT—I am not in a position to state that any definite agreement has been made, but this I can say, that the government will be very glad to make such an arrangement as my hon. friend suggests.

Hon. Mr. LOUGHEED—Would it not have been much better for the government to leave that an open question, than to agree to maintain this park for all time to come? By passing a clause of this kind you at once take out of your hands all the machinery for negotiating with the province of Quebec. You at once commit yourself to a policy from which it may be difficult to recede. Immediately you approach them on the subject they will say, 'you contemplated maintaining that park.'

Hon. Sir RICHARD CARTWRIGHT—What particular clause does the hon. gentleman find which provides that we are bound to maintain the park.

Hon. Mr. LOUGHEED—It would be by implication. Subclause c, of clause 7 indicates the intention of this government to maintain the park. Of course if the Commission proceeds to lay out and construct avenues, drives, gardens, squares or other works, the logical sequence of that would be that the government would maintain the work as carried out by the Commission.

Hon. Sir RICHARD CARWRIGHT—I do not think that would follow as a matter of legal obligation. I do not suppose my hon. friend would say so.

Hon. Mr. LOUGHEED—I do not say so, but the alternative would be abandoning the park.

Hon. Sir RICHARD CARTWRIGHT—There would be considerable power in the hands of the government and the Commission if they could not come to an arrangement with the province or the city of Quebec to maintain it. They would limit their expenditures considerably. With the aid of that proviso, I think we might trust them for the time being.

The clause was agreed to.

On clause 8,

8. The Minister of Finance is authorized to pay to the commission, out of the Consolidated Revenue Fund of Canada, for the purposes authorized by this Act, the sum of three hundred thousand dollars.

Hon. Mr. LOUGHEED—What is to be the application of this expenditure?

Hon. Sir RICHARD CARTWIRGHT—The appropriation is intended in the first place for the purchase of the requisite property. They have power however, to appropriate a certain part of this so much as they see fit, to assist in the celebration of the tercentennial; but the main object, as I am informed, is to place them at once in the position of being able to acquire the vacant grounds necessary to cover the site of the two battles.

Hon. Mr. LOUGHEED—Has the government any estimate of what this celebration will cost? I notice under clause 16, that the Commission will assume the responsibility of carrying out the celebration, and that is to be paid out of the $300,000.

Hon. Sir RICHARD CARTWRIGHT—I am unable to give a definite answer on that point, because it would depend on the response of the public at large to the appeals now being made for money. We expect, in addition to this $300,000, to receive $150,000 from the province and the city of Quebec, and I believe $100,000 is offered or likely to be offered by the province of Ontario, and from independent and private sources contributions will be made. Some of the other provinces have signified their intention of cooperating, but have not mentioned a specific sum. On the whole, I think the contributions will be sufficient to defray the expense of the celebration, but I cannot give any pledge on that point.

Hon. Mr. LOUGHEED—I was under the impression that the voluntary contributions would be applied in the direction of acquiring the Plains of Abraham, and not the carrying out of the celebration.

Hon. Sir RICHARD CARTWRIGHT—Some of them may limit it as they please. If they choose to earmark it for a particular purpose, it must be applied to that purpose, but in the majority of cases no such limitation has been imposed, I understand.

The clause was agreed to.

On clause 9,

9. The Governor in Council is authorized to appropriate for the purposes of the commission all the lands or immovable property now vested in His Majesty for the military or other purposes of Canada and forming part of the aforesaid battlefields.

Hon. Mr. POWER—I understand that a considerable portion of the land in question is held by the Dominion government for military purposes. I judge that under this clause the Governor in Council could practically seize all the military land in Quebec and hand it over to the commission.

Hon. Sir RICHARD CARTWRIGHT—All on the Plains of Abraham.

Hon. Mr. LOUGHEED—I presume that all those lands would be in the hands of the government if they are used for military purposes.

Hon. Sir RICHARD CARTWRIGHT—A large part of this was purchased within a very few years for the purpose of preserving the Plains of Abraham. My hon. friend perhaps is right in saying that ordinance lands, in the strict sense of the term, would hardly be applicable to this purpose; but lands that were purchased are applicable.

Hon. Mr. LOUGHEED—I presume the government could divert those lands to any purpose they chose?

Hon. Sir RICHARD CARTWRIGHT—There is an understanding about them that if it interfered with the military defence of the citadel, I doubt if the government would be at liberty to divert them.

Hon. Mr. POWER—They could give a lease.

The clause was agreed to.

On clause 10,

10. No land or immovable property shall be purchased or acquired by the commission except with the previous authority of parliament, and no expenditure shall be made by the commission until it has been approved by parliament.

2. The commission shall, before entering upon any work of improvement or construction, or any other work involving the expenditure of money, upon the lands taken or acquired under the authority of this Act, cause to be prepared plans of the proposed works showing locations, and submit the said plans for the approval of the Governor in Council, and the commission shall furnish such further descriptions or information to the Governor in Council as are required; and no such works shall be proceeded with until approved by the Governor in Council; and in like manner plans of the museum or any building to be erected within the park shall be subject, before the commencement of the work of building, to the approval of parliament.

Hon. Mr. POWER—It seems to me that this clause is likely to create a difficulty. It says that 'no land or immovable property shall be purchased or acquired by the commission except with the previous authority of parliament.' That really ties the hands of the commission until next year, practically, unless we pass an Act this year authorizing the commission to purchase any lands that they may deem necessary and to make expenditures. Under this Bill the commission cannot either purchase lands or spend money.

Hon. Mr. LOUGHEED—Why should the Commission acquire those lands without submitting the proposition to parliament? In the first place, the acquisition of the land is not necessary to the celebration. In the second place, the lands can never be diverted to any other purpose, because the Commission has power to expropriate them. Hence the movement of the Commission need not be of such an expeditious nature as pointed out by my hon. friend.

Hon. Mr. MACDONALD (B.C.)—It is not merely the land, but the Commission cannot do anything without the consent of parliament, we will say after parliament rises in July until it meets again in the following fall. If they want to carry on works and improvements and require to spend more money, they are unable to do it.

Hon. Mr. SCOTT—A certain expenditure is authorized.

The clause was adopted.

Hon. Mr. LOUGHEED—May I ask my hon. friend for information as to whether parliament will be able to announce to the public—because information of that kind is very desirable I think—what the tercentenary celebration will be, and when, and what is the programme ?

Hon. Mr. SCOTT—That is the puzzle.

Hon. Sir RICHARD CARTWRIGHT—If any hon. gentleman could give the Commission a number of suggestions, containing a well-devised plan for doing it, he would relieve the commissioners of a very laborious and awkward situation. I have no doubt they will spend several sleepless nights—at any rate their secretaries will—in grappling with the question my hon. friend has asked. First of all, they would have to know how much money they would have to devote to that purpose. That will be an essential preliminary, and then, of course, they will have to ascertain—that I think they are ascertaining pretty well at present—the number of persons and the character of the persons who will assist in the celebration. I believe the French government are going to send a squadron. I think the United States government propose to have some of their ships there too, if they are not all in the Pacific ocean, and of course the British government will have a squadron. My hon. friend is aware that the Prince of Wales has kindly expressed his intention of being present at the tercentenary, and no doubt the different provinces will be represented more or less numerously on that occasion.

Hon. Mr. LOUGHEED—Up to the present time, who has been charged with the carrying out of these preparations ?

Hon. Sir RICHARD CARTWRIGHT—The Commission and their secretaries are the parties to whom the matter has been referred, and no doubt two or three of the members of the government in Quebec have given it a great deal of attention and thought, and will be able to make very useful suggestions to the Commission. We had a sort of celebration some years ago—perhaps the hon. gentleman remembers.

On clause 16,

16. Whereas the present year not only will, it is hoped, mark the setting apart of the battlefields as herein authorized, but is also the tercentenary of the founding of the city of Quebec and the establishment of French government and civilization upon the shores of the St. Lawrence by Samuel de Champlain, and it is desirable that these events be appropriately commemorated : Be it therefore enacted that the commission may, under the authority and direction of the Governor in Council, arrange for and carry out at a convenient time a celebration, in every respect worthy and fit, of the tercentenary of the founding of Quebec by Champlain, and the dedication of the battlefields to the general public purposes of Canada as provided by this Act; and that the commission may, subject to the sanction and approval of the Governor in Council, expend and lay out, for the purposes of the said celebration, such portion of the sum of three hundred thousand dollars hereinbefore appropriated as is authorized by the commission subject to such sanction and approval.

Hon. Mr. POWER—In connection with this clause, I would like to make an explanation. I am sorry that the hon. gentleman from Marshfield is not here, because I find on looking at the 16th clause that his criticism was not justified; that the clause does not say that this is to be the tercentenary of the founding of Canada. It says it is also the tercentenary of the foundation of the city of Quebec, of the establishment of civil government on the shores of the St. Lawrence.

Hon. Mr. LOUGHEED—The hon. speaker has more advanced ideas on that than the government seems to have.

Hon. Mr. POWER—I wish to say further that I quite agree with the hon. gentleman from Acadia, that there was a settlement in what is now called Nova Scotia before the founding of Quebec; but I do not see that that comes in question here. That hon. gentleman said it was proposed at some later date to have a further celebration of the founding of Port Royal, and when that time comes, we shall have lower province commissioners appointed. This is a Commission to celebrate an event which really concerns chiefly Old Canada. It does not directly concern the lower provinces, and when the celebration to which the hon. gentleman has referred takes place, I have no doubt the government, whatever party may be in power at the time, will be careful to see that commissioners are appointed who will represent the lower provinces.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. POIRIER—I would suggest that the words 'The establishment of French government and civilization upon the shores of the St. Lawrence be struck out, as it is historically incorrect, because that was established four years previously. The clause should be made to read 'The founding of the city of Quebec,' &c.

Hon. Mr. McSWEENEY—I second that motion.

The amendment was lost.

The clause was adopted.

Hon. Mr. ROY, from the committee reported the Bill without amendment.

Hon. Sir RICHARD CARTWRIGHT moved the suspension of the rules in so far as they relate to this Bill.

Hon. Mr. POWER—There is a strong desire to have this Bill assented to immediately, and I gather from the language used by the hon. gentleman from Grand Ville that His Excellency would be only too happy to come down and assent to the Bill when it is passed. I should respectfully suggest that the leader of the government should telephone to His Excellency and inform him that this Bill has passed through all its stages, and that we should be delighted to have him come and assent to it this evening. Hon. gentlemen may think that is rather an unceremonious way of dealing with His Excellency; but I remember an occasion some years ago, and the hon. Secretary of State will probably remember it too, when the Governor General of that day was just about starting out from his residence to come into the city to prorogue parliament, and the leader of this House at that time telephoned to His Excellency not to come, and he did not come. This is the other way about. His Excellency is most anxious to assent to this Bill, and we have a precedent for the use of the telephone.

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

CO-OPERATION BILL.

SECOND READING POSTPONED.

The order of the day being called:

Second reading of Bill (5) An Act respecting co-operation.

Hon. Mr. SCOTT—I move that the Order of the Day be discharged and that it be placed on the orders of the day for Thursday next.

Hon. Mr. LOUGHEED—What does the hon. gentleman propose to do with this Bill before it reaches its final stages? Is it to be sent to the Banking and Commerce Committee, or to a Committee of the Whole?

Hon. Mr. SCOTT—It will go to a Committee of the Whole under any circumstances, but I think it had better go to the Banking and Commerce Committee first, and afterwards to a Committee of the Whole.

Hon. Mr. LOUGHEED—When this Bill was before the House of Commons, it received a good deal of attention. A Select Committee was appointed to inquire into it. The subject is a novel one in the sense of members of this Chamber not being acquainted with the provisions of this Bill. I think the Imperial government appointed a Royal Commission to inquire into a similar Bill on a former occasion. I therefore suggest that my hon. friend give some consideration to the question, of submitting it to a committee before which witnesses might appear, or before whom explanations as to the Bill might be made.

Hon. Mr. SCOTT—I think the better way would be to let it go to the Committee on Banking and Commerce, and then to the Committee of the Whole House on their report.

The motion was agreed to.

BOARDS OF TRADE ACT.

REPORTED FROM COMMITTEE.

The House resolved itself into Committee of the Whole on Bill (BB) An Act to amend the Boards of Trade Act.

(In the Committee.)

On clause 1,

1. Section 4 of the Boards of Trade Act, chapter 124 of the Revised Statutes, 1906, is hereby amended by adding thereto the following subsection :—

2. Where the district is situate wholly or partly within a district for which there is an existing board of trade, the certificate shall be accompanied by a statutory declaration of two or more of the persons signing the same as to the facts in that regard to the population of the existing district as diminished by the proposed change, and as to any facts or considerations which made the establishment of the new board expedient.

Hon. Mr. SCOTT—The object is to authorize the Governor in Council, when applications are made, to establish boards of trade in a district where one already exists —dividing the districts. I gave as an illustration the establishment of a board of trade in North Battleford. It is partly included in the Battleford Board of Trade district. The Governor in Council takes up the question and invites the existing board of trade to state if there is any objection to the proposal.

Hon. Mr. LOUGHEED—Is it desirable to provide machinery for contending boards of trade, so that they both may exercise their influences in a very narrow scope, to the detriment of both? It seems to me that is the principle enunciated by my hon. friend. Take the case of Battleford. There is a board of trade on each side of the river. The board of trade on one side of the river practically deals with matters in its district, and the board of trade on the opposite side is about to be organized.

Hon. Mr. SCOTT—Yes.

Hon. Mr. LOUGHEED—It seems to be very undesirable that two boards of trade should be organized for the purpose of attending to matters of public interest arising within a very restricted area or territory. May I ask what good purpose can be served by having a board of trade on each side of the Saskatchewan river opposite each other?

Hon. Mr. SCOTT—They are quite rival towns now, not working together any more than Fort William and Port Arthur.

Hon. Mr. LOUGHEED—That will only intensify the divergence.

Hon. Mr. SCOTT—Oh, no.

The clause was adopted.

On clause 4,

4. Upon its being made to appear that a board of trade has become incapable of exercising or has ceased to exercise its franchises, the Governor in Council may, upon and subject to such terms and conditions as he thinks just and proper, dissolve the board as a corporation.

Hon. Mr. LOUGHEED—What machinery would be adopted to wind up a board of trade such as this?

Hon. Mr. SCOTT—If the board of trade has really ceased to exist, and it is apparent that they have been dissolved by natural effluxion——

Hon. Mr. LOUGHEED—Why should the government intervene?

Hon. Mr. SCOTT—The administration of it rests with the government. There has to be a record kept of everything that goes on. I do not see any objection to it.

Hon. Mr. LOUGHEED—Has any case arisen where it would be necessary to apply machinery of this kind?

Hon. Mr. SCOTT—No, I do not think so.

Hon. Mr. LOUGHEED—Can my hon. friend say what provisions we already have for winding up a board of trade? I am unaware of any.

Hon. Mr. SCOTT—I do not think there are any.

Hon. Mr. LOUGHEED—The mere declaration made by the government that a board of trade is dissolved it seems to me would not be sufficient. There should be some winding up machinery provided, so that the assets of the board, if they have any, may be distributed, and its liabilities met, and so on.

Hon. Mr. SCOTT—They never have any assets.

The clause was adopted.

Hon. Mr. McKAY (Truro), from the committee, reported the Bill without amendments.

WINDING UP ACT AMENDMENT BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into Committee of the Whole on Bill (102) An Act to amend the Winding Up Act.

(In the Committee.)

Hon. Mr. SCOTT—The whole object of the Bill is to declare that the Court of Appeal in Manitoba is the final Appellate Court for the province. At the time the Act was passed there was no Court of Appeal in Manitoba. That is the whole object of the Bill. It makes no change in regard to the other provinces.

Hon. Mr. WILSON, from the Committee, reported the Bill without amendment.

SECOND READINGS.

Bill (32) An Act to incorporate the Bank of Vancouver.—(Hon. Mr. Bostock.)

Bill (25) An Act respecting the Hamilton Radial Electric Railway Company.—(Hon Mr. Gibson.)

Bill (47) An Act respecting the Montreal, Ottawa and Georgian Bay Canal Company. —(Hon. Mr. Belcourt.)

EDMONTON, YUKON AND PACIFIC RAILWAY COMPANY BILL.

SECOND READING.

Hon. Mr. WILSON (in the absence of Hon. Mr. Davis) moved the second reading of Bill (68) An Act respecting the Edmonton, Yukon and Pacific Railway Company.

Hon. Mr. POWER—This seems to be an important measure. It is supposed to run from the Pacific somewhere not far from the Klondike to Hudson Bay, and this Bill is to give power to build a further line and do various things, and they do not appear to have done anything yet, although they were incorporated in 1896. I think the hon. gentleman should make some explanation to the House.

Hon. Mr. WILSON—I move this resolution in the absence of the promoter of the Bill, and as I have been warned and forewarned energetically time and again that it was unnecessary to describe or explain fully the nature of a Bill on the second reading, that it was to go to a special committee, whose duty it is to thoroughly consider and analyze and carefully dissect every clause in that Bill, therefore it is not necessary to explain it now. Upon that condition, I move the second reading of the Bill. I have not even the Bill in my possession at the present time. This is, no doubt, an important Bill, and I am perfectly well aware that the hon. senator from Halifax has as good a knowledge of its provisions as any hon. gentleman in the House, and if he fails to deliver that knowledge and does not understand the nature of it, I shall spend an hour or two with him and in going over it carefully ourselves.

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

PRESS SUMMARY OF DEBATES.

Hon. Mr. FERGUSON—Before the House adjourns, I wish to call attention to an error which occurred yesterday in the summary report of the proceedings. I have no desire to attribute any intentional misrepresentation to our press reporter; but I wish to direct attention to a very serious error in his summary. I may remark that I think it a mistake for our reporter to make any comments of his own whatever. If the statement had been made in a speech by an hon. gentleman, although it would have been erroneous, we would have no right to complain if it appeared in the press report, but when it is a comment made by the reporter, and it is found to be erroneous, we have a right to deal with it. I find this statement in connection with the Lancaster Bill:

> The report of the Senate railway committee amending the Lancaster Bill for protecting crossings in settled districts Bill was taken up.
>
> As the Bill left the Commons it was proposed to repeal section 75 of the Railway Act, and to substitute a section declaring that no level crossing at more than ten miles an hour unless such crossing was properly protected, or unless it was constructed and maintained in accordance with the orders of the railway commission, that the board had the authority to limit the speed in any case, and the act was not to become effective until the first of January next.

That is a summary by the reporter himself, and a correct summary of what the Lancaster Bill means. I have no fault to find with it, but even when it is correct it would be better for the reporter to confine himself to reporting what is said. The report continues:

> The Senate committee recommend amendments by which section 75 would remain and a new crossing protection section be added. This differed from the Lancaster Bill briefly by omitting the first declaration, 'unless such crossing is properly protected,' and substituting 'unless such crossing is properly protected in accordance with the railway commission's orders, regulations, and directions.'

Now, that is incorrect. It is correctly stated that it is to leave out the words 'until such crossing is properly protected, but it is not correct to say that it substitutes these other words 'or unless permission is given by some regulation or order of the board.' Instead of being a new crossing protection, it is a permission to go without any protection. The way it is stated here

it makes it appear that a new crossing protection was added, whereas the words inserted here as being put in substitution are in the Lancaster Bill itself. What has been done is, by leaving out the words 'unless such crossing is properly protected' and inserting in lieu thereof 'or unless permission is given by some regulation or order of the board.' Therefore the explanation puts the matter altogether in a wrong light and would represent the amendment proposed by my hon. friend Senator Beique, as adding a new protection, whereas it eliminates the protection which was in the law before.

Hon. Mr. SCOTT—There are four different amendments. My attention has not been called to the report, and I have not read it; but if I had I should have been like the rest of the public in a puzzle, because the whole thing is difficult to understand. You have to analyze it all, even with the several amendments before you. I question if anybody could have made a better report.

Hon. Mr. FERGUSON—After all the consideration we have given to this Bill my hon. friend surely is not so elementary about it as all that. But it is not a report of what anybody said in this House, but an explanation by the reporter himself, and it goes into the newspapers that has that authority for it. Instead of substituting the words 'unless such crossing is properly protected in accordance with the Railway Commissioners' orders,' these words are in the Lancaster Bill already and are not being introduced now; but the words that are being introduced are the words I have read—'unless permission is given by some regulation or order of the board.' If these words had been put in, it would have been all right; but the words used give a strong argument in favour of the hon. gentleman's amendment which is not based on the facts.

Hon. Mr. SCOTT—I venture to say that not a single individual excepting my hon. friend has discovered it.

Hon. Mr. FERGUSON—All I have to say is that it is very deplorable for my hon. friend leading this House to get so far astray on a very vital part of the legislation. He has no right to speak for any one except himself.

Hon. Mr. SCOTT—I am not going astray. I simply say it is a puzzle. I am not talking about myself, but I say as far as the public is concerned nobody but my hon. friend would have noticed it.

Hon. Mr. FERGUSON—My hon. friend will agree with me that our press reporter—and I am saying this with a kindly feeling towards him, and admit that he is doing his work fairly well—should confine himself to reporting speeches, and not give views of his own.

Hon. Mr. POWER—The hon. gentleman is hypercritical, because in order that the readers of this summary report should understand what they are reading it was necessary that at any rate the substance of the various amendments should appear in the report. It may be that the reporter did not use the language that was most accurately suited to express the amendment of the hon. gentleman from De Salaberry, but he went pretty near it.

Hon. Mr. FERGUSON—He went to the opposite of it.

Hon. Mr. POWER—It is his duty to make a report which the public will understand, and he could not do that unless he gave the amendments. I do not think the public would have been interested any more in the amendments if they had been given at full length. The great point is that the Senate will not be misled. We have the amendments in our Minutes, and when we come to deal with them we shall be in a position to take them up as they are. We shall not refer to the 'Citizen' or any other paper as a guide when we come to deal with this matter.

Hon. Mr. FERGUSON—My hon. friend does not express any opinion as to the propriety or impropriety of a thing of the kind. It is extraordinary that we should have a statement of that kind from the hon. gentleman from Halifax. Our press reporter is here to report the debates. If someone had made an erroneous statement and he had reported what was said correctly, nobody could blame him; but when he describes how it was proposed to amend the Bill, he puts in what would have been a very creditable amendment and made it a respectable Bill, but leaves out words which should have been included. I know the reporter did

not do it intentionally, but he has entered on a line of argument and a fallacious argument it is.

Hon. Mr. ELLIS—The reporter may have made an error; we are all liable to error. But the hon. gentleman seems to intimate that a reporter should give a summary of a discussion without using some language of his own. It appears to me that that is utterly impossible in a summarized report. The hon. gentleman is asking for the impossible.

Hon. Mr. FERGUSON—Surely my hon. friend does not mean that the reporter could give his own explanation of every Bill that comes before the House, and then report what hon. gentlemen say after that—after he had explained the Bill. Yet that is what is done here. If he had put it correctly he would have escaped criticism but as he happens to have put it incorrectly, the criticism had to come. Hon. gentlemen opposite seem to be quite pleased because the misrepresentation helps their side of the question.

Hon. Mr. SCOTT—No, but the hon. gentleman is making altogether too much of it. I venture to say that not a single individual would have discovered any defect in the report excepting my hon. friend.

Hon. Mr. FERGUSON—If they did not discover it, they were mislead by it to this extent, that the hon. senator from De Salaberry had put a positive provision in his amendment which did not appear in it.

Hon. Mr. SCOTT—I think half a dozen hon. gentlemen would rise in their places and agree with me.

Hon. Mr. FERGUSON—The hon. gentleman is quite satisfied so long as it suits his own side.

Hon. Mr. SCOTT—No, but we do not make mountains out of mole hills.

Hon. Mr. FERGUSON—Then why not take the proper side of it.

The Senate adjourned until Tuesday next at 3 p.m.

THE SENATE.

OTTAWA, Tuesday, March 17, 1908.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

BILLS ASSENTED TO.

The Senate was adjourned during pleasure.

The Honourable the Chief Justice of Canada, Deputy to His Excellency the Governor General, being seated in front of the Throne,

The Honourable the Speaker commanded the Gentleman Usher of the Black Rod to proceed to the House of Commons and acquaint that House:

'It is the Deputy Governor's desire that they attend him immediately in this House.'

Who being come with their Speaker,

The Clerk of the Crown in Chancery read the Titles of the Bills to be passed, as follows:

An Act respecting the Canadian Pacific Railway Company.

An Act respecting the Niagara, Grand Island Bridge Company.

An Act respecting the Lindsay, Bobcaygeon and Pontypool Railway Company.

An Act respecting the Macleod, Cardston and Montana Railway Company.

An Act respecting the South Ontario Pacific Railway Company.

An Act respecting the Kamloops and Yellowhead Pass Railway Company.

An Act respecting the Edmonton, Dunvegan and British Columbia Railway Company.

An Act respecting the Boundary, Kamloops and Cariboo Central Railway Company.

An Act respecting the Calgary and Fernie Railway Company.

An Act respecting the Ashcroft, Barkerville and Fort George Railway Company.

An Act respecting the Tobique Manufacturing Company, and to change its name to 'Fraser Lumber Company, Limited.'

An Act respecting a patent of Eugène François Giraud.

An Act respecting patents of the Windsor Pump and Foundry Company, Limited.

An Act to incorporate the Women's Auxiliary to the Missionary Society of the Church of England in Canada.

An Act respecting patents of the Goodwin Car Company.

An Act respecting patents of Montague Moore and Thomas James Heskett.

An Act to amend the Copyright Act.

An Act respecting the Surveys of the public lands of the Dominion and the Surveyors entitled to make such Surveys.

An Act respecting the St. Clair and Erie Ship Canal Company.

An Act respecting the Ministers', Widows' and Orphans' Fund of the Presbyterian Church of Canada.

An Act to incorporate the Alberta and Brazeau River Railway Company.

An Act respecting the British Yukon Railway Company.

An Act respecting the National Battlefields of Quebec.

An Act respecting the Cumberland Railway and Coal Company.

To these Bills the Royal Assent was pronounced by the Clerk of the Senate in the following words:—

In His Majesty's name, His Honour the Deputy Governor doth assent to these Bills.

The Commons withdrew and the Senate resumed.

MINUTES OF RAILWAY COMMITTEE.

MOTION.

Hon. Mr. LANDRY moved :

That an Order of this House do issue that a copy of the Minutes of the meeting of the Standing Committee of the Senate on Railways, Telegraphs and Harbours, held on the 21st and 22nd of May, 1901, be laid on the table of this House.

The motion was agreed to.

GARRISON ARTILLERY COMPANIES.

MOTION.

Hon. Mr. LANDRY moved :

That an order of this House do issue ordering to be laid on the table of this House a copy of the service-roll of the Garrison artillery companies of Ottawa and Morrisburg, giving the names of the militiamen who were on active service, and who were in barracks at Fort Wellington, Prescott, during the months of November and December, 1865, and during the months of January, February, March, April, May and June, 1866; and also a statement showing what was the daily pay paid to the soldiers of these two corps and that which the militiamen belonging to Company No. 2 of the Ottawa Field Battery received at the same time, or that which was received by other corps of the military district of Ottawa, which were also called out for active service.

The motion was agreed to.

CONSTRUCTION OF KETTLE RIVER VALLEY RAILWAY.

INQUIRY.

Hon. Mr. LOUGHEED inquired :

Whether the government has any information as to the number of miles of track laid on the Kettle River Valley Railway during the calendar year 1907, and if so how many miles were laid and between what points ?

What portions, if any, of the Kettle River Valley Railway were inspected by engineers of the Department of Railways during 1907 or during the current year, and what mileage of track they reported as having been laid thereon ?

Hon. Mr. SCOTT—The answers to the hon. gentleman's questions are as follows :

1. The government has no information later than June, 1907. Up to that date 12 miles of track was laid between Grand Forks and the second crossing of the Kettle river.

2. Inspecting engineer of the Department of Railways on June 9, 1907, inspected that portion of the Kettle River Valley Railway between Grand Forks and the second crossing of the Kettle river and reported that 12 miles of track was laid up to the above date.

That conveys no more information than the hon. gentleman was in possession of.

RENEWAL OF RAILWAY CHARTERS.

INQUIRY.

Hon. Mr. ROSS (Middlesex) rose to :

Call the attention of the Senate to the repeated renewal of railway charters without any substantial expenditure upon construction and that it is desirable that the Senate be informed, if the government has decided to take any action with a view to prevent the continuation of this practice ?

He said: This notice has been on the Order Paper a long time. The Senate has indulged me with postponements on several occasions, but I propose to dispose of it now in a very few minutes and open the way for the discussion of some other subject. I do not know that any serious harm has come to anybody from the frequent renewal of railway charters ; yet it seems to become a habit for provisional directors, or the person or persons who are holders of railway charters to rest upon their oars the moment they secure a charter from the parliament of Canada. I do not know whether it is an abuse of the privilege of getting or holding a charter or not, and yet there seems to be something anomalous in the fact that a charter can be held by a corporation for fifteen or twenty years, without any sign of vitality in the corporation, or without anything being done.

I notice that in 1906 there were 37 renewals of railway charters, or of the charters of other corporations. In 1907 there were 18 renewals. So far this session we have had between 20 and 30 railway companies asking for a renewal of their charters. Now that seems to be, I will not say anomalous —I do not know exactly the right word to use, but it seems necessary that we should inquire into those renewals with a good deal more care than we have done to make sure that they are warranted. I do not know that the time of the Senate should be

taken up with perfunctory and formal renewals of railway charters. Some good reason should be given before a renewal is granted. Sometimes a charter is held by a board of directors for the purpose of exploiting it to see if some body of men with the necessary means may not come forward and say to the holder of the charter, 'Well, you have a right to build a railroad between the points A and B, we are prepared to offer you some consideration for your charter.' I believe that has been done with regard to charters held not only from this parliament but from other legislatures. The evil of exploiting railway charters may be serious or it may not, but this House should inquire before renewing a charter whether the charter is held for that purpose.

Then the holding of a charter by a body of men authorized so to do may block the way sometimes of another corporation that is prepared to do something substantial. When a rival corporation comes before a committee of parliament for a charter perhaps over the same route the holders of the original charter say 'We have a charter for that route and our rights are of first consideration' and sometimes representations of that kind may have some weight with the committee. A charter may be an obstacle really in the way of progress in transportation or some other useful purpose. It will be within the knowledge of a good many members of this House that charters are sometimes held for political purposes, that the holder of a charter may use it to strengthen his political influence in a riding. It is really a delusion, yet it may be a snare as well, so for these three or four reasons we might very well consider whether charters should be renewed without some good reason being given. I have said that some of these charters have been held for a good many years. I have a list, and I find that we have given renewals for charters, the originals of which date as far back as 1884, 1886, 1888, 1890 and 1901. Almost every year for the last 24 or 25 years, three, four and five renewals have in some instances been given. There are certain circumstances under which this House might not object to renewing a charter. It is very hard to lay down an arbitrary rule. I do not see how we could do so. The object of my motion is to give a warning to the holders of charters which may expire within the next year or two that before they ask for a renewal they should show some substantial service, that surveys have been made, that something has been done towards entitling them to the right to hold that charter any longer. For instance I would say where a road is a branch of a great railway there need be no object to renewing the charter. Should the Grand Trunk Pacific or the Canadian Pacific Railway or the Canadian Northern have a charter for a branch to some local point, if it were shown that there was no competitor for the construction of a road between the points covered by the charters of these branch lines, the larger railways might very well hold the ground, because the railway territory covered by that branch might be its natural field of enterprise and commerce, and the holding of that charter would be in the interest perhaps of the public, because if the road is built at all they might naturally look for its being built in a short time by the company that wanted that branch line as a feeder. That is a case where a renewal might be given for a reasonable number of times. Then in a case like that of the Lindsay and Pontypool Railway a renewal might very well be given the road having been partially completed. About four-fifths of the distance covered by the original charter was actually built and an extension was granted to the company in order to hold their ground for the completion of a small portion of the original line. There could be no doubt as to the wisdom of renewing a charter in a case of that kind and where a company has been shown to have a good financial basis. The practice in Ontario, 25 years ago was to refuse a charter to all corporators who could not show that they had a financial basis on which they could proceed with reasonable certainty. For instance, it was required that a certain amount of stock should be subscribed and paid for. It should be shown that they had received bonuses from municipalities to aid in the construction of the road, or some tentative agreement with the trunk line of railway, which was an assurance to the public that the larger line of railway, with its capital and resources was at their disposal for the construction of the smaller line. That is a case also where I think a renewal need not be refused. We are in

the habit, however, of granting railway charters to men who have no financial ability, to provisional directors supposed to represent somebody. Who that somebody is we are not always informed. Where there is no financial basis, or nothing has been done in the way of construction, or the renewal is not needed by some main line on behalf of one of its branches, this House should be chary about granting a renewal. Then I think renewals need not be refused where some reasonable preliminary work has been carried on. What I want in case of a renewal is some bona fide evidence that the corporators are in earnest and that they have put money into it, made surveys or that the construction of their road is guaranteed by some larger corporation.

Then I think if renewals were not so often granted, that the original incorporators would throw a little more energy into the work. They seemingly rest upon their oars. They say : 'Here we have a charter : it has been renewed once or twice or three times. If we do not commence construction the parliament will be generous and will renew it again and again.' If there was a feeling on the part of the incorporators that the renewal would cease very speedily unless good faith was shown by the incorporators, I think they would proceed with some energy. How are we going to remedy it ? I have no suggestion that I consider conclusive in regard to the matter. The only idea I had in my mind, was rather to throw out a warning, as I said before, to the holders of charters asking for renewals, that the time may come, unless they do something, when the privileges which they hold will be withdrawn. I do think that perhaps the Railway Committee could draw up a set of conditions or regulations which would be acceptable to the committee as a basis for the renewal. That might be a matter for the consideration of the committee, or the government might say, as it very properly might in the case of charters which have been already renewed two or three times, that no further renewal would be granted without some substantial evidence of progress, without some proof that money had been expended on surveys, or without some proof that those who held the charters had done something, or had the financial ability to do something. I am not able to point out any abuse particularly, nor am I able to say that charter-mongering has become a profession and has led to graft, or any irregularity ; yet I think this House should not be approached, as it appears to have been, by those who hold railway charters and have asked so often for their renewal. I simply call attention to the abuse of the courtesy of this House, and an encroachment upon the time of this House and upon the Railway Committee in considering from year to year as it has been doing, the renewal of railway charters.

Hon. Mr. SCOTT—The observations of the hon. gentleman from Middlesex do not really require any comment from me. He has laid down certain sound principles which I recognize, and he has himself pointed out where acceptance can be made. We are all rather in advance of the times in getting our charters. It is very well known that all over this Dominion there is a demand for railway accommodation and railway construction. Enterprising men join together and get a charter in the hope of being able to finance it. They obtain the charter. In some cases they succeed and in some cases they fail. I do not see that any particular injury or material harm has been done in the past. The matter is kept before the public. We have been discussing for instance the project of a railway to Hudson bay. In 1884 parliament offered a charter to any company that would build that road. I am not quite sure—my memory is not to be relied on—as to whether there was an actual charter in existence. Well, it kept that project alive, and parties are looking forward to the time when the road will be constructed, and they will obtain the advantages pointed out some twenty-four years ago. We have increased the fees for one thing, which ought to have a deterrent effect on parties applying for renewals. If they get the Bill through they have to pay for it. I do not think that our time is so unduly taken up by private legislation as to in any way postpone the termination of the sessions. I fail at all times to recognize that private Bill legislation retains parliament for one day beyond the time it would rise if such legislation were less than it is.

Hon. Mr. CASGRAIN—I would like to compliment the hon. gentleman from Middlesex on bringing up this question. I think it is a very appropriate subject, indeed. Quite a few years ago, I believe the first session I had the honour of holding a seat in this House, I introduced a Bill entitled 'An Act respecting railway charters,' but that Bill did not meet with the views of this House and I had to drop it. I was informed that the government were about remodelling the Railway Act, and probably that in the Railway Act some clauses would be inserted which would cover that point. However, the Railway Act was all drafted over again, considerably amended, but nothing was done with respect to renewals of charters. I believe it would certainly be a wise policy for this House to exact, before renewing any charter, or most of the charters, that something should be done. I would not go as far as the hon. gentleman from Middlesex and ask that actual construction should be commenced, because construction begun in earnest, seriously, by a responsibly party, would entail rather a large amount of money in advance; but surely some sort of exploration should be made of the route; surely a company would be able to secure the services of one engineer and a small party if only to walk over the route to see whether the line was feasible, and estimate what would be the probable cost of the line; so that we would not, in this House and in the other House, be renewing charters for roads that were not feasible. Then again, as it was well said, many of these charters are held by professional charter-mongers.

Hon. Mr. McMULLEN—Hear, hear.

Hon. Mr. CASGRAIN—I repeat, professional charter-mongers who come here with no other object in view, who though not able to build one-quarter of a mile of railway have the audacity to ask parliament to grant them a charter to build a road a thousand miles in length, and the whole lot of them could not get a bank in the country to guarantee for them the construction of one mile. See what a different system prevails in other countries. Take England for instance: before you can obtain a charter for a railway in England, it is absolutely necessary that you arrange in advance all the right of way; that is to say that all the plans for the right of way be actually made; that the municipalities through which you go, and the large land-owners whose property you have to cross have all been consulted. Every highway crossing has to be discussed and decided upon before a charter can be obtained. If you are crossing a canal or stream or other railway, all this must be provided for. Then you have to show that you are able to build the road if you are granted the charter; that you have the financial ability; some responsible institution must guarantee, as far as guarantee is possible in a thing of the future, that you have the ability; so that when the British public put their money into the enterprise they will know that there is a chance of it being expended judiciously and by responsible parties. There is more. You must show to the satisfaction of the imperial parliament that there is a demand for the road, and that there is a probable return for the investment. Here railway charters have been granted. Promoters have gone across to England and have raised money on those charters. They have issued bonds, and as the Railway Act permits the issuing of bonds on the railway built or contracted to be built, any one can pass a bogus contract; then the law is complied with and the bonds are issued. The British public are caught in this way, thinking that royal charters are granted in Canada with as much care and precaution as they are in England. They think that we have looked into this matter, that these roads can be built, that the promoters behind them have fulfilled all the conditions; and the people invest in these bonds. And what is the result? The bonds are generally pledged for a certain amount. Bonds for a million dollars are sent across to the old country and some broker, anxious to make a commission, takes the bonds, and when the issue is about to be made, then word comes back from Canada not to issue the bonds immediately, that the market is not favourable. Therefore the issue would be postponed for a while. In the meantime the government is going to do wonderful things in the way of giving subsidies, and the local government is going to give

grants of land ; and banking institutions are induced to advance a little money on the bonds. On the security of a million dollars' worth of bonds, a few thousand pounds are readily advanced, and once the company have commenced operations more and more is advanced, and they squeeze as much as possible out of the holder of the bonds. Then the promoters return to Canada and that is the last you hear of it. The British public has been in that way robbed or dispoiled of much money. Before renewing these charters we should require that at least some work has been done. Another great objection is that when big companies like the Grand Trunk and the Canadian Pacific Railway wish to build branches in the territory covered by such charters, the holders who have no intention of building, buttonhole the directors or officers of these big main lines and say, 'Oh, don't go to parliament for a charter, for we will sell you our charter.' And if the company do not buy the charter, then the public has to wait till this branch road is constructed. Here is one instance. There is a charter on the east side of Lake Temiscaming, up the Ottawa. The people who hold that charter have prevented the Canadian Pacific Railway Company extending that road into Ville Marie, an extensive and prosperous settlement in Quebec, because they will not give up their right in this charter, thereby blocking construction in that direction. There are many other instances I am sure well within the mind of many hon. gentlemen in this House. I am glad that this question has been brought up, and I believe it would be a wise thing before renewing charters that we should insist on something being done, and that plans should be deposited with the railway department, according to law.

Hon. Mr. DAVIS—I am very sorry I cannot agree with the hon. gentleman from De Lanaudière, with reference to this matter. If my hon. friend wanted to make a case, he should have shown that the country has suffered from the class of men he calls charter-mongers. It appears to me that if we had adopted such a policy as he has outlined, a few years ago, a great many of the roads now in existence would not have been built. As a matter of fact, such men as William Mackenzie and D. D. Mann, and many other railway men who have built an enormous mileage of railroad in this country, would a few years ago, have been called charter-mongers by my hon. friend. As long as we retain the system we have here, of a railway committee that grants special Bills to every corporation that comes and asks for it, I see no reason why a poor man should not get a charter from this House just as well as some of the large corporations that my hon. friend talks about. Some people imagine that because a man is not worth a million, he should not get a charter for anything. But I want to say that many a man worth a million to-day, had not a million when he started, and was probably a promoter just the same as some of the gentlemen who are asking for charters to-day. Before my hon. friend could make a case, he would have to show that the country has suffered in some way from the renewal of railway charters. Where are we going to draw the line ? I am a member of the Railway Committee this year, and I find that renewals are being granted to the Canadian Pacific Railway of charters that had been renewed from time to time, for years and years, and I have no doubt that the Canadian Pacific Railway is going to build those roads just as soon as they can get round to them. As far as our western country is concerned, I know as a matter of fact that there are railroads built now in that territory which, if it had not been for the class of men my hon. friend calls charter-mongers, would not have been constructed at all. It appears to me that if there is a class of men who have brains to promote something, we have no right to crush them out. If they will spend their time in trying to promote the construction of a railway, why should we not give them the privilege ? There was a time, I think ten or twelve years ago, when a person could go on and claim a vested right if he held a charter for a railway through certain piece of country. That is not the case to-day. If the charter has to be renewed from time to time, as long as nobody objects, why should it not be renewed ? If anybody else came in prepared to build the road and asked for a charter, and showed his bona fides, parliament would give him a charter over the same ground. In the United States, any-

body can get a railway charter to build anywhere by filing plans. The hon. gentleman from De Lanaudière cited the practice in England. That is one country and this is another. In England you have to get your plans of the right of way crossings and everything, but I want to draw my hon. friend's attention to the fact that England is like a great big village. If you wish to build a railway there you might have to tear down the churches and public buildings. That is a different proposition from constructing a railway in New Ontario or the West. Does anybody believe that a company should be obliged to make a survey and get a right of way before coming to parliament, without knowing whether they would get a charter or not? Are they going to spend all that money and take the risk? As long as it cannot be shown that the public interest has suffered by renewing charters, I do not see why we should not renew them. I desire to draw the hon. gentleman's attention to the fact that in Ontario, the Amherstburg Tunnel Company, under the Detroit river, was granted a charter in 1875 or 1876, and the owners of the charter did not succeed in securing the capital to build the tunnel until two years ago. They held their charter for years and years and got it renewed, and they kept working all the time to obtain that money, and at last succeeded. I claim that if there is a class of enterprising men such as my hon. friend calls charter-mongers,—I do not care if he thinks they are charter-mongers—who are trying to get capital in order to develop the country, give them a chance, as long as they do nobody any harm. If you find they are injuring any part of the country, cut them off. But to lay down the rule that men who come here with capital can get what they want, and that other men who come here with brains and no capital, will not be granted a charter, is a very bad principle to defend in this House.

Hon. Mr. McMULLEN—I have listened to the hon. gentleman from Prince Albert, and I do not at all agree with the views that he has expressed. I have sat in parliament for a great many years, and I have watched the course of granting charters and renewing charters, and I say that a great deal of evil has resulted in this country for granting such legislation indiscriminately. I admit that some charters——

Hon. Mr. DAVIS—Name one.

Hon. Mr. McMULLEN—I can name more than one. I can mention several. A gentleman who is one of the chief heads in one of the largest corporations in this country, has told me that they were seriously crippled in building their line by charters that had been granted to speculators who stood in the gap. They would not build themselves, and had not the money, and they opposed the application of this company to obtain a charter covering the same grounds. The result was they had to compromise with those men, simply because they held a charter of which they had secured renewals from time to time. A great deal of evil has resulted. My hon. friend must have in his mind's eye the fact that charters have been granted in the West coupled with a land grant which locked up a large amount of land—towards the construction of a certain line. How can any company come here and get a charter to cover the same road? Can they get a land grant? No, it has gone to the man who has got the charter, and the result is that they stand in the gap, and refuse to let anybody else build the road. They say: 'We have a charter that covers the same ground. We have a land grant of 5 or 6 or 10 thousand acres a mile.' That covers this route. And what do they do with it? Do they attempt to build the road? Not a mile; they hawk and peddle their charters to get the money.

Hon. Mr. DAVIS—Can the hon. gentleman point to one railway that has got a land grant to-day?

Hon. Mr. McMULLEN—Yes, I can. I know a case—I do not wish to mention the name—where a party holds a land grant for a charter in the very section of country from which my hon. friend comes. He stands in the gap and opposes another party getting a charter—why? Because although he made an arrangement with a company to build there never was a mile of the road built, and he does not want another charter granted. The abuse has gone on from year to year, and it is the duty of this House to

come to some understanding with regard to the granting of speculative charters for railways that has been experienced in this country for twenty years. I know men who have speculated in that way—men who got charters and land grants and held them until they did make money out of them. The charters were taken out for that and no other purpose. Parliament ought not to be a party to anything of that kind. We want railway facilities, but when people who get charters come here for renewal after renewal in the hope that they will get somebody to buy them, it is the duty of this House to stand in the way and prevent that condition of things continuing. It is not in the interest of this country that it should be continued. The hon. Secretary of State may be innocent in this matter—he may not know as much about it as some of us know. I agree with the hon. senator from Montreal that when the holders of a charter come here asking for a renewal they should show to the committee that they have done something towards the construction of the road—made surveys, purchased part of the right of way or done something to entitle the to the extension; but to grant renewals from period to period when not a dollar has been spent in the way of making surveys or acquiring right of way is only encouraging that system of speculation. I know of a case in the west where some parties got a grant of land and money for a railway scheme although the thing was rotten from top to bottom. We should not encourage these things. We should insist that charters shall not be held for the purpose of being hawked about and sold.

Hon. Mr. MITCHELL—We should not be confined in this parliament to giving charters to large companies. We should be prepared to grant a charter to any one who comes here and pays his fee. We want railways badly. Land grants do not necessarily go with the charter, and this is not a question of subsidy. If we were to refuse charters to any applicants but large companies, we would be depriving every one except a favoured few of the right to get charters.

Hon. Mr. ROSS (Middlesex)—What about renewals?

Hon. Mr. THOMPSON—It is a question for parliament to decide. I would say renew for a small company just as we would renew for a large company. I would not make a law for one which would not apply to all.

Hon. Mr. KERR—There is a little reason on both sides of this question. One can deplore the existence of things by which fraud can be perpetrated, and on the other hand, in a young country like this where local capital cannot be procured for the construction of railways but must be obtained abroad, it might not be wise to apply a very strict rule against renewing charters. If we do, it will tend to check enterprise and the improvement and development of our country. Our practice has been to allow two years for the commencement of construction, from the time of the passing of the Act. What has to be done within that time? You cannot commence a railway until you secure capital to finish it. An unfinished road is not a good investment for anybody, and that is the kind of case no doubt that my hon. friend had in his mind when he spoke about the sale of bonds in advance of the completion of the railway. The negotiation for money for the construction of the railway within that short time might not be a very easy proposition. I do not know of very many railways in this country that have been financed in such a short time, and, therefore, would have to make up our minds that we would not encourage the building of railways in this country or we would have to extend the time within which a road should be commenced. If we adopted the latter plan, it would give an opportunity for making financial arrangements. If the hon. senator from Middlesex had suggested something like that, I would not have found fault with any of his suggestions, but in this Dominion where we require railways to develop the country and they can only be built by the use of foreign capital, we would be making a great mistake if we drew too close a line with reference to extensions of time for the commencement of construction. While on the one hand we may deplore fraud, and should do anything we could to prevent the perpetration of fraud on either local or foreign capitalists, on the other hand we should give time to

those who set about a public enterprise in the interest of the country, to carry on their undertaking. Think of the hardship it would be to men of limited means if they were refused extension of time? I do not know of more than two railways which have been constructed by the people to whom the charters were granted. It is by granting charters to men with initiative who find persons with capital to construct the railways that most of our railways have been built. Think of the loss it would be to people who started an enterprise and were conducting their negotiations, but had failed to get the necessary capital within the time mentioned in the charter, if we refused to grant an extension of time. Of course the illustrations presented by my hon. friend who spoke about land grants and tying up railway extension in a locality, have nothing whatever to do with the question we are dealing with here. The mistake made in such cases has been in giving the land grant and tying up the land. That is not done by the extension of the charter or the time for commencing construction. It seems to me also that the policy which has been suggested of granting an extension of time for building branches to the three great railway companies mentioned by the hon. gentleman from Middlesex, would be a great mistake. That would be measuring out one kind of indulgence to powerful companies which we would refuse to independent parties who might be trying to interest foreign capitalists in the construction of railways in this country. The effect of it would be to hand over railway extension to the three great railway companies as a monopoly, because by their control of the branch lines they would preclude the possibility of larger and more extensive railway construction. What we wish to prevent is speculation in charters, and to exercise some discrimination with reference to the extension of time. We should do what we could to prevent undue opportunities being given to the holders of charters to defraud capitalists abroad. Generally speaking the British capitalist is able to take care of himself and to see that he has good security. He does not advance money for an enterprise without seeing his way to the completion of it, and making sure that it is one that will give him a return on his money. I do not know any people better able to take care of themselves than English capitalists, and if they are sometimes defrauded in connection with railways, they are no worse than capitalists who are connected with other lines of business.

Hon. Mr. DOMVILLE—I am very much inclined to join with the hon. senator from Middlesex and say that there should not be an abuse of charters. My hon. friend from De Lanaudière gave us the benefit of his experience with railways. Caveat emptor is the law of the business world. At this moment, with capitalists looking towards Canada and criticising every move made here from the government down to the most ordinary member of either House, to announce that we are charter-mongers is not a nice thing to say. I hate taking up English papers and reading of a scandal here and a scandal there and imputations that anything done in this country is wrong. These English people have been all over the world and loaned money in every country and know how business is done almost as well as the hon. senator De Lanaudière. No doubt they will be glad to read in our journals if they come across them that we are protecting their interests. They can look out for themselves. I think I could prove, if this debate were adjourned, that some parties who have taken part in this discussion and criticised the propriety of renewing charters—I do not want to name anybody unless I am called upon to do so, have moved to extend the time of charters that have been in existence for over twenty years. I believe the Journals of this House will show it, and if this debate is adjourned, I shall furnish the proof for what I say. I am not saying that they had no right to do so. A few years ago an hon. gentleman moved for the extension of a charter that had been in existence for over twenty years. Perhaps the hon. gentleman who did that might be induced to change his mind and take back some of the things he has said. Some hon. gentleman may challenge my statement; if so, perhaps it is in order to move the adjournment of the debate in order that I may look up the facts.

Hon. Mr. POWER—I think the House will readily accept the hon. gentleman's statement.

Hon. Mr. DOMVILLE—After that nice way of putting it, there is nothing left for me to do but to let the debate close. It will not however, prevent me looking into the matter, and on a future occasion presenting the facts to the House. I thank the hon. gentleman from De Lanaudière for having given us information as to how to get money in England. After the argument he has used, and the information he has given, I should think that if any English capitalist is defrauded through investing in railway bonds, it will be his own fault.

Hon. Mr. BOSTOCK—I am glad that this discussion has been brought up, because some definite policy should be pursued with reference to this question of railway charters. There has been an impression in the country that competition in railway charters is not allowed, and that if a charter is in existence for a certain route, for that reason when another set of men apply for a charter to build a road through that same country they will not get it. In the public interest, we ought to let the country generally understand that everybody applying for a railway charter can get one, and that might do away with any particular speculative value in a railway charter, and we should prevent the possibility of the owners of any charter holding up another set of men who wanted to build when they were not ready to proceed themselves. If that were done, there would be no necessity for any question about renewals, because if a charter is renewed from time to time it could not affect the interests of another set of men coming to parliament, to get a charter over the same part of the country. Subsidies granted in aid of some of these enterprises seem at times to have a bad effect on the country. I know of a charter in British Columbia where the company has a subsidy from the government and has worked it in such a way that it builds enough road each year to obtain the subsidy. I have not figured out the length of the road. but it will take several years before it will be completed at the rate they are going now. They build about thirty or forty miles a year. If they had gone about the building of that road in a business way, without subsidy, it would have been completed by this time; but at the present rate of progress it will take years yet to complete it. Some action should be taken to compel them to build a good deal quicker than they are doing. That, of course, is a matter that lies in the hands of the government and does not come up before us here. The only other way I can see of dealing with these railway charters, is to treat them in the same way as we treat ordinary companies applying to be incorporated under the Act—by passing a general railway Act and making any body of men desiring to obtain a railway charter comply with certain rules laid down in the Act, and then it would be known to everybody both in this country and throughout the world, that by complying with these rules and following out certain regulations, they can get a charter. Probably that would be the best solution of the whole difficulty.

DELAYED RETURNS.

Hon. Mr. LANDRY—Before the Orders of the Day are called, I should like to know from the leader of the House, if any progress has been made in the compilation of the returns I asked for some two months ago.

Hon. Mr. SCOTT—I can do no more than I have done. I have asked several times to have them facilitated. The last report I had in connection with one of them was that it would be ready within a fortnight.

Hon. Mr. LANDRY—The last time, I inquired, it was only ten days. Now it is a fortnight.

BILL INTRODUCED.

Bill (117) An Act to amend the Intercolonial Railway and Prince Edward Island Railway employees Provident Fund Act.—(Hon. Mr. Scott.)

THIRD READINGS.

Bill (BB) An Act to amend the Boards of Trade Act.—(Hon. Mr. Scott.)

Bill (102) An Act to amend the Winding-up Act.—(Hon. Mr. Scott.)

Bill (B) An Act respecting the Occidental Fire Insurance Company.—(Hon. Mr. Watson.)

Bill (C) An Act to incorporate the Standard Accident and Guarantee Company.—(Hon. Mr. Kerr.)

GAMMELL DIVORCE CASE.

REPORT OF COMMITTEE ADOPTED.

Hon. Mr. KIRCHHOFFER moved the adoption of the second report of the Standing Committee on Divorce re Edith Maud Rosario Gammell Divorce Bill.

Hon. Mr. CLORAN—I should like to call the attention of the committee to the very easy manner in which they grant divorces. I thought a very pertinent and fundamental question was put by one of the hon. gentlemen on that committee to the petitioner in the case, which would leave her in a great measure responsible for the condition of things that has resulted. I am not here to advocate the cause of the defendant in the matter; but when the Hon. Mr. Wilson asked the petitioner if she had made any efforts to meet her husband when she came to Canada, she said 'No.,' She was asked:

Did you make any efforts to conciliate with him ?—A. No.

Hon. Sir MACKENZIE BOWELL—Why should she?

Hon. Mr. CLORAN—At the time, she knew nothing about his conduct. She found out the fact, and she put a private detective after him. Her husband left England three years ago to take a position on the Grand Trunk Pacific. He was a professional man, and left home with the understanding that when he would secure a position in the west he would bring his wife and children there. As a matter of fact, she did come over a year and a half ago and went to Saskatoon to meet her husband. She was asked:

Q. Did you see him ?—A. Yes.
Q. Did you speak to him ?—A. No.

That is a very strange position of matters. Then a question was put by Mr. Henderson:

The Hon. Senator is asking if you made any efforts towards conciliation ?—A. Well there was no need of conciliation.

And this is on her arrival in Saskatoon when she knew nothing as to his way of living. Then the Hon. Mr. Wilson asks:

Q. You knew only from heresay, and you made no effort at reconciliation ?—A. I was advised not to.

There is the condition of the married couple. I am not saying the man has not been found out since to be blameworthy. I believe he was to blame. According to the evidence he was a scoundrel; but at the time she did not know it. She came for the purpose of meeting her husband, and the least she should have done was to have made an effort to obtain conciliation with him, to redeem him if possible. But no. She left him to go on in his evil way, in order to drag the matter before the courts and parliament. If she had done her duty as a wife, and said, 'I have come across the seas to meet you and I want you to take up home with me. You have a good position to-day, 'But she was advised not to do that. And now she comes before the high court of parliament asking us to sanction the breaking of the marriage tie under such circumstances. I protest against the easy way in which the marriage tie, which is the foundation of society, and which, according to all religious sects, all the Catholic doctrines and all the best part of the Protestant doctrines, stands for the sacredness of the home and its perpetuity, is broken. The highest bishops in both churches in all Christendom are in favour of maintaining the marriage tie and not breaking it, because one of the two contracting parties has been at fault in one way or another, without any attempt to restore the home life back to them. This woman lives a whole year in Saskatoon, sees her husband occasionally, never speaks to him, never goes near him, but drags the matter before the high court of parliament, asking this court to break one of the most solemn laws laid down for the maintenance and stability of society.

Hon. Mr. GIBSON—I am surprised that my hon. friend omitted the most important part of the evidence, and that is the part in which the lady, on her arrival, notified her husband that she was in the country, and that she got a telegram in reply to stay where she was at her own expense, on her own resources. She found her way to Regina, and there for the first time she discovered his infidelity, and she was advised by a solicitor not to have anything to do with him. These are the connecting links which my hon. friend makes such a hullabaloo about. I think she made all

necessary efforts. She notified him on her arrival in Toronto, and received the reply I have stated. How could she proceed against her husband merely on the strength of the telegram? She had to seek evidence, and she got evidence enough that convinced her there was something wrong between him and another woman at Saskatoon, and she followed it up by employing detectives to watch the husband's doings. If my hon. friend would read the evidence as to what took place on the river bank he would not have so much to condemn in the course taken by the petitioner.

Hon. Mr. CLORAN—If the hon. gentleman will allow me, it is easy to explain away a case of that kind.

Some hon. MEMBERS—Order, order.

Hon. Mr. ROSS (Halifax)—I think my hon. friend on my right is altogether wrong. Here is a pure woman of the highest type of character, and he suggests that she should have to go and live with a scoundrel of a husband, as he proved himself to be. I think that she showed an example of nobility by keeping away from him. My views on the subject of divorce are pretty well known to this House, and I say now, as I have said before, that this is the wrong tribunal for divorce.

Hon. Mr. CLORAN—Hear, hear.

Hon. Mr. ROSS—And I am surprised at my hon. friend from Ontario (Ross, Middlesex), when he was premier of that province, with all the reforms that the government of Ontario prided themselves on bringing about, that he did not take a step to have the trial of divorces taken away from the Senate. In the provinces of Nova Scotia and New Brunswick——

Hon. Mr. POWER—Question, question.

Hon. Mr. ROSS—There is a division of the Supreme Court set aside to try divorce cases and there are very few of them, less than the number that come before the Senate from year to year. The printing of the evidence is disagreeable and wrong and should not be continued. I am surprised that in this enlightened day a tribunal for divorce should be left in the crude and old-fashioned state in which it is.

Hon. Mr. ROSS (Middlesex).

Hon. Mr. McMULLEN—I wish to add a word to what has been so well said by the hon. gentleman from Lincoln. I think he pointed out the leading features in connection with the evidence, and I must say that I never knew any man to mete out to his partner in life more heartless treatment than that scoundrel of a husband—and it is not an abusive name to call him—on her arrival in this country. She agreed with him that she should take up house in the old country and get along as best she could on the very limited allowance that she had until he could make a home for her in Canada. She had her child. She dismissed her servant, did the work of her house herself, lived and struggled along, and at last came out to Canada to meet her husband, and when she came here received a telegram from him to say that she was not to come to him, that he did not want her, and all that kind of thing. It was most heartless treatment on his part. But there is a point that has not been touched upon. I should like very well that every member of this House would exercise his influence to see that that man is dismissed from the staff of the engineers of the Grand Trunk Pacific. That road is being built with the money of this country, and we should not allow that man to remain where he is.

The SPEAKER—I draw attention to the fact that the hon. gentleman is speaking beside the question.

Hon. Mr. McMULLEN—I know my remarks are not in line, but at the same time I could not help making the statement.

Hon. Mr. CLORAN—Why not pass an Act to prevent him from marrying again?

Hon. Mr. LANDRY—I want to call the attention of the House to a fact which appears to be inconsistent with our rules. It is stated that there should be one day's notice, or two day's notice, in certain cases, for the adoption of a report. That is a complete report. We only received the evidence in this case this morning. I am not going to raise a point of order, but in the future when a case of this kind comes to be discussed in the House, I think the

evidence should be embodied in the journals furnished to the Senate.

The motion was agreed to.

RAILWAY TO HUDSON BAY.

DEBATE CONCLUDED.

The Order of Day being called:

Resuming the adjourned debate on the motion of the Hon. Mr. Davis, that in the opinion of the Senate the government should on account of the rapid development of western Canada, and the continued inadequacy of existing transportation facilities take early action towards the construction of a railway to Churchill on Hudson's bay.

Hon. Mr. POWER—The position with respect to this Hudson Bay Railway is one that is pretty generally understood. The farmers of the Northwest find that they have to pay a very considerable sum to get their grain to tide water at Montreal. They have an idea, which has been fortified occasionally by gentlemen who might be a little more prudent in their expressions of opinion, that if this railway were built to Fort Churchill, they could get their season's grain out without any difficulty, which would of course, save a very large sum of money. While that is a perfectly natural feeling, it is a case where the wish is father to the thought. We are not interested here in the same direct way that the farmers of the Northwest are interested, and not being interested in a personal way, we are able, I think, to look at the question from a judicial standpoint, and that is the proper standpoint from which to look at it. With respect to this Hudson Bay scheme, I would observe that there is a common saying that a chain is no stronger than its weakest link. The essentially weak link in this Hudson Bay Railway chain is the navigation of the Hudson Strait. We have heard statements from the hon. gentleman who introduced the question, and from other hon. gentlemen which were more or less roseate in their character; but let us not make the mistake of letting the wish be father to the thought. Let us look at the information which we really have upon the subject. Before I go any further, perhaps it may be well to say that it has been stated by some hon. gentlemen that you could have vessels constructed specially for the navigation of the Hudson strait. That is true; but vessels constructed specially for Arctic navigation carry proportionately very little cargo, and that is a point which has to be borne in mind. The question before us just now is, whether the ordinary steel steamship with plates of about inch thick could navigate that route. I take the evidence of Mr. Low; and any one who was present at the meetings of the committee of last session will remember he was very much in favour of the scheme. I turn to page 112 of 'Canada's fertile Northland,' and I find that Mr. Low made the following statement:

> The straits are practically never clear, but the ice that was in there after the middle of July until November almost, would not harm an ordinary vessel. The greater danger in the autumn in the navigation of Hudson strait is the stream of Arctic ice that comes down from the Arctic ocean and from Baffin's bay.

I direct attention to the further paragraph:

> Then from the end of September snow squalls are frequent. The navigator is in far more fear of snow squalls than fog. Late in September there is a heavy fog that rises from the water, brought on by the excessive cold. When the temperature gets below zero there is a continuous fog that rises from the water, sometimes 100 feet and sometimes 200 feet. You could not overcome that by lighting nor with anything, except getting on the top of the mast and looking over it; it is a light fog.

Then further on he says:

> The strait is navigable from about the middle of July until the first day of November anyway, and a couple of weeks might be added at the end, because the ice in Hudson bay, the new ice is of no consequence to a ship until it gets to be 15 or 18 inches thick, and not much ice formed before that date.

I should like to see the ordinary steel steamer trying to make her way through fifteen-inch ice. Further on Mr. Low says:

> That from the latter end of July till the middle of November, from three and a half to four months, there was probably safe navigation, where ordinary iron tramp steamers could be used.

Further on he states:

> The Hudson Bay ships, as a rule, come into the Hudson bay about the first of August, and the ship from Churchill comes back again about the end of the month. It goes to Fort Churchill, &c.

Then Mr. Tyrrell, a gentleman who is very well known, an engineer who was in the employ of the Geological Survey, says at page 115:

A vessel could go in and out of Churchill on November 1. That is about the latest. As to the time a vessel could enter at the opening of the season, that varies. The opening of the harbour varies nearly a month. The average time of opening according to the old records, as far as he remembered, was June 5, and when it opens it is wide open.

From his knowledge he did not say the bay as far as the mouth of the Churchill river, is navigable from June 1 to November 1. He was credibly informed that there is more or less Arctic ice comes down and blocks the mouth of the Churchill harbour for a period in the summer time.

At page 117 there is an extract from the evidence of Dr. Robert Bell. Dr. Bell spoke of one occasion on which he entered the Strait on the 22nd of June, the 'Diana' being a steamer constructed for Arctic navigation. The extract is as follows:

Dr. Bell was not sure, but he thought that date, June 22, 1907, was the earliest date he entered the strait on any of his voyages. They did not see any ice at the entrance, but encountered it later, especially towards Fox Bay. The latest period he passed through the strait was, he thought, with the 'Ocean Nymph.' They cleared the strait before the middle of October, between the 1st and 15th he would say. All his trips were between June 22, and about October 10.

So you will see that Dr. Bell did not run into November. The most satisfactory evidence which was before the committee was that of Commander Wakeham, who had made a number of trips into Hudson Bay and had spent a good deal of time navigating the Strait backward and forward, just for the purpose of testing the condition of the navigation. At page 126 he says that when he went into the Strait:

Inside the strait we found open water, and thought they were going to have no difficulty in getting through. Everything looked clear ahead, until they came up in the neighbourhood of the Saddle islands, and met with a barrier of solid, heavy ice. They turned around and followed it, looking for an opening, and followed it all the way across the straits. The witness had not had a great deal of experience with ice of that kind, but any one could see that there was no use attempting to go into a pack of that solidity.

He did attempt to go in at the instance of Mr. Fisher of Manitoba, one of these sanguine westerners, of whom there are so many. He proceeds:

As a result, the 'Diana' was jammed from June 23 until about July 9 or 10. They were badly jammed, and the ship nipped, and all hands got ready to leave her on two or three occasions. That was on July 9 and 10. They had worse jams on July 4. However, the wind changed and the ice began to go abroad, and they got out of it by steaming to the southward.

This was in a vessel constructed for Arctic navigation. An ordinary ship would be squeezed to pieces.

Hon. Mr. GIBSON—She was not an iron vessel.

Hon. Mr. POWER—No. He proceeds:

He got into Hudson bay on July 12, going down between Mansfield island and Coates island. He steamed around, and saw no ice of any consequence, and put about to go out again.

He left on the 21st and was back in Hudson bay on the 24th. That was the first time he was able to pass through without difficulty. That was the second trip going in. On the first trip he had to land Dr. Bell and Mr. Low, and was delayed by that.

Then he says he went back south of Mansfield Island this time, and on September 7th was off Cape Biggs.

They experienced their first snowstorm on that date. From that time on they had snow almost daily in the straits, not heavy snowstorms, but snow squalls.

That was the 7th September. Now, hon. gentlemen will see that an ordinary vessel could not undertake to navigate there while these snow squalls were so continuous. The report proceeds:

The witness remained in St. John's refitting until October 6, and on that date left to go back to the straits. He got back off the mouth of the straits on October 15, and was delayed there by snowstorms. He got back to Douglas harbour on October 18. On the 24th he was again at Cape Wolstenholme. That is at the entrance of the bay, and met no ice. He then went back to Douglas harbour and held on there for a while, intending to go back into the bay again. He made his last attempt to get into the bay on October 29, and was stopped by heavy winds and snowstorms, the ship icing up very much. He tried to force his way, but decided that, all things considered, it was not safe to stay there any longer, and put about.

Then he sums up:

There is no doubt when the strait is properly surveyed and lit, it will render navigation safe, but the climate conditions are such that you cannot expect navigation there after the end of October. This is on account of the hazardous weather, and that cannot be overcome by light. There are snowstorms, and freezing up to contend with. There is nothing a captain dreads more than a snow storm at sea. It is worse than a fog.

Commander Wakeham got out on the 29th October, but no ordinary commercial craft could stay in as long as that, and I am satisfied from the evidence taken before this committee, and other evidence that the ordinary vessel of commerce, the vessel which

will carry a sufficiently heavy load, a large enough cargo to make it pay, cannot navigate between Fort Churchill and the Atlantic except about between the 15th July and 15th October. That is three months. Of course, ships specially constructed might go a little longer, but then with respect to ships specially constructed, in addition to the fact that they carry so little freight, there is this question, what are they going to do during the other nine months. They can navigate from the 15th July to the 15th October, or if they are specially constructed till the end of October, but what are they going to do during the remainder of the year? There is no demand for that class of vessel except possibly in the Newfoundland seal business, and they would probably have to charge a much higher rate of freight than usual. Then again, we have to bear in mind that these vessels, if they were ordinary commercial vessels, would have to pay a much higher rate of insurance than vessels going out of the Gulf of St. Lawrence, and that again would tend to make the freights high. Then, supposing that the straits are navigable for three months in the year to ordinary commercial vessels, how much of the season's grain could be taken out from Churchill before the middle of October? I think only a very small fraction. So that I feel, hon. gentlemen, that our knowledge of Hudson Strait is not of such a character as to justify the country at large in making an expenditure of probably twelve millions of dollars. I think this road from the Pas to Churchill would cost that much. Now, I have asked what the steamers that would be employed there would be doing during the remaining nine months of the year? A more important question, perhaps, is, what would the railway be doing during the nine months when Churchill is practically closed? It does not seem to me that there would be very much for the road to do. There is nothing at the Churchill end of Hudson Bay except a limited quantity of fish. It is a poor water for fish. There are some fish in the lakes between the Pas and Churchill, but these fish would not afford much commercial assistance to the road. It would be better than nothing; but it is an item which I think the railway owners would not take into serious consideration.

I do not like to repeat this thing, because I have said it more than once—we must look at this from the point of view of Canada. I find no fault whatever with the hon. gentleman from the West in looking at it as they do. They naturally think only of the interest of their own part of the country; but we here have to think of the whole country, and it does seem unbusinesslike and illogical for us, after spending at least a couple of hundred million dollars in providing means of communication for passengers and freight between the great west and Montreal, to undertake to construct a railway the only effect of which, if it had any effect, would be to interfere with the business of the roads which we have ourselves constructed, because practically Canada has built the Canadian Pacific Railway just as it is building the Grand Trunk Pacific, and if it has not built the Canadian Northern it has subsidized it to a large extent. I hope I am not narrow-minded nor selfish, but, as a business proposition, hon. gentlemen should hesitate before they approve of this proposal. I admire very much the energy of the people of the west. Considering that they are the persons chiefly interested in this matter, we might expect them to do something handsome themselves in connection with this object. I notice from the newspapers that the province of Saskatchewan has, as they say, money to burn, and is apparently proposing to follow the example of Manitoba and buy out the telephone system there. That is a business that I do not think a government has any right to go into. It is not a government business; it does not pay in the hands of the government; it has not paid in England, and will not pay in Canada, and if any western province has money that it does not know what to do with, I humbly submit that it would be perhaps more in accordance with the fitness of things if that province were to devote some of the money which it had towards helping the construction of this road. If the advocates of this road can show that even for three months of the year, Hudson strait is open to navigation and the road will have a good business during that time, if the people of the provinces which are directly and specially interested are prepared to contribute some of their public

funds to help the undertaking, then Canada might very reasonably give a moderate subsidy to the company, who have faith in the undertaking, stipulating perhaps that other companies shall have running powers over the road on reasonable terms. That is a reasonable proposition; and I for one would be very much opposed to doing any more than that. The people of those three provinces who claim that this is a feasible route, and who are most anxious to have this road built, should put some of their own money into it, and Canada should content itself with giving a reasonable subsidy—not a very large subsidy, but a reasonable subsidy to the people who build it, stipulating in return for that subsidy that other companies be given running powers over it on reasonable terms.

Hon. Mr. BERNIER—The proposal of the hon. senator from Prince Albert is, to my mind, a very sound one. It is not new; for fifteen or twenty years back we have been practically united in the west in favour of the construction of that road. We have not changed our views on the matter. What is always surprising to hear in the debates on this route, is objections as to its expense and doubts as to the navigability of the bay. These objections are without foundation. It is in evidence, not merely from one or two persons who have visited the bay and straits once or twice, but from the experience of the Hudson Bay Company, and old servants of that company, that the straits and bay are navigable for at least four months in the year. Besides, if we consider the progress made in the building of ships, we certainly must look for a longer period of navigation. Besides that, there are facilities now for storing the crops which would put that route in a position for the shipment of grain early in the year. In view of these facts, one is at a loss to understand the hostile attitude of many towards that undertaking, which would place our country on equal footing with the provinces, who export their products by way of the St. Lawrence. As to the expense there is nothing stupendous about it. The road is at most 500 miles in length, and there are firms who are ready to put into that undertaking their own capital. Surely there are local works in which public money has been invested much less that are not so important or so much needed.

The building of that road would give satisfaction to at least three provinces, which will be, in the near future, influential if not commanding provinces. Would it not be a wise policy to undertake a project that would be of such great advantage to the great Northwest especially, and generally to all the provinces of Canada? Such being the case, parliament should not turn a deaf ear to the claims of the west. Sectionalism should be set aside and proper consideration given to such a scheme, the realization of which must be regarded as most advantageous to the Dominion at large.

The hon. gentleman from Prince Albert must be congratulated for having brought this question before the House, and I hope that he will continue to urge the project before the public, in the expectation that he will at last succeed, thereby getting for himself a just appreciation of his work and of his energy, and also a recognition of his true estimation of the needs and the possibilities of our country.

Hon. Mr. PERLEY—I had no intention of speaking on this question, until I heard the remarks made by the hon. member from Halifax. When the hon. senator from Prince Albert placed his notice of motion on the order paper, I naturally supposed that his intention was to bring the report of last session's committee more prominently to the notice of the people of Canada. I thought the whole object he had in view would be effected in that way; but when I heard the hon. senator from Halifax deliver his laboured oration, I felt impelled to make some remarks. I am surprised at the hon. gentleman's speech. He surely has not forgotten the predictions which some of the leading members of his party made when the Canadian Pacific Railway was undertaken. It was the policy of those gentlemen to denounce that enterprise and the country through which the road was to pass. Mr. Blake described it as a country that would not produce enough traffic to pay for the grease required to lubricate the axles of the cars used to carry it out of that coun-

try. He also described it as the home of the wolf and the bear. In view of those predictions, and the remarkable development in the Northwest since then, the hon. gentleman from Halifax ought to hesitate before throwing obstructions in the way of opening up the Hudson Bay route. Any one who looks at the map of this country will see that nature has provided a sure short route for taking the products of the interior to the seaboard. We have the St. Lawrence and the great lakes for eastern Canada, and a glance at the map will show that Hudson Bay was destined by the Creator to be the natural outlet for the products of the great Northwest. There is only one fault I can find with it—if the Creator had only put Hudson Bay one hundred miles further south, it would be a complete outlet for the fertile belt.

Hon. Mr. ELLIS—How would that affect Hudson Straits?

Hon. Mr. PERLEY—I shall come to that in a few moments. Hudson Strait is in places nearly one hundred miles wide, and vessels have been passing through it every season for many years. They were principally old fashioned ships; there never was any inducement to put more powerful and modern vessels on the route. The traffic has consisted in carrying supplies to the Hudson Bay posts and carrying out furs, and the business would not pay the cost of putting on a better class of vessels. But now that we have the Northwest developing rapidly, producing enormous quantities of wheat, although only commencing, in the near future there will be hundreds of millions of bushels of grain for export. With such traffic to be carried, there will be enducement enough for companies to provide vessels suitable for navigating Hudson Bay and Strait the greater part of the year. The Bay is open and suitable for navigation at all seasons of the year, while Lake Superior is frozen up for months. After the close of navigation, the grain of the Northwest is blocked at Port Arthur, unless we haul it clear across the continent by rail to St. John, a distance of 2,500 miles. If we had a road to Port Churchill, it would have to be carried by rail only 500 miles. In view of that fact, will any one pretend to say that Hudson Bay is not the natural and proper outlet for the trade of the western provinces? Only a small portion of our grain goes out now before the close of navigation. The greater part of the crop must be kept stored until navigation opens in the spring. If we had this route open, we could get out more before the close of navigation, because the haul is so much shorter than by way of the lakes. The balance could be carried to Port Churchill and stored there for the winter. The hon. gentleman from Halifax complained of the cost of the Canadian Pacific Railway and Grand Trunk Pacific, and spoke about this Hudson Bay line costing $12,000,000. But $12,000,000 nowadays cuts no figure with the government in power. It is a mere bagatelle to them. The country had confidence in the hon. gentleman's great leaders and had a right to have confidence in them, because it is a proper thing for the people to have confidence in the statements made by their leading men. When they fail to have confidence in them, the country will be in a deplorable condition. Unfortunately the people had confidence in Mr. Blake when he decried that western country and condemned the policy of the government of that day in building the Canadian Pacific Railway. If Mr. Blake had adopted a different course, the hon. gentleman from Halifax would not have to deplore the cost of building the Canadian Pacific Railway. But the course adopted by Mr. Blake and his colleagues at that time was in the real interests of the Canadian Pacific Railway. It enabled the Canadian Pacific Railway to make good terms when they were dealing with the government. If Mr. Blake had said that the Northwest was a great country, capable of producing enormous quantities of grain and had advised the government of that day to be careful and not give large subsidies to the Canadian Pacific Railway, because the traffic of that country would warrant the construction of the line and the road would pay for itself, the government might have been able to make a better contract. The company would have undertaken the project for a much less subsidy than they demanded. When the company came to the government they said, 'Your country is no good, your lands are not valuable and we will not be able to sell them.' The result of all that

was that nobody was taken with the country and the company did not sell much of their lands. The settlers who went in there first did not understand the climate or how to farm in that country. If you do not conform to the laws of nature you cannot produce crops. A lot of us from the eastern provinces, undertook to farm there as we had farmed in the portion of Canada, from which we had come, and failed to raise good crops. But when we ascertained how to prepare the land and when and how to sow the seed, it was very different, and for twenty years the crops have been magnificent. Since we learned how to till the soil in that country we have had no frozen grain until last fall. It happened to be a freak season, but it was the same in every part of Canada. Ontario, the garden of Canada, experienced the same difficulty that we met with. The Canadian west is a great territory and the more the government of this country shows its faith in the future of the Northwest, the better it will be for the eastern provinces. I might give a warning to the manufacturers of agricultural implements; unless they prepare now to produce on a larger scale, they will not be able to supply the demands of the west. In twenty years from now it will be the greatest market for agricultural implements in the world, because there are many hundred millions of acres of arable land there capable of producing wheat of the finest quality and in great quantities. When that land is producing wheat, it will not be possible to export it by shipping it to St. John. This government would therefore add a feather to their cap and credit to their name and win the approval of the public at large if they would take steps to open up the Hudson Bay route. I moved into the Northwest in April, 1883. In June of that year we had an election for a member of the Northwest council. That was the first time we had an election for a local representative. There were two candidates in the district where I lived, Major Bell, and Mr. Jackson, both clever and competent men. Mr. Jackson, in his campaign, advocated the building of the Hudson Bay Railway. Though I was a supporter of Mr. Jackson, I never took any stock in that project, and this is the first time anyone has ever heard me advocate the building of the Hudson Bay Railway. The point I want to make is this: every man then favoured it. It was a popular theme at every meeting. A few years afterwards, Mr. McDonald, who represented the district that I used to represent in the House of Commons, held a series of meetings throughout his riding and advocated the building of the Hudson Bay Railway. I spoke on the same platform and opposed it. I did so and have done so until now and for this reason, I held that the country had gone to great expense in building the Canadian Pacific Railway, and that the country was not prosperous. We had not then learned how to raise good crops; but as soon as we learned how to farm we did raise good crops, more than the Canadian Pacific Railway is able to handle, and now I am in favour of the Hudson Bay Railway. Had we undertaken to build it before now, we would have been competing with the Canadian Pacific Railway; but if we were to build half a dozen Hudson Bay Railways, our connection with eastern Canada, by means of the Canadian Pacific Railway would be necessary, and the railway would not lose either freight or passengers. They cannot now handle the freight coming out of and going into that country in any reasonable time. They must double their tracks and increase their rolling stock to furnish the necessary facilities to take out the products which we raise even now. If the farmers of the west had this Hudson Bay route in operation they could ship their grain to Liverpool for fifteen cents a bushel less than they are paying now, and a great portion of it would go out by that route. We are not a manufacturing people. If we undertook manufacturing we could not compete with eastern Canada and we have to get our manufactured goods from the older provinces. The more you help us to be prosperous, the greater the amount of money we can spend with you. If my hon. friend from Halifax would help us by pointing out the advantages that would arise from building the Hudson Bay road, he would do much more benefit to the country than by opposing it. If I had a horse to sell and I tell a purchaser that he is bad, tricky and unsound and in every way a poor animal, and then ask $200 for him, you would say I was

a fool ; I would be more likely to get my price for the animal if I described his good points. It has been the same with this Hudson Bay route. Just as Mr. Blake decried the Canadian Pacific Railway and the Northwest Territories, and forced the government to give 25,000,000 acres of land towards its construction when 5,000,000 acres would have been a liberal subsidy, the hon. gentleman is decrying this Hudson Bay route and making it more difficult to get it built. There is not an acre of arable land in the Northwest, that is not worth $50 to-day. It is selling for less, but even the slough lands on which we cut our hay is worth $50 an acre or more. The good qualities of the soil in that country are not half known yet. We are living in a progressive age, and when I am told that the Hudson Bay Railway will cost only $12,000,000, I am surprised. I thought it would likely cost more than that.

Hon. Mr. POWER—Very likely it would.

Hon. Mr. PERLEY—The lands in the immediate neighbourhood of the Bay are not productive, but it was shown to the committee last session that vegetables are raised every year within a hundred miles of Port Churchill. Therefore, there would be local traffic for a railway to within 100 miles of its terminus on the Bay, and it has been shown that the route is one which presents no engineering difficulties, and that the last 100 miles which lies in the unproductive section is down grade. The navigability of the Bay and the Straits for a season of three or four months has been established beyond question, and vessels specially constructed for the navigation of northern waters would be able to pass through the Straits for four or five months of the year, giving sufficient time to carry out a great part of the products of the west. Beef and wheat are the great staple products of that country. The wheat which cannot be exported between the harvest and the closing of navigation can be kept over at Port Churchill, and shipped the following spring. Cattle will go out in the fall of the year. The route is specially adapted for the export of cattle, because just as soon as the Straits are open is the best time for shipping cattle out of our western country. They lose heavily in a long haul by rail. Between one hundred and one hundred and fifty pounds per head is the shrinkage between Calgary and St. John. That, of course, means that they are depreciated in value by the time they reach England, where, unfortunately, they must be slaughtered as they are taken out of the ship. I regret that the hon. senator from Halifax has thought fit to make such gloomy predictions about this Hudson Bay route. He is repeating the mistake which his leaders made when the Canadian Pacific Railway was undertaken and I venture to say that if he lives twenty years longer he will blush for the opinions he has offered to this House to-day.

Hon. Mr. LOUGHEED—I have no intention of trespassing upon the time of the Chamber in making any extended observations, except to say that I am rather at a loss to understand the nature of the discussion that has taken place upon this subject, owing to its controversial character. While it has been of a very interesting nature, yet the attitude taken by the government at the last session of parliament entirely dispenses with any necessity on our part to discuss the feasibility of the Hudson Bay straits, or the practicability of building a railway via Hudson Bay. It seems to me the object of this discussion can only be to direct the attention of the government, first of all, to the feasibility of the scheme, and secondly, to the necessity for it. If this has been overcome by the government having made a pronouncement upon the question, it seems, therefore, to my mind, we may place that responsibility upon the government and desist from further discussing the controversial aspects of the question. During last session of parliament, on March 13, I took the opportunity of expressing my views upon this question and elaborated them to some extent. As they are, therefore, a matter of record I do not intend on the present occasion to repeat what I then said. If hon. gentlemen will refer to the debate which took place in the House on February 22, 1907, they will find that the Prime Minister, speaking on behalf of the government of Canada, expressed himself in this way :

> But there is one thing still more needed and that is an outlet to the sea, and the outlet to the sea is to be found in Hudson bay.

The Prime Minister was then discussing this very question, and dealing with the many transportation problems and requirements of the Dominion, and unequivocally, in the language which I have read, committed himself to this very important question to the extent then indicated; and in closing the remarks which he made upon that occasion, he spoke as follows :

I agree altogether with what has been said by my hon. friend from North Toronto (Mr. Foster) that the time has come for the construction of this railway, and I may say to my hon. friend who has brought this question to the attention of the House (Mr. Knowles), and to the members of this House, especially to my hon. friends from the Northwest Territories, who are particularly interested in this matter, that at this very moment the subject is engaging the attention of the government. I am not prepared at this moment to make any further statement than that, but I say this with all the authority which I have in this House, that at this moment the subject is engaging the attention of the government. I am not prepared to say that next week nor the week after, or within a very short time we will have an announcement to make to this House, but I hope that before the end of the session we will have something to declare upon this subject.

I rose to my feet to ask the very pertinent question of the leader of this House, why the Prime Minister, representing the government, having committed himself so strongly as the language indicates, did not before the close of last session make the promise announced ? I would commend this language to my hon. friend from Prince Albert, who is a supporter of this government, and would suggest to him the propriety of further inquiring into the oversight of the Prime Minister, as to why the policy of the government, as was already announced upon this very important matter, has not been carried out. Permit me in this connection to say that I hope the government, in declaring its policy to the country upon this question, will not pursue the act of folly which it has done on other occasions, by extending the order in council which expired on July 10, 1906, to the Canadian Northern Railway as to the land grant of 12,800 acres a mile for the building of this road from the Pas to Churchill, a distance of 400 miles, involving not less than five million acres of land. I hope the project of the government will be to undertake this as a government work, and build it as a State owned enterprise, to administer that land grant of five million acres and the proceeds towards the carrying out of this very important undertaking; that it be carried out by a commission, upon which commission there shall be represented this federal government and the governments of Manitoba, Saskatchewan and Alberta. I repeat that I hope they will not do as they are being importuned to do to-day, to extend the land grant which expired nearly two years ago, to any private corporation or to any railway company, but will appropriate that magnificent grant and the proceeds thereof to carrying out this project as a State owned undertaking.

Hon. Sir MACKENZIE BOWELL—Has the leader of the government nothing to say in answer to the question put to him as to the policy of the government ? Surely he must know something about it.

Hon. Mr. SCOTT—I am not aware that there is any necessity for my speaking on the present occasion. The land grant was placed on the statute-book by the government of which my hon. friend from Belleville was a member. It has no limitation, as far as time is concerned. An order in council was passed by the present administration calling upon the parties to fulfil their obligation within a reasonable time or forfeit the grant. There has been no statutory repeal of the Act. The clause under which this enormous amount of land was given to a railway company for the construction of a road to Hudson bay was not to be found in the Subsidy Act. It was to be found in a curious place where no member of this House could find it, I think. It was in a small amendment to the Dominion Lands Act of 1884. I know it took me a very long time to discover where it would be found, because the subject was not germain to the place where it appeared. Naturally, one would have looked to one of the Subsidy Acts for that. A subsidy of 12,600 acres per mile was voted. In the debate that took place on that occasion it was made very clear, to my mind at all events, that the feeling of the majority of parliament at that time—that is the Liberal opposition and a considerable number of the Conservative party who spoke—was that in giving that large land grant, it should be taken from the immediate locality

alongside the railway. That was the feeling, although Sir John Macdonald denied that the government were bound to that policy,

Hon. Sir MACKENZIE BOWELL—Are we to understand that the policy of the government is to continue that land grant to the company?

Hon. Mr. SCOTT—No.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman says no, that it is not the policy of the government to continue that land grant, and to insist upon the company constructing the road. Is it the policy of the government to assume the five million acres set apart for that purpose, and build the road themselves? That is the point put to the hon. gentleman, and that is the conclusion which every reader of the utterances of the premier must come to.

Hon. Mr. LOUGHEED—I might point out to my hon. friend a misconception which seems to exist in his mind as to the land grant. In 1884, a provision was passed by parliament leaving it discretionary with the government to offer to any company building this road a land subsidy of 12,800 acres per mile. That was done by orders in council. From time to time, orders in council have been passed by the previous government and by my hon. friend's government, providing for the building of this road and the granting of a land subsidy of 12,800 acres a mile. The last order in council expired on July 10, 1906. The government is therefore not bound either morally or otherwise to extend that land grant. I need not point out to my hon. friend that that land grant has increased many times in value since the legislation of 1884, and it was certainly never the intention of parliament that for all time to come, until that land would become so immensely valuable as it is to-day, the order in council should be renewed from year to year.

Hon. Mr. SCOTT—I mentioned that the government did not intend to allot any land for the construction of the railway to Hudson bay. There never was any land allotted beyond the four or five lines in the last clause in the Act to be found in the statutes of 1884. No other legislation by parliament on that subject has taken place. The opposition of that day maintained that if the land was given at that date it would be given alongside the railway, but no land has ever been set aside as selected.

Hon. Mr. DAVIS—There has only been one dissenting voice in this debate, and that is the hon. gentleman from Halifax, and he has, I must say, been very mild in his opposition. A little of the light which we received last winter with reference to this subject has glimmered through my hon. friend's mind, and he has come to the conclusion that there is a possibility of navigating the straits up to the end of October, but he could not get away from the fact that he had to ring in the snowstorms and the fog. I do not know that it is a very proper thing to tell the country about snowstorms and fog. Perhaps, if I exerted myself, I could get evidence that there were snowstorms at Halifax and on the Atlantic, and in the straits of Belle Isle, and I think I could show an occasional iceberg floating around the straits of Belle Isle; at the same time it is a good navigable proposition and has been in fact for years and years, and will continue to be so. The fact that there happened to be an odd iceberg floating around Hudson bay is not an insurmountable obstacle. One swallow does not make a summer. When our friend, Captain Bernier, tells us that we will be able to telephone and communicate with the navigators on the other side of the straits which side of the strait is open, or use wireless telegraph to the same effect, he may navigate a month longer than the time stated. I think Commander Wakeham said the weather was so cold in the latter part of October, that, while there was no ice in the straits, from the fact of the cold weather ice was accumulating on the ship. As I said one swallow does not make a summer. As the hon. gentleman from Wolseley said, this winter, if we take the evidence we have before us, we could have navigated the straits all winter long, because Constable Sellars of the Northwest Mounted Police told us that last winter on New Year's Day and for a couple of days after New Year's Day, the thermometer was ten above zero right at Churchill. That being the case, I

have no doubt at all we could have navigated that route all winter long. We claim a great portion of our grain could go out that way if we had the road built. We do not say all of it. It does not all go out now. A great portion of it is stored at Fort William. We cut our grain in the latter part of August and beginning of September, and a great deal of it is promptly threshed; and if we are as close to tide water as we would be with this road, we could put two-thirds of the crop on steamers going out of the bay before the middle of November, and the evidence goes to show that in an ordinary year we could navigate till the middle of November. We have any amount of evidence to show that the straits are navigable, and also that the bay is navigable, and I do hope that the time is coming when the matter will receive more attention than it is receiving at the present time. My hon. friend said we had plenty of money in Saskatchewan and Alberta, and that we should put our hands into our pockets and assist in building the road ourselves. I may say that we have given a fairly decent subsidy in Saskatchewan and Alberta, but we look on this railway as being a national undertaking. The hon. gentleman from Halifax is aware that Canada as a whole committed itself to an enormous expenditure in the building of the Intercolonial Railway and also to great expenditure every year in maintaining that road because it has never paid, and nobody in the west is grumbling about it. The day will come when western Canada will pay the larger proportion of the bonds, if they are ever to be paid, and we are not grumbling. We look upon this also as a natural undertaking. Of course Saskatchewan could build the whole road if they wanted to do so; no doubt about that. They could guarantee the bonds, or they could float the bonds. But it is a national undertaking, something that will assist in the building up a greater Canada. Therefore Canada as a whole should assist in building the road. As the leader of the opposition says if it was thought wise to build it as a government work, perhaps it would be a good thing; but not to operate it, because I must say I agree with my hon. friend that I do not believe in the government operating railways. I do not think it will be a successful proposition. This history of Canada up to the present time has not gone to show that it is. So that if we had to build it as a government road, then it should be given over to some private company or all of the companies.

Hon. Mr. LOUGHEED—Will my hon. friend permit me to say a word? What I did give expression to last session—and to that I still adhere—was that the government should build the road and give running rights over that section of the road from Pas Mission to the Hudson bay to the transcontinental systems that practically go to the Saskatchewan river—the Canadian Pacific Railway, the Canadian Northern and the Grand Trunk Pacific.

Hon. Mr. DAVIS—That is exactly the idea I had in my mind, and I said, in speaking the other day on this question, that if the government undertook to build this road themselves, it should be built and then handed over to one of the great transcontinental systems to take charge of, because I think that will be the best policy. In the near future we are not only going to have the Canadian Pacific Railway, Canadian Northern and Grand Trunk Pacific, but we look forward to the time when the Great Northern will be carrying its millions of bushels of wheat from the United States over this route to Liverpool. The time will come when the wheat of the western states will surely be shipped in this way. Any road willing to pay a fair amount for the use of this line should be allowed to do so. I am glad that there is only one dissenting voice on this question, and that is mild indeed. If he can point to a few fogs in the Hudson strait, I can point to a few in other straits. We certainly have snowstorms all over. If my hon. friend will look up the evidence I placed before the House, he will find that I produced a fog table and snow table, dealing with snow, fogs and gales; and it certainly is greatly in favour of the Hudson straits as compared with the Straits of Belle Isle. As far as our canal systems are concerned, they are frozen for six months in the year and sometimes seven months. Still no sensible man would say they are not useful the other months of the year. We claim that the Hudson straits will be open four months in the year, and by providing proper lighting, telephone and telegraph sys-

tems, the period might be increased to five months. I want to draw attention to Captain Moody's statement with reference to the straits. We have had evidence year after year with reference to the Hudson bay itself, and I do not think in any case has the evidence gone to show that there were any reefs or rocks out in the bay; still I find in the report of Captain Moody he leaves the impression that the ship he was on struck a reef in Hudson bay. I think there must have been reefs in his head. He must have been down at Marble island, which extends away out into the bay. Everybody knows that in all the information we have had of Hudson bay for hundreds of years no navigator has ever reported any reefs there. I think there was something done with the report of Captain Moody. His superior officer should see that he does not make any more reports of that kind. I hope the government will bring down some policy towards the construction of that road. The fact that the leader of the House has not said anything against it is an indication that something is to be done in the near future towards carrying out the project.

Hon. Mr. SCOTT—The hon. gentleman is quite at liberty to make his motion or to withdraw it. The House has had the benefit of a very interesting discussion. Very many points have been elicited, and they will all be taken into consideration. It may be dropped after the debate.

The SPEAKER—Does the hon. gentleman wish his motion put to the House or does he withdraw it?

Hon. Mr. DAVIS—I do not withdraw it.

The motion was carried on division.

PUBLIC OWNERSHIP OF PUBLIC UTILITIES.

DEBATE ADJOURNED.

The orders of the day being called:

Resuming the adjourned debate on the motion of the Hon. Mr. McMullen, that in the opinion of this Senate of Canada, the public ownership and operation of public utilities would not be in the interest of this Dominion.

Hon. Mr. BELCOURT—I am ready to proceed with this motion, but as it is nearly six o'clock, I will move that it be adjourned till to-morrow.

Hon. Mr. SCOTT—It will be placed at the foot of the Order Paper.

Hon. Mr. POWER—That is not fair.

Hon. Mr. SCOTT—I do not think it is right to detain the House with a discussion of these abstract propositions. It should be taken up after the regular business.

Hon. Mr. BELCOURT—To my mind it is a very important subject, one to which I have given considerable thought and considerable consideration, and I had hoped to be able to deliver myself of my observations on the subject; but if it is going to be continued in this manner day after day without being reached, I will move that the order be discharged.

Hon. Mr. LOUGHEED—There are very few items on the Order Paper for to-morrow.

Hon. Mr. BELCOURT—It will not be reached.

Hon. Mr. LOUGHEED—The other subjects are formal.

Hon. Mr. BELCOURT—The other subjects are academic.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman has the power in his own hands to prevent his motion being treated in a contemptuous manner. He can have from six till twelve o'clock to-night. I quite agree that these abstract propositions should not remain on the notice paper continuously from day to day and week to week and month to month. He can go on, and the Speaker will leave the chair and the House will meet again at eight o'clock.

Hon. Mr. POWER—I think it is perfectly right that discussions on abstract questions should not take precedence of the important practical business of the House, but if one looks at the Order Paper for the next couple of days, he will find that nearly all the matters which are set down for the consideration of the House are subjects of the same kind as this—abstract questions. Take to-morrow for instance. No. One is: 'House in Committee of the Whole on the report of the Standing Committee on Railways, Telegraphs and Harbours.' That is a business

matter. No. 2 is 'Resuming the further adjourned debate on the motion of the Hon. Mr. McMullen: That in view of the agitation regarding the services rendered by the Senate,' and so on. That is an old story. Then No. 3 is 'Resuming the suspended debate on the motion of the Hon. Mr. Landry with regard to the limits of Manitoba, Ontario and Quebec.' I think that if this motion is placed after No. 1—Of course it will be after third readings, if there are any—the hon. gentleman will have attained all that he desires.

Hon. Mr. ROSS (Halifax)—I do not see why the hon. gentleman from Ottawa would not agree to postpone the discussion of this subject till to-morrow, because it is an important subject, I should like to have the opportunity of saying a few words on it and I could not do so to-night.

Hon. Mr. BELCOURT—I am quite willing to accede to the expressed wish of the House, but I want to know when it will be discussed.

It being six o'clock, the Speaker left the chair.

After Recess.

Hon. Mr. BELCOURT—When the hon. senator from Wellington gave notice of the motion which is now before the House, it occurred to me that the subject was one of considerable interest and of great importance, and that I would be discharging in part at least the duties which every member of this House has in common, of taking part in the deliberations of the Senate, and I concluded that this would be a fitting opportunity for me to do so. After my hon. friend had made his very interesting and instructive speech, I moved the adjournment of the debate; then, for reasons over which I have no control, partly because of illness, the subject was adjourned from week to week, until it was called this afternoon. It is quite evident to me that in the meantime the House has become weary of the subject. The impatience shown by the hon. leader of the House when the matter was called, and his satirical suggestion that it should be adjourned for another week, furnished evidence of the fact. I took exception to that because there was an evident intention on the part of the leader of the House to do away with the subject. The hon. gentleman suggested it should be put at the foot of the list, on the ground that it was a subject of an academic nature. There are two or three other subjects on the orders for to-morrow which are largely of that nature, and I concluded that the House, and especially the leader, had become weary of the subject. I would consider it unfortunate if, at any time, I were to rise in my place and become a source of weariness to anybody and especially to the leader of the House, but it would be absolutely unpardonable if I were to address the Senate when I had notice beforehand that the House and the leader are absolutely weary of the subject. Under the circumstances, I deem discretion to be the better part of valor, and I desire to say that I do not wish to discuss the subject to-night. I may have an opportunity at some future time when the subject will be up again. I have given the question considerable investigation and gathered some facts and figures, and some arguments, which, from my own point of view, are calculated to throw light on the subject, on some future occasion, when I can say what I have to say without wearying anybody.

Hon. Mr. SCOTT—My hon. friend is not justified in coming to the conclusion he has stated. No one expressed any weariness of the subject. But where there is business to be put through the chamber, it ought to take precedence of all questions of that kind. In the House of Commons, when a question has been debated for an afternoon some one moves the adjournment of the debate, and it goes over, and you may not hear of it for some months again. We have always been kind to hon. gentlemen bringing up questions of an abstract nature, and it is always understood when such a debate is adjourned that it goes to the foot of the orders. There was no expression of unwillingness to listen to the hon. gentleman's speech on the subject. He is entirely wrong in the conclusions he has drawn; but the desire was expressed that business should not be impeded by discussing questions of that kind. We have not much on our Order Paper to-day, but we did not devote twenty minutes to the actual business of the House. Our time was taken up with questions which

might have been dispensed with or taken up in a debating society, but not in any way connected with the Order Paper before us. I hope the hon. gentleman if he is not prepared to go on to-night, will name some time when he will resume the debate.

Hon. Mr. DERBYSHIRE. There is nothing to prevent him from going on now; we are all ready to hear him.

Hon. Mr. BEIQUE—I agree with the hon. Secretary of State when he says that these subjects should make way for the regular business of the House. On the other hand, this is one of the subjects which should command the attention of this honourable body. It is a question of the greatest importance. Public opinion is pressing forward on subjects of that kind, the municipalization of public utilities or nationalization of public utilities. It pertains to this House to enlighten public opinion and prepare and give a proper direction to public opinion on such questions, and it cannot better be done than by discussing them. For my part, I should be exceedingly sorry if the hon. senator from Ottawa does not give to this House and to the country the benefit of the study he has made of the subject. I hope he will reconsider his decision and will move that the debate be adjourned until a future date. I quite appreciate his position, and if I were situated as he is I would not speak to an empty House on a subject of that kind, but that is no reason why he should not adjourn the debate to a future day.

Hon. Mr. CLORAN—I heartily concur in the remarks made by the hon. senator from De Salaberry. The matter under discussion is one of the greatest importance. We are a young country, developing rapidly and what this honourable House should do to further that growth is to put our institutions on a sound basis. We have the example of other countries, of Australia, for instance, in regard to this matter.

Hon. Mr. POWER—The hon. gentleman should not go into the merits of the question. He made his speech on the merits of the question the other day, and he is out of order in making another speech.

The SPEAKER—I confess I did not remember that the hon. gentleman has spoken on the subject.

Hon. Mr. CLORAN—I have not spoken on the subject which is at issue. I had spoken on the subject of the debate. This rising of the hon. senator from Halifax and trying to block——

The SPEAKER—There is no motion before the House except the question on which the hon. gentleman from Ottawa is called to speak. If the hon. member has moved the adjournment of the debate the hon. senator from Victoria may speak on that subject.

Hon. Mr. CLORAN—Why did his honour the Speaker not call the hon. senator from De Salaberry to order? Are there to be two kinds of weights and measures in this House?

The SPEAKER—The answer is obvious. The hon. gentleman from De Salaberry did not speak on the subject. I may say there is nothing before the Chair except the Order of the Day. Is there any motion to postpone it?

Hon. Mr. CLORAN.—I am not going to make a speech on the subject, but simply to say that I concur in the remarks of the hon. senator from De Salaberry. Evidently the hon. gentleman from Halifax does not like any light, except what comes from his own little town down by the sea. That is not sufficient for the rest of the country. What I have to say is in answer to the remark of the hon. Secretary of State, that this is not simply an academic question for a debating society, but one which involves the great interest of the people.

Hon. Mr. SCOTT—I did not characterize this as a subject for a debating society.

Hon. Mr. CLORAN—My only objection to proceeding with the debate this evening is that it is St. Patrick's day.

Hon. Mr. ELLIS—If the hon. gentleman is not prepared to go on and nobody moves the adjournment of the debate, the whole matter will drop.

Hon. Mr. BELCOURT—I was ready to go on, but evidently the House is not willing to proceed to-night.

Hon. Mr. POWER—In order to settle the matter, I move that the debate be adjourned until Tuesday, and that the order go on after third readings.

The motion was agreed to.

IRRIGATION ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (99) An Act to amend the Irrigation Act. He said: As hon. gentlemen are aware, we have an Irrigation Act which was introduced first in 1894 by Mr. Daly. An amendment was made in 1895, and it was consolidated in 1898. The experience we have had since then has led to some amendments. There is no intention to alter the principle of the Bill, and, therefore, the amendments which I have under consideration can more readily be discussed when the House goes into committee. The only real change in principle is that there are certain questions which have arisen, or are likely to arise, that have in the past been adjudicated by the minister. It is now proposed to substitute the Board of Railway Commissioners for certain questions which involve railways. Beyond that, there is no change in the principle of the Bill.

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

GEORGIAN BAY CANAL.

DEBATE POSTPONED.

The order of the day being called:

Resuming the adjourned debate on the motion of the Hon. Mr. Casgrain, that he will call the attention of the Senate to the importance to Canada of the early construction of the Georgian Bay canal, and will inquire of the government if the report of the survey made of that waterway will be laid before the Senate during the present session?

Hon. Mr. CLORAN—I move the adjournment of the House. I do not think it is necessary, in this sparse House to proceed with a question of this kind. I was heartily in accord with the attitude assumed by the hon. senator from Ottawa in regard to this question. It is now the 17th of March, one of our national holidays, and as we have no important business in the Senate I move the adjournment of the House.

Hon. Mr. BELCOURT.

Hon. Mr. WATSON—The hon. Mr. Talbot asked me to proceed with order No. 12 this evening.

Hon. Mr. CLORAN—Then I shall withdraw my motion, on condition that the hon. senator from St. Boniface does not proceed with the debate on the Georgian Bay Canal project to-night.

The SPEAKER—Does the hon. senator from St. Boniface wish to proceed with his speech?

Hon. Mr. BERNIER—While I appreciate the desire of the hon. gentlemen to-night to hear me speak, I do not care to address an empty House.

Hon. Mr. POWER—In order to relieve the hon. gentleman from St. Boniface, I move that this debate be adjourned until to-morrow.

Hon. Mr. BERNIER—That is my privilege and I make the motion.

The motion was agreed to.

SECOND READING.

Bill (69) an Act to incorporate the Ruthenian Catholic mission of the Order of Saint Basil the Great in Canada.—Hon. Mr. Talbot.

THE HUDSON BAY ROUTE.

ON THE MOTION TO ADJOURN.

Hon. Sir MACKENZIE BOWELL—The Senate to-day has committed itself to a very large expenditure of money, and in view of the declaration made by the premier last session in reference to the Hudson Bay road, and the affirmation of the same principle to-day by an almost unanimous vote, the representatives of the government in this House not voting against it, we are committed as a whole to proceeding immediately with the construction of that very important Hudson Bay railway. What should be known in the interest of those who support the railway, and more particularly of those who will have to bear the cost, is when will the government proceed with the construction of the road. At what period do the government propose to introduce a Bill for the purpose of setting aside

the lands for that road? I am sure the hon. Secretary of State will appreciate my anxiety to know when the work is to be commenced. I take it for granted that the hon. gentleman will see that the wish and the will of the Senate is carried out.

Hon. Mr. WATSON—I would like to point out——

Hon. Sir MACKENZIE BOWELL—When the hon. Secretary of State abnegates his functions, I shall address the hon. senator from Portage la Prairie. I am surprised that the leader of the government should tolerate the assumption on the part of one of his supporters of the functions which belong to himself.

Hon. Mr. SCOTT—I could not see the hon. gentleman.

Hon. Sir MACKENZIE BOWELL—But you told him to speak.

Hon. Mr. SCOTT—I could not see the hon. gentleman with my back to him. I am not aware that being in favour of an enterprise commits me or the government to the immediate commencement of the work. There are many projects that I have favoured, one that is now occupying public attention, that I favoured some fifty odd years ago—that is the Georgian Bay canal. I was a member of the parliament that voted a good deal of money to carry on that work, and yet it did not go on, although the government of that day—my hon. friend's friends—were in power at that time. They persevered for a distance and stopped because, in their judgment, there were other works that required more immediate attention. That is exactly the view I take of this question. We may favour it at a period of time when the conditions of the country are suitable; but the hon. gentleman will admit that the government of this day have a pretty large block of enterprises on their hands and they can scarcely be called upon to take up another.

Hon. Mr. WATSON—I have the same anxiety that the hon. senator from Hastings exhibits for information, as seconder of the motion carried this afternoon. The announcement was made in the other House to-day that there was a surplus of nineteen million of dollars. Notwithstanding the extravagant estimate made by the hon. senator from Halifax, of the cost of building the Hudson Bay road, we could build it in one year, and still have a surplus over.

Hon. Sir MACKENZIE BOWELL—It is quite evident that the hon. Secretary of State has not fully comprehended the motion that was passed to-day. It was not merely the affirmation of a principle, not merely an expression of opinion on the part of the Senate that the work should be done, but it goes further and say that the government should take early action towards the construction of the railway. It is a matter of too great importance for the hon. gentleman to treat so cavalierly.

The SPEAKER—I suppose the hon. gentleman is speaking on the motion for adjournment.

Hon. Sir MACKENZIE BOWELL—On a motion to adjourn, I can speak on almost any question.

The motion was agreed to.

The Senate adjourned until to-morrow at three o'clock.

THE SENATE.

OTTAWA, Wednesday, March 18, 1908.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

BILL INTRODUCED.

Bill (EE) An Act respecting the Pontiac Central Railway Company.—(Hon. Mr. Campbell.)

EQUAL DIVISION OF INITIATION OF LEGISLATION IN HOUSE OF COMMONS AND SENATE.

The order of the day being called:

That the Senate deems it expedient to invite the House of Commons to co-operate with it by means of a joint committee to consider the advisability of devising methods whereby a more equal division of the initiation of private and public legislation may be secured between the two branches of parliament, and adopting rules governing debate which will limit the time of discussion so as to better expedite business.

Hon. Mr. McMULLEN—I have been requested by several hon. members to postpone this motion, and I therefore move that the order of the day be discharged and placed on the orders of the day for March 25th.

Hon. Mr. BERNIER—With the consent of the House, I wish to call the attention of His Honour the Speaker to this resolution, with a view to affording the hon. gentleman an opportunity to alter his motion. We will be asked to vote upon this resolution, and we may take it as it is presented. The resolution is not in order, for the reason that there are two very distinct propositions raised in it. First, we are asked to consider the advisability of devising methods whereby a more equal division of the initiation of private and public legislation may be secured between the two branches of parliament; and, secondly, we are asked to adopt rules governing debate which will limit the time of discussion so as to better expedite business. These two propositions may be conflicting; so that one man may be disposed to vote in favour of the first portion of the resolution, and may not be prepared to vote for the second. Therefore when it comes to a vote, if it gets that far, some hon. gentlemen will have to retire from the Chamber, or be compelled to vote 'yes' and 'no' at the same time. I contend that a resolution drawn in this way cannot be forced upon us. Consequently it is not in order.

The SPEAKER—I shall take occasion to examine the point.

The motion was agreed to.

TRAINING OF MILITIA AT QUEBEC.

INQUIRY.

Hon. Mr. DOMVILLE inquired:

Has the government adopted any plan on the subject of the next training of the Canadian militia ?

Will this training take place, as ordinarily, at the different camps already established in the various provinces, or will there be a concentration of volunteer troops at Quebec during the celebration of the Third Centenary of the city founded by Champlain ?

In the latter case, which are the different corps that are to go to Quebec and how many days are they to stay there ?

Hon. Mr. SCOTT—The question of the training of the militia for 1908, and the part to be taken by it in the tercentenary celebration at Quebec, is now under consideration. The matter has not been decided, but probably there will be a considerable display of troops at the celebration there.

RUTHENIAN CATHOLIC MISSION.

Hon. Mr. SULLIVAN—Before the orders of the day are called, I wish to say a few words that I think will be relevant to this occasion. If there is one rule of this House which is honoured more in the breach than in the observance, it is that with reference to hon. gentlemen giving an explanation when moving the second reading of a Bill. That was done yesterday by the hon. gentleman from Portage la Prairie in moving the second reading of the Bill to incorporate the Ruthenian Catholic Mission of the Order of St. Basil the Great in Canada. When I, as politely as I could, asked him for an explanation, that hon. gentleman with a contemptuous wave of his hand declined to answer and went on with his motion. That is unfair, and particularly in connection with a Bill, which the hon. gentleman, if he had any cognizance of it, should have explained to the House. It is a measure which this House did not know anything about, unless hon. gentlemen had given the subject some study. It is a Bill in connection with a church said to be in communion with the church of Rome, the Ruthenian Catholic church. I thought it had reference to the Galicians, and looked up the matter and found that it was. The Ruthenians are divided in religion ; about half observing the Greek rite and half the Latin rite. I mention this to show how an important matter like this may pass through the House without the hon. gentleman in charge of it knowing anything on the subject. It was referred to the Committee on Private Bills. The arguments which were used some time ago by some hon. gentlemen to show that one required to be a member of certain committees to know anything about the legislation referred to them, were justified in this case.

The SPEAKER—Does the hon. gentleman intend to move a motion?

Hon. Mr. SULLIVAN—No, but I give notice that I shall move at a future day that this Bill be referred to a Committee

of the Whole House. I was simply enlightening the House on something it did not know anything about, and could not know anything about. I observe two things, first that a gentleman should answer according to the rules of civilized society anyhow, and secondly I consider a good deal of care should be exercised in many of these subjects in order that they may be referred to a Committee of the Whole where hon. members may be cognizant of the legislation going on.

Hon. Mr. BERNIER—I may say a word to relieve the conscience of the hon. gentleman In the province of Alberta there is a religious society known as the Ruthenian Catholic Mission, and I suppose this Bill is to incorporate that religious society.

RAILWAY ACT AMENDMENT BILL.

THE HOUSE AGAIN IN COMMITTEE.

The House again resolved itself into :

Committee of the Whole on the report of the Standing Committee on railways, telegraphs and harbours, on (Bill 3) An Act to amend the Railway Act.

(In the Committee.)

The CHAIRMAN—The question is now on the amendment proposed by the hon. gentleman from De Salaberry (Hon. Mr. Beique).

Hon. Mr. FERGUSON—When the House rose on Thursday last, I was dealing with some evidence which was submitted to the Committee on Railways, Telegraphs and Harbours in connection with this Bill. I was pointing out just at the time I resumed my seat a very misleading statement, to use no stronger word, that was made with reference to the legislation in the United States on the subject. It was pointed out, and I frankly believe very nearly every member of the committee accepted it as correct, that there was no such legislation as is proposed in the Bill, in operation in the United States, and that, possibly, the enactment of this measure would divert trade from Canadian roads. As hon. gentlemen will remember I read extracts from the laws of four states of the American Union bordering south of the lakes, states through which this competitive traffic would have to be carried, and I showed by them that the legislation of these states is much more drastic than anything that is proposed in this Bill. That practically the railroads of the states are placed in the hands of the municipalities who can order gates and other protection of that character, and who can in that way compel the railroads to put up these protective agencies, and if they fail to do so, that they have the power in almost every state of limiting the speed, not to ten miles, but to six miles an hour. I might say before I leave this point, that there are in many states of the American Union different legislation from this. It goes a great deal further, looking to the abolition of the level crossing altogether. The State of Massachusetts is the leader in that legislation, and a very important law that has been placed on the statute-book and is being worked out, provides for the abolition in towns and cities of the state of the level crossings altogether, and the substitution of subways or overhead crossings. The legislation of Massachusetts provides that ten per cent of the cost of this shall be borne by the commonwealth, that not less than sixty-five per cent shall be borne by the railway, and not more than 25 per cent by the municipality; so that it is a matter of negotiation and finally of arbitration as to whether the railway shall pay more than sixty-five, or whether the municipality shall pay less than 25 per cent. The sum fixed for the commonwealth to pay is ten per cent. I just mention that in order that no hon. gentleman will imagine that I have presumed to give all the laws of the United States on the subject. Every state has its own laws, and they have some laws dealing with the level crossing, and some other states such as Massachusetts, and, I think, Ohio have laws providing for the abolition of the level crossings altogether in the large cities. I shall now touch on the question of the reduction of speed. The hon. gentleman from De Salaberry pointed out that when the Act was consolidated in 1903, parliament went further, I understood him to say, that it had gone before in reference to this subject, by enacting clause 275. I turn to the Act and I find that the clause for which 275 is a substitute in the Railway Act of 1903——

Hon. Mr. BEIQUE—I did not say anything of the kind.

Hon. Mr. FERGUSON—My hon. friend did say it, and the 'Hansard' will bear me out.

Hon. Mr. BEIQUE—The hon. gentleman is bound to accept my statement, or read from the report of my remarks in the debates. I say I made no such statement.

Hon. Mr. FERGUSON—I accept the hon. gentleman's word. But he did say that parliament went further in 1903. The hon. gentleman may not have meant that parliament placed this clause on the statute-book for the first time, and he may not have said that.

Hon. Mr. BEIQUE—No. If my hon. friend will permit me, I shall show what he has in mind, and will repeat the statement that I made. I referred to and gave the text of section 30 of the Railway Act which gave power to the board to regulate this matter, and I said that by section 275 this parliament went a step further then under section 30, and imposed a limit for the speed of trains through towns and cities to ten miles an hour, unless the railway was properly fenced in.

Hon. Mr. FERGUSON—All right. My hon. friend after all stated almost the exact words that I referred to, that parliament went a step further; but what my hon. friend did not say, I presume, and which I understood him to say nevertheless, was that that clause found its place in the Act for the first time, and my hon. friend did not say that. I accept his word without hesitation; but what I want to point out is that in the Act of 1888 the limit of speed for that purpose—that is protecting the track—was six miles an hour, and it was increased to ten miles an hour in the Act of 1903. I am leading up to make this remark: that a reduction of speed to ten miles an hour is not by any means so serious a thing as the railway companies led the committee to believe, or tried to make us believe it was. In any event, it is only a penalty, and while they have tried to persuade the committee, and while there is an effort being made to persuade parliament as well, that if we passed this Bill all the trains of the country will be delayed, and that their time schedule will be increased, and that the transportation of the country will be disarranged, I submit there can be no such drastic effect in the Bill. Indeed the fault in the Bill is that the ten miles an hour which is only a penalty, is not strong enough, because when a railway stops in a town or village at the station, it must necessarily go slowly over the adjoining crossing. I am speaking now of the smaller towns or villages, and whenever the train stops at the station, it must necessarily proceed at a slow rate of speed, and there is very little inconvenience in coming down to a low rate of speed approaching a crossing that is only a rod or two from the station on one side or the other. When the question of the speed is put forward with such a great deal of persistency, and the issue is being obscured by it, we might as well say that because hanging is the penalty for murder under the criminal code, that the criminal code provides that all men shall be hanged. The ten miles an hour reduction of speed is only a penalty, and as I have said, only a weak penalty, because in most of the towns and villages the speed will have to be brought down anyway as they come to a station where they stop, and it would only affect through express trains which run without stopping at these stations at all.

Hon. Mr. BOSTOCK—In the case of the station being a flag station, as a number of them are in the west, what would happen?

Hon. Mr. FERGUSON—I imagine that there are very few flag stations in towns and villages.

Hon. Mr. BEIQUE—Take the Transcontinental Railway, the Imperial Limited stops at comparatively few stations, and goes through a number of towns and villages without stopping at all.

Hon. Mr. FERGUSON—As far as that is concerned, it may go through without stopping. There is no question about that, and it may go through many. But an attempt has been made to make us believe that this reducing of speed must occur at every crossing. I submit that at least as far as the towns at which the train is to make a call is concerned, assuming it is only a small town, the stopping up at the station will necessitate passing slowly

over the adjoining crossing. I quite admit there are some, and I think it was not necessary for any hon. gentleman to interrupt me on that score, because I was not making the assertion that there were no flag stations where there would be a crossing against which this law would operate, although I do not think there would be many, because it applies only to cities, towns or villages. I want to point out, and I have been leading up to that, that Mr. Chrysler told us before the committee that it took two miles to slow down a passenger train to ten miles an hour, and the experts of the railway were present, and heard the statement, and did not contradict it. My hon. friend from De Salabery read it along with the rest with evident approval, for he said these were the facts as he understood them. Now, I ask my hon. friend, does he recognize that as a fact? I have evidence with regard to that subject that I wish to put before the House, and hon. gentlemen will be able to judge for themselves. Since the discussion began in this House—since the second reading of the Bill, an accident occured at Sunnyside station near Toronto, where a young man named Hansford was killed. It was a train of the Canadian Pacific Railway running over the Grand Trunk track. I referred to that on Thursday last. The verdict of the jury exonerated the Canadian Pacific Railway and their officers from any blame; but found that the Grand Trunk was culpable. The engineer on this train, George Blanco, was examined before the coroner's inquest, and the report of his evidence in the 'Globe' reads :

Engineer George Blanco, of the Canadian Pacific Railway, said he blew the whistle when his train was 80 yards away.

I think that must mean rods. It is probably a misprint. I have copied it as it appeared in the paper. The Act requires the whistle should be blown eighty rods before reaching the crossing, and I assume this should be rods. He proceeds:

His train was 15 minutes late and was going at the rate of sixty miles an hour. The brakes were applied promptly but the train was not brought to a standstill till it was a quarter of a mile past the crossing.

Here was a train going at sixty miles an hour that was brought to a standstill a quarter of a mile past the crossing, while Mr. Chrysler told our committee that a passenger train—and he must have meant an ordinary passenger train—would take two miles to bring its speed down to two miles an hour, which is contrary to the sworn evidence of the engineer on this train at Sunnyside crossing where this man Hansford was killed. But I have evidence in corroboration of that, which I shall submit to the House. I am reading from a work on the Westinghouse Air Brake used in connection with the International School of Railroading. I turn to section 15, and here I find a report of tests made on a train to settle the power of the air brake in bringing a train under ordinary conditions to a standstill :

15. The following table gives the results of tests made on the Central Railroad of New Jersey at Absecon, N.J., in May, 1903. The train consisted of a locomotive and seven coaches, the locomotives having brakes applied to the engine truck, drivers, trailers, and the tender.

The percentage of breaking power of the entire train was 72·8 Six of the coaches had 92·9 per cent, while the other, a chair car, had only 68·9 per cent. The locomotive per cent of breaking power was 48·3; it was reduced by the unbreaked weight of the coal and water on the tender. The total weight of the train was 774,650 pounds; the locomotive alone weighed 294,700 pounds, six of the coaches averaged close to 62,000 pounds, and the chair car weighed 107,600 ponds. Ordinary cast-iron brake shoes were used on the cars and tender, and steel shoes on the engine. This train was from the service, and represented ordinary conditions; the track where the tests were made was level.

Tests were made with the seventy-pound quick action brake, and with the 110 pound high-speed equipment.

The table gives in the first column the speed in miles per hour; in the second, the distance in which the high-speed brake made the stops; in the third, the distance in which the 70 pound brake made the stops; and in the fourth column, the difference in feet in favour of high-speed brake.

LENGTH OF STOP, IN FEET.

Speed in miles per hour.	High speed brake.	Quick action brake.	Distance saved by the high speed brake.
45	560	710	150
50	705	880	175
60	1,060	1,360	300
70	1,560	2,020	460
80	2,240	2,780	540

The result is shown by testing two Westinghouse air brakes, a high speed one of 110

pounds pressure, and the quick action brake of 70 pounds pressure which, I presume, is the brake most used on our railways. If you turn to section 264 of our Railway Act, you will find very stringent enactments with respect to the using of this equipment. There is no 'may' about it, the word used is shall, and I believe our railway companies are well equipped.

Hon. Mr. BEIQUE—On passenger trains, not on freight trains.

Hon. Mr. FERGUSON—I am dealing with passenger trains. Going at the rate of sixty miles an hour, with the use of the quick action brake, the train is stopped in 1,360 feet, just 40 feet more than engineer Banco swore to at the inquest held at Toronto, showing that both are practically the same, and the inference is that they are both correct.

Hon. Mr. BEIQUE—Are not these emergency brakes?

Hon. Mr. FERGUSON—No, it is the ordinary quick action brake I am speaking of. The high speed brake would stop the same train in 1,060 feet. The breaking power on the train was 72·8 per cent. If hon. gentlemen will look it over, they will find that in Mr. Chrysler's statement the limit is just 22 times as great as either of these statements shown, and it was evidently his object to make a strong statement that would impress the committee with the tremendous disarrangement to transportation which would occur in consequence of the passing of this Bill. Working out from that, and taking an ordinary passenger train in Canada—running at 60 miles an hour it could be brought to a stop in 1,360 feet. Our ordinary passenger trains run, I presume, at the rate of about 35 miles an hour. I know there are some much faster than that. The trains between Hamilton and Toronto run at very high speed, but I think I am safe in saying that 35 miles an hour is the average speed of passenger trains in Canada. In that case there would be only a reduction of 25 miles an hour in speed to bring it to ten miles an hour, which is less than half the work to be done in bringing to a standstill a train running at 60 miles; therefore it could be brought to a stop in 440 feet with a seventy pound brake. How different that is from the statement submitted by Mr. Chrysler before the committee.

Hon. Mr. BEIQUE—Let me draw the hon. gentleman's attention to this: Mr. Dillinger said that to reduce the speed of a passenger train to ten miles an hour meant a minimum loss of time of three minutes, while in the case of freight trains it was twice as much.

Hon. Mr. FERGUSON—I am coming to that. If hon. gentlemen will let me proceed I will touch all the important points. I had that very extract ready to read to the House when my hon. friend called my attention to it. Mr. Dillinger's statement is as follows:

> To reduce the speed of a passenger train to ten miles an hour meant a minimum loss of time by three minutes, while in the case of freight trains it was twice as much. With ninety crossings betwen Montreal and Toronto, the increase in time for passenger trains would be from four to five hours.

Mr. Chrysler had put it at five and one-half hours; Mr. Dillinger put it at four hours. I must say I have not absolute faith in the experts of the Railway Commission from the fact that Mr. Dillinger and Mr. Mountain were present and heard Mr. Chrysler make the preposterous statement which I have quoted, that it would take two miles to slow down a passenger train to ten miles an hour, and there was not a word of explanation or contradiction. This statement by Mr. Dillinger requires some explanation. He says it will take three minutes to reduce the speed of a passenger train to ten miles an hour. That does not at all correspond with the tests given in this book from which I have quoted, and when he draws a distinction between a freight train and a passenger train, I am at a loss to know exactly what he means. I have taken lessons on this subject during the late adjournment of the House, and consulted very able and experienced railway men. They tell me that it all turns on your braking power, whether the train is a passenger or a freight train; but this fact remains, that the freight trains do not run at anything like so high a rate of speed as passenger trains do, and the minimum to which they require to be reduced is ten miles an hour. Assuming a freight train is making 20 miles

an hour, you have only ten miles to slow down instead of 25 as in the case of a passenger train. So the difference requires some very serious explanation.

Hon. Mr. YOUNG—The freight train would be much heavier than the passenger train.

Hon. Mr. FERGUSON—Yes, but it all depends on the braking power you have, and if section 264 of the Railway Act is obeyed, as I believe it is, by our railways in Canada, there is not such a great difference between the slowing down of a passenger and freight train if the percentage of your braking power is maintained.

Hon. Sir GEORGE DRUMMOND—The application of the brakes in case of an emergency, and the application of the brakes in the ordinary way in a passenger train are two entirely different things. If you apply the emergency brake on a passenger train running at the speed the hon. gentleman speaks of, every passenger would be thrown out of his seat.

Hon. Mr. FERGUSON—I am not talking of emergency brakes at all. I am talking of the 70 pound brake, not of the 110 pound or high pressure brake.

Hon. Sir GEORGE DRUMMOND—No engine driver running a passenger train would think of putting on his brakes to the fullest extent at once. He puts them on gradually.

Hon. Mr. FERGUSON—I must say that these interruptions are quite unnecessary and uncalled for.

Hon. Mr. JAFFRAY—Will not the application of the brakes depend a great deal on the grade? The hon. gentleman has quoted the figures for level ground; what about a grade?

Hon. Mr. FERGUSON—If my hon. friend had followed me he would have observed that I read from the book that this test was made on the level, and it stands to reason if you are going down grade you would have to put on a heavier application of the brakes than if you were going up grade. I ask, Mr. Chairman, for protection, because at this rate of interruption it will not be possible for me to proceed with my remarks. I may say for the information of my hon. friends around me, that I am not a director of a railway and I am not an owner or a shareholder, but I make it a rule when I address this House on any matter of importance, to post myself upon it, and I not only consult men who are, in my judgment, as well qualified to give an opinion as directors or owners of railways; but, in addition to that, I have turned up standard authorities on the subject, and I am quoting these authorities to the House. When I have done that, if I have misunderstood anything it will be quite open to any hon. gentleman who has more light to throw on the subject and knows more about it than I do, to set me right. I have gone through that part of the subject. I want to make just this statement: Whatever leeway there may be one way or the other with regard to this, there can be no second opinion that the statement made by Mr. Chrysler to the Railway Committee was inaccurate, and under any conditions we can conceive of, with a well equipped train, it is not possible that it would take two miles to slow down a train. I am afraid that many other estimates submitted to the committee by Mr. Chrysler, if investigated, would be found to be equally wide of the mark. Now I come to the question of expense, and I have to quote from Mr. Chrysler again.

Hon. Mr. MITCHELL—How long would it take to start a heavy freight train? The hon. gentleman has explained how long it takes to stop a train; how long will it take to start a train?

Hon. Mr. FERGUSON—I am only presenting the same character of statement as was made to our committee. That statement is that it took two miles to slow down a passenger train to ten miles an hour. I assume that the train is an ordinary one, running at the ordinary speed and running on the level. Perhaps Mr. Chrysler meant slowing it down and starting it again, but if he did, it was many times too long a time, even in order to stop and start an ordinary train.

Hon. Mr. YOUNG—I do not think the hon. gentleman is fair to Mr. Dillinger.

Hon. Mr. FERGUSON—I am speaking of Mr. Chrysler.

Hon. Mr. YOUNG—They were speaking of the train being slowed down in a reasonable manner; but my hon. friend speaks of an emergency, which is an entirely different thing.

Hon. Mr. FERGUSON—I have no time to refer to it again. My hon. friend says it was slowing down in the usual manner, while what I have quoted was slowing down in case of an emergency. I do not think the test reads that way. There may be some difference of that kind, but not a serious one.

Hon. Mr. JONES—In the official tests which the hon. gentleman has quoted from, does the report give the weight of the locomotive?

Hon. Mr. FERGUSON—Yes, and I read it to the House.

Hon. Mr. JONES—In these other tests, do the statements made by Mr. Dillinger show the weight of the locomotive and could the hon. gentleman give the House the difference between the weights of the locomotives in both cases?

Hon. Mr. FERGUSON—My hon. friend is always courteous, and I want to receive interruptions from gentlemen I respect with all possible courtesy; but I think that such an interruption as that should not have come because I had read Mr. Dellinger's statement, and if my hon. friend did not hear it, the fault was not mine, because I think he will give me credit for speaking fairly loud.

Hon. Mr. JONES—I did not hear the hon. gentleman.

Hon. Mr. FERGUSON—Many other interruptions were made in the same way. Now I come to another statement of Mr. Chrysler's:

> In many cases the railways would have to be altered because it would be necessary to construct either an overhead or a subway crossing.

We are now dealing with level crossings in cities, towns and villages that are absolutely unprotected, and, if this statement of Mr. Chrysler's is correct, the situation is even worse than many of us have imagined it could possibly be. Is it possible that a very large proportion of these crossings that are absolutely without protection could not be protected in any way except by a subway or an overhead bridge? If that is the condition of things, a stronger argument is made in favour of this Bill than anything I have heard yet.

Mr. Chrysler said:

> The Canadian Pacific Railway had 1375 and the Grand Trunk 787 crossings which would be affected by this Bill. The installation of gates cost at least $1,000 a year each to maintain them.
>
> The fact was that the passage of this Bill would mean an expenditure by the railways of at least $50,000,000.

Now, I ask hon. gentlemen just how far they believe that statement to be correct. That the protection of level crossings in the cities, towns and villages of Canada, outside of those that have been already dealt with in these places, would cost fifty millions of dollars, and Mr. Chrysler went on to say that it would be but fair that the municipalities should be called upon to pay a share of that. Now that is what is reported, and my hon. friend from De Salaberry read it to the House without comment as if he evidently approved of it. My hon. friend knows very well that section 59 of the Railway Act gives the Railway Commission power to apportion the cost of all protection between the municipalities and the street railways and the general railways. That power is given and is exercised, and when the statement was made to the committee a few minutes afterwards by Mr. Chrysler that the subway on Bank street, in Ottawa, cost $75,000, the impression was left though he did not actually say it, that that was the expense which the railway had to bear entirely, just as he led the committee to believe that this $50,000,000 of expense which he said it would cost to comply with the Lancaster Bill, if put in force, would all fall upon the railways in Canada. In the United States the law in those states that have dealt with the abolition of level crossings, has been to apportion 65 per cent of the cost to the railway company and in the commonwealth of Massachusetts the state bears 10 per cent and not more than 25 per cent is to be paid by the municipality. The award relating to Bank street subway followed on somewhat similar lines. I am

told that the apportionment was made two-eights as against the Grand Trunk Railway, three-eights against the street railway and three-eights against the municipality of Ottawa. That was a little harder on the municipality than the practice in the United States; but it followed on the same lines, and why a statement should be made before the committee to convey the impression to the members of that committee and of parliament that any expense that would be entailed under this Bill would fall entirely on the railways and not on the municipalities, is something I cannot understand, because when the matter is fairly put before the Railway Commission they may be depended upon to do what is fair to the parties. Mr. Mountain said:

> To instal a bell cost $300. To put in a set of double gates about $700, while the cost of maintenance was about $1,000 a year.

I am not challenging this statement. I assume it is a fair estimate, and if we take the 2,500 crossings in cities, towns and villages which they tell us would come under the scope of this Bill, and which would have to be protected, I assume that a very large proportion of them could be very well protected by the installation of an electric bell, the first cost of which would be $300 and which would not require any expenditure for maintenance. Let me point out to hon. gentlemen all the protection we have now under the statute. The engine bell which is necessarily only a very small feeble sounding thing, and the whistle are sounded at a post 80 rods from the crossing. Assuming that the train is running at 60 miles an hour, and this warning is given at the signal post, it just takes 15 seconds for the train to be on the crossing. If the wind happens to be in a different direction, and other noises confuse the sound, or the vehicle driven by the passenger himself makes considerable noise how easy it is for a man who is even ordinarily wary to be caught on one of these crossings under such circumstances. The warning is almost nil. If instead of that an electric bell was installed which could be sounded when the train is five or six miles from the crossing, the warning would enable people to preserve their lives at the crossing of the highway. Why have they not resorted to that means of protection which would have saved the lives of very many who have perished on those level crossings? I have made an estimate of my own on this subject, but, of course, I do not pretend to say that it is of any value. Assuming that 2,000 of these crossings could be well or fairly well protected by an electric bell, the whole first cost of that protection would be $600,000 and there would be no cost of maintenance. How far that would go to ease the public mind I am not prepared to say; but I believe it would go a long way, and it would be the means of saving a vast amount of human life. But it is not done, and we have in the thickly populated parts of the cities, towns and villages, 2,500 crossings without any protection whatever except the sounding of a bell and a whistle 80 rods from the crossing. In the corner's verdict at Sunnyside, near Toronto, it was stated that from 30 to 35 trains a day passed over that level crossing and that the view of persons on the highway was obstructed by cars on the siding, and there was no protection whatever and no warning given except the blowing of the whistle, which was done, I take it, at 80 rods from the place—a quarter of a mile from the crossing and only fifteen seconds from the time when the train would be crossing the highway.

My hon. friend from De Salaberry interrupted me on Thursday by denying the statement which I made to the House that he had last year advised the Senate that section 275 of the Railway Act was a good measure and much better than the Lancaster Bill in the way of protecting the crossings. My hon. friend corrected me and said he had not spoken last year on the question. If he will take the trouble to turn to page 844 of the Senate 'Debates' of last year, he will find himself reported as using these words:

> We have under the Railway Act as it stands, a provision that is very plain and clear, which reads in this way: . . . . .
> We have in the Railway Act as it stands a well drafted law and I would for no consideration consent to substitute for it a law which would have the effect of opening the door to all kinds of litigation and of creating confusion.

I presume that my hon. friend has forgotten his speech of last year. I am not a lawyer, and it is the fate of a layman whenever he makes a statement on anything bordering on a legal question in this House,

to have almost a sneer rise on the lips of hon. gentlemen, that he cannot be right, but that lawyers must invariably be right. With due respect for the legal fraternity—and no man has greater respect for them than I have—I have very little use even for the best of them when they go off at half-cock on any question. They can blunder as readily as any farmer or layman in the country.

Hon. Mr. BEIQUE—What about a layman who goes off at half-cock ?

Hon. Mr. FERGUSON—The opinion of anybody who goes off at half-cock is not worth very much, but I would always take a man with ordinary good common-sense, who studies up his question somewhat, and knows what he is talking about, against the opinion of a professional man who gives his opinion without looking into the merits of the case. I want to point out that to the hon. member from De Salaberry, and I have the greatest possible respect for him and I know that he is possessed of high legal ability, and he has been often of great value to myself and other gentlemen of the House, although unfortunately the shepherd is going astray this time, and leading the flock into a very perilous position ; but I hope he will see the mistake he is making before we are through with this question. Perhaps I had better read to the House what I said at that time myself. I had spoken just before my hon. friend as follows :

I am told that in a large number of cases there were orders of the Railway Committee of the Privy Council existing before the Railway Committee came into existence. It is proposed in this Bill that these orders shall still remain in force. It is not necessary that this should be provided in the Bill because another section of the Railway Act provides that all orders made by the Privy Council should remain in operation. They are continued in operation. All orders made by the board also remain in operation with reference to crossings. The Railway Committees could proceed and obtain orders in regard to others.

I called attention to that point, but the hon. senator from De Salaberry rose immediately afterwards and said :

According to my humble appreciation the adoption of this Bill would have the effect of creating confusion . . . because I must say that I have rarely found a bill so badly drafted as this is.

I thought the economy of the Railway Act as passed in 1903 and as it is now on our statute book, was to substitute for the Railway Committee of the Privy Council in all matters of that kind, that board, and now this Bill seeks to revert to the old system and submit to a different authority.

The clause that my hon. friend pointed to as an illustration of extraordinarily bad drafting by Mr. Aylesworth, Mr. Lemieux, Mr. Emmerson, Mr. Macdonald, of Pictou; the late Dr. Stockton, Mr. Lancaster, and Mr. Lennox—for these were the gentlemen that drafted that clause and prepared the Bill, was a clause that provided that the orders of the old Railway Committee, of the Privy Council, as well as all orders made up to this time by the Board of Railway Commissions, still continuing in force, if the crossing was protected according to any of them, would not require any new application or new order ; they would have the right to run as fast as they like over any crossing protected in this manner. I am now well posted in the history of this question. That clause was put in at the instance of the railway men.

The first draft was that they must keep their crossings properly protected. They said 'we have so many hundred overhead bridges, so many subways and so many gates. We are at a great deal of expense,' and they said what was true, we conformed with the old orders of the Railway Committee of the Privy Council and the orders of the board, and are you going to open up all these orders afresh, and subject us to great expenditure and trouble, and perhaps have to tear down some of our works and construct them over again.' The committee, I think, fairly said 'We will not put you to that trouble at all, but we will put a clause in the Bill that will except all crossings dealt with by these old orders, and that will be a sufficient answer with reference to any complaint that shall be made under this Bill. But when the Bill came to this House the very presence of that clause which was put in in order to meet a strong and very reasonable objection offered on behalf of the railway companies, was given as a reason why we should throw out the Bill, because it was badly drafted. When the Bill was prepared by that committee, every one of them lawyers of high standing, we might assume without investigation that it

was not badly drafted. I think the hon. gentleman from De Salaberry will now frankly admit that it is not so. He has admitted this year that it was correctly drafted at least in this respect, and he has in his own amendment, although he has made a difference, and the difference is as essential as the difference between chalk and cheese, yet he follows the form of the drafting in most particulars.

Now I come to my hon. friend's speech, and if hon. gentlemen will read that speech carefully they will find that he took up about half his time demolishing what? Not the Lancaster Bill, but an amendment to that Bill which he drafted himself and succeeded in persuading the Railway Committee was a good and proper amendment for parliament to adopt. When the committee met after the first day, after hearing the representatives of the railways, my hon. friend drafted an amendment and it was ordered to be printed, and the committee adjourned for eight days. We met again and my hon. friend pressed his amendment, and it was carried by the Railway Committee. Then, he gives notice and comes to the House and took up about half of the time of his speech to show that that amendment was not a good one. What I said about lawyers going off at half-cock is pretty well illustrated in this respect, and it would not be a very unkind or very unfair inference to conclude from my hon. friend's action, that if another stage of this Bill was to be taken, we would find him amending his own amendment once more. But this is what he said:

> The second condition in the report of the committee is :—
> Or unless such crossing is properly protected in accordance with such orders, regulations and directions, or unless permission is given by some regulation or order of the board.

This extract is taken from my hon. friend's own draft, the resolution that was carried in committee, and which was reported to this House, but which my hon. friend now proposes to amend. He proceeds:

> I draw your attention to this, that this wording is making a difference between 'duly maintained' in accordance with the orders, regulations, and directions of the Railway Committee,' and 'crossing properly protected in accordance with such orders, &c.' It would be very confusing, and for my part, as a lawyer, I would be at a loss to understand the meaning of the Act in making such a difference. So, in the amendment which I offer, I make all into one condition.

Here we have my hon. friend admitting that when he rises in this House as a member of the Committee of the Whole he would, as a lawyer, find it very hard to understand the amendment he succeeded in getting the Railway Committee to agree to two or three weeks ago. If I am putting this matter unfairly, my hon. friend will of course be able to convince the House I am doing so. I am quoting his words from 'Hansard.' But now I come to another part of the hon. gentleman's speech, and after passing over the part of it in which he proceeded to put himself right, he makes a speech which would have been an excellent introduction in this House for the Lancaster Bill, for opinions are expressed which are entirely in accord with that Bill; but there is this difference between the Bill and my hon. friend's speech, that it is very hard in many respects to bring them into contact at all. I heard a story of an old preacher who was approached by a young divine whom he had heard preach. The young divine asked him 'What did you think of my sermon?' The old preacher answered : 'Your sermon was well enough, but if your text had the smallpox your sermon would not catch it.' That is the way with the amendment which my hon. friend asks this House to agree to and the speech he made in explanation of it. I will read some extracts from the hon. gentleman's speech as it appears in the unrevised report of the 'Debates.' I have not been able to get the revised edition, but I accept the unrevised against myself as being generally correct, and I am sure my hon. friend will not object to my using it against him. He spoke as follows:

> It should be made the duty of all railway companies to protect the highway crossing and to make them responsible if it is not protected, as is deemed advisable by decision of the experts of the Railway Commission.

Nobody could want a better reason than that for passing the Lancaster Bill, but no reason at all for passing the shilly-shally amendment my hon. friend is asking the House to adopt. He proceeds :

It seems to me that the extent to which this parliament should go would be to make it the duty of the Railway Board to take up all these matters as fast as they possibly can, and to prescribe in a technical way and in a wise manner, how the protection in each case should be made.

Can the hon. gentleman point in the amendments which he he has submitted, as far as it differs from the Lancaster Bill, where there is one single vestige of protection for these crossings to be found from beginning to end? My hon. friend took good care to take out the words, 'Unless these crossings are properly protected,' and he inserts in lieu of those words the shilly-shally expression, 'Unless permission is given by the Board.'

Then he proceeds:

It will be encumbent on the railway company, before they can exceed a speed of ten miles an hour at crossings, to obtain an order of the Railway Board prescribing how that highway crossing shall be protected, and to comply with that order or otherwise be liable.

Again I say first rate, but that is a recommendation to the Lancaster Bill, but not of the amendment my hon. friend is proposing. He further says:

Therefore, we should make the Bill as effective as possible, provided we make it reasonable and practicable, and we should go to the extent of making it the duty of the Railway Commission to proceed as fast as possible in requiring the railway companies to provide as great protection as is practicable in every case.

Will my hon. friend point out to me, and I shall not mind being interrupted now, where he has introduced one line in his amendment which provides for these things he has so well put before the House in his speech?

Hon. Mr. BEIQUE—I shall answer my hon. friend. I have tried to show that the Lancaster Bill, if it were passed as it came to this House, would not attain at all the object sought for by the hon. gentleman, because as I stated and I repeat, that every railway in obtaining power to build a line, had to build those railways according to the order either of the Railway Commission or of the Railway Committee of the Privy Council, and that, therefore, the Lancaster Bill was defective in this respect——

Hon. Mr. FERGUSON—I am not saying anything about the Lancaster Bill at all. I am asking the hon. gentleman about his amendment. I have given him the floor for one purpose.

Hon. Mr. BEIQUE—What is it?

Hon. Mr. FERGUSON—In reference to his statement:

Therefore we should make the Bill as effective as possible, provided we make it reasonable and practicable, and we should go to the extent of making it the duty of the Railway Commission to proceed as fast as possible in requiring the railway company to provide as great protection as is practicable in every case.

I ask the hon. gentleman to point out from his amendment, and from the words that he has introduced in that amendment, not from anything he has copied from the Lancaster Bill, anything that will sustain his speech?

Hon. Mr. BEIQUE—It results from this: that the speed is limited to ten miles an hour unless the Railway Board issues an order either permitting them to exceed that, and this order may not be issued for the crossing. Practically, it must be issued for every crossing. An order may cover several crossings at the same time, but the rate of speed is reduced unless the commission acts and takes the responsibility of acting.

Hon. Mr. FERGUSON—The hon. gentleman is still explaining the provision in his amendment which he borrows from the Lancaster Bill, and is the clause which I have explained to the House that deals with existing orders of the old Railway Committee of the Privy Council, with regard to crossings, but he skilfully avoids reference to his own provision unless the board gives permission.' I will point out to my hon. friend another statement in his speech which requires explanation, as well as that to which I have just directed attention. He is now explaining this clause of which he is the author, and which is to be found in this Bill, and is not in the Lancaster Bill.

It will be encumbent on them, failing their being able to comply with that, to obtain in the meantime permission from the Railway Board to exceed for a given time that speed, either for the twenty-four hours of the day, for certain hours of the day.

Will the hon. gentleman point out where in his amendment there is any given time mentioned, where he has provided for an interim order at all? My hon. friend knows there is nothing of the kind in it. I will submit to him a paraphrase of his Bill, and I am in the judgment of hon. members in this House, whatever their opinions on this question may be, who will read my paraphrase of his amendment, and then take up the Bill and say whether it is not a fair one. It is as follows: All trains may pass at any rate of speed in and through the thickly peopled portions of cities, towns and villages, provided the highway crossings are maintained in accordance with orders in force by the Railway Committee of the Privy Council or the board, and such trains may also pass over, all other highway crossings in such cities, towns and villages at similar speed without any protection being provided at such crossings, if permission is given, such permission need not be based on any examination of such crossing, and may continue in force indefinitely.

I am not giving the words, but I am giving the meaning and paraphrasing the Bill. There is not a word in it that there shall be an examination of the crossings before these permits are given. There is nothing in the Bill that the permits shall be given for a limited period of time, and there is nothing to indicate that one order could not be made to cover the whole 2,500 crossings.

The fact is, you emasculate the Bill by taking out the only words that were of any real value to the public, because the old orders of the Privy Council were in force and orders passed by the Railway Board up to the time of the passing of this Bill would still be in force, but fearing that they might be impaired by the strong words 'unless such crossing is properly protected' there was a provision put in the Bill that all these orders of the Railway Committee of the Privy Council and the Railway Board of Commissioners should be in force and the effect was that they enable the railway to run over ten miles an hour over such crossing. I took occasion on Friday last to refer to a summary that our press reporter prepared with regard to my hon. friend's speech. I think the reporter trusted for his explanation of the Bill to my hon. friend's speech, rather than to the amendment he moved. I presume he thought it was impossible for an hon. gentleman to make a speech of one kind and propose a motion that was altogether in an opposite direction, and I presume the reporter was misled, as well he might be, for many hon. gentlemen, were astonished when they heard my hon. friend's speech and afterwards took up his amendment. They would find it impossible to believe that the same mind was behind both the amendment and the speech. It was no wonder the summary reporter should have been misled and make the mistake he did, if he paid any attention to my hon. friend's speech, which he had to do as a reporter; but I notice that another very distinguished party made a mistake as well as he did. I refer to the Toronto 'Globe,' and that is a paper that I must say, usually gives on the whole, making some allowance for party feeling from which very few of us are entirely exempt, in its news columns a very fair report of what is going on in the country. I have received as much justice in the reporting columns of the 'Globe' as I have from any Canadian paper. Indeed I have been inclined to give it the palm for giving me more justice than any other paper. But the Toronto 'Globe' fell into an exactly similar mistake as that of our reporter. I do not know if the hon. gentleman from De Salaberry looked over the Toronto 'Globe' of Friday last. If he had he would find that the 'Globe' started the report on the level crossing question, and used my name throughout, and attributed the hon. gentleman's speech, as well as my own speech to me; and I could not find much fault. The Toronto 'Globe' was led into the mistake that he was a stout advocate of protection of the crossings, from his speech. If the paper had looked into his amendment its dream would have been very soon disipated. I have referred to the words of my hon. friend with regard to the permission of the Board, and I would in all kindness and courtesy ask him if he felt justified in telling this House that this permission was to be for a given period, without putting any such words in his amendment. My hon. friend said in his

speech that the permission would be 'for a given time,' and I have read other statements which are equally at variance with the action which he asked this House to take by his amendment. My hon. friend came to another point, and here I will have to differ from him very pointedly, and before I do so I will read the Lancaster Bill exactly as it has been passed three times by the House of Commons. It is as follows :

1. Section 275 of the Railway Act is repealed, and the following is substituted therefor
275. No train shall pass over any highway crossing at rail-level in any thickly-peopled portion of any city, town or village at a greater speed than ten miles an hour, unless such crossing is properly protected, or unless such crossing is constructed and thereafter duly maintained in accordance with the orders, regulations and directions of the Railway Committee of the Privy Council and of the board in force with respect thereto. The board may limit such speed in any case to any rate that it deems expedient.
2. The company shall have until the first day of January, one thousand nine hundred and nine, to comply with the provisions of this section.

That is the whole Bill. The hon. gentleman leaves out the vital words, the whole principle of the Bill, 'Unless such crossing is properly protected,' and substitutes for it the shilly-shally provision, 'Unless permission is given by the Board.' But my hon. friend has declared :

Then I take exception to this Bill, as worded, for this additional reason; that it is sought, instead of leaving to the board the decision as to how in each case the highway crossing shall be protected, it leaves it to a jury in all cases. . . .
It must comply with any one of three conditions; first, unless such crossing is properly protected. That is a question which will be left to the jury.

He is speaking of the Lancaster Bill. I know I have heard the statement from him elsewhere, it is a very partial statement, and I do not think that he has an opinion that every crossing within cities, towns and villages that are unprotected by orders of the board, and every matter relating to them, will be afterwards handed over to a jury. Does my hon. friend believe that? Is that his view that these crossings, by that provision, 'Unless such crossings are properly protected' are taken out of the jurisdiction of the board and handed over to a jury? Does he believe that? I would like to have an answer.

Hon. Mr. FERGUSON.

Hon. Mr. BEIQUE—I shall answer the hon. gentleman when he has finished his speech.

Hon. Mr. FERGUSON—Judging from the freedom with which the hon. gentleman has interrupted me without hesitation, I imagine that if he were very eager to elucidate that point, he would not hesitate to answer me now.

Hon. Mr. BEIQUE—My meaning is perfectly plain. I cannot imagine that the hon. gentleman does not understand what he is talking about. I am sure he understands. He understands that if we take either one Bill or the other——

Hon. Mr. FERGUSON—I am taking the Lancaster Bill.

Hon. Mr. BEIQUE—That the jury will be called upon to pass upon the question as to whether the company is responsible, not in connection with every crossing, but in connection with a crossing where an accident may have happened.

Hon. Mr. FERGUSON—I am very much obliged to the hon. gentleman; and I am pleased that I have succeeded in getting him on his feet and with receiving his answer. The hon. gentleman says it would only come before the jury when an accident happened on some particular crossing. On some of them it might never happen, and in others it might only happen once in ten years. It only goes before the jury when an accident happens, but he told us it would be under the jurisdiction of the jury in every case. I leave it to hon. gentlemen in this House if they did not understand him to say that the protection of these crossings was to be taken out of the hands of the board altothe jurisdiction of the jury 'in every case.' gether, and was to be vested in a jury in every case. I have gone to the trouble of fortifying myself on this point; but, as in the days of Daniel Boone, when he pointed his gun in a tree the coon came down, I have not had a necessity to use my ammunition at all; nevertheless I shall show the House the foundation I was going to lay against his speech. but not against the explanation he has made just now. Section 30 of the Railway Act reads as follows:

Section 30. The board may make orders and regulations:

(h) With respect to any matter, act or thing which by this or the special Act is sanctioned, required to be done, or prohibited; and

(j) Generally for carrying this Act into effect.

And we declare by this Act, which we make a part of the Railway Act of Canada, that the crossings shall be protected; and then section 30 declares that the Board shall do it. But my hon. friend, while he led the House to believe that it would open the door to any amount of confusion, and that it would put these crossings, in all cases, in the hands of a jury, and we would have one decision in one part of the country, and another in another explains that all he meant was that the jury would have to deal with an action for damages.

I ask the House why a court and jury should not deal with an accident when the wife and children of a man who is killed at a crossing apply for compensation for the injuries done? Why should they not have redress? It is no reason to them to say the Board has been lax in its duty, and has not exercised the permissive power given to them. That is not a good answer. It is not a good answer that the Railway Company neglected to make an application to the Board for permission to put in a crossing; but as I read the decision of the Supreme Court, the parliament of Canada having passed the Railway Act and created the Board of Railway Commissioners, and given them jurisdiction, whether they exercised the jurisdiction or not, the law closes the door against the family of any man who is killed on the railway, against a suit for damages because the jurisdiction is taken away from the jury and is placed in the Board; and although the Board may be lax and fail, as it has failed in many cases to perform its duty, and although the railway companies may have taken advantage of that laxity and not made the protection, yet the poor family whose bread-winner has been killed at a crossing are prevented from going to a jury to obtain damages for the loss they have sustained. Is that right? That is the position of the law at present, and that is the charge which my hon. friend makes against the Lancaster Bill, that it will allow people to go to a jury, where the railway company has neglected to protect its crossings. The situation at present is that parliament has created a condition of things that bars a suit on the part of the family whose bread-winner may have been killed at one of these highway crossings.

Hon. Mr. SCOTT—That is a strong statement. Is the hon. gentleman justified in making it?

Hon. Mr. FERGUSON—Yes, it is justifiable. The hon. Secretary of State has a great many things to attend to, and it is impossible for him to follow the details in these matters. I have the judgment here.

Hon. Mr. SCOTT—I would like to say to the hon. gentleman, that he has made many criticisms of the lawyers, but I think it would have been better if he had consulted a lawyer before making those statements. Section 275 was not thought of till long after the case to which he referred. It was not the law on which they decided the case. He cited from the case of McKay vs. Grand Trunk, but quoted section 275, which was not enacted until many years after that accident occurred.

Hon. Mr. FERGUSON—My hon. friend is entirely wrong.

Hon. Mr. McMULLEN—Everybody is wrong but the hon. gentleman from Marshfield.

Hon. Mr. FERGUSON—Section 275, almost word for word was found in section 10 of the Act of 1888 and 239 of the Act of 1892 with this difference, that six miles was the speed limit under the old law, and it is ten miles under this Act.

Hon. Mr. SCOTT—The wording is not the same.

Hon. Mr. FERGUSON—I am making this statement on my veracity as a member of parliament. My hon. friend made a statement to the House, and it is really astonishing to hear such a statement as that made, that this section 275 was enacted for the first time after the case of McKay vs. the Grand Trunk was decided.

Hon. Mr. SCOTT—Yes.

Hon. Mr. FERGUSON—I tell him that this clause has been in the Act away back for twenty years, and that the decision in McKay vs. Grand Trunk was rendered in 1903, and turned upon this clause and the judgment is the law of the land. I am not stating it as my opinion. I am not putting it forward as the opinion of any legal gentleman I have consulted in this matter, but I am putting it forward as the judgment of the Supreme Court of Canada, which judgment has not been appealed from, and which is the law of the land at the present moment, and it stands in this way at the present time that with regard to these 2,500 unprotected crossings —and a great many more in the rural districts, that no matter what accident may happen or how blamable the company may be, or how great the injury to the person, there is no remedy to the farmer, because parliament has passed this Act and created this jurisdiction. That is the judgment of the Supreme Court, and the judges went further and said the board had to act before the railway company could even put up a gate. I read that part of the judgment to the House, and it is not necessary I should repeat it simply because some hon. gentleman was not paying attention or did not follow me. The law as laid down by four out of five of the judges was that without an order of the board the railway could not erect a gate on a highway, and after all it is pretty nearly common-sense. Every one has a common law right on a highway, and it can only be taken away from him by a statutory law. The railway company does not get the right to the width of the right of way of the railway on the crossing. They only have an easement, and have no right to put up a gate until they have an order of the board. When they do not apply for an order, and the board does not make one, it leaves these crossings as death traps to the people without any remedy in the case of an accident occurring at any one of these crossings. My hon. friend went on to say:

If it were left to a jury of course it would be left to a jury in each individual case.

Still, the idea with the hon. gentlemen was, that the whole 2,500 crossings were going to be left to a jury. He proceeds:

One jury, in one case, would decide that such a thing is a proper protection, and the jury in another part of the country would decide that it is not a proper protection, and there would be confusion of decisions which should not obtain in matters of this kind.

We all know that the law is very uncertain, and if you seek protection in the court, everything will depend upon the evidence. There may have been circumstances in one case very different from those in another, and a stranger looking on might say that some verdicts must be wrong. There might be some cases in which the jury would find the person who was killed was so culpable by his contributory negligence that he was not entitled to any compensation. It might be in other cases that reasonable conditions had been complied with, so the verdict of juries might differ from each other, but the reliance of the people is on a jury, and to a jury they ought to be able to go when anything so serious is to happen to them as the loss of the bread winner or other member of a family through an accident at a highway crossing. If the parliament of Canada is content to leave the law with regard to those crossings as it now is by that decision of the Supreme Court, they will take a great responsibility before the people of Canada. The House of Commons are not disposed to take any such responsibility. They have passed this Bill three times, and it will be seen whether the Senate of Canada is so oblivious to what is right in the case as to throw it out for a third time. Before resuming my seat, I wish to submit to the House newspaper reports of some three accidents that have happened since this debate began in the Senate. I see representatives of the Canadian Pacific Railway and the Grand Trunk Railway are in my hearing, but I have this statement to make, that the fatalities occurring in this connection on the Grand Trunk Railway are out of all measure greater than on the other great railways of Canada, and very much greater than on the Canadian Pacific Railway. That redounds to the credit of the Canadian Pacific Railway, and I take it as a fact that they have equipped their lines better, or employ better men, because these extraordinary fatalities are attached to the operation of the Grand Trunk Railway. I showed the House, on Thursday, that while one person was killed or injured in

the last three years for every seventeen crossings of the Grand Trunk Railway, only one person was killed or injured to every 59 crossings of the Canadian Pacific Railway in the same period. I am not making any explanation of the cause of this difference.

Hon. Mr. POWER—The hon. gentleman must bear in mind that the Grand Trunk Railway, as a rule, runs through a much more thickly peopled country.

Hon. Mr. FERGUSON—That may explain. I am not here to make a good case for any one railway company. I believe they are all culpable, and since this debate began in the Senate three valuable lives have been lost between Montreal and Toronto and all on the Grand Trunk Railway lines. In view of that fact, while it may not be the fault of the management of the Grand Trunk Railway, that railway company should not press its views so very strongly on parliament as it is doing. Here is the report in the Toronto 'Globe' of the accident which happened at Sunnyside only about three weeks ago. It is the report of the coroner's investigation:

A dangerous crossing—Grand Trunk Railway held responsible for death of Percy Hansford.

Coroner's investigation into the fatality at Windermere avenue, Swansea, on Monday afternoon—Canadian Pacific Railway train was going sixty miles an hour.

We the jury find that the death of Percy Hansford was caused by being struck by Canadian Pacific Railway train No. 34 while crossing over the crossing of the Grand Trunk Railway at Windermere avenue, in the township of York, being then on the allowance travelled by the public.

We attach no blame to the engineer or crew in charge of the train.

We, the jury, also find the Grand Trunk Railway is to blame and responsible for the death of the said Percy Hansford by maintaining such an extremely dangerous crossing, having a total disregard to the interests of the public using the same. There is a large number of passenger trains, thirty-three in number, passing the point at a rate of from fifty to sixty miles an hour, as admitted by the railway witnesses. The view of the tracks when travelling southerly is interrupted and shut out by buildings and cars left by shunting engines.

We recommend that immediate steps should be taken to secure the protection of the crossing by gates or watchmen at the least.

The foregoing verdict was returned after midnight by Coroner Forbes Godfrey's jury, sitting at the home of Mr. Charles Nurse at Humber bay, and investigating the death of Monday afternoon of Percy Hansford, the Swansea boy killed at the Windermere avenue crossing by a Canadian Pacific Railway train. Harry Somers, of Swansea, who was driving with Hansford, said they were proceeding south on Windermere avenue, and approaching the crossing they heard no bell, or other warning given. They were watching a shunting engine to the east of the crossing, when their attention was turned to the Canadian Pacific train, which was coming from the west. The horse was just on the track upon which the train was coming and Hansford made an effort to urge it on. The horse did not go any faster, and the witness saved himself by climbing over the seat into the back of the waggon. Hansford also tried to get out, but was too late. He was hurled about thirty yards and instantly killed.

Engineer George Blanco, of the Canadian Pacific Railway, said he blew the whistle when his train was eighty yards away. His train was fifteen minutes late, and was going at the rate of sixty miles an hour. The brakes were applied promptly, but the train was not brought to a standstill till it was a quarter of a mile past the crossing. The other witnesses included Conductor W. J. Walker, Provincial Constable Simpson and Geo. Vincent, the fireman. The last named said all the crossings at Sunnyside are dangerous and he has been very careful in his lookout there. Evidence was also put in as to the amount of shunting done there, and to the dangerous condition of the crossing. Peter Slater, agent at Swansea, described conditions at the crossing and the number of trains which passed there.

Coroner Godfrey asked the jury to take steps to put a stop to a repetition of these fatalities near Sunnyside and place the responsibility. Mr. H. L. Drayton, K.C., appeared for the Crown.

I should like to know whether the Board or the railway company has done anything towards the protection of this Sunnyside crossing? This is a case where the particular hardship comes in. There was no order to protect this crossing. The Board had not been appealed to, and there was no order made and the friends of Percy Hansford cannot go to the court and claim damages because the Board had not acted, and the company had no authority to erect gates. Parliament has created this jurisdiction. I have another case here which occurred at what is called a protected crossing. Some wonder was expressed in the House that people were sometimes killed at protected highway crossings. I will read reports of two cases which have occurred within the last few days, and the explanation of the cause will be seen at once:

Gates were defective—Company blamed for accident at Bloor street crossing.

Witnesses testify that dead man could have walked under gates and not known they were down or train approaching.

After sitting from eight o'clock to eleven fifty-five last night the jury returned a verdict to Dr. A. E. Morgan, censuring the railway company for the death of G. H. Scott, 1393 Bloor St. West. Scott, a man with a family of eight, was struck and instantly killed by a Grand Trunk express at the Bloor St. crossing last Friday night.

The verdict of the jury, in part was :

We all agree as to the deceased's meeting accidental death. We are also all agreed as to the exoneration of the train crew, and the gateman in discharge of their duties; we are further agreed that the gates on the night in question were not in proper working order, and that we (the jury) do censure the railway company for having their gates so long a time in such a defective condition, in not having a signal in the watchman's cabin, and that in our opinion had the gates been in proper working condition the accident would not have happened.

Yesterday several witnesses testified that the gates at the crossing were lowered in their presence, and that when they were so lowered they were five and one-half feet from the ground. As Scott was a man of short and stooping stature the witnesses concluded that he could have walked under the gates without stopping or being aware that they were down and a train approaching.

The gates were warped and would not fall low enough, so, by the evidence, it appears that it was dark and the gates were suspended so high that this man walked under them thinking that they were really open. Another case to which I wish to draw attention occurred in Montreal, when a very well known gentleman—I dare say the hon. senator from De Salaberry knows him, Mr. Noel Wilson, was killed. The report of the case is as follows :

The level crossing claims new victim—Mr. Noel Wilson, brother of Mr. C. A. Wilson, struck by light engine at Vine street.

Level railroad crossings on the Grand Trunk Railway from Bonaventure station to Victoria bridge were responsible yesterday for another fatality. Noel Wilson, a farmer, of the Ile Bizard, was yesterday afternoon fatally injured, his horse killed and sleigh smashed by a Grand Trunk Railway engine at the Vinet street crossing gates.

The victim was still living at the General Hospital this morning, but the doctors have no hope for his recovery. He has not regained consciousness since the accident. He is a brother of Mr. Charles A. Wilson, K.C., of this city, and of Mr. Bruno Wilson, journalist.

The son of the victim was an eyewitness of the accident, as he was driving in the sleigh immediately behind his father.

It appears that the Vinet street crossing gates were not working properly, the frost interfering with the manipulation. On account of this, Gateman Choquette was instructed to stand guard at the crossing with a flag and warn people not to venture on the tracks when the train was approaching. Witnesses state that the gateman took this precaution at the time of the accident, but it looks as if the victim did not understand why there was any danger when the crossing gates were up, so continued to drive ahead, just in time for his sleigh to be struck by a light engine running west. He was knocked out of the sleigh and his skull fractured. Horse and sleigh were carried along by cow catcher by about twenty-five yards before the engine was stopped.

The victim was forty-three years old.

The two last cases I have read are cases which would come under the view presented by the hon. senator from De Salaberry; they would certainly go to a jury. My hon. friend said in his speech that :

Of course the courts or juries would have to decide whether the company has complied with the requirements of the Railroad Board. The court and jury will have in each case to decide whether the crossing was at the time of the accident, protected as decided by the Railway Board.

I present these two cases as showing that highway crossings having been ordered, the company is then bound to keep the gates in proper order. Having failed to do so, the friends of the victims in the two cases I have mentioned will have cases to take to the courts, and if the facts are as stated by the newspapers they will have little trouble in securing verdicts; but in the case of unprotected crossings at which the great majority of accidents occur, there is no redress before the courts of the country for damages or compensation if no order has been made by the Board for the protection of the highway crossing. I have gone over the ground pretty fully, and I confess I would not have undertaken this work had it not been for the extraordinary statements put before our Railway Committee by the representatives of the railway companies, and as I proceeded to examine and compare the statements which were made on that occasion with the law and the facts, I began to see that the committee was very seriously misled by the railway companies, and it is scarcely possible if a full statement of the case had been put before the committee, that the Bill would have been reported in an emasculated condition. Before I take my seat, let me say that while this House is not bound in any way whatever to echo the views of the House of Commons with regard to any measure which may be passed by that body, yet in view

of the fact that the elected representatives of the people have on three occasions with absolute unanimity passed the Bill that is now before us, if turning to the question at the beginning of the session, and sending it to us, as the hon. member from St. John said at the second reading without allowing the grass to grow under their feet—in view of this fact we have carefully to examine into this question and answer for our own consciences, and the people we represent in this country, as to whether we are doing right in throwing out or emasculating such a Bill as this. At any rate if it is done it shall not be my fault. I feel I have done my duty to the best of my ability. I therefore move as an amendment to the amendment:

That all the words after the second word 'any' in the first line of the said proposed amendment be struck out, and the following words be substituted in lieu thereof: 'city, town or village at a greater speed than ten miles an hour, unless such crossing is properly protected, or unless such crossing is constructed and thereafter duly maintained and properly protected in accordance with an order, regulation and the directions of the Railway Committee of the Privy Council or of the board in force with respect thereto; the boad shall, however, from time to time, as it deems proper, limit or increase the rate of speed of such train over such crossing, but no cider or regulation of the board increasing such speed shall be made, or continue in force after the first day of January, one thousand nine hundred and fourteen, unless such crossing is properly protected as prescribed in this subsection.'

I may explain to hon. gentlemen that I put a notice on the order paper proposing what a great many members in this House thought was a very serious compromise. I suggested in that notice that a very long time should be allowed the railway companies in order to comply with the conditions of the Lancaster Bill; but I found the pressure of the companies against that amendment was just as strong as it was against the Lancaster Bill itself, and I came to the conclusion that there is no necessity for that extension of time. All that can happen in the meantime will be that the penalty may apply in some cases only—in a very few, as I am convinced, and to a very small extent; but as against that, the common law will apply with regard to the families of those who may be killed in the meantime at railway crossings, that the friends of those killed will have their action against the railway company until the board takes these 2,500 crossings, we are told of, out of the unprotected class and instructs the company what the protection shall be. As soon as the board deals with them, the railway company is required to do no more than the board will think is necessary in every case; and, until that comes, the board will have to answer to the friends of the people who are killed at railway crossings. But in the event of no order of the board being made, and the company not having protected the crossings, they will, under the Lancaster Bill, be liable for damages for every accident that occurs at unprotected crossings. My amendment is seconded by my hon. friend from Shediac (Hon. Mr. Poirier) who had given notice of an amendment to the same effect. It is exactly the Lancaster Bill.

Hon. Mr. POIRIER—My hon. friend from Marshfield has taken charge of the amendment I had put on the Order Paper, and this he has done with my consent. I could not—very few in this House could have explained the question under discussion as fully, as thoroughly and as convincingly as my hon. friend has done. His speech, although long, in a certain sense, has been most instructive. It is to those who have opened their ears to his arguments, to his array of facts, to his statements showing the essential difference between the Bill brought over from the other House and the amendments thereto proposed by hon. gentlemen in the Senate who have made a specialty or proposing such amendments with most consummate art that his argument will appeal. The difference between the Bill and the amendments is seemingly small—in fact imperceptible, and, hon. gentlemen, there is a fine hand under that, so fine that it changes almost wholly, not the visible aspect of the Bill, but its utility as a Bill to protect the public of Canada against accidents occasioned by railways unwittingly, I admit, but no less accidents which destroy the lives and fortunes of Canadian citizens. The whole difference is in leaving out these two words 'properly protected.' By striking out those words and bringing the whole matter under the Railway Commission, the effect of the Bill is, as has been very lucidly explained by my hon. friend—and I will

not go over the ground he has so thoroughly investigated—completely changed. I did not intend to make a long speech; I shall make it even shorter than I intended, because it is useless to cover the same ground twice, especially when the second racer has not the speed and ability that the first one possesses. The hon. senator from Marshfield has brought before the House certain incidents that occurred in the committee, and to which I would suggest a stop should be put. We in the committee allow promoters of Bills to explain their measures. That is very proper. We sometimes allow them through courtesy in order to be enlightened and well directed concerning those Bills to have solicitors; but those legal lights who come before us are supposed to speak of the law as they know it. The promoters of a Bill have to state the facts as they know them but the lawyer who comes and deliberately mis-states the law—because a lawyer of the standing of Mr. Chrysler knows the law—is guilty of something like contempt of the committee. We want light, but what is thrown on us was in this case just the contrary. We want a straight path and the one he pointed out to us is a crooked one. It is a contempt of our committee, and I for one, if such tactics are resorted to deliberately, if some facts are intentionally distorted to mislead us, I and others will protect ourselves in the committees. Our position here is a serious one. We are not here at the bidding of any company or companies. We are here representing the people of Canada. If we do not represent the people of Canada let this chamber be abolished, and the sooner the better. I for one will not stand as the valet, or the mouthpiece for the servant or the tool of any or all the companies unless I feel that those companies are doing what they should do to the country and to the House. Coming back to this Bill, I will remind the House that the question of the Senate being amended or suppressed or dissolved is before us here. The people expect us in this matter as well as upon all other questions to do our duty—we are here to prevent hasty legislation; we are not here to put obstacles in the way of the known will of the people, but rather to prevent the other House from railroading Bills through parliament that may be injurious to the public interest. We are here to give them time and occasion to review their own legislation, and we have in this case exercised our function. This Bill has been passed twice in the other House and submitted to us; twice in our wisdom or in the darkness of our vision we have rejected it. It comes again not merely as a government Bill.

It comes here better than a government Bill. It comes here bearing the stamp of the Liberal majority, and of the Conservative opposition. It has been endorsed officially by the leaders of the government. Therefore, if ever a Bill was an expression of the sentiments of the other House, this Bill is. The other House represents the country. The country knows that this Bill has been before the House for three years, and the country never expressed itself against it. Therefore, I conclude that as much as can be, this Bill is the popular expression of what the country wants in this regard. That is why I gave notice that since we have to swallow the Bill—I will use that expression—since we have to acknowledge, in matters democratic, the sway of the other House which represents the people—since we have in regard to the Bill to do what we do concerning money Bills which we are not allowed to amend, I gave the notice which appears in my name, in order that the question might be better understood, in its true light by this honourable House. We are not at bay, but we are facing the will of the other House, which is the will of the people. We have done our duty. If the Bill is not proper, hon. gentlemen know the proverb : country gets the laws it deserves. This is the country's affair. Our duty today, from my point of view, is to pass the Bill as it is, not to monkey with it, to send it back, and have the other House, with our assent of course and let the other House take the whole responsiblty of the measure. What would be our position if we altered this Bill in any part? The Bill might come back to us, and then we would be put in the dilemma of either not concurring with the Bill, or eating humble pie, of swallowing it, and if I were in the other House, and if this Bill were altered by the Senate, I know I would vote it back to the Senate and say 'Gentlemen' swallow it or die.' Let us not put ourselves in that ridiculous and danger-

ous position. It is the will of the people represented by the majority of the House of Commons. Let us accept it holus bolus. I might touch on other questions, but I will not do so now, and having complimented the hon. gentleman from Marshfield on his magnificent speech, and thanked him for having taken it out of my hands and dealing with it with much more ability and knowledge than I could, I will close my remarks. I have done no lobbying. I do not know what the opinion of the House is, but I hope that the Bill will be passed as it came to us for the third time from the House of Commons.

Hon. Mr. BEIQUE—I may be permitted to refer to the remarks which I made originally, when this measure received its second reading. I for one, expressed this view: that if we were of the opinion in this House that the Bill was a good one, we should pass it. If we were of opinion that it required amendment, it was our duty to mend it, and send it back as amended to the other House. I expressed this opinion, which I have since expressed to individual members of this House: that if the Commons persist in the adoption of the Bill, as they had already passed the Bill on several occasions, that for my part I would be disposed to leave the responsibility of a bad measure with them, and that the country would be entitled to load them with that responsibility. However, I have a better opinion of the House of Commons than to think they will act as the hon. gentleman who has just resumed his seat has stated that he would act under similar circumstances. I believe that if we send this Bill back to the House of Commons amended as it should be amended, that it will receive the fair consideration of that Chamber, and that they will acquiesce in our amendments, if they believe in their conscience that they are good amendments. This has always been my opinion, and I have had occasion to express that opinion a few days ago to the hon. gentleman from Toronto and other members of this House. When the Bill came before the committee, I deemed it my duty, as a member of that committee, to the best of my ability, to improve the Bill, I suggested an amendment which was adopted by the committee. In drafting that amendment, I tried to follow the wording of the original Bill as closely as possible. After it had been accepted by the committee, it became my duty when the Bill was reported to the House, to see whether the full effect had been given to the opinion of the committee. The object of the committee in making an amendment to the Bill was to improve it, and on considering the Bill more maturely I came to the conclusion that the amendment was not properly drafted, that there was a loophole left, almost to the same extent as in the original Bill, and I saw some hon. gentlemen of this House and drew their attention to the matter. For my part, I came to the conclusion that it was my duty to give notice of the amendment which I moved in this House. When I spoke the other day in support of that amendment, I did not think that I was concerned with the question as to whether it was an amendment to my own amendment: I took the responsibility of it. In fact I stated when I spoke that for the work of the committee I was to a certain extent responsible; but it would not have been proper for me, and it would not be proper for any hon. member of this House not to try to improve a measure because he was the author of the first draft, if he thought the first draft was defective. In the remarks that I offered to this honourable House I did not refer to the hon. gentleman from Marshfield, and I am at a loss to understand the reason why I have been for two or three hours the subject of the attacks of the hon. gentleman, especially when these attacks have taken the form of insinuating that in drafting this measure I was striving to emasculate the Bill, and that I was trying to force upon the House a measure which was not in accord——

Hon. Mr. BEIQUE—Which was not in accord with the remarks I made when presenting my motion.

Hon. Mr. FERGUSON—I did not say the hon. gentleman was seeking to emasculate the Bill; but I said he did emasculate it.

Some hon. MEMBERS—Order, order.

Hon. Mr. FERGUSON—The hon. gentlemen who were strenuous in their endeavours to interrupt me when I was on the floor,

and insisted on doing it again and again, call me to order because I want to set myself right. Is that fair?

Hon. Mr. BEIQUE—I have always had a high opinion of the hon. gentleman from Marshfield. I have a great deal of respect for him. I know he is one of the most industrious members of this House, and I have never attributed to him any motive, nor accused him of insincerity or otherwise, and I claim that anybody reading the remarks he has offered to this honourable House the other day, and his remarks to-day, cannot be led to any other conclusion than that I was insincere in the result of the work I have offered to this honourable House.

Hon. Mr. FERGUSON—The hon. gentleman——

Some hon. MEMBERS—Order, order.

Hon. Mr. FERGUSON—The same hon. gentlemen who are calling order are always doing it. I want to point out, that it was when I was interrupted by my esteemed friend from Montreal, and by other hon. gentlemen in the House, who were, I know, closely connected with railway companies, and when the interruption took the form almost of preventing me from going on with my speech, it was then I made some reference to interruptions but not to the hon. gentleman, I did not single him out at all. He was not the worst of those that interrupted me. He was not a sinner in that respect. But I did refer to the interruptions that were coming thick and fast upon me, from gentlemen who were connected with railway companies.

Hon. Mr. BEIQUE—I leave it to the opinion of this honourable House if the remarks made by the hon. gentleman from Marshfield were not to the effect that either I was influenced by the subject matter, or that I did not understand what I was talking about. I have a great deal of respect, as I have said, for the hon. gentleman from Marshfield, but I would take him to be a better authority if he were talking upon farming subjects, than he is talking on law subjects.

Hon. Mr. McMULLEN—Hear, hear.

Hon. Mr. FERGUSON—That is another way of sneering.

Hon. Mr. BEIQUE—And if I were talking on farming questions I might be supposed to be talking through my hat. But when I am speaking on law questions I have some respect for my position as a lawyer, and, when I do it deliberately, I do it within the judgment of my confreres as lawyers, and I would not have respect for myself if I were maintaining opinions which should not be maintained. I do not propose to go over the ground that I covered in presenting the amendment which I moved the other day. I ask the House to read the remarks which I made in support of that amendment, and I repeat—and I leave it to the judgment of any sound lawyer—that in my opinion this Bill as passed, as it came from the House of Commons, would not attain at all the object that is sought by the hon. gentleman from Marshfield at all. I say that under its provisions a railway company could be permitted to exceed the limit of ten miles an hour at highway crossings, for the reason that they are doing so under the regulations made by the Railway Board or by the Railway Committee of the Privy Council, and that, therefore, they will be complying with one of the alternatives as mentioned in the Bill. It is because I am of opinion that we should go further, not by repealing section 275 of the Railway Act, which is a good provision as far as it goes, and necessary; but by making it the duty of the Railway Commission to act as soon as possible for the purpose of protecting human life on highway crossings, and pending their being able to do so, allowing them to issue a permit which will enable the railway companies, if the commission deems it advisable to do so, to exceed ten miles an hour at individual crossings, or for a certain number of hours in the day. The hon. gentleman charged me with inconsistency. I might return the compliment, because he placed on the order paper two different notices of amendment which to-day he has not moved. By putting the amendment on the order paper. and changing it after it was first published, was it not an expression of opinion on his part that the Lancaster Bill should be amended. Now, he has changed his opinion again, and if he changes his opinion, if he believes he made an error, I commend him not to persist in

an error which he has acknowledged. But it is no reason why he should tax me with inconsistency because I happen to be a member of the Railway Committee, and took part in drafting the first amendment, and that on a better consideration of the subject, I came to the conclusion that the Bill would be improved by adopting the phraseology which is covered by the amendment now before this honourable House. The hon. gentleman has taken a great deal of time to refer to railway legislation in the United States. I do not think we are much concerned with that, and we do not, as a rule, take the United States as an example for our legislation. He has taken a few pages of the debates to criticise the reports which are made by the Railway Commission and by the railway companies as published in the blue books. I do not think that it is quite pertinent to the question before us. For my part I am not responsible for those reports. They may be correct or they may be incorrect. I would not be able to control those reports, but I take it for granted, and I am of the opinion that human life should be protected in a reasonable way at highway crossings, and I think it is our duty to adopt a measure which will not take this question from the Railway Commission, because they have the technical knowledge to deal with it; but will leave it with the Railway Commission, and make it the duty of the Railway Commission to exercise their judgment in the matter and give directions as to protection of crossings as fast as they can. My amendment is in that direction.

Hon. Mr. BOSTOCK—I listened to the speech of the hon. gentleman from Marshfield, and I was surprised to find that he had spent so much time in going over a lot of statistics with regard to this question; but he did not seem to have spent very much time in studying the amendment of the hon. gentleman from De Salaberry. If he had done so, and if he had paid a little more attention to it he would not have taken the stand that he did in saying that this amendment practically took it away from the power of the jury to deal with this question of accidents at highway level crossings at all. The hon. gentleman from Marshfield seems to pay a great deal of attention to the words, 'Unless such crossing is properly protected,' as they appear in the Bill as it came up from the House of Commons; and because those words do not appear in the amendment as moved by the hon. gentleman from De Salaberry, exactly in the same position as they appear in the Bill as it came from the House of Commons, he therefore thinks that it has been taken out of the power of a jury in the case of an accident to deal with this matter.

Hon. Mr. FERGUSON—My statement was, that it is now out of the power of the jury, and that the amendment will leave it there.

Hon. Mr. BOSTOCK—The amendment as moved by the hon. gentleman from De Salaberry says that unless such crossing is constructed and thereafter duly maintained and protected, in accordance with an order, regulation and the directions of the Railway Committee of the Privy Council, or of the Board in force in respect thereto, or unless permission is given by some regulation of the Board. So that that puts the matter in a somewhat different position; but the amendment does not take it out of the hands of the jury to deal with it in the case of an ordinary accident happening. They can make their recommendations and say where the blame exists, just the same as they can at the present time. I have a strong objection to the Bill as it came up from the House of Commons, because the first part of that Bill states that section 275 of the Railway Act as it stands at the present time is to be repealed. As one of the travelling public, I consider that that clause deals with a totally different question to the one which this new clause deals with. That clause, to my mind, was put into the Railway Act for the purpose of protecting the travelling public. This clause we are dealing with is to try and protect the people crossing the highways, and I think it is decidedly bad legislation that clause 275 as it at present stands in the Railway Act should be repealed.

Hon. Mr. POWER—Hear, hear.

Hon. Mr. BOSTOCK—For that reason I should vote against the Bill as it now stands. I also would like to refer for a few moments to a statement made by the hon.

gentleman from Marshfield with regard to the question of these accidents as they have happened. I took a little trouble to look up a few statistics with regard to crossing accidents, and without wishing to cast any reflection upon the people from the province of Ontario, I was rather surprised to find when looking into the returns as published in the railway statistics, that the greater proportion of these accidents at level crossings that occur to persons that are not trespassing upon the railway, occurred in the province of Ontario. I do not know why that should be, but the returns as they stand show that the Canada Southern Railway killed nine people and injured four. The Grand Trunk returns are, I presume, almost confined to that province, killed 14 and injured 19. The Canadian Pacific Railway returns show that 20 were killed and 18 injured. Out of that 20, I find from the return very kindly furnished me by the secretary of the Canadian Pacific Railway, that 13 were killed and eleven injured in the province of Ontario the next biggest province being Quebec. These are highway crossings and it refers to persons not trespassing. It deals with nearly all. There were two killed and five injured on the Intercolonial Railway, and one on the Central Ontario Railway, and two killed on the Canada Atlantic. So that as these returns go, it would seem that nearly all these accidents happened in Ontario. I think that every hon. gentleman in this House is only too anxious to see this law enforced in such a way that we shall prevent these accidents happening in the future, and I find, referring to the speech made by the gentleman who is responsible for bringing this Bill before the House of Commons, that he does not appear to have quite the same view about the matter as the hon. gentleman from Marshfield. When he was speaking about this Bill in July, 1906, he said:

> There is really no law. The Act is inconsistent with the rest of the statute and that is one of the reasons why it requires amendment. The law provided until last year that a railway could not exceed ten miles an hour unless the track were fenced or protected. When we got into the special committee it was found that this had to be amended so as to make it acceptable. The effect of my amendment is that the railways must run not faster than ten miles an hour or protect their tracks or else get an order from the Railway Commission. This leaves to the Railway Commission practically the decision as to what protection is necessary at any crossing.

I think the hon. gentleman's Bill went further than he intended, and that the amendment proposed by the hon. gentleman from De Salaberry himself expressed the views of the promoter of the Bill very much better than the Bill as it came from the House of Commons, and I hope we shall see this amendment carried.

Hon. Mr. KERR moved the committee rise and report progress and ask leave to sit again.

The motion was agreed to.

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

The Senate adjourned until three o'clock to-morrow.

THE SENATE.

OTTAWA, Thursday, March 19, 1908.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

WATER CARRIAGE OF GOODS BILL.

FIRST REPORT OF COMMITTEE ADOPTED.

Hon. Sir GEORGE DRUMMOND, from the Committee on Banking and Commerce, presented their report on Bill (Z) An Act respecting the Water Carriage of Goods, recommending that the committee be given authority for the employment of a shorthand writer to report the proceedings of the committee on the Bill, and arguments and statements made before them, and that fifteen hundred copies of the shorthand writer's report be printed and distributed in such manner as the committee may direct.

He said: In explanation of the report, I trust this honourable House will not hesitate to endorse the action of the committee and approve of the report. The Bill is of vast importance to a very large number of interests in this country, and the committee, early this morning, before commencing

the examination of the Bill, had a number of influential bodies represented before them, boards of trade, shipping federations and so on, and they took upon themselves, to be approved of by this House, to employ shorthand writers and agreed to request this House to approve of the appointment, and the circulation of 1,500 copies of the report. That is the whole matter, and I trust the House will approve of the report.

Hon. Sir RICHARD CARTWRIGHT—Does the hon. gentleman mean a report of the evidence or simply of the statements made? Is it the report containing the evidence that is to be submitted ?

Hon. Sir GEORGE DRUMMOND—Yes, the evidence only. I move the suspension of rule 24-H.

Hon. Mr. LANDRY—There is no report on the Bill itself yet ?

Hon. Sir GEORGE DRUMMOND—No, only on printing the evidence.

Hon. Mr. YOUNG—It is the recommendation. The committee are asking to obtain authority to print the evidence.

Hon. Mr. LANDRY—I do not see why we should suspend our rules for the adoption of the report. There is no hurry.

Hon. Mr. McMULLEN—It is a matter of vital importance that the evidence taken in this matter, and the statements made should get into the hands of parties interested in the passing of this legislation at the earliest hour possible. The committee only adjourned for two weeks, and they agreed, as the chairman has reported, to ask the consent of the House to the printing of that evidence, to have it in the hands of those that are interested at the earliest possible moment. It is well that the rule should be suspended for that purpose.

Hon. Mr. LANDRY—Do I understand that any evidence has been taken this morning ?

Hon. Mr. McMULLEN—Yes.

Hon. Mr. POWER—I agree with the hon. gentleman from Stadacona. We are all in favour of doing what is proposed by the committee. There is no hurry about it, because, as I understand, the committee have adjourned for two weeks; so that if we adopt the report to-morrow, we shall be in ample time.

Hon. Mr. SCOTT—Time is really the essence of the matter in the present case. Those who appeared against the Bill wanted a month, and when the vote was taken, the majority in favour of the two weeks' adjournment was only one. It was represented that the parties interested were on the other side of the Atlantic, and it was necessary to forward them this information, so that they should be apprised of the evidence which had been given; therefore, every day is of consequence.

The motion was agreed to.

Hon. Sir GEORGE DRUMMOND moved that the report be adopted.

The motion was agreed to.

BILL INTRODUCED.

Bill (FF) An Act for the relief of Edith Maud Rosario Gammell.—(Hon. Mr. Jones.)

THIRD READINGS.

Bill (51) An Act respecting the Erie, London and Tillsonburg Railway Company.—(Hon. Mr. Wilson.)

Bill (76) An Act respecting the Interprovincial Railway Bridge Company of New Brunswick.—(Hon. Mr. Costigan.)

Bill (77) An Act respecting the Canadian Northern Quebec Railway Company.—(Hon. Mr. Tessier.)

RAILWAY ACT AMENDMENT BILL.

IN COMMITTEE.

The House resumed in Committee of the Whole consideration of the report of the Standing Committee on Railways, Telegraphs and Harbours to whom was referred Bill (3) An Act to amend the Railway Act.

(In the Committee.)

Hon. Mr. KERR—So much has been said on this question that I do not feel called upon to add much more to the debate; but there are so many amendments before the House, of which notice has been given, that it occurs to me that we might just as well shortly review the

matter both as it is, and as it is proposed to make the law. All are agreed, so far as I am aware, not only as to the propriety but as to the necessity also of making provision for a reduced rate of speed at what may be considered points of danger in cities, towns and villages, described as thickly peopled parts. The only difference I have been able to find at all, is a difference in the way of carrying it out, or rather of expressing that idea and doing it within reason. Perhaps if we go for a moment or two over the sections of the Act, it will do more than a long discussion or very much comment. The section of the Act at present, No. 275, is aimed at and provides for a reduced rate of speed not exceeding ten miles an hour for trains passing through thickly settled parts of cities, towns and villages, and I have not heard any one say anything against that provision or give any reason why it should be repealed. It is as necessary as any provision respecting the slow rate of speed which has been discussed in any way, and it is definite—it requires no amendment and it speaks for itself in providing definitely for prohibiting a speed of more than ten miles an hour, unless the track is fenced or protected in the manner prescribed by this Act. That fencing relates only to the right of way through the city, other than highway crossings. It is also agreed, by all who have spoken at all events, that highway crossings at rail level should all be protected and that, unless they are protected, the rate of speed should be reduced to the same rate as is spoken of in the section I have referred to, and the whole question is, does the Bill sent us by the House of Commons provide for that and provide for it in a definite way or in the best form, or whether the amendment proposed to it does that, and does it in a better form. I submit that the Bill as sent to us by the House of Commons, does not provide in this way the protection which we understand here is required with reference to speed at crossings at least. In the first place, it does not do so, because it repeals section 275 and does not replace it, except so far as it would apply to crossings only, and by inference the argument is that if the train has to come to a slow rate of speed at crossings, it must necessarily come down to that while passing through the other parts of the city. The answer to that is, that if it is important that where the highway crosses at rail level the rate of speed should be slow, that is no reason why the rate of speed should not be equally slow in the thickly peopled parts of the towns, unless the track at that part of the town was properly fenced; and, therefore, the omission of that provision from the Bill, to my mind, is a fault to be found in the Bill as sent from the House of Commons, and one of those things which I think we should remedy. We should preserve to the public the protection of requiring that the railway should run at no greater speed through thickly peopled parts of the city which are unfenced from the railway.

Hon. Mr. FERGUSON—Section 293 retains exactly the same provision, with the simple difference that in 293 it is a cash penalty, whereas in 275 it is a limitation of speed.

Hon. Mr. KERR—I do not think the proposition my hon. friend speaks of holds good. He refers to 393, not 293, which provides for a penalty :

> If any train of the company passes in or through any thickly peopled portion of any city, town or village at a speed greater than ten miles an hour, unless the track is fenced or proprly protected in the manner prescribed by this Act, or unless permission to pass at a greater speed is given by some regulation or order of the board.

It is all right enough if you have it prohibited by the Act, but under section 393 a penalty is incurred and enforcible under the most strict interpretation, and inasmuch as you have not provided in the Act against the greater speed, the penalty would not be enforceable. So that the anomaly is provided by the Bill sent to us from the House of Commons that while they have repealed section 275, and, according to the reading of their Act, in so doing they have relieved it of the idea of running at a low speed of ten miles an hour, because the mere repeal of that section is to be interpreted as an intention to remove that prohibition, and merely leaving the penalty clause in would not cure it, as suggested by the hon. gentleman from Marshfield. I ask him to take my argument about it for what it is worth, and my position in that respect is sustained, I think, by any gentleman who is at all cognizant of the

law with regard to the enforcement of penalties for the violation of Acts of Parliament. Consequently, while they have repealed section 275 and replaced it by a new section, that at railway crossings at rail level trains are not to travel at a greater rate of speed than ten miles an hour, they have not amended the penalty clause so as to apply to that, and they have left it therefore a prohibited Act, without a penalty attached to it. The old Act had a prohibition as to running through cities, towns and villages at a greater rate of speed than ten miles an hour, with the penalty attached to it. They have repealed by their Bill the section which prohibits, and have replaced it by another, and have not amended the penalty clause to fit the crime; so that the Act in that respect, it appears to me, is absolutely defective and not such as we should accept here. My hon. friend reminds me—and I intended saying it—that even if this is to be interpreted as a sufficient prohibition as well as a penalty, it would be open to the company to accept the penalty as a compensation for having done that which the law intended to prohibit; but I do not think that is the interpretation. I only present it as an alternative. I may assume, therefore, that something which was unintentional has been done by the repeal of section 275 as it stands in the Act to-day, and that there was no intention to permit trains to run at that rate of speed, subject to a penalty of $100 a day, and liability for the consequence, as they would be under the section of the Act. The amendment which is desired, as I understand it from the debate, is one merely restoring to the Railway Act a provision which was left out in 1903. It may have escaped the observation of some hon. gentlemen, and, therefore, I call their attention to it: that this is not a new proposition that at highway crossings at rail level trains should be compelled to run at a low rate of speed, nor is the other proposition a new one, that in thickly peopled parts of cities and towns they should run at a low rate of speed unless the road is properly fenced. Several hon. gentlemen have pointed out the section of the Act by which that was provided under the old law, and although in 1903 it was put in a more elaborate form in the Act, still it was there, and the limitation was formerly six miles an hour, as pointed out by the hon. gentleman from Marshfield. But there was also a provision that crossings should be fenced, highway crossings should be guarded, and the public protected, and that clause was in the positive form in which we have it now—in the positive form in which it was before it was dropped out of the Act in 1903. I refer to the section I have in my hand, section 197 of the Act of 1888. I shall read the preceding section. Section 194 reads:

> When a municipal corporation for any township has been organized and the whole or any portion of such township has been surveyed and subdivided into lots for settlement, fences shall be erected and maintained on each side of the railway through such township, of the height and strength of an ordinary division fence, with openings or gates or bars or sliding or hurdle gates of sufficient width for the purposes thereof, with proper fastenings at farm crossings of the railway, and also cattle-guards at all highway crossings suitable and sufficient to prevent cattle and other animals from getting on the railway.

And then passing down to section 197:

> At every public road, crossing at rail level, of the railway, the crossing shall be sufficiently fenced on both sides so as to allow the safe passage of the trains.

So that in the Act of 1888, definite provision was made for the guarding and protecting of the highway crossing at rail level by the railway, and the qualification was only that it shall be done to such an extent as will allow the safe passage of the trains. That means the safe passage of passengers and of the public on the highway as well.

Now that provision, by an amendment in 1892, and by the re-enactment of the Railway Act in 1903, was omitted altogether, and those sections have been brought into the comparatively innocent enactment to be found in section 254 of the Act as it now stands—'The company shall erect and maintain on the railway, fences, etc.' The railway fences at every such crossing, it provides, shall be turned into cattle guards sufficient to prevent cattle and other animals getting on the railway track. So that the broad view which was to be found in the Act of 1888, section 197 of it, has been dropped out of our legislation. Now we propose to restore it; but, at the same time, while restoring it, to preserve the distinct provision respecting the speed of trains in

cities, towns and villages. Of course, there is the provision which has been adverted to, that the board may on its own motion make provision for these things; but it is not within reason that the board should make provision for all the highway crossings by a definite order respecting each one of them, in time to prevent a great deal of what we seek to avoid by this legislation, loss of life and injury to persons who may be caught on the track in this way at the crossings. The Bill from the House of Commons does not provide the protection to our mind in a satisfactory way. In the first place, it does not provide for a rate of speed at crossings; at all events not with sufficient certainty. The Bill provides that no train shall cross at a greater speed than ten miles an hour, 'unless such crossing is properly protected.' What is properly protected? Who is to determine when a crossing is properly protected? Who is to settle whether the road was properly protected or not? It is not a definite consideration of things or a condition of things up to a specification. It is leaving it at large, and the question comes to be dealt with, it is in each case a question to be determined by a jury whether or not that particular crossing was properly protected. It does not require to be properly protected according to any specification or standard; and, possibly, it would not be advisable to provide a standard for every crossing. One crossing may require more protection than another, but the uncertainty left works out this way, that when the question comes to be determined by the jury, one jury may to-day determine that the crossing was properly protected, and the next day, in another case arising out of the same accident, occurring at the same crossing, before another jury a different view may be taken, and so you have uncertainty, and that kind of uncertainty which enables a railway company practically to defy public opinion and take its chances.

Hon. Mr. FERGUSON—Would not my hon. friend allow that under section 30 the decision would rest with the board? The board are given jurisdiction, and it is pointed out in section 30 how they shall exercise it.

Hon. Mr. KERR—I was under the impression that my hon. friend from Marshfield thought that that was so, and it is because he thinks that way he is supporting that clause; but it is perfectly plain that he is entirely mistaken. There is an alternative. One is that it is properly protected so that no matter who has done it, whether the railway has protected the crossing of its own motion yielding to public opinion, or whether it has done it in accordance with an order, if it is 'properly protected,' no matter how the protection is provided, it is an answer, and the question for the jury is, does the crossing require more protection than it had, not, is it in accordance with the provisions of an order from the Railway Board or the Act, but is it 'properly' protected; because if it is properly protected in the eyes of the jury the railway company are acquitted from liability. That is the first. The second alternative is the one my hon. friend refers to—'Or unless such crossing is constructed and thereafter duly maintained in accordance with the orders and directions of the Railway Commission.'

Hon. Mr. FERGUSON—I refer to the first.

Hon. Mr. KERR—It may have been insufficiently protected by the company of their own motion, and the jury may come to the conclusion that it was not sufficiently protected and find against the railway; but in the next case a jury might interpret the evidence in an entirely different way and come to the opposite conclusion, and you would have that kind of uncertainty and difficulty in dealing with a question which ought not to be left by an Act of parliament in that position. It does not deal with the matter with sufficient certainty.

Hon. Mr. CLORAN—What does the hon. gentleman suggest?

Hon. Mr. KERR—The amendment.

Hon. Mr. CLORAN—That is not sufficient.

Hon. Mr. KERR—I am sorry.

Hon. Mr. POWER—Which amendment?

Hon. Mr. KERR—The amendment proposed by the hon. senator from De Salaberry. The amendment passed in the committee does it; but to my mind the language is not

so satisfactory, nor is it in some respects so certain. The clause, therefore, that I prefer is the amendment offered by the hon. senator from De Salaberry, which reads as follows:

3. No train shall pass over any highway crossing at rail-level in any thickly-peopled portion of any city, town or village at a greater speed than ten miles an hour, unless such crossing is constructed and thereafter duly maintained and protected in accordance with an order, regulation and the directions of the Railway Committee of the Privy Council or of the board in force with respect thereto, or unless permission is given by some regulation or order of the board. The board may from time to time fix the speed in any case at any rate that it deems proper.

So that the answer, so far as this amendment goes, and the only answer, which the railway company can set up is, there has been an order of the Railway Committee who have considered this matter and defined what protection should be provided there, how it should be constructed and maintained and protected. There are those three requirements, and that order is the protection of the railway company, behind which the company will stand, because it has an order made with respect thereto.

Hon. Mr. BELCOURT—The fourth line of the amendment reads: 'In accordance with an order, regulation, and the directions of the Railway Committee of the Privy Council.' Are the three requisites called for? Is it necessary to have an order, a regulation and the directions of the Railway Committee?

Hon. Mr. KERR—Of course the amendment is dealing with orders made by two different bodies. We may be dealing with a railway crossing which was constructed, maintained and protected under an order made by the Railway Committee of the Privy Council some years ago. That is one case, another is protection under an order —that is, constructed, maintained and duly protected in accordance with an order, regulation and the directions of the Board, an order in force and made with reference to the crossing.

Hon. Mr. BELCOURT—Has it not appeared to my hon. friend that the wording is not apt language, because in that case I submit he would require the words, 'An order, or regulation or the direction.' Then you would have a separation of the terms.

Hon. Mr. KERR—No, I do not propose to do that. The very converse of it. There may be an order, and there may be more than an order and directions. There may be a regulation, and it has got to be in accordance with all of them. I propose to make the requirements cumulative, not alternative.

Hon. Mr. BELCOURT—Then, in that case, it would require in every instance to be in accordance with three things—not any one of three things, but three things.

Hon. Mr. KERR—Yes, in accordance with three requirements.

Hon. Mr. BELCOURT—In accordance with an order, in accordance with a regulation, and in accordance with directions. I want to understand that.

Hon. Mr. KERR—It requires three conditions with reference to three requirements. There are three requirements. It must have been constructed—it must be duly maintained thereafter—and it must have been protected—in accordance with an order, and not only in accordance with an order, but in accordance with a regulation and the directions of the Railway Committee of the Privy Council or of the Board, in force with respect thereto. So that if the Railway Committee make a general order, a general regulation and general directions with reference to a crossing, these three requirements must be complied with, and that is why I prefer this amendment entirely to the Bill from the House of Commons.

Hon. Mr. BELCOURT—I wish to point out what appears to be a serious difficulty. We all know the great number of crossings in Canada, and to require in every instance these three requisites would put it out of the power of the Railway Commission to issue an order which would be applicable to any given number of crossings.

Hon. Mr. KERR—Of course, when there are more things in a clause than one, it is only reasonable to look at all of them before you come to a conclusion. I will answer that in a moment or two. Instead of saying, as the Bill from the House of Commons says 'Unless it is properly protected,' giving no definition of what proper protec-

tion is, and leaving that to be determined by a jury carried away probably by scientific evidence that may be offered by men of standing and so on, which would carry weight that the ordinary witness would not have——

Hon. Mr. BELCOURT—My hon. friend is trying to convince me that I am wrong in supporting the Bill. I am not supporting the Bill as it stands; but I want to understand what this amendment means.

Hon. Mr. KERR—I am glad to hear what my hon. friend says; but it seems to me that if he agrees with me about it, I shall be able to explain to other hon. members that the requirements are definite. Either the Privy Council has in the past, or the Railway Commission has heretofore made or hereafter may make an order in which they defined what is to be done in the way of protection, what is to be done in the way of maintenance, what is to be done in the way of construction, maintenance and protection; and if they have done that, then they have discharged their obligation and would be relieved so far as this section of the Act goes. Remember that order must be one which is in force at the time of the accident, and made with reference to that crossing or so worded that it would be made with reference to that crossing, although it might relate to other crossings as well. That is the one case; the alternative is this—'Or unless permission is given by some regulation or order of the board.' It will be seen by hon. gentlemen that the railway company can go to the board and point out that these cannot all be done at once; that they can be done according as progress may be made, and in any particular case the board may relieve them for the time if they provide such qualified protection as in the meantime the board may require. They may make a regulation or an order. In other words, having a board with a staff of officials, with reference to any particular crossing it puts the onus on the railway company of getting that order and regulation. When a railway company wants to be relieved from making the protection at any particular crossing, they must get the order or regulation from the board to relieve them; if not there is no order or regulation in force and the whole Act is absolute in its operation. Instead of there being any room for equivocation, or uncertainty, it is entirely relieved of it, and so far as justice is concerned, they are able to say, 'the special circumstances of such a crossing require us to ask for a suspension or a regulation.' All of those seem to me to be reasonable propositions, and seem, each of them, definite and unless complied with, the statute is operative. In other words, the language is absolute—'No train shall pass at a greater speed than ten miles an hour unless'—what? unless you can show you have done your work there in accordance with an order; that you have maintained it in accordance with an order; that you have protected that crossing in accordance with an order; or unless you can show on application to the Railway Board there is a reason why, by some order or regulation, you should be wholly or in part relieved of that obligation for a time. The board have before them what the will of parliament is, what the requirements and demands of the public are with reference to this, and, having that before them, they can be trusted safely in the future as they have been in the past, and their past record shows they can be safely entrusted with the working out of that proposition. That is one of the highest offices that the Railway Commissioners have been called upon to discharge. Then, added to that, we have the provision that the board may, from time to time, not merely limit the speed in any case to a rate it deems proper, but that it may fix the rate. The circumstances may be such as to justify them in allowing a greater rate of speed at certain hours of the day or night. Under these circumstances, there is no reason in the world why the company should be unnecessarily hampered in carrying on its operations, so that, in these particulars, I think the amendment of my hon. friend from De Salaberry is entirely preferable to the Bill as it came from the House and is practically the Bill as adopted by the committee but amended by being made in its language more definite, clear and easily understood, and, therefore, more practical and workable.

Hon. Mr. DOUGLAS—Will the hon. gentleman explain the effect of the last clause on the preceding clause?—that they shall not pass at a greater speed than ten miles an hour; and then that the board may fix the speed? Is not one in conflict with the other?

Hon. Mr. KERR—The Bill sent from the House of Commons contains that provision. Instead of using the word 'fix' it uses the word 'limit.' I think that word 'limit' would enable them to fix the rate of speed that it means. It does not necessarily mean a less rate, but that they may determine what the rate of speed shall be.

Hon. Mr. DOUGLAS—Why both clauses?

Hon. Mr. KERR—I do not propose to put in both clauses.

Hon. Mr. DOUGLAS—They are in the amendment.

Hon. Mr. KERR—No. I propose to put this clause in the amendment instead of the one in the Bill from the House of Commons. This is substituted for the same provision that there is in that Bill with the difference that the word 'fix' is changed to the word 'limit,' because, under certain circumstances, it might be reasonable for the Board to determine that the rate of speed may be greater than ten miles an hour. They will take the responsibility of determining that, and in making the change, with that degree of responsibility upon them, I do not think there will be any trouble or risk as far as that is concerned.

Hon. Mr. WOOD—They might fix it at a less rate.

Hon. Mr. KERR—Yes, or greater.

Hon. Mr. CLORAN—I would like to ask the hon. gentleman a question: Does he remember language such as this :

> It seems to me the Senate would not be discharging its whole duty unless it adopts this Bill. This question about railway crossings should be dealt with now, and dealt with as this Bill provides.

That is the Bill before the House. Does the hon. gentleman remember making use of that statement ?

Hon. Mr. KERR—I have no doubt that I used those words; but I used them when we were going into committee, where we would have an opportunity to consider the matter, and I claim for myself the privilege that every one else in this Chamber has, of changing my mind. I am quite open to this conclusion. The Bill may be good and it may be in the right direction; and when it may be made better, I am prepared to accept it rather than reject it. I think the amendment proposed by the hon. gentleman from De Salaberry improved the Bill, and for that reason I support it, without taking back one word of what I said before.

Hon. Mr. CASGRAIN—This matter is one of great interest. The principal thing I want to draw the attention of this honourable House to a statement made by the hon. gentleman from Marshfield. He mentioned the name of Mr. Mountain, the chief engineer of the Railway Board. He said :

> Mr. Mountain came to the second meeting of the committee with this statement which had been submitted to the House in his hand, and read it to the committee, and said it was a true statement.

Then the hon. gentleman from Marshfield goes on and tries to convince this honourable Senate that it was not a true statement. I daresay he was doing it in absolute good faith, but there must have been a mistake in some way or other, because I understand the statement prepared by Mr. Mountain was absolutely correct, as Mr. Mountain stated, only the difference may have arisen from the fact, as Mr. Mountain then stated, that in the return of the Railway Board accidents on the Intercolonial Railway, which is not under the control of the Railway Board, have been omitted. Thereupon the hon. gentleman from Marshfield proceeded to hunt up the number of deaths on the Intercolonial Railway. He found that three persons only had been killed on that road. Consequently he said that is not enough to account for the large difference. I have taken the trouble to look up the returns, and I find the last return—and this I wish the Senate carefully to note—of the Railways and Canals Department, the statistics very carefully prepared by Mr. Payne—and whilst I

am on that subject I might commend to the reading of hon. gentlemen this statement prepared by Mr. Payne and under the direction of M. J. Butler, a book which is most valuable, a book which, if it was not given for nothing, every one would do well to buy, and give a good price for, a book which contains a good deal of valuable information we did not have before. This is prepared up to June 30, 1907, whilst the last report of the Railway Board is prepared only up to March 31, 1907, leaving the months of April, May and June out of the calculation. No wonder the figures that Mr. Mountain gave from the returns of the Board of Railway Commissioners for Canada would not agree with the return of the Railways and Canals Department. They are not for the same date. There is a difference of three months between the two.

Hon. Mr. FERGUSON—My hon. friend will observe that the comparison extends over three years. It is all covered in the same return and covers years terminating in each case on the 31st of March.

Hon. Mr. YOUNG—There is a discrepancy in the date.

Hon. Mr. CASGRAIN—That does not get over the discrepancy in the date. According to the return of the Board of Railway Commissioners I find that there were forty killed and 29 injured, whilst in the other return I find there were at highway crossings, under the same appellation in another index, 48 killed and 49 injured. That is a return of the statistics of the Department of Railways and Canals.

Hon. Mr. FERGUSON—For what year?

Hon. Mr. CASGRAIN—For the year ending 30th June, 1907, at pages 114 and 115.

Hon. Mr. CLORAN—Was that a report for the full twelve months of that year?

Hon. Mr. CASGRAIN—This is rather confusing. Would the hon. gentleman let me have a little chance to finish, and then ask all the questions he pleases. Surely he can remember them.

Hon. Mr. CLORAN—I am asking a simple question which the hon. gentleman has not courage enough to answer.

Hon. Mr. CASGRAIN.

Hon. Mr. CASGRAIN—The hon. gentleman always interrupts me. I have been speaking for about three minutes and I have two minutes of interruptions. I should be allowed to finish and then I would be very glad to answer all questions, if I am able to do so.

Hon. Mr. FERGUSON—I want to point out to my hon. friend——

Hon. Mr. CASGRAIN—I protest.

Hon. Mr. FERGUSON—Will the hon. gentleman just take up pages 114 and 116, and I will show him that he is only reading a part of the tables, and if he will go to the first named page he will find that 69 were killed and 67 injured. They are divided into two classes, non-trespassers and trespassers.

Hon. Mr. CASGRAIN—What pages?

Hon. Mr. FERGUSON—114 and 116 of the statistics for 1907, and I notice the error the hon. gentleman is making, that he is only reading the class of accidents at railway crossings, of non-trespassers; but there is a distinction made in the return of that year between those alleged to be trespassers and non-trespassers. He is reading the latter only and if he will add them both together, he will find that the figures which I have submitted are right.

Hon. Mr. CASGRAIN—I would like the hon. gentleman from Marshfield to state whether he persists in saying that the report made by Mr. Mountain was not a correct report?

Hon. Mr. FERGUSON—I certainly say so.

Hon. Mr. CASGRAIN—He says here 'it is a true statement,' and then he goes on in a column or a column and a half to demolish that report, wishing to put Mr. Mountain in a wrong light before this Senate. I have known Mr. Mountain for a number of years, and I do not know any Canadian engineer for whom I have more respect than that gentleman. We cannot refer here to what took place in committee, can we?

Hon. Mr. FERGUSON—Oh, yes.

Hon. Mr. CASGRAIN—Then I may say that Mr. Mountain produced a certain list showing that a certain number of persons were killed. Then the hon. gentleman went up to his room, came down with another report, and would have the committee believe that Mr. Mountain was really trying to put before the committee a statement which was not absolutely correct, and he asked him, 'Will you explain, Mr. Mountain,' and we know how the hon. gentleman from Marshfield can do it. We know his loud and solemn tones. He said 'How is it that your figures do not agree,' and most of the members of the committee were under the impression that Mr. Mountain had made a great mistake when afterwards comparing the figures Mr. Mountain said, 'The Intercolonial figures are not in our report because as you know, by the Railway Act the Intercolonial is not under the Railway Board.' There was bound to be a discrepancy in the figures.

Hon. Mr. FERGUSON—They are marked there for the hon. gentleman; he cannot go astray if he looks at them.

Hon. Mr. CASGRAIN—One report is up to March 31, 1907, and the other to June 30, 1907,—three months' difference.

Hon. Mr. FERGUSON—On the page that the hon. gentleman has read he omitted 21 deaths and a larger number of accidents, and they are on the very page he is looking at.

Hon. Mr. CASGRAIN—I do not understand how the hon. gentleman can compare two reports that are not of even date.

Hon. Mr. FERGUSON—It must be that the hon. gentleman knows he is omitting these figures, or he would not refuse to look at the table. There are the two clauses.

Hon. Mr. CASGRAIN—I am really surprised at the hon. gentleman thinking I am willingly trying to hide figures.

Hon. Mr. FERGUSON—Why does the hon. gentleman not read what is before him?

Hon. Mr. CASGRAIN—I cannot make them up off-hand like this. These are two reports, not of even date, one three months longer than the other, and consequently it is very difficult to make a comparison between them.

Hon. Mr. FERGUSON—That is no reason why the hon. gentleman should only read half of the report he has in his hand.

Hon. Mr. CASGRAIN—The hon. gentleman says further:

I must say that I have not absolute faith in the experts of the Railway Commission, from the fact that Mr. Dellinger and Mr Mountain were present and heard Mr. Chrysler make the preposterous statement which I have quoted, that it would take two miles, &c.

The hon. gentleman from Marshfield has not implicit faith in the experts of the Board of Railway Commissioners, I want to vindicate in this House one of the experts of that Board whom I know perfectly, Mr. Geo. A. Mountain, and I say that a better choice could not have been made by the government. He is a man of vast experience. He is a man who conducted large works. He built a part of the Canada Atlantic Railway for Mr. J. R. Booth, from Coteau to Ottawa and from Ottawa to Depot Harbour and Parry Sound, a road which has been cited in many instances as one of the best roads in this country. There is no railway official who has given better satisfaction, and hearing him referred to as being willing to hide something from the committee, I thought it my duty to rise in this House and defend that gentleman. As to Mr. Lancaster's Bill, I am in favour of the principle of that measure and always have been; but I am pleased to say that the hon. gentleman from De Salaberry, with the extensive knowledge that he possesses of the law, and his ability to grapple with legal problems, has bettered it ten-fold over, and I shall be delighted to vote for the amendment proposed by him, which leaves the decision on this point in all cases to the Railway Board, who are in a much better position than any jury to decide in which way and in what manner a highway crossing should be protected.

Hon. Mr. POWER—I do not think it is necessary to make very prolonged speeches in connection with this subject, and certainly it is unnecessary to become very much excited. There is nobody being killed just

here and now, and we ought to be in a position to look on and consider the question in a calm and temperate frame of mind. I have not heard any hon. gentleman say that he did not desire that every protection practicable should be afforded to human life. Of course there are certain things which you cannot protect people against. You cannot protect people against their own imprudence, against their own negligence and ignorance; all that you can do is to provide that any one who is reasonably careful shall not run any risk of being killed on a railway. The hon. gentleman from Marshfield has manifested a disposition to minimize the inconvenience to which the railway companies would be put by the enforcement of the Lancaster Bill in the form in which it came up to us. I think the members of the committee were, as a rule, satisfied that the Bill in its operation would be liable to do very considerable mischief to the commerce of the country. The object, of course, is to prevent fatal accidents at highway crossings. That is the only thing which this Bill undertook to do, to minimize the number of accidents at highway crossings. Now, I turn to the statistics cited by the hon. gentleman from Marshfield. I turn to pages 114 and 115, and I find on page 114 that the list of persons trespassing on the road who have been killed and injured at highway crossings was 21 killed and 18 injured—the total number. Then on the next page the total number of persons who were not trespassing but were killed at crossings was 48 and the total injured 49. I just wish to call attention to another fact. At other points along the track there were 122 trespassers killed. That is, six times as many were killed at other points on the track as were killed at the crossings. There were 55 persons injured. That is, at other points on the track about three times as many as at the crossings. Then of the persons who were non-trespassers there were ten killed and twelve injured at other points on the line. So, hon. gentlemen, although it is a melancholy return, the number killed is not so excessive as it might be supposed, considering the fact that we have 22,000 miles of railway. There is just one other point to which I direct the attention of the House, and to which I do not think attention has yet been called. As a rule, the rate of speed of street railways is not much over ten miles an hour, and on looking at the return of accidents on the street railways I find the number killed was 27 and the number injured 84, and of course the mileage is very much smaller. There were about half as many killed on the street railways as on the other railways. That is killed on the crossings.

Hon. Mr. FERGUSON—Does that atone for the others?

Hon. Mr. POWER—No, but I have not heard the hon. gentleman become eloquent, and being very much worked up over all the accidents which have happened on the street railways.

Hon. Mr. FERGUSON—We have not that question before the House.

Hon. Mr. POWER—I have not heard it proposed by anybody that we should cause the street railways to slow down to say five miles an hour. There is another point to which attention has not been directed, and which I think hon. gentlemen should consider in making up their minds in connection with this question; that is, what proportion of those accidents happened in thickly peopled portions of cities, towns and villages. As a rule there are more people killed on the road crossings in the rural districts than in the cities, towns and villages. Looking at what one sees in the newspapers, those accidents on the country road crossings are more numerous than in the cities and towns. There is another point, and I daresay the hon. gentleman will think it is a very absurd question for me to suggest, and that is this: how much is the risk of serious accident increased by the greater speed of the trains? There is this thing to be borne in mind: that the train which is moving forty miles an hour passes through a place in one-fourth of the time a train moving at a speed of ten miles an hour, and for that reason, other things being equal, the liability to accidents would be rather less; but, of course, the fast train does take people by surprise when they are not looking out for it. There is this other matter also, that when an express train which is understood to run forty or fifty

miles an hour is known to be approaching, people keep off the track.

Hon. Mr. SULLIVAN—Hear, hear. There is no doubt about that.

Hon. Mr. POWER—Having said that much on the general question, I come to the Bill as referred to the Railway Committee. As has been pointed out by the hon. gentleman from Toronto, the Bill as it came up from the House of Commons repealed altogether section 275 of the Railway Act, and substituted something else for it. The section of the Railway Act which was repealed contained a provision that no train should pass through any thickly peopled portion of any city, town or village at a speed greater than ten miles an hour, unless the track was fenced or properly protected in the manner prescribed by this Act, or unless permission is given by some regulation or order of the Board. The Bill when it came from the House of Commons proposed to do away with that altogether. Surely it is just as important that a railway track through a village should be fenced as that the crossing should be properly protected. If the railway runs beside a highway, for instance, there is really much more danger of accident if the track is not fenced. In the first place, cattle are likely to get on the track, and I think if I had to choose between the provisions of section 275 as it stands now, and the provisions of the Bill which came up to us, I should decidedly choose the existing section 275 of the Railway Act. The point of difference between the Bill as it came up to the Senate, or the sub-amendment of the hon. gentleman from Marshfield, and the amendment of the hon. gentleman from De Salaberry, is that the amendment of the hon. gentleman from De Salaberry leaves a discretion with the Railway Board. Now, this Railway Commission was appointed to deal with the whole question of the management of our railways, and up to the present time that Commission have done their work in a very satisfactory way. While I have a great deal of respect for the judgment of the hon. gentleman from Marshfield, I think that on the whole the chairman of the Railway Commission and his colleagues are just about as well qualified to judge as to what regulations should be made with respect to speed on railway lines as even that hon. gentleman. The Commission is the body with which the discretion should lie, and that is the reason why, of the two amendments, I prefer the one proposed by the hon. gentleman from De Salaberry. There is another point to which I do not think sufficient attention has been directed. The hon. gentleman from Kamloops referred to it yesterday afternoon; but I think it is a point which deserves further consideration. My view is that the promoter of this Bill in another place did not intend to exclude the jurisdiction of the Railway Commission, and I shall read a couple of extracts from his speeches in the other House. At page 7066 of the Commons 'Hansard,' for 1906, I find that the member for Lincoln said:

> The effect of my amendment is that the railways must run not faster than ten miles an hour, or protect their tracks, or else get an order from the Railway Commission.

That is just what the amendment of the hon. gentleman from De Salaberry proposes. The extract continues:

> This leaves to the Railway Commission practically the decision as to what protection is necessary at any crossing.

If that had been put in the Bill as it came from the Commons, the committee probably should not have undertaken to amend it.

Hon. Mr. FERGUSON—If the hon. gentleman will look at the date, he will find that it was in discussing a Bill that was introduced, not the Bill agreed upon by the committee of seven, but a Bill introduced by Mr. Lancaster at an early stage. I am under the impression that is the case, although I have not looked at it.

Hon. Mr. POWER—I will read what comes before, in order to show what the position was.

On July 5:

> House in Committee on Bill (62) to amend the Railway Act, 1903—Mr. Emmerson.
>
> Hon. H. R. EMMERSON (Minister of Railways and Canals) moved the House into Committee of the Whole, and he said:
>
> As I understand the matter, every section in the second reprint of this Bill, as amended in Committee of the Whole, has been passed upon and approved by this committee. Therefore, the Bill stands at this moment as having

the approval of the Committee of the Whole House. There is, however, a matter which has been referred to in this committee, that is one relating to Bill (No. 80) which perhaps the hon. gentleman from Lincoln (Mr. Lancaster) will explain.

Mr. LANCASTER. By arrangement with the government through the Minister of Railways I move to add the following as section 20a.

And he went on to read his amendment in the shape in which it is now before the Senate, and in connection with that he made that speech. My point is that the Bill drafted by the hon. gentleman from Lincoln did not carry out his own intentions, because the Bill he gives us, which he reads from, is just identical with the Bill which came up the other day. I have been reading from pages 7065 and 7066.

I turn to the 'Hansard' of last session (1906-07), and at page 953 I find that the member for Lincoln used this language:

> Under the Bill as passed by this House last session they have only to go to the Railway Commission if they do not wish to afford the protection and get special permission not to give the protection.

This shows that the hon. gentleman from Lincoln really did not mean to exclude the jurisdiction of the Railway Commission, and now the hon. senator from Marshfield is very indignant and thinks we are a number of almost indescribable monsters, because we try to make the Bill that came to us convey the meaning which the author of the Bill mentioned in the House of Commons in two sessions. I did think of making some comparison between the amendment of which I have given notice and that proposed by the hon. senator from De Salaberry; but the better way perhaps, is to dispose of the amendment of the hon. gentleman from Marshfield first. I may say, however, with respect to the amendment of which I have given notice, and that of which the hon. senator from De Salaberry has given notice, that my amendment is only about half as long as his, and I think it covers the ground quite as effectually.

Hon. Mr. McMULLEN—I will not attempt to add anything to the arguments that have been presented from a legal standpoint. I prefer to leave it to the legal lights of this House to dispose of that question. I want simply to refer to a few points that I think have not been touched upon yet. In the first place, we have a very large number of level crossings in this country. If we had stipulated at the inception of the construction of railways that there should be no level crossings, the probabilities are that we would not have in Canada to-day the very extensive railway accommodations that we enjoy. Level crossings were and are a necessity in the conditions of this country. We have no right to rail at the railway companies because there are level crossings. They are here for the convenience of the people, for the purpose of securing railway accommodation and for the general good. If those who have to use level crossings would act with prudence, we would not have anything like the number of accidents that take place. Why do not people guard themselves against accidents at level crossings? Notwithstanding the fact that the railway companies put up signs warning the people of the danger at railway crossings, how many take any notice of those signals? They drive by, in many cases without paying the slightest attention, and the result is that accidents take place. It would be a good thing if we had the power to put an amendment in our criminal code imposing a penalty on any one driving over a railway crossing without coming to a dead stop before doing so. If we have not that power, I should like to see something of the kind done by the local legislatures. Now, the hon. senator from Marshfield challenged the statement I had made in the committee with regard to the hampered condition in which Canadian railways will find themselves if this Bill were passed, that it would give the United States lines an advantage over our railways running between competing points. He says that in the United States almost every state has passed legislation something in the line of this Bill as sent to us from the Commons. I challenge him now to name one single state in which such drastic legislation has ever been passed. The only state that has any legislation of the kind is New Hampshire, which has a statute not regulating the speed of trains, but giving to the Railway Commission the power to regulate the speed of trains passing through towns and cities, the very thing we are trying to do by this Bill as amended

by the amendment of my hon. friend from De Salaberry. I admit that cities, as a rule, have power to regulate the speed of trains and street railways within their limits. They have that right conferred in their charters as cities; but no state has passed such a law as the one proposed here. Another thing that I drew attention to was, that on the Canadian Pacific Railway and the Grand Trunk Railway there are many stations where the express trains do not stop, some of them at villages of considerable population. If you compel the companies to slow down their trains to ten miles an hour at all such places, you will seriously restrict the speed of through trains running between important points. Now, my hon. friend from Marshfield has referred to the legislation in Michigan. There is no provision in that state under which any village can regulate the speed of trains, no matter how dense the population may be. Cities have the power, I admit, and so have large towns, but not villages. Another thing my hon. friend mentioned was the time which elapses between the blowing of the whistle and ringing of the bell and reaching the crossing when a train is travelling at the rate of 60 miles an hour. As a rule, trains do not keep up that speed running through cities and towns; they slow down; but if they did, I ask my hon. friend if he would not have time in fifteen seconds to get down on his hands and knees and creep across the crossing before the train could reach him, so that anybody who hears the whistle has time to get off the crossing. The great trouble is that people will stupidly allow themselves to be run over by railway trains, notwithstanding notices and warnings. In 99 cases out of 100 where accidents occur, they are due to the indifference or stupidity of people themselves. Many people commit suicide by deliberately lying down on the track. Some will find a place on the track, others on a crossing. How do I know that? Why, people jump into Niagara river in order to be carried over the falls. You might as well say that we should put a wall along the river front above Niagara Falls to prevent people committing suicide by drowning as to pass such legislation as this. When people want to commit suicide they will do it one way or another. We cannot prevent it by legislation. These level crossings are of interest to all of us. We have no right to say to the railway companies, you are altogether responsible for killing the people of this country if they are using the precautions required by law, putting up notices, blowing whistles and ringing bells. With these precautions, they are doing all that the law should require them to do. But in another place you say you must come down to ten miles an hour when you strike a populous town or village. Who is going to put up the mark so that the engineer will see it and understand that when he strikes that mark his train must be running ten miles an hour and no more? Who is going to stake out the space between the two points where he must run at that speed? It must be done by somebody. You cannot expect the engineer to know where that is to begin and end; he must have some guidance. If it is not done, under this law he would be liable to be hauled up and fined. This question is one that requires very serious consideration, and, after viewing the whole matter, I have come to the conclusion that the amendment proposed by my esteemed friend, the hon. senator from De Salaberry, is the best that can be made at the present time. If we pass more drastic legislation, we cripple our railways and we do not want to do that. We want to give them fair play. In the United States, we know that the Interstate Commission has in many cases done very serious harm and interfered with trade, and the public begin to realize the injury that has been done. We had better take care that that does not take place in Canada. I do not want to shield the railways; I want to see them live up to whatever law we have. If they violate the law I am quite willing that they should be punished; but we should have another law imposing a penalty upon those who deliberately cross the railway tracks without taking the slightest notice of signs or warnings. Fancy a man at night driving a covered buggy across a railway track and never stopping a moment to find out if a train is approaching. He is not likely to notice the whistling of a locomotive or the ringing of a bell; probably he would be confused with other noises. I say that the law should require a man under such cir-

cumstances to stop stone-still until he learns whether a train is coming before he attempts to cross the track. I am prepared to support the amendment of the hon. member from De Salaberry.

Hon. Mr. McGREGOR—I have nothing in the way of argument to use; I only want to explain my vote. When the Lancaster Bill was first brought to the Senate, I was rather in favour of it, and said it should not be thrown out without very serious consideration. Certainly the Bill has received consideration; it is going to be amended, and it should be amended. I listened to the hon. senator from Marshfield with very great interest. He deserves credit for the facts he laid before us. At first I intended to support him, but, after very serious consideration, I have come to this conclusion: We want safety first, but we want speed as well. If a train is going to Montreal to-night and I can reach there a quarter of an hour sooner by a fast train than by taking a slower one, I would take the fast train. What we want is speed with safety. Absolute safety we cannot get as long as railways run. Even if a train runs only five miles an hour, you will find foolish people will get in the way and be injured. In the town where I live, I saw a man seriously injured by a train backing up, shunting. He was crossing the track with a horse and did not get out of the way.

Hon. Mr. FERGUSON—That is well provided for by section 276 of the Railway Act.

Hon. Mr. McGREGOR—I take risks myself very often with the street cars here. If I see a street car coming fast, I stop until it passes; if it is moving slowly I try to pass before it, and there is more risk in crossing when the car is going slowly. When I am out driving at home, if I have to cross the Intercolonial Railway and see a train approaching slowly, I whip up my horse and cross before the train comes; but if the train is moving fast I do not take any risk. I think I can fairly accept the amendment of the hon. senator from De Salaberry.

Hon. Mr. DOUGLAS—I asked the hon. gentleman from Toronto if he would kindly give us some light on the relation of one part of this clause to the other. I have waited very patiently while others spoke to see if light would be thrown on that subject. If I am to vote, I want to know what I am voting for. I do not want involved clauses and bad English. We are dealing with abstract principles, and not with general statements. The amendment, as I understand it here, is conflicting—the clauses are not in harmony one with the other. If I understand English, and I ought to, there is a maximum of speed provided for in this amendment, and there is an implied minimum of speed in the latter part of the clause, and that minimum is in the judgment of the Board, whatever that may be. Then it is quite possible, I see in the relation of one to the other, that the minimum may overlap the maximum, because the judgment of a court may in this case, as they have power given to them in any case, with reference to speed at any rate to decide what it deems proper in its judgment. I certainly think there is a confusion of ideas, and I see the groundwork here for a great harvest for the legal profession. A case might come before the courts in which they would reap a good harvest in seeking to define what is the maximum and what is the minimum. Do I understand by the maximum speed that it is modified to ten miles an hour in cities, towns and villages? Am I to draw the conclusion from the latter part of the clause that the Board may fix the speed 'in any case,' whether in a town, city or village, 'at any rate' not ten miles an hour, but possibly fifteen miles an hour, or even in places, where it might be done with perfect safety, at sixty miles an hour? In our Northwest country it will not make much difference whether trains run fast or not, because the nature of the country is such that we can generally see a train coming about three miles away and nobody need be in any great hurry in getting over crossings unless he has something to warp his judgment, as once happened in a case I saw at Portage la Prairie. I saw a farmer drive his team right across the track when the train was moving eastward. The cowcatcher caught his wagon and threw it and the team into the ditch and stripped the horses of their harness. The train was stopped and everything was found but the man. We went back looking for arms and

limbs, expecting the man was in pieces, but we could not find a trace of him. After a time we found him sitting on the cow-catcher unhurt. I suppose it was what was in him that enabled him to get off so successfully. He had in him more than he should have had. The question now is not so much a question with us in the west as to whether the Board should increase the rate, but how far it should be increased in towns, cities and villages. I do not see why we should have the maximum speed in conflict with the minimum. Virtually, there is a supposition implied in this last sentence, that the Board shall have power to exceed the rate fixed in the first instance, if they deem it expedient or proper. I do not think it is a credit to this honourable Senate to allow involved clauses of this kind to leave the House without being put in plain English. I look to the hon. senator from De Salaberry, who is the author of this amendment, to throw some light on these two points, and then I shall be able to consider the amendment much more favourably than I do at present. My difficulty with it is that it is not straight English. The clauses are not sufficiently and clearly cut to prevent mistakes being made when you go to court and adjudicate a case, because the judgment of a court is here so peculiarly defined that it may altogether supersede the statement, 'A greater speed than ten miles an hour.' I should like very much to get light on this subject before I vote, and there is ground for asking the hon gentleman who has prepared this amendment to give us some idea as to how these two clauses may be harmonized.

Hon. Mr. CLORAN—How would the hon. gentleman do it if he were on the bench himself?

Hon. Mr. DOUGLAS—I would say that this is work for legal gentlemen to do; but not for men who want simple justice.

Hon. Mr. BEIQUE—The hon. gentleman asks a question which it is my duty to answer. I may say, however, that I would have much preferred if he had persisted in putting the question to the hon. senator from Toronto, because I do not claim to be an English scholar. However, I have occasion to read English as well as French law pretty often, and have had occasion to do so for forty years in the exercise of my practice, and I cannot see that there can be any confusion arising from this clause from the point of view of a legal man. What the phrase conveys is this, that the speed is limited to ten miles, unless one of two conditions obtains; first the construction, maintenance and protection according to an order of the Railway Board, or, second, pending the issuing of an order of that kind, or even simultaneously with the issue of an order of that kind, or after it has been issued by special permission given by the Railway Board, to either exceed that speed, or if the Railway Board deems it advisable, to limit it to a speed less than ten miles an hour for these specific or individual highway crossings. only at certain hours of the day, and I cannot see that there is any conflict between that part of the clause and the other part of the clause.

Hon. Mr. DOUGLAS—I understand the hon. gentleman's explanation, but I do not see the necessity, after such an explanation, that that clause should include the words in the first part of the amendment, 'A greater speed than ten miles an hour.' It is quite uncalled for, if you give authority to the Board that they may from time to time fix the speed 'at any time,' 'at any rate' it deems proper. They have all the authority and power that any Board can desire. There is an effort to fix the maximum speed in the second line, and then that speed may be exceeded if an order is made by the Board.

Hon. Mr. JONES—If there was nothing but the last clause which the hon. gentleman read, and there are 2,500 or 3,000 crossings, what would the railway do pending the decision, without that part of the amendment that he speaks of in the first part, which he thinks unnecessary ?

Hon. Mr. CLORAN—I wish to approach this question in a judicial frame of mind, and give whatever experience I have in regard to the interpretation of clauses which are passed by this parliament and others. In the first place, I regret that in the original Bill ,'An Act to amend the Railway Act,' the following was put in :

Section 275 of the Railway Act is hereby repealed and the following is substituted therefor.

I may say in regard to that action, it was not a wise one; it is not in the interests of the people of this country to withdraw section 275 of the Railway Act as it stands, and if hon. gentlemen will just listen to the reading of it, they will see the necessity for its continued existence in our statute. That section reads:

No train shall pass in or through any thickly peopled portion of any city, town or village at a greater speed than ten miles an hour unless the track is fenced or properly protected.

This clause deals with the track, not with the crossing, but with the track running through cities, towns and villages; and if we strike out this clause we relieve the railway companies, as far as this goes, of all responsibility of keeping their track fenced in thickly peopled sections of the country. With the new law, we simply force them to protect their crossings. There is not a word in the Bill which will force the railways to do what they are forced to do under section 275 of the Act. So that the Bill, in that respect, is inadequate, and it was a mistake to attempt to repeal clause 275. As I understand the amendment moved by the hon. gentleman from De Salaberry, he inserts this clause. Now take the clause itself and examine the two. They are identical, with the exception of three words omitted and the change of one letter. Why the three words are omitted, is more than I can tell, and the three words omitted are the essence of the Lancaster Bill, when it says, 'Unless such crossing is properly protected.' Why drop out the words, 'Properly protected.'

Hon. Mr. BEIQUE—The words are 'Constructed, maintained and protected.'

Hon. Mr. CLORAN—That is not included in the hon. gentleman's amendment.

Hon. Mr. BEIQUE—Yes.

Hon. Mr. CLORAN—Supposing the hon. gentleman's amendment covers what is already in existence in the Bill of Mr. Lancaster, I find fault with this provision in it, and I think the railway companies will find fault equally in regard to that provision, as well as every municipality in the Dominion of Canada, as well as every citizen in the country who will have a grievance against the railroad. Why? Because on each crossing there will be room for litigation. There will be a necessity for the railroad either to come before the Railway Committee or the Board of Commissioners. There will be necessity for the representatives of the municipality to come up to Ottawa. There will be necessity on the part of the citizen to come up to Ottawa to have a certain crossing protected, and the hon. senator from De Salaberry answered me the other day, when I asked him in regard to the provision he has put in his amendment, if it would be necessary for each case to be taken up separately, and his answer was 'Practically so.' Would that not be a nice state of things, to force each railway company to come before the Railway Board to ask permission to put down a crossing? Would it not be a cumbersome task? Is this legislation not designed so as to worry people instead of giving them ease, because the clause reads as follows:

Unless such crossing is properly protected, or unless such crossing is constructed and thereafter duly maintained in accordance with the orders, regulations and directions of the Railway Committee of the Privy Council or of the board in force in respect thereto. The board may limit the speed in any such case to what it deems proper.

I would like to have the law without any chance of evasion, or interpretation on the part of the courts—that is compulsory regulation: that regulations be sent forth as a matter of right, not only in one case, but for all crossings, and give the railway one or two years, whatever may be desired, to put the crossings in a proper condition of protection. If such were done, then the object of the Bill would be attained; but if it is going to be left to individuals to enforce the law, it will be a cumbersome and awkward thing. I hoped such would not be the effect of the amendment, but the hon. gentleman made answer to me and said that practically in every case we would have to take special action. I do not think that would be a proper thing for this parliament to do. If he can see his way, not to force individual action for each crossing, I would say that the amendment is on the right lines. I understand

that railroads have a great deal to contend with. They have a great deal to contend with in getting their trains through immense distances—three or four thousand miles. I can understand railways cannot have protection at every crossing, but there is no doubt that if the railway companies themselves—and some companies have done this and benefitted by it—would undertake to protect crossings on their own initiative, wherever asked, especially in large communities, like passing through St. Henri near Montreal, or other places, that they would have the good will of the people, that there would be none of the feeling that exists to-day, antagonistic to the railway interests, because in many instances railways do not accede to the desires of the municipality. But if they did it in a great number of cases, they would gain the goodwill of the people, and there would be none of this antagonism towards them. The railways are all trying to build up the country, and we are not called upon here to hinder their efforts. Our first duty, however, is to the people, to protect human life, as was well said by the hon. gentleman from Toronto; at the same time, we must not throw all the sacrifice of human life on the railroad. I find by the statistics that in every calling and in every walk of life there are many fatal accidents as well as non-fatal. I find that in 1906-7, there were 1,107 people killed in the Dominion of Canada, and I was very much surprised to find that there were over 176 people killed on farms, falling off haystacks and being run over by wagons, machinery, and so on. In navigation there were 117 killed. In fishing and hunting, fifteen. In lumbering 119 and in mining 119. In railway service—that is comprising all branches of the service, not merely railway crossings, of the different systems of railroads throughout the Dominion, I find there were 252. So that the comparison is not so much to the disadvantage—we will not say to the discredit—of the railways, and what I would ask is, that when they receive a request from a municipality, people who do not act lightly, who come to them on behalf of human life, that they should accede as far as possible and not block the wish of municipal authorities who are responsible for the lives in their midst. Then what was the total of non-fatal accidents? It was 2,745. On the farms there were 262 fatal accidents. Fishing and hunting, five, lumbering 156, mining 174, building trades 272, metal trades 562, woodworking 133, and in railway service 340, out of a total of 2,748. There were other callings where there was a smaller number of accidents as shown by the table submitted to parliament by the Deputy Minister of Labour, as follows.

DEPARTMENT OF LABOUR, CANADA.
STATISTICAL TABLES VII. A. R. No. 27.

TABLE OF *FATAL* INDUSTRIAL ACCIDENTS IN CANADA DURING 1906.

Trade of Industry.	Number of fatal accidents by months.												
	Jan.	Feb.	Mar.	April.	May.	June.	July.	Aug.	Sept.	Oct.	Nov.	Dec.	Total.
Agriculture	8	3	10	10	12	25	14	24	17	23	17	13	176
Fishing and hunting	....	....	....	1	5	3	2	....	....	1	....	3	15
Lumbering	4	7	13	6	16	15	12	5	6	4	15	16	119
Mining	7	7	9	11	16	15	8	10	10	10	5	11	119
Building trades	1	4	1	3	6	4	16	7	3	7	4	3	59
Metal trades	6	3	6	5	3	11	5	5	3	7	4	11	69
Woodworking trades	....	....	2	....	....	1	....	....	....	....	1	....	4
Printing trades	....	....	....	....	....	....	....	....	....	....	....	....	....
Clothing trades	....	....	....	....	....	....	....	....	1	1	....	....	2
Textile trades	2	1	....	....	....	....	....	....	....	....	....	....	3
Food and tobacco preparation	....	5	2	1	2	....	....	2	....	1	5	2	20
Leather trades	1	....	....	....	....	1	....	1	....	....	....	....	3
Railway service	20	5	21	22	26	14	20	27	29	22	28	18	252
Navigation	7	....	2	2	19	11	6	19	4	9	31	7	117
General transport	1	4	2	2	3	3	7	5	7	7	3	1	45
Civic employees	....	....	....	....	....	1	....	1	....	....	1	2	5
Miscellaneous trades	3	1	1	5	8	6	8	1	8	3	9	3	56
Unskilled labour,	5	6	2	1	7	1	5	4	5	4	1	2	43
Total	65	46	71	69	123	111	103	111	93	99	124	92	1,107

DEPARTMENT OF LABOUR, CANADA.
STATISTICAL TABLES VII. A. R. No. 28.

TABLE OF *NON-FATAL* INDUSTRIAL ACCIDENTS IN CANADA DURING 1906.

Trade or Industry.	Number of non-fatal accidents by months.												
	Jan.	Feb.	Mar.	April.	May.	June.	July.	Aug.	Sept.	Oct.	Nov.	Dec.	Total.
Agriculture	16	6	20	24	20	41	34	35	22	17	16	21	262
Fishing and hunting	....	....	1	1	....	1	....	....	....	....	....	....	3
Lumbering	5	16	8	15	23	18	23	10	4	5	8	21	156
Mining	10	14	15	9	27	14	14	18	13	15	9	16	174
Building trades	14	5	31	15	20	26	30	37	20	27	26	21	272
Metal trades	54	42	63	56	54	44	58	52	35	41	33	30	562
Woodworking trades	8	8	17	13	10	16	13	13	13	9	6	7	133
Printing trades	2	1	2	3	....	....	1	3	1	1	1	2	17
Clothing trades	2	1	....	3	....	....	4	....	3	2	2	2	19
Textile trades	3	1	6	1	8	2	7	2	4	4	4	4	46
Food and tobacco preparation	3	4	8	4	8	4	6	9	4	6	16	7	79
Leather trades	1	3	1	....	3	....	....	4	1	....	....	....	13
Railway service	30	14	21	11	26	20	30	47	43	31	40	27	340
Navigation	1	3	2	4	6	8	2	7	5	5	6	12	61
General transport	2	11	24	9	27	9	17	23	11	21	10	14	178
Civic employees	8	5	5	3	7	9	1	7	3	3	11	4	66
Miscellaneous trades	18	12	18	17	29	28	16	19	24	15	12	14	222
Unskilled labour	11	10	10	16	18	15	17	12	12	16	9	1	142
Total	188	156	253	191	286	255	273	298	218	218	209	203	2,745

But, on the whole, the situation is not so bad as it appears to be, and if this parliament will put this railway crossing question in the hands of the Board and make it compulsory on them, and give them sufficient time within which to carry out their instructions, it would be a proper course to pursue. I would dislike, however, to be party to legislation that would be obscure, that the courts would have great difficulty in interpreting, and that is one of the things I am against as long as I have a seat in parliament. We must have our laws as clear and distinct as possible; our judges have no right to interpret the law. They should have only the right to apply it. That is a statement that I have made several times in the past, and I have it from judges themselves, that the great difficulty in their judicial experience is to be obliged to interpret the nonsense of parliament. That is what they complain of—the nonsensical statutes. Why do they not make their law clear the judges ask? One lawyer says this, and the other the other thing, and the judge throws up his hands in distress, and says, 'What can I do? I have to interpret the law.' It is our duty as legislators, as the hon. gentleman from Saskatchewan says, to make our laws clear and plain, that everybody who runs may read, and that as little interpretation as possible shall be thrown on the court. Just imagine what the hon. gentleman from Marshfield said the other night, to the surprise of myself and the hon. leader of this House, that the Supreme Court of Canada had decided that citizens of this country, not only citizens, but any person in this country have no rights under the common law. He cited the case of McKay vs. the Grand Trunk. I have gone over that judgment. I read it last night and this morning, and I must confess that the view taken of that judgment by the hon. gentleman from Marshfield is correct. There is a statement made there that the company was not responsible because they had fulfilled the instructions and regulations given to them by parliament. Is that doctrine going to be upheld in this country? I hold it would be an outrage on the basic principle of the British constitution. Parliament has a right to give to a company or an individual, power to do certain things, but at its own expense, not at the expense of the subject. If a mill has to run its machinery and its

business, it has to do so at its own risk, and not at the expense of human life or at a sacrifice of the right of the subject, and it is an outrageous principle to be propounded and upheld by the Supreme Court of Canada, that because parliament has stated certain things, that the citizen has no longer any right to come before the courts of his country and claim damages. The time will come, and I do not know but it would be the proper time now, to introduce an addition to the Railway Act in language clear and plain, that notwithstanding anything in the Railway Act of Canada, or in any Act of the parliament of the Dominion of Canada, and notwithstanding any judgment of the Supreme Court or any court in Canada, every person in the Dominion shall have the right to take action at law for the recovery of damages against all individuals, companies and corporations, when his or her rights in regard to person or property, through negligence or otherwise on the part of individuals, companies and corporations, have been trespassed upon or injured in any way whatever. There is a law that is clear, and would prevent our courts from interpreting——

Hon. Mr. POWER—I should like to ask the hon. gentleman how the man who is killed can bring that action.

Hon. Mr. CLORAN—Evidently the hon. gentleman from Halifax is not a believer in the transmission of souls. He does not think the father can transmit to his son a part of his rights after he has departed this world. There is the position, and if the hon. gentleman from De Salaberry would include that in the law, then the rights of the people would be safeguarded.

Hon. Mr. BEIQUE—I do not think that would add anything to the law.

Hon. Mr. CLORAN—But I am speaking in regard to the hon. gentleman's amendment.

Hon. Mr. SCOTT—I should, perhaps, make a few observations before the debate is concluded, in order to remove an impression that has gone abroad that the law at present is defective. I deny that. My impression no doubt is strengthened very much by the attitude taken by the hon. gentleman from Marshfield, taken fairly, in all earnestness. He did not profess to be a lawyer, but, unfortunately, he came to conclusions that were not in any way justified. He appealed to our sympathy in regard to the case of McKay vs. Grand Trunk and represented—I have his words under my hand here—that owing to the defective clause, 275, the plantiff in that case had been deprived of justice. There is not a shadow of foundation for the statement. Section 275 was not adopted till two years after the accident occurred. The accident occurred in October, 1901. The action was tried by Mr. Justice MacMahon, and there was strong evidence of contributory negligence, the sort of negligence pointed out by the hon. gentleman from Wellington when he spoke a few minutes ago. There had been on that day a fair in Mount Forest, and the town authorities, knowing that the crossing was not a very safe one, took precautions to station a man at the crossing, as the farmers would be leaving the town. Mr. McKay had a covered buggy. He had his wife and two children in the buggy with him. A number of persons were up at the railway crossing and endeavoured to stop them. Whether he saw them or not, for some cause or other, he took no notice. The official of the town stationed at the crossing to stop people, endeavoured to prevent him crossing, and failed to do so. He persisted in crossing the railway as the train approached. Evidence was given at the trial that when he came within forty feet of the crossing he could readily see the approaching train, but for the fact that he was in a covered buggy and the track perhaps was not visible. The jury found that the company had complied with all the orders in reference to ringing the bill and sounding the whistle. Mr. McKay just took one of those chances that all of us sometimes take, and as my hon. friend who spoke a few minutes ago said he sometimes took, and as I take. Anybody who watches the crossing at the Russell House at six o'clock, will see many people taking chances. Some get knocked down. Accidents will occur. At any rate the law at that time was not what it is to-day. The law at that time was covered by the Railway Act of 1888 as amended by the Act passed in the following year. The clause read in this way:

No locomotive or railway engine shall pass in or through any thickly-peopled portion of any city, town or village, at a speed greater than six miles an hour unless the track is fenced in the manner prescribed by this Act.

And the other clause, 193, reads:

At every public road crossing, at rail level, of the railway, the fence on both sides of the crossing shall be turned in to the cattle-guard, so as to allow the safe passage of trains.

Now that was the law. The law of to-day adds to that, that the company is liable unless the track is properly protected. Then the words, 'properly protected' cover everything.

Hon. Mr. FERGUSON—No.

Hon. Mr. SCOTT—My hon. friend smiles. I stand by what I said, and I am quite prepared to prove it as I go on. The case was tried by Justice McMahon, and the facts all came out. Hon. gentlemen know that juries almost invariably find in favour of the plaintiff in such cases. However, Mr. Justice McMahon, although he felt that the man McKay had been guilty to some extent of contributory negligence, gave a verdict as stated. The case then went to the Court of Appeals in Ontario, one of the best courts I venture to say in this country, made up of men standing very high as jurists. That court unanimously confirmed Mr. Justice McMahon's decision on the law as it then stood, without those words 'properly protected' being in.

Hon. Mr. FERGUSON—That 'unless' refers to the track.

Hon. Mr. SCOTT—Does not the track cross the highway?

Hon. Mr. FERGUSON—Oh yes, but it is only the part that is inclosed.

Hon. Mr. SCOTT—I stated the matter of fact. I have read the law as it was. Now, there is no reference whatever to the track being properly protected, in the law as it stood up to 1892; yet the hon. gentleman from Marshfield used these words:

The court found that clause 275 had no reference to highway crossings, and there was no limitation on the speed of the train as long as they were protected, and as long as the fences were turned in at the cattle-guard. That was the judgment read by Sir Louis Davies and concurred in by his brother judges, Mr. Justice Girouard dissenting.

Now that is absolutely without any foundation whatever. And further down it is repeated. He quotes from one of the judges:

Here we have the finding of the Supreme Court that section 275, which this House was made to believe last year was ample protection for the railway crossing, had no relation whatever to the highway crossing, but only to the fencing of the track.

I should like to quote the opinion of a pretty high authority in this country. When this subject came up first in the House of Commons, the Railway Act of 1903 had then been passed. The then Minister of Justice, who, I am bound to say, did not pay any compliments to the Supreme Court, (I am not going myself now to question it, but I do say that they took a very strong position when they dissented from the five judges in Ontario who were absolutely familiar with all the facts, and attempted, and succeeded in defeating that action on what I think was absolutely improper ground) made those observations:

My hon. friend Mr. Lancaster is before this House again because of the judgment in the case of McKay vs. Grand Trunk.

I may say that the statute, section 275, was introduced in consequence of that. Not a single member has been able to bring forward a case where section 275 has failed. Until that has been done, no one is in a position to say that section 275 is defective. The general words, 'Track properly protected' are very much better than to define, as you would have to do by the use of very many words, what is the protection required. There are some 2,000 of these crossings. Now, they would have different methods of protection for different crossings. It depends upon the circumstances. The language used there is general, and courts are always ready to construe general language as meaning that it should cover all cases that could possibly arise. If you attempted to define how crossings should be protected, you would be sure to leave out some particular case you had not taken cognizance of. I was going to read to the House the observations of the present Chief Justice of the Supreme Court, at that time Minister of Justice:

I have no desire to criticize that judgment, but I think my hon. friend will bear me out when I say that in effect the judges of the

Supreme Court decided there that the Railway Act contained the whole law with respect to the management of a railway, and that the common law obligation with respect to the protection of life and property would be eliminated if the statutory requirements were complied with. My hon. friend, Mr. Lancaster, has no doubt considered that judgment. He has had the advantage of having the notes of the judges before him, but he, I am sure, has not overlooked the facts, and as I said before, I have no desire to criticise the judgment. The judgment goes much further than the same court went in Fleming vs. Canadian Pacific Railway, and much further than the same court went, even more recently in a New Brunswick case, and I cannot understand how it is possible to imagine that if the statutory requirements had been complied with, the common law obligations ceased to exist, in view of the statements made by the Lord Chancellor in the case of Roy vs. Canadian Pacific Railway.

Hon. Mr. FERGUSON—Who is this?

Hon. Mr. SCOTT—That is the statement of the Minister of Justice, the present Chief Justice of the Supreme Court, in his remarks on the Lancaster Bill. He says:

This, it seems to me, is an authority exactly to the contrary of what the Supreme Court has held. However, perhaps my hon. friend would not overlook the other fact which is of importance, that the Supreme Court decided the case of McKay on a statute that has been amended, and that is not now the law at all. It is on an entirely different authority from the provision of the present law.

That is what the Chief Justice said. I am quite aware he differs from the Supreme Court; but the case came up on another occasion, and he reports what he said there, when Mr. Borden was discussing it. He said:

I have no desire following in that respect the example of my hon. friend the leader of the opposition (Mr. R. L. Borden) to criticise the judgment of the Supreme Court in McKay vs. Grand Trunk Railway Company, nor to point out in what respect that judgment differs from the judgment of the same court in Fleming vs. The Canadian Pacific Railway. We are not here to discuss the judgment of the Supreme Court, but to ascertain whether or not legislation is necessary under the circumstances to remedy the defect pointed out by the Supreme Court in that judgment.

I might point out to my hon. friend the leader of the opposition (Mr. R. L. Borden) that the judgment of the Supreme Court was rendered not upon the Railway Act as it is now but as it was previous to 1903. My hon. friend very properly points out that the Supreme Court held in McKay vs. Grand Trunk that the fencing which was referred to was the fencing consisting of a board fence turned in at the cattle-guard.

He differs from the hon. gentleman from Marshfield.

Hon. Mr. FERGUSON—Yes.

Hon. Mr. SCOTT—He proceeds:

Now that cannot apply to the Railway Act as we have it, for this reason, which will be quite apparent to the hon. the leader of the opposition.

Further on he says:

The Supreme Court held that the obligation to fence provided by the Act was limited to the obligation contained in section 197. That has not ceased to be law. The law on this point is now contained in section 227 of the Railway Act.

And that is where he discusses the words 'Properly protected.' He says:

The words 'properly protected' leave the matter as a question of fact to be determined as to what would be a proper protection under the circumstances existing in each particular case.

It is pretty clear what that authority means at all events. On another occasion in discussing the matter, Mr. Fitzpatrick said:

We have discussed this at some length in the House. The hon. gentleman is quite right to push the matter as strenuously as he pleases. I cannot do any more than state my views to the committee. The matter was discussed and discussed before the Railway Committee, and now he is back here again. I have expressed my views and I cannot change my mind about that. The liability of the company is perfectly clear. McKay vs. the Grand Trunk Railway Company was not decided upon this statute. It was decided upon the previous statute.

He is there speaking of Mr. Lancaster's pertinacity in pushing the Bill.

Hon. Mr. FERGUSON—Who says that?

Hon. Mr. SCOTT—The present Chief Justice of the Supreme Court.

Hon. Mr. FERGUSON—He was not Chief Justice at the time.

Hon. Mr. SCOTT—No, but Minister of Justice at the time, occupying quite as good a position. He continues:

It was decided upon the previous statute. It was a case decided by a majority of the Supreme Court reversing the decision of the Court of Appeal of Ontario.

Now, I thought it was only fair, right and proper in dealing with this case that our feelings should not be drawn in by the very earnest and eloquent language of my hon. friend opposite. I entirely acquit him of any desire to deceive the House. I do not make the slightest insinuation, but he was so earnest in this matter that, in the first place, he touched the sympathies of the House by the picture he drew of the terrible accident which occurred there, and then of the relatives of the unfortunate man being deprived of any claims for damages by the mistake made by the Supreme Court. That cannot occur again. This is a precedent no longer, because the words of the Act are entirely changed, and the words 'properly protected' give ample protection. If I am wrong, why did not some hon. gentleman call attention to some case where a party has failed to get redress since that Act has come into operation? We have the sanction of the highest judicial authorities in this country that this is good law, that that statute covers everything, that those words 'Properly protected' apply to the track at the crossing as well as to the track along a street. There is no manner of doubt about it. But, wholly apart from that, when we come to consider that without the words 'Properly protected,' five judges, I do not hesitate to say ranking quite as high as the judges of the Supreme Court, decided in favour of the plaintiff, and confirmed the verdict of the jury; although the words 'Properly protected' were not in. They decided on what the hon. senator from Montreal alluded to just now, the common law principle, that the company were liable, having failed to provide the proper protection for life. We have gone beyond that, and have put such language in the statute, and given such powers to the Board, that by no possibility could an action fail under present conditions, except with the strained view the Supreme Court took of it.

Hon. Mr. CLORAN—Hear, hear.

Hon. Mr. SCOTT—The Supreme Court were divided upon it. Three of the judges are no longer in the court. Justice Girouard is there still. He did not agree with his colleagues in the conclusions to which they came, and, therefore, I thought it my duty to remove the impression made by the very earnest, eloquent and heartfelt appeal made by the hon. senator from Marshfield. He did it in good spirit believing he was justified. He was not justified. I think I have made that as clear as is possible to make anything; no point could be clearer. The case was decided before the Act of 1903 was passed. The accident occurred in 1901. Our amended Act was passed in 1903, so my hon. friend is entirely astray. He was so wrapped up in his subject that he would not allow any one to interject a word, to ask him if he was quite sure of the statement he was giving to the House. The House accepted it, believing he had inquired carefully into the subject. He made some comments about lawyers being hasty in giving opinions, and some one retorted that laymen were sometimes hasty too. He stuck to his opinion, however, and now from the smiling way he greets me, he seems still to glory in the position he took. The law is all right. If there is any doubt at all about it, that doubt is removed by the amendment proposed by the hon. senator from De Salaberry, making it perfectly clear, because it leaves section 275 in. It had, at all events, the endorsation of the highest legal authority in the land. That authority, has endorsed it not once or twice but a number of times. I should like to leave it there for that reason. It is a matter of the greatest importance that the law should not be altered. Mr. Beique's amendment does not in any way disturb it, but simply adds to it:

3. No train shall pass over any highway crossing at rail-level in any thickly peopled portion of any city, town or village at a greater speed than ten miles an hour, unless such crossing is constructed and thereafter duly maintained and protected in accordance with an order, regulation and the directions of the Railway Committee of the Privy Council or of the board in force with respect thereto, or unless permission is given by some regulation or order of the board. The board may from time to time fix the speed in any case at any rate that it deems proper.

Now, that adds force to the other provision, and certainly ought to be sufficient for all purposes. It is admitted that there are a couple of thousand of those crossings. My hon. friend first proposed that those crossings should be put in before the end of next year; he has since changed the date to 1914. Does any one suppose that it would be

possible before the end of next year to protect 2,000 crossings? In all parts of the country the people are clamouring for extensions of roads. Any money which can be obtained goes for extensions. The question is not asked, 'will you protect the crossings?' it is 'will you give us the railway?' I could mention many places where there are thriving towns now that were only green fields before the railways came. Who put the crossings there? The railway company put their station there first, then a grocery started and a town arose. Somebody made a lot of money speculating in town lots, and streets were opened up. That was the case at Mount Forest. That town was started 50 years ago on the line between Toronto and Sarnia. The line was one of the first built in Ontario. It is not at all improbable that the place got its name because it was a forest at that time. Now, it is a thriving village due to the presence of the railway. Have the municipalities no responsibilities at all in protecting the crossings? There is the fact, that in nine cases out of ten, crossings in the newer parts of the country are due to the presence of the railway. The country becomes a village, the village a town, the town a city, and then they come down on the railway and say you must spend so much money to put in crossings.

Hon. Mr. FERGUSON—I wish to say one word with reference to the extremely good-natured and innocent remarks of my hon. friend the leader of the House. I have no fault to find with his temper or the manner in which he presented his case. Everything is admirable, but it is a pity that at the end of such a long discussion as we have had, my hon. friend should have presented to the House a view that was exploded two years ago in the House of Commons and has been recently thoroughly exploded in the Senate and everywhere else, except in my hon. friend's own mind. I should like to hear the hon. gentleman from De Salaberry, or the hon. gentleman from Toronto say that the hon. Secretary of State is right in saying that section 275 as it stands provides for highway crossings. If my hon. friend is right, we have all been on a fool's errand. My hon. friend read to the House remarks made two years ago in the House of Commons by a very eminent man, Chief Justice Fitzpatrick, in his capacity as a member of parliament, but Mr. Fitzpatrick made these remarks without careful examination, as many of us did on the same point last session. I confess that all the time the matter was discussed in the House last year I thought that was the correct view, and the honourable member for De Salaberry was of the same opinion. The hon. member from De Salaberry pointed out the correct view at the second reading of the Bill this session. If my hon. friend had just taken the trouble to compare section 275 in the Act as it now stands with section 259 in the Act of 1892 he will find that section 259 reads this way:

> No locomotive or railway engine shall pass in or through any thickly peopled portion of any city, town or village at a greater speed than ten miles an hour unless the track is fenced in the manner prescribed by this Act.

Then we have section 275 which weakens the old law as found in 259.

Hon. Mr. SCOTT—I challenge any one to mention a case.

Hon. Mr. FERGUSON—My hon. friend cannot see it; I cannot help that. I know he is sincere, but I doubt if his view is concurred in by any one who has given any consideration to the question, because if it is we would never be wrangling over a substitute for, or addition to section 275. Section 259 is as follows:

> No train shall pass in or through any thickly peopled portion of any city, town or village at a speed greater than ten miles an hour unless the track is fenced or properly protected in the manner prescribed by this Act.

The same provision, except it introduces the words 'properly protected;' but it is still limited and confined to the track, and we have a judicial decision that it has no reference whatever to a crossing; that it deals with the track and the track only, and anyone who reads it carefully will see that the judgment of the Supreme Court is right, but whether right or wrong it is the law of the land and we have to be governed by it. Section 275 is much weaker than 259 of the old Act, because in addition to the word, 'fenced' it gives another condition, 'Properly protected,' meaning that something less than the fencing would be considered sufficient, but it goes further and says: 'Unless permission is given by order

of the Board.' Therefore, in place of section 275 being a stronger enactment than section 259 of the old Act, it is weaker. At any rate the Supreme Court has decided that section 259, and of course 275, had no reference whatever to the highway crossing. We are bound, as good citizens of this country, by the decision of the Supreme Court, unless they are reversed on appeal, and that contention being right, all that I said about those who are injured or killed at these railway crossings and their friends being shut out from claiming damages, stands good, sound and unimpeached and is unimpeachable.

The committee divided on the amendment to the amendment which was declared lost on a division.

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

The Senate adjourned until to-morrow at three o'clock.

THE SENATE.

OTTAWA, Friday, March 20, 1908.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

DISTRIBUTION OF JOURANLS OF HOUSE OF COMMONS.

INQUIRY.

Hon. Mr. LANDRY inquired:

When will the Journals of the House of Commons for the session of 1906-7 be printed and distributed to those who are entitled to them?

Hon. Mr. SCOTT—The Journals of the House of Commons will be distributed within three weeks.

FRENCH EDITION OF REVISED STATUTES OF CANADA.

INQUIRY.

Hon. Mr. LANDRY inquired:

When will the last volume of the French edition of the Revised Statutes of Canada, 1906, be printed and put in circulation?

Hon. Mr. FERGUSON.

Hon. Mr. SCOTT—It is hoped that the last volume of the French edition of the Revised Statutes will be distributed in six weeks. It depends entirely on the translator.

REPORT OF QUEBEC BRIDGE COMMISSION.

INQUIRY.

Hon. Mr. LANDRY inquired:

When will the report of the commission appointed to inquire into the cause of the falling of the Quebec bridge be laid before this House?

Hon. Mr. SCOTT—I wired down to the Bureau, but I could get no information about it. There seems to be some doubt about whether it has gone there or not. I could not get the information.

A QUESTION OF PRIVILEGE.

Hon. Mr. BEIQUE—Before the orders of the day are called, I should like to call attention to an item which appeared in the Montreal 'Gazette,' under the heading 'Provincial Rights,' in connection with the Bill respecting the Ontario and Michigan Power Company. I am made to say this:

Senator Beique (Montreal) spoke lengthily upon the relative powers of the Dominion and the provinces, and came to the conclusion that the proposed works were for the general advantage of Canada, as the Bill declared.

This conclusion is premature, because I suggested, and on my suggestion that clause was postponed for further consideration. I did not express any opinion on the clause. I merely expressed a certain opinion as to the rules which were applicable to the matter.

LIMITS OF MANITOBA, ONTARIO AND QUEBEC.

MOTION POSTPONED.

The order of the day being called:

Resuming the suspended debate on the motion of the Hon. Mr. Landry, that in the opinion of the Senate the limits of Manitoba, Ontario and Quebec should be extended to the north so that each of those provinces be bounded north by at least the sixtieth degree of latitude.—Hon. Mr. Landry.

Hon. Mr. LANDRY—I move that this order of the day be discharged, and that it be placed on the orders of the day for Tuesday next.

Hon. Mr. LOUGHEED—I beg to suggest to the House, inasmuch as there is a postponement from day to day of many of the important orders, that hon. gentlemen who have charge of them should be prepared next week to discuss them in the evening.

Some hon. MEMBERS—Hear, hear.

Hon. Mr. LOUGHEED—There is no good reason why we should not sit at night and dispose of the work.

Hon. Mr. PERLEY—Provided we do not want to go down to Montreal.

The motion was agreed to.

CO-OPERATION BILL.

SECOND READING POSTPONED.

The order of the day being called:

Second reading Bill (5) an Act respecting co-operation.

Hon. Mr. SCOTT—I move that the order of the day be discharged, and that it be placed on the orders of the day for Wednesday next.

Hon. Mr. GIBSON—Might I be permitted to ask the hon. Secretary of State if he intends to send this Bill to a committee?

Hon. Mr. SCOTT—Yes. I intend to ask the House to approve of its reference to the Committee on Banking and Commerce, and to have it considered by them.

Hon. Mr. LOUGHEED—May I ask my hon. friend what the object in postponing this matter from day to day is, inasmuch as it is going to a select committee, before which evidence will be taken, I presume.

Hon. Mr. SCOTT—It is usual, when an hon. member asks me to postpone, for reasons, to accede to the request. The hon. gentleman says he has received a letter from the Attorney General of his province, and I think the proposition is a reasonable one.

Hon. Mr. LOUGHEED—I presume that would relate to the committee stage?

Hon. Mr. SCOTT—No, the principle of the Bill is involved on the second reading.

Hon. Mr. McMULLEN—I am very glad to hear the hon. Secretary of State announce that it is the intention to refer the Bill to a committee. I have received several letters from parties who are interested, who would like very well to be heard, and I think that is the only way in which they can be heard.

Hon. Mr. LANDRY—Inasmuch as the Bill is to be referred to a committee, could we not take the second reading to-day?

Hon. Mr. SCOTT—No, there is no object that I can conceive in adopting that course. Very many appeals have been made to me by parties who wish to appear, and they are not quite ready.

Hon. Mr. LANDRY—It means a postponement for a whole week.

Hon. Mr. SCOTT—No, I will take it up Wednesday. The second reading of the Bill will be taken on Wednesday, and I will then name a day for the committee.

Hon. Mr. GIBSON—I am glad that that decision has been arrived at, because a great many parties desire to be informed when the matter will be taken up, and do not wish to be kept waiting here. We can discuss the question of letting it stand over to suit the convenience of parties for and against the Bill when we go to committee.

Hon. Mr. SCOTT—If the second reading is taken pro forma, we could let it go to committee.

Hon. Mr. WATSON—But some hon. gentlemen wish to address the House.

Hon. Mr. SCOTT—Would it not be better to have the debate first in the committee?

Hon. Mr. WATSON—No.

Hon. Mr. SCOTT—As that suggestion does not seem to meet with the approval of the House, I think we will have to adhere to the proposal to adjourn the second reading till Wednesday next, to be the first order after third readings.

Hon. Mr. LOUGHEED—Why not say Tuesday?

Hon. Mr. LANDRY—And give it a chance to go to committee next week.

Hon. Mr. GIBSON—The Banking and Commerce Committee meets on Thursday,

and if this Bill is not read the second time before Wednesday, it will not reach the committee next week.

Hon. Mr. SCOTT—Then say Tuesday.

Hon. Mr. POWER—We have already half a dozen very important measures for Tuesday.

The SPEAKER—If it is not reached, it will go over till Wednesday.

The motion was agreed to.

PRESBYTERIAN COLLEGE, HALIFAX, BILL.

SECOND READING.

Hon. Mr. McGREGOR moved the second reading of Bill (DD) An Act respecting the Board of the Presbyterian College, Halifax.

The motion was agreed to.

Hon. Mr. McGREGOR—I move that the Bill be referred to the Committee on Banking and Commerce.

Hon. Mr. CLORAN—Why is the Bill referred to that committee? Have they not enough to do without dealing with religious matters?

Hon. Mr. POWER—The Bill deals with the funds of the church.

Hon. Mr. McGREGOR—The college board have the power to invest the funds of the church, and they are asking for some change in their powers.

The motion was agreed to.

PRINCE EDWARD ISLAND RAILWAY EMPLOYEES PROVIDENT FUND ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (117) An Act to amend the Intercolonial Railway and Prince Edward Island Railway Employees Provident Fund Act.

He said: This is simply to correct an error that occurred in a Bill of last session, leaving out three or four words. It referred to men who were receiving an annuity after a certain number of years, and it made provision for men who had been discharged for being guilty of minor offences, but who had afterwards been reinstead. These words 'Afterwards reinstated' were left out of the Bill.

Hon. Mr. LOUGHEED—Will my hon. friend be able to say why the English version is defective, and not the French version? It seems to me that if the words in question were left out of the English version, the logical consequence would be their omission from the French.

Hon. Mr. SCOTT—I do not know how the error arose. I have not been able to find out. Possibly I may ascertain before the Bill comes up in committee.

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

BILL INTRODUCED.

Bill (GG) An Act respecting the Northern and the Crown Bank of Canada.—(Hon. Mr. Ross, Middlesex.)

ATLANTIC, QUEBEC AND WESTERN RAILWAY COMPANY BILL.

AMENDMENTS CONCURRED IN.

Hon. Mr. FISET moved concurrence in the amendments made by the Standing Committee on Railways, Telegraphs and Harbours to Bill (T) An Act respecting the Atlantic, Quebec and Western Railway Company.

Hon. Mr. CASGRAIN—Three amendments were made to this Bill. The first amendment is on page 2, line 17; after '1907' insert 'or in this Act.' These words were left out. They were in the original draft. Then on page 2, line 32, after 'apply' insert the words 'And all other rights to which they were entitled.' That does not seem to add very much, but will not do any harm. Then page 2, line 32, they add a clause as section 7. This was put in for the purpose of enabling the company to purchase the Atlantic and Lake Superior Railway from the Exchequer Court. The Bill of last year authorized them to buy that road from the trustees of the bond-holders, who were then in possession of it. Since then the Exchequer Court has ordered the sale. Consequently it would enable this company to buy from the purchaser to whom this road may be adjudged when the sale takes place.

The amendment is as follows:

7. Should the Matapedia section, as defined in section 2 of the Act of 1903, be sold, whether before or after the passing of this Act, by order of the Exchequer Court of Canada, or of any other court of competent jurisdiction, under judicial proceedings against the Baie des Chaleurs Railway Company and the Atlantic and Lake Superior Railway Company, and such section be acquired by any person, corporation or trustees (hereinafter referred to as 'the owner'), then the company is authorized to purchase from the owner, and the owner is authorized to sell to the company the said Matapedia section; and section 4b added to the Act of 1903 by section 2 of the Act of 1907, shall apply, mutatis mutandis, to any purchase made by the company in virtue of the powers herein conferred.

I move that the report be concurred in.

The motion was agreed to.

Hon. Mr. CASGRAIN moved a suspension of the rules in order that the Bill might be read the third time presently.

Hon. Mr. LANDRY—What is to be gained by suspending the rules?

Hon. Mr. CASGRAIN—Those who are interested in the Bill are anxious to have it passed as soon as possible, to enable them to make their financial arrangements. I understand that large interests are hanging on this Bill, and, as it originates in the Senate, it is advisable to have it go to the Commons as early as possible.

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

THE LIBRARY OF PARLIAMENT.

Hon. Mr. POWER moved the adoption of the report of joint librarians on the state of the library of parliament for the year 1907.

He said: This is largely a formal report, but there are two points in it to which I think it desirable to call attention very briefly. The first paragraph which I shall read is as follows:

The librarians have been led to expect that some space will be placed at their disposal in the addition to the House of Commons now under construction. This would, in some measure, relieve the congested state of the library, but it is feared that in a short time the same difficulties under which they now labour would reappear. It is therefore the librarians' duty to call the attention of parliament to the urgent necessity of providing more space to meet the demand of our valuable national collection of books, by executing the plan prepared for that purpose of the chief architect of the Department of Public Works.

The other paragraph is one to which I venture to direct the attention of hon. members, because it refers to what is known to be a very serious abuse. It is as follows:

It is the duty of the librarians to bring under the notice of parliament the fact that some members of both Houses keep the books lent them for a period of time longer than allowed by the library regulations. In many cases, important works called for by other members, have been kept out of the department for several years, despite pressing requests for their return.

The motion was agreed to.

BILLS INTRODUCED.

Bill (7) An Act to incorporate the North Empire Fire Insurance Company.—(Hon. Mr. Young.)

Bill (27) An Act to amend the Government Years Act.—(Hon. Mr. Scott.)

Bill (35) An Act to incorporate the Travellers' Life Assurance Company of Canada.—(Hon. Mr. David.)

Bill (56) An Act to incorporate the Bank of Hamilton Pension Fund.—(Hon. Mr. McMullen.)

Bill (62) An Act respecting the Subsidiary High Court of the Ancient Order of Foresters in the Dominion of Canada.—(Hon. Mr. McHugh.)

Bill (82) An Act respecting the Niagara, St. Catharines and Toronto Railway Company.—(Hon. Mr. Kerr.)

The Senate adjourned until Tuesday at Three p.m.

THE SENATE.

OTTAWA, Tuesday, March 24, 1908.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

LABRADOR BOUNDARY.

INQUIRY.

Hon. Mr. LANDRY rose to draw the attention of the Senate to the following facts:

1. That on the 9th of January last, His Excellency the Governor of the Island of New-

foundland at the opening of the fourth session of the twentieth general assembly delivered a speech, in the course of which mention was made of a question interesting Canada, that of the Labrador boundary, which speech contained the following paragraph :—

'I have convened the legislature at an earlier period of the year than usual, as two very important questions affecting the colony will presently necessitate the undivided attention of my ministers, namely:—the Labrador boundary question which it is agreed shall be referred to the Judicial Committee of the Privy Council, and the American fishery question which is to come before the Hague tribunal.'

2. That on the 3rd of March instant, His Honour the Lieutenant Governor of the province of Quebec in opening the third session of the tenth legislature of that province, made a special allusion, in the speech from the Throne, to this same question of the Labrador boundaries, in the following terms :

(Translated from the French.)

While applying to the tribunals to protect its territory against the encroachments of Newfoundland, my government has not abandoned the negotiations which it had previously entered into with relation to the fixing of the boundary between that country and our own, and I have the pleasure of announcing to you that the government of Newfoundland has accepted our proposition to submit this question to the arbitration of the Judicial Committee of the Privy Council of His Majesty.

And that he will inquire:—

1. Has the government of Canada come to an understanding with that of Newfoundland to carry to the Judicial Committee of the Privy Council this question of delimitation of the boundaries between Labrador and that part of the territories belonging to Canada known under the name of Ungava and lying to the north and northwest of the province of Quebec?

2. When did this understanding take place, and is it to it that His Excellency the Governor of Newfoundland alludes in the speech from the Throne of the 9th of January?

3. Has this understanding been followed by any action whatsoever, and is the question in litigation submitted at present to the decision of the imperial tribunal?

4. In what form, and who in this instance represents the interests of Canada?

5. Is the government of Canada acting in this cause independently of that of the province of Quebec or jointly with it?

Hon. Mr. SCOTT—The answers to the hon. gentleman's questions are :

1. The government of Canada has agreed with the government of Newfoundland to submit to His Majesty in Council the question of the boundary between the Dominion of Canada and Newfoundland in the Peninsula of Labrador.

2. On October 2, 1907, the government of Newfoundland concurred in this submission. It is doubtless to it that His Excellency the Governor of Newfoundland alludes in his speech from the throne of January 9 last.

3. The imperial government has approved of the proposed reference, but it has not yet been brought formally before the Judicial Committee of the Privy Council.

The Minister of Justice has submitted to the Attorney General of Newfoundland a draft of a proposed agreement as to the procedure to be followed on the reference, together with a draft of a proposed case to be submitted by the two governments to the Judicial Committee. This proposed agreement and case is before the government of Newfoundland for consideration.

4. The Minister of Justice.

5. The government of Canada is acting with the concurrence of the government of the province of Quebec, but the only formal parties to the reference are the governments of the Dominion of Canada and of the colony of Newfoundland.

CONSTRUCTION OF NEW BUTTS AT ST. JOSEPH DE LEVIS CAMP.

INQUIRY.

Hon. Mr. LANDRY inquired of the government :

1. Have tenders been asked for the construction of new butts at the Royal Engineer Camp at St. Joseph de Lévis in order to allow firing at 600 yards?

2. Who are the persons that have obtained this contract, and at what price?

Hon. Mr. SCOTT—The answers to the hon. gentleman's questions are :

1. Yes.

2. George Roy, of Levis ; price, $4,615.

ROSS RIFLE.

INQUIRY.

Hon. Mr. LANDRY inquired :

1. How many Ross rifles have been distributed, up to this date, to the men of the permanent force?

2. How many to the men of the volunteer force?

3. How many bayonets fitting the Ross rifle have been distributed to the men of the Canadian militia?

Hon. Mr. SCOTT :

1. 2,925 to the permanent force.

2. 4,356 to the non-permanent militia.

3. None

REPORT OF QUEBEC BRIDGE COMMISSION.

INQUIRY POSTPONED.

Hon. Mr. LANDRY inquired of the government:

When will the report of the commission appointed to inquire into the cause of the falling of the Quebec bridge be laid before this House?

Hon. Mr. SCOTT—That report is at the Printing Bureau. It will take two or three weeks to prepare it, because there are half tone prints to accompany it.

Hon. Mr. LANDRY—The answer to my question is what?

Hon. Mr. SCOTT—It is being printed now as rapidly as possible at the Bureau.

Hon. Mr. LANDRY—The hon. minister found out that it was at the Bureau?

Hon. Mr. SCOTT—Yes. It will be three weeks at least before it is completed.

CO-OPERATION BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (5) An Act respecting co-operation. He said: The object of this Bill is to authorize the formation of societies or associations to carry on industrial businesses or trades; and on the application of not less than seven persons to the Minister of Labour, he authorizes the issue of a charter to the parties to form a corporation for the purposes of this Act. I may say that this legislation has been asked for repeatedly, and, for several years past, at all the congresses of the labour organizations. They have particularly pressed for an Act of this kind. A similar law is in force in the British Islands, France, Germany and Belgium, and the effect of it has been beneficial to the people interested. Those who take most interest in it are the labouring and farming classes. They are certainly two of the most influential bodies in this country, and if any legislation of this kind is to benefit them in the way of prompting economy, thrift and saving, it is our duty to meet their wishes. The Bill was introduced three years ago, and made some progress in the House of Commons. Last session it was referred to a committee composed of Messrs. Aylesworth, Lemieux, Smith of Nanaimo, Bourassa, Verville, Gervais, Sinclair, White and Monk. After taking a great deal of evidence they made a report, and their conclusions are as follows:

From this evidence, derived from persons who have made a special study of the co-operative movement in Europe, it appears clearly that co-operation offers very great advantage to the farming classes, particularly in certain branches of agricultural pursuits, such as dairying, market gardening and fruit culture. Co-operation has also been proved of great use in the purchase by farmers of agricultural implements and fertilizers.

Your committee found that co-operation offers a means for the labouring classes to purchase, under the most favourable terms, the necessaries of life and the articles required for the exercise of any trade. It also provides a system by which the wage-earners can either build or acquire their own homes, by means of small loans from credit and savings societies.

Your committee have given the credit and savings feature of the Bill their special consideration and have arrived at the conclusion that any general movement to foster co-operations destined to provide small loans and means of investment for people whose situation removes them from the sphere of action of our ordinary banks.

In dealing, however, with this feature of the proposed measure, your committee have provided special clauses destined to surround the exercise of the credit and savings power by these societies with all necessary guarantees to prevent any possible abuse.

I may say that one of the witnesses who appeared before the committee was a Mr. Desjardins of Lévis. He had, of his own motion, six or seven years ago, organized, without the authority of law, an association in his own neighbourhood to carry out the very objects for which this Bill is designed. He started an association with 50 members, and after it had been in existence a month it had a capital of $266. In six years from that time its capital amounted to forty-eight thousand seven hundred odd dollars, and it had in the meantime loaned one hundred and ninety-nine thousand odd dollars. Four-fifths of that had been returned, and not a single cent was lost. I need not add that it was productive of very great benefit to the people associated together, who were enabled by the channels offered them through the society to raise themselves up considerably above the level that they had occupied before they became members of the association.

Hon. Mr. LOUGHEED—Will my hon. friend say how that $50,000 was raised?

Did it represent membership fees or other funds?

Hon. Mr. SCOTT—Any moneys received on deposits. A person who joined, in this particular case—although that is an arbitrary figure—paid a fee of $5 and bought a share. As time passed, he bought other shares if he chose. The money was loaned out, under the control of a board nominated by the investors, in small sums.

Hon. Mr. SULLIVAN—Was it the same number, fifty members?

Hon. Mr. SCOTT—No, they kept on increasing. The society is localized. Under the Bill the society works within a given area, with this provision, that in large cities where there are several electoral districts, the society may work in the city as a whole and not be limited to an electoral district.

Hon. Mr. LOUGHEED—Does the government propose to impose guarantees upon each society with reference to the funds which they may accumulate?

Hon. Mr. SCOTT—No.

Hon. Mr. LOUGHEED—Such as are proposed on other banking corporations?

Hon. Mr. SCOTT—No, they have not the powers of a bank. They loan in these small sums to each other. Of course they have no power to issue bills, and none of the extraordinary powers a bank has. The effect of the system, wherever it has been established, has been to stimulate thrift and economy. As an illustration, a man has 50 or 60 cents which he does not take to the savings bank. He is encouraged to put it into one of these co-operative associations in the hope that he can later on pay in more and purchase a share. It is recommended that the shares be two dollars each; but it is entirely optional with the association, the particular figure that may be fixed for a share. It is, however, always a small sum. There is, I may say, and as hon. gentlemen no doubt know, opposition to it by the Mercantile Retail Association. I think they are unduly alarmed. The same opposition arose in Great Britain, but it was swept aside; it was not considered fair or reasonable. Those people asked for no special privileges that any one else cannot enjoy. Their means are too small to enable them to invest in bank stocks or any higher class of security. Their savings are made up of comparatively small sums. Canada is too big a country for associations of this kind to affect general trade. It has not had any perceptible prejudice or disadvantage wherever it has been established; on the contrary it has encouraged thrift and economy among its own members. It is proposed however, although it is a public Bill, to give those who do not concur in the wisdom of the Act an opportunity of explaining their views; therefore I propose, after the second reading of the Bill, to send it first to the Committee on Banking and Commerce, in order that we may hear the pros and cons, those who favour it and those who are against it, where all parties will have an opportunity of explaining their views.

Hon. Mr. McMULLEN—I waited for a few moments with the expectation that perhaps the hon. leader of the opposition would have something to say upon this question. I would be glad to give way if it was his intention to address the House. For my part, I may state frankly that I am entirely opposed to the principle contained in this Bill, and I am exceedingly sorry that the hon. leader of this House has consented to introduce it, thereby giving it the prestige of a government measure.

Hon. Mr. SCOTT—It was taken up by the government in the other House, by Mr. Lemieux.

Hon. Mr. McMULLEN—Even supposing it is a government measure. I cannot help expressing myself against it, and I will vote against it at every stage, and I shall give my reasons for it. In the province of Ontario, the retail merchants are almost unanimously opposed to the passage of this Bill. I have received perhaps fifteen or twenty letters upon the subject. In every single case they complain that it is a direct thrust at the retail trade, particularly of our province. I do not know how it works in the province of Quebec. They may there have got some advantages from organizations of this kind, and I am not going to question the statement made by the hon. Secretary of State with regard to organizations of this kind in England and other

places. They may have, but we have already had organizations of this character in our province, and they proved nothing short of an unlimited curse. I know all about these organizations. We had them in our district. We had the Grangers, for instance, an organization that had an existence for many years. A good many of those that took an interest with them went around, cutely whispering in the ears of farmers that retail merchants, as a rule, were a lot of thieves; that they were charging the consumers of goods far more than they could easily obtain them for by such organizations as they had and that they would give them the goods at very much less. A great many people were induced to contribute a share, ten dollars; almost every farmer who listened to the stories that were told by these wily agents became stockholders, contributed their ten dollars with the assurance that they would get a dividend at the end of the year upon their ten dollars, and, in addition to that they would get the goods that they required for themselves at first cost. All others buying goods would have to pay a certain profit but those who contributed the money for the formation of the organization would get their goods at cost, others who bought, not being members of the organization, would have to pay say twenty or twenty-five per cent advance and the result of such a system would be that at the end of the year the shareholders would get a dividend on their ten dollars, and they would get, in the meantime, throughout the year, everything they wanted to buy at wholesale price. A great many were caught with that offer and the Grangers became a very extended organization throughout our province and had an existence quite a number of years. They established a wholesale depot in the city of Toronto, because the retail merchants were strongly opposed to the organization, and they complained of the wholesale trade giving to those people goods on the very same terms that they got them. The result was that they started a wholesale business, which did nothing but sell to the Grange and bought from different manufacturers? That organization lived for a number of years, and then died a natural death. They commenced quarrelling amongst themselves. For instance, in a Grange that was formed in my sections of the country, one of those organizations, sent for two bales of buffalo robes, which they were to get at a reduced price. When the robes came along, the first man that came picked out the best robe of twenty-four, and the next man that came in picked the next best, and so on, and when they reached the end, the last men that came in had to take the poor ones. They would not accept them, and a lawsuit ensued, and it was the means of breaking up the whole business, because while the robes were equal in price they were not of equal quality. There is no class in Canada today that is struggling harder to carry on their business than the retail merchants. They have the hardest fight of any class of men in Canada to-day. I do not believe that the retail merchant in Canada, after paying the necessary expenses connected with his business, can show a clear profit of five per cent over all costs, and allow anything at all for his own time. Is it wise, is it prudent to encourage organizations of the kind proposed in this Bill that will strike further at the business of retail merchants? It undoubtedly will be the means of establishing quite a number of institutions in different townships and corners and sections of the country. There will always be some wily fellow who thinks he can make something out of this scheme. He will go round to the farmers and tell them, 'If you consent to become stockholders, we will give you all the goods you want throughout the year at enormous reduction. These fellows who are in the retail business are charging far more than goods are worth. We are going to show them what we will be able to do. Become a member of our association. It will only cost ten dollars a year. You will get all the goods you want to buy at cost price, and in the end you will receive a dividend on the ten dollars, and it is assured to you.' He will get a great many farmers to join an organization of that kind, and the association will live a little while. Every dollar that these organizations collect in that way takes business away from the retail merchants, and when you put that at the back of institutions like Eaton's and Simpson's of Toronto, who send goods to

portions of the province of Ontario, 100 to 150 miles round the city of Toronto, it will mean ruin to the small country trader. The express business done from these large institutions in Toronto is enormous. They are killing out the small retail trade. Possibly they may be some benefit to the consumer. I have tried to get at the bottom of it, and have come to the conclusion that there is a great deal of this business done on the principle of humbug. Barnum once said that the people liked to be humbugged, and that he was going to give them a surfeit of it. That may be true. I believe there is a certain percentage of the people who like to be humbugged. Not only that, but they will not be satisfied unless they are humbugged. I have no doubt that organizations will be formed under this Bill, and they will humbug, fool and mislead the people into the idea that they are going to give them goods for perhaps nothing. The result will be that, after a while, the crafty individual who forms the association, who lays the traps and gets the thing into operation, will make an easy living out of it. He will get so much for the time that he spends on it, and in the end the money, in all probability, will be lost. I have no doubt it will be the same experience that people had with the Grangers and other institutions of this kind. I am entirely opposed to this Bill. I realized what it was when I was in business. I know what the retail merchants suffered by such organizations, and I contend that, under present conditions, with the restricted trade, with the efforts that retail merchants have at the present moment to pay 100 cents on the dollar and run their business, it is not treating them properly to encourage opposition of this kind, and it is going to result in disaster, I have no doubt, to many men who are to-day trying to run an honest business, to support themselves and their families. In all probability, by such organizations as this, they will be driven to the wall, and will have to compromise with their creditors as the result of this Bill. I am sorry that my esteemed friend the hon. leader of the government has held it his duty to introduce such legislation. As far as I am concerned, I do not know what the object may be. It may be popular in the province of Quebec, and may have done well in some other province, but I know that as far as Ontario is concerned, the retail merchants, 90 out of 100, and I believe a larger percentage than that, are bitterly opposed to this Bill, and I have no doubt when it comes to the Committee on Banking and Commerce they will appear there and submit reasons why they are opposed to it.

Hon. Mr. BOSTOCK—I have listened to what the hon. gentleman from Wellington had to say about this matter, and I think that his position is rather against the departmental store than against this Bill. I happen to know something about this question of co-operation in England, and I know that while it has been a great benefit to the people, it has not, to my knowledge, been an injury to the retail storekeeper. The co-operative associations in England were started, in 1844, by weavers and people working in the cotton mills, and factories of that kind in the manufacturing centres of England. In 1851, there were 130 of these societies throughout England and the Midlands of Scotland, and the co-operative societies have gone on increasing. In 1863, they started a wholesale organization for the purpose of supplying these retail associations, in England, and in 1868 they started a wholesale society in Scotland for a similar purpose. They have increased their business very considerably, and have helped the people to trade among themselves. From what I know about these societies, I consider that they have been of great benefit to the country? The retail stores are organized amongst the people, the people within a reasonable area buy a share in the store, and the profits are divided, if they make profits, at the end of the year, after paying interest at the rate of five per cent on the share capital. The object in organizing these societies in the first instance was to help the poor people as much as possible, and the object of paying dividends was because they could not carry on their business at actual cost, but in carrying it on at a profit, they did not do as my hon. friend from North Wellington has said was done by the Grangers. They did not hold out, in the first instance, that the goods were all going to be sold at cost to the people, and they did not increase the price to the outsiders.

Their business was done amongst the shareholders, and they did not, therefore, make a profit out of other people to be divided amongst the shareholders. In the United Kingdom, there are at the present time some 2,745 of these societies making returns, and they have a membership somewhere near two and a half million. The share capital of these societies at the present time amounts to some £45,000,000, and the business they did in the year 1905 amounted altogether to over ninety-eight million pounds. So that the success this association has developed throughout the United Kingdom, has been very marked, and it has certainly done a great deal for the people of the country. I remember Sir Horace Plunkett taking up the agricultural side of this question in Ireland, and the organization of co-operative creameries, and other co-operative societies amongst the agriculturists in Ireland.

Hon. Mr. FERGUSON—We have them here in Canada now.

Hon. Mr. SULLIVAN—That is a different thing altogether.

Hon. Mr. BOSTOCK—No, it is on the same lines as the Bill and the only thing Sir Horace Plunkett has been known to say that he regrets about it, is that he did not understand the question of these co-operative—I call them loan societies. They are not really banks, and hardly loan societies—but they help the farmer in getting small advances for the work of his farm, and these banking societies together with the co-operative creameries and other things that he has developed there have been of enormous benefit to the farmers of Ireland I certainly think that this Bill is a very good one in the interests of the people This co-operation has a great future before it in educating the people in the rural districts, to understand how business is carried on. One great difficulty will be found, that the people who will take hold of these associations, if this Bill goes through, do not, as a rule, understand the principles that govern business, and as an educational system. I think these co-operative associations are very good things in the interests of the people. We have at the present time in British Columbia a certain amount of co-operation amongst the farmers in the selling of produce, and I think a co-operative creamery. I know that this legislation is very much desired in certain portions of the province, especially amongst the mining districts where there are a large number of miners, who are very much interested in this kind of business. Any hon. gentleman who has followed the movement in England will find that the men who become co-operators are leading men. They occupy positions on district boards and county councils and educational boards, and the whole movement has a very great educational benefit, as well as helping these people to carry on business in their own interests. I am very glad to see that the government has taken charge of this Bill.

Hon. Mr. BEIQUE—I rise rather to express an impression on this Bill than to express a decided opinion. I understand that this Bill is going to be opposed when it reaches the Committee on Banking and Commerce, and I desire to remain free to form any opinion which should be formed after the discussion by the supporters and opponents of the Bill has been heard. However, I am inclined to favour the principle of the Bill. I understand that this measure has three main objects. The first is to encourage saving amongst the people. Surely nobody can have any objection to that, and it is one of the main objects of the measure. The second object is to foster among the people the principle of association and thereby gain the strength resulting from an association. It may take all kinds of forms. It may be for the purpose of encouraging small savings or helping men in their agricultural pursuits. It may take, possibly, the form of industry. Another object is to procure for the members of those associations articles of various kinds without the intervention of the middleman. The hon. senator from Wellington seems to labour under a false impression. He says that this Bill is intended to do a great deal of mischief to the retail trade. So far as I am aware, this Bill is not necessary to permit a society being formed for the purpose of selling to its members, and to its members only, any articles of trade. It is open to any number of men in this country to apply to the hon. Secretary of State to

be incorporated for that purpose, and they could carry on a co-operative business under letters patent as they could under this Bill. Therefore, in that respect, this Bill does not introduce anything new; but there are other features in the Bill which could not be covered by letters patent. I have not had time to give much attention to the Bill itself—but I am not sure that it does not overstep the jurisdiction of the provinces. Otherwise, so far as I understand the Bill, I am inclined to give it my support. In several parts of the country the cheese and butter industries have taken the form of co-operative associations, with the result that the members of those associations have greatly profited. In Holland, the cheese business has attained its great development and prosperity largely through associations of this kind. In England, these associations are very numerous, and have proved beneficial to their members in many respects. It is, therefore, a good idea to facilitate the introduction of such associations in Canada. The main object to be encouraged is the savings habit among the people. France has recently presented to the world a spectacle of financial strength resulting from the saving habits of the people, due to that cause. During the late financial crisis, the rate of money did not rise over 4 per cent. That is not the result of any great accumulation of wealth in the hands of a few, but is due to the fact that the people at large are saving, and saving all the time, and, therefore, they are, so to speak, protected from many of the financial troubles which occur in other countries.

Hon. Mr. CLORAN—Since the hon. senator from Wellington has taken his seat, I have been thinking over his statements and arguments in opposition to this measure, and I find they are based on a sentiment and principle directly at variance with the general interest and welfare. His sympathy lies with the retailers; so do mine, to a certain extent; but not to the same degree as his. His claim is that trade should be divided up, and he advocates the cause of the retail men. So far as the sentimental side of it goes, I do not suppose this honourable House will take it much into consideration. We are here to deal with stern facts, and to do what is best for the community at large and not for any one class. I know from the experience of the past 25 years that I have given attention to public affairs in this country, both in the press, on the platform and elsewhere, that the best principle to underlie trade is co-operation. It succeeds in railways and in financial and other institutions, and why should it not apply generally? I know that when the Patrons of Industry were in existence, from 1891 to 1898 they secured for the farmers of Ontario an immense advantage on one line alone, and practically all the farmers of the country shared in that advantage. There was one monopoly in this country which bound the farmers hand and foot, especially the farmers of the west; I allude to the binder twine monopoly, one of the most oppressive institutions ever fostered by an Act of parliament, an institution which made a few men rich, and caused the farmer to sweat early and late to secure money to carry on his agricultural operations. The farmers had been obliged to pay from 18 cents to 23 cents for binder twice. The Patrons of Industry, a co-operative association, came into existance. I was then interested somewhat in farming myself, and became a member of it, and my only regret is that I did not take a hundred shares instead of only one. The result of that co-operative movement was to reduce the cost of binder twine 50 per cent.

Hon. Mr. PERLEY—When the Tories were in power, they had to pay only seven cents.

Hon. Mr. CLORAN—I have paid from nineteen to twenty cents for it.

Hon. Mr. PERLEY—Only under this government.

Hon. Mr. GIBSON—They were not able to buy it at all under the other government.

Hon. Mr. CLORAN—This co-operation was amongst men interested in agriculture. They reduced the cost of that one important article over 50 per cent and received dividends of 10 per cent and 6 per cent, and one year 100 per cent.

Hon. Mr. SULLIVAN—Who paid the percentage?

Hon. Mr. CLORAN—The men who consumed the twine. What must have been the fortunes that the manufacturers in this country received when they had a complete monopoly of the trade. Now, am I to be told by the hon. senator from Wellington that that should not have been done, simply because it hurt the trade of a few people? That argument is against the common welfare and the common interest. The hon. gentleman says that these co-operative establishments die a natural death; not any more than other businesses do. If they die a natural death, nobody suffers from their death but the shareholders themselves. When a retailer goes out of business, all his creditors, especially the wholesalers, suffer. But that is not an argument against this principle of co-operation. There are too many retailers in all the towns and villages of this province. Take the town of Hawkesbury. We have seventy-five to eighty stores there, to a population of about 4,000. That means a retail store for every 50 people, or every ten families. Half of them, after three or four years existence, had to go into bankruptcy, thereby creating trouble in the commercial world. They have to sell their goods dearer because of the number to be supported, and the result is that in the end the consumer is the victim of the retail men. You have to look at this question not from the special point of view, but from the point of view of the masses of the people. I deal with both, and everytime I deal with a retail man I am sorry for it; he beats me. When I want to save money, I go to a wholesale man and get my coffee at 32 cents a pound for which I had to pay the retailer 40 cents. My tea at 30 cents a pound for which the retailer chages me 60 cents. I buy a little bag of charcoal for which I have to pay 10 cents, at the rate of $20 a ton; I can buy it for $8 a ton wholesale. When I want to buy oranges, I can purchase a case for $2.50 to $3; buying from the retailer they cost me $7 to $8, and so on through all the items of business and yet we are told on the floor of this House that the present condition of things must not be disarranged, that we must look after the interests of the retailers. I hold that such a position as that is directly opposed to the general welfare of the people. To come back to the retail men, we have sometimes four and five stores more than are necessary in a neighbourhood. The result is they have to charge higher prices, and in many cases the men who have no means of measuring and weighing their produce at their homes are deceived as to the weights and measures of what they buy. Only the wealthy get full value for their money, because they have the means to protect themselves; therefore wherever co-operation can be established and full justice given to the consumer, that principle ought to be maintained and upheld and respected by parliament.

Hon. Mr. LOUGHEED—I, perhaps, should make this explanation to the Chamber, that I have endeavoured to keep an open mind on this question, owing to the fact that it is about to be referred to the Banking and Commerce Committee, and before that committee important evidence, I apprehend will be taken, dealing with all phases of the question. The Bill is certainly a most important one, and if it is found by this Chamber or by the committee that it is in the interest of the masses of the people that legislation of this kind should be enacted of course any other interests would have to make way for the public interest. The question naturally arises as to whether the poorer classes of the community should not be given those rights which are exercised by the wealthier classes, so far as co-operation is concerned. On the other hand, there is this to be considered, whether the objects in view can be fully carried out by the Bill which we have before us? There are times when parliament has to intervene to protect the people against themselves, and the question is being raised here every day as to whether legislation having that end in view is so molded and safeguarded as to carry out the objects which the legislation may have in view. The House of Commons had the advantage of hearing the evidence upon this subject taken by a special committee before which were examined many gentlemen with large experience on this question. Among them was His Excellency the Governor General, and there were others who spoke with great familiarity upon this subject, particularly as it obtains in England and on the continent.

The question is a very large one, certainly, judging from the facts which have been adduced before that committee. It would appear from some of the facts elicited, that in Great Britain these co-operative societies are so large and important as to include within their membership two million two hundred and fifty thousand people. It was there adduced in evidence that the annual turnover of those societies last year amounted to no less than $500,000,000. That the profits upon that turnover amounted to not less than $50,000,000, ten per cent of which was devoted to educational purposes in Great Britain. It was also established before that committee that the dairy interests of Denmark, that are now so prominent before the world, largely owe their development to the existence of these co-operative societies. It was there stated that of the $100,000,000 exports of Denmark, no less than $70,000,000 is represented by those co-operative societies. Of course, if this be the case, it will at once appeal to hon. gentlemen that an institution of this kind, capable of carrying on operations of so gigantic a character, would certainly be entitled to the very best consideration which parliament can give. It is a question in my mind as to whether the advantages to be gained will not be overcome by the possible losses which have been pointed out by my hon. friend from Wellington. From the experience of the country in the past with reference to kindred societies it is a well known fact that institutions of this kind, up to the present time, in Canada at any rate, have not been of that successful character that was anticipated. It is also a question which should demand the greatest consideration as to whether the banking powers, namely the acceptance of deposits, &c., proposed to be given to associations of this kind, should be given under the alleged safeguards at present embodied in the Bill. It would seem to me, from a casual consideration of that Bill, that a greater measure of inspection and of guarantees should be imposed by the government with reference to this branch of the subject. My hon. friend, the Secretary of State, has pointed out the very rapid growth of one society in the province of Quebec, from which it will appear that the possibilities of those various societies accumulating very large amounts are such as to classify them with our banking institutions. That of course is a very commendable thing indeed, and if it can be shown that societies of this kind are capable of carrying on business so successfully as to result in the accumulation of large funds such as the hon. Secretary of State has indicated, then the greater the necessity and the greater the responsibility of parliament that those who put their money into those institutions should be properly safeguarded as to the result of investment and deposit. I therefore hesitate to express myself one way or the other on the Bill. I have endeavoured to give it as much consideration as I could; but inasmuch as it is a matter that has been before the House of Commons for some years, and has been discussed several times, and furthermore as a select committee has given, for a great part of this session, its best consideration to the question, it would be unreasonable to ask us to pronounce ourselves definitely upon so important a question without having before us the evidence which would warrant a satisfactory conclusion on the subject.

Hon. Mr. SULLIVAN—I have not read the whole of the Bill, but I do not think it is at all in touch with the Bills which have been passed such as the Annuities Bill, the Savings Banks, &c. Those were for the general benefit of the people; but this Bill will undoubtedly do an injury to a certain class of people, and I do not think it will do any good to others. So far as Ontario is concerned, it will end in disaster; some promoters will walk off with the funds, and where will the profit be to the investor? I share the views of the hon. senator from Wellington on this subject. It will undoubtedly tend to kill the retail trade of Ontario. I speak of Ontario, because I am more familiar with its conditions. The retail groceries business to-day cannot afford a living without including the sale of liquor. Therefore, the retailer is selling his goods at present for the benefit of the people. There is no class of the people making a living that should be struck out; they deserve a living as well as others. The arguments advanced by the hon. senator from British Columbia

and the hon. member from De Salaberry, are altogether fallacies. The hon. senator from De Salaberry spoke of the saving habits of the people of France. They make their money by keeping out of such societies. They save what they can, just as the French Canadians do or used to do. Instead of taking their money to the banks, they keep it at home, and in that way accumulate it. I do not think, therefore, the experience of France could be adduced as any argument in support of this Bill. Certainly, the arguments about cheese factories and creameries, do not apply to this Bill, because they are for the benefit of the whole community. They do not injury anybody or tend to create hostility between different classes of the people. I have the same objection to departmental stores. We find that one man makes millions by such means, while many other traders make nothing. If you want to create a favoured class, you are here proposing the right legislation to do it. I was astonished at the remarks of the hon. Secretary of State about the savings of those people in the case he alluded to; but it struck me to ask who is paying that money. If this organization in Quebec were making $200,000 in a short time, somebody had to lose it. They were not doing any industrial work which added to the general prosperity. Canada is going ahead fast enough, and people should not try to go too fast. There is no need for these co-operative societies. They create class antipathy as the Grangers did. Every one was delighted when the Grangers died a natural, or perhaps an unnatural death. These are the reasons why I object to the Bill, because it strikes at people who are honest citizens trying to make an honest living.

Hon. Mr. MACDONALD (B.C.)—Not being a member of the Committee on Banking and Commerce, I wish to express my views now. I fully agree with the hon. senator from Wellington in the opinion he has given on this Bill. I think it would do more harm than good. It is possible that in one or two places it may flourish; but, as a general thing, the farmers and labouring men who put their money into schemes of this kind will lose it. The Bill offers a premium to clever men to form the companies, to get hold of the guileless farmer and workingman and obtain their money. Some of these organizations will flourish, and others will fail, and the farmers and workingmen will lose their money. Two years ago we had two co-operative societies of this kind in the grocery and provision lines. I think they existed for about two years, and finally they went to smash, and the shareholders of those companies lost all their money, some of them a great deal. I think it is impossible for any company of this kind at the start to buy their goods cheaper than they can be obtained to-day by the ordinary retail traders, and if they buy them on as good terms, they are retailed at a loss and the farmer who puts his money in thinks he is getting a bargain and obtaining cheaper goods where he is probably getting an inferior article. I say that the people now have facilities to get all they want at the cheapest possible rate, and I am opposed to the Bill.

Hon. Mr. DERBYSHIRE—I think this is purely a provincial matter, and that parliament should not touch this question at all, because if any province in the Dominion requires these organizations they can be provided for in its own provincial legislature. The province of Ontario is against this Bill. We have had letters from retail merchants and other associations in the province, complaining that we have enough associations of this kind. With regard to its being a means of saving money, there is already every opportunity to save it, to put it in the banks where it will be perfectly safe and putting it into companies that are already established, and that have perfect records. I think it is a great mistake to introduce the Bill in this House, and I hope when it comes before the committee it will be killed. We do not want that Bill at all in Ontario, and I entirely agree with the hon. gentleman from Wellington.

Hon. Sir MACKENZIE BOWELL—I do not know that I should have ventured an opinion on this question had it not been for the speech of the hon. gentleman from Victoria division. A little binder twine history may, perhaps, lead the House to a different conclusion, altogether from that

which the hon. gentleman has ventured to described. In the meantime, however, I am not prepared to go the length the hon. gentleman from Wellington, or the hon. gentleman who has just spoken have gone in reference to the merits of this Bill. If people desire to enter into corporations for the purpose of benefiting themselves, I have sufficient liberality in my composition to allow them to do so. I am not prepared to say that they have been a success in Ontario. In the city in which I live, I know of but one co-operative association, and that was established when the Grangers or the Patrons of Industry were in full force. In that case, however, they went altogether beyond the original intention of the Grangers. They entered into grain speculations. They obtained elevators. Farmers argued among themselves that they could handle their own grain and sell it to greater advantage than the speculator, and that the profits which the speculator put in his pocket would be secured to themselves. The result was, I am sorry to say, bankruptcy to the most of those who entered into the speculation, and it was only the other day that I saw one of them, once a comparatively wealthy farmer, who had fitted himself, through the operation of that society, for the poor-house. It is a matter of very great regret. He was an old school friend of mine. But when I look back at the result of the organization to which I have called attention, and the manner in which it was carried on, I come to the conclusion that, unless they are conducted by thoroughly honest men, and men with business ability and business experience, such organizations are very apt to be failures. I am not prepared, however, to accept the statement made by my hon. friend to my left (Hon. Mr. Sullivan) that if they were established in Ontario, the result would be that some dishonest men would run away with all the money. I think there are some honest men in Ontario, if there are very many who are dishonest.

In regard to binder twine, the manner in which my hon. friend has placed that question before the House would lead one to the conclusion that the organization of a society in opposition to what they called the binder twine combination led to a reduction of the price of binder twine when sold to the farmers. My recollection carries me back to the time when there was a great complaint made by the farmers of this country, and more particularly by the farmers of Manitoba and the northwestern section of the country, at the prices which were charged. At that time, the government of the day took this question into consideration and, under the administration of the late Sir John Thompson, who was then Minister of Justice, they purchased a large quantity of machinery, and established a manufacture of binder twine in the penitentiary. It was argued at that time that there was no occupation to which the prisoners could be put that would enure so much to the benefit of the farming community as the establishment of a binder twine industry, and have the output sold at a price very little beyond, or a very small percentage beyond the actual cost of the raw material and the manufacturing and sale of the goods. At that time, the result was that the price of binder twine went down materially, and it interfered to a great extent with what my hon. friend called the monopoly. Time rolled on. I may as well admit the fact that in the appointment of agents, the selling of the twine, the government lost a certain amount of money, but that was either through mismanagement—I am not prepared to say exactly dishonesty, on the part of the agent; but while the government lost, the purchaser and consumer of the binder twine got it cheaper and lost nothing. Ultimately there was a change of government. The Cuban and the Philippine Islands war took place, and the result was that the growing of the manilla and the sisal, the materials out of which the binder twine was manufactured, rose tremendously in value, and that was the reason of the great increase in cost of manufacture; but where the injury was done—and it was discussed in this House at the time—was this: The government, instead of selling the binder twine at a price which would have been remunerative to the country, doled it out to certain of their friends in the western portion of Ontario, who reaped an immense benefit from the sale of it. These were the causes of the increased price of binder twine, and when I took exception to the policy at the time, the then

Minister of Justice, the Hon. David Mills, excused the action of the government, or justified the action of the government on the ground that, owing to the war in the Philippine Islands and in Cuba the raw material had risen so materially in price that they were compelled, in order to meet the expenditures of the government in the manufacture in the penitentiary, to increase the price. With the manufacturer, who had to buy his raw material the year in which the manufactured article was sold, that argument was conclusive and correct. But what were the facts? Every one knows that in the binder twine industry the raw material has to be purchased the year previous to its manufacture and sale to the consumer. The raw material out of which binder twine was made at the period to which I have called the attention of the House, was purchased at the cheap rate of the year before, and the result should have been that the manufactured article, which was sold the year afterwards, should have been disposed of to the consumer at a rate based upon the profit on the price paid for the raw materials; but it was handed over to the favourites to whom I have referred, and the price was raised to double what it was before, and the combination—not the combination, but the farmers' organizations, which existed, I think, in the town of Brantford, if my recollection serves me right, raised the price just in proportion or a little more than it was sold for by the government. The government had bought the raw material the year before, and could have sold it out to the consumer at a rate which they would have had to sell had the cause not existed, and the product of farms in the Philippine Islands and in Cuba had remained at the same price it was the year before. This is the little history of the binder twine combination, for which the government was equally responsible with the gentlemen who were manufacturing it, for the reason that they had but one or two agents to take hold of the penitentiary twine, and those agents raised the price just in proportion to the price set by the private manufacturers to whom I have referred. That combination in Ontario was composed of farmers, and many of them became wealthy, or comparatively wealthy that year through the sale of their binder twine. I am not prepared to say that these organizations are all of the character that has been represented. If the arguments of the hon. gentleman from Wellington, and the hon. gentleman from Kingston, are strictly correct, and if governments are to be conducted upon the principle laid down by them, we should at once pass a law to prevent the continuance of departmental stores. Go to the city of Toronto and what do we find? The departmental stores have shut up nearly all the retail stores on King street. I am not arguing against departmental stores, but I am drawing this argument from the remarks made by the hon. gentlemen who have spoken. If these organizations will injure the small retail trade of the country by closing them up, why not legislate against departmental stores just as well? We know that departmental stores are having a marvellous effect upon smaller retailers. The large establishment lately erected in Winnipeg by the Eatons, covering almost a whole block has had the effect to which I have called the attention of the House. Those who have been in Winnipeg, and those who know what the rents of property in defferent parts of the city were a year or two and what they are now, and who reflect upon the fact the number of retail shops which have been shut up since the establishment of that mammoth institution, if they are in accord with the principle laid down by the hon. gentlemen, should go a little further and bring in a measure for the suppression of departmental stores. Is that the duty of a government? To my mind it is not, and I believe the less we do in our legislative capacity to restrict trade the better it will be for the community as a whole. I am opposed to the continual howling against what they call corporations and monopolies. I believe that many of these institutions do a great deal of good to the community and much good results from them for many reasons which I will not discuss at this moment I am rather inclined to agree with my leader, that when this question comes before the Banking and Commerce Committee and we can discuss it in detail, that we shall be better able to come to a conclusion as to what course should be pursued. That those who are to be affected by the Bill in Ontario and other sections of the Dominion should object, I am not at all

surprised. But you can scarcely deal with any question of the magnitude of this Bill without affecting some one, and, for one, I am not prepared to cast my vote in favour of the restriction of any organization which is for the benefit of the general community. We live in a free country, and I am of that turn of mind that leads me to the conclusion that the less we interfere with the liberty—because such it is—of the people in dealing with questions of this kind, the better it will be for commerce, and the better for the community.

Hon. Mr. WOOD—I wish to say a few words with regard to this Bill, and I would say at the outset that I have not had the time or opportunity to examine it as carefully as I should like to do before expressing an opinion with regard to it. The remarks which I wish to make are rather of a general character, bearing on the general principle of the incorporation of companies of this nature. Being a member of the Committee on Banking and Commerce, like some others, I desire to approach the consideration of the subject with an open mind, and I only wish to say at the present time that my inclinations, from my reading and experience, are to believe that corporations of this kind are not of such advantage, either to the persons who join them or to the public generally, as we are led to suppose. One hon. gentleman, who made some remarks in the course of this debate, said that it was right that the poorer classes, the farmers and the working people, should have the same privilege of co-operating in their own interest as the wealthier classes who form corporations for the purpose of trade or manufacture. I am quite willing to agree to that principle. I think it is a sound principle, and I am willing to do anything in my power, so far as the legislation of this parliament is concerned, to assist the class of people to which he refers; but I am not sure that the experience of the wealthier classes who have formed corporations for the purposes mentioned justifies us in concluding that it is in all cases a benefit. My own experience, and the result of my observation in the section of the country from which I come, is that the large proportion of these corporations that are formed, either for business, manufacturing or other purposes, do not outlive one generation. The men who start these enterprises, who are generally men of ability, and who during their lifetime give close attention and study to the business of the corporation make them a success; but it is lamentable to say that with a large number of these corporations, after the persons who originally founded the business pass away, others are not found to take their place and carry them on successfully. There are some conditions under which these organizations do succeed, and succeed for a large number of years, but it is generally found where that is the case that they have in the corporation a staff growing up who study the business from the period they enter, which is generally in their early years, and who, when the persons who have first managed and managed it successfully pass away, are prepared from their skill acquired and their knowledge of the business, to take their places and carry it on successfully. The difficulty with organizations of this kind seems to me to be that there is not that kind of training and experience to depend upon. I notice in section 9 that associations to be formed under this Bill will have a committee to carry on their business. At the general meeting of the association, there are three persons to be elected who hold office for one year, and these are the persons who are to pass upon the loans and investments of the company and determine how and where they shall invest their money. My experience with all organizations of that kind, where the management is elected annually, and where it is elected by a general vote of the members of the organization, is that the change of management results disastrously to the interests of the corporation. Many years cannot elapse before some incapable or possibly dishonest person manages to get elected to the management, and the result in that case is disastrous.

Hon. Sir MACKENZIE BOWELL — Or ignorant men.

Hon. Mr. WOOD—Yes. However, as I said at the outset, I do not wish to say that I am opposed to this Bill. I am glad that it is going to the Banking and Commerce Committee, and I desire to hear everything that can be said both for and against it. I agree with the last speaker

in one thing: That all classes of people should have perfect freedom to associate, or to invest their money in any way that suits them, and if I do oppose this Bill it will be with a desire to protect the class of people which it promises to serve from injuring themselves. I do not endorse what the hon. gentleman from Wellington said with regard to the retail trade. So far as these organizations, which have existed in the province from which I came are concerned, I do not think they have injured the retail trade to any appreciable extent.

Hon. Mr. McSWEENEY—There are not any there.

Hon. Mr. WOOD—There are none there now. They have had a short lived existence.

Hon. Mr. McSWEENEY—And a merry one.

Hon. Mr. WOOD—And in every case resulted disastrously to the persons who invested their money in them, and it is for that reason I should feel opposed to the Bill, and not for the protection of the retail merchants or any other class I know of in the community.

Hon. Mr. OWENS—The last utterances of the hon. gentleman who has just resumed his seat give us one strong reason why we should not pass this Bill. As he has stated, the operations of such organizations have almost invariably been disastrous to the parties who invested their money in them, and if hon. gentlemen will look over the number of those corporations, they will find that such has been the result with a large majority of them. I do not wish hon. gentlemen to think that in passing such legislation, we are doing a benevolent act, something that will improve the condition of the farmers. The farmers will be induced to take stock in the corporation, and the result will be, as has been stated, not only in Ontario but in Quebec. Of course there are some exceptions, where they have proved a success. But those are the exceptions. It has almost invariably led to disaster, and the people who have invested their money in that way have almost invariably lost it. I am referring to the corporations of which the hon. gentleman from Wellington has spoken. That was incorporating a company for business purposes, but we may go further than that, and the same principle will apply. Take private banks, started with small means: the results have been the same to the people who had invested their money. They have lost. Take our mutual insurance companies; one would think that would be a class of co-operative business which could be worked to advantage, but while a few such companies have been successful, the great majority have come to grief. They have gone into the hands of men who either stole the money or made bad investments, and the result has been financial ruin. I do not think the comparison of the object of this Bill with our departmental stores is a fair one. It is entirely different. The departmental stores are the same as any other stores, only run upon a larger scale. It is not the money of the public that is being put in. It is the money of the private individual. Take Eaton's or the large departmental stores in Montreal; they are handled by private capital, the same as the retail or the wholesale stores. It is not money taken from the people who are brought into it, as we are going to enable those people to do so. So that the comparison is not a fair one. I think that if the arguments of the hon. gentleman from Victoria division had any effect, they would induce members to vote against this Bill. Take a wealthy man like himself, who could take enough coal into his establishment to last the season, and he would compare his case with that of people who had to buy a bushel of coal at a time. It would take a man and team thirty trips to deliver one ton of coal in the latter case. You cannot compare the prices. Take my hon friend, who is able to lay in a case of oranges, and the other man who would have to buy a few oranges at a time——

Hon. Mr. CLORAN—He would get them at cost price.

Hon. Mr. OWENS—There would be one delivery in the case of the hon. gentleman and twenty-five in the other.

Hon. Mr. CLORAN—But at cost price—everything at cost.

Hon. Mr. OWENS—The hon. gentleman may be a very good lawyer, but he would be a very poor business man. I have not had an opportunity of looking into the clauses of the Bill, but I wish to dispel from the minds of a few that we are passing a Bill for the benefit of the farmer. I think it is a disastrous Bill.

Hon. Mr. POWER—Like the hon. leader of the opposition, I have tried to keep an open mind on the subject, and have listened with a great deal of interest to the views expressed by the hon. gentlemen who have spoken. I was struck by the remarks of the hon. gentleman from Sackville. I have known that hon. gentleman for a great many years, and his addresses in this House, as well as in another place before he came here, were always characterised by sound business sense. I found that my open mind was in danger of being shaken as I listened to him. But, after all, when one thinks of it, this is not a completely new experiment. They have had these co-operative establishments in England for a great many years. They have been very successful, and I am not aware that there is any such essential difference between the Canadian and the Englishman as to make a system which is successful in England certain to fail when undertaken in Canada. That is one point. Another point is that some hon. gentlemen seemed to think that some one would get away with large quantities of funds belonging to those associations. As far as I can gather, there would not be any very large sum of money in the treasury of any of these institutions at any one time. There is one point as to which I must say I feel a certain amount of doubt, and that is the advisability of allowing these co-operative associations to go into the business of banking. I notice in the schedule to the Bill, clause C, 'Formal statement to be made by the society carrying on the business of banking.' It has been found necessary to throw a great many safeguards around the business of banking and when you put it into the hands of farmers, very worthy people no doubt, but who have not made a study of the banking business, I am afraid you are running very considerable risk. Then there is another point. While the Bill appears to be in the right direction, and one that is calculated to secure the support of most members of this House, a question has been raised as to its constitutionality.

The Attorney General of Ontario and the Attorney General of Nova Scotia have both questioned the right of this parliament to undertake to pass this Bill. They feel that it deals with something which comes within the provincial jurisdiction, and that is a matter which, I suppose, the Committee on Banking and Commerce will consider. Of course if there is anything in the contention of the provincial Attorneys General, that has to be considered.

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

SECOND READINGS.

Bill (EE) An Act respecting the Pontiac Central Railway Company.—(Hon. Mr. Campbell.)

Bill (FF) An Act for the relief of Edith Maud Rosario Gammell.—(Hon. Mr. Jones.)

RAILWAY ACT AMENDMENT BILL.

IN COMMITTEE.

The House resumed in Committee of the Whole, consideration of the report of the Standing Committee on Railways, Telegraphs and Harbours, to whom was referred Bill (3) An Act to amend the Railway Act.

(In the Committee.)

Hon. Mr. POWER—There is no substantial difference between the amendment moved by the hon. member from De Salaberry and that of which I have myself given notice. The essential difference between the two is that his is about twice as long as mine. Let us see how section 275 of the Railway Act will read when the amendment of the hon. senator from De Salaberry is added to it:

275. No train shall pass in or through any thickly peopled portion of any city, town or village at a speed greater than ten miles an hour unless the track is fenced or properly protected in the manner prescribed by this Act.

3. No train shall pass over any highway crossing at rail-level in any thickly peopled portion of any city, town or village at a greater speed than ten miles an hour, unless such crossing is constructed and thereafter duly maintained and protected in accordance with an order, regulation and the directions of the Railway Committee of the Privy Coun-

cil or of the board in force with respect thereto, or unless permission is given by some regulation or order of the board. The board may from time to time fix the speed in any case at any rate that it deems proper.

You will observe that this power of the board to limit the speed is repeated. You get that in the second subsection, and you get it at the end of the third subsection. Then all this about the train not passing through any thickly peopled portion of a city is also repeated, and, I think, for no special good end. What my amendment proposes to do is this—to repeal section 275 of the Act as it now stands, and substitute the following:

275. No train shall pass in or through any thickly peopled portion of any city, town or village at a speed greater than ten miles an hour; unless the track is fenced or properly protected in the manner prescribed by this Act, and every highway crossing at rail-level in such portion of such city, town or village is constructed, properly protected and duly maintained in accordance with the orders, regulations and directions of the Railway Committee of the Privy Council and of the board in force with respect thereto; or unless permission is given by some regulation or order of the board.

2. The board may fix such speed in any case at any rate which it deems expedient.

The meaning, as far as I can see, is identical with the meaning of the amendment of the hon. senator from De Salaberry. I wish to direct attention to what strikes me as the peculiar phraseology which the hon. senator from De Salaberry has adopted in the middle of the amendment: 'Unless such crossing is constructed and thereafter duly maintained and protected in accordance with an order, regulation, and the directions of the Railway Committee of the Privy Council or of the board.' I can understand him saying it shall be constructed and maintained in accordance with orders, regulations and directions, etc., but it seems to me that 'In accordance with an order, regulations and the directions,' is eccentric. I do not recall any similar phraselogy in a Bill. The hon. gentleman was apparently under the impression that there was to be a special order made in every case. Now that is not to be expected. There are at least 2,500 crossings, and the board are not going to make a special order for each crossing. The board will make general orders and regulations with respect to these crossings, I assume, and the railway companies will have to comply with those orders, so that the plural number, even though the directions were not at present in the plural, is more suitable. Then there is another point, that under our revised statutes singular includes plural and plural singular, so that if you say orders and regulations, that covers one order and regulation just as well as the singular number does. Then there is this about it, the words 'in accordance with an order, regulation and the directions, etc.' are likely to lead to trouble. Whose order or regulation is it to be? It does not say 'in accordance with an order, regulation and directions,' but 'the directions.' It seems to me that you are likely to have trouble in deciding by whom the order is to be made. It does not say that it is an order and regulation of the Railway Committee of the Privy Council, or of the board; but it is an order, regulations and the directions. Therefore, while I quite agree with the object of the hon. gentleman, I venture to submit this amendment as an amendment to that which he has moved; I think it is shorter and clearer.

Hon. Mr. MACDONALD (B.C.)—This Bill was referred to a committee of the Senate and there discussed very fully and was reported with certain amendments which they thought were quite sufficient. Since then, many amendments have been submitted and they are all so close together in wording and meaning that if the House would take my opinion, I would say vote for the amendments recommended by the committee, which cover the ground sufficiently. A great deal of attention was given to the Bill in the committee, and when they decided to recommend an amendment, I shall vote for it and no other.

Hon. Mr. SULLIVAN—The hon. gentleman from Halifax and the hon. gentleman from De Salaberry are both lawyers; if they would get together they should be able to settle the matter between them.

Hon. Mr. BEIQUE—The object of the hon. gentleman from Halifax is commendable, and I would readily accept his amendment if it had merely the object of shortening the section, but it is unacceptable for two reasons: first, that it is dealing with two different matters which are governed by different rules. If we adopted this amendment, it would have this effect: in a

city where the track of a railway passed through it for say ten miles, if there happened to be only one highway crossing without proper protection, as required in this amendment, no train would be allowed to run over that ten miles of track at a faster rate than ten miles per hour. The other highway crossings might be properly protected, or there might happen to be no other highway crossing, and the whole ten miles of track might be properly fenced in, yet the trains would not be allowed to run at a faster rate than ten miles an hour. Suppose that to-morrow, the limits of the city of Montreal were extended westward to take in Lachine, there would be some 12 or 15 miles of railway track within the limit of the city; with this clause in operation, from the mere fact that there might be a crossing at the extreme west end of the city not properly protected, trains would not be allowed to run at a faster rate than ten miles an hour for the whole length of that 12 or 15 miles. I fail to see any reason for that. We have to deal with two things, the fencing of a railway in a city, independent of the highway crossings, or where there may be no highway crossings at all and with highway crossings.

Hon. Mr. BELCOURT—Would not that be a case for a special application to the Railway Board? Would not that be a case for the exercise of the provision at the end of the paragraph, 'unless permission is given by some regulation or order of the board'?

Hon. Mr. BEIQUE—I fail to see the reason. Take the case of a railway running through a city a length of ten miles, and suppose there is only one highway crossing at one end or the other of the ten miles, is there any reason why, if the railway through all the rest of the city is properly fenced, the company should be obliged to go to the Railway Board for permission to exceed a speed of ten miles an hour?

Hon. Mr. BELCOURT—The reason which, I assume, underlies the whole of this legislation, is to prevent trains running in cities at a higher speed than ten miles an hour. That would arise the moment Lachine became annexed to the city. If a suburb is annexed to the city, the reason applies at once.

Hon. Mr. BEIQUE.

Hon. Mr. BEIQUE—Under section 275 of the Railway Act as it stands to-day, it is not necessary to ask any permission if the railway is properly fenced in. The train may run at any speed under such circumstances.

Hon. Mr. BELCOURT—But the reason is the protection at the crossing.

Hon. Mr. BEIQUE—We are all agreed, I think, that as far as running in a city, apart from highway crossings are concerned, the protection required is the fencing of the railway on both sides, and that is proper protection as embodied in section 275 of the Railway Act. Why make that protection dependent also on the fact if there happens to be any highway crossing, that this highway crossing must also be protected. I understand the highway crossings should be protected, but it is not because the highway crossing is not protected that the railway should be prevented for the remaining nine or ten miles from running at a speed exceeding ten miles an hour, if the track is properly fenced in.

Hon. Mr. McMILLAN—If a crossing is properly protected in a city, town or village, cannot trains run at a greater speed than ten miles an hour over crossings as well as other places?

Hon. Mr. BEIQUE—Yes.

Hon. Mr. McMILLAN—Then the object of the hon. gentleman's amendment, as I understand it, is to prevent a train from passing over a level crossing of that description at a speed greater than ten miles an hour, unless it is properly protected.

Hon. Mr. BEIQUE—The object of my amendment is to prevent a train passing at a higher rate of speed than ten miles an hour over a highway crossing unless that crossing is properly protected. We have in section 275 of the law as it stands now this other protection, that apart from highway crossings the track through the city, town or village must be protected by being fenced on both sides of the track, otherwise trains cannot run faster than ten miles an hour. Where is the reason of making one dependent on the other? That is my objection to the amendment of the hon. senator from Halifax. If a railway is properly protected by fencing, apart from highway cross-

ings, trains should be allowed to run at any speed the company likes; but so far as crossings are concerned, the company will have to reduce the speed to ten miles an hour unless the crossing is protected; or, vice versa, suppose the highway crossing is properly protected, the train should be allowed to exceed the ten miles limit as far as the track is properly fenced in, and where it is not properly fenced in, the speed should be reduced to ten miles an hour, but one is not dependent on the other, because it is governed by different rules. In one case the protection is a fence, in the other it is a different kind of protection altogether; therefore from that standpoint the amendment is objectionable. It is also objectionable in using the words 'the orders, regulations and directions.' If the amendment were in that shape, it would have no effect, because all these highway crossings have to be built under section 159 of the Railway Act as it stands, after the issuing of an order governing all the highway crossings.

Hon. Mr. McMILLAN—That is during construction.

Hon. Mr. BEIQUE—And after construction. Before a railway is built, the company has to submit plans showing all the highway crossings, and an order is issued by the board sanctioning the plans and allowing the railway to be built. As a matter of fact, they are the orders and regulations regarding the building of a railway and the crossing of highways. Therefore, to use the words 'according to the orders, regulations and directions,' would not attain the object we have in view. What we have to exact is an order. It will not necesarily be an order for each crossing. In the same order several highway crossings may be included. All the highway crossings in the municipalities or county may be covered by one order, but it will have to be an order dealing with highway crossings, and not the general orders which are issued merely at the time the building of the railway is authorized.

Hon. Mr. SULLIVAN—Is your amendment to allow a train to pass through a city, town or village at a high rate of speed, without reducing the speed to ten miles at any point?

Hon. Mr. BEIQUE—If the track is properly protected.

Hon. Mr. FERGUSON—The two amendments, to my mind, are not worth arguing about, because neither of them is of any particular value. Neither of them will protect a crossing or restore the common law right of the people. They will not make railways liable by common law for accidents at crossings. To my mind, they are not worth discussing, but I prefer the amendment of the hon. senator from De Salaberry because it is not so confusing as the other. Section 275 of the Railway Act deals with the track and the track only. Notwithstanding the remarks of the hon. Secretary of State the other day, I still adhere to that opinion. The amendment of the hon. senator from De Salaberry proposes to deal with the highway crossings. Now if you amalgamate these two into one section and questions arise with regard to the track, it will become a pretty difficult matter to apply the penalty for exceeding the speed. Because you are providing for two different states of things altogether, and I think it leads to clearness to have them dealt with separately, and whatever good there is in either of them will be found out by those who have occasion to use them. While I am on my feet, I want to say that my statement of facts submitted to the House when I addressed it, have only been challenged by two hon. gentlemen. One was the hon. gentleman from Wellington, who made a very strong statement in contradiction of what I represented to the House in regard to the law in the United States, and he said that the restriction of the power of the municipalities only in Michigan applied to cities.

Hon. Mr. McMULLEN—I said cities and towns and exceptional villages.

Hon. Mr. FERGUSON—I understood the hon. gentleman to say cities. It would be very much better for my hon. friend to refer to statutes than to make statements of what somebody else has told him.

Hon. Mr. McMULLIN—Oh, no.

Hon. Mr. FERGUSON—I should like him to quote the statute which sustains his view? The statute I quoted deals with cities and towns of the fourth class, and they are made to include places as low as three thousand population.

Hon. Mr. McMULLEN—Is that the Michigan statute?

Hon. Mr. FERGUSON—Yes. On page 940 of the first volume of the Revised Statutes of Michigan he will find what I tell him to be correct, and if he will turn to page 974, he will find the statute I read to the House. I did not make this statement on hearsay. I read it from the Revised Statutes of the State of Michigan. There was another statement which I made, which was challenged by the hon. gentleman from De Lanaudière. It was with regard to casualties at the highway crossings of Canada, and the contradiction between the statement submitted to the committee by Mr. Mountain and the statistics to be found in the report of the Railway Department. Now there were submitted to the House and to that committee statements made to both these parties. One was a statement read at the committee meeting by Mr. Mountain, which had previously been presented to this House.

Hon. Mr. CASGRAIN—Is that statement of Mr. Mountain's correct ?

Hon. Mr. FERGUSON—No, it is not correct. It is certainly incorrect.

Hon. Mr. CASGRAIN—You say it is not correct ?

Hon. Mr. FERGUSON—Yes. I do not think my hon. friend himself will venture to say it is correct, because we have the return prepared by the Department of Railways, by Mr. Payne, made up from the sworn returns of the railway companies, and we have this statement submitted to the House at the same time as a part of the return, and it emphatically contradicts the statement which Mr. Mountain read to the committee. I will just show how they differ : Mr. Mountain's statement for the year 1905 terminated March 31, 1905. The number killed was 41, and the number injured, 5. For the same year, the number killed was 59, according to Mr. Payne's statement, and 67 injured.

Hon. Mr. CASGRAIN—Also for March 31.

Hon. Mr. FERGUSON—It does not say.

Hon. Mr. CASGRAIN—Is it March 31 ?

Hon. Mr. FERGUSON—My hon. friend will see that can have no bearing when you take in the three years, because if they are left out in one year they will come in the next year.

Hon. Mr. SULLIVAN—Every railway in Canada is included.

Hon. Mr. FERGUSON—Yes, it is only the railways of Canada.

Hon. Mr. KERR—What year is that ?

Hon. Mr. FERGUSON—I am giving the figures for the year ending, according to Mr. Mountain on March 31, 1905, and the number shown to have been killed is 41 and the injured 5. I turn to Mr. Payne's statement compiled from the sworn returns to the department, and it gives 59 killed and 67 injured.

Hon. Mr. KERR—Is that during the same period as the other ?

Hon. Mr. FERGUSON—It is for the same year, but I cannot say exactly whether the termination of the year is the same in the both cases. But when you come to take the three years, it will not make any difference, or very little difference. Then you come to March 31, 1906, the number shown to have been killed was 42 and the number injured 9, according to Mr. Mountain. I find on turning to Mr. Payne's return, that there were 50 killed and 76 injured. Hon. gentlemen can see in a moment that the mere incident of a year terminating just one month differently from another would not make any difference.

Hon. Mr. CASGRAIN—Will they deal with the same number of railways?

Hon. Mr. FERGUSON—Just one question at a time. We come to 1907, and there we find the number given by Mr. Mountain as being killed was 41 and the injured 22; and the number given by Mr. Payne in the sworn returns is 73 killed and 74 injured. It is no wonder that the hon. gentleman laughs. When attention was called to the wonderful discrepancy, but one reason was given, that the difference would be partly accounted for from the fact that the Intercolonial Railway was included in Mr. Payne's figures, while it was not included in Mr. Moun-

tain's. I turn to Mr. Payne's abstract, and there I find that there have been three killed and five injured on the Intercolonial Railway in the last year; so therefore, comparing these years, it would bring the number of killed down to 70—that is taking off the number killed on the Intercolonial Railway—and 69 injured.

Hon. Mr. CASGRAIN—Is the Temiscaming and Northern Ontario Railway included in Mr. Mountain's report?

Hon. Mr. FERGUSON—I cannot tell what is included in it.

Hon. Mr. CASGRAIN—Is it included in Mr. Payne's report?

Hon. Mr. FERGUSON—I am treating my hon. friend differently from the way he treated me the other day, when he was making a statement in regard to which I am now putting him right. He would not allow me to interrupt, but now he insists, and expects a different kind of courtesy from what he would give when he had the floor. I think he should take it to heart and treat others as he expects them to treat him. As for any question about there being some railways that are under the government of Canada and others that are not, I cannot ascertain that from the report of the Railway commissioners, for the table they have prepared does not show where the accidents happened, or what railway they happened on. The government report shows where every man was killed or injured, so that you are able to trace it to the railway; but in the commissioner's report, they do not give these details at all, although I think the Act requires them to give them. They just give the number killed, and they say 'on level crossings,' and these are the figures that they submit. I cannot compare them. Mr. Mountain first thought that the Intercolonial Railway being included in one and not in the other would account for the difference, but I pointed out that in the last year, it would only make a very small difference, that it would still leave the killed at 70, and the injured 69, whereas he put them down at 41 killed and 22 injured.

Hon. Mr. KERR—Would the hon. gentleman allow me——

Hon. Mr. FERGUSON—I do not mind being interrupted.

Hon. Mr. KERR—Is there not this difference between the two: that he only deals with matters that the Railway Board deals with, whereas the other embraces not only the Intercolonial Railway, but provincial and electric roads. There are the Quebec and St. John, the Temiscaming, and a great many others.

Hon. Mr. FERGUSON—Not one of these casualties in the government return refers to electric roads. They are dealt with separrately. Their deaths and casualties are to be found in another table, and not in this one at all, and there is no mixing of them whatever. I say I am not able to make a comparison to know whether the roads Mr. Mountain dealt with are exactly the same roads as the government dealt with. They must surely not be the same, and the commissioner's table is so insufficient that you cannot make the comparison. It does not show the railway at which the trouble occurred, as it should show; but my statement was very flatly contradicted—and here I want to say one word to the hon. gentleman interrupting me, and I want him to lay it to heart. He is chairman of the Railway Committee, and some of us think when there is a Bill before the committee affecting railway corporations we get no show at all, we are hardly allowed to open our mouths, with the treatment we receive at that committee. When my hon. friend came to address the House on this subject, he read from this book which he prized very highly, although he had very little acquaintance with it. It is the railway statistics of the Dominion of Canada for the year ending June 30th, 1907, and he read from pages 114 and 116, and what did the hon. gentleman do? There are two tables on that page, which are headed in this way:

'Summary of accidents to persons for the year ending 30th June, 1907, showing kind of accident, accidents resulting from the movement of trains, locomotives or cars,' and the first table deals with trespassers, and they are given as 21 killed and 18 injured.

Hon. Mr. CASGRAIN—They do not come into this discussion as to protection of crossings.

Hon. Mr. FERGUSON— Yes, they do come in under the law. The Railway Act requires the sworn returns to give the number of persons killed or injured through being struck by an engine or train on highway crossings, and it does not call for the distinction between trespassers and non-trespassers ; but a distinction has been drawn for the last year between trespassers and non-trespassers. How do they draw it? With regard to some of the accidents that have occured since the debate started in this House, two men were killed at protected crossings, but protected crossings with the gate out of order. An unfortunate man at Montreal drove in on the crossing and was killed. That man is called a trespasser. There was another case on Bloor street, in Toronto, where a man named Scott was killed not long ago. There the gate was swung down and he walked clean under it in the dark, without his head touching the gate. That was at a protected crossing, and Scott would be called a trespasser. I presume that is the way they draw the distinction. Here we have the two tables, or one table divided into two parts on the same page of the book; the hon. gentleman read only one of them, and although I called his attention to the fact that he was only reading one part of the statement, and I sent the book over to his table, he persisted in going on with his statement.

Hon. Mr. CASGRAIN—I still persist. I do not count those 21. I still persist in my statement, because those were not on the crossing.

Hon. Mr. FERGUSON—If the hon. gentleman rises to make a consequential observation, I would like to hear him.

Hon. Mr. YOUNG—Order, order.

Hon. Mr. FERGUSON—Who says order? Am I out of order when I say that an observation is not a consequential one? I appeal if there is any hon. gentleman in the House except the ex-Speaker of the Manitoba legislature, who would call me to order those grounds if so I would like to know who it is. The hon. gentleman makes an absolutely inconsequential statement. The law does not say whether they shall be trespassers or non-trespassers. The law says the report shall contain the names of those killed on highway crossings by an engine or car. According to the fancy of somebody, they choose to put down some men killed at crossings as trespassers, their lives are to be of no consequence, and the fact that they are killed is to pass into oblivion because somebody says they were trespassers. We should have the table made up simply showing the number of people killed at railway crossings.

Hon. Mr. CASGRAIN—Why do they put them separately in the book ?

Hon. Mr. FERGUSON—I wish the hon. gentleman would try to talk a little sensibly. I told him what the law provides. In the United States, I think they do draw that distinction, and the Railway Department have tried to assimilate the returns with those of the United States; but it matters not whether the man was a trespasser or not. He was on the highway crossing, and if he was killed there the law requires that the return should show the fact of his being killed or injured, and does not require any other fact but that to be sworn to. When th hon. gentleman came to read the table to the House he might have made a mistake. I might only have got a part of it and omitted the other. I hope, to be charitable, that that was the case; but when I passed the book over and it was possible for the hon. gentleman to put himself right, I think he should have done it.

Hon. Mr. CASGRAIN—I still think I am right.

Hon. Mr. FERGUSON—I have heard an old story, which I will not repeat, which illustrates that position very well, when the hon. gentleman says he is right. Any hon. gentleman who doubts it can refer to pages 114 and 116 of the Railway Statistics for Canada, and he will easily find out who is right and who is wrong.

Hon. Mr. SULLIVAN—There are no deaths from crossings in the United States statistics. They give no account of the deaths at crossings.

Hon. Mr. FERGUSON—Oh yes, they do.

Hon. Mr. SULLIVAN—I had it here.

Hon. Mr. FERGUSON—I have the figures.

Hon. Mr. SULLIVAN—Not at crossings.

Hon. Mr. FERGUSON—Yes. And they divide them as trespassers and non-trespassers in the United States, and I think, as I have already remarked and explained to my hon. friend, that we have attempted in Canada to adopt the United States system, but the division of the casualties into two classes does not affect the question at all. Our law does not recognise that distinction. What we were dealing with was the number of people killed or injured at crossings. It might be the contention of the railway companies that the victim was a trespasser, and he might go to the courts and find that he was not a trespasser at all, as certainly Mr. Noel Wilson of Montreal was no trespasser when the company left the gate open, and Mr. Scott in Toronto was not a trespasser when he walked onto the crossing and was killed, because the gate was not let down sufficiently in the night time for him to know it was there at all. I have been compelled to take up these two points, because my statement to the House was challenged. I may say that I took a great deal of care to go to original sources for my information. I weighed them as carefully as I possibly could, and I am not conscious of putting anything before the House that is not absolutely correct, and if any hon. gentleman contradicts me he certainly ought to do it on better authority than my hon. friend from De Lanaudière or my hon. friend from Wellington have shown. I may remark that, later on, I intend to move an amendment to this Bill in another form, but I am not very particular whether it is done in committee or not. I presume the House has made up its mind to pass this emasculated Bill. At any rate, I will give hon. gentlemen an opportunity of placing their votes on record when the Speaker is in the chair. It would be hardily fair to the House to move it now without giving notice. I will put it on the order paper so that hon. gentlemen will be able to see it and know what they are voting about.

Hon. Mr. KERR—The hon. gentleman has made an insinuation rather than a statement against my hon. friend the Chairman of the Railway Committee. I do hope that on consideration he will withdraw that statement, because I think we all feel that the chairman of the committee has always dealt not only impartially and fairly with everybody, but he has shown an amount of urbanity towards all members of the committee which we like to recognize, and I think the hon. gentleman will withdraw the statement he made.

Hon. Mr. FERGUSON—I do not think I have said anything that would according to any rule of parliament call for a withdrawal. At the same time, I would be sorry to do my hon. friend an injustice. He is genial and pleasant and I believe from my heart that if he does anything wrong it is not very intentional. I am always ready to go that far, but I have noticed that when a question affecting railway companies comes up, that it is not only the Chairman but other hon. gentlemen who do not give those who want to investigate a fair show. I have complained of that again and again and I felt I had grave reason to complain of it when we were in committee on this Bill. The moment I would rise to ask a question of Mr. Mountain I would be interrupted in half a dozen quarters. It would seem as if the desire was to shut out questions from members.

Hon. Mr. SULLIVAN—I desire to say that there has been a great deal of law and statistics given to us. If the law is no better than the statistics, it is very bad. I could not find any statistics that would give one an idea of what fault there was, or what was the reason, whether there was an inquest or not at any one of these crossings. It makes all the difference in the world how the man happened to be killed, whether he was sober or not, or whether it was in the day or night, or what trains. I could not find anything about that. There is nothing in the report of the Registrar General of England about that, and the English report is very accurately prepared. There is no account there of the killed at crossings. Nor is there any in the United States which is published by authority, and there is the difficulty in forming an opinion. I live in a city where every one of these difficulties exists, and I do not think it is the fault of the railway company.

The amendment of the hon. gentleman from Halifax was declared lost.

Hon. Mr. BELCOURT—I move that the word 'order' be made 'orders,' so that it

will read 'in accordance with the orders, regulations and directions of the Railway Committee of the Privy Council.'

Hon. Mr. McMILLAN—I have given notice of an amendment which I wish to withdraw, with the consent of the House.

Hon. Mr. FERGUSON—Before a vote is taken, I give notice of a motion I intend to submit at the third reading.

Hon. Mr. SCOTT—That must be done when the Speaker is in the Chair.

Hon. Mr. FERGUSON—Very well.

Hon. Mr. BEIQUE—I do not propose to repeat the reasons I have given on several occasions with regard to this proposed change. To my mind I am afraid it will defeat the object of the law, because it will be taken to refer merely to the general orders and regulations which have been issued before any railway is built.

Hon. Mr. FERGUSON—It only deals with about 205 crossings altogether out of about 13,000.

The amendment proposed by the hon. gentleman from Ottawa was declared lost.

Hon. Mr. DAVIS—I want to make a few remarks——

Hon. Mr. SCOTT—A vote has been called for, and it must be taken now.

Hon. Mr. DAVIS—There is such a noise nobody can understand what is going on.

The CHAIRMAN—The question is on Mr. Beique's amendment.

Hon. Mr. DAVIS—I am going to speak on that. I have been trying to get the ear of the House for over half an hour.

Hon. Mr. SCOTT—The hon. gentleman will have an opportunity at the next stage.

Hon. Mr. DAVIS—When ?

Hon. Mr. SCOTT—At the third reading, or when the report is received.

Hon. Mr. DAVIS—I want to give a reason for my vote.

Hon. Mr. MACDONALD (B.C.)—It is too late now.

Hon. Mr. WILSON—The hon. gentleman should not be deprived of his right to speak in committee.

Hon. Mr. BELCOURT.

Hon. Mr. DAVIS—I move that the committee rise, report progress and ask leave to sit again.

The motion was agreed to.

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

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

After Recess.

BILLS INTRODUCED.

Bill (37) An Act to incorporate the Canada Weather Insurance Company.—(Hon Mr. Beith).

Bill (HH) An Act to restrict the Evils of Divorce.—(Hon. Mr. Cloran).

CONSTITUTION OF THE SENATE.

DEBATE CONTINUED.

The order of the day being called :

Resuming the further adjourned debate on the motion of the Hon. Mr. McMullen, that in view of the agitation regarding the services rendered by the Senate as a part of our legislative system, and in view of the criticism both in parliament and the press with respect to appointments to this Chamber, it is in the opinion of this House, desirable that the question of the method of appointments and the term for which appointments are to be made in future should be considered and the system recast, and the motion in amendment of the Honourable Mr. David, that all the words after 'that' in the main motion be struck out and replaced by the following: 'the Senate, while not desiring to pronounce finally upon the numerous and various projects of reform which have been proposed and discussed in connection with the Senate, yet in view of the differences of opinion on the subject and until those projects have had time to mature, believes it opportune to declare that it is desirable, in order to increase the efficiency of the Senate, that more legislation be initiated in this House, that more ministers of the Crown have seats therein and that any minister may personally introduce and defend government measures on the floor of both Houses.'

Hon. Mr. BEIQUE—I am afraid that the interest which was evoked by the speeches we have heard on this subject has considerably died away, and that it has been superseded by a feeling of weariness at having the notice on the Order Paper for such a long time. However, when one bears in mind the importance of the question, I think it will be realized that it is the duty of all

the members of this honourable House to express their views on such an important matter.

Hon. Mr. BERNIER—To relieve the mind of the hon. gentleman, I will raise a point of order. Any one reading the notice will see that there are no less than six separate and distinct propositions involved. There is the method of appointment, the recasting of the whole system and the term for which appointmetns are to be made, in the main resolution. Then the amendment calls for more legislation to be originated in the Senate, for more ministers of the Crown to have seats therein, and for the introduction of more ministers than we have at present, and to permit ministers to defend government measures in both Houses. Besides there is a preamble sufficient to kill these resolutions at once. On each one of these six propositions we are liable to be called upon to vote. We may feel inclined to vote for one, and unable to vote for others. For instance, I am quite willing to vote that more legislation be initiated in the Senate, but I may have objections to other matters included in the resolution, such as ministers of the Crown, except those who are regularly in the House, being allowed to defend government measures in either House. I do not think any one can be called upon to vote yes and no at the same time, and that would be the effect of this resolution, consequently I respectfully submit that this resolution is not in order—the main resolution and the amendment and I ask for the ruling of the late.

The SPEAKER—The attention of the chair was drawn some time ago to the fact that this motion contained a preamble as well as the amendment itself which made it irregular, but after a discussion upon the motion and the amendment had already gone on for some considerable time, I took it for granted that the House was seized with it and decided not to interfere. As to the point raised by the hon. gentleman from St. Boniface, that the motion contains more than one proposition I have doubt as to the hon. gentleman's point being well taken; he can very readily dissociate the several propositions by moving to strike out parts of the resolution, and thus vote on his amendment to his own liking? I would on the whole declare that the point of order is too late.

Hon. Mr. BEIQUE—I was going to say that this question has been not only before this House but before the country for a number of years, and so far the results have been very good. If I am not mistaken, a few years ago there was quite an opinion in favour of the abolition of the Senate. Now, I think there are very few either in this House or in the other House, or leading men in the country who would take the responsibility of voting for the abolition of the Senate. Another beneficial result from the discussion has been that the minds of leading men have been stimulated at finding several modes of reforming or improving the constitution of the Senate, with this result, that hardly two men can be found to agree upon one of the several reforms which have been suggested. This, to my mind, is in itself, a pretty strong indication that there are serious objections to every one of the reforms which have been suggested, and that, after all, the present constitution of the Senate may be the best that could be devised for the country. We were reminded by several previous speakers that what led to adopting the constitution of the Senate at the time of confederation was that a part of the provinces were against the system of representation by population. As that system was forced by the larger province on the other provinces, it was thought proper that there should be compensation for the other provinces by having a Senate in which the members would be appointed otherwise than according to population. It was deemed advisable to adopt the system of giving to Ontario and Quebec 24 members each, and to Nova Scotia and New Brunswick an equal number, 24 members. This was intended to harmonize and protect the interests of the smaller provinces. I think it will be admitted that the condition of things which then obtained has not changed since. On the contrary, at that time the west was not taken into consideration. It was considered as a wilderness hardly suitable for human habitation, and it was not deemed that we would ever have provinces in the Northwest which would become part of the confederation. Forty

years have hardly elapsed, and now every one can see almost the day when the balance of power will be transferred from east to west and instead of being with any of the eastern provinces will be west of the great lakes. Therefore, the day will soon come when the interests, instead of being harmonized will be more diversified than they are now, and will be the interests of the west against the interests of the east. What took place some 25 or 30 years ago in the United States is now taking place in Canada. Our Canadian west is being developed now as the western States were being developed then. It is being developed as rapidly and by a population as diversified as in the case of the United States. The immigrants are coming in by hundreds of thousands every year, and will continue to come in in increasing numbers from almost every part of the world, and what has taken place in the United States will no doubt take place here—it will be years before these newcomers form a united people, appreciating our institutions and adopting our nationality as their own. One has to go back not more than 15 or 20 years to a time when even in the United States there was, so to speak, no nationality, when the question was universally put as to what would be the outcome in that country, when interests were considered to be so diversified that people were generally led to believe that there would be a division, and that instead of a united nation there would be a republic in the west, a republic in the south and possibly a republic in the east each composed of several states. It is only in recent years that these newcomers have made up their minds to become citizens of the United States because of the great prosperity prevailing, and because they were proud to become part and parcel of a great nation.

Our condition is more dangerous than was the case with the United States, because here we have a large portion of our immigration from the United States. In time, these immigrants will appreciate our institutions and will become good British subjects; but it will take years, and they will be kept in close contact with the United States—especially the western part of it, and if there should arise any serious question between the eastern provinces and the western provinces, there might be great danger to the confederation. It seems to me that, under such circumstances, we should be very conservative and should hesitate before altering the constitution of the Senate which was prepared exactly to meet and guard against conditions of that kind. Another consideration which one should also bear in mind is that we are going through a very rapid evolution, not only in this country but everywhere. We are passing from conservative to democratic institutions. I am, for my part—and we are all I think—sprung from the people, and I rejoice at the progress which has been made all over the world in democratic institutions; but the danger at present is not that we do not go far enough in that direction, but that we may go too far. Only the other day, a Bill was presented in the Imperial parliament of Great Britain demanding employment for all persons out of work and to establish state workshops paying trade union wages. A Bill of that kind which would have been ridiculed 10 or 15 years ago was, apparently, supported by quite a number of members in the Imperial parliament. It was on the occasion of that Bill that Lord Rosebery expressed his opinion as to how seriously we are being threatened with being drawn too far in that direction. These considerations should not be lost sight of. In this country we should remain sufficiently conservative to guard against dangers of that kind.

It has been very properly said that the Senate should be both representative and independent. I quite agree with that statement and I claim that the Senate is representative. It should be representative of all classes, and I claim it is representative of all classes. The hon. member from Middlesex furnished figures showing how far it is representative in that direction. Of its members 19 are lawyers, 6 capitalists and bankers, 3 journalists, 13 engaged in agriculture, 15 in mercantile pursuits, 9 in manufacturing and lumbering, 7 doctors and the balance in different other pursuits. I have been but a few years in this House, but I have given a good deal of attention to the measures which have come before parliament and have noticed that the senate is representative to this degree that no measure can be passed, whether at the request

of railways, bankers or labour unions or farmers or any special interests except on it merits. I am sure it will be the opinion and the testimony of every member of this House that the Senate is representative of all classes of society, and it should remain so, and this, to my mind, is a strong indication, and the best proof, that is constitution is good. So long as the Senate will thus remain representative, it will be representative in the true sense of the word and it should remain so.

It has been urged that the Senate should be refreshed once in a while. I have obtained from the accountant a statement showing the number of members of the Senate appointed during the last twelve years—from 1896 to 1907, inclusive. In that time 82 senators were appointed. Strange to say, if you divide the twelve years into two periods of six years each you find exactly forty-one in each period. Surely that is refreshing enough. It shows that new members are brought into this House very rapidly—very much too rapidly. This House, in being representative, differs essentially from the House of Lords, which remains to this day mainly an hereditary chamber and representative of the aristocracy and the large land owners. I can quite well imagine the desirability and necessity of reforming the House of Lords in that respect. If the conditions of this senate were the same, I, for one, would be strongly in favour of changing the constitution in order to allow it to be remedied. As far as the independence of the senate is concerned, it is as independent as it can be, because the members are appointed for life. As such, they are not personally interested in keeping in contact with political organizations or ingratiating themselves with the power for the time being, or with men who will be in power to-morrow.

If the members of the Senate were not appointed for life, if they were appointed for ten or fifteen years only, they would be personally interested in keeping in contact with those political organizations and in courting, so to speak, the powers of the day. It would bring into the Senate the same political factions as in the other House, which, it seems to me, is not desirable. This House should be non-political as far as possible, and it can only be so if elections are dispensed with? Now, the reforms which have been suggested are the election for a term only, election by the people or by the provincial legislature, or by the members of the House of Commons for the province and the members of the legislature jointly, or by the members of the Senate and of the House of Commons also jointly. It was also suggested that a certain number of the members of the Senate might also be appointed by universities, or by chambers of commerce or other institutions. I call your attention to this fact: that if they were thus appointed by universities or other institutions, all institutions would be claiming the same right. You would have the labour unions, who are becoming more important all the time, and very rightly so. For my part I believe labour unions are doing good work for the labour classes, and they would insist upon having the right to choose also a number of Senators, and manufacturing associations, in fact all classes would be clamouring for that right. What would be the consequence? It would lead to this: That a large number of members of this House would feel themselves as being tied up or affiliated with these institutions, with these classes or these labour unions, and bound at all times to advocate the special interests of these bodies. Take for instance, the union label Bill, which we had last year, if you had a few members in this House appointed by labour unions, surely they would be altogether in favour of a measure of that kind, and if others were appointed by bankers they would feel bound to advocate the interests of the banks, therefore it would have the effect of raising class against class to the detriment of the country, and against the interest and the good reputation of this honourable House. I need not repeat the several objections which have been raised and very properly expressed by other speakers against the several modes of appointment which I have just mentioned. From the fact that the appointment or election would in all cases be for a term only, it would be destructive of the independence of the members of this House. It would keep them permanently divided on political lines. It would lead, in many

cases, to their courting the appointing body during their term of office, or their ingratiating themselves with strong corporations. It would give rise to the introduction of the same elements of undue influence as are too often attendant on all kinds of elections. If elected by the people, it would give rise to conflicts between the two Houses, as both of them could claim to have a mandate directly from the popular body. If appointed by the provincial legislature, apart from being open to the objections which I have just mentioned, it would imply responsibility to provincial or local authority instead of to Dominion authority, which I need not say would be a very serious matter, having a parliament or a branch of parliament which would derive its appointment from a body which is not federal at all, but which would be altogether local and provincial. And I ask hon. gentlemen to consider for a moment what would be the effect of leaving the appointment of members of this House to members of the legislature or to members of the House of Commons, jointly or separately? What guarantee would there be? Of course there would be a great deal of cabalting done by the candidates, and the responsibility would rest on so many people and so many heads, that there would be no responsibility at all. Would hon. gentlemen dream for a moment of leaving the appointment of a judge, or the appointment to any important position to a body of that kind, to an electorate of that kind? Surely not. The election must be done, the election must be made by the people at large, or it must be made in the second degree by the government, not by the Crown in virtue of its prerogative, but by the Governor General under the recommendation of the cabinet for the time being. Then the party who makes the appointment is responsible. He is bound to make a good selection, and experience has proved that the appointments have been good. It is proved, as has been shown by other members of this House, that it has remained representative of all classes, and that we had nothing connected with the appointments which was of a nature to reflect upon the character or upon the honour of this House, or which was disparaging to the honour of this branch of parliament. I repeat, that whenever an important appointment is to be made, it is made by the cabinet, whether it be a judge, a member of the Railway Commission or any other important position. It is not left to the House of Commons, or to members of the legislature, or to different bodies in the country, but it is left to the government of the day on their own responsibility, to the House of Commons and to the country at large; it is the strongest guarantee possible that they will be made in the public interest. The fact that all appointments have, to this day, been made by all governments exclusively from their political friends, that the Senate is supposed to be either strongly Liberal or strongly Conservative, is what has principally led to this demand for reform. For my part, I regret that there was very early in the working of our constitution a departure from the expressed intention at the time of confederation in connection with the appointments, a violation of the rule which should have been followed in appointing members to this House It was the intention that this House should be representative of the two political bodies in this country. I would have much preferred that it had been the case, and I hope that public opinion will move so strongly in that direction that governments, in the future, will be obliged to adopt that rule; but although I would much prefer that course being followed, I do not think, when we come to seriously consider the mischief done, that it is very serious. I incline to think that it rather tends to dispel politics from this House. When the House is about evenly divided between Conservatives and Liberals, members are much more inclined to be party men than they are when the House is either strongly Conservative or strongly Liberal. I am aware that during the forty years of confederation, on two or three different occasions, this House was seriously criticised. It was taxed with being partisan. The majority of the members of this House were accused of having tried to help their own political party; but if there has been anything of that kind, it was only in one or two instances. I am not prepared to say that there was, but if there was on one or two occasions, it would not be sufficient to condemn this House or to warrant us to change the constitution because of any individual instance of that kind. For my

part, I believe that the mode of appointment which has been followed in the past is the proper mode. I think the constitution which we have is the proper constitution. There were some suggestions made as to the age limit. I do not think that this House has suffered from old age. On the contrary as was aptly said, we are proud of the old men in this House, especially of the hon. leader of this House and of the late leader of the opposition, the hon. gentleman from Belleville. They are, so to speak with their 82 or 84 years of age, almost in the prime of life, as vigorous as they were, and it would really have been a great loss to the country if they had been obliged to retire when they were 70 or 75.

Hon. Mr. LANDRY—No chloroform for them.

Hon. Mr. BEIQUE—I could name several other members of the Senate, in fact all the members, who have passed the age of eighty years. However, this is a mere detail. For my part, what I think is of the most importance is that the appointment be made for life, and that the appointment be made by a responsible body, by the government, by the cabinet, in order that the country may look to somebody who is responsible for it. Whenever a man is appointed to the position of Prime Minister of this country, he must be a man of large ideas, of large experience, of strong character and ability, and whatever is his political opinion, whatever may be his political persuasion, I have confidence that in the future as in the past, he will be conservative in the appointments that are made, and will see that this Senate is so constituted as to represent all classes of the people and be composed of men who will have both experience, character and ability, and who will be a credit to the country and a safeguard against the dangers which I have indicated. I am sure that the Senate will, in the future much more than in the past, remain the bulwark of British institutions in this North America of ours, and that we should be jealous of our constitution as it is. For my part, I am not satisfied with either of the motions which have been presented to this House, and I desire to invite the House to consider an amendment which I now propose to offer. I move that all the words in the amendment after the word 'following' be struck out and be replaced by the following:

From the very serious objections which have been raised to the several modes of reform which have been suggested by individual members of this House, and the great diversity of opposition expressed thereon, the present constitution of the Senate seems to be, on the whole, the best which can be devised for this country: that however, in order that this honourable House may give the full share of its usefulness, it is very desirable that means be adopted to keep it more constantly occupied, thereby relieving the House of Commons of part of its work and shortening the sessions of parliament.

Hon. Mr. ELLIS—The hon. gentleman affirms in his resolution the various schemes which have been proposed, but I have been an attentive listener, and I have heard no schemes proposed.

Hon. Mr. COMEAU—The present mode of appointing senators has given me a seat in this chamber. This rather convinces me of two things, that the government of the day is in good hands and that the method of appointing senators is also good, because, I am afraid that under any other conditions, I would not be sitting here. I would not like to affirm that this would be a calamity, or that the country would in any way suffer on that account; but I think it would. Now to be more serious.

I think that underlying the efforts of the fathers of confederation, with respect to the creation of this honourable Chamber, was a desire to provide what I may be permitted to describe as an additional guarantee or security for three most important things, namely:

(1.) Protection of provincial rights;

(2.) Protection of religious rights;

(3.) Regulation of corporate and personal rights.

This, with respect to the first, is borne out by the fact that the representation of the various provinces were so arranged, in regard to members, as to afford an assurance of the stability of the pact of confederation, so that I need say no more in support of this contention.

The second, was one which required, and no doubt received, the most careful and delicate treatment. There is nothing in this life that man holds more secret than his religious convictions, nothing more worthy of a just and scrupulous toleration, by

those who may not be at unity with each other in respect to creed. The history of almost every country and of every age, has shown what distressing results invariably follow any attempt to quench this sacred fire in the heart of man. It is not therefore surprising that in the pre-confederation days, this great question received careful consideration. It is not to be questioned that what was then done, was with a true and honest desire to allay any unrest, and to remove for all time this most delicate subject from the suspicion, or breath, of the politics and policies of any possible party in Canada. Since those days, the two races inhabiting this country have become better acquainted, have intermingled more in social and business life, and the conditions of the present day are such, that the people of the east, the centre and the west, are becoming familiar with, and interested in the progress and prospects of each other, regardless of creed and nationality.

Thus it is, that the wise and just provisions made by the fathers of confederation, in regard to this important subject, have borne out the hopes and aspirations of those who designed them, and that to-day the contingency of any conflict of thought, upon this all important subject of religious toleration, would happily appear to be very remote indeed.

I would now draw your attention to the third great feature, that of the regulation of capital and personal rights.

The question of corporate, vested and private rights, important as it is to-day, will assume even greater proportions a few years hence, and still greater as time goes on.

The tendency of the age, in this regard, is to be noticed in the United States, where a conflict between the people and the corporations, seems likely to become a leading feature of the first decade of the twentieth century.

Fortunately there is, as yet, no cloud of this character upon the horizon in Canada. But in a country that is young, whose people are ambitious, and whose national resources are being rapidly developed, it cannot be foreseen when some such may appear. It is not impossible, therefore, that a condition of affairs may arise, in a country of such magnitude and infinite resources as that of Canada, when the representatives in a popular house stimulated by their zeal to see large industrial enterprises set on foot, may for the moment lose sight of the individual rights of the people; and it would then be a reasonable function of this honourable Chamber to see to it, that no undue privileges were accorded to organized capital which would prove unwholesome to the country or burdensome to the people.

This House may indeed yet prove to be the safeguard and the buttress of the people against the arrogance and aggression of capital as it may well prove the shield of legitimate corporate rights, against the two democratic tendencies of the public in an age when it is very easy to go from the danger line of one extreme to that of another.

And, if hon. members of this Chamber so comport themselves, in dealing with the business of the people, as to give the country an assurance that they stand for the stability of the rights of both capital and labour, corporate and personal, I do not think there will be heard any demand of the people at large for the abolition of this honourable Chamber. On the contrary, I feel assured, they will cherish the maintenance of this body which means much as a safeguard and is in no way a hindrance to the greatest affairs of the nation.

Great Britain has spent millions upon millions of pounds in the counstruction of her naval marine which may never go to war. In Canada we are spending large sums of money year after year in armament and military organizations, while we trust that a shot may never be fired except for practice.

But the people rejoice in their freedom, and their security, and willingly defray the cost of what their good judgment recognize may yet prove to be their protection and national salvation.

The supreme usefulness of this Chamber depends in my humble opinion, upon what I may be permitted to term its 'national character,' upon the 'broad outlook' of its members; upon the maintenance of a just and equitable consideration, not only of

the rights of every class of men and industry, but of each and every portion of the Dominion as well.

Before proceeding further, I wish to place myself on record as being opposed to an elective Senate, because I am convinced, as has been properly pointed out by the last speaker, that it would, in a very large degree at least, destroy its independence, and, therefore, its usefulness.

Should this chamber be made in any degree elective, would it be possible for those who came as the popular representatives of the electoral districts; where the contest may have been keen and bitter, or during which the purely local rather than the national idea of representation, may have been the battle cry; would it be possible I ask, Sir, that the men elected could cut themselves entirely free from all suspicion of localism; or Sir, could it be expected at a later time, they would not proceed to lay ground, either to secure their own re-election, or the return of others of their party, upon whose shoulders the political exigencies of the hour required that their mantle should descend?

I once entertained a strong opinion that as every man, who lives out his full span of life, is of necessity twice a child, that there should in the tenure of membership in this honourable chamber, be an age limit. But since coming here and observing the keen intellect, and mature thought, such as is displayed by the hon. Secretary of State, Sir Mackenzie Bowell, and others whom I need not mention. I have materially changed my views in regard to the matter.

While I am conscious that my views have been modified, I think that the fixing of an age limit would be a step in the direction of bringing this Chamber more in accord with sound public opinion, for while in discussing this phase of the question, we are able to point with pride to the eldest men in this Chamber, as possessing soundness of judgment, and legislative experience, second to none in Canada, we cannot but recognize the fact that such conditions in a Chamber, where there is no age limit, must be the exception and cannot be regarded as the rule.

But, hon. gentlemen, if the people of Canada are to regard this honourable Chamber as the safeguard of their cherished institutions, hon. members should see to it that the trust and confidence is not unmerited. That the absolute independence of this honourable Chamber is preserved and maintained. And I venture to believe, that to justify this confidence and merit an abiding faith in the usefulness and independence of this honourable Chamber, hon. members should use great circumspection. They should avoid becoming in any way, directly interested in, or acting in the employment of corporations controlling vast sums of money, and which may come to this honourable Chamber asking for important franchises and privileges. In my judgment it is only by preserving an absolute independence that this honourable Chamber can justify its existence; only by being ever ready to assert our independence can we give guarantee of efficiency when the exigencies of the occasion require.

It may be, that during these brief remarks I have said something which is not entirely pleasing to some hon. members, I trust that such is not the case. But if it be so, my sincere regret is that such should be the case; while the only apology that I can offer is, that at least, I have honestly expressed my convictions.

While I am on my feet, I should like to make a statement which may be somewhat diverging from the subject under consideration. Hon. gentlemen will remember that a few weeks ago I introduced a resolution in this House which was intended to somewhat change the rules. That resolution was defeated; I have no fault to find with that. It was opposed by the hon. senator from Halifax. He was certainly within his right in doing so, but during his discussion of his subject he threw out the insinuation that as a young member of this House I had no right to introduce a resolution to change the rules, and the same insinuation was made the other day by the hon. senator from Richmond. I did not know that there were any degrees in this House; in fact I was under the impression that when an hon. gentleman was appointed to the senate he at once became a full-fledged senator, with equal rights with those who had been here years before. I can understand that the hon. senator from Halifax and the hon. senator from Richmond should consider themselves in some degree the special guardians of the rules of the House. I desire to say, however, that

in throwing out such insinuations they violate a rule which, in my opinion, is far more important than all the written rules of this House, and that is the rule of common courtesy.

Hon. Mr. WOOD—It is not the first time that the subject of the reform of the senate has been brought to the attention of this House, nor is it the first time that I have had an opportunity of addressing some remarks on this subject. My general views, therefore, are pretty well known to a majority of this Chamber. I merely say that I have a great admiration for the constitution of this Dominion and that the longer I have been in parliament and the more I have studied it, the more my admiration for our constitution grows, and if there is one part of it which, to my mind, is more admirable than the rest, it is the present constitution of this Chamber. It is gratifying to me, and I think it will be gratifying to others who think as I do upon this subject, that among the many addresses which have been delivered to the House there has been no charge of inefficiency or lack of inability on the part of the Senate in the discharge of the duties which have been assigned it under our constitution. On the contrary, the trend of all the speeches that have been delivered in connection with this motion has been to show the ability and the efficiency with which the senate has discharged its duties, the amount of work that has been done, and the manner in which it has been accomplished. I do not intend to follow in the line of those who have addressed the Senate upon this question, as everything that can well be said upon that phase of it has already been said. I only wish to state, before passing from that subject, that while I am not opposed to a reform. I am not prepared to support any reform until the necessity of it has been clearly established. I am not in favour of change merely for the sake of change, and before I would care to support any change in the present constitution of the Senate I would desire to see some better reasons for it than any that has yet been given for effecting that change and some good reason for believing at least that the change proposed would bring about the reform desired. It will be my desire in the very few remarks I make to draw the attention of the House to some of the advantages of the present system. There are some features of it to which it appears to me it would be wise that occasionally public attention should be drawn, for so far as I have heard the question discussed here or elsewhere very little notice has been given to these phases of the question.

No good reason can be given why, under our present constitution, the Senate of Canada cannot and should not be an ideal legislative body. I do not know of any improvement that can be suggested on the present mode of appointment. The appointment under our present system is in the Crown. The choice is with His Excellency the Governor General, and he makes these appointments on the recommendation of his responsible advisers, practically under our constitution; that is, he makes them on the recommendation of the Premier of this Dominion. Now, I do not know where a person more competent to choose the members to sit in this body can be found than the Premier. He is the one of all others who has been chosen by the people to occupy the highest, most honourable and most responsible position in the country. He chooses the cabinet which directs the policy of this country, and the heads of the departments which administer our public affairs. He is charged with the appointment of and is responsible for the selection of those who sit in our courts of justice and administer our laws. Indeed, he is the only man chosen under our constitution as the representative of the whole people of this country, and who by them is clothed with the responsibility of filling all the positions of power, all the executive and judicial positions throughout the country. Besides, the power which the premier and his cabinet thus exercises is not an arbitrary power. It is not and cannot be exercised with disregard to the wishes of the people or contrary to their expressed desire. The Prime Minister holds his position at the will and pleasure of the House of Commons who are the representatives of the whole people of the country, and in the appointments to the Senate, as in all other acts for which he and his government are responsible, they are bound to carry out the will and wishes of the people. That I consider one of the important and one of the good features of our

present constitution, to which attention is not too often drawn. There is another feature to which I should like to call the attention of the House, and that is that, under our present system, there is a perfect freedom of choice. It has been remarked by some who have addressed the House, that there is too much of a tendency to fill this Chamber with persons who have hitherto held seats in the House of Commons. While it may be correct that very many who sit in this Chamber have held seats in the House of Commons, I think it is right and proper, and only natural, that those who fill positions in this Chamber should be very largely chosen from those who have become prominent in public life, either in the House of Commons or in connection with our provincial legislatures, or in some other way with the public business of the country. I do not think that the fact that it has been often done is an argument against our present method of appointment, it is rather an argument in favour of it. But while it is desirable that appointments of this character should be frequently made, the power of choice is not by any means limited to those who have become prominent in public life. There are prominent men who have never taken an active part in politics or in connection with the public business of the country, men who have become prominent in connection with our banking institutions or our transportation systems, men who have shown wonderful power and ability in a connection with mercantile pursuits, or have given their time and attention to manufacturing industries, or to the great agricultural interests of the country, and have become leaders in the pursuits which they have chosen for their life work. It is fitting and proper that all these great interests in the country should be represented in the Senate, and under our present system of appointment, it is quite possible and, indeed much more probable, as has been pointed out by the statistics which have been given, that these interests would be represented in this chamber under our present system than under any other that has been proposed. It is not only the privilege but the duty of the premier in making appointment to this Chamber to see that all the great interests of the country are fairly represented. The power of choice to which I have referred, is not possible under any elective system. While, in one sense, any person has a right to offer as a candidate for the House of Commons in any election, yet we know as a matter of fact the choice which the electors are obliged to make is between the persons whom the two political parties in the country place in the field. While, also, under that system, we have in the House of Commons, and have had at various times, some of the greatest statesmen and some of the ablest men which this country has produced, men who would do honour to any parliament of any country in the world, yet we must all admit that in a great number of cases in the constituencies the men best fitted to represent the people in parliament and the men who, perhaps, with an almost unanimous voice of the constituency could be elected, are unwilling, for various reasons to accept a nomination or to enter into public life where it involves an election contest and too often, as the experience of hon. gentlemen must convince them, the choice is made not so much from the fitness of the candidate for the position, as the result of his power to manipulate a convention; or perhaps he is chosen from the fact that he possesses special knowledge and skill in manipulating the votes of the constituents, and thus increasing the chances of securing his election. Under our system, the premier is not limited in this way. He has the choice of people of all classes and conditions, whatever occupation and pursuit they may have been engaged in. It is his duty to select from all these classes fairly and equitably, and it is his duty, above all other things, to see that in every case the best and most worthy persons are chosen. If that course were followed, it must be evident to everyone that the Senate would necessarily be what I said some time ago, an ideal legislative body.

One word with regard to the criticisms which have been offered in regard to the present Senate. They come, as the preamble of this motion informs us, from two sources—from the press and public throughout the country and from the other branch of parliament. I believe this question was introduced into the House of Commons during the present session, but I regret to say that I have not found time to

read the debate which took place there, so that I cannot say just what was stated on that occasion upon this question; but upon that phase of the question, I desire to say, that if the House of Commons were dissatisfied with the Senate as it stands to-day they have the remedy in their own hands. The present premier has appointed 55 of the 86 members that compose the Senate at the present time. If he has erred in judgment, been influenced by improper motives, or fallen short in his duty in any respect in the appointments he has made to the Senate during the time he has occupied the high position which he fills to-day, it would be for those in the House of Commons who know of such a condition of things to point out the fact to the premier. Further than that, it is their privilege, and, in my opinion, their duty to point out every case in which the premier falls short in his duty in this respect, and if they are dissatisfied with the standard of efficiency of those who have been appointed to the Senate at the present time, to fix the standard of efficiency which should be maintained and insist that it shall be maintained in the future. In my judgment, if the members of the House of Commons desire to reform the Senate, they would find a much easier and more speedy and effectual way of doing so, if they adopted the course which I have suggested, than devoting their attention to reforming or remodelling the constitution of the country. The other source from which these criticism are said to come are from the press or public throughout the country. So far as I am personally concerned, I have not noticed very many criticisms from this source. I am not as good a reader of the newspapers and magazines as probably the majority of those in this Chamber, and no doubt very much has been written in regard to the Senate which has escaped my notice; but so far as I have read any criticisms which have appeared in the public press, they have not been of a very serious character. They have generally been made rather in a jocular vein, something similar to the remarks which were referred to the other day, made by the Minister of Customs in an after-dinner speech. However, if there is throughout the country any feeling that the present Senate is inefficient, that those who compose it are incapable or unwilling to discharge the duties devolving on this Chamber as they should do, the people have the power to remedy that evil, under our present constitution. They elect the House of Commons. It is the privilege of either political party to adopt any standard of efficiency which they consider desirable for members who wish to occupy seats in this Chamber. They have the privilege, and I conceive it to be their duty to insist that their representatives in the House of Commons shall see that their wishes in this regard shall be carried out, so that if any reform in this Chamber is needed, or if there are defects in the Senate at present which should not exist, the responsibility under our present constitution rests first with the premier of the Dominion, secondly with the House of Commons, at whose will and pleasure he occupies the position which he does, and thirdly and lastly, and most important of all, it lies with the electors of this Dominion themselves. I do not desire, however, to be considered as thinking that this Chamber deserves any serious criticism with regard to its efficiency or ability. I have already referred to the fact that speeches which have already been delivered by those who have addressed the Chamber seem to have answered any criticisms of that kind very fully and effectually; I shall not, for that reason, take up any further time in discussing that or repeating any of the arguments which have been submitted to the House. It may be said that the doctrine I have laid down may be sound in theory, but does not work out satisfactorily in practice. On that point I would merely say this: we have had 40 years experience of the working of our present constitution. While modesty would prevent some of us at least claiming that in every case the very best appointments have been made, yet I think I may fairly say that under our present system we have had in the past and we have to-day men occupying seats in this Chamber who would be an honour to any legislative body in this or any other country, men than whom no better can be found to fill the positions which they occupy, and while we may not all of us measure up to that high standing of ability and efficiency, yet I think I may, without vain boasting, claim

that on the average, as a whole, the premiers of this Dominion in the past have fairly well discharged the duties which devolved upon them in this regard. I believe it may be fairly claimed for the Senate of Canada, that for ability, industry and efficiency in the discharge of the duties which devolve upon them under our constitution, for enlightened and practical statesmanship, for a broad and comprehensive knowledge of the wants and requirements of the people of this country, and for a keen appreciation of the sentiments and feelings of the people of the country and the power to mold our legislation into harmony with the best thought and the highest intelligence of this country, and what is of equal if not more importance, for freedom from scandal, for freedom from the influence of personal interests or political prejudice in our deliberations for honesty of purpose and integrity of character, the Senate of Canada will compare favourably with the House of Commons or with any other legislative body elected by the people. Holding these views, which I might have enlarged on, and would have under other circumstances, I feel that I cannot support the motion which is on the paper. I shall feel it my duty to use what influence I have to maintain our constitution as it is, and I shall adhere to this course until some better reasons have been given for change than I have yet heard suggested. With regard to both the motion and amendment that appear upon the paper, I feel that for different reasons I could not give my support to either of them. Indeed, I think it is unfortunate that this has been introduced in its present form, and it would be rather unfortunate if the Senate were called upon to record a vote upon this question.

Hon. Mr. SCOTT. Hear, hear.

Hon. Mr. WOOD—If we be required to vote, I shall vote certainly in favour of the amendment, which I have had the honour to second, but I should like to say in conclusion that as far as my own feelings are concerned, I would very much prefer after the debate has been concluded to see this resolution withdrawn and the Senate not be asked to record its vote upon the question.

Hon. Mr DAVID—In the absence of several members, and as I intend to stick to my motion and to show that it is better than the amendment moved by the hon. senator from De Salaberry, and as I have reason to believe that our worthy Speaker would speak if he were invited to do so, I have taken upon myself to advise him to speak, because I know he holds very strong views upon this question.

I move that the debate be adjourned until to-morrow.

The motion was agreed to.

COST OF THE SENATE.

The SPEAKER—A message has been received from the House of Commons, which reads as follows:

That a message be sent to the Senate to request that Their Honours will be pleased to furnish this House with a return showing the cost, outside of the indemnity, of the Senate for the sessions of 1905 and 1906-7, respectively.

Hon. Mr. SCOTT—The Clerk will prepare that. I do not know that it has been granted in the past, but I can see no objection to it.

Hon. Mr. POWER—We have not had any notice of this message, and I object to it being disposed of now.

Hon. Mr. SCOTT—I move that it be considered on Thursday next.

The motion was agreed to.

The Senate adjourned till three o'clock, to-morrow.

THE SENATE.

OTTAWA, Wednesday, March 25, 1908.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

EXCHEQUER COURT JUDGE OF CANADA.

INQUIRY.

Hon. Mr. CHOQUETTE inquired:

1. Does the Honourable W. Cassels, recently appointed judge of the Exchequer Court of Canada, speak French and does he know the civil law of the province of Quebec?

2. If not, does the government propose to appoint a second judge of the said court who knows French and is acquainted with the civil law of the province of Quebec, so that French-Canadian citizens shall be upon an equal footing with English-Canadian citizens before all the tribunals of this country as prescribed by the constitution?

Hon. Mr. SCOTT—Mr. Justice Cassels is out of the city. I notice that in opening the court yesterday, in Montreal, he stated that having been born in Quebec he was familiar with the French language, and that when he took up the next case he would give an address to the bar in French. I presume we may take that as evidence that he is qualified to talk in the French language.

Hon. Mr. CHOQUETTE—I prefer that my answer shall stand, and that the hon. leader of the House will obtain some information about it. I saw it stated in the papers that on the next occasion he would try to make a speech in French. I prefer to have the question stand in order that I may have a positive answer on both questions.

Hon. Mr. SCOTT—Stands till Tuesday.

The inquiry was allowed to stand.

EXPERIMENTAL FARM REPORTS.

INQUIRY.

Hon. Mr. CHOQUETTE inquired:

Does the government know that the Experimental Farms Report for 1906 has not yet been published in French? And, if the answer is in the affirmative, what means does it propose to take to hasten such publication and prevent similar delay in the future?

Hon. Mr. SCOTT—I think I addressed a letter to the hon. gentleman giving him full information, as he did not happen to be present.

Hon. Mr. CHOQUETTE—But my hon. friend is mistaken. The answer sent me is that the report for 1907 is not ready; my question is about 1906.

Hon. Mr. SCOTT—I am advised that the report of 1906 was printed and issued.

Hon. Mr. CHOQUETTE—I have a letter to the contrary from the department, signed by Dr. Saunders himself. A gentleman from L'Islet asked for the report and he received the following answer from Dr. Saunders, director, per E.T.:

Hon. Mr. CHOQUETTE.

Dear Sir,—In answer to your card of February 24, I must tell you that the report of the Experimental Farms for 1906 is not yet published in French.

The letter is dated on the 26th February last.

Hon. Mr. SCOTT—Allow it to stand for a day or two. I had an answer, but it is not among my papers. It can stand till to-morrow.

The motion was allowed to stand.

THE TELEGRAPH SYSTEM OF CANADA.

NOTICE OF MOTION DROPPED.

The notice of Motion being called.

In the opinion of the Senate a thorough investigation should be made by the government of the telegraph systems of Canada, with a view to giving the people a more efficient service and a reasonable and equitable rate.

Hon. Mr. DAVIS.—This motion has stood for some time in my name. I find that a Bill dealing with the subject has been brought down in the other House, and, in the course of time, it will come to the Senate. I can discuss the question when the Bill comes up for consideration here, consequently there is no object in speaking now. I would therefore ask that the notice of motion drop.

The motion was dropped.

COMPANIES ACT AMENDMENT BILL.

COMMONS AMENDMENTS CONCURRED IN.

Hon. Mr. SCOTT—Before the orders of the day are called, I desire to ask the House to concur in amendments made to Bill (L) An Act to amend the Companies Act, which was returned to the Senate yesterday, and, in my absence, put on the orders of the day for to-morrow. Very important financial matters are now in progress in France, in which French capitalists are advancing money and they desire to have the amounts stated in francs. We passed this Bill to amend the Companies Act to allow companies incorporated in Canada to issue debentures in francs, marks or pounds sterling. It also authorized them to issue debenture stock, which is a stock that is occasionally issued in England and other countries. When the

Bill went down to the House of Commons, some exception was taken to the debenture stock because it did not describe whether the holders of debenture stock would be entitled to vote, or whether it should be regarded as stock or security. The parties interested consented to drop that part of the Bill referring to debenture stock; so the only changes made in the House of Commons to which I ask the concurrence of this Chamber are that the Bill come into force on the 1st March and to strike out all reference to debenture stock. I ask for a suspension of the rule in order that the amendments may be concurred in at once. A day is of importance in the passing of the Bill in view of the financial operations which are in progress.

Hon. Mr. LOUGHEED—I understand the object of getting the Bill through to be that an option between the company and proposed purchasers of securities is about expiring and the necessity arises that this Bill should receive the Royal Assent, which I understand is to be given to some Bills to-morrow.

Hon. Mr. SCOTT.—Yes. As the financial year will terminate on the 31st inst., it is necessary to take a portion of the estimates. The House of Commons has consented to one-eighth of the estimates being passed, and that will probably come up to-morrow and will be assented to forthwith, in order that the public service may be carried on.

Hon. Mr. LANDRY.—When does the hon. gentleman expect the sanction of this Bill to take place?

Hon. Mr. SCOTT.—I think to-morrow.

Hon. Mr. LANDRY.—Because it is a very grave move to go out of the orders of the day and take up an item which appears in the orders for to-morrow.

Hon. Mr. SCOTT.—We are not adding anything. We are deducting from what the House has already assented to.

Hon. Mr. LANDRY.—I hope it will not be considered a precedent.

Hon. Mr. SCOTT.—No, certainly not.

THE SPEAKER.—I feel some diffidence as to the regularity of the proceeding, but if it is the desire of the House the order can be taken up now. There is a certain gravity in recalling the fixing of an order.

The motion was agreed to and the amendments were concurred in.

STANDING ORDERS COMMITTEE.

Hon. Mr. DAVIS—Before the orders of the day are called, I should like to ask whoever is in charge of the matter—probably the Standing Orders Committee—if a resolution passed some time ago here, that a certain matter that I brought before the House with reference to Bills going through Committee of the Whole House was referred to a committee? I have been informed that it is the Standing Orders Committee, and I want to know if anything has been done with the matter. It was ten days ago, and I have heard nothing about it since?

Hon. Mr. YOUNG—I may say that so far, the Standing Orders Committee have been unable to take up that matter, inasmuch as they wish to have a special day and special notice, in order that those who wish to appear before the committee should have an opportunity of doing so, in the same way as regard is paid to the members of the House when it is suggested to change a standing order. I feel that this matter should have been dealt with before, but the days have been fairly well taken up—the forenoons—with other committee meetings, and we have been trying to get a forenoon that will be free, so that we may have a full discussion if necessary. We shall take the first opportunity to call the committee, and my hon. friend will receive notice with the rest. In fact I will give notice in the House.

Hon. Mr. DAVIS—I should like to have it taken up as soon as possible, because it has been dragging along for a couple of weeks.

THIRD READING.

Bill (117) An Act to amend the Intercolonial and Prince Edward Island Railways Employees' Provident Fund Act.—(Hon. Mr. Scott.)

PUBLIC OWNERSHIP OF PUBLIC UTILITIES.

DEBATE CONTINUED.

The order of the day being called:

Resuming the adjourned debate on the motion of the Hon. Mr. McMullen, That in the opinion of this Senate of Canada, the public ownership and operation of public utilities would not be in the interest of this Dominion.

Hon. Mr. POWER—The operation by the state, or by the municipality, of what are called public utilities is spoken of as partial socialism, which indeed it is. It is looked upon by both friends and enemies of socialism as being an important step in the direction of that consummation. It seems to be only fitting, before dealing with the subject matter of the resolution of the hon. gentleman from Wellington, to call attention to the real nature of socialism. The socialists do not propose to content themselves with anything short of the complete overthrow of the existing systems of religion, domestic relations, government and property. I could read various authorities which bear out that view, as to which there is no doubt, but I shall read just one. Mr. Belfort Bax, one of the recognized exponents of the views of English socialists, writes as follows:

Looking at the matter broadly, and apart from the question of electoral expediency or vote catching, I think we may conclude that the oft repeated saying of Tridon, to the effect that socialism stands for a new theory of life, expressing itself in economics as communism, in religion as atheism, and in politics as international republicanism, taken in a wide sense, cannot be regarded as destitute of justification.

That is what an English socialist of the present day tells of the views of his party. Marriage in the sense in which we understand it is to be abolished, and children are to be owned and cared for by the State, and not by their parents. It is true that the socialists do not, as a rule, place before the electors of England the most startling items of their programme; but they have gone a great distance. For instance, on Wednesday, 22nd of January last, there was a great labour conference held at Hull, England, where the following resolution was adopted:

That the time has arrived when the labour party should have as a definite object the socialisation of the means of production and distribution and exchange, to be controlled by a democratic state in the interest of the entire community, and the complete emancipation of labour from the domination of capitalism and landlordism with the establishment of social and economic equality between the sexes.

The London 'Spectator' of the 25th January, from which I extract this resolution, makes the following comment:

In other words, 'socialization'—that is 'socialism'—has become the definite object of the labour party. Further, we are able to extract from the resolution a working definition of socialism, namely the possession by the state —'socialisation' can hardly mean anything else— of the means of production and distribution and exchange. This is full blooded collectivism, for if the state is the sole producer and sole distributor, it must in effect be the sole employer, except possibly in the matter of domestic service.

Socialistic experiments, hon. gentlemen know, have been tried from time to time, sometimes on a small scale by what one may call private associations, and sometimes on a larger scale, as in the case of public workshops which were established in France under the revolutionary government of 1848, and these experiments have always failed. This declaration, however, at Hull the other day, constitutes the first declaration of a great national party in England deliberately undertaking to commit itself to the policy of socialism. I have no doubt every hon. gentleman here has noticed that Lord Rosebery, who has a faculty of hitting the popular sentiment of the moment, and probably influenced somewhat by this declaration of the labour party at Hull, warned his fellow-countrymen of the danger to which the country was exposed from socialism.

Hon. Mr. BAIRD—But he might as an expedient have to adopt protection.

Hon. Mr. POWER—Well, I suppose of the two evils that is the less. Hon. gentlemen will all feel, I have no doubt, as I do, that the progress of the world in civilisation and material welfare has been due to individual effort, sometimes to the efforts of individual chiefs who controlled masses whose wishes were not consulted as to the work to be done, as is the case in Russia at the present time, by the way; but in

these later days, and in countries existing under European and American conditions, by individuals making up together the great mass of the population. If the State is to be the owner, the planner, the superintendent and the paymaster, of all the work done within its borders, we shall naturally look to see at an early date the cessation of all progress in wealth and civilization. The reason is not far to seek. The withdrawal of the stimuli of ambition, of rivalry, of the desire for the acquisition of the means which minister to private refinement, comfort, luxury and wealth must of necessity bring about the paralysis of all effort and end of all progress.

If the socialists have their way all individual effort will cease together with individual liberty; and a comparatively short time will see what we call the civilized world reduced to a dead level of poverty-stricken semi-barbarism, tyrannised over by men whose force or craft or both have placed them in the position of leaders.

In a country like England or like Canada, such a change in the existing dispensation as would be involved in the wholesale adoption of the plan of the Hull labour conference can be brought about only by degrees. As I intimated just now, we have that condition of things in Russia, only there the socialism so to speak, starts from the top and does not work up from below; but there are the same absence and discouragement of individual effort in Russia which you will find in the socialistic state, and the effect in Russia gives one a fair idea of what the effect would be elsewhere. On this point, I do not propose to quote, but I wish to cite an authority. Any hon. gentleman who is interested in the subject and wishes to see the condition of things in Russia set forth in a clear and satisfactory way, will find it at page 55 of the work called the 'Dangers of Municipal Ownership,' by Mr. Porter. Mr. Porter was formerly a director of the 11th United States Census, and he is the author of various important works. Very considerable steps in the direction of socialism have already been taken in the mother country, chiefly by the adoption of the principle which the resolution of the hon. gentleman from North Wellington condemns, the ownership and operation of what are known as public utilities by the state or the municipality.

Increase of appetite grows by what it feeds on: the experience of several English cities goes to show that the tendency of the municipal councils is to extend municipal control to more and more classes of subjects, and we can feel assured that the final and logical result of public ownership and operation is socialism or collectivism.

Hon. gentlemen may think that this public ownership is not avowedly socialism, but it goes a long distance in the direction of socialism; and prominent socialists have declared on various occasions that they take this way of inducing the public to go into those undertakings as a means of bringing about complete and thorough socialism; so that when we are considering the operation of public utilities by municipalities or governments we have to bear in mind that behind these is the vast and threatening form of socialism, which will come to the front in due time. Taken in a narrow sense, the term 'public utilities' may be held to include roads, railroads, tramroads, water supply, lighting, telephone and telegraph service, and, under the recent development of electricity, the supplying of power to work machinery. Some British municipalities have gone further into the field of subjects generally reserved for private enterprise, so that the term 'trading' in its wide sense may be applied to them. Looking at the question, whether confined to public utilities or extending to public trading generally, from the standpoint of business and common sense, one would, at first sight, be inclined to look with disfavour on any proposal to substitute public for private operation.

It is common experience that a business conducted by an individual is, as a rule, managed with greater economy, care, capacity and enterprise than one managed by a firm, even though all the members of the firm have a direct personal pecuniary interest in the success of the undertaking. And if there be any doubt in the case of a co-partnership, there is none in the case of a business corporation or joint stock company. In such a case the expenses of management or administration are greater, and the work and attention bestowed upon the undertaking by the persons whose capital

is invested in it are less than where the business is managed by these persons. The supervision of the directors is not enough to hinder this result.

It is not an unusual thing to see an undertaking, which has succeeded when conducted by an individual or a co-partnership, fail when handed over to the management of an incorporated company.

When we come to the case of a business conducted by a state or municipality, the chances of its success are exceedingly small. The persons who direct it have no personal or pecuniary interest in making it pay. The cost of management and operation are sure to be much larger than if it were a private undertaking; what may be termed political interests induce the managers to secure or retain the services of employees who would not be accepted by managers whose chief object was the efficiency or financial success of the business, and the desire to gain votes leads to unnecessary increase in the number of employees and to the undue increase of their wages. As a matter of necessity, the political managers as we may call them, are not in a position to devote all their working hours or even the majority of them to the undertaking, and even if they were they have neither the knowledge nor the experience to fit them to deal intelligently and effectually with it. What, for instance, are the qualifications which fit the average Canadian alderman to be a director of an electric tramway ?

Another drawback is that the absence of strong personal interest and of competition tends to kill invention and to prevent the introduction of modern and improved instruments and methods of working. Let us leave theory and try to learn from practical experience.

I ask hon. gentlemen to direct their attention to Great Britain where the systems of government and municipal operation have been tried for several years under most favourable circumstances. The country is thickly inhabited by an enterprising and comparatively rich people. The governments of the state and of the municipalities are honest, capable and public spirited in a degree hardly to be rivalled in any other country. Therefore, if there is any country in the world where we should expect to find the ownership and operation of public utilities by and on behalf of the citizens successful, that country is Great Britain.

It happens that we have at hand recent and reliable information as to the working of the system under these favorable auspices. There are two carefully prepared works by United States writers, 'Municipal Ownership in Great Britain,' by Hugo R. Meyer, formerly assistant professor of political economy, Chicago, published in 1906, and 'The Dangers of Municipal Ownership,' by Robert P. Porter, already mentioned which appeared in 1907; and there is an English work of the highest authority published in 1907, 'On Municipal and National Trading,' by Lord Avebury.

Now, let us take a glance at the result of public operation of certain utilities, and first take the simplest one, water supply. Water supply is a public utility as to which there is less objection to municipal operation than any other. In the first place, every inhabitant of a city has to use water, and it is of great importance that the water supply should be generous and pure, and that there should be no temptation whatever on the part of those who are supplying water to diminish its quantity or allow its quality to deteriorate. But there is some thing to be said on the other side. I quote from page 88 of Lord Avebury's book. Certain companies were supplying London with water, and the London water board themselves took over the service. Lord Avebury, after pointing out what a very large sum of money the public had spent in buying the companies out, concludes by saying:

> The London Water board has now been sometime in operation, though not I admit long enough to enable us definitely to judge as to the result of the policy. It is a strong board and they have been fortunate in securing a very able chairman, Sir Melville Beachcroft. The water is of course, the same. There has been no reduction in price, indeed, two of the districts have been deprived of reductions which they would have enjoyed. So far, then, one can not say that London has derived any advantage from the purchase of the water companies, and two of the eight districts are paying more than they would have done if the Water company had not been bought up.

That simply goes to show that even in the case of water, if the companies are doing their work satisfactorily, it is a mistake for the municipality to take over the supply. I did not get from Lord Avebury's book the cost of buying out the water com-

panies. The Metropolitan Water Board took over the water service from the company for the sum of $187,372,610; and as Lord Avebury says, the public had gained nothing by that tremendous expense. I know of a city into which there comes water enough for a place of five times its population, and the supply at the present time in that city is altogether insufficient. The fire rates have gone up, and the supply, even for domestic purposes, is not satisfactory, simply because the city council will not apply business principles to dealing with the supply of water to the city. So far for water. Then take the gas service. in England, the municipalities, in a great many cases, have taken over the gas works The ground generally taken was that the cost would be less, and there would be no diminution in the character of the lighting. Lord Avebury says, at page 80, 'Let us compare prices,' and he takes eight cities similarly situated, near coal mines. In the first four, the gas works are in the hands of the municipalities; Nottingham, rate 2-6 the thousand feet; Bolton, 2-6; Manchester, 2-4; Leicester, 2-4. Then coming to the four where the gas supply is from companies, the Bristol rate is 2—that is decidedly lower than any of the corporation rates—Bath, 2-1; Newcastle, 1-9; Sheffield, 1-4½. So the people of those places are paying a great deal more for their gas to the municipality than they would pay to the company. Then he compares two cities, Nottingham and Sheffield. I quote from page 82 of the book:

> In Nottingham the gas is supplied by the municipality, in Sheffield by a company. Fifteen years ago the price was the same in both; in Nottingham it has gone up, and in Sheffield it has gone down, till now it is in Nottingham, on an average about 2s. 6d. per 1,000 feet, and in Sheffield only 1s. 4½d.

It is desirable to show that the English experience is adverse to the municipal operation of any of these public utilities. Electric lighting I take next. I just quote from page 115 of Lord Avebury's book what Mr. Ritchie, afterwards Lord Ritchie, then president of the Board of Trode, says:

> It is true, I think, that the electrical enterprise of this country is in an exceedingly backward condition, it is inferior with regard to light and certainly with regard to the conveyance of power, to many European countries and it is greatly inferior to the United States and Canada. It may almost be said that there are villages in the United States which are in possession of advantages in connection with electricity which some of our largest towns do not possess. It cannot be doubted that there is a great demand for something to be done. . . . It must be remembered that it was the Act of 1882 which more than anything else delayed and hampered the development of electrical supply.

The Act of 1882 rendered it impracticable for a private company to do electric lighting in a town without the concurrence of the municipal council, and the municipal council generally threw obstacles and difficulties in the way. In Mr. Meyer's book, chap. 14, page 221, there is a very interesting report from a committee of the city of Birmingham against the corporation undertaking to supply electric current for lighting purposes, which will very well repay perusal. Then there is the supplying of electric power for manufacturing purposes, as to which I do not propose to enter into a discussion. All sorts of obstacles and difficulties have been put in the way of these companies in England, chiefly by the municipality, and unfortunately parliament, in the early days at any rate, seemed to think it was more important to protect what they looked upon as the interest of the municipalities than to do what was best for the people of the various cities and towns. Just look at what the result in England is as compared with the United States. At page 122 of Lord Avebury's book, I find this:

> The result of the action of the municipalities has, in fact, been that whereas in 1902 there were in the United States, 3,620 central electric stations, in the United Kingdom we had only 457—less than one-eight as many.

At page 232 of Mr. Meyer's book we find the following passage:

> In 1903, there were in Birmingham, a city of 552,000 people, only 2,135 customers of the electric light plant, that is, in every 259 inhabitants, only one was an electric light consumer.

In Boston proper a city of about the same size as Birmingham, in every 73 inhabitants was an electric light customer in 1900, using on an average, 49 lamps of 16 candle power.

Hon. gentlemen can see how much more extended the use of electric light is in the United States than in England, and also how much more electricity is used for power purposes in the United States than

in England; and it has been found that Englishmen who have been discouraged by the difficulties thrown in their way by the government and by municipalities, have taken their capital away from England and established great works in Germany and other continental countries. Now, I propose to say just a few words about the telegraph and telephone. The British government, a good many years ago, determined to buy out the electric telegraph company. Lord Avebury says at page 107 of this book on municipal and national trading:

> The country has lost over £10,000,000 by government management of the telegraph. Last year the deficit was £439,000, so that if we had been presented with the system as a free gift we should still have lost heavily.

Then in England the telephone was held, by a decision of the court, to come under the head of telegraphs and was therefore held to be within the jurisdiction of the state. The government did not propose to take over the telephone at once, and they made an arrangement with the telephone companies, under which the companies paid them something over $200,000 a year. That system has come to an end, and now the telephone service is losing money like the telegraph. Even the city of Glasgow, which is supposed to be a sort of model, made a complete failure of the telephone business. Porter, at page 301, speaking of the telephone, says:

> Economically considered, however, if the state control of the telegraph should be taken as a criterion, the transfer only means that the telephones in ceasing to be a possible burden on municipal taxation will almost certainly become a burden on imperial taxation. The taxpayers stand to gain nothing but rather to lose by the change. Since the state took over the telegraphs in Great Britain, extraordinary annual deficits have been the rule, and are on the increase.

Then at page 302, with respect to the telegraphs, he says:

> When the telegraphs were taken over from the companies by the government in 1870, the profit in that year on company working was £1,692,500.
>
> In the year 1904-5, under government operation, the deficit was $5,955,630.

A most remarkable transformation. I am not going to trouble the House with many statistics as to railways. I just wish to say that, generally, Lord Avebury makes it clear that the railways in England, where they are conducted by private enterprise, are much more up to date, the trains run much quicker, and in every way business is more satisfactorily done than on the continent where the trains are slower and fewer in number, where they are run chiefly by the state. In Germany there were a number of railways which were run by companies. Some years ago, the state took over those, and now they do not make as good time as they did years ago when they were in private hands. Take the case of tramways. I do not propose to dwell for any length of time on that, because I think any hon. gentleman who has been in the old country is aware that the tramways in England are not to be compared with those in the United States and Canada. I wish to illustrate the effect of the assumption of the tramways by the municipalities. There were tramways in London, north of the river and south of the river. The London county council determined to work the tramways south of the river themselves, and allow a company to work those on the north of the river at a rental. The figures are as follows:

> The capital value was approximately the sum of £850,000 in the north, and £896,000 on the south, but the mileage on the north was about 18 miles greater. In 1900 the profits on the northern side were £39,000, and on the south, £43,000.

That was before the municipality got to work.

> In 1901, on the north £40,000, and on the south £14,325. In 1902, on the north £39,000, but those on the south had fallen to £9,000, and in 1905 £6,200.

So you can see what a blighting influence operation by the municipality has on the tram business. I shall read a few statistics giving a comparison between the United States and England. At page 301 of the book, I find:

> In 1902, there were in the United States 21,302 miles of street railway track, giving rise to the employment on the average of 6·55 persons per mile of track. Had the urban population of the United Kingdom in January 1906, been as well supplied with electric street railways as was the urban population of the United States in 1902, the United Kingdom would have had, not 3,040 miles of electric street railway track, but 14,000 miles. Eleven thousand additional miles of electric street railway track, on the supposition of an average of 6·5 persons per mile would have given employment to 71,500 additional persons.

Mr. Meyer has thus shown that municipal ownership is bad for the working people. Then dealing with the employment in connection with the matter, he says:

There were in the United States in 1900, 1,051 villages, towns and cities, with a population of 4,000 people or more. Of these places, not less than 1,002 were supplied with telephone exchanges. The latter gave employment to the great bulk of the 78,752 persons employed in the telephone business in 1902. On the other hand there were in the United Kingdom in 1801 about 950 places with a population of 4,000 or more people. Had the United Kingdom in 1905 made as much use of the telephone as the United States had made in 1902, it would have had at least 50,000 persons employed in the telephone business. As a matter of fact there were in 1905 only 13,000 persons employed in the telephone business in the United Kingdom.

I shall just read a few observations of Mr. Meyer's, which I think hon. gentlemen may find interesting. On page 302, he says:

The figures pertaining to the telephone business in the United Kingdom are included in this discussion for the reason that the British government for years deliberately paralyzed the telephone business for the purpose of protecting the state telegraphs from competition from the telephone. When the British government became ready to withdraw its paralyzing hand, the municipalities prevented that withdrawal. This matter will be set forth at length in a volume soon to be published.

It has been shown in the foregoing discussion that had it not been for the paralysis of industry inflicted by the spirit of municipal ownership and state ownership in the period from 1870 to 1905, there might have been employed in gainful occupations in the United Kingdom in 1905, some 115,000 more people than were actually so employed. In the aforesaid period, about the same number of people have been compelled to emigrate from the United Kingdom or to remain in or join the ranks of the unemployed. But that is not all. Had the electric lighting industry, the electricity power supply industry, the electric street railway industry and the telephone industry not been paralyzed from 1870 to the present day, the industry of manufacturing electrical machinery and apparatus would have been very much greater than it is. It would have a larger domestic market in the United Kingdom itself, and it would be in a much better position to compete with the United States and Germany in supplying the international markets of Europe, South America and Australasia. In 1901 there were engaged in the United Kingdom in the manufacture of electrical apparatus a total of 54,600 persons. Had the United Kingdom not entered upon the policy of municipal ownership in 1870, the aforesaid total of 54,600 would have been very much larger.

Hon. Mr. MACDONALD (B.C.)—Has the hon. gentleman any figures in regard to the Australian railways?

Hon. Mr. POWER—I had some, but I could not lay my hands on them now. I wish to mention some of the other concomitants of public ownership in England. I have shown that these utilities have been operated at a loss as a rule, and have not been operated as successfully in England as they have been in the United States. In addition to that, there has been a great and unjustifiable increase in the wages of municipal employees as compared with other workmen. I will just quote one authority for that, Mr. Porter.

A little while back Mr. Keir Hardie, leader of the Independent Labour Party, a portion of whose programme, by the way, is to give municipalities power to sell coal, bread, milk, and dairy and farm products, discovered this fact, and regarded the dimensions the organization had reached as very interesting, especially as they represented 14 per cent of the total wage-earners in Great Britain, who now number 14,000,000. This leader of labour congratulated them on the fact that in 1903, when there was a reduction of wages all round, the wages of municipal employees alone had increased—it might be said had even doubled.

They have what they call a municipal employees association. They form a trade union which extends over the whole of Great Britain and make it a point to oppose the re-election of any city or town councillor who does not yield to their demands. Mr. Porter goes on, speaking from the point of view of a citizen of the United States:

The creation of such a privileged class of employees in the United States would undoubtedly constitute a similar menace to the public weal. Reflect for a moment what an organization like Tammany would become if, to its present force of officials, an army of industrial employees should be added. In Great Britain their power is practically felt because of the small percentage of the other electors who go to the poll at municipal elections. The percentage is well under 50 per cent and is rarely above. The London County Council rejoices in 35,000 employees, and for the whole London area there are 60,000 men in the municipal service—a large proportion of whom occupy municipal dwellings. The electorate in London for municipal purposes in 1905 numbered 742,000. As no more than half, generally less, exercise their vote, say 371,000, the 60,000 votes of the municipal employees represent nearly 17 per cent of votes recorded.

There are a great many illustrations given of the unreasonable way in which these voters act. I have referred in a sort of indirect way to the influence and vote of municipal employees. Municipal trading has seriously interfered with private enterprise, and burdened foreign commerce. I

have dealt with that to some little extent. Then there has been a tremendous increase in expenditure and debt as the result of this municipal trading. I will give a couple of quotations on that point, because it is important. Our idea is that United States cities are more extravagant than British cities, but the statistics show that that is not the case, that the indebtedness of American cities is very considerably less which is largely due to the fact that American cities have not gone in for municipal trading. I quote a couple of passages from Lord Avebury as to the increase of expenditures. On page 1 he says:

> In 1868, the date of Lord Goschen's Local Taxation Report, the local expenditure of the United Kingdom was about £36,000,000; but in 1902-3, the latest year included in the statistical abstract, this sum had grown to the gigantic total of £152,000,000—more than four times the expenditure of forty years ago.
>
> Perhaps, it may be said that the sixties are rather too far back. Let us then take the year of 1891-2. At that time the amount was £76,000,000, in the last complete year (1901-2) it was £144,000,000, so that in ten years it had risen to no less than £68,000,000.

That as to the yearly expenditure; now as to the debt:

> In 1883-4, it was £193,000,000, even then a portentous amount, in 1903-4, the last complete figures we have, it had risen to £469,000,000, an increase of £276,000,000 in twenty years.
>
> It is hardly necessary to repeat that this increase is far greater than that of the rateable value.

There is one observation, by the way, that frequent elections tend to disqualify councillors for managing these important businesses. Imagine the members of a company or partnership or corporation changing every couple of years; you can realize how the work would go on. I shall now give the general conclusions which Lord Avebury comes to, and which are substantiated by the figures which I have quoted from page 174:

> 1. That local expenditure is increasing more rapidly than rateable property.
> 2. That local indebtedness is increasing more rapidly than rateable property.
> 3. That municipal trading cannot fail to give rise to awkward labour problems.
> 4. That profits are only made, if at all, when municipalities have a monopoly; they are confined to business such as the manufacture of gas, which has long been established and reduced to regular rules; that even in such cases the accounts have been so kept as to make it impossible to determine what the real result has been; that the profit, if any, has been but small, and that much more satisfactory and remunerative results might have been obtained if the works had been leased to private companies or firms.
> 5. That municipal trading has seriously interfered with private enterprises and our foreign commerce.
> 6. That the state management of railways is open to similar objections, that on state railways the fares are higher, the trains slower, fewer, and the fares are higher, the trains slower, fewer and less convenient, and that to introduce questions of railway management into the domain of politics is open to serious objections.
> 7. That it is unwise to give votes to those who pay no rates and unjust to withhold them from those who do.
> 8. That by reducing the demand for labour, while increasing prices and raising rates it has not only injured the ratepayers generally, but especially the working classes; and that if carried to its logical conclusion, it will involve the loss of their freedom.

I can show from page 175 of Porter what the Socialists proposed to do if they had captured the county council of London at the March elections of 1907:

> There were municipal workshops, stores, milk and bread shops and dairy farms, free travelling for workmen to and from work, municipal coal stores and collieries, municipal farm colonies for the unemployed (paid for by a direct tax on income derived from private industrial concerns) and municipal clothing factories.
>
> The 'progressive' policy pursued by the London County Council is naturally a direct incitement to the promotion of such a socialistic programme. The same may be said of the record of the borough councils of the metropolis.

That was what they proposed to do if they had won in the elections of the spring of last year; but the British taxpayer, although a patient sort of animal, gets tired sometimes, and in the municipal elections at the beginning of 1907 and of 1908, he turned on the Socialists with very satisfactory results. I quote from page 187 of Porter:

> As far as the London borough councils are concerned, this fate (bankruptcy), towards which many of them were undoubted leading their districts by the increment of liabilities they created each year, has been peremptorily checked. The elections in November, 1906, resulted in a clean sweep of the Progressives (the ownership party) and a remarkable accession of strength to the Moderates. There are some boroughs, once progressive, in which hardly any members of that party have survived, and in which there is now only one party, the moderates. All along the line the anti-ownership party were at the top and the Progressives at the bottom, though indeed the labour candidates were sometimes lowest of all. In 1903 there were fifteen boroughs in London in

which the Progressives were in a majority; there are now two. The thirty boroughs that the Moderates had thus won are in all parts of London—in the north as Islington and St. Pancras; in the south as Camberwell; in the east as Poplar, Stepney and Woolwich, and in the west as Fulham. The general totals show 959 Municipal Reformers (or anti-ownership party), 272 Progressives (the defeated Socialists), 34 Labour and 97 Independent members. In the provincial towns there were also victories for the supporters of private enterprise, though the ownership defeat was less crushing than London.

Glasgow is supposed to be the one place where municipal ownership and operation has paid, but he says:

In Glasgow in 13 contests, nine labour candidates were hopelessly beaten. One labour magistrate lost his seat and only three labour men out of 34 candidates who went to the polls were returned.

When one condemns a system he is liable to be asked, well, what would you substitute? I take the Toronto Street Railway; that is a most flourishing undertaking. I believe there are certain members of the Toronto City Council who are not quite satisfied with all the things the Railway Company do, but they have a remarkably good street railway service in Toronto, better, I think, than is to be found in any city in England, and the company pay to the city, they do not call it a rental, a percentage of the gross earnings. That percentage last year amounted to nearly half a million dollars. Is it not infinitely better that that principle should be adopted, that these works should be conducted by companies and that the companies should pay to the municipalities a reasonable rental for the use of the streets? It seems to me that is the sensible and businesslike thing to do, and the same way with respect to the electric lighting business. The city represents the people of the municipality and owns the streets, and if a private corporation wishes to make use of these streets for the purpose of lighting, say, or stringing telephone wires, it is only a reasonable proposition that that company should pay a reasonable amount for what they get from the municipality, call it rental, or whatever you please. And then again, while the thing should not go too far, perhaps not the municipality but the government should have some power of regulating these services, so as to prevent companies from doing what is absolutely unfair in the way of raising rates to too high a figure or abusing their powers in any way.

Hon. Mr. BELCOURT—Public ownership and operation of public utilities are not in the interest of Canada. This declaration of policy contained in the motion of the hon. gentleman from Wellington, is wide enough to cover all public utilities, whether they fall under the jurisdiction of federal, provincial or municipal government. In fact it seems to be equally applicable to all, jointly or separately.

Though the federal aspect is the one with which we are here more particularly concerned, it may not be out of place to examine the question from the local and municipal points of view as well.

Hon. Mr. FERGUSON—Leave that to the local authorities themselves to consider.

Hon. Mr. BELCOURT—Most of the argument for or against is common to all these spheres of national life in Canada and in most of the modern civilized nations. It is not too much to say that the subject involves the consideration of the essential principles of political economy and of sociology generally. It is, therefore, not surprising that the matter is receiving the most earnest attention of the whole civilized world to-day, and it has found many disciples and advocates, especially among the Socialists, the Socialists who are Socialists pure and simple and the Socialists who give themselves the title of Progressive Democrats, or some other name. But some of its adepts and proselytes are to be found also among the very conservative and even reactionary. Nationalization and municipalization of public utilities can truly be said to be reactionary, though many of its advocates seem to be imbued with the idea that they have made a discovery, that they have found a new and unheard-of remedy for the evil of which they complain.

Neither the evil nor the remedy is new. The evil—private monopoly or trust—no doubt one of the results of the policy of individualism—and the remedy—public trust or monopoly—the goal of collectivism—are both as old as history itself. The historical record of the world shows that in every successive civilization, monopolies,

both state and private, sometimes side by side, at other times separately, have existed and flourished. Aristotle tells us of a steel trust and an oil trust which flourished in his time.

We know also that state monopolies have been as frequent and at least as long lived, and, of the two, the less arbitrary and oppressive have not been those founded on capital. The record shows conclusively that of all monopolies, state monopolies have uniformly been the most oppressive, most difficult to destroy and have most retarded and impeded material progress and development, and in the case of the Roman empire, were a potent factor in its disintegration and ultimate downfall.

Before the Christian era, Roman had its trade unions. Pliny tells us that a Bakers' Union was organized about 200 years before Christ. It had also its public utilities owned and operated by the public and more especially by the government of the empire. The system very soon developed elements of disorder, venality and corruption, and the great Catiline conspiracy was rendered possible and greatly helped by these very elements.

The Roman Senate was frequently compelled to proscribe the various monopolies of labour which from time to time were formed, because of their exactions and their oppression. But the government of Rome failed to abolish, though it greatly mitigated, the worst of all monopolies, slavery ; and it is well to remember that this abominable institution flourished in modern Christianity as late as the 19th Century, therefore we ought to be charitable in our appreciation of the Roman empire.

When the empire replaced the republic and the people of Rome had lost the spirit of freedom, the State established and maintained its imperial factories, its imperial mines and its imperial industries and the State provided the people with food and amusement, the 'panem et circenses' so often referred to in Roman literature. Bread, water and comestibles of all kinds were distributed by the government daily, gratuitously, or at much reduced prices; even public lotteries were arranged and provided at the expense and under the administration of the State. All this led to further venality, corruption, debasement of public character, destruction of the spirit of industry, and it brought about numerous strikes and revolutions, as for instance the revolution commanded by the slave Felicissimus, whose army caused the death of 7,000 Roman soldiers in one single battle.

With a population of a million souls and the daily distribution of food of all kinds it became necessary to organize and maintain a large and expensive system of public administration for this purpose alone. The wheat and the cattle destined to the populace of Rome had to be transported from the provinces to the metropolis; the wheat had to be ground, the bread had to be baked, the meat had to be cut and the whole had to be apportioned. And where did the money necessary for this vast public operation come from ? From the provinces conquered and plundered first by the Roman generals and later by a most inexorable and oppressive system of taxation which reached every class, even the beggar element.

Thus it will be seen that the most striking example of public utility owned and managed by the State, a system which ignored or discouraged or debased the freedom of labour, the freedom of industry and the freedom of capital, flourished nearly 2,000 years ago, and with such disastrous results that it distintegrated and finally brought about the downfall of the great Roman empire.

The whole of the German provinces early had their numerous 'ghildes' and their origin can be traced through the early Christian era and their existence down to the middle of the 19th century, when they finally disappeared. Guilds organized and maintained by traders, mechanics and labourers are also to be found in the various countries of Europe before, all through and since the middle ages, all of which had for their principal object the establishment and maintenance of monopolies, corporate or private.

During the centuries which followed the downfall of the Roman empire, that is from the 5th to the 12th century, owing no doubt, to the disastrous results which they had brought about in the empire of the Cæsars, and because of the great barbarous invasions which marked these centuries, there were but few instances of

state or private monopolies. But with the origin, extension and universal development of the feudal system there grew numberless monopolies, private, corporate and of state.

The feudal system with its numerous masters—both lay and clerical—and its slaves at first and at all times its servants —prouuced and helped to maintain monopolies of all kinds. It had its numerous corvées, personal, military and of various other kinds. It had its common mill, where the whole people were bound to bring their grain to be ground and their flour to be baked into bread; its common wine press where all the wine was to be made, and so on with most of the commodities of life, many of which are nowadays called public utilities. A system under which industry was constantly hampered, material progress and development hindered and retarded, civilization delayed and stunted, a system which totally destroyed all idea of competition, all individual effort or initiative. And this system prevailed in Europe all through the middle ages.

Beside the public or quasi public monopolies of the feudal system there were founded and organized corporate monopolies for the protection of certain industries and of certain classes of labour. In fact, these corporations, all corporate monopolies, especially the later ones, were formed for the purpose of combating and eluding the monopoly of the feudal seigneur, and to oppose and prevent competition from the outside; each community, each branch of the mechanical arts, forming an association for the protection of its particular industry or trade, not only as against the feudal master but also as against the neighbouring communities engaged in the same industrial or mechanical pursuits.

And the weapon chosen by these corporations, whatever may have been their designations, 'ghildes' in England, Germany and the northern part of Europe, 'corps de métiers,' 'confreries,' 'compagnonnage' in France, to combat the monopoly of the seigneur, king, duke, count or baron, and the competition of the neighbouring communities, was that of monopoly itself; so that there arose monopoly by the side of monopoly, monopoly against monopoly. These corporations grew in great numbers, strength and importance; so much so, that they succeeded in securing from time to time the approval and protection of the State and of the feudal masters for their corporations, and their sanction to the rules adopted for their corporate government. The Kings of England and France, and the seigneurs throughout the whole of Europe and the British isles, were led to so treat these corporations because of the great use which they were enabled to make of them for the government of their various states and their own personal interests, and because the objects of these corporations were considered in those days, as public or quasi public utilities.

As previously stated, the object, the basis, the constant aim of these associations was monopoly. Hence, constant and ever-growing restrictions and impediments of every kind to trade and industry, arbitrary and oppressive rules and enactments, unwarranted interference with freedom of labour and freedom of capital and with private rights, constant quarrels, arbitrary and oppressive interference, all to the detriment of labour, mechanical arts, industry and commerce.

Besides the Guilds-Merchant, which were probably the first established in England, there existed on the continent, more especially in France and Germany, the historically well-known 'Hanses.' There was the 'Hanse of Paris,' which had the exclusive right to the commerce and navigation of the River Seine and which wielded a huge monopoly. There was the 'Hanse of Rouen,' of Bruges, and many other cities also had their Hanse.

Industry, commerce, trade and navigation were all exploited by the King or the seigneurs or the corporations; the individual alone did not count; there was no individual enterprise, individual initiative, individual spirit or individual activity, and the result was that in the eighteenth century weaving was done very much in the same way as in the 3th century.

But the whole system, inasmuch as it ignored or endeavoured to destroy the natural and instinctive disposition of man to think for himself, to seek happiness according to his own intelligence and experience and in his own way, because it failed to recognize

the inequality of intelligence, and of mental and physical effort at all times and under all conditions in man, was bound to prove disappointing at first and ultimately an utter failure.

The other element which brought about the discredit, and later on the disappearance of these guilds and industrial associations, was the spirit of oppressiveness which they early developed and persistently maintained in an endeavour to arrest the natural progress of events and to thwart the new conditions arising from the discovery of machinery, the perfection of tools, and from technical and chemical discoveries. And in their effort to avoid the inevitable, and to maintain the monopolies which they had so long exercised, they only succeeded in making themselves hated and despised. As their excesses continued to grow, they became the cause of the removal of many trades to new places, where there was freedom from corporate control and corporate methods. And so the great industrial centers of Birmingham, Manchester, Leeds, Sheffield, and others, unhampered by guilds and their monopolistic character, were founded and owe their prosperity to the freedom of labour and the freedom of capital, which they then and have since proclaimed and practiced.

Competition with state regulation solved the difficulties created by the guilds in England long before the revolution in France asserted and sanctioned freedom of labour and of individual initiative and activity, and still much longer before the industrial code removed the last vestige of 'ghildes' of all kinds in the German empire. The historical record shows abundantly that at all times and in all countries there have existed and flourished public monopolies, quasi public monopolies and private monopolies. It would be difficult to determine which of these has been most exacting and most oppressive, but it is easy enough to conclude which has most impeded industrial development, trade and commerce, which has most retarded national advance and progress: it is manifest on the record that public monopolies have done so——

Hon. Mr. SULLIVAN—Did religion not have a good deal to do with it?

Hon. Mr. BELCOURT—I have not considered it in the light of religion, and it did not seem to me to be germane to the subject. It may be, but I did not consider it in that light.

The constant lesson taught is that the one and universal remedy which has cured or mitigated the evil consequences of these monopolies, has been freedom of action to both labour and capital, and justice compels me to add that England was the first of the modern nations to discover, at all events to resolutely apply, the remedy. A marvellous industrial and commercial development has been the consequence and the result. The individualism, that is to say absolute freedom of action for the citizen, of all classes, has made England great, powerful and prosperous and has enabled her to found and maintain prosperous free and happy communities in every quarter of the globe.

Individualism has been the greatest factor in England's prosperity at home and in her possessions. The genius, the temperament and the modern habits of Englishmen are the least of any adapted to, not only collectivism in its wider sphere but also in the form and as advocated by the more moderate Socialists, to the policy of public utilities owned and operated by national or municipal government. It is true that no British political economist and no statesman of prominence has advocated the adoption of a policy of general and comprehensive ownership and operation of public services by the state or the municipality, except, possibly, in the Australasian colonies, which have gone far—much too far already in the opinion of many—in the path of modern socialism.

For the purpose of the present debate, the discussion must be limited to a consideration of what is generally understood by and supposed to be comprised in what is termed public utilities in Canada. Those terms, whatever else they may include, certainly cover at least the field of the supply of water, electric light, electric power, gas, transportation by tramways, railways and other means, telegraphs and telephones. That is the minimum now demanded by those who advocate state and municipal operation.

As to water, it may be left out of the discussion altogether, as it is generally conceded that it is as much public property

as the rainfall and because everybody uses water. As to the remaining subjects, none of which is in as universal use as water, they ought to, in my mind, be considered in the light of the general proposition, that no government, national, provincial or municipal, should undertake any business that may be as well and economically conducted by private enterprise.

The reverse of this proposition, carried to its logical conclusion, would leave nothing to individual enterprise and effort and would deprive the majority of the citizens of any hope and any ambition beyond that of securing an official position of some sort. It would create a community composed very largely of public servants. No government, national, provincial or municipal, should undertake any business that may be as well and as economically conducted by private enterprise, for among other reasons the following which I propose to refer to separately but briefly:

1. Because the natural and legitimate function of government is to govern, to administer justice equally to its citizens, to provide protection to the state, to its members and to their lives, property, health and education; and, because it is contrary to the principles of sound and just government for the state or municipality to indulge in commercial or industrial speculation with money raised by taxation.

2. Because on general political grounds, nationalisation and municipalisation would establish an army of public officials, breed corruption, demoralize the voter and destroy individual effort.

3. Because on economic considerations this policy is inherently unsound, as the results almost unanimously show.

4. Because assuming that state or municipal operation of public utilities may in certain rare instances have proved to be successful, under exceptional circumstances and extraordinary favourable conditions, it does not follow that the same policy, except in exceptional cases, would prove to be practical, beneficial and successful in Canada.

5. Because state monopolies offer much more serious danger to the nation and to the people, to the welfare of both and to responsible government, than do corporate or private monopolies.

6. Because the remedy to the evil complained of lies not in state or municipal monopoly, but in state and local control and regulation.

Such has been the constant and universal opinion of all political economists and sociologists. Time and the occasion do not permit of a disquisition on political economy; nor can I claim the required competency to do so. It may be well, however, to remind the Socialists, the faddists and the opportunists of Adam Smith's conclusion on this pregnant subject to the effect that:

> The function of government is to protect society against foreign aggression, to defend, by wise administration of justice, each of its members against every unjust enterprise and, finally, to provide the community with certain indispensable establishments which do not appear to the government to be susceptible of individual creation or maintenance.

In support of that opinion, I have here the views of John Stuart Mill, Pierre Le-Roy Beaulieu, Herbert Spencer, Mr. Balfour and other economists, modern and contemporary, but I will not trouble the House with these quotations. They are, I have no doubt, familiar to every member of this House. I pass on to the second consideration.

The world has progressed, and will continue to progress, and civilization will develop in proportion to the encouragement given to the efforts of the individual. Advance in politics, in science, in arts, in invention, in manufacture, in material and intellectual attainment, has always been brought about by the activity of the individual, not by Act of parliament, nor by municipal by-law, not by resolution of committees of citizens or of town meetings. It is not the state nor the municipality which has discovered the use and made the application of steam and electricity and perfected the means of transport nor made nor applied any one of the many useful discoveries in arts, in mechanics, in industry, in medicine, especially in modern times.

It is no mere co-incidence that the great inventions which have revolutionized industry, commerce and many of the sciences and created and provided absolutely new methods of all kinds, came at a time and in countries where individual effort, individual energy and individual ambition received their greatest encouragement and amplest

reward. On the contrary, in every country where there has been a failure to recognize the inequality of intelligence and the inequality of labour and the inequality of individual initiative, where an attempt has been made to make all men alike, to destroy individuality, there has been very slow, if any, advance at all in industrial, commercial and scientific progress. in material betterment, to say nothing of intellectual improvement.

A notable example of this result of stagnation consequent upon government initiative outside of its legitimate field, as opposed to private enterprise, is to be found in Russia, where millions and millions have been spent in establishing state and municipal enterprises and where the legitimate function of government has been subordinated and made subservient to that of a huge trading corporation, into which the government has been turned. In Russia the state operates the railways, the mines and the steel works (and there are not a few in Canada who are urging our national government to do likewise). The local governments sell horses, cattle, agricultural implements, sewing machines, text books, medicines, magic lanterns, &c., &c., and in some of the municipalities, as in Rome of old, the local authorities compete with their retail butchers. Russia's condition, financial, industrial and agricultural is well known to-day. Everybody is aware of the financial straits to which Russia, owing largely to its bureaucracy, has been driven. It is a very short time ago since the great Parisian daily 'Le Temps' intimated that the great northern empire is on the verge of bankruptcy and is now, in fact insolvent. The social, political and economical condition of its immense population is too well known to need any extended reference.

Now as to Australia, whose colonization was commenced at the time of the French revolution on the foundation of individual energy and democratic principles; it achieved for a time great and substantial progress, it has become a great colony. But signs are not wanting that in adopting and trying to put into practice the socialistic ideas and methods, it has seriously retarded its progress and compromised its future. Australia offers to-day the spectacle of the extraordinary and unprecedented attempt to establish and maintain side by side, or rather to unite into harmonious and efficacious action, democracy and bureaucracy. It is easy to foretell the result of such a monstrous union. At present Australia owns and operates railways, tramways, telegraphs, waterworks, sewers, jetties, &c., &c., and the nationalization of all industries is very strongly urged and confidently expected.

And what has this policy accomplished? Thirty-five years ago, Australia's public debt was $150,000,000, in 1905 it was very close to a billion and a half, to be exact it was $1,450,732,385.

Let us compare that with the position of Great Britain, the United States and Canada:

—	Population.	Debt.	Per capita.
	$	$	
United Kingdom...	43,317,687	3,983,682,455	91.68
United States.....	76,304,000	989,866,772	11.91
Canada	6,000,000	267,000,000	45.
Australia (including New Zealand)....	4,846,202	1,450,732,385	309.66

Hon. Mr. FERGUSON—But is there not another side to that? Does not Australia own the railways, and are they not paying the interest on all their first cost, and a handsome surplus?

Hon. Mr. BELCOURT—I shall deal with that in a moment; with one-eleventh of the population of the United Kingdom, Australia's debt per head is more than three times as large as that of the United Kingdom. Australia has about one-twentieth of the population of the United States, and its debt per head is twenty-four times larger than that of the United States.

Canada with over one-fifth more in population has a debt per head which is seven times smaller than that of Australasia. But I shall be told that Australia owns large and remunerative public works! Well, let us see! Statesman's year-book for 1906, shows that the whole debt bears a mean rate of interest of 3·57 per cent. The net returns of all these public works amount to 3·34 per cent of their cost of construction, and to 2·49 per cent of the existing public

debt. So it appears that the State's public utilities in Australia yield a return which is insufficient to pay interest not only on the public debt, but even on the loans raised to pay for these utilities, and the people have to be taxed in consequence and in proportion.

Australia and New Zealand levy heavy direct taxation, and with its protectionist tariff collects about $50,000,000 in customs duties alone. But I shall be told that Australasian governments not infrequently are able to announce financial yearly surpluses and I may be reminded that in 1906, for instance, New South Wales declared a surplus of nearly five millions. The Sydney 'Bulletin,' August 30, 1906, tells us of the very simple method adopted in order to make up this particular surplus, about four and a half milions of dollars.

Summing up the financial history of West Australia, the same journal says :

The State has had a royal time for about sixteen years, and that time shows signs of not lasting forever. In 1891 Westralia owed only £30 per head of a very small population; now it owes £67 per head or a much larger one. There have been some years when the amount borrowed equalled the amount raised by all forms of taxation. There were one or two gorgeous years when the amount borrowed, if it had been divided equally among the population, would have enabled everybody to live in a humble but honest fashion without doing any work at all. In a handful of years Westralia exhausted most of its borrowing powers, and it has now to go very slow in the matter of loans. The railways in 1896, at the summit of the boom, were alleged to yield 11½ per cent profit—largely through charging repairs to loans; this was down to 4½ per cent by 1899 and is now only about 3½ per cent. Westralia learned so thoroughly how to have a good time that in 1898 it had a revenue of £17 per inhabitant and spent nearly £20. Other States could live on a revenue of £6 or £8 per head, and even scratch out a surplus; Westralia had got into such an imperial frame of mind that it spent a revenue of £17 and had over £500,000 deficit on top thereof. Of course this incredible revenue couldn't last; the gold is fading, the loans are fading, the days of riotous eating and hilarious drinking and the times when nobody's accounts were audited and nearly everybody helped himself, are passing away.

But I may be told we are not living in Russia, nor in Australia. My answer is that the advocates of public ownership and operation of public utilities are urging the adoption by our national government of most of the Russian policy or at least that of Australia in this matter. My further answer is that the policy of 'Fabianism' has already attempted a great deal of the Russian and Australian programmes in Great Britain, and the hope is entertained by its disciples that the whole of these methods will at no distant date be adopted, if not actually extended. It is a fact that British municipal authorities are constantly applying for the power to manufacture steam engines, dynamos, gas and electric fittings and paving materials, and to provide hotels, cold storage, baths and concert rooms and to supply milk, ice, &c. Municipal telephones have been municipally erected and municipally operated and most of them have been ingloriously buried. Municipal fire insurance has been established, and the extension of a general and most comprehensive system of fire insurance is urgently advocated; and are also advocated municipal banks, municipal printing houses, municipal bakeries, municipal stores, municipal work shops, dairy farms, coal stoves, collieries, municipal clothing factories, &c.

Has this municipal trading, as it is called in the British Isles, justified the argument made against the system to which I am now addressing myself, namely : Has it tended to destroy individual effort and impeded substantial progress ?

Let me answer by quoting the opinion of an eminent electrical engineer, as to an acknowledged fact. With reference to that one branch in which industrial activity has accomplished so much in the last twenty years, I mean electricity, and I have chosen this branch because it stands out preeminently as the one in which individual effort has been most productive and most effective. Mr. Fleming, a noted British electrical engineer expresses himself as follows:

Nineteenth Century, Feby., 1901.

In reviewing the nationality of those who have thus helped to make the electric current the nimble servant of mankind, it is impossible not to be struck with the fact that British names do not preponderate. In the region of pure scientific research, in the development of electrical theory, Great Britain has unquestionably held her own with the world. In detailed improvements or adaptations we have not been backward, but if we except the inventions of Lord Kelvin in connection with submarine telegraphy, Mr. Swan in electric lighting, and the contribution which the late Pofressor D. E. Hughes made to telephony by the invention of the microphone, it is difficult to name any first rate new adaption of electrical discovery for

practically useful purposes in the last thirty years which has not come to us first from non-British sources. It cannot be said that the country which has produced a Watt, a Stephenson and an Arkwright is deficient in mechanical inventiveness, but it is impossible to deny that the period of time since 1870 has not been marked by the evolution of distinctly novel electrical inventive ideas proceeding from British minds:

The writer concludes with the words:

The matter is not one to be lightly dismissed; the development of national inventiveness is at least as important in the world-struggle of nations for existence as the preservation of national physique. We are apt to consider that invention is the result of the spontaneous action of some heaven-born genius whose advent we must patiently wait for, but not artificially produce. It is unquestionable, however, that education, legal enactments, and general social conditions have a stupendous influence on the development of the originative faculty present in a nation, and determine whether it shall be a fountain of new ideas or become simply a purchaser from others of ready-made inventions.

Whilst the United States and Canada, through individual activity, were perfecting electric light, telephone and electric tramways, English and German municipalities were content to purchase these perfected plants and systems 'readymade' from the American communities.

Has this policy of municipalization in England bred corruption and demoralized the voter? I could easily and conclusively prove this through the mouth of Lord provosts and magistrates of that city where municipalization has made its best exhibition in the British Isles, and through other high officials of other Scotch and English cities where municipal trading has been carried on.

And it is said that in Glasgow public servants make up one-sixth of all the names on the lists of voters. I am opposed to the policy of public ownership and operation of public utilities, because, on economic considerations it is inherently unsound, as the results almost unanimously show. The term public utilities which is given to such things as I mentioned before, and which I purposely limited to electric light and power, gas, tramways, railways, telegraphs and telephones—is not in fact a proper description of these utilities. They are not really public in the sense that everybody makes use of them, because it is not true that the whole public makes use of even any one of them. It is true, on the contrary, that many do not use either electric light, or electric power, or gas or the tramways, or the railways, or the telegraphs or the telephones, even among people who reside in the large cities. And it is true that only a few in the whole community make use of all these utilities.

In order to establish and maintain these public utilities, it is necessary for the State or the municipality to raise the funds by means of large loans on the national or municipal credit. The re-payment of these loans has to be provided for out of the revenue of the enterprises, and if the revenue is insufficient, as it so far almost invariably has been, by means of taxation. Every one knows that taxation must be ratably and proportionately apportioned among all the citizens. What justification is there for taxing the whole community in order to provide a utility which only a section of the community is going to make use of? What justification is there in sound political economy for helping a section of the people to provide itself, out of the public purse, for something which it alone desires or is going to utilize for its own benefit and advantage?

But assuming that these services constitute real public utilities the state or the municipality is forbidden on the best of economical grounds to undertake their creation and operation unless at least it can be shown that they have proved profitable undertakings.

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

After Recess.

Hon. Mr. BELCOURT continued: A brief reference to the record as it applies to the United Kingdom as a whole, and to a few of the best local instances, such as London, Glasgow, and other places, will show conclusively, I think, that these undertakings have not proved to be profitable investments.

In the 'Fortnightly Review' of August, 1906, it is stated, on the authority of an expert, that the profits realized by public utilities operated in the United Kingdom and consisting of waterworks, gas works, electricity supplies, tramways, markets, docks and harbours, burial grounds, baths

and wash-houses, dwellings, bridges, canals, ferries, cold stores, crematories, race courses, estates, marine baths, concert rooms, theatres, golf links, &c., for four years from 1902 to 1906, is as follows:

In 1902 there was invested in these undertakings $605,000,000.

Average yearly—		
Income		$65,200,000
Working expenses	$41,145,000	
Payment of interest on borrowed capital	21,200,000	
Amount set aside for depreciation	965,000	
Expenditure		63,310,000
Net profit		1,890,000

a return of less than one-tenth of 3 per cent.

Yet less than $1,000,000, as shown above, is set aside for yearly depreciation. Depreciation of plant and machinery of water and gas works, electricity supply and tramways, should be figured as not less than 5 per cent and on that basis we would have the following result:

Average yearly—		
Income		$35,200,000
Working expenses	$41,145,000	
Payment of interest	21,200,000	
Amount for depreciation at 5 per cent on $605,000,000	30,250,000	
		92,595,000
Loss		27,395,000

To meet this loss there is only $2,855,000, which would show a net loss of $24,540,000.

Then no account is taken of the progress of invention, of the substitution of new methods which may at any time, especially in the supply of electricity or gas, in the operation of electric tramways, in telephones, &c., render completely useless the plants and machinery upon which a large portion of this expenditure has been incurred. In private enterprise, when inventions render antiquated capital expenditure, a company winds up its affairs and a new system takes the place of the old one.

To quote Mr. Balfour 'supposing a municipality has embarked an enormous amount of the ratepayers' money on improved transit, such as an overhead electric system, or let it be granted that the municipality may have spent its money wisely at the time on whatever may be considered the most advanced form of electric transit—then suppose that a method far better and cheaper is invented, how painful would be the dilemma of these authorities! Are they to confess that they have wasted millions of the ratepayers' capital in the past, or are they to reconstruct their works? Or are they to saddle the municipalities for all time with methods and inventions which are old-fashioned and worn out?'

Now, as to London, the situation there with reference to its municipally operated tramways can be summed up in a few words.

Though it has a population nearly as large as that of Canada, most thickly settled, for the year ending March, 1905, it was claimed by the Tramways department of the London county council that the whole system which cost nearly $15,000,000, realized as an alleged profit the magnificent sum of £7,084, after allowing only 1½ per cent for depreciation—when at least 5 per cent should have been allowed. The previous year there had been an acknowledged deficit. And it must be borne in mind that by arrangement between the London county council and the twenty-eight borough councils, into which London is divided, the latter are saddled with one-third of the cost of the tramways, and another one-third is charged to the streets improvement department. So that the tramway department's figures, as above, are based on only one-third of the actual expenditure on these tramways. The figures of the tramway department, therefore, prove what a dismal and costly failure is its operation of London tramways.

Fortunately this mad course was effectively checked by the municipal elections of November, 1906, when the party of municipalization received a crushing defeat, the London 'Times' having largely contributed to this result by a systematic and brilliant campaign.

It must be conceded that the municipal tramways of Glasgow are well managed, and, unlike nearly all municipal enterprises, it yields a substantial profit. The gas undertaking just pays its way; the electric lighting hardly so, and the telephone industry has turned out to be a dismal failure and a big blunder. It is quite clear that the success achieved by the tramways is not the result of their municipalization.

It is entirely due to the geographical situation of Glasgow, its very large and very thickly settled population, and that it is the great commercial and industrial centre of Scotland.

Glasgow, with its suburbs, has a population exceeding 1,100,000, and is surrounded by a large number of populous industrial and agricultural towns. Over one-half of the population of Scotland can reach Glasgow within an hour. The success of the municipal tramways in Glasgow, which is due to the exceptional circumstances just referred to, is the one ray of hope and encouragement in the otherwise very dark sky of municipal trading all over the world, and though it stands out alone as a success among the other municipal undertakings of the great Scotch city, it has been used and abused as an argument for municipalization elsewhere under vastly different conditions.

Glasgow's last municipal elections have shown conclusively that a majority of the electors consider that the policy of municipalization has been carried quite far enough, if indeed not too far.

Because, assuming that in Glasgow or perhaps elsewhere in Europe, state or municipal trading may in certain very rare instances have proved to be successful, under exceptional circumstances and extraordinary favourable conditions, it does not follow that the operation by our national or municipal authority, except in very rare cases, would also prove practical, beneficial or successful in Canada.

If in old and well settled communities such as those to be found in the British Isles, having a thickly settled population enjoying the improvements and betterments of an advanced civilization, and great commercial, industrial and scientific development, to say nothing for their well known progressiveness, their great commercial ability and their eminently practical conception of modern life, with their capacity for organization and practical statesmanship, municipal trading, as it is there called, has been generally unsuccessfu and in many cases woefully so, is it not manifest that such a policy would prove to be a dismal failure in Canada? Assuming that we have the same capacity as that of our co-citizens of the motherland, are not all other conditions entirely different? Let me refer only to a few:

London alone within its area of about 75,000 acres has over 6,000,000 people, whilst all Canada with its area of over 3,600,000 square miles has a population of about equal to that of London. Only one-quarter of Canada's area is occupied.

Canada's proportion of population is 1.5 to square mile.

Australia's proportion of population is 1· to square mile.

United States' proportion of population is 21· to square mile.

England's proportion of population is 558· to square mile.

Canada is 3,500 miles by 1,400 miles in area. If Canada were as thickly populated as the British isles, it would have over one billion people. Three-fourths of Canada's area is awaiting to be filled up, settled and provided with the many requirements of modern prosperous civilized life, and what a task that implies! We have our railways to complete, and new ones to build, our waterways to perfect, and new ones to create, roads and highways to open up or to improve, agricultural, dairying and other industries of all kinds to assist, establish or develop, the products of the mines, the forest and the fisheries over this vast area to take out, manufacture and market. We have to provide improvements to navigation and shipping; trade and commerce to extend, financial institutions to promote, organize or expand.

We have to assist present educational, scientific and philanthropic institutions, and to provide additional facilities to all of them. We must assimilate and acclimatize the large number of foreigners who are now coming to us, and who will in greater numbers still land on our shores to fill up and colonize the unoccupied lands. We have to propagate harmony, good feeling and unity among the old and the new elements especially of our population. A broad, virile and sound national sentiment is to be created and fostered.

In this vast programme, in this tremendous task, is there not enough and more for the full exercise of all energies and activities, the good will, the devotion, the ambition and the patriotism of government, national, provincial or municipal, and of the

individual, each within their legitimate scope and natural sphere? The burden of government is nowhere in the world heavier and its task more difficult than it is in Canada to-day, and it must continue to be so for a very long time. What justification, what excuse, what reason would there be for any increase to that burden? What reason is there for taking from the individual the doing of that which he can with profit to himself and advantage to the community accomplish, to hand it over to already overburdened public functionaries and representatives whose whole time, energy and attention are required for the performance of their public trust? What justification would there be for diverting the attention and energies of these public functionaries from the performance of duties, which they alone can perform, to objects which the individual can discharge as well ?

None, I submit, unless it is to increase to a dangerous extent the activities of government, and as a consequence the immediate power of government and its indirect influence. None, unless it is desired to erect an all pervading and omnipotent bureaucracy, to multiply to a very dangerous degree the already unbearable burden and nuisance of political patronage. None, unless it is desired to revert back to the conditions which prevailed during the middle ages, to stifle individual effort, the spirit of enterprise, to destroy the rewards due to individual energy and ambition—in a word, to go back to serfdom.

This language may appear to some exaggerated. I shall endeavour to prove that it is not by dealing with one of the subjects included in the minimum programme of the advocates of nationalization in Canada, that of the railways.

Canada has over 22,000 miles of railways, whose capital investment is about $1,200,000,000, whose net earnings are about 3½ per cent and which give employment directly and indirectly to at least 300,000. Besides the business of carriers and shippers, the railways are engaged in the business of realty (to dispose of the areas granted to them as subsidies), in irrigation work, in operating hotels, steamboats and ocean vessels, telegraphs and telephones, in the manufacture of cars, locomotives, rails, ties, lumber, paints, oils and other materials.

What would nationalization of Canadian railways mean ? It would mean, among other things, that the federal government would become the common carrier of its people, both on land, lake, river and ocean. That it would operate, 'run,' to use the vernacular, hotels, and engage in the manufacture of the various articles I have just mentioned, and no doubt in many others from time to time, such as clothing, boots, &c., and the erection of dwellings for its legions of mechanics and labourers—all things which can as well and as efficiently, indeed much better, be done by private enterprise. It would mean that the government's attention would be diverted from its legitimate field so as to encroach upon the legitimate activities of the individual.

The acquisition of the railways, which nationalization would entail, to say nothing of the telegraphs and telephones and exclusive of the steamship companies operated by the railways, would increase the national debt five or six times at least, so that the debt per capita instead of being $45 per head would be at least $300.

Nationalization of railways, telegraphs and telephones alone would probably add 400,000 employees of one kind or another to the public service of Canada, who, with those at present so employed, would form a huge bureaucracy numbering nearly one-tenth of the whole population and possessing almost one-half of the total national voting power, a bureaucracy with ramifications from end to end of the country, and which could easily be mobilized into a solid coalition to effectively direct and control the whole governmental function.

Naturalization and municipalization of public utilities in Canada would put a severe check upon that individual energy and ambition which have given the country so many of its necessary and prosperous undertakings, and which have been and must continue to be for a very long time essential to its development and its progress in every branch of human activity. If the policy of individualism, as opposed to collectivism, has enabled the British empire to be what it is, if it has wrought the marvellous progress, prosperity and strength of the United States, how much more is it necessary to Canada, where so many things remain to be done and which no government could have undertaken in

the past and which must in the present and in the future be left to private enterprise.

Nationalization or municipalization of the general utilities would tend to make of us a nation of 'state-made' or 'municipal-made men' instead of a nation where every man is or can be a 'self-made man.' Nationalization and municipalization would intensify the disposition of so many to shirk the duties and obligations of citizenship and greatly increase the temptations and opportunities for jobbery and corruption.

Two years ago Mr. Dalrymple, the managing expert of Glasgow's railways, was invited by the Municipal Ownership League of New York and the then Mayor of Chicago to help the cause of municipalization; he delivered himself of two opinions, one shortly after he landed on American soil and the other upon leaving America.

Mr. Dalrymple is the man who, more than any one else has contributed to make of the Glasgow tramways the success which undoubtedly they have proven to be. He is a strong advocate in Scotland of municipalization. On landing in New York, he was interviewed by representatives of the newspapers, and I have here an expression of his opinion, reprinted in the 'North American Review' of 1906:

> I see no reason why Chicago, or any other city of this country should not be able to own its street railways, and to run them with as much success as we have achieved at Glasgow. I admit that the proposition at Chicago is a much larger one than the one we had to tackle but at the bottom it is the same.
>
> The people of Glasgow would not go back to the old days of private ownership for anything in the world. I am not saying that a company would not do as well by the public. I know, in fact, that it could, but it would be doing so with a somewhat different end in view. For the company has always the shareholders to consider. And I have to admit that you will find people in Glasgow to-day—quite influential people, too—who say that the street car service is not profitable.

Now, Mr. Dalrymple went to Chicago, and also spent quite a time going over the various cities of the American union. He made a very extensive and exhaustive study of municipalization, so far as Chicago was concerned, and shortly before returning to Glasgow, having fulfilled the mission he was sent to accomplish, and having thoroughly examined into the whole question he deliberately gave this for publication:

> To put street railroads, gas works, telephone companies, &c., under municipal ownership would create a political machine in every large city that would be simply impregnable. These political machines are already strong enough with their control of policemen, firemen and other office holders.
>
> If in addition to this, they could control the thousands of men employed in the great public utility corporations, the political machines would have a power that could not be overthrown. I came to this country a believer in public ownership. What I have seen here, and I have studied the situation carefully, makes me realize that private ownership under proper conditions is far better for the citizens of American cities.

Now here is the matured opinion of the gentleman who has made the success of the Glasgow tramways system which has been held up as the one stray silver lining to dark cloud of municipalization all over the world.

Hon. Mr. McSWEENEY—Have not all the municipal enterprises of Glasgow been successful?

Hon. Mr. BELCOURT—The tramways have undoubtedly been successful; but the telephones of Glasgow have proved a decided failure.

Hon. Mr. McSWEENEY—What about the electric lighting?

Hon. Mr. BELCOURT—They have been only partially successful. Glasgow has a population of over a million. The city is surrounded by a large number of small municipalities in which reside, within an hour's ride of the city, one-half of the total population of Scotland.

Hon. Mr. McSWEENEY—They have built houses there too for the poor people.

Hon. Mr. BELCOURT—They have. I am giving you the view of a gentleman who knows all about it, the view of the gentleman who has, more than any one else, contributed towards any success which has been achieved by municipal ownership in Glasgow.

Hon. Mr. COMEAU—Did he give the difference in the conditions between Glasgow and Chicago?

Hon. Mr. BELCOURT—I do not know whether he went further than the quotation which I have read.

The view which I take of the policy of public operation of public utilities in Canada does not make it necessary for me to assert that in no instance, and under no condition could it be suc-

cessfully and profitably adopted. On the contrary, I am quite free to admit that in certain communities, especially favoured by nature, or by local conditions, certain of these utilities might be operated by the provincial or municipal authority with, perhaps, greater advantage and profit to the people than by private corporation. It is, for instance, quite possible that the distribution of power in the neighbourhood of that vast store of energy which Niagara affords may be best and more profitably managed by the provincial government than by individuals or private corporations. But we must not forget that we have only one Niagara and the homely saying as well, that 'it takes more than one swallow to make a summer.' Nor am I compelled to ignore, must less to deny that individualism like other things human, has its imperfections, which I have no desire to minimize, any more than I wish to deny its inherent dangers. It facilitates the creation of trusts or monopolies, though it cannot be said truthfully that so far we have had much to suffer in Canada on that account.

But I venture to assert that State monopolies offer much more serious danger to the nation and to the people; to the welfare of both and to responsible government than do corporate or private monopolies. State monopolies once established, are apt to be the most tyrannical of all and most difficult to destroy, as all history shows.

Corporate monopolies can be controlled and regulated.

And it is in regulation and control that lies the solution of the whole problem. I submit with confidence that the only policy consistent with the interests and the genius, the temperament and the aspirations of the Canadian people may be summed up thus :

Private exploitation of public utilities with government control and regulation, or, in other words : freedom of capital and freedom of labour; both subject to control and regulation. Freedom of capital will no doubt produce concentration of capital. There is no menas by which concentration of capital, big or small, can be prevented. And it must be apparent to every one that, in many cases, such coalition can be beneficial and is, in fact, in many cases, necessary. The case of the Sovereign Bank affords a recent and striking example of this.

Freedom of labour is sure to give rise to coalition of labour. Like capital, there is no means by which such coalition can be prevented. And it is quite clear to me that there is no good reason opposed to coalition of labour.

An eminent French statesman and economist, Mr. Ollivier, expressed this conslusion so aptly that I feel compelled to give a translation of his conclusion on the subject :

> Is it conceivable that the means to concert with one another upon the question of wages, that is to say upon the question that they may know best, be denied to those, who by virtue of the force of their numbers and the weight of their suffrages, exert a considerable influence upon the conduct of public affairs and who by their wisdom or their folly, their moderation or their violence, contribute to make our destiny successful or unsuccessful.

Freedom of capital is not opposed to freedom of labour or vice versa. The interests of both can be made harmonious. Both capital and labour should co-operate. Both require supervision, regulation and control. And it is the legitimate and natural function of government, both national and local, to exercise and enforce the necessary corrective to abuses of the one or the other or both. Just as it is the legitimate and natural function of the public authorities to extend reasonable and proper protection to both capital and labour.

Such has been the policy of the successive and more especially of recent governments of the Canadian confederation. Time will not permit of showing the various ways in which this policy has been given effect to. Let me mention, for the purpose of illustration only, some of the ways in which parliament in more recent years, has afforded protection to, and at the same time has enforced regulation of labour. By abolishing the sweating systems, we have made a step in advance of the mother country, where the system still flourishes. By the creation and maintenance of a Department of Labour. By adopting and enforcing the provisions of the Railway Labour Disputes Act, and the Industrial Disputes Investigation Act, it has tended to control and regulate differences

between labour and capital. Also by creating the Railway Commission, probably the most important tribunal in Canada to-day, a tribunal which I think, has the largest power outside of parliament of any court that I know of in the wide world.

Hon. Mr. SULLIVAN—There was one in the United States before ours.

Hon. Mr. BELCOURT—The Interstate Commerce Commission, but their powers are nothing compared with the powers of our Railway Commission, and that is due largely to the distribution of powers in the neighbouring country, where the States are sovereign and the federal government has only those powers delegated by the states. A tribunal such as the Canadian Railway Commission is constitutionally impossible in the United States, and one has only to follow the trend of discussion in the neighbouring country to see how much it is desired there and how gladly they would welcome the creation of such a tribunal as ours.

Hon. Mr. SULLIVAN—They adjudicate the same subjects as ours.

Hon. Mr. BELCOURT—They have tried to, but have failed, because they have come in conflict with so many state laws, and have come into conflict with State Commissioners of the same character. The Canadian Railway Commission, as we all know, has under its jurisdiction the railways, the express companies, and the telegraphs, and in the present session the telephones will be placed under their jurisdiction also. I do not wish to delay the House any longer, but the subject is one on which I have entertained strong views for some years, one on which I have had very few opportunities of expressing myself, and I thought that the House might be pleased to have an enthusiastic young member of the Senate, one who is desirous of contributing, in his humble way, to its debates, give the House the benefit of his study and investigation. In conclusion I beg to repeat that the only policy consistent with the temperament, the genius, the aptitudes and the aspirations of the Canadian people, the only policy suited to its conditions geographical, industrial, commercial and social is freedom of labour, freedom of capital, freedom of individual initiative and activity, tempered by wise and vigilant regulation and control. Our governmental institutions, both national and local, provide or can, if they are not as yet sufficient for that purpose, be made to amply provide the means for affording and effectuating both.

Hon. Mr. ROSS (Halifax)—I happened to come into the chamber when the hon. senator from Ottawa made some reference to Australia. I have kept myself in very close touch with affairs in that country, and in New Zealand also. I ought to have an interest in New Zealand, because I have three of my brothers buried in the northern island, in Auckland. However, about Australia, since Mr. Tait was sent out to take charge of the railways in that country—the railways, as hon. gentlemen know are all government railways, and telephone and telegraph lines also—he discharged quite a number of unnecessary employees—men were of no benefit to the work, and he put it under a new system, and since that time the railways in Australia have become a source of revenue to the Commonwealth. In New Zealand, government railways have paid, and are paying now three and a half per cent on the total expenditure of the work, and they are encouraging lower rates in order to get the produce, which is, perhaps, one hundred miles from the shipping port, produce to be exported to London or Liverpool, at cheap rates. You can have a message sent in New Zealand a thousand miles for ten pence by the government line, and everything is working very smoothly. I do not know that there is any place in the world that is so well governed at the present day as is the now called commonwealth of Australia. I have a letter from a friend here, and it explains the operation of the Compulsory Act in connection with strikes. He writes:

> The legislature of the present government has been favourable to the working classes. A law was passed in 1894 to prevent industrial strikes. Under this law all disputes between employers and employees are referred to a board consisting of two members appointed by the Union of Workers and two appointed by the Union of Employers of Labour and the chairman appointed by the government. If the division is not satisfactory, a judge of the Supreme court with two assessors, one appointed by the workers and one by the employers, hear the case, and the decision of this board is final and binding on both parties. The consequence is that we have no strikes, and the working classes are in an excellent position.

They are working under the Compulsory Act in New Zealand, and much as we praise the present Act in Canada, we would be in a far better position if we followed the example of New Zealand. The Intercolonial Railway is doing so much better since its extension as far as Montreal, if it could be extended to Toronto, or into the heart of Ontario, to bring the traffic of the west down east, I am not so sure but that even in the hands of the government it would be found to pay better than it is doing at present.

Hon. Mr. PERLEY—Hear, hear.

Hon. Mr. McSWEENEY—I did not intend to say anything upon this matter, but I have heard a number of gentlemen speak against the public ownership of public utilities. We have in the city of Moncton, the gas, water and the electric light owned by the city, and we find that it is a very profitable investment for the city. We find that for the last two months the water service shows a profit of about $5,000 dollars. The electric light shows a profit of $2,000 dollars, and the gas service a slight loss. I understand that in Kingston a similar result has been obtained. They own their waterworks there, their gas and the electric light, and they have cut the price to the consumer in two and still have a surplus. They have taken over the water and they own their gas and electric light, and I understand from the hon. gentleman from Brockville that the same state of affairs exists there. They get their water at half the price they paid before, and the electric light much less, and the gas less, and they are earning a good profit. Sherbrooke has taken over the electric light. They have just paid $220,000 for it. Thorold shows a profit out of their electric light. I think some one spoke about government ownership of railways on the continent of Europe. France owns, I think, about half their railways and will own the whole of them in forty years, as they intend to take them over. Germany already owns half of their railways, and they are paying. Switzerland is in the same position, and I think if you look all over, not only in this country but in the old country, you will find that public utilities are a very good investment for the public. Take the city of Glasgow, there is not the least doubt that the city of Glasgow, according to the memorandum just read by the hon. senator from Ottawa, is one of the best governed cities in the world. Birmingham and various other cities in England are in the same position. There are two sides to the story. I do not think that the dire ruin the hon. gentleman describes will take place by the government and municipalities taking hold of the public utilities. I think it is in the interests of the people. You get water, light and the essentials in a greater quantity and much cheaper, and I certainly think that in this country, so far as I know, it has been a public benefit where the cities have taken over and are running their public utilities.

Hon. Mr. SULLIVAN—I have only to say a few words in moving the adjournment of this debate. I cannot resume my seat without saying how much gratified we must all feel, and how much indebted we are to hon. gentlemen who have gone into this very critical and difficult subject with so much earnestness and so thoroughly that it leaves nothing more to be said. Notwithstanding the fact that the Secretary of States does not approve of the discussion of these didactic subjects, we must feel somewhat indebted to the hon. gentleman from Wellington for bringing up such important questions, no less than three or four of them. It gives the young members who are undergoing their novitiate in the Senate, an opportunity which is most congenial to themselves to get an opportunity of airing their eloquent faculties before the House. I am sure the speech of the hon. gentleman from Ottawa has been most satisfactory, and is a valuable contribution to the debates of the Senate. Of course there are three parties to be considered in discussing public ownership: there is the municipality, the provincial government, and the federal government. Each of them has its own peculiar function and field of operation. I do not know if the federal government has any right to indulge in ownership of any utilities. I think they have utility enough to mind themselves, and to guard the general interests of the country. That is enough to occupy their attention fully. I have no doubt the proper power to use those, or at least that form of government which should own and operate those public utilities, is the municipal form of the cities and towns. Where these are

managed with any degree of honesty and intelligence, and have the proper regard for the welfare of their fellow-citizens, and especially where the elections to office are held every year, they are operated as satisfactorily as they could possibly be in Glasgow or any other part of the world, and the result of it is as the hon. gentleman from Moncton has stated. In Kingston we had been bothered a great deal with the water service, and the city took over the waterworks. The charter which the company got, fortunately was about ended a few years ago, and about that time it was desired by those who thought most on the subject to get it into the hands of the city. Water is a substance which is essentially necessary for all people. Sometimes we like something diluted in the water to mollify it, but if you knew how much your body is composed of water it would astonish you, and if a corporation provides a good water service it does ought to make them happy during life and to send them all to Heaven when they die. When we took over the works, we extended the supply pipe out into the lake, so as to be beyond any currents where sewage might pass, and we now have an abundant supply of the purest water in the world, from Lake Ontario. There is no water in the world that has so much the properties of pure distilled water, as Lake Ontario. It is colorless and tasteless, and free from any contamination of any kind whatever. I have never seen water of any spring or stream or any other place that could surpass or equal it. As to anything else that a municipality ought to undertake, I think they should give their people good clean roads and streets, and comfortable side walks, and all that sort of thing, and attend to drainage. That is next to pure water. If they give light they we have a trinity of subjects to deal with which certainly ought to satisfy every one. The municipalization of the water service in Kingston resulted not only in a better quality of water, but consumers got it for half the price, and better still, they have been able to extend the service to a poorer class of people, because they devote any profit they make to the extension of the waterworks, and they have been able to give it to a number of poor people who otherwise would not have the great luxury, I may call it, of a pure and plentiful supply.

Hon. Mr. SULLIVAN.

Light is another matter that is essentially necessary. These are not utilities. They are necessities, and if any authority can supply them to the people at a reasonable rate, they ought to do so. The same thing occurred with regard to the gas and the electric light. Both are there, and you can have your choice. Gas is cheaper there than in any other part of Canada under the same circumstances and the same population, and these utilities under municipal ownership have been a great success. I would not allow any municipality or any government to go beyond that. I think that is quite sufficient, and if they do that and do it well, they need not occupy themselves with any other scheme. This subject may not be altogether within the purview of this Chamber, and this government. I am not surprised at the Secretary of State getting a little out of temper over these discussions. I would be the same way myself, but I rose to tell the hon. gentleman from Ottawa that the Secretary of State only does that with persons for whom he has the greatest regard, and he does it in my case at times.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. SULLIVAN—I have no idea of going into this subject any further. I am sure we have listened to these gentlemen in their very exhaustive speeches, and have admired the great industry they have shown in preparing them. I hope hon. gentlemen will all sleep well after the discussion we have heard, and that they will treasure up in their minds all the arguments they have heard.

Hon. Mr. LOUGHEED—I presume that my hon. friend from Kingston has moved the adjournment of the debate, to meet the wishes of the hon. gentleman from Wellington.

Hon. Mr. SULLIVAN—Yes.

Hon. Mr. LOUGHEED—It seemed to me it would be very desirable to wind up the debate to-night. I am satisfied that the sense of the House is that subjects of this kind, which are largely academic in their nature, while interesting to the House, should not remain long upon the paper.

Hon. Mr. McMULLEN—The subject is one that I think has engaged the attention of the House, and the discussion that has taken place will be of great interest and will amount to an education for the people of this Dominion.

Hon. Mr. WILSON—I think the debate should be closed to-night. We have had ample education and have received a great amount of information on this question. I cordially agree with the leader of the opposition. This motion has been upon the Order Paper for a long time, and adjourned a great many times, and it will be hardly fair to delay or to thwart the government measures by permitting it to remain on the Order Paper any longer. I can forgive the hon. leader of the House if he showed any disposition to feel annoyed or perhaps to reprove me for occupying too much time just now in discussing this matter.

Hon. Mr. PERLEY—Hear, hear.

Hon. Mr. WILSON—My hon. friend from Wolseley cries 'hear, hear.' We know that he can occupy the time of the House with as long speeches as almost any one, and I do not know whether they are abounding in wisdom to us, or whether we can be thoroughly set on fire after listening to them.

Hon. Mr. ELLIS—While not wishing to be discourteous to the hon. gentleman in any way, I trust he will close the debate to-night, if not, I shall venture to move the following amendment to the motion to adjourn :

In the absence of any practical proposition in regard to public utilities, further discussion of this subject during the present session is unnecessary.

Really it is not a question which is touching us at all at the present moment, and so much has been said about it that when we have to approach it practically we will have as a basis of discussion the admirable addresses which have been delivered. I should judge that the Senate would not want to decide upon this question now, because in our varying moods, next year, we might be of a different opinion, or perhaps twenty years from now.

Hon. Mr. LANDRY—I should like to know if we are allowed to move an amendment to a motion to adjourn the debate.

Hon. Mr. LOUGHEED—I rise to a point of order. The hon. gentleman from Kingston cannot move the adjournment of the debate after having spoken.

Hon. Mr. McMULLEN—If I am in order, I will close the debate now with a few remarks. I have listened with a great deal of pleasure to the addresses that have been delivered upon the subject that I had the honour of introducing. I must confess that I was greatly pleased with the able and eloquent address of the hon. gentleman who occupies the chair at the present moment (Hon. Mr. Power), also with the address of the hon. senator from Ottawa. These were two addresses that dealt with the question ably and well. I listened also to the remarks that dropped from the hon. gentleman from Moncton. He says that Glasgow is one of the best governed cities in the world. No doubt it is, and the reason why it is, is because in Glasgow the wealthier and intelligent classes have ever taken an active and an earnest interest in the welfare of the city, and a great many of the men who stand in the front rank of citizens, financial and otherwise, are chosen to be aldermen of that city because the aldermen are elected by the council, and not by the popular vote. Another reason why, as I outlined in my previous address, Glasgow has been so very successful in its ownership and operation of public utilities, the council are not in as close touch with the electors as they are under our municipal system—at least the system in Ontario. In Ontario we elect our council every year, from the mayor down to the lowest member of that body. That is not the case in Glasgow. The councillors of Glasgow are elected every three years. One-third retires every year, and the board of aldermen of Glasgow are elected for six years, and one-half retires every three years. So that there is a more extended office by any person who is elected to the council that there is in Canada, and they have more opportunity to work out the general welfare of the municipality than they would under our system, where they are only elected for a year. I contend that in the efficient and advantageous management of municipal utilities, you want to

have the same board of men to continue to handle them from year to year, because men get educated into the best methods and the best ways of handling municipal utilities, and if the board is changed every year under our municipal system, you are sure to elect some men who will not so faithfully discharge the duties the coming year, as possibly the men did the last year. It will take a man about a year to get educated to know how to handle some of those utilities. Consequently, Glasgow has an advantage we do not enjoy in this country. Then as I said before, it also enjoys the advantage of having men of high standing elected as aldermen, because they are elected by the municipal council, and as a rule the very best men in the city are chosen. Another advantage enjoyed in Glasgow is this: The city is very compact. As was stated to-night, there are about a million inhabitants there. Of these about 750,000 are within the city, but in the immediate district around it, it is hemmed in with other corporations that will not come into the city. The result is that instead of Glasgow spreading out, it has had to build upwards in order to find room for the people, and in that way the numbers carried by the street cars are very much larger in proportion to the mileage than in any city in this country or even in the United States. All these things tend to make Glasgow a model city as far as municipalization of street car service is concerned. With regard to some public utilities, I frankly admit they should be under municipal management, especially water supply and drainage. Pure water is an absolute necessity for the health of the people and should be under municipal control, even though the charges for the service were excessive. The same remark applies to drainage. We cannot afford to leave either the water supply or drainage to private enterprise.

Hon. Mr. CLORAN—If the municipality can give pure water and good drainage, why would it not be able to give cheap lighting and street railway service?

Hon. Mr. McMULLEN— My hon. friend's question is without any point whatever. I advocate municipal control of the water supply and drainage, because the health of every individual in the community depends upon it, but it is not the same with regard to light and street railway service. The health of the people is not dependent upon lighting or the street railway. I have no desire to extend this debate. I have been greatly pleased at the manner in which it has been conducted. There has been a lesson in it that I earnestly hope will prove of advantage to the people of this country. I introduced this resolution with a desire to educate the people with regard to the advantages and disadvantages of municipal ownership of public utilities. There are papers in the city of Toronto that have taken this question up and have gone so far as virtually to tell the people that they are being robbed because a great many utilities are owned, operated and conducted by private corporations. Other papers have been rather disposed to favour municipal ownership. The people at present are studying this question. I think we have contributed a very large amount of good, solid, sound information on the subject, and it is for the municipalities now, after reading the facts and figures that have been submitted, to say whether in view of the experience in Great Britain, the United States, Germany and France it would be wise for the citizens of Canada to adopt the methods which have been adopted in other countries. They have now an opportunity of deciding intelligently for themselves with the figures and facts before them, that they would not have had if this resolution had not been introduced and discussed. They have more information now and can decide what they should do. With these remarks, I leave the matter in the hands of the House.

Hon. Mr. SCOTT—Will the hon. gentleman withdraw the motion?

Hon. Mr. McMULLEN—No, I think the House should express an opinion on the subject.

Hon. Mr. BEIQUE—The hon. gentleman has attained his object, which was a valuable one, an expression of opinion, putting information before the country. I do not think he should insist on having a vote of this House on the resolution, especially to-night.

Hon. Mr. BELCOURT—I should like to join the hon. senator from De Salaberry in asking the hon. senator to withdraw the motion. I see no reason or occasion for dividing the House.

Hon. Mr. McMULLEN—I am willing to withdraw the motion, if it is the desire of the House.

The motion was withdrawn.

NORTHERN EXTENSION OF MANITOBA, ONTARIO AND QUEBEC.

MOTION WITHDRAWN.

The Order of the Day being called :

Resuming the suspended debate on the motion of the Hon. Mr. Landry, that in the opinion of the Senate the limits of Manitoba, Ontario and Quebec should be extended to the north so that each of those provinces be bounded north by at least the sixtieth degree of latitude.—Hon. Mr. Landry.

Hon. Mr. LANDRY—I beg leave to withdraw this motion.

The motion was withdrawn.

IRRIGATION ACT AMENDMENT BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (99) an Act to amend the Irrigation Act.

(In the Committee.)

Hon. Mr. SCOTT—The changes in the irrigation law are such as are called for by the experience of the last twelve years. The first Act was passed in 1894 and has been amended only once since that time. Other changes have been found necessary. The principal changes are, giving power to the municipalities to deal with companies where they are crossing highways, and it provides machinery, if the water company and the municipality cannot agree, for an appeal to the Board of Railway Commissioners. That really is the most important provision in the Bill.

Hon. Mr. McKAY (Alma)—From the committee reported the Bill without amendment.

GOVERNMENT RAILWAYS ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (27) An Act to amend the Government Railways Act. He said: The object of this Bill is to bring the law in reference to accidents on the Intercolonial Railway more into harmony with the general law prevailing, and affecting other railways. The first clause provides that where animals are killed otherwise than through the negligence of the owner, the Crown shall be liable. Then, in reference to fires arising from railways, the government will be liable except it can be shown that they have adopted the most modern appliances in the way of screens for preventing sparks escaping. They will be liable up to the amount of $5,000, and in case of a judgment being rendered against them, the $5,000 is to be distributed amongst the parties injured. It is a concession made by the government railway to the people. There is also a clause requiring the government to keep the land within the railway lines properly cleared and free from weeds, so that the tendency to fire will be less.

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

SECOND READINGS.

Bill (7) An Act to incorporate the North Empire Fire Insurance Company.—(Hon. Mr. Young.)

Bill (35) An Act to incorporate the Travellers' Life Assurance Company of Canada.—(Hon. Mr. David.)

Bill (56) An Act to incorporate the Bank of Hamilton Pension Fund.—(Hon. Mr. McMullen.)

Bill (62) An Act respecting the Subsidiary High Court of the Ancient Order of Foresters in the Dominion of Canada.—(Hon. Mr. McHugh.)

Bill (82) An Act respecting the Niagara, St. Catharines and Toronto Railway Company.—(Hon. Mr. Kerr.)

NORTHERN BANK AND CROWN BANK OF CANADA BILL.

SECOND READING.

Hon. Mr. YOUNG, in the absence of Hon. Mr. Ross (Middlesex), moved the second reading of Bill (GG) An Act respecting the Northern Bank and the Crown Bank of Canada. He said : There is some urgency for the passing of this Bill, and I therefore move that rule 119 be suspended in order that it may go as soon as possible to the Committee on Banking and Commerce.

Hon. Mr. LANDRY—Will it go to the Committee on Banking and Commerce tomorrow ?

Hon. Mr. YOUNG—There is a bare possibility that it will be reached. It has been represented to me that all the arrangements have been made, and the parties are only awaiting the passage of this Bill for the two banks to be amalgamated. The Bill originated in the Senate, and it is advisable that it be passed here and sent to the Commons as soon as possible.

Hon. Mr. LANDRY—I do not see why we should set our rules aside because a Bill originates here. I thought it was an advantage for a Bill to originate here. Where is the advantage ?

Hon. Mr. YOUNG—There has been an extraordinary delay on account of extra advertising which had to be done by the promoters of the Bill through no fault of theirs. As I understand, they advertised only a portion of their agreement of the amalgamation and the Finance Department exacted that they should advertise the whole of the clauses they proposed to legalize, so that they should give notice to the shareholders. Consequently, there has been longer notice than usual, but inasmuch as all the shareholders have sanctioned this agreement, and no injury can arise, and the Bill has to pass through the House of Commons before it can be sanctioned, I am urging the suspension of the rule.

Hon. Mr. LANDRY—I suppose the hon. gentleman, in future cases, might give notice a day before moving.

Hon. Mr. YOUNG—I had not charge of the Bill, and did not pay any attention to it; otherwise I should have done that.

The motion was agreed to.

GEORGIAN BAY CANAL.

The Order of the Day being called :

Resuming the adjourned debate on the motion of the Honourable Mr. Casgrain, That he will call the attention of the Senate to the importance to Canada of the early construction of the Georgian bay canal, and will inquire of the government if the report of the survey made of that waterway will be laid before the Senate during the present session?—(Hon. Mr. Bernier.)

Hon. Mr. BERNIER—Coming from the west as I do, I desire to place myself on record as a supporter of the resolution introduced by the hon. senator from De Lanaudière. I do so with all due deference to the views expressed by the hon. gentleman from Kingston, and also with much regret that a great deal of what he said while making his speech was in favour of the Welland canal and the city of New York. There is no conflicting interest between these two works and I am sorry to see that it is intended somewhere to raise rivalry between these two waterways.

For the western people, the construction of the Georgian Bay canal is of primary importance. It is agreed on all parts that, even at present, there is an immense amount of products coming from the plains. Two years ago there was a congestion of traffic. Observers have then seen the sacks of wheat piled up around the stations, and about the western towns and villages with no buildings in which to store them, liable to moisture and deterioration. What will it be in 5 or 10 years from now, when the production in all likelihood will have doubled if not tripled? What will it be, when instead of 100,000,000 bushels of grain, we shall have to export 200 millions or perhaps 300 millions of bushels?

It is true the Canadian Pacific will double their tracks, but please notice they will double only a part of their tracks, namely: from Winnipeg to Port Arthur, leaving the remaining part as it is to-day.

It is true also that we shall have other railways, at least two others, viz.: the Canadian Northern and the Grand Trunk Pacific. But any one knowing something about the west and about transportation, realises that these railways will be insufficient, well equipped as they might be.

It is very often urged both within and without parliament, that this immense trade belongs to Canada and should not be diverted through any other country. Well and good. We agree to that proposition. The west, hon. gentlemen, is as Canadian as any other part of the Dominion. We feel like you about sending our trade by Canadian channels. But, hon. gentlemen, right here there is a question of ways and means. To be able to send our products through Canadian channels, we must first have such channels. Otherwise trade will take some other course. When it comes to financial or commercial matters, there is no senti-

mentalism about it. Trade is liable to take the best course that is available and the cheapest.

Hence Canada must provide proper transportation facilities from the west to the east. If it does not, trade will take some other direction to the loss of Canadian interests. Other transportation facilities are there, coming from the south and eager to get our exports. And if once our trade is diverted and gets used to a certain direction, it will be exceedingly difficult to bring it back. Then it becomes a matter of the greatest importance that we should prevent such a drawback by constructing ourselves channels through which our trade could be carried on.

It is said that the construction of that waterway will take seven or eight years, and may be, ten years. Well, by that time, our protection will be more than double of what it is to-day. It is not too soon then to begin the work. In the ordinary course of events, our country will then be ready to supply that route with all the freight that it can carry, before it is completed. As to the financial advantage of having this waterway for the farmers and trade generally, it is no longer a debatable question; railways cannot offer transportation for as low a rate as the water routes. I do not need to go into that aspect of the question. There will be no competition between the two. Railway experts, such as Sir William Van Horne, have given their opinion as to that. Sir William Van Horne went so far, once, as to say that the construction of the Georgian Bay canal would be welcome by the Canadian Pacific Railway, and would not consider it as a competitor. As to the technical part of this question, I am not concerned. First of all, I am not an expert in such matters, and secondly, the feasibility of such a route has been fully demonstrated by the previous speakers in this House. Moreover, I had myself the honour of being a member of a committee of the Senate of eight or nine years ago, when an investigation was made in connection with this proposed work. The investigation lasted during many sittings, and when it was over, there was no one who was not convinced of the feasibility and practicability of the canal.

True, we must be prudent. The country is already engaged in constructing many heavy works. But as a set-off for the expenses Canada will have to make, there will be the undoubted development in industrous undertakings, in mining industry, in water-power industry, in wealth of all kinds that is to take place as a consequence of the building of the proposed canal. It will benefit the whole country. That brings me to another aspect of the work. There is no sectionalism about it. It will go through the two greatest provinces of the Dominion; besides it will be a link between the east and the west, and thereby the national life will receive a further impetus and will be strengthened; we could not estimate too highly such a result.

Let me add, that there should exist no such rivalry as between the various provinces of this Dominion. Such a rivalry is not a sound policy with which to govern Canada. There should be a greater solidarity among us all.

The constructing of this canal should be a government work. Apart from all other reasons that might be given in support of that proposition, there is one which, to my mind, is a paramount one. That waterway is destined to be one of our most important military routes. We have as to that the evidence given by a former commander of our Canadian troops, General Gascoigne. This alone should induce our government to undertake this great work as a work of their own.

In conclusion, I would insist on the work being commenced at no distant day.

In connection with that I must express my regret that the government has not yet put before parliament the final report of the commission that was lately appointed to explore the route. We were promised that report last year and it has not yet been tabled. It is very unfortunate. Let us hope that we shall have that complete report at an early day. In the meantime perhaps it might be proper to appoint another special committee so that the subject might be gone into more fully and differences of opinion well considered, so as to finally bring parliament to a definite action, which I have no doubt would be for the general progress and welfare of Canada as a whole.

Hon. Mr. ROSS (Halifax)—There are two prominent schemes before the House. One is Hudson Bay, Fort Churchill wharfs,

electric lights, building steamers, and everything of that kind. I have no sympathy with that scheme from the first to last, and I doubt very much if it will ever prove to be a successful experiment.

Hon. Mr. SULLIVAN—The hon. gentleman is right.

Hon. Mr. ROSS—I am in favour of the Georgian Bay canal, and will do anything in my power as a single member of the Senate to support that scheme. Anything that would tend to bring the large and the growing volume of produce of the west by the cheapest route to Montreal, must be a benefit to the whole country. It means the growth of Montreal in its population. I differ slightly from my hon. friend, the senior member for Halifax, in supposing that there is no advantage in this scheme to the lower provinces. The cheapest route from the west to Montreal and Quebec will also be advantageous to the lower provinces, and as the population of the west increases, the population of the city of Montreal will be proportionately increasing, and the advantage then would be that we would send our fish up to the different markets, and perhaps it would not injure the people of the west, with all their great and bright ideas, to get some of the fish from the maritime provinces.

Hon. Mr. CLORAN—It would give them more brains.

Hon. Mr. ROSS—I followed the speech of the hon. senator from Kingston very closely, and fearing that I did not understand it properly, I took the trouble to read it afterwards, and the conclusion I came to was that he was throwing cold water on this scheme, and he put me in mind of a proposition like this: Supposing that a man went to my hon. friend for consultation ; he did not know what was the matter with the man, and he would wait future developments, and perhaps in the course of time he would find whether an operation was necessary or not.

Hon. Mr. SULLIVAN—Oh, no.

Hon. Mr. ROSS—I do not think that it would be wise, in the interests of this country, to delay this work. It is all very well to speak about the cost. We used to think more of $100,000 than we do now of millions, and the country can afford the expenditure of millions of money now better than they could the expenditure of $100,000 in the early days when I was a member of the other House. I wish to express my opinion that I am much more in favour of the Georgian Bay canal scheme than the Hudson Bay scheme. The hon. gentleman from Wolesley almost appears to find fault with Providence that he did not place the Hudson Bay further south, so that it would be freer from ice, but Providence, perhaps, was wiser in the dispensation of the order of things than the hon. gentleman from Wolesley.

Hon. Mr. WOOD—I move that the debate be adjourned.

Hon. Mr. DOMVILLE—I was going to call attention, while hon. gentlemen have been speaking of the great things in the western part of the country, that we have a place at St. John, a winter port, a terminus, and I should like to give some of the reasons why that port should be built up; but some other time will do.

The motion was agreed to.

SUPREME COURT ACT AMENDMENT BILL.

FIRST READING.

A message was received from the House of Commons with Bill (121) An Act to amend the Supreme Court Act.

The Bill was read the first time.

Hon. Mr. SCOTT moved that the Bill be read the second time on Friday next.

He said: This is a Bill amending the Supreme Court Act in only one particular. It classifies the appeals to that court somewhat differently from the mode in which they were classified before. Originally, in the Act there were only three classes, the maritime provinces, Quebec and Ontario. According to this measure, there are five classes. Election appeals take precedence over all other appeals. Then come the Quebec, Ontario and the new provinces, Alberta and Saskatchewan and Manitoba, making up the five. They are all allotted to a particular position on the list.

The motion was agreed to.

The Senate adjourned until three o'clock to-morrow.

THE SENATE.

OTTAWA, Thursday, March 26, 1908.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

ROSS RIFLE.

INQUIRY.

Hon. Mr. LANDRY inquired:

Has the government concluded any arrangement whatsoever for the manufacture of bayonets adapted to the Ross rifle?
If so, with whom?
For what quantity?
At what price each?
Has the government asked for tenders for the manufacture of these articles?
And if so, which are the papers which have published in their columns the notices given by the government to that effect?

Hon. Mr. SCOTT—The Minister of Militia has been indisposed for some days. I believe the subject is under discussion, but not concluded. The inquiry may stand.

Hon. Mr. LANDRY—It will stand till the minister is well.

Hon. Mr. SCOTT—That may be a week or two.

The inquiry was allowed to stand until Tuesday.

DELAYED RETURNS.

Hon. Mr. LANDRY—Before the orders of the day are called, I would submit to the hon. leader of the House, what I think is a grievance on my part in regard to the delay in producing the returns I have asked for. I asked for a return in the month of January last, details of the subscription of the $200,000 by the Quebec Bridge Company, when they made the contract in 1903 with the government. Since that day we have seen that details of a similar character have been given to the House of Commons as soon as they were asked for. I asked for them in the month of January, and the return is not forthcoming yet. In the month of January last I asked for a return showing amounts payed to Mr. Siméon DeLisle, and that would take about a day or two to prepare, I suppose. I have not received the answer yet. The same with regard to the disbursements on the Deschambault wharf, and the correspondence that took place between Colonel Pellatt and Mr. Davidson. All these were moved for a few months ago, and I think when an order of the House is made, to have these papers brought down, that the government should have shown a little more respect for the ordinances of this House, and that these returns should have been on the table long ago. I think it is time I should raise my voice and complain of these interminable delays.

Hon. Mr. SCOTT—I make no complaint whatever of the hon. gentleman bringing the matter under the notice of the House, nor have I any apology to offer. I cannot get those things of my own motion. I direct them to be sent to the Senate. I send messages and telephone over repeatedly, but in many cases I am powerless.

Hon. Mr. LANDRY—I think I could suggest a very efficient way to obtain those returns promptly if the hon. Secretary of State will allow me. It would be to have an additional minister in the Senate who could answer all those questions and see about the returns. The hon. gentleman is too much occupied.

Hon. Mr. SCOTT—It would require the whole fourteen ministers.

Hon. Mr. LANDRY—That might be a popular reform for the Senate. Some of our esteemed friends from the province of Quebec would perform the duty with credit.

MONTREAL, OTTAWA AND GEORGIAN BAY CANAL COMPANY'S BILL.

THIRD READING.

Hon. Mr. BELCOURT moved the third reading of Bill (47) An Act respecting the Montreal, Ottawa and Georgian Bay Canal Company.

Hon. Mr. SULLIVAN—I do not think we should proceed with the third reading of this Bill now. There is a discussion going on about this very canal, and it is an order further down on the paper. I think we should postpone this third reading, because if we pass this Bill now it will have the effect of removing the discussion

on the canal altogether from the order paper. We might wait until the discussion is closed before passing this Bill. I suppose I might take the view that it is considered there is no need of further discussion, since we are passing a Bill extending the time for the construction of the work. The Ottawa and Georgian Bay canal is an important project, and every one who lives along the route of it and on the route of the St. Lawrence and Welland canals should have something to say on the subject. Perhaps the hon. gentleman will allow the third reading to be deferred until the discussion of the subject is over.

Hon. Mr. OWENS—The Bill before the House has no connection with the discussion to which the hon. gentleman refers. This Bill is simply for an extension of the time of a charter passed years ago.

The SPEAKER—Does the hon. gentleman from Kingston move an amendment to the motion for the third reading of the Bill?

Hon. Mr. SULLIVAN—I move that the order be discharged and that it be fixed for Wednesday next.

Hon. Mr. POWER—We have a rule which provides that an amendment cannot be moved at the third reading of a Bill, without notice.

The SPEAKER—I am of a contrary opinion as to the right of any member to move a motion to adjourn the third reading. The rule to which the hon. gentleman from Halifax refers applies to amendments to a Bill. Does the hon. gentleman from Kingston insist upon his amendment?

Hon. Mr. SULLIVAN—Not if it is not in order. I do not wish to go against the opinion of the House.

The SPEAKER—The amendment of the hon. gentleman is in order.

Hon. Mr. SULLIVAN—If it does not meet with the approval of the House, I do not care to press it.

Hon. Mr. BELCOURT—I do not think it should meet with the approval of the House. The hon. gentleman has given no sufficient reason for postponing the third reading. This is a Bill merely to extend the time for constructing the canal, and has nothing whatever to do with the debate which has been before the House. I think the Bill should be read the third time without further delay.

Hon. Mr. SULLIVAN—I had no intention of offering any opposition. I therefore withdraw my motion in deference to the hon. gentleman's wish.

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

THIRD READINGS.

Bill (FF) An Act for the relief of Edith Maud Rosario Gammell.—(Hon. Mr. Jones.)

Bill (81) An Act respecting the Canadian Northern Railway Company.—(Hon. Mr. Young.)

Bill (R) An Act respecting the Manitoulin and Northern Shore Railway Company.—(Hon. Mr. Kerr.)

Bill (83) An Act respecting the Owen Sound and Meaford Railway Company.—(Hon. Mr. McMullen.)

Bill (50) An Act respecting the Dominion Atlantic Railway Company.—(Hon. Mr. Power.)

Bill (99) An Act to amend the Irrigation Act.—(Hon. Mr. Scott.)

GILMORE DIVORCE BILL.

Hon. Mr. KIRCHHOFFER—If there is no objection, I should like to move the adoption of the report of the Standing Committee on Divorce re the Petition of Edith May Gilmore. It is the next order on the paper.

Hon. Mr. CLORAN—A senator, who has just left the Chamber is very anxious to discuss that ninth order, and he asked me, with the consent of the House, to have it put over until next Tuesday or Wednesday. He is obliged to take the outgoing train for New York.

The SPEAKER—If the Senate is not unanimous, we will follow the order paper when we reach the item.

RAILWAY ACT AMENDMENT BILL.

IN COMMITTEE.

The House resolved itself again into Committee of the Whole on the report of

the Standing Committee on Railways, Telegraphs and Harbours, to whom was referred Bill (3) An Act to amend the Railway Act.

(In the Committee.)

The CHAIRMAN—The question is on the amendment moved by the Hon. Mr. Beique to the report of the Standing Committee on this Bill.

Hon. Mr. DAVIS—Before the amendment is carried, I should like to say a few words, if the chairman would tell me what we are discussing. I have been trying to follow this matter, but we have a surfeit of amendments, and while I am not a stickler on rules, it seems to me the whole proceedings are out of order. I do not know whether the amendments are before the House. Has the Bill ever been read? Are we discussing the Bill or what are we discussing?

The CHAIRMAN—The second reading of the Bill was adopted by the House and the motion was made to refer the Bill to the Committee on Railways, Telegraphs and Harbours. The committee reported the Bill with an amendment, and that report of the committee was sent to a Committee of the Whole House. The Committee of the Whole is dealing with the Bill as the House would have dealt with it, the same as if it had not been sent to the committee. We are discussing the report of that committee. That is the Bill as amended, and now the question is on the amendment moved in the committee by the Hon. Mr. Beique to the report of the committee.

Hon. Mr. WILSON—Has the Bill been reported by the committee?

Hon. Mr. LANDRY—I have just explained it.

Hon. Mr. WILSON—The Bill has not been reported to the House.

Hon. Mr. DAVIS—If the chairman rules that we are perfectly in order we shall proceed with the discussion. I wish to say that I have been somewhat at sea on this question. We have had amendment after amendment proposed. In the first place, I think we adopted rather a peculiar proceeding. As this is a public Bill, an amendment to the Railway Act, it should never have been sent to the Railway Committee. I objected to sending it there. If it had gone to a Committee of the Whole, where it is now, we would have saved time. We have discussed this measure for three or four days in this House. The hon. gentleman from De Salaberry, whose amendment we are now discussing, after labouring for about a week on the Bill, has taken one word out of it and added about eight, and I am in the judgment of the House if he has not made about eight amendments to the eight words. There has been a great deal of discussion with reference to clause 275 of the Railway Act. The original Bill proposes to repeal this clause. Exception was taken to this on account of the fact, as was explained by hon. members of this House, that it was very essential to have this clause in the Railway Act. As far as I am concerned, I do not think it makes very much difference whether we keep it in the Railway Act or not. What we are interested in at the present time is protecting the lives of the people who are crossing the railway tracks. The other only deals with the fencing of the railway throught towns and villages. It appears to me that the railway people could be trusted to look after it themselves. I do not think that any person is likely to drive over the railway where there is no crossing. Therefore, it comes down to the fact that this clause in the Railway Act is there to keep cattle from going on to the right of way. Every one knows that a railway company is as much interested in keeping cattle off the track as any person else. They do not want their trains ditched or their passengers injured, because if they injure them to any extent, their business would drop off. Railways have no souls, but they have pockets, and when you come to touch their pockets they will look after themselves. So that as far as section 275 of the Railway Act is concerned, while it does no harm, I am bound to say it does very little good. When the Bill came up last year and the year before, I took very strong ground on the measure for the reason that after the House of Commons had

passed the Bill the second time, this House had no business to throw it out. This House is, as the Americans would say, doing itself proud because it is sending the Bill back to the Commons where it can be dealt with. There is very little difference between any of these amendments. It is merely the difference between tweedle-dee and tweedle-dum. My hon. friend from Halifax moved an amendment. I think the hon. gentleman from Glengarry moved an amendment and all along the same line. What we are trying to get at, and what I want to see is that this question should be placed under the control of the Railway Commission. We have a Railway Commission, and the country is paying a good deal of money to maintain that Railway Commission. We are going to enlarge it by several members, and the country should expect that commission to attend to these matters. That is what they are there for, and if this Bill can be amended in such a way that it will assure the Railway Commission having absolute and sufficient power to deal with this question, then the responsibility will rest on the shoulders of the Railway Commission, and from the Railway Commission to the parties who appoint them. If the Railway Commission allows the state of things to go on, after this Bill is passed, that has been complained of for some time, then the fault will rest with them. We have discussed the amendments now close on to a week, and, as far as I can see, there is very little difference between any of them. The amendment moved by the hon. gentleman from De Salaberry, in short, cuts out the words 'properly protected.' He takes it off the neck and hitches it onto the tail. That is, I understand, for the purpose of not having a judge and jury decide what is a proper protection, leaving that in the hands of the Railway Commission to judge what constitutes proper protection. As far as that is concerned, I have no objection at all. He adds at the last, that the trains shall not run faster than ten miles an hour, unless they obtain some right or order from the Railway Commission. I have no objection to that either. As I said before, the Railway Commission is the proper tribunal to make that order. If they do not make that order, the country will hold them responsible. As far as the other amendments are concerned, they are all out of the way, and for my part I think I will support the amendment moved by the hon. gentleman from De Salaberry, so that the Bill can get over to the other House and be dealt with there. If the people's representatives in the Commons who have passed the Bill three different times are not satisfied with it, they can amend it or reject the amendments we have made, and we shall know where we are. In the meantime I think we should dispose of the Bill and let it go back to the House of Commons. We have had all amendments that are necessary, and any more amendments that might be proposed would simply be obstructions.

Hon. Mr. BELCOURT—I rise not for the purpose of moving a amendment but rather making a suggestion. I suggested the other day that the word 'order, regulation and direction' should be made plural, and that the clause should read :

'Protection in accordance with the orders, regulations and directions of the Railway Committee.'

In order to meet the views of the hon. gentleman from De Salaberry entirely and completely, I would renew this suggestion, in the hope that he may accept, and the section amended as I propose—as I hope the hon. gentleman will accept it in that way —would read as follows :

No train shall pass over any highway crossing at rail level in any thickly peopled portion of any city, town or village at a greater speed than ten miles an hour, unless such crossing is constructed and thereafter duly maintained and protected in accordance with such orders, regulations and directions specially issued by the Railway Committee, Privy Council or by the board enforced with respect to such crossings, or unless permission is given by some regulation or order of the board. The board may at any time fix the speed in any case that it deems proper.

Hon. Mr. BEIQUE—I would have no objection to that. I think it will improve the grammar.

Hon. Mr. ELLIS—Before the question is put, I desire to make an observation. I stand in regard to this matter just as I stood when it came before the House on the first occasion this year. The House of Commons having passed the Bill three times, it having been twice rejected by

the Senate, it comes to us for the third time. I am of the opinion the Senate should pass the Bill as it came to us. I have felt this very keenly, and I am afraid I have been perhaps a little shy about expressing myself in regard to the amendments which have been offered, although some of them would commend themselves to my judgment if this were an initial proceeding. The object of the Bill is to prevent railroads from passing over these crossings at a greater rate of speed than ten miles an hour, unless certain regulations laid down by the Railway Board have been complied with.

Now the protection of railway crossings is a question which is agitating the continent from one end to the other. The number of persons who are killed at railway crossings, the difficulty of overcoming the obstacles which present themselves, are absorbing the attention of railway men everywhere. I have here the report of the National Association of Railway Commissioners of the United States, giving the proceedings of the 19th annual convention held in October last at Washington. Hon. gentlemen are no doubt aware of the fact that in most of the States, if not in all of them, there is a body called the Railway Commission. As the hon. senator from Ottawa said last night, when addressing the House on another subject, all those States have somewhat different systems. The Interstate Commerce Commission cannot manage and control the whole railway business of the United States; therefore each State has a commission of its own. The convention held in October last at Washington devoted considerable attention to the question of railway crossings. At a session held the previous year the matter was remitted to a committee of the Association, and they reported at the meeting last October. The object, of course, is to get a uniform system. The underlying idea is to hand over to the railway commissioners of each State control of the matter. It is now, as was pointed out by hon. gentlemen on different sides of the question, under the control sometimes of a municipality, sometimes of the State, sometimes of the Court of Chancery, and sometimes the Court of Common Pleas. Thus there is a divergence of system in the different States, but if the matter were fixed by law in the manner sought by the railway commissioners there would in time grow up a uniform system by which all the crossings would be protected in the same manner. The committee, in their report, have given statistics for a number of years. They show that in the year ending June 30, 1906, 1,884 persons were injured at grade crossings, while 929 of this number were killed. These crossings mean all kinds of crossings—crossings of highways, electric railways, and steam railways. A good deal of difference has been expressed as to the actual number of persons killed at railway crossings in this country. The returns show that the figures given by the hon. senator from Marshfield are correct according to the report. I do not for a moment assume that Mr. Mountain made an intentional error; he probably gave the figures from his own department, and while they were not correct he no doubt believed they were. I wish to direct the attention of hon. gentlemen to the recommendation submitted in this report :

> It is conceded by all well regulated railroads that notwithstanding the additional costs it is economy in the long run to abolish grade crossings, and I am reliably informed that statistics show that by the abolition of such crossings, the expense incurred by the railways has in every instance proved to be a most profitable investment and greatly reduced the number of accidents and loss of life. Your committee is of the opinion and recommends that in every state the question of grade crossings, whether of one railway crossing another, steam or electric, in some city or country, or of a railway, steam or electric, grade crossing at a highway should be put exclusively under the control of the Railway Commission.

The roll of States was called upon the reception of the report and a gentleman from each State spoke explaining the position in which his State was with regard to it. I will take the liberty for a few moments to read from two or three of them, because I think it is desirable that there should be some public opinion created on the subject here. Mr. Seymour, of Connecticut, said :

> The State of Connecticut in the first place, has a law prohibiting the creation of grade crossings, prohibiting a steam road from crossing an electric road at grade and prohibiting the construction of electric roads across steam roads at grades, and all new steam roads must be built either so as to carry the highway over

or under the railroad, not at grade. We have also a grade crossing law which permits grade crossing now existing to be removed in three different ways. . . . . The law which we have prescribed that every railroad company in the state shall remove or apply for the removal of every year of at least one grade crossing for every sixty miles of road operated by it. There is a third method by which the railroad commission can of their own motion remove one grade crossing every year on every line of road in the state. Those are the three methods. In 1887 there were one 1,526 grade crossings in the state. Under the operation of this law the number of grade crossings has been reduced to 977.

Mr. Kilpatrick, of Illinois, said :

This is a very serious question in the State of Illinois. We have more main line railways in the State of Illinois than in any other state in the union except Texas. They have four times our area, and last year, I think, they had six miles more of railway than we had. We have over 1,000 miles of main line of tracks of interurban and electric road. They are building them at the rate of about 300 miles per year, and they want to cross steam roads, and want to cross them cheap, and so, naturally, desire to cross at grade in most cases. But for the last few years the policy of the committee——without being directly told to do so by legislation——has been to separate grade, wherever possible, wherever the physical condition of the country will permit, and for the last four years I do not think they have permitted a grade crossing at any place in the State of Illinois, with one exception, the exception being the main street of a city.

The question of highway grade crossings has not been adjudicated by the legislature nor by the commission. I do not think the commission has any jurisdiction over that matter at all. But I believe it would be right, because we have thousands and thousands of grade crossings. The railroad companies themselves, in recent years, have come to the conclusion that it is a good thing to have a separation of grades. In the city of Chicago, for instance, they have spent from $4,000,000 to $10,000,000 for track elevation on purpose to get rid of grade crossings. I think the recommendation of the committee is a very good one at this time, and that more legislation ought to be had along that line. We have had a great many accidents at grade crossings, and so those grade crossings ought to be abolished if it can possibly be done.

Mr. Whiting of New Jersey said:

Our laws in regard to the elimination of grade crossings are not very satisfactory to us in New Jersey. Perhaps the subject can be easily divided into two parts, namely, prevention of grade crossings in the future and, second, the elimination of those which already exist. As to future grade crossings, they are prohibited in cities without the consent of the municipality. As to crossings of steam roads and electric roads, those can be brought within the discretion of the court of chancery. In other words, the court of chancery has the power to permit or forbid a future crossing of steam and electric road. Public opinion, however, will hardly tolerate the creation of future grade crossings. So that our principal problem is the elimination of those which already exist, and I have an idea that that is largely true of most eastern states.

The most difficult part of the proposition is to settle upon the question of where the burden of expense shall fall. I understand that in Massachusetts something like 65 per cent of the cost of changing grade crossings is placed upon the railroad. We have had the Connecticut law very clearly explained to us. The New York law as my recollection serves me, places something like 50 per cent of the cost on the railroad. I think it is the same in Ohio. In New Jersey we have no law giving power to a commission or to any other body, to require the elimination of a grade crossing or to apportion the expense. The further extent to which the state goes is to permit municipalities and railroads to come together and contract for the elimination of grade crossings, and, persumably, bargain at arm's length as to the appointment of the expense. A number of grade crossings have been abolished under that scheme, but it has not proven satisfactory and it does not receive the support of public opinion, and probably there will be very few crossings eliminated through this scheme of contract in the future.

In New Jersey the roads, as originally incorporated under their special charters, have a peculiar duty. They are permitted to cross the streets and highways at grade, but they must maintain good and sufficient passageways over and under the public highway, so that trade on the highway shall not be impeded. In other words they may maintain a grade crossing until conditions require a change. They can be compelled by proceedings in a court of equity to change a given grade crossing, crossing over or under.

The difficulty with that proposition is that elimination must be extremely slow. The companies eliminate grade crossings when from their point of view it seems wise to do so, and when from their point of view it seems unwise to do so they will not eliminate them until they have exhausted the last resource of the law's delay.

Mr. Keep, of New York, said :

Last session, I think $300,000 was appropriated. Any railroad company or municipality or village which desires a certain grade crossing eliminated may petition the state railroad commission or the public service commission in their particular district for the elimination of that grade crossing.

The matter then comes before the commission for a hearing. Plans for the elimination of the crossing are submitted by the petitioner in detail with estimates of cost. If the result of the hearing is that that particular crossing shall be eliminated an order of the commission is made for the elimination of the crossing, and the matter is proceeded with according to the plans and estimates. The state pays one quarter of the costs, the municipality pays one-quarter of the cost, and the railroad company pays one-half the cost. The state commission is not allowed to enter into the elimination of the crossings so as to obligate itself to pay any expense beyond the existing appropriation. For instance, if $300,000 is appropriated this

year that will permit the abolition of grade crossings, the cost of which will be $1,200,000.

There are other questions of course, arising in New York all the time in connection with grade crossings, and this leads to the question of whether there should be further legislation upon the subject. For example, the early electric railways were located on highways entirely. The electric roads that are now being built are largely built upon private rights of way and cross highways at various points, and almost always at grade. The trains on these electric roads often run as high as at the rate of 50 miles an hour, and they make much less noise than locomotives, and altogether those electric roads are quite as dangerous perhaps as the steam roads. The question is as to extending the state law so as to provide for the elimination of grade crossings in connection with electric roads.

If an overhead crossing is created the law of New York places the maintenance of the approaches upon the municipality. That is upon the theory that the railroad company pays highway taxes and that they become a new street.

New York State is divided into two districts, for each of which there is a railway commission. The next speaker from whose remarks I shall quote is Mr. Gothlin of Ohio. He said:

In Ohio we have a statute which provides that a municipality or county can have grade crossings eliminated on the basis of their bearing 35 per cent of the cost of same. That has been on the statute book for a good many years, but has not been taken advantage of to any extent. The county commissioners are very economical and prefer to take the risk of continuing the crossings. In fact, there have been some cases where the commission has called the attention of counties and municipalities to crossings that the commission deemed were dangerous, and in some cases the railroads were entirely willing to expend their 65 per cent of the cost to abolish such crossings, and the counties or municipalities would not be willing to bear their 35 per cent of the cost. Personally I am of the opinion——and it seems to have been the opinion of those gentlemen who have preceded me——that the power should be lodged in the railroad commission to require the elimination of a dangerous crossing already existing, or to prevent further grade crossings.

Another quotation which I wish to make, is from the remarks of Mr. Fairchilds of Washington. In an illustration which he gave he spoke as follows:

One thing that I want to call attention of this body to—I dare say you are all familiar with the condition—is the condition existing, for instance, in the State of New York. I refer to that because I had occasion to examine it. I found that there were in the state of New York approximately 8,707 grade crossings. I found that since 1898, when they started in to abolish them, they had abolished 160 out of the 8,707 at an expense to the state of New York of more than $817,000. Now, in the state of Washington we have to-day but 3,200 miles of main track line, but we have projected and actually in course of construction over 2,000 miles of rail. The commission felt that we are not in a position in our new state to enter upon the elimination of the existing grade crossings, but we did think that we were in a position where we ought, if possible, to prevent loading up upon the future such an awful burden as the records show to have been placed upon New York and Connecticut and the other eastern states, the burden of paying millions of dollars in eliminating the grade crossings, and we ought to prevent in the future, as far as possible, the construction of grade crossings in the new railroads to be constructed.

Unfortunately this is what we met, and I believe the commissioners south and west and in the middle west will appreciate that, in all of our sections, interurban lines are starting up. They start out from the city and are performing a wonderful function, and they are a wonderful benefit to the people in that immediate vicinity. They come down to the legislature, and they say, 'Gentlemen, if that law passes it is going to be utterly impossible for us to float our bonds, we cannot raise the money to build this road,' and every community that has a legislator who sees the road about to be built votes against the amendment and we do not get the law.

Mr. Spofford, of Maine, said:

'We have a law that requires that there shall be no grade crossings unless permitted by the railroad commission. Since I have been on the board I think that we have not permitted any grade crossings of steam railroads. In fact where new roads have been built we have required one road to go over another. In one instance at a cost of something over $100,000. But we have a great many crossings of highways and in the more sparsely settled portions of the state, where there are not many teams travelling over the highways, we have permitted grade crossings, but we have had more or less to do of late with the eliminating of grade crossings by the changing of highways.

We find the initiative is generally taken by the railroads themselves. They are not afraid to put out large sums of money to eliminate grade crossings, and we have before us now in our state two or three decisions that are hanging because of the fact that the towns themselves are opposed to paying their mite of the necessary expense of eliminating a crossing. These little towns through which they pass are poor and the selectmen dislike very much to go to any additional expense, and they say to us, 'This is being done for the good of the railroad, they are the ones that want it done, and we don't care for it.'

I mention this to show the state of public opinion with regard to the matter, and while there have been many observations made in this Senate with regard to the United States law, the tendency of public opinion in the United States and the tendency of the management of the railroads themselves and the railway commissioners is that these level crossings should be entirely abolished.

Hon. Mr. SCOTT—What was the general proportion contributed by the municipalities? Was it not 35 per cent?

Hon. Mr. ELLIS—It varies in the different states; but 35 per cent is about the general portion contributed. I have stated my position with reference to the action I propose to take on the Bill. I shall not vote for any amendment, for the reason I think we should pass the Bill as a whole. I do not think we can amend the Bill. In my judgment none of the amendments are any good. With all due respect to the hon. senator from De Salaberry he does not improve the Bill as it came from the House, but rather weakens it. In the first place, he strikes out the word 'limit' and substitutes 'fix,' but the main idea of the Bill is to limit the maximum of speed on a crossing to ten miles an hour under certain conditions, while 'fix' opens the door for any speed over crossings which are not protected according to the plans of the commission. I was rather amused at the argument advanced by the hon. senator from Pictou. He referred to the fact that we have in life to take certain risks. The hon. senator from Halifax and the hon. Secretary of State took the same ground. If we were to say to the people on all occasions you must look out for yourselves and take care of yourselves, there would not be much need for a Senate or for legislation. One of the most important measures with which my hon. friend's name is associated, the value of which will survive long after he has gone, would never have been on the statute-book had that view prevailed. We have to take some care of the people when we find that so many are killed and injured on our railroads, and that it is due to the indifference which prevails with regard to human life. All that we can do is to make the best arrangements we can. It is very necessary, unfortunately, to safeguard the people against themselves, and we are all subject throughout our lives to the application of that principle. The hon. member from Halifax also made the observation that the committee has amended the Bill, and some of the amendments which are offered, his own I believe included, would bring the Bill back to the condition in which the Lancaster Bill stood two or three years ago. That is no part of our duty. We have nothing to do with the opinions expressed by Mr. Lancaster. What we have to do is to deal with the Bill which came from the House of Commons and treat it on its ideas and principles and not on the ideas and principles of any who have expressed opinions upon it. I had made preparation for a speech much earlier, but I do not think it necessary to go further into it, but merely to state the view I take upon it. I will take an opportunity, if I can, to have a direct vote upon the Bill.

Hon. Mr. WOOD—I should like to say just one word before a vote is taken on the amendment. I am in the same position, in one respect, that the hon. senator from St. John occupies. This Bill was twice before this Chamber in previous years and I voted against it on both occasions. I have not altered my mind with respect to it since. I am of the same opinion today that I was last session and the session before when I voted against it. In my opinion, the legislation we have on our statute-book at present is amply sufficient to render all reasonable protection at highway crossings over railways. It must be remembered that under the provisions of our statute a sign board must be erected, a whistle has to be blown some 80 yards before the train reaches the crossing, and the bell has to be continuously rung. These requirements were considered when the Act was passed as being sufficient warning to the public when they were approaching highway crossings to put them on their guard, and if they take reasonable precautions no accident would occur. When the Act creating the Railway Commission was passed it placed an additional power in the hands of that Board. It gave them power to make special orders with regard to any crossings where, in their opinion, further protection for the public was needed. Since this Act has been in operation, a large number of crossings have received additional protection, and, as I understood from the evidence given in the Railway Committee, the Board is constantly, as circumstances in their opinion require it, ordering additional protection to be given at the several railway crossings. In my opinion these provisions are ample for the protection of the public, and if we were voting on the Bill itself I should vote

against it. If I understood correctly the authorities which my hon. friend opposite has just read this is practically the opinion expressed by most gentlemen who gave their views at the convention to which he referred, and which have been embodied in the extracts that he has read from the report of the convention. If I gathered the meaning of the report which he read, the Railway Commission in the United States practically recommend the adoption in the different States of a law almost precisely similar to that of our own, as it is to-day. I did not hear everything very distinctly, and if I have made a mistake, I trust my hon. friend will correct me; but that is what I understood to be the purport of what the hon. gentleman read. With regard to the amendment of the hon. gentleman from De Salaberry, which I intend to support, I wish to give my reasons, for doing so. This Bill has come here for the third time, and while I do not think that it is necessary to amend the present law, if we reasonably can, we should endeavour to meet the wishes of the House of Commons, with regard to this matter, and I for one feel quite willing to support any amendment to the Railway Act which will bring about that result. I do not support the Bill as it came from the House of Commons, because in my opinion, it is very defective. I do not agree with the idea suggested by the hon. gentleman from St. John that whatever comes from the House of Commons we should accept just as it comes.

Hon. Mr. ELLIS—I did not say that.

Hon. Mr. WOOD—Then I must have misunderstood the hon. gentleman. At all events, I do not think we are bound, no matter how often a Bill may come from the Commons, to accept it just because they sent it to us, and where in our opinion it has an injurious effect, I should like to state my views as to the defects of the measure as sent us from the House of Commons. It uses the general words properly protected as has been pointed out in this debate. I am in the judgment of legal gentlemen of the House, when I put this interpretation upon the clause, that under the Bill as it would have stood if not amended, the railway companies themselves would decide, in all cases where the Railway Commission had not passed a certain order, whether the highway crossing was properly protected or not. They could put a different protection from what the Act requires, or leave it with the protection that the Act of parliament requires, shall be at the highway crossings, or they could put additional protection, if in their judgment, they thought it necessary. No one could question that except the Railway Commission, and they would have to either act upon their own initiative or in response to a representation from a municipality, a city or town, and perhaps from a number of individuals or a single individual that the railway crossing was dangerous and in need of protection. No other person had any power to interfere, and no question could be raised as to whether that crossing was dangerous or not, or any further protection was needed or not, until an accident occurred. The only remedy then for the person who was injured, whether in his property or in his person, or injury to his family, was to appeal to the courts of law. Whatever may be the opinion of other persons with regard to that, I should strongly object to leaving our legislation in that form. To leave it in a position that the railway companies could decide for themselves what the proper protection should be, and that a person injured, had to go to the courts of law to recover damages would be the worst form in which he could leave it so far as the public are concerned. We all know what it means for a private individual to go into the law courts to recover damages from a railway corporation, especially the large corporations. We know that in any case, whether they are successful or not, it means a great deal of trouble, time and cost. The suits are carried from one court to another, until they reach the highest court of appeal. The result would be that in the majority of cases, individuals would rather suffer the damage or injury, whatever it might be, than undertake to recover damages from a railway company through the courts. I say that to leave our legislation in that position would be the worst form in which you could leave it, so far as the interests of the general public are con-

cerned. The amendment moved by the hon. gentleman from De Salaberry appears to me to carry out what I understand to be the intention of the gentleman who introduced this Bill in the House of Commons, and the intention of the House of Commons generally when they accepted it. In this amendment we enact that no train shall pass over any highway crossing in any thickly peopled portion of any city, town or village at a speed greater than ten miles an hour except under two conditions; except there has been some special order of the board, and it is built and maintained in accordance with that order, or unless the railway company has obtained permission of the board to run the train at a greater speed. If I understand the intention of the promoters of this Bill, it was to place the whole thing in the hands of the Railway Commission, and my opinion is that that is a laudable object, and that is the tribunal where this matter should be dealt with. This amendment places the whole matter in the hands of the commission. No train, under this amendment, can run over a highway crossing in any thickly peopled portion of any city, town or village at a greater speed than ten miles an hour, except under two conditions: one where there has been a special order of the board made respecting that highway crossing, and the other, when permission has been given by the board. They must have special permission from the board before they can run at a high rate of speed across any of these crossings. This, therefore, appears to me to cover the whole ground, and to afford the public the very highest degree of protection that they can under any reasonable conditions expect. I am quite willing to accept the principle of the Bill and support the amendment, because I think it carries out the principle of the Bill and the intention of the gentleman who introduced it, and the House of Commons that sent it to us.

Hon. Mr. SULLIVAN—I have had a good deal to do with these crossings for the last forty years, and probably more than any one else in this House, because I live in a city where the worst highway crossings exist in the whole length of the railways, both in the entrance to the city and in the exit. Therefore, I have some idea of the number of accidents which occur there, and if these accidents which are given for the year were tabulated and properly arranged, it would make the minds of hon. gentlemen much clearer as to the cause of these accidents being the crossings entirely. I was nearly run over three times myself, and it was the fault of the driver in every instance. Had he waited or gone straight on at first, it would have been all right, but it is delay or hesitation that generally causes the danger. He should not have attempted it, because one of the express trains was coming in. The statistics are of no value whatever, because they do not tell under what circumstances these accidents occurred. There is a branch of the Grand Trunk which runs into the city to take passengers and freight in and I do not know how many crossings or streets it runs over. The trains go over these crossings three or four times every day and every night. I have not heard of an accident there for some time. The last I heard of was four or five years ago, and it was the case of a boy who had been playing at the station. The crossings are in the most crowded part of the city and along the water front. There are a number of places where parties have built dangerously close to the railway. There was one person I went to see, Mr. Maloney, and I could step from his hall door on to the railway. I think it is a good plan to allow the municipalities and the railways to each pay a share of the protection where the crossing is dangerous. The party who is to pronounce whether a crossing is dangerous or not should be perfectly free from any bias. It should be one who would have no reason to do anything at all but what is fair, and to do it for the protection of the city. I was astonished at the ardour with which the hon. gentleman from Marshfield took up this question. I was surprised at his energy and industry. He was occupied with no less than five gentlemen in succession, and I could not help recalling the words of Richard, at the battle of Bosworth field: that there be six Richmonds in the field, and five have I slain. I do not know whether my hon. friend slew all the five, but at all events he made a desperate attempt to do so. I

was afraid he would injure his health in the effort. I was amazed to see him take the position he did—a thoroughly sensible man such as he is. I do not see how any man could object to the Railway Commission. They are the best men in the country—at least they are supposed to be the best. They are paid a remuneration that makes them independent, and they are selected without reference to politics. That is the best tribunal to go to, and the most independent that can be found in the country. These statistics are very erroneous. I have here the report published in the year 1905 of the American mortality, similar to the report of the Registrar General in England; but they do not give the exact cause of the accidents on railways. Therefore, I could not apply it particularly to this case, but these statistics do away with the fallacy that more accidents occur in rural districts than in the towns. In many cases the figures are largely in favour of the city as compared with the towns. In fact they are very irregular. There are also statistics with regard to the State of New York and New Jersey, I was anxious that my hon. friend from St. John should particularly give the way in which the accidents occurred, but I do not think he has the report here. I will not take the time to read them to you, but any hon. gentleman who wishes to see them can find the list of such accidents for five years. The railway accidents in Canada, which we are told are so numerous, compare well with those in the States, which are so well protected. There was one crossing on the boundary line between the county and the state. Both corporations agreed to share the cost of this crossing. The railway was willing to go on with it, but the others could not agree, so the crossing remains the same. The greatest danger in the crossings is not from the striking of the railway trains. It is the running away of the horses and the injury and fatalities that occur from that source. I would be sorry to think there was any hon. senator in this House who would for a moment advance any argument against any provision or regulation by which death could be avoided. If protection can be provided I should be very criminal indeed if I advocated anything else. But no company can prevent fatal accidents. I cannot see any proposition which would ensure against accident. The railways must run, and I cannot see how they can get down to ten miles an hour coming into town. Trains limited to ten miles an hour will kill as many people as if they went faster. These crossings are so numerous I would not expect any company to protect them all at once. The hon. Secretary of State put the matter very fairly in his remarks. He said that all the municipalities were anxious to get the roads. They do not contribute much to them. It does not matter whether the railway runs into the town or whether there is a crossing or not, there is no municipality in this country who will not sign a bond with the railway company, if they only have the foresight to ask them, to give them immunity from any possible damages at crossings afterwards. I know very well that the railway companies are not to blame in the instances I have observed. In most of the cases which came to my knowledge, the victims were drunk. Most of the accidents were at night, and other cases were due to the wilful blundering of drivers, who would persist in going across when they should not have done so. Sometimes the danger is great of the horse running away, particularly at Kingston; but I would sooner take the chance of the horse running away than the train running over me. It would be safer. If the railway companies will do their duty, as I am sure they will, and if the municipalities will complain, as it is their duty to take up these matters, the result will be beneficial. But when it comes to the question of expense, the municipalities are not anxious to change the railway crossings. I think the railways will meet them in a proper spirit, and if they do there will be no trouble.

Hon. Mr. POIRIER—My notice of motion is still on the orders of the day, and I simply rise to call the attention of the House to the fact that it has been disposed of by the hon. gentleman from Marshfield and that it is just as well to strike it out. I need not put the motion again, because the sense of the House has already been taken on it. I wish to say that if I do not press it, it is not because I have changed my mind. I am of the same opinion

I was when I gave notice, that this Bill, which was forced upon us, is somewhat in the nature of a money Bill and the other House insists upon its rights to have certain legislation affecting the people enacted by that chamber. They have expressed their intention three times. It is sufficient for me to accept their declaration. If there were principles at stake I would not submit to the dictation of the other House, but I submit to it in this case as I consider it pretty much in the value of a money Bill. The Commons are more in touch with the people than we are here; they insist upon their rights, and I bow to their decision. I have again to express my regret that we did not return the Bill as they sent it to us, and leave them to take the responsibility before the country instead of amending it in no dignified manner—I use the expression with all deference to my hon. colleagues and no enhancement whatever to the prestige of the Senate.

The committee divided on the amendment, which was carried on a division.

The CHAIRMAN—Shall the report as amended be adopted ?

Hon. Mr. FERGUSON—Before that motion is put, I intend to give notice of an amendment that I will move on the third reading of the Bill. I will read the motion now. There is no use in duplicating the argument, and I intend to submit my argument in favour of the amendment when the Bill comes up for third reading, but I will read it now so that hon. gentlemen will understand exactly what I propose doing. My contention—and I think hon. gentlemen understand very well—is that the Railway Act as it stands now imposes no duty upon the Railway Commissioners with regard to highway crossings. It gives only a permissive power. They may do this and they may do that, but with the single exception of clause 237, which deals with railways under construction, they are entirely of a permissive nature, and there is no declaration within the Railway Act imposing a positive duty on the Railway Commission with regard to highway crossings. With that view, which I think I will be able to show hon. gentlemen is a correct one, I intend to move this as an amendment to section 338. Of course the amendment of my hon. friend from De Salaberry to section 275 will pass. It has been agreed to by the committee, and it will go on the statute-book. My view is that it will do no good, and possibly it will do very little harm; but it will leave the law essentially and practically as it is at present. It imposes no duty upon the board, except that it gives them power to give a permission without examination, and for an indefinite period of time, and without any evidence being necessary to be put before them. Section 238 is one of those permissive clauses that after a railway is constructed the Board may call upon the railway company to lay before them a plan and profile of their road, and then the Board may pass rules and regulations in regard to the crossings, the same as they do when a railway is under construction. When a railway is being constructed, they shall file the plans and they shall pass rules and regulations concerning the crossings, but after a railway is constructed, it says that the Board may ask that the profile be submitted, and they may make orders and regulations. This is my proposed amendment to section 238:

> The board shall from time to time cause examinations to be made of all highway crossings at rail level and shall make such orders and regulations for the guarding or protecting of such crossings as it deems necessary for the safety of the public.

That the Act is shamefully weak at the present moment in the respect which I have mentioned, is beyond doubt. Then I propose to follow it up by adding another subsection.

> Until the board has made an order and regulation in respect of such crossings and the company has complied therewith, the company shall be liable at common law in respect of such crossings.

The judgment of the Supreme Court puts that matter beyond all doubt. That judgment is right—and whether it is right or wrong, it is the law of the land at the present time. A father who has a son killed at a crossing, or a son whose father is killed at a crossing, has not an action and cannot go before a jury unless something has happened, and what is that ? That an application has been made to the Board and the Board has passed an order with reference to the crossing, and then that he is able to show that the railway

company has not carried out that order properly and efficiently, and then the railway company is liable.

My hon. friend from De Salaberry pointed out again and again that the passing of the Bill as it came to us from the House of Commons will cause a great deal of litigation. At present all the litigation that can arise under the judgment of the Supreme Court is on the question as to whether the orders of the board with respect to any crossing have been properly carried out or not. That is the only question than can go to a jury with regard to the crossings, and that will only be with regard to the level crossings, with regard to which there are orders of the board, and these only amount to something over 200 out of 13,000. On all the other crossings of the country, according to the judgment of the Supreme Court, the court cannot be successfully appealed to and the case cannot go before a jury unless the board has stepped in and made an order with regard to them. Then, if the railway has not carried out that order, the case can go before a jury. I think that is a deplorable condition in which to leave the law of Canada. When four years ago we passed the Railway Act, I will venture to say there was not one man in either branch of parliament who had the slightest idea that we were shaping the law in such a way as would permit of such a decision in the Supreme Court as was arrived at in the case of McKay vs. Grand Trunk. I do not think that one hon. member in this House or in the House of Commons had the slightest conception that we were leaving the law in that deplorable condition; yet that is the condition in which the Supreme Court found it, in the case to which I referred, and that judgment has not been appealed from, and it remains the law of the land. I am not surprised—although I am really in one sense—at hearing my hon. friend from Westmoreland telling the House that the Bill was amended by my hon. friend from De Salaberry must fulfil the intentions of the gentleman who had the Bill in charge in the other House. He believed it was just what was in the mind of Mr. Lancaster, the gentleman who introduced the Bill in the other House. In reply to that, let me say that the representatives of the railway companies, before our committee, told us that the putting of the Lancaster Bill into operation would cost them $50,000,000. We do not hear a word from them now as to what compliance with Mr. Beique's amendment will cost. Where is the story about the five million dollars to-day? I cannot see that this Bill is going to cost them a dollar, except the expense of going to the commission and getting this permission, which may be a blanket one. It does not say it shall be a special permission. They can go to the board and get an order for each railway company that will cover all its highway crossings that are not already provided for, and the only expense they would be at would be the expense of their legal employees in going to the board; beyond that it does not impose any duty on the board or any obligation on the railways to protect the crossings. The plain reading of the clause will convince any hon. gentleman that it does not. The provision 'Unless such crossing is protected, constructed, and thereafter duly maintained according to the orders of the old privy council,' applies to two hundred odd crossings already constructed. Others can come in under it, by an application. But what pressure is there to make them come in? Parliament as much as said to the board, 'Give them permission to run as fast as they like over all these crossings and you need not examine them. That is our verdict.' I read in this morning's paper that President Roosevelt addressed a message to Congress in the United States, and he pointed out to Congress that owing to the recent decision of the Supreme Court with regard to the liability of the employers, he recommended a change in the law. There you have an instance of a government alive to the interests of the employees of the country. A decision of the Supreme Court —the telegraph summary does not tell us what it was—was made which affected the liability of employers, and at once the president of the United States calls the attention of Congress to it with a view to having legislation passed on that matter. I could hardly introduce this amendment without making this explanation. Possibly I may not address the House again on the subject, but I may say, before resuming my seat, that there has been an extraordinary set of circumstances co-operating with reference to

this measure. We have had a most powerful lobby with regard to it—a most powerful and insistent lobby——

Hon. Mr. WATSON—No ! No !

Some hon. MEMBERS—No ! No !

Hon. Mr. POWER—I rise to a question of order. This is the second time the hon. gentleman has made that statement in connection with the Bill. Speaking for myself, I resent the imputation. I have not been lobbied in any sense, shape or way, and I am not aware that any hon. gentleman has.

Some hon. MEMBERS—Hear, hear.

Hon. Mr. CASGRAIN—Hear, hear.

Hon. Mr. POWER—If the hon. gentleman's own parliamentary virtue has been tempted by any lobbyist, that is to be regretted.

Hon. Mr. FERGUSON—Speaking to the question of order, the hon. gentleman from Halifax says this is the second time I have made that reference. Let me tell my hon. friend that it is not. It is the first time. Some other hon. gentlemen did it, but I did not do it. I am perfectly parliamentary in saying that a lobby has been carried on against this Bill.

Hon. Mr. McMULLEN—I think it is the duty of the hon. gentleman to withdraw his statement, and accept the statement made by the hon. gentleman from Halifax. I have not been approached or written to. I have not been canvassed directly or indirectly as to my course in regard to this measure, and I think it is unfair that the hon. gentleman should cast such a reflection on the entire House.

Hon. Mr. FERGUSON—I am speaking now with due consideration of my word.

Hon. Mr. GIBSON—I rise to a point of order. The hon. gentleman says he is speaking with due consideration of his word. I think my hon. friend would do himself a justice in the minds of his hon. colleagues in this House if he would name an hon. member who has been lobbied. I for one have never been spoken to, written to, or approached in any other way. I think the hon. gentleman has no right to cast an imputation upon this body broadcast without naming the man who has been lobbied or canvassed. The statement is unworthy of my hon. friend, because he has no right to name this honourable House in a body in the manner in which he has, without mentioning the individuals whom he knows have been lobbied.

Hon. Mr. FERGUSON—With regard to the point of order, I did not make the assertion with regard to any single member of the House, nor with regard to any individual in the House, but I state what is as well known a fact as anything can be, that this lobby was carried on.

Hon. Mr. WATSON—No !

Hon. Mr. McMULLEN—No !

Some hon. MEMBERS—No !

Hon. Mr. FERGUSON—Hon. gentlemen are quite satisfied as to what was going on, but I happen to know there has been such a lobby, and that there have been gentlemen in the corridors who have been pressing their views all the time it has been going on. I do not say that any hon. gentleman was swerved from his loyal duty to his country by this lobbying. I did not make that statement at all. If I had made it against the House collectively or individually, it would be an easy matter to say I had reflected on the honour of the House; but I have not said so. I referred to the fact which is plain and evident that there has been a lobby, and there was a lobby last year, still more apparent, with regard to this matter. I leave it there; I do not go beyond that, and I have nothing to withdraw or retract. If hon. gentlemen want to get the judgment of the chair on this subject they can demand it, but I am satisfied that I have not made any statement which I am called upon to withdraw or retract.

Hon. Mr. BEIQUE—Hon. gentlemen——

Hon. Mr. FERGUSON—If the judgment of the chair is to be invoked, I am willing to take my seat until we have the decision; if not I claim the right to proceed.

Hon. Mr. BEIQUE—I have only one remark to make on this point of order. It seems to me it should not be open to any hon. member of this House to cast reflections upon the members of the Senate in a general way like that. As far as I am concerned, as the mover of the amendment, I say without fear of contradiction that ever since I have been in this House I have not allowed anybody, railway man or banker, to canvass me or inquire as to what are my opinions upon any Bill coming before this House, and I affirm that nobody has, to my knowledge, canvassed any member of the Senate, and, anyway, I have not consorted with any one for that purpose.

The CHAIRMAN—In my opinion, the statement made by the hon. senator from Marshfield does not apply to anybody in particular, and I think he should accept what the hon. gentleman has said, that they have not been canvassed. That does not destroy the fact that a lobby may have taken place, but without any effect at all.

Hon. Mr. FERGUSON—I want to go one step further. All the influences—perhaps that would have been a better word to use—all the influences which the railway companies could exert legitimately—I do not charge that they approached anybody with a base consideration—have been used for the purpose of defeating this Bill in the Senate, and I think it an extraordinary thing that a similar effort was not made in the House of Commons during the last two years. When this Bill was passed for the first time in the House of Commons two years ago, the railway companies appeared before a select committee of that House and urged all the reasons they could suggest, I presume, to defeat the Bill. Their operations were entirely directed at that time to the House of Commons, and they did not succeed. Last year the House of Commons again passed the Bill with remarkable unanimity. The Bill was the work of a committee consisting of four eminent lawyers on the government side of the House and three of the opposition, and last year it came before the House of Commons, and the Bill was allowed to pass without any interference or pressure of any kind. Again it came before the House of Commons this year, and we heard nothing of any voice raised in the House of Commons against the Bill; but when it came to the Senate as it had come last year, they approached the Senate with all the influence that they could control on the members of this House. Why, I asked was not that pressure brought to bear on the House of Commons as well as on the Senate? Why should we be singled out for the purpose of dealing with such a very important measure as this——

Hon. Mr. McMULLEN—I rise to a point of order. I want to know first what is before the chair?

The CHAIRMAN—The question before the chair is, shall the report of the committee, as amended by the amendment of the hon. senator from De Salaberry, be adopted?

Hon. Mr. FERGUSON—I am speaking to that amendment.

Hon. Mr. McMULLEN—The hon. gentleman made an insinuation some time ago that lobbying had been carried on in the Senate.

Hon. Mr. FERGUSON—That question has been settled.

Hon. Mr. McMULLEN—The hon. gentleman is repeating it now. He says it is well known that influence was exercised in this Senate by the railway men to secure the defeat of this Bill.

Hon. Mr. FERGUSON—The hon. gentleman has no right to take the floor. He is referring to a matter that has been already decided. It is an exhibition of intolerance of the opinions of everybody who opposes his views. He is the most intolerant man I have ever met in this House or anywhere else.

An hon. GENTLEMAN—Order, order.

Hon. Mr. FERGUSON—If hon. gentlemen knew anything about the rights of a member of parliament in debate, they would not call 'order.'

Hon. Mr. WATSON—I rise to a point of order; the hon. gentleman has no right to address a senator across the floor of the House and tell him he is the most intolerant man in the Senate.

Hon. Mr. FERGUSON—I said he was intolerant of the opinions of others. Does the hon. member want a ruling of the House on that ?

Hon. Mr. WATSON—If the hon. gentleman will look at rule 46 he will find that 'all personal, sharp, or taxing speeches are forbidden.'

Hon. Mr. FERGUSON—I have not been making a personal, sharp or taxing speech

Hon. Mr. WATSON—The hon. gentleman's sense is not as fine on that point as others, perhaps.

Hon. Mr. FERGUSON—It will be better for hon. gentlemen to exercise patience. You have a very strong majority——

Hon. Mr. WATSON—How do you know?

Hon. Mr. FERGUSON—My hon. friend ought to know, because it is within my knowledge that he has interviewed a number of members of this House and tried to persuade them to vote against this Bill. I do not say that is lobbying. Perhaps the hon. member knows more about these questions than others, and has a right to instruct them how to vote. I do not find fault with that; but when hon. members challenge my statement that I made a few moments ago that the views of a majority of this House are against me, they ought to show that they are not. All this opposition does not deter me from standing firmly in my position. I have stood in the Confederation struggle almost alone, at public meetings in Prince Edward Island, when people were as opposed to me as they are now; but I had the good fortune to find my views pervail in the end. Not only that, but pressure has been brought to bear against this Bill, political pressure, and no one knows that better than my hon. friend who has raised the point of order. I have heard from two or three quarters that members of the government in the other House have intimated that they are willing to accept the motion, and that has been given as a reason to members of this House, why they should vote against the Lancaster Bill.

Hon. Mr. CASGRAIN—The hon. gentleman says he has been told; will he say by whom he has been told ?

Hon. Mr. FERGUSON—If I am shown that the statement is not correct, I will take it back. It is not necessary that I should say who told me. I have had it from more than one source, and that the political whip has been cracked in order to get a vote on this question. I have good reason to know that at one stage in the progress of this discussion, my views were supported warmly by a large number of gentlemen who support the government usually in this House. I am not quite sure whether any of them remains in that consistent position with regard to it except the hon. senator from St. John, who has just addressed the House. I refer to these things because the responsibility will have to rest somewhere with regard to this question, and, if, as I have mentioned to hon. gentlemen the state of the law is that common law liability does not lie against the railways on all the highway crossings of this country with regard to which the board has not passed an order—if that is the correct view of the law, and it cannot be disputed in view of the decision of the Supreme Court —this House will hear from the people on this question very often in the future. As the Hon. Mr. Graham said in the House of Commons, when he warmly supported the Bill, it is a question that will not down, and he pointed out that it would be necessary soon to go further than the Lancaster Bill and apply the same principle to the rural crossings that this Bill sought to apply to urban crossings. I am in the judgment of the House in putting my views so strongly, knowing that the support I had at the start has been cut from under my feet by the political action that has been taken, and knowing the powerful arguments that have been addressed by the railway companies. It might be thought that I have exceeded prudence in pressing my views so strongly. When I read that judgment of the Supreme Court, I became deeply, strongly convinced that it was the duty of parliament to deal with this question, and to deal with it in the right way. It is my practice when a question comes up and I conceive it to be one of importance, to go to the bottom of it, to study it as well as I know how according to the degree of intelligence given me.

When I came to that solemn conviction, I studied the question at the sacrifice of my health, worked on the subject to master it thoroughly, and have come to the conclusion that the law as it stands to-day is in a discreditable position and should not be left so, and I am ready to support the Lancaster Bill.

Hon. Mr. SCOTT—That decision to which the hon. gentleman has referred is not worth anything. The law does not exist to-day as it existed then. I cannot understand the position taken by my hon. friend.

Hon. Mr. GIBSON—I could understand the position of the hon. senator from Marshfield if he had refrained from offering any amendment to this Bill as it came from the House of Commons. He says that amendments have been proposed by hon. gentlemen in this House with a view to killing the Bill. What effect would his own amendment have? If the Bill was so good as it stood when it came to us from the House of Commons, why did my hon. friend venture to move an amendment? It would have been more consistent if he had offered no amendment. If he will take a microscope and compare his amendment with that of the hon. gentleman from De Salaberry he will fail to find any difference. The hon. gentleman has accused the members of this House indiscriminately with being influenced by the railway companies because they do not happen to view the matter from the same standpoint that he does. The hon. gentleman is not new to parliament, and he knows that he has the safeguarding of the honour of parliament; if he knows of any individual case of that kind it is open to him, or to any other member, to make an accusation, but he has no right to throw accusations broadcast against members of the Senate. If it is true that he stands alone, as he has said he does, he is, no doubt, very much disappointed, because he has stated that he also stood alone during last session of parliament. The hon. gentleman should not make insinuations; they do not strengthen his case. A great many of the members have remained silent and given full consideration to his remarks. We all agree that he has worked hard, and we are sorry that his work has proved abortive. It is a pity, after all his hard work and sacrifice of health, that he has failed to convince the House that he alone is right and all others are wrong. We all respect the hon. senator from Marshfield, but he should not get angry at his fellow members because they do not happen to share his views. We all differ from one another on many subjects, but that is no reason why there should be hard feelings between us. Let him take his licking like a little man, and say that his judgment has not been accepted by the House, but let him not throw insinuations against those who cannot see eye to eye with him, and who are honest in their expressions of opinion. It does not follow, because we cannot see the subject as he does, that we have been canvassed and influenced. It is a very unfounded charge to make. If he had referred to other bills which have been lobbied in the House, he might not have been so very far astray; but I have my eyes and ears open and I must say in fairness to those interested in the Bill that I fancy there has been less lobbying on this question than on any other that has come to my notice, considering the importance of it. It is true that this Bill has been passed by the House of Commons three times, but it is not against the House of Commons we are acting. It is the duty of every member of this House to try and perfect legislation which comes to us from the Commons, and there is no harm in sending back a Bill amended when we find that it was in a defective state when it came to us. Are we here simply to ratify the Bills that come to us, simply because they have been passed two or three times by the Commons? We are here as free citizens in a free country with the right to think for ourselves, and to make amendments to any Bills which come to us whether they have received the unanimous approval of the House of Commons or not. I am sure that if my hon. friend had had some experience at the other end of the building he would know that many important matters have slipped through the other Chamber very quickly, and, perhaps, in a very defective state, because nobody seemed to take enough interest in the legislation to study them. When such a Bill comes to the Senate, would it be improper for us to amend the defective Bill or should

we simply bow to the dictum of the House of Commons? If we admitted my hon. friend's judgment and theory, the Senate would certainly be an entirely useless body and not fit to occupy the position it does in the country. I give my hon. friend from Marshfield credit for his work in this House. Nobody upholds the dignity of the Senate more than he does; but sometimes he lets his tongue run away with his judgment, and he is afterwards sorry for it. If I thought that his amendment was better than the amendment of the hon. gentleman from De Salaberry I would give it my support. I have the utmost confidence in the member from De Salaberry as a lawyer of ability and high standing in the province from which he comes, and am prepare to accept any amendment he offers in a matter of this kind. We do not always agree with him; at the same time, when a question of legal interpretation arises, I think I would rather take the chances of accepting his view than the recommendation of laymen when it comes to making an amendment to a Bill of such importance. Every member of this House regrets the loss of life at railway crossings. I have spent many years of my life on the railways, and know that a great many accidents are fairly traceable to the fault of our railways; at the same time a great many accidents occur through the foolishness of people themselves. Young people going out for an evening, seeing a train approaching, try to cross the railway track ahead of the train. A great many accidents happen that way. I have seen accidents happen in Hamilton, and more frequently in Montreal that were due entirely to the recklessness of the victims themselves. In the thickly peopled parts of Montreal, where there are gates and watchmen, and great care is exercised by the railways to prevent accidents, I have seen people crawling under the bars and crossing the track even against the advice and warning of the railway employees. I for one, would like to see the same condition of things with regard to crossings here as in the motherland, but we are a young country and if these conditions had been imposed on our railways in the early construction of them we would not have been able to build one-half of the roads that we possess to-day. What I should like to see and I am sure I voice the views of a great many members of this House, is that the railways should with all possible speed remove those dangers.

Hon. Mr. FERGUSON—Why not say so in the Bill ?

Hon. Mr. GIBSON—It is well sometimes to make haste slowly. A great many difficulties have to be encountered, and in many cases physical difficulties preclude the possibility of constructing an overhead crossing or making a subway. I know that myself from my long practical experience in railway construction, in the thirty-eight years or more that I have been connected with such work; at the same time I know how anxious the railways are to remove those physical difficulties and protect their crossings. We are going a step in the right direction to make them protect these places; at the same time, it would be unreasonable to expect them to do so within a year. No better method of settling that could be suggested than to put the whole matter in the hands of the Railway Commissioners, because they have engineers who will be able to point out to the Commissioners those crossings which in their judgment should be attended to first. They should protect those that are really dangerous first, and I am sure the railway companies are as anxious to do that part of the work as the hon. senator from Marshfield.

Hon. Mr. FERGUSON—I intend to move my amendment in committeee, but, before doing so, let me say to my hon. friend perhaps I may have dropped the expression in the debate that I stood alone. If so, I did not mean to make such a statement. I said I have stood alone on many occasions in my life, and had the satisfaction in the end of seeing my views prevail. It would be unfair to hon. gentlemen who sympathize with my views if I said that I stood alone, when I know there are some hon. gentlemen who support them, though a large majority, I know, is against them. I do not wish to be understood as setting my friends aside and saying that their support counts for nothing. I know I have pressed my views with a great

deal of pertinacity, but I do not think I have said at any time in the debate or insinuated against any hon. member in this House that he was moved by improper motives. One hon. gentleman, whom I greatly respect, thought I had done so, with reference to himself. I have looked over my speech from beginning to end, and I cannot see one word that would bear that impression. I made no reference personally to any hon. gentleman in the House. What I said about railway companies and the influences they were using, was simply stating what they were doing. I did not say that any member was influenced to take any improper attitude against this Bill.

The amendment was adopted.

Hon. Mr. FERGUSON moved that the following subsections are hereby added to section 238 of the Railway Act:

2. The board shall from time to time cause examinations to be made of all highway crossings at rail-level, and shall make such orders and regulations for the guarding or protecting of such crossings as it deems necessary for the safety of the public.

3. Until the board has made an order and regulation in respect to any such crossings, and the company has complied therewith, the company shall be liable at common law in respect to such crossings.

The amendment was declared lost on a division.

Hon. Mr. LANDRY, from the committee reported the Bill with amendments.

Hon. Mr. YOUNG moved that the report be concurred in.

Hon. Mr. ELLIS moved that the report of the Committee of the Whole be not concurred in, but that instead thereof the Bill as read the second time on January 28, and referred to the Standing Committee on Railways, Telegraphs and Harbours be now read the third time. He said: I am not in favour of the element of time in that Bill. I would extend the time to the railways to the year 1915, but if the Senate concurs in this view of it I have no doubt that time will be allowed.

Hon. Mr. YOUNG—The hon. gentleman cannot move that as an amendment to the motion to fix a date for the third reading.

The SPEAKER—It can be a notice of motion to be taken up at the third reading.

Hon. Mr. SCOTT—Let that be substituted for a report of the committee.

Hon. Mr. BELCOURT—I should think the proper procedure at this stage would be that the hon. gentleman should make a motion that the report of the Committee of the Whole should not be concurred in, but that the Lancaster Bill as it came to the House should be re-committed to the committee.

Hon. Mr. POWER—He may move that it be placed on the Orders of the Day for third reading to-morrow, but he cannot move the third reading now.

Hon. Mr. ELLIS—The hon. gentleman who introduced this Bill when it came up, desired that the Bill should not go to the Committee on Railways where it would be emasculated. I want to get a vote on the Bill if I can.

Hon. Mr. WILSON—I would like to know when the Bill was committed to the Committee of the Whole House? I can understand full well that the amendments, after they came back from the Standing Committee, were submitted to the House; but the question in my mind is, has the Lancaster Bill, as it originally appeared here, and as it went to the Railway Committee been committed to the consideration of the Committee of the Whole? I have looked over the proceedings, and I cannot find a motion to refer it to the Committee of the Whole House. Perhaps the Speaker is able to inform me when that was done. If the Bill has not been submitted to a Committee of the Whole House, we certainly only have to report upon the amendments made in the Standing Committee, and if the Bill has been committed, I should like to know when that was.

Hon. Mr. LANDRY—In answer to the hon. gentleman, if he will refer to page 212 of the Minutes and Proceedings of the Senate, he will find a motion by the Hon. Mr. Casgrain, seconded by the Hon. Mr. Mills, that the said amendment—that is the report that came from the Standing Committee—be taken into consideration on Thursday next. To that motion I moved in amendment, seconded by the Hon. Sir

Mackenzie Bowell, that the consideration of the report be not now referred to the Senate for Thursday next, but that the Bill and report of the Standing Committee of Railways, Telegraphs and Harbours on the same be committed to a Committee of the Whole House on Thursday next.

Hon. Mr. ELLIS—I beg to make the following motion :

Resolved that the report be not now adopted, but that it be sent back to the Committee of the Whole with instructions to substitute therefor the Bill as it came from the House of Commons.

The House divided on the amendment, which was lost on the following division :

Contents 14, non-contents 42.

Contents:

Honourable Messieurs

Bernier,	McDonald, (Cape Breton),
Bolduc,	McKay (Truro),
Cloran,	McLaren,
Coffey,	McSweeney,
Ellis,	Miller,
Ferguson,	Montplaisir,
Landry,	Wilson.—14.

Non-Contents:

Honourable Messieurs

Baird,	Jones,
Baker,	Kerr,
Béique,	King,
Beith,	Legris,
Belcourt,	Lougheed,
Bostock,	McHugh,
Bowell (Sir Mackenzie),	McMullen,
Campbell,	Perley,
Carling, (Sir John),	Power,
Cartwright (Sir Richard).	Riley,
Casgrain,	Robertson,
David,	Ross (Halifax),
Derbyshire,	Roy,
Dessaulles,	Scott,
DeVeber,	Shehyn,
Fiset	Sullivan,
Frost,	Talbot,
Gibson,	Thompson,
Gilmor,	Thompson,
Jaffray,	Watson,
	Wood,
	Yeo,
	Young.—42.

Hon. Mr. POIRIER—I should like to state that I was paired on this motion with the hon. gentleman from Rothesay, and that I would have voted in favour of the amendment decidedly. I should like to have that on record.

Hon. Mr. FERGUSON—I beg to move, as an amendment, that the report of the committee be not concurred in, but that the following section be added to the Bill (3) An Act to amend the Railway Act.

The following subsections are hereby added to section 238 of the Railway Act :

2. The board shall from time to time cause examinations to be made of all highway crossings at rail-level, and shall make such orders and regulations for the guarding or protecting of such crossings as it deems necessary for the safety of the public.

3. Until the board has made an order and regulation in respect to any such crossings, and the company has complied therewith, the company shall be liable at common law in respect to such crossings.

The amendment was declared lost on the same division.

The report of the committee was then concurred in.

GILMORE DIVORCE CASE.

CONSIDERATION REPORT OF COMMITTEE POSTPONED.

Hon. Mr. LOUGHEED moved the adoption of the report of the Standing Committee on Divorce re the petition of Edith May Gilmore.

Hon. Mr. LANDRY—I think we should have the evidence in that case before we adopt the report. I have not received it yet.

Hon. Mr. LOUGHEED—It was distributed days ago.

Hon. Mr. CLORAN—I have been requested by an hon. senator who had to take the train at half-past three for New York to ask to have the consideration of this report postponed. He is very anxious to discuss it.

Hon. Mr. FERGUSON—It seems to be extraordinary that the motion should be pressed when a request of this kind is urged.

Hon. Mr. LOUGHEED—I cannot very well understand that because an hon. member desires to go to New York, that therefore the business of the House must be suspended until his return. This item has been upon the Order Paper for some time, and hon. gentlemen who may interest themselves in it have had notice that it will come up to-day.

Hon. Mr. YOUNG—The hon. gentleman will have an opportunity of discussing it when the Bill comes before us.

Hon. Mr. LANDRY—On more than one occasion, when an hon. member was absent from this House, we have granted similar requests. My hon. friend was absent and we willingly deferred the consideration of a Bill until his return. If the Governor were coming here to-morrow, I could understand that relief could be given in this case very soon, but as the Governor is not coming, we can discuss this next week.

Hon. Mr. LOUGHEED—Then I move that the order of the day be discharged and that it be placed on the orders of the Day for Tuesday next.

The order of the day was allowed to stand until Tuesday.

FRENCH TREATY BILL.

SECOND READING.

Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (57) An Act respecting a certain convention between His Majesty and the President of the French Republic.

He said: Probably it would be more convenient, under the circumstances if I were to take this stage now, and we could enter into the discussion of it in Committee of the Whole. If my hon. friend from Belleville does not object, I will adopt that course.

Hon. Sir MACKENZIE BOWELL—When we are in Committee of the Whole, we are committed to the principle of the Bill, and we are confined to the discussion of the particular clause under consideration; but it will be clearly understood——

Hon. Sir RICHARD CARTWRIGHT—It is clearly understood that we can discuss the whole Bill.

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

SECOND READING.

Bill (37) An Act to incorporate the Canada Weather Insurance Company.—(Hon. Mr. Beith.)

The Senate adjourned until three o'clock, to-morrow.

THE SENATE.

OTTAWA, Friday, March 27, 1908.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

LEVEL CROSSINGS.

MOTION.

Hon. Mr. FERGUSON moved:

That an order of the Senate do issue for a return showing, separately, the highway crossings at rail level on all railways, except railways under construction, within the jurisdiction of the Railway Commission in respect of which highway crossings, protection has been ordered by the board since its organization, said return to give the character of the protection ordered in each case, the name of the railway company, the local designation of each highway crossing, and the county and province in which it is situated, and the date of the order and regulation in respect thereof.

Also, a similar return giving the highway crossings ordered to be protected by the proper authority in each case on all railways not under the control of the board, including the Intercolonial Railway, and including orders made regarding railways under construction.

Also, a similar return respecting all highway crossings, which had orders and regulations in respect to them in force, on the 1st day of February, 1904.

The motion was agreed to.

THIRD READINGS.

Bill (32) An Act to incorporate the Bank of Vancouver.—(Hon. Mr. Bostock.)

Bill (S) An Act respecting the Pacific and Atlantic Railway Company.—(Hon. Mr. Kerr.)

Bill (67) An Act respecting the Canadian Northern Ontario Railway Company.—(Hon. Mr. Jones.)

SUPREME COURT ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (121) An Act to amend the Supreme Court Act.

He said: The object of this Bill is to establish a rule in the court regulating the position that the appeals from the different provinces shall take. At present there are three classes: Ontario, Quebec and the maritime provinces. It is proposed to have five classes, one affecting election appeals,

which will have priority. The whole object is to give the profession an opportunity of knowing when the cases will come in their regular rotation.

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

GOVERNMENT RAILWAYS ACT AMENDMENT BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (27) An Act to amend the Government Railways Act.

(In the Committee.)

Hon. Mr. SCOTT—The object of the Bill is to bring accidents on the Intercolonial Railway more into line with the law as respects the ordinary railways of the country. It provides that should any animal be killed on the track, the government are liable unless the accident happens through the negligence or wilful act of the owner or his agents.

On the second clause.

2. Section 61 of the said Act is repealed and the following is substituted therefor:

61. The cleared land or ground adjoining the railway and belonging to the railway shall at all times be maintained and kept free from dead or dry grass, weeds, thistles and other unnecessary combustible material.

2. Whenever damage is caused to crops, lands, fences, plantations or buildings and their contents by a fire started by a railway locomotive working on the railway, His Majesty, whether his officers or servants have been guilty of negligence or not, shall be liable for such damages: Provided that, if it is shown that modern and efficient appliances have been used and that the officers or servants of His Majesty have not otherwise been guilty of any negligence; the total amount of compensation recoverable under this subsection shall not exceed five thousand dollars, and it shall be apportioned among the parties who suffered the loss as the court or judge determines.

Hon. Mr. FERGUSON—This clause limits the liability of the government with regard to damages arising from fire. That should be explained to the House, because I do not think it is the same provision that we have in the general Railway Act, and, even if it were, we ought to know exactly on what principle the government railway should be relieved of the responsibility for fires occasioned through the negligence of its officials. Why should the government not be responsible for the full extent of the damage that may be caused in this way?

Hon. M. SCOTT.

Hon. Mr. SCOTT—There is the principle that the Crown is not liable in any case, and this is just a concession made to the people. Section 61 of the Act, provides that the right of way of the railways shall be kept free from weeds and rubbish. There is no penalty attached, but just a direction to the officials, and it was thought that it was not fair to provide no penalty. The danger of accidents is much greater where weeds and dry rubbish are allowed to accumulate on the track. There has been a limitation made, because my hon. friend knows that wherever the Crown becomes liable in any penalty the amount recovered in such cases is usually much larger than it would be against an individual. Juries will take into consideration the ability of the Crown to pay, and the damages are considerably exaggerated.

Hon. Mr. FERGUSON—But apart from that section, by petition of right granted—

Hon. Mr. SCOTT—I presume if there were a petition of right granted, that would be another channel through which it could be done.

Hon. Mr. FERGUSON—I do not pretend to know, and I have not given it any consideration, but it is a question as to whether the usual course in holding a government liable for damages by a petition of right would not be superseded by this clause.

Hon. Mr. SCOTT—Oh no, that will still be open. That is not taken away that I am aware of, anywhere in the Act.

Hon. Mr. CASGRAIN—The liability is $1,000 more than in the Act. I think it is $4,000 in the general Railway Act applying to all the railway companies.

Hon. Mr. POWER—No, it is five thousand dollars. It is putting the government railways on just the same footing as the others. I remember the clause.

Hon. Mr. SCOTT—Section 298 of the Railway Act reads:

Whenever damage is caused to crops, lands, fences, plantations or buildings and their contents by a fire started by a railway locomotive, the company making use of such locomotive, whether guilty of negligence or not, should be liable for such damages, and may be sued for the recovery of the amount

of such damages in any court of competent jurisdiction: provided that if it be shown that the railway company has used modern and efficient appliances, and is not otherwise guilty of negligence, the total amount of any one or more claims for fire started by the same locomotive and on the same occasion should not exceed $5,000.

The main point is using modern appliances—a proper fire screen at the top of the smoke-stack.

Hon. Mr. WILSON—Will the hon. leader of the House explain to me why it is that if the damages are proven, and the government is held responsible for them, that the amount of damages is limited to $5,000, instead of the full amount ?

Hon. Mr. SCOTT—If it is proven that they have efficient appliances and that they have taken all proper and reasonable care, that limit is fixed. There has been a good deal of discussion as to what are proper appliances. We all know that the draft from the locomotive cannot be checked unduly, and if the sieve is too fine there is no draft practically to it; so that it is a matter of guaging the mesh practically, to what sized mesh will allow a locomotive to get up a proper steam. By law they are entitled to have steam, and entitled to have a mesh that would enable them to make steam. If it is too large and allows the fire to escape, then the railway becomes liable for the consequences.

Hon. Mr. WILSON—I understand that, but the question that rises in my mind is that if the parties owning the property suffer certain damages, and the government is held responsible for the damages caused by the locomotive, why should they limit the amount to $5,000 when the damages might be much larger than that ?

Hon. Mr. SCOTT—It is bringing it into line with what parliament thought should be the law applying to ordinary railways. I just read the section as applied to the general railways.

Hon. Mr. WILSON—The fact that in the general Railway Act it is limited to that amount is no reason why that limit should be placed in this Bill. You are amending the Act and trying to do justice to the parties affected, and if the Act before contained a limitation of $5,000, that is no reason why there should be a limit in this Bill of that amount.

Hon. Mr. WATSON—When the general Railway Act was under discussion, this matter was pretty fairly threshed out, and the reason the limit was made where all modern appliances were used in protecting the locomotive from throwing out fire was for the purpose of encouraging the railway company to use all these appliances. Out in the west sometimes, a fire will start from a locomotive and cause $100,000 damages. It will run over the prairie for thirty or forty miles, and in that case there is no limit to the amount of damages where negligence can be proven. But where the railway company uses all modern appliances for the purpose of protection, then the limit is placed at $5,000.

Hon. Mr. SULLIVAN—That is satisfactory.

Hon. Mr. WILSON—I must congratulate my hon. friend, if he is the leader of the House.

Hon. Mr. WATSON—Not at all. I think I have as much right to explain as the hon. gentleman has to ask questions. Probably when that Bill was before the House, he did not pay as much attention to it as some other members in the Chamber.

The clause was adopted.

Hon. Mr. McKAY (Truro), from the committee, reported the Bill without amendment.

FRENCH TREATY BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into Committee of the Whole House on Bill (57) An Act respecting a certain convention between His Majesty and the President of the French Republic.

(In the Committee.)

Hon. Sir RICHARD CARTWRIGHT—Hon. gentlemen are aware that neither Houses of parliament can amend a treaty. All that we can do is to accept or to reject it, as the case may be. The House of Commons, having fully considered this

treaty has adopted it and sent it up for our consideration. I believe there was no difference of opinion in the House of Commons; they were practically unanimous. Only five hon. gentlemen voted against the Bill. I would desire to say in the first instance, that the House will observe that this treaty and all treaties of this kind are of necessity more or less of a tentative character. We hope that considerable results will be obtained from it, but it would be very dangerous to enter into minute detail as to what those advantages might be. The House knows that for a long time back, in fact from the very nature of the case, the commerce between ourselves and the people of France has been more or less of a one-sided character. Our imports from them have always been very much in excess of our exports. That is mainly, as I said, in the nature of the case, We import from them large quantities of articles which may be very fairly described as articles of luxury. We import, for instance, a very considerable quantity of silk goods and of the fine class of cotton and woollen goods, and also fancy articles and ribbons and ladies' apparel. We import also large quantities of wine, brandies and matters of that sort but we import very little indeed of staple articles. On the other hand, up to the present time, our exports to them have been very small in comparison with the amount that we import. The total amount of our exports for the twelve calender months of 1907 amounted to $1,746,000, and these were almost exclusively composed of two articles. We sent them a large quantity of canned lobsters, and a very considerable quantity, all things considered, of agricultural implements. We sent a moderate quantity of animals and only a very moderate quantity of bread stuffs, and although there are a considerable number of other articles, there are none of any considerable moment, with the exception perhaps of undressed furs. The objects that we chiefly desired to attain in negotiating this treaty were, first of all as follows. In the treaty of 1903 I am advised that only seven French articles and twenty-two Canadian articles were covered. Moreover, it was specially provided in that treaty that all the advantages that Canada should give to any foreign power, not merely in relation to the articles which are covered by the treaty, but in relation to everything else, Canada would be obliged to extend to France also. On the other hand, it was stipulated in the same treaty that the most-favoured nation treatment should be extended by France to Canada only in the articles mentioned in the treaty. That was an inequality rather to our disadvantage which has been removed in the present treaty. Hon. gentlemen will see that we have succeeded in obtaining the minimum French tariff on one hundred and fifty-two different articles. Now, as I have said, I do not pretend to say that it would be possible for us to carry on a great trade in many of these articles at present, but there are hopes that as Canada grows in population and develops generally, a considerable number of these will be brought into the market. Moreover, it is worth nothing that by this treaty we obtain at any rate the best terms that France grants to any other country with respect to all these articles. I am perfectly aware that with the exception of our staple products it is a difficult problem for us to undertake to compete in most lines of manufactures with any old European country like France. In the first place, the cost of living in Canada is very high. According to a curious statement which was submitted to the French Chamber not very long ago, Canada ranks, I think, among the second or third dearest countries, so far as it is regarded by their consular service. Likewise, we have very high wages to pay, and in addition to that, at this distance the question of freight of course comes largely into consideration in an attempt to import our manufactures into France. I might add that, during the course of the tariff commission discussions, a very large number of the manufacturers who appeared before us, made it their plea that they were quite unable to produce articles at the same cost as they were produced by their competitors, notably by Germany, the United States and Great Britain, and it is worth noting perhaps that the one Canadian manufacture which has been successfully pushed under all circumstances in France, is that of agricultural implements, on which there is a lower rate of duty than on almost any other imported article in Canada. It is very much to the credit of the agricultural

implement manufacturers that they have displayed this energy in pushing their goods, not merely in France but in other countries, and, as I noted before, a very large proportion indeed of our exports to France consists of that one particular line of manufactures. I am not aware that there are many points that it would be worth our while to discuss at length, but any information which hon. gentlemen desire to have that I possess I shall, of course, be very glad to give as the discussion is prolonged, I might, however, before sitting down, make this observation; every one knows that France is a very rich country; that probably at the present moment France is among the very richest of all European countries, and is an extremely large investor in various ways. Now, anything that would bring us into touch with France and with French capital, would be likely to be a very considerable advantage in the long run to the people of Canada; and one reason which has actuated the government in promoting intercourse with France and negotiating this treaty is the belief that they will succeed ultimately in directing a good deal of attention on the part of French capitalists to Canada. They have already, I understand, begun to invest to a considerable extent in many enterprises here, and we trust that in the not distant future Canada will rank well in the eyes of French investors as a place of investing their surplus capital.

Hon. Mr. SULLIVAN—What articles does the right hon. gentleman think the export of can be increased ? Are there any new ones ?

Hon. Sir RICHARD CARTWRIGHT—That is a tentative question. I would not like to appear in the roll of a prophet as to what articles we can increase, but I think we could probably do a good deal more than we are now doing in that particular article to which I have alluded, that is to say the importation of agricultural implements. Probably we could extend that considerably. I trust that in wooden manufactures we may ultimately be able to secure a considerable trade, although I am obliged to say that in the article of wood pulp, in which we hoped to deal with them, we do not seem to have made much progress, and I do not know that as far as that article is concerned we gain any special advantage under this treaty which we did not possess under the former one. Whether we can or cannot succeed in doing any considerable business in such staples as provisions, is a somewhat doubtful matter. The French tariff is still high on all these articles. We get the benefit of their lowest tariff it is true, but unless they could be induced to lower their tariff very materially, I hardly see that we can hope for any great expansion in that direction, but I have no doubt our people will be on the alert to see what can be done. Of course, hon. gentlemen are aware that France itself is an agricultural country, and that it exports, in favourable years, a considerable quantity of agricultural produce. It has not unfrequently exported wheat to a considerable extent and butter, cheese, eggs and poultry to England, and as these are also articles in which we compete, I do not know that we can do much with France. I am in some hopes that we may extend our trade in animals, but I am bound to say we are met there, although we get a reduction under the minimum tariff, with a considerable tariff still. I do not know that we can hope for a great deal in that quarter.

Hon. Sir MACKENZIE BOWELL—I do not see that any possible objection can be taken to the manner in which the right hon. gentleman moved the adoption of the first clause of this tariff. I may premise by saying that, individually, I have never had much confidence in any treaties or trade arrangements that have been made with France in the past. The first and only treaty negotiated by Sir Charles Tupper has not proved of that advantage to Canada that many of those who favoured its adoption anticipated. I am aware that in the treaty now before us, the number of articles with which they make to a certain extent a reciprocal arrangement—that is while we give them the benefit of our lower rate, we receive in return therefore the advantages of the minimum tariff of France—in that respect it is to be hoped that the prediction which he has thrown out, though he declines to be a prophet, may be realized. I was very glad to hear some of the remarks which fell from him in ref-

erence to the advantages which may accrue to Canada through the adoption of this treaty. He said it was not to be expected that in a new country like Canada we could successfully compete with the manufacturers in older countries where the industries had been established for, perhaps, centuries. I have learned in looking at the returns made before parliament that in agricultural implements we are quite able to compete not only with the manufacturers in France, but in all other parts of the world, and that is saying a great deal. If we examine the trade returns affecting those countries which are to have the advantage under this treaty, that is the favoured nations clause, we find also that on the Pacific coast our exports to the Argentine Republic and other countries, which it is unnecessary for me to enumerate now, that out of about $600,000 worth of exports to those countries, in agricultural implements alone, there is about $300,000 sent from Canada, showing at least that in that article Canadians under a good strong protective policy have succeeded in establishing a trade with the outer world competing with manufacturers in every part of the world. I may also while on this topic, add that I have been informed by the manufacturers of agricultural implements, in Canada, that as soon as this tariff was confirmed by France, their orders for exportation of agricultural implements increased materially, that is in this section of the country as well as in the west. I also noticed a statement made by those connected with the very large industry lately established at Hamilton, that they expected to transfer a large proportion of the export trade of agriculture implements from the United States to Canada to the extent of $1,500,000 under the reduced tariff which this treaty provides. Having said that much in favour of the tariff, I am inclined to think from examining it in a cursory way that there are a very few other articles in which the same advantages will accrue to Canadian manufacturers and producers. I desire it to be distinctly understood that any comments I make on the treaty are not with a view of opposing it or asking for a division on the adoption of it. The right hon. gentleman has properly said that we have no power to amend the Bill; we must accept or reject it in its entirety, and though some of us who have studied this question may object to some of the terms and conditions of the treaty, I trust that my right hon. friend will not follow the example of the Finance Minister in the other House who taunted those who used the rights and privileges they enjoyed in the House by not demanding a division on the Bill; that though they spoke against it they had not the courage to vote against it. Even if it came to a vote, I am not so sure that I should vote against it, owing to the desire which I have always had and from my experience particularly in the Department of Trade and Commerce, and knowing that those with whom I acted in the past are most anxious to extend the trade of Canada as fast as possible. It will be remembered that when this question was before the House on a former occasion I called the attention to the hon. Secretary of State to cablegrams which were published in Canada, stating that the privileges of this treaty would apply to all countries that enjoy the favoured nations clause in their treaties with France.

My hon. friend at that time rather doubted the truth of that statement. In fact he went so far as to say that newspaper men were always concocting some sort of a story, in order to throw doubts on what parliament was doing. Now it is a fact that the treaty applies to every nation, whether small or great, to all nations enjoying the benefit of the favoured nations clause. And in looking at the returns of the exports and imports, it will be found that it will be materially to the advantage of those countries, not only to the material advantage of these nations, but a much greater advantage than it will be to Canada. But before dealing with that portion of the question, there are one or two points to which I desire to call the attention of the House, and I desire to repeat the regret that I have, and which I think every hon. senator will have, that the clause providing for the importation of goods into this country, and the clause providing for the entry of goods from Canada into France is not more liberal than it is. I refer particularly to the question of trans-shipment of goods. On reading the clause it is, to my mind, clear under

the present tariff as under the former tariff, that all goods shipped from Canada to France must go directly from a Canadian port to a French port, or they will not be entitled to the benefits of the French minimum tariff. I know it is argued by the Finance Minister that that was not the intention, that goods sent from Canada to England and transhipped to another vessel, and then sent to Paris could be admitted under the minimum tariff. I think anyone reading the clause must come to a different conclusion. We know that in our own tariff we provide for direct importation of goods, and where it is deemed advisable that goods could be considered as a direct importation, the provision is made that the transhipment may be made in a foreign port. For instance, tea imported from the country of production or growth must come directly to Canada, if it is to receive the benefit of the lower rate of duty. If it is transhipped at Boston or New York, then a higher rate of duty is imposed upon it. Sugar can be imported from the country of production and transhipped in Boston or New York and come to Canada at the lower rate of duty. Special provision is made for that. There is no such provision made in this treaty with France, and I know that under the old treaty—and the wording of the present treaty is precisely the same as the old treaty—goods exported from Canada to the French market must go direct to a French port, otherwise the high rate of duty is imposed. There are many disadvantages that present themselves in Canada, particularly in the winter season, that will militate against a successful export trade, owing to the provisions of the treaty as I have pointed them out. It is true that goods may be shipped from this country via the Intercolonial Railway in the winter, but unless the freight rates from Montreal over the Intercolonial Railway are as low to a port on the Atlantic, St. John or Halifax, as it is from Montreal, say to Portland, then the disadvantage would be against the Canadian shipper. If, however, the government will adopt a tariff which will enable the shipper from Montreal to send his goods, whatever they may be, to a Canadian port at the same rates for which they can be shipped from Montreal to Portland, then we would reap the advantages that we derive from being enabled to enjoy the minimum tariff of France. But, to my mind, not without. The answer made by the Finance Minister to that point is this: If the wording of the treaty will not permit that, it certainly was the intention of the negotiators in framing the treaty. We all know that courts of law, if it comes to a question of deciding a point of that kind, will not consider what the intention of parliament was, but will say that there is no provision in the law upon which they can come to such a decision. Those who have watched the question of the reduction of licenses in Ontario of late, will notice that Chief Justice Meredith laid down that principle. Those who argue in favour of the reduction of licenses, or rather those who argue in favour of the legality of the by-law which was passed by the city council of Toronto, reducing the number of licenses, said their intentions were so and so. Chief Justice Meredith said, 'I do not know what the intentions of parliament were, but the law provides so and so, and you have no power to pass such a by-law.' I merely point this out as an answer to the statement of the Finance Minister on that point.

Hon. Sir RICHARD CARTWRIGHT—If my hon. friend will pardon me, I understand him to say that his remarks apply to goods exported from Canada to France?

Hon. Sir MACKENZIE BOWELL—Yes.

Hon. Sir RICHARD CARTWRIGHT—Not so much to the case of goods imported?

Hon. Sir MACKENZIE BOWELL—I am coming to that in a moment. I contend that articles shipped from Halifax or St. John for sale in the French market, if the ship goes to Liverpool, and the goods are there trans-shipped, even without entry being made, that they would not be enabled, under this treaty, to reap the benefits of the minimum tariff. That is the position that I take. The same provision existed in the old treaty to which I called attention. I do not know whether my hon. friend has examined the eighth article of this treaty. If he looks at it, he will find that articles imported into Canada from France direct can be entered at any sea or river port in Canada. I

should like to inquire from my hon. friend what position a cargo of goods shipped in a vessel from France direct to Port Arthur would be in ? Could the importer, under the wording of this tariff, receive the benefit of the intermediate tariff that is upon our statute-book ? The article says distinctly : 'Any sea or river port.' We know that through the deepening of our canals we are cultivating a trade to as full an extent as possible from the lake ports, say from Port Arthur or from many other ports on the lakes—from Toronto for instance. Vessels drawing fourteen feet of water can now pass through our canals from the west, and they have been sent to Europe with loads of grain and other articles which we have for exportation. If a cargo of goods comes from France, shipped direct to Toronto which is neither a sea-port nor a river port, could it, without a violation of the wording of that treaty, be entered under the advantages which would accrue to the importer, under the provisions of this tariff ? If the law is interpreted as strictly as courts have construed the provisions of the Tariff and Customs Acts in the past, I contend they could not. Then, in order to reap the benefit of it, they would have to make their entries in Montreal or some port on the St. Lawrence river. It is quite evident to me that when the negotiators, the hon. Minister of Finance, and the hon. Minister of Trade and Commerce were negotiating and framing this clause, they never thought of the lake ports that existed in Canada, or, if they did think of them, they had forgotten that vessels could be sent with goods from Europe to those ports without trans-shipment. However, I know that in the past, where difficulties of this kind have arisen we have been told by the Secretary of State that if it is to the advantage of the country, they do not pay much attention to the law. But, if a merchant had imported a quantity of goods upon which he had paid the higher rate of tariff, and another importer had brought similar goods into the country and had entered them under this treaty at the lower rate, then it would be a case for the court to decide whether he was entitled to the benefits of the minimum tariff or not.

Hon. Sir MACKENZIE BOWELL.

Hon. Sir RICHARD CARTWRIGHT— Does my hon. friend not think that such a port as Toronto might be considered as being on the St. Lawrence ? The River St. Lawrence is held by some to commence at Port Arthur.

Hon. Sir MACKENZIE BOWELL — No one knows better than my hon. friend that the contention has been in the past that the St. Lawrence route extends from Duluth or Port Arthur down to Quebec.

Hon. Sir RICHARD CARTWRIGHT— Exactly.

Hon. Sir MACKENZIE BOWELL — I scarcely think that that theory has been accepted by the people of Canada. Toronto is certainly a lake port, and so is Hamilton, but if the vessel went a little further west, up the Niagara river, under the provision of this section of the treaty, they could make the entry and have all the advantages that would accrue.

Hon. Mr. McSWEENEY—Where will the ports of entry be during the winter months?

Hon. Sir MACKENZIE BOWELL—They will be just in the position I pointed out to hon. gentlemen when I commenced my remarks. They will have to come in through Halifax or St. John, or some other way over the Intercolonial Railway. They could not go through the United States, because that would involve a trans-shipment. I think my hon. friend has imported goods enough to know that fact. Looking at the effect that this will have, I think it was very clearly pointed out and admitted that this treaty will be, for some time to come at least, to the advantage of France rather than of Canada. In looking at the figures which have been laid before parliament, we find that the imports from France for the nine month ending the 31st March, 1907, amounted to $6,679,349. Our exports to France during the same months were only $1,409,572, showing a balance of trade against us of $5,269,777 in nine months alone. The advantages which this treaty gives to France over those given to Canada, to my mind will double, probably quadruple, the advantages to France as indicated by these figures. In looking a little fur-

ther at the trade with those countries that enjoyed the favoured nations clauses, hon. gentlemen will find the imports for those countries in a very exhaustive return that has been laid before parliament. I will not claim that it is the result of a suggestion I made, but it carries out a suggestion I made when we were discussing this matter before. That is, giving us the rate of duty imposed under the minimum and maximum tariff in France; it also shows the percentage of reduction on each article, but referring to the trade with these countries which enjoy the favoured nation clauses, I find the imports from these countries amounted during the same period of nine months to $3,274,567, and the exports to them only $1,242,169, or a balance of trade against us, so far as these countries were concerned, of $2,032,398. That is the result of our imports and exports to these countries enjoying the benefit of the favoured nation clause as it exists at present, or rather during the nine months to which I have called attention. And my impression is that with the advantages given to France on these articles, many of which are specialties which we do not produce in this country, that that balance of trade will be materially increased against us. There is, for instance, in addition to these French specialties, a very great reduction in the tariff imposed upon light wines, lower than the intermediate tariff as it exists upon our statute-book. The effect of that will be the importation of a very much larger quantity of that particular article into this country than was imported under the old tariff, and it will have the effect I fear—because if you will drink wine we may as well have home-made wine instead of imported—of injuring to a very great extent the manufacture and production of that article in Canada. Be that as it may, it is an incident of trade, and it is a result which, to my mind, will flow from the lower duty upon these particular articles. Looking at the treaty itself for a few moments, I find this fact, which is to be regretted: that there are very few advantages that will accrue to the agricultural producers of this country. The reduction of the tariff, so far as it affects the agricultural interests, is very small, and if you examine it you will find that on a very large number of articles which might be exported from this country, the product of the farm, the duty is not lowered at all. Even in the case of horses—and my hon. friend called attention to this when he was speaking—on five year-old horses the duty is still, under the minimum tariff, $30 per head. That is a very high duty; upon colts $10, and on cattle 2 cents per pound live weight.

Hon. Sir RICHARD CARTWRIGHT—$1.75 per hundred pounds is the duty on live cattle.

Hon. Sir MACKENZIE BOWELL—Horses five years and over, each $28.90. I think I said thirty. Under five years it is $19.30, and upon colts $9.65. Then oxen, live weight 220 pounds, cows are $3.65. That is a reduction of 33⅓ per cent.

Hon. Sir RICHARD CARTWRIGHT—What is the hon. gentleman quoting from?

Hon. Sir MACKENZIE BOWELL—Schedule A of the return laid before parliament from either the Department of Customs or the hon. gentleman's department.

Hon. Sir RICHARD CARTWRIGHT—The maximum tariff is $2.65 per hundred pounds, and the minimum tariff which we would enjoy is $1.75.

Hon. Sir MACKENZIE BOWELL—On what?

Hon. Sir RICHARD CARTWRIGHT—On oxen, live weight.

Hon. Sir MACKENZIE BOWELL—By the return laid before parliament for our information by the Department of Trade and Commerce or the Department of Customs, oxen live weight is $3.86, and the maximum $5.79 being a reduction in that article of 33⅓. Then next comes cows and bulls, steers, bullocks, heifers. There is about the same proportion of reduction upon all these articles as upon the one to which I have just called attention. Still the hon. gentleman will say that the rate of duty imposed under the minimum tariff is upon the basis of 220 pounds; so that if an oxen weighs a thousand pounds——

Hon. Sir RICHARD CARTWRIGHT—The hon. gentleman is quite right when putting it at 220 pounds. I was taking it

at a hundred pounds. Taking it at one hundred it would be $1.75.

Hon. Sir MACKENZIE BOWELL — If the hon. gentleman will look further he will find that poultry, an article which we export very largely, thousands of tons of it, turkeys and fowls are sent out of the country every fall, and there is no reduction at all in that article. The French maximum tariff is $3.86, upon what weight this return does not indicate.

Hon. Sir RICHARD CARTWRIGHT—I think the duty on poultry is on the net weight 100 pounds, $1.75. There is no reduction as my hon. friend states.

Hon. Sir MACKENZIE BOWELL—Then the figures I have before me are based upon 220 pounds mentioned above, and I find meats, preserved in tins, have been reduced from $3.86 to $2.89. There is no provision here as to whether the tins are to be included in that rate of duty, or whether the tin cans, whatever it may be, containing the article, will be subject to another duty or a higher duty, or a separate duty as the case may be. I should like to refer to the fact that under the Washington Treaty certain provisions were made for the importation into the United States of canned fish; but there was no provision made that the packages containing the fish should be admitted free, and the result was that the cans containing the fish sent from Canada into the United States was charged an extra duty. Whether the French will put that interpretation upon this treaty or not, I am not prepared to say; but there is no provision in the wording of the treaty to indicate that the tins shall be included in the value of the meats preserved in tins. That is a question, I suppose, that will have to be decided hereafter.

Hon. Sir RICHARD CARTWRIGHT—I think I may tell my hon. friend that I understand the weight of the receptacle forming the interior of the package is included, which would cover the tins.

Hon. Sir MACKENZIE BOWELL—So it would, if there is a provision of that kind. I must confess that if there is I have failed to find it. Then if you go down to the bottom of that same page, you will find that almost every article, the product of grain, remains at a maximum tariff: Oats, grain meal and barley, rye maize, and buckwheat the same. Malt, an article which we could export very largely, remains at the maximum, and groats and grits—I do not know that that means the political Grits in this country. If it does, I should favour their being admitted into France free. We can spare a lot of them. However, these are articles which would affect materially the agricultural products of this country. May I ask my hon. friend—and I do not do it in a captious way—what the word 'other' means which occurs so often in the tariff. It goes on enumerating all the articles to which I have called the attention of the Senate, and then it says 'other'—in the grain, decorticated; in flour, and so on.

Hon. Sir RICHARD CARTWRIGHT—As I understand that, it means other descriptions of grain not heretofore enumerated.

Hon. Sir MACKENZIE BOWELL—I know it occurs in a number of places, and that there is no explanation as to what the real meaning was. I have mentioned one or two points that I think are very important, and it was an oversight on the part of the negotiators not to have made plain and clear what the meaning and intention of 'trans-shipment' is. Difficulties may not arise, but under the tariff it seems to me they may possibly arise in connection with the importation of articles into this country into the lake ports other than the river ports. I will refer for a moment again to an article to which my hon. friend called attention, and to which I alluded a few moments ago. That is agricultural implements. I find that the Canadian manufacturers exported during the nine months to which allusion has been made, already, to the Argentine Republic, $238,662 worth of agricultural implements. To Austria-Hungary, $23,994; Denmark, $6,000; Norway, $2,630; Persia only $23, but Russia received from Canadian exporters $172,211. Spain, $8,000; Sweden, $13,259. I refer to these figures with a great deal of pride, because those who have watched the course of events and those connected with the trade of Canada with foreign countries know—and I know that those interested in the

trade know the interest the late government and myself in particular, took in the cultivation of this trade, and I am quite sure that if the manufacturers of Canada will turn their attention in the same manner to other articles that we manufacture, as the manufacturers of agricultural implements have done in the past, that there are other branches of trade in which the same good showing can be made. While both governments have taken an interest in securing foreign markets for Canadian manufactures, the manufacturers themselves have not met them—I am speaking of them as a body, not individually—in the manner in which they should have met them. They have expected the government to be too paternal in their policy, and not only to open markets for them and give them protection for the manufacture of the goods, but almost to sell them for them. Most people who know anything of my political career know that I have always been the very opposite of my hon. friend on the question of trade. I have been a protectionist from my boyhood up, and I am strongly of opinion, particularly in a new country like ours, that it is the only policy which would build up this Dominion to the position we would all like to see it in. The very fact that that high protection that was given originally to the agricultural manufacturers in Canada, with an additional drawback—which was condemned in the strongest possible manner by members of the present government—upon the duties paid on the materials which entered into the manufacture of the articles, assisted them in competing with the output of the United States manufacturers.

Instead of carrying out the pledges which they had made and adhering to their condemnation of the policy of granting drawbacks, they have actually increased the drawbacks. We gave them a refund of 90 per cent of the duties paid upon articles imported into this country and used in the manufacture of agricultural implements exported to foreign countries. Instead of abolishing that, they extended the drawback to 99 per cent. They have seen better light and I compliment them on having profited by our example and on having done even better. A continuation of that policy towards all manufacturers in this country will have the effect to which I have called attention, of opening up markets in foreign countries for Canadian manufactures. I could name the different articles that we export, but I forebear, taking it for granted that every hon. member has this analysis of the treaty and can judge it for himself. I have simply to extend the hope that our trade may increase to a greater extent than it did under the treaty negotiated by the late government; but I must recognize this fact, and so will every one who has studied the question, that in a country like France with a high protective tariff, it is not an easy matter to negotiate a treaty which will affect their industries.

Hon. Mr. SCOTT—Hear, hear.

Hon. Sir MACKENZIE BOWELL — My right hon. friend said that France is one of the richest countries in the world. We all know how it emerged form the war with Germany, though stripped of two of its important provinces, Alsace and Lorraine. It paid off the war indemnity in full, and the ability of France to do so is due to the fact that they have a protective policy. If France can become the richest country in the world by following the policy of protection, let us pursue it here, and become as rich as France, and then the right hon. gentleman who moved the adoption of this treaty will go down to his grave rejoicing that through the policy which he condemned the most of his life, Canada has become one of the richest colonies in the British empire.

Hon. Sir RICHARD CARTWRIGHT—My hon. friend will live for a very long time if he lives until he sees me converted to belief in the benefits of protection. However, I have nothing to complain of in my hon. friend's criticisms. Probably no man in this House has had better opportunities than he of judging of the difficulty of forming such a treaty and of the possibility of good which may arise if our anticipations are fulfilled, from cultivating closer relations with France. He is quite right, I admit, in saying that on agricultural staples we have not been able to obtain concessions. He knows well that the agricultural interests in France are very strongly op-

posed to making concessions in that direction, and we were obliged to do the best we could. Possibly we may be able to do something in the way of introducing Canadian meats and certain classes of animals; but I am free to admit that it is not likely we shall do much in the way of introducing our grains and flours. That, I may point out to him, is partly due to the fact that France itself is a great grain producer, and on occasion—I am not quite sure whether it was not in this very year—France exports a considerable quantity of wheat and flour to other countries. Perhaps my hon. friend has noticed that fact, and also that France, in the matter of poultry and eggs, exports very largely to England, and while we would have been glad to obtain admission on reasonable terms to her markets, I do not know that, for the present at least, it would have benefitted us much. However, in a general way, my hon. friend is right in saying it would have been very desirable to have obtained more concessions. All I can say is, the two gentlemen who negotiated that treaty did their very utmost to obtain them, and what they have got, I trust and hope, will prove of considerable advantage to the people of Canada. At any rate, the ladies of Canada, who will get their gloves, ribbons and other articles dear to the feminine mind, cheaper, will congratulate the country and the two houses on having given them some small advantages in these matters.

Hon. Sir MACKENZIE BOWELL—I am sorry to learn that my hon. friend is incorrigible in matters of trade.

The clause was adopted.

Hon. Mr. WOOD, from the committee, reported the Bill without amendment.

The Bill was then read the third time, and passed under a suspension of the rule.

BILLS INTRODUCED.

Bill (49) An Act to incorporate the Shuswap and Thompson Rivers Boom Company.—(Hon. Mr. Bostock.)

Bill (86) An Act to incorporate the Northern Empire Railway Company.—(Hon. Mr. De Veber.)

Bill (11) An Act respecting the Nipissing Central Railway Company.—(Hon. Mr. McGregor.)

PHOENIX ASSURANCE COMPANY.

PETITION PRESENTED.

Hon. Mr. BOSTOCK moved that rules 24, 110 and 112 be suspended for the purpose of presenting the petition of the Phoenix Assurance Company, Limited. He said: This is an English assurance company, and they have lately taken over the business of another English assurance company which was doing life insurance in this country. The counsel for the company only found out in January last that it was necessary for them to get special legislation to enable them to carry on the business that this company they have bought out were doing in Canada. Since the time that he found out this was necessary, it is only now he has been able to get the properly signed and sealed petitions ready to submit to the House.

The motion was agreed to, and the petition was presented.

THE CIVIL SERVICE COMMISSION REPORT.

Hon. Sir MACKENZIE BOWELL—Before the House adjourns, I should like to ask the hon. leader when he intends to lay the report of the Civil Service Commission on the table? I might further ask him whether he intends to follow the precedent set in the lower House, by making an explanation of the attacks which that commission has made on the different departments, and point out the fact, as one of his colleagues did, that they are not correct. I know that it is an unprecedented mode of dealing with a question of that kind, but as we live in a new age, it might be well to know just what course will be followed.

Hon. Mr. SCOTT—The Civil Service Commission did not furnish us with a duplicate copy of the report. There was but the one original, and that was presented in the House of Commons, and immediately sent to the printer. Until it is printed, it will be impossible to lay it before the House. I see that the newspapers have published the main portions of it, so the public will be familiar with the report.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman has not answered my question.

Hon. Mr. SCOTT—I am quite unable to do so. I have not had an opportunity of reading the report. The object is to get it printed and distributed as soon as possible.

The Senate adjourned until Tuesday next at three o'clock.

THE SENATE.

OTTAWA, Tuesday, March 31, 1908.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

QUEBEC BRIDGE.

INQUIRY POSTPONED.

The order of the day being called by Hon. Mr. Landry :

That he will inquire of the government—
From its formation until the moment when Mr. Simon Napoleon Parent became one of the members of its board of direction, how much has the Quebec Bridge Company paid to its directors for services rendered?
Since the company caused Mr. Parent to enter its board of direction up to this day, how much has it paid each of these directors for services rendered?
What is the nature of these services?
How much has its secretary cost it?
How much has its engineer received?

Hon. Mr. SCOTT—I have not an answer to this question.

Hon. Mr. LANDRY—When can we expect an answer ?

Hon. Mr. SCOTT—It is impossible to say. The hon. gentleman asks questions which the members of the government cannot possibly answer. They have to be sent outside. Many of them have to go to Quebec, and it is very difficult to obtain answers.

Hon. Mr. LANDRY—How does it happen that when those questions are asked in the House of Commons, they are answered; but when they are asked in this Chamber they are not answered ?

Hon. Mr. SCOTT—I had the official of the Finance Department in my office, and I said to him : 'Those questions have been answered in the Commons,' and he said : 'They have not.' Senator Landry's questions are put differently from those in the House of Commons. They are misleading, and quite difficult to obtain answers for' That is the statement he made to me, and I frankly tell the hon. gentleman.

Hon. Mr. LANDRY—Are the answers misleading or the questions ?

The motion was allowed to stand.

QUEBEC BRIDGE DEBENTURES.

INQUIRY POSTPONED.

The order of the day being called by Hon. Mr. Landry :

That he will inquire of the government—
What is the total amount of debentures issued by the Quebec Bridge Company?
How many of these debentures have been negotiated and at what rate of interest and discount, and how much have they brought in?
How many of these debentures have been given as guarantees for loans made by the company with banks?
What amount has the company obtained in this manner from banks?
What rate of interest is it paying?
When is each of these loans payable?
Has the government intervened in these negotiations and financial operations?
In what manner? Has it given banks its guarantee for the re-payment of the capital borrowed and for the payment of interest thereupon?
For what amount is the government so responsible?
What are the sums of money which the government has already advanced (*a*) either to the company, (*b*) or to banks, in payment of obligations for which the government was responsible?
Has the government in its possession any debentures of the company in exchange for sums which the government has disbursed or for guarantees which it has given?
For what amount?

Hon. Mr. SCOTT—That will have to stand.

Hon. Mr. LANDRY—These matters belong to the government. They do not have to send to Quebec for information. We should obtain answers to these questions from the government.

Hon. Mr. SCOTT—Well, it was pointed out that it was quite impossible to answer those questions in the shape in which they are, and I asked Mr. Ross to prepare an answer to meet the inquiry as far as practicable, because there are a number of questions that are not in accordance with

the facts. I cannot possibly explain it to my hon. friend. All I can tell him is that Mr. Ross of the Finance Department, said that the answers were so misleading and confused that it was quite impossible to get an answer to them.

Hon. Mr. LANDRY—Can we not replace that official and get a man who can understand these questions ?

Hon. Mr. SCOTT—The shorter way will be to make the questions more intelligible.

Hon. Mr. LOUGHEED—How does the hon. Secretary of State suggest we should do it ?

Hon. Mr. SCOTT—I have done all that I can to suggest.

Hon. Mr. LANDRY—Will the government give me their aid in formulating the questions ?

Hon. Mr. SCOTT—Leave it over till another day, and I will try and get it. I had Mr. Ross in my office, trying to get an answer——

Hon. Mr. LANDRY—Tell him we might get a man who will understand.

Hon. Mr. SCOTT—The hon. gentleman may tell him himself.

INTERCOLONIAL RAILWAY EMPLOYEES.

INQUIRY.

Hon. Mr. LANDRY inquired :

Has the government in its service on the Intercolonial Railway a person named McGovern who performs the functions of section foreman from Lévis to Rivière du Loup?

What is the salary of this employee?

Is the government bound to furnish a lodging to this employee?

In such case, has it put at the disposal of Mr. McGovern the whole height of the old station of the Intercolonial at Lévis in order to serve him as a private residence?

Is the government bound to pay and, in fact has it really paid the cost of the workmanship and materials which this installation involves?

Does the government know that with respect to this there are in public circulation rumours of such gravity that the interests of Mr. McGovern and that of the government impose the necessity of an inquiry?

Is it the intention of the government to order such an inquiry, or at least to require the superintendent of the Intercolonial at Lévis to make a report upon the nature and the extent of the accusation, in order to allow the government to take such measures afterwards as the public interest may suggest?

Hon. Mr. SCOTT.

Hon. Mr. SCOTT—The answers to the hon. gentleman's questions are as follows :

1. J. McGovern is an employee of the government, as trackmaster on the Intercolonial Railway between Lévis and Rivière du Loup.

2. $120 per month, with $10 per month for travelling expenses.

3. The government is not bound to furnish a lodging, although it has supplied a number in Lévis for the convenience of its officials, particularly, the superintendent. It not being possible to secure a residence convenient to the railway station, authority was given to fit up the upper storey of the old freight shed.

4. No. Ten rooms are being fitted on the second floor, and it was necessary to build a stairway from the ground floor to the second floor, in order to have approach to the rooms.

5. The fitting up is being done at the expense of the Intercolonial Railway.

6. No.

7. No reports having reached the government, there does not appear to be anything to investigate.

The last answer is a little misleading. I did not ask if any reports came to the government, but asked if the intention of the government was to have an inquiry or to ask the superintendent to make a report on the question. The answer is no.

BRIGADIER-GENERAL OTTER.

INQUIRY.

Hon. Mr. LANDRY inquired of the government:

Who has been appointed in place of Brigadier-General W. D. Otter to the command of the territorial division of Western Ontario, since the promotion of this Brigadier-General to the command-in-chief of the General Staff?

Hon. Mr. SCOTT—The question of the appointment of an officer to succeed Colonel and temporary Brigadier-General W. D. Otter, C.B., as Officer Commanding the Western Ontario Command, is receiving the consideration of His Excellency in Council.

COMMANDS-IN-CHIEF.

INQUIRY.

Hon. Mr. LANDRY inquired of the government:

(a) Who are the officers of the militia nominated to the command-in-chief in each of the following territories:—

1. Ontario West.
2. Ontario East.
3. Quebec.
4. Maritime Provinces.

And what rank does each of them hold in the militia?

(b) Does the government intend to give the person who commands the militia force in the Province of Quebec the same rank as that which was granted to the commander of the forces in Ontario East up to the end of February last, and which has been actually granted to the commander of the forces in the Maritime Provinces?

Hon. Mr. SCOTT—The answers are as follows:

(a) 1. Western Ontario: Colonel and temporary Brigadier-General W. D. Otter, C.B.

2. Eastern Ontario: Colonel W. D. Gordon.

3. Quebec: Colonel L. Buchan, C.M.G., A.D.C.

4. Maritime Provinces: Colonel and temporary Brigadier-General C. W. Drury, C.B., A.D.C.

(b) Colonel Buchan, Commanding the Quebec Command, at present holds the same rank as the Officer Commanding Eastern Ontario (Colonel W. D. Gordon); the rank held by the Officer Commanding the Maritime Provinces Command is that of Colonel and temporary Brigadier-General.

The question of granting the rank of brigadier-general to the Officer Commanding the Quebec Command is receiving the consideration of His Excellency in Council.

Hon. Mr. LANDRY—That is the answer given to-day.

Hon. Mr. SCOTT—Yes.

Hon. Mr. LANDRY—I see by the papers issued yesterday that Colonel Buchan has been named Brigadier-General. I suppose we are a little behind time.

Hon. Mr. SCOTT—I think my hon. friend has the latest information always. It is a little in advance of what I have.

Hon. Mr. LANDRY—It looks like that.

THE ROSS RIFLE.

INQUIRY.

Hon. Mr. LANDRY inquired:

Has the government concluded any arrangement whatsoever for the manufacture of bayonets adapted to the Ross rifle?

If so, with whom?

For what quantity?

At what price each?

Has the government asked for tenders for the manufacture of these articles?

And if so, which are the papers which have published in their columns the notices given by the government to that effect?

Hon. Mr. SCOTT—I answered that question the other day. I said it was under consideration, but nothing has been done for the present.

Hon. Mr. LANDRY—The last question I asked was whether the rifles issued had bayonets, and the answer was no. Now, I am asking another question.

Hon. Mr. SCOTT—I understood my hon. friend had asked the question about the supply of bayonets, and I said it was under consideration.

Hon. Mr. LANDRY—I never asked this question until now.

Hon. Mr. SCOTT—Well, that is the answer now.

Hon. Mr. LANDRY—The hon. gentleman was misled by my question the other day. Perhaps I might give him a little information and tell him that the contract has been given to the Ross rifle factory.

THE QUEBEC BRIDGE.

INQUIRY.

Hon. Mr. LANDRY inquired:

What is the amount of the interest due, of which mention is made in the following declaration given by the government on the 25th March instant:—

(d) The Bridges Company advises that the cost of the bridge, including Chaudière bridge and the railway approaches, to March 1, 1908, was $6,899,033.03 to which is to be added interest from June 30, 1907, on the advances for which the bonds of the company were pledged.

Hon. Mr. SCOTT—I have not the information.

Hon. Mr. LANDRY—Is it very hard to get?

Hon. Mr. SCOTT—I have not yet succeeded in getting it at all events.

The inquiry was allowed to stand.

THE EMPLOYMENT OF SIMEON DE LISLE.

Hon. Mr. LANDRY—I should like to know from the leader of the House if there is any

answer to an order of this House of the 29th January last for a return in the case of Mr. Simeon De Lisle?

Hon. Mr. SCOTT—Where is he employed?

Hon. Mr. LANDRY—In the House of Commons. I want to know what amount of money he has received, outside of his indemnity, between certain dates. As I have said, the House ordered the return in the month of January last.

Hon. Mr. SCOTT—I will try and find out if I can.

RAILWAY ACT AMENDMENT BILL.

THIRD READING.

Hon. Mr. YOUNG moved the third reading of Bill (3) An Act to amend the Railway Act.

Hon. Mr. CLORAN—I have given notice of the following amendment, which I now move:

That notwithstanding anything in the Railway Act of Canada or in any Act of the Parliament of the Dominion of Canada, and notwithstanding any judgment of the Supreme Court or of any court of Canada, every person in Canada shall have the right to take action at law for the recovery of damages against all individuals, companies and corporations when his or her rights in regard to person or property have through negligence or otherwise on the part of individuals, companies and corporations been trespassed upon or injured in any way whatever.

I have found during the past four or five weeks that this Bill has been under consideration in this honourable House that the authorities on both sides are divided upon a very essential principle of justice which should obtain in Canada. I find that the leading authority on the government side holds that the judgments of the Supreme Court regarding the rights of citizens to sue for damages are not interfered with. I am not going to discuss whether the leader of the House is right or wrong; but I find that, on the other side of the question, one of the most prominent men in the political life of this country holds a different opinion and holds it seriously and conscientiously. That means that judges in this House can be divided in opinion just the same as judges on the Supreme Court bench can be divided. One may hold that this is white, another that it is black. That is one of the inconveniences of legal lights in the Dominion of Canada as well as in other countries. It is one of the inconveniences brought about by the loose way in which we draft our laws, by the obscure terms in which we express our desires and wants on behalf of the people. It is a pity, but it is a fact. It has been so years and years gone by and I do not suppose that by my humble effort I shall be able to remedy the evil this year or next year or ten years to come; but I hope, if Providence spares me long enough, to be able to ask my colleagues in the legislation of this country to have their laws so clear and plain that there will be no interpretation necessary on one side or the other, that the courts of our country shall be called upon to apply the law and not interpret it. In view of the position which I hold, I ask this House to take my amendment into consideration; but we have the word of amendment. I admit that it goes a little beyond the Railway Act which is under consideration, but we have the word of the hon. leader of the House that substantial amendments have been inserted in Bills of which he knew nothing for years and years. I remember him quoting on two or three different occasions that a clause was passed some twenty years ago, of which he knew nothing, regarding certain lands in the Northwest, granted as railway subsidies. It was a substantial amendment to that Bill and he knew nothing of it until he found it out years afterwards. So that if my proposition is a little out of the way, it is not a precedent; it is a proposition to hold good in any law that we may pass in the Dominion of Canada. I regret to say, as one of the legislators of this country, that it is necessary here to establish by statute what exists by common law right in England. I regret to have to say that laws are so obscure here that the hon. leader of the government tells us one thing and one of the leaders of the opposition tells us another. Where are we to stand? A client comes to me and asks me: 'What shall I do?" I will say: 'Here is the opinion of the leader of the government.' He said: 'Yes, you have a right,' and then I turn over to the other page, and one of the most prominent authorities on legisla-

tion says: 'No, you have no right;' and then I take up the judgment of the Supreme Court, and I am bound to admit notwithstanding the declaration of the hon. leader of the House, that the judgment of the Supreme Court takes away from every citizen in this country the right to take action at law for the recovery of damages under certain circumstances. That law should not have any existence under our constitution. Under all conditions, under all circumstances, every citizen is entitled at law to take action for the recovery of damages against anybody. His case may be no good. It is for the courts to decide, but the essential fact remains, that every citizen in this country has a right to take action at law. According to the Supreme Court judgment in the case of McKay vs. the Grand Trunk, that right is taken away, not taken away according to the hon. leader of the House, but taken away according to the interpretation of the hon. gentleman from Marshfield. This amendment is to make things simple, and it will not cost much to put it in the statute. It gives everybody the initiative right, the essential right which we have yet to place on our statute-books; although throughout the rest of the British empire, every person has already the right to go to law to recover damages against the person or against property. That is the meaning of this clause. It means no more and no less. It simply gives the right to every person in Canada to seek redress at the hands of the tribunals of this country without consulting any lawyer as to whether he has the right to do so or not. It is a fundamental right and an essential right which I am asking this honourable House to give to every citizen within our borders.

Hon. Mr. SCOTT—The hon. gentleman has not quoted me correctly. I did not make the statement that he alleges. I stated that the case of McKay vs. Grand Trunk can no longer be quoted. The law that was in existence in 1888 was amended in 1902, and that case was tried upon the law as it stood in the Railway Act prior to 1902. I stated that the Railway Act had since been changed and it surely does not require any logic or argument to prove that when we change the law, on which a case had been decided, the previous law has now no effect and is no longer in force. In reference to the hon. gentleman's proposition, it is not in any way germane to this Bill, and it may be regarded as a very improper interference with the rights of the several provinces, they having control of contracts and agreements. This amendment has no right whatever to be connected with the measure before the House.

Hon. Mr. BEIQUE—I should like to ask the hon. gentleman from Victoria one question. Under the Railway Act, as he is aware, there is right given to railway companies to expropriate lands belonging to individuals. How far would the clause that he proposes interfere with the right of the companies to expropriate land? Would it have the effect of wiping out the right of expropriation?

Hon. Mr. CLORAN—I understand both the hon. leader of the Senate and the hon. gentleman who has just resumed his seat. My mind is clear on that. To answer the hon. gentleman from De Salaberry first, I may say that my clause runs along criminal lines practically, where there is negligence amounting to criminal negligence.

Hon. Mr. POWER—Damages are not criminal.

Hon. Mr. CLORAN—No. The hon gentleman is an attorney from Halifax. Does he not know that damages are recoverable for criminal libel every day in the week? I cannot give the hon. gentleman a course of training in law here. Then, in answer to the hon. leader of the Senate, I have this to say: He admits that an injustice was done under the old law, but the law has been changed. I say it is a shame, and an outrage upon the rights of citizens that parliament ever passed a law to prevent a poor man from recovering damages. The hon. leader of the Senate will admit that, will he not? But his argument now is that that law is changed. I care not whether the law has been changed. What I want to place on the statute-books of our country is a declaration clear and above board, without any contravention of thought or idea in regard to the matter, that every citizen of

Canada shall ipso facto, under the British law, under the law of common right and by our statutory declaration, have the right to follow up an individual or a corporation for damages when his rights have been trespassed upon. The Secretary of State has admitted that our parliament has put a law on our statute-book under which men have been deprived of their rights.

Hon. Mr. SCOTT—No, I did not.

Hon. Mr. CLORAN—Then I should like to have an explanation. The hon. gentleman has admitted that the decision in the case of McKay vs. Grand Trunk was due to an old law, where the Supreme Court of Canada told the widow and orphans of McKay that they had no recourse, owing to the law that existed in the statutes of our country.

Hon. Mr. ROSS (Middlesex)—Will the hon. gentleman quote the clause in the Railway Act which covers that?

Hon. Mr. CLORAN—It is not in the Railway Act. If the hon. gentleman from Middlesex had been here, he would have heard a two weeks' debate on this question, and the hon. gentleman from Marshfield made his case good, and all the hon. Secretary of State had to fall back upon was that the law had been changed; but under the old law the widow and orphans had no right in court. I want to put it on record in the statutes of our country that notwithstanding any judgment of the Supreme Court or of any court, that every citizen should have the common law right to sue for damages when the rights of his person or property have been trespassed upon by individuals, companies or corporations. It is not subverting the judicial system of the British Empire. It is maintaining it, and one reason why I glory in belonging to the empire is that the British law has more sense in it than the legislation of any other parliament.

Hon. Mr. BEIQUE—Would the hon. gentleman answer my question? I desire to know if, according to his understanding this law would interfere with the right which is given to the railway companies to expropriate land?

Hon. Mr. CLORAN—My answer is no. And if it did interfere, it would be on this ground: that if the commissioners of expropriation gave a wrong judgment against an individual, that that individual would have the right to appeal to the tribunals of this country.

The amendment was declared lost.

Hon. Mr. CASGRAIN—It may be well within the recollection of the House that the hon. senator from Marshfield argued for a long time that the report of the Railway Department and that of the Board of Railway Commissioners should agree. The hon. gentleman was very persistent in making that claim. Now, I have compared the two reports very carefully and have prepared a list of railways which are not under the control of the Railway Commissioners, but which are included in the report of the Railways and Canals Department. They are not included in the report presented before the committee by Mr. Geo. A. Mountain, chief engineer of the Railway Board. They are as follows:

Ottawa, November, 1, 1907.

List of railway companies not within the jurisdiction of the Board of Railway Commissioners for Canada.

Bruce Mines and Algoma, 17 miles.
Canada Coal & Railway Company, 12 miles.
Cape Breton, 31 miles.
Caraquet Railway, 71 miles.
Crows Nest Southern, 53 miles.
Halifax and Yarmouth, 369 miles.
Halifax and Southwestern, 369 miles.
Intercolonial Railway, 1,449 miles.
Inverness Railway & Coal Company, 61 miles.
Irondale, Bancroft and Ottawa, 48 miles.
Kaslo and Slocan, 32 miles.
Kent Northern, 27 miles.
Lotbinière and Megantic, 30 miles.
Midland Railway, Manitoba, 23 miles.
Morrissey, Fernie and St. Michel, 11 miles.
New Westminster Southern, 26 miles.
Nosbonsing and Nipissing, 5 miles.
Nova Scotia Steel & Coal Company, 13 miles.
Phillipsburg Ry. & Quarry Coy., 7 miles.
Prince Edward Island Railway, 267 miles.
Quebec Central, 222 miles.
Quebec and Lake St. John, 241 miles.
Sydney and Louisburg, 54 miles.
Temiskaming and Northern Ontario, 139 miles.
Victoria and Sydney, 17 miles.
Victoria Terminal Railway and Ferry Company, 18 miles.
Washington County, 1 mile.
Wellington Colliery, 11 miles.
York and Carleton, 6 miles.

Hon. Mr. CLORAN—Are they all running?

Hon. Mr. CASGRAIN. Yes. Here we have over three thousand miles of railway, and the accidents which happened on those

roads are in the report of the Department of Railways and Canals, but not in the report of the Board of Railway Commissioners. It may be within the recollection of this House that the hon. senator from Marshfield said he had carefully gone over the reports, and had found there had been only three deaths on the Intercolonial Railway, and that he could not account for the much larger number of persons killed at crossings and the discrepancy shown between the report presented by Mr. Mountain and the report prepared by Mr. Payne, of the Department of Railways and Canals. I regret very much that the hon. senator from Marshfield is not in his seat, but I want to make it perfectly clear that many railways were omitted from the report from which Mr. Mountain prepared his return. I have taken the trouble to look up those railways and make sure that all of them appear in one report and not in the other.

Hon. Mr. LANDRY—Is the hon. gentleman prepared to give the number of deaths or accidents which occurred on those three thousand miles?

Hon. Mr. CASGRAIN—No, I have not prepared that, but they appear in the report.

Hon. Mr. LANDRY—Then the statement which the hon. gentleman submits establishes nothing.

THIRD READINGS.

Bill (74) An Act respecting the Ottawa, Brockville and St. Lawrence Railway Company.—(Hon. Mr. Derbyshire.)

Bill (87) An Act to incorporate the Vancouver Island and Eastern Railway Company.—(Hon. Mr. Bostock.)

Bill (J) An Act to incorporate the Bank of Canada, London and Paris.—(Hon. Mr. De Veber.)

Bill (27) An Act to amend the government Railways Act.—(Hon. Mr. Scott.)

GILMORE DIVORCE BILL.

REPORT OF COMMITTEE ADOPTED.

Hon. Mr. KIRCHHOFFER moved the adoption of the report of the Standing Committee on Divorce to whom was referred the petition of Edith A. Gilmore, together with the evidence.

Hon. Mr. CLORAN—I do not rise with the intention of opposing the Bill. There is no use of one butting his head against a stone wall all the time, but I should like the stone wall to incline towards what is proper in a legal sense. I am not going to oppose the Bill on its merits. Probably the petitioner deserves what the committee recommends shall be given her, but I wish to point out that divorces are granted here too easily. I hold in my hand a copy of the evidence in this case, on which you could not obtain judgment for five cents in any court of Canada. I leave it to the hon. senator from De Salaberry, the hon. senator from Mille Iles, or any other senators accustomed to weighing evidence, to say if that is not so. We are asked to grant a divorce on hearsay evidence. The hon. senator from Bedford division (Hon. Mr. Baker) well knows that if he were a judge on the bench he would be the first to rule out such evidence. Hearsay evidence is of no account either in civil or criminal courts, and the entire action of this divorce committee is based on hearsay evidence. If that hearsay evidence were of an ordinary kind, I might not have so much objection to it; but it is evidence given by a medical man in violation of his oath of secrecy. The evidence which justifies divorce in the estimation of this honourable committee, is this—that if a certain individual goes to a certain doctor and declares a certain thing, that is sufficient evidence for granting a divorce. The medical man should regard information obtained in that way as the clergy is bound to respect the confessional, and as the legal adviser is bound to respect the confidence of his client.

Hon. Mr. POWER—Was the medical man to whose evidence the hon. gentleman refers, the medical adviser of the husband in this case?

Hon. Mr. CLORAN—Unfortunately he was medical adviser for both, and he split the difference.

Hon. Mr. POWER—It does not appear so from the evidence.

Hon. Mr. CLORAN—If the hon. gentleman will take the evidence as printed, he

will find that it does appear so, and that the respondent went to the doctor and made certain statements to him. That doctor should have kept that information as secret as the tomb; he had no right whatever this side of the grave or the other side of it, to divulge what his patient told him. I am not going to dispute the facts, but I am calling attention to this fact, that divorces are granted on grounds on which you could not obtain a judgment in the law courts for five cents.

Hon. Mr. WILSON—I rise to a point of order. The hon. gentleman is misstating, whether intentionally or not, the evidence that was taken before the committee. He quotes what was stated by the doctor. He is not quoting the results that proved the criminality of the individual.

Hon. Mr. CLORAN—That is why I do not want to dispute the merits of the case. The hon. senator has called my attention to a point which I was going to develop. I am not discussing the result; but I am discussing the conduct of the doctor who violates his oath of office.

Hon. Mr. WILSON—If a doctor violated his oath of office in that way, it may be the case in Quebec, but it is not the case in Ontario.

Hon. Mr. CLORAN—Then I am sorry for family secrets and family ties in Ontario. I know that, in civilized countries, professional men are obliged to keep such secrets, and if that is not the case in Ontario, then so much the worse for the people in Ontario. The point in this case is that the recommendation of the committee is based on hearsay evidence. It would have been very easy for the committee to have sent for the respondent and asked him if he ever authorized the doctor to make such a statement, or if in fact he had ever made such a statement to the doctor. I am not going to dispute the rights of men who disagree with me on the fundamental principle of the sacredness of the marriage tie. I leave that to their consciences and bringing up; but when I am asked to consent to a divorce I want it to be based on more solid grounds than hearsay evidence, and especially a violation of professional secrecy.

The motion was agreed to.

Hon. Mr. CLORAN.

Hon. Mr. PERLEY rose to introduce a Bill based upon the report.

The SPEAKER—The hon. gentleman should wait until the orders of the day are disposed of. It is contrary to the rules to interfere with the orders of the day.

Hon. Mr. LOUGHEED—The practice of the House is that a Bill is introduced and read the first time after the adoption of the report of the Divorce Committee.

Hon. Mr. POWER—Still I think his honour's view is the correct one.

The SPEAKER—I know there is a general rule that there should be no interference with the orders of the day.

RESTRICTION OF EVILS OF DIVORCE BILL REJECTED.

Hon. Mr. CLORAN moved the second reading of Bill (HH) An Act to restrict the evils of divorce.

He said: The Bill which I submit for the consideration of hon. gentlemen reads as follows:

Whereas it is in the interest of society that the evils of divorce be restricted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The offending and guilty party to a marriage contract shall have no right to remarry in the Dominion of Canada after the obtention of a Bill of Divorce through the Parliament of Canada; and further if such party remarry outside the jurisdiction of the Parliament of Canada, such remarriage shall be considered, for all purposes, invalid and illegal; and such party remarried shall be considered a bigamist within the territory of Canada.

I wish to call your attention to the subject of this Bill on grounds in no way contentious. I do not wish, and I do not ask hon. gentlemen to consider this from a theological or religious point of view. I do not even ask the Senate to consider it from a civil point of view, as there are other tribunals where a divorce can be obtained in this country outside of the parliament of Canada. I ask hon. gentlemen to consider the subject in the interests of the fatherhood and motherhood of the nation of Canada, on grounds high and holy, although, as I have said, not under Divine sanction nor even civil sanction outside of the jurisdiction of this country. All I ask

the House to consider is the demand herein, based on natural law. I ask this House to say that when a divorce is granted on the grounds that one of the parties is a scoundrel, knave and debauchee, that the guilty party shall not be allowed to go into some other home and bring shame and dishonour on another family. By what right do we let a debased character loose on society? We all know that men who obtain those divorces are, as a rule, not the everyday scum of life, but men high up in position, in finance, in law, and even in the church, and why should I, by my vote, give such a person the right to go into my neighbour's family and bring gloom and dishonour upon them? All I ask is that when parliament grants a divorce it shall be only to the innocent party to the marriage contract, and to declare that the guilty party shall not have a right to do further damage elsewhere. Not one of us would permit a divorcee to enter our homes, and if we would not allow him into our own homes, why should you let him into the homes of people less acquainted with his character? You brand him as a man unfit for ordinary society, yet you give him equal privileges with the poor woman over whom we spend so much sympathy in granting a divorce. You say to her, 'You can marry again if you want to,' and by the very same act, you say to the brute who has demoralized her and ruined her family and brought dishonour upon them, that he has the same right. I ask hon. gentlemen in the names of the fathers and mothers of this country to put a stop to that traffic in licentiousness. We have enough of legal debauchees without further legalizing them. We have enough scoundrels going around on their own hook, without parliament being called upon to give them a certificate of character and the right to go over the field of matrimony again. But I am told 'Oh, but otherwise he will carry on his career of crime. He will indulge his passions.' I ask hon. gentlemen who tell me that 'Do you want him to indulge his passions in your household, or in the slums of vice where he belongs.' That is for you to answer. When you accord to a brute a divorce by Act of parliament, and thereby give him the right to go into other homes, then you are not doing your duty by the motherhood and fatherhood of this country. I hold in my hand an endorsation of my attitude in this matter, and I know that from far and wide the people are looking for this remedy. Take the woman who has been untruthful and disloyal to her home. Her husband is granted a divorce from her. Fortunately there are few in this country of that kind, but take the exception: will you grant that woman the right to go into your home or to invade your social circle, or to inveigle your young men into crime? I see smiles on the faces of hon. gentlemen who evidently do not appreciate the difference; but I know whereof I speak, and one of the many hundreds of fathers and mothers has expressed their views in this letter which I will now read to the House. The letter is written in French, but translated into English it reads as follows:

> Dear Sir,—I wish to make known to you our admiration for the project of law which you have introduced in parliament in regard to divorce. It does you a great deal of honour and it will do parliament much more honour if they accept it. I regret not to be able to express all the gratitude I have for such actions as these in regard to divorce.

This letter was written at the request of a large number of persons who are interested in this legislation.

I am only quoting one out of dozens of expressions of opinion that have come to me in regard to this matter. It is not a contentious matter. I am not dealing with the theological side of it, because if I did I would be prohibited from doing so. I do not want to interfere with the rights of innocent parties. I do not ask parliament to interfere with anything that is legitimate; but I ask hon. senators, you grandfathers, if you have not lost the sentiment of paternity, the young men are with me in this movement—you who ought to know what it means to have wolves of the kind to which this Bill refers roving around society seeking for other food. Is it not time we should put a stop to it. Is it not time when parliament says 'Divorce shall be granted,' that the liberties, benefits and advantages of that divorce shall appertain solely to the innocent party and not to the man who was the cause of the dishonour, discredit and downfall of the innocent party. That is the sum and substance of the Bill. I hope it will appeal to hon. gentlemen's

feelings, not so much as legislators, because there is nothing contentious in it, nothing affecting civil or religious rights. It simply affects the rights accorded by this parliament in granting a Bill of divorce, and all I ask this honourable House to do is to restrict the evil, to prevent a demon from doing elsewhere what he has done at home.

Hon. Mr. McKAY (Truro)—I should like to know what effect the carrying of this Bill will have on the provinces that have divorce courts of their own?

Hon. Mr. LOUGHEED—None at all.

Hon. Mr. CLORAN—It affects no court ouptside the parliament of Canada. I say that any offending party to a marriage contract who has obtained a divorce from the Dominion parliament alone——

Hon. Mr. POWER—The hon. gentleman cannot discuss the question after the motion has been put from the Chair.

The SPEAKER—The motion has been put from the Chair, which would preclude any further discussion.

The House divided on the motion, which was lost on the following division:

Yeas 22, Nays 24.

Contents:

Honourable Messieurs

Baird,	Fiset,
Bèique,	Landry,
Belcourt,	McDonald (C.B.),
Casgrain,	McGregor,
Cloran,	McMillan,
Coffee,	McMullen,
Comeau,	Perley,
David,	Power,
Dessaulles,	Ross (Middlesex),
Domville,	Scott,
Ellis,	Watson.—22.

Non-Contents:

Honourable Messieurs

Baker,	Kirchhoffer,
Bernier,	Legris,
Bostock,	Lougheed,
Bowell (Sir Mackenzie),	McKay (Truro),
Carling (Sir John),	McLaren,
Cartwright (Sir Richard),	Merner,
Derbyshire,	Riley,
DeVeber,	Robertson,
Douglas,	Ross (Moosejaw),
Edwards,	Ross (Halifax),
Gibson,	Wilson,
	Wood,
	Yeo.—24.

Hon. M. CLORAN.

Hon. Mr. CLORAN—I call attention to the fact that the hon. senator from New Brunswick did not vote.

Hon. Mr. COSTIGAN—The reason I did not vote is that I did not think I had a right to vote, not being in when the question was put. If I had a right to vote, I would vote for the Bill.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman from St. Boniface has not voted.

Hon. Mr. POWER—The hon. gentleman from Kingston did not vote.

Hon. Mr. BERNIER—I have not voted. I intended to make my statement before the question was put, but apparently I was too late. I hold that this Bill is utterly unconstitutional, otherwise I would have voted for it. If this Bill were to become law, it would be liable to be set aside by the courts on the ground of unconstitutionality.

Hon. Mr. LANDRY—If an hon. gentleman gives good reasons, the House may excuse him from voting.

The SPEAKER—Shall the hon. senator from St. Boniface be excused from voting for the reasons assigned ?

Hon. Mr. BERNIER—I do not ask to be excused. I do not shirk the vote. I am quite willing to vote against it on the ground that if the Bill became law it would be unconstitutional.

The SPEAKER—Then the hon. gentleman votes ?

Hon. Mr. BERNIER—Yes.

Hon. Mr. CLORAN—The hon. gentleman from New Brunswick is entitled to vote.

The SPEAKER—The hon. gentleman has declared that he was not present when the question was put.

Hon. Mr. CLORAN—There were others who were not present when the question was put.

Hon. Mr. LANDRY—I think the hon. Speaker did not give the reasons why he himself did not vote.

The SPEAKER—I make it a practice not to vote except when there is an equal division. The motion is lost.

OTTAWA AND GEORGIAN BAY CANAL.

DEBATE CONTINUED.

The order of the day being called :

Resuming the adjourned debate on the motion of the Hon. Mr. Casgrain, that he will call the attention of the Senate to the importance to Canada of the early construction of the Georgian bay canal, and will inquire of the government if the report of the survey made of that waterway will be laid before the Senate during the present session?

Hon. Mr. WOOD—This question has already been dealt with so fully by the hon. gentleman who introduced the matter into the House, and by the hon. gentleman from Ottawa, as well as other hon. gentleman who have spoken that there seems to be very little now left to be said in favour of this scheme, and so far as I am concerned I have nothing to say against it. I may say that I have always felt favourable to this project. The attention of the House has been called to it almost every session for a great number of years. I have listened frequently, in the House, to the late Senator Clemow discussing this question and presenting the merits of this scheme for the consideration of this House, and I have always sympathized with the view that he expressed, and with the desire which he had to see this scheme an accomplished fact. It appears to me, and it will appear evident I think to any one by merely glancing at the map, that this is the shortest and most direct and natural means of water communication between the great West and the seaports on the Atlantic coast. The hon. gentleman who introduced this question traced the history of the country, and in his references to past history he referred to the fact that it had been from the earliest discovery of the country the route by which explorers and traders travelled to and from the great West, and I can see no reason why, if it was a natural course of travel for them in earlier times it should not under modern conditions be made the great highway for modern commerce. That hon. gentleman also dealt with the engineering features of the scheme. I do not propose to say anything on that subject, which is a subject I have not studied, and upon which I do not feel competent to say very much; but I must say that I have never entertained any serious doubt as to the feasibility of this proposition. It would appear to me scarcely credible that in this age, with the advancement which has been made in science, and with the skill which modern engineers possess, that this scheme could not be carried out. I was very glad to hear what the hon. gentleman who introduced the measure said with regard to the water supply. If it had been found necessary to resort to pumping or anything of that kind in order to obtain a sufficient water supply for operating this canal at the summit level, it would certainly be a very serious objection to it, and perhaps one that would render it undesirable that it should be undertaken. I was, therefore, glad to hear that engineers in late years have discovered that by uniting various sources of water supply they can obtain a sufficient drainage area to furnish a sufficient supply of water for the continuous operation of the canal. It is the commercial features of the undertaking which has principally attracted my attention. This feature of the scheme has also been dwelt upon at very great length, and I desire to avoid what has been said by the hon. gentlemen who have discussed this question since it was drawn to the attention of the House. There seems to me to be one fact which stands out prominently and which is really the fact that decides the commercial value of this undertaking, that is, that with this water route open, grain from the lake ports or other western produce can be delivered at Montreal at the same rate, practically, that it is now carried from the lake ports to Buffalo. I do not think it is necessary to say anything in support of that position as the hon. gentlemen who have spoken have quoted authorities of the very highest character on the subject, and there seems to be a unanimous concensus of opinion that this would be the result of the construction of this canal. It therefore follows, as they claim, and reasonably claim, that that fact established, it must necessarily follow that the St. Lawrence route would became the great highway for the ex-

port of the products of the west and that Montreal, Quebec and other cities on the St. Lawrence would become the entrepots for the imports of which the population of that country will be the consumers. Allowing these facts to be established, I shall not say anything further with regard to that feature of the case. Indeed my only excuse for saying anything on this subject was to draw the attention of the House a little more fully than it has been drawn to the effect which the construction of this great work would have upon the interests of the maritime provinces, and first, I should like to point out that with the fact to which I have already referred established—that is that grain can be delivered in Montreal at the same cost that it is now delivered at Buffalo—it follows that the port of St. John and other ports in the maritime provinces would be in a position to compete on equal terms with New York and other United States ports as the shipping ports for the winter export trade of this country. Under those conditions, they could hope to secure for this route a very considerable portion of that great and growing trade. The most serious competitor which the ports of the maritime provinces would have would be Portland in the State of Main. That port has the advantage of a rail haul considerably shorter than the rail haul from Montreal to any of the seaports of the maritime provinces. It would evidently be with this canal open for traffic to the advantage of shippers of grain or other western products to bring them to Montreal, Quebec, or other ports on the St. Lawrence during the summer season, when they could get the advantage of the very cheap rates of transportation which this canal could afford and to store them there, and for this reason: stored in Montreal or Quebec, they would be in a position where at very short notice during the winter season they could be placed on board the ocean steamships and conveyed to any market of the world that the Atlantic ocean reaches. They would then have this advantage, that they would be in a position to take the fullest possible advantage of any rise in the market price of these products. They would be in a position also to take advantage of any over supply of tonnage, with the consequent reduction in ocean freight rates; and they would be in a position in winter as well as in summer, to place these products in the best market which could be found for them in any of the countries which can be reached by the Atlantic ocean and to get the highest prices for their products, while the cost of transportation would be quite as cheap during the winter months, and some three or four cents cheaper as was pointed out by hon. gentlemen during the summer season as compared with Boston and New York. With these advantages, it must be evident that such cities as Montreal would become great storehouses for western products. They would become great distributing centres from which these products, both summer and winter, would be shipped to all the markets of the world. I said a moment ago that the most dangerous competitor which the maritime provinces would have, would be Portland, in the State of Maine, on account of the shorter rail haul. While the length of the rail haul to different ports, if it varies very considerably, is a determining factor in fixing the course of trade, a small difference in the length of the rail haul does not always have that effect, and the difference in the rail haul between St. John and Portland, for instance—which if I remember right is about 200 miles—is not sufficient to determine the course of trade where there are other influences operating to take it towards maritime province seaports. This is proved, I think, conclusively by the course of trade during the last few years, that is the winter export trade. In the latest report of the Board of Trade in the City of St. John, which I was able to find in the library, and which is for the year 1905-6, I find that the growth of this trade during the last ten years has been as follows: In 1895-6 the winter export was carried by 36 steamers, and amounted to $3,000,000; in the winter of 1905-6 the export trade was carried by 113 steamers, and amounted to $24,000,000. There has been a gradual growth of this trade under existing conditions, a very satisfactory growth, sufficient to establish the fact that the city of St. John can compete successfully with the city of Portland for a very considerable portion of this export trade. The causes which enabled this trade to be carried to

St. John may be various. It may result from the supply of tonnage at different times, from the price of those products in foreign market, from facilities for handling them, and other causes, but, in my opinion, the important influence which has directed this trade in the past has been the establishment of a continuous line of communication where the inland transportation and the ocean transportation are under the same control. Since the extension of the Canadian Pacific Railway to St. John, this trade has grown up, and I believe it is due to the influence of that great corporation and recently to the fact that they have steamers of their own connecting with their railway at St. John, that this growth of trade is largely due. These products consist largely of flour and meal, of provisions, dairy products and live stock. It is a business which is controlled principally in Montreal. The products are gathered from Ontario and Quebec, to this great commercial centre, Montreal, which has the principal control of the business, and if the trade originating at Montreal at the present time can be carried by the Canadian Pacific Railway to St. John, and that city is made the winter shipping port for that trade, there is no reason why, when the vaster products of the west are brought to Montreal by this proposed canal and stored there, they should not also find their outlet during the winter season by the St. John route. I believe that that would be one of the results which would follow the construction of this very important work, and in that respect it would result in very great advantage to export trade and business to the maritime provinces. But this is not the only benefit which, in my judgment, the maritime provinces would derive from the construction of this great national work. It is not necessary that the lake freighters when they arrive at Montreal or Quebec should unload their cargoes there, and that the transfer from them to ocean steamships should always be made there. No doubt a very large portion of the transfers will be made there, but it occurs to me, and I advance it as my own opinion on the subject, that while this class of steamship may not be very well adapted for crossing the ocean, they would be adapted to going down the river and Gulf of St. Lawrence, and I see no reason why these cargoes should not be transferred to the ocean steamships at ports like Sydney and Halifax, as well as at Montreal and Quebec. There is no doubt that if this class of vessels proceeded that far and delivered their cargoes there, they could be delivered at a very much less cost than if left at Montreal, to be carried to St. John or other ports by rail, and that so far as there is any other competing route at the present time, such cargo could be put on board the ocean steamships in the winter time at a cheaper rate than they could at any other seaport in the Atlantic coast, including seaports of the United States. Under these circumstances, the seaports of the maritime provinces, I believe, would derive a still greater share of this trade from the development and extension of this service and the transfers of the cargoes in the way I have mentioned. Another advantage of the development of trade of this kind would be this, that these steamers would be able to carry back coal and lumber, and fish, as my hon. friend from Halifax pointed out the other day, as well as some manufactured goods from the maritime provinces, and they would be in a position to place those commodities in the interior of this continent at a cost which would enable the manufacturers and producers of the maritime provinces to compete successfully with the producers in any other part of the country. I believe that the result of that would be an enormous development of the interprovincial trade between the east and far west. Another point of advantage would be the impetus which it would give to manufacturing industry in the eastern parts of the Dominion. That has been touched upon by the gentlemen who have addressed the House, and they have spoken of the power that would be developed along the canal and of the enormous industries that would spring up as the result of the cheap power to be obtained. But I think it would not only affect the manufacturing interests of the section of country through which the canal itself passes, but it would have an equal influence in developing the manufacturing interests of the eastern provinces, and for this reason, we have many advantages for carrying on manufacturing in the eastern part of the Dominion. We have cheap

power obtainable in all the provinces, whether water or steam-power. We have natural advantages which enable this power to be produced as cheap or cheaper than it can be produced in any other country in the world. Then we have a class of people in the eastern provinces who are naturally adapted for manufacturing. They make good artisans and good operatives. It is well known that the western provinces have for many years past supplied a very large proportion of both skilled and unskilled operatives in the factories of the United States, the new England States particularly, and these persons would rather remain at home if they could get employment in factories in our country. We have, in addition to this, a good climate, well suited for the development of manufacturing industries; but what is essential to the success of manufacturing industries on a large scale, or for the development of a large variety of manufacturing industries, is to have the means of bringing together the raw material which may be required, at the cheapest possible cost, and, at the same time to have these factories established in a position where the manufactured product can be distributed generally to the larger markets of the world at the lowest possible cost. With this canal constructed, the maritime provinces, and the eastern provinces generally, would be placed in a position where they would have this great advantage. Not only the natural products of their own country, such as lumber, iron and coal, but the vast variety and great quantity of mineral products that are to be found along the shores of the great lakes and in the northern part of Ontario could be assembled at any one point of the maritime provinces, at very little more than the cost of actual production. They would also be in a position, when converted into manufactured goods, to be distributed from the point of manufacture not only to our own great west, but to foreign markets as well, at the very lowest cost of transportation. What is, in my judgment, very desirable for the development of great manufacturing centres is to have variety of industries. We may have large industries for instance in a lumber section where power is very cheap and where there is a quantity of timber available within a very short distance, but other manufactures do not grow in that neighbourhood. What is essential in order to get a variety of manufacturing industries—and we know that where one manufacturing industry is it is liable to create another—is to have these centres where a variety of raw products can be assembled at very low cost, and with this canal constructed as I have already said, the raw materials of the west could be brought at the very cheapest cost of transportation, for any manufacturing purpose, to the eastern provinces. But, besides that, we would be able at very low cost, to bring the raw products of southern or eastern countries to the same point, and we know that to carry on many of the higher classes of the manufacturing industry it is essential to have a variety of raw material for use in the same factory if they enter into the manufactured products. If my theories are correct, and I place them before the House as the result of my own judgment on the subject, the eastern section of this Dominion would be placed in a position to become one of the greatest manufacturing countries in the world, not only manufacturing our own lumber to some extent as we do to-day, establishing manufactures for which our own minerals are adapted, but great manufacturing centres from which raw products of our own country as well as others could be assembled and converted into manufactured goods and distributed not only to the vast population growing up in the west who will be great consumers of manufactured goods, but foreign countries as well. There is only one other point which I wish to make in connection with this question and that is, I do not see that this result can be obtained by any other means of transportation that has been suggested. I do not think that any transcontinental railway can bring the grain or other products from the west to the seaboard direct for shipment abroad. I do not believe that any railway company, whatever may be its advantages, can compete successfully with the shorter and cheaper routes from the west to the United States seaports. I do not believe either that the extensions of our government system of railways to the west would have any important influence in diverting

this trade. My own judgment is that the scheme now before the House is the only scheme presented to the country that will lead to the great development of trade and manufacturing industry to which I have referred and I, therefore, regard it as a work of national importance. I regard it as a work deserving the earnest consideration of the government at the earliest possible day. I consider that its advantages will be felt by almost every section of this Dominion. It will benefit the western producer because it will enable him to get the products of the farm to market at the cheapest possible rate and give him the best net results for his labour. It will benefit the country all along the route of the St. Lawrence and the route of this canal by making it the great highway for the export of the products of the west and for the imports which are to come in for the supply of that great country. It will benefit the eastern provinces of Ontario, Quebec and the maritime provinces by developing, as can be done in no other way; manufacturing industries in those provinces and it will also lead to a very large and important development of our interprovincial trade, and I have only to say in conclusion, that I hope that the government will take this into their serious consideration and that they may see the way open to secure the construction of this great and important work at an early day.

Hon. Mr. McMULLEN moved the adjournment of the debate until Thursday next.

The motion was agreed to.

REFORM OF THE SENATE.

DEBATE CONTINUED.

The order of the day being called :

Resuming the further adjourned debate on the motion of the Hon. Mr. McMullen, that in view of the agitation regarding the services rendered by the Senate as a part of our legislative system, and in view of the criticism both in parliament and the press with respect to appointments to this Chamber, it is, in the opinion of this House, desirable that the question of the method of appointments and the term for which appointments are to be made in future should be considered and the system recast, and the motion in amendment of the Honourable Mr. David, that all the words after 'that' in the main motion be struck out and replaced by the following: 'the Senate, while not desiring to pronounce finally upon the numerous and various projects of reform which have been proposed and discussed in connection with the Senate, yet in view of the differences of opinion on the subject and until those projects have had time to mature, believes it opportune to declare that it is desirable, in order to increase the efficiency of the Senate, that more legislation be initiated in this House, that more ministers of the Crown have seats therein, and that any minister may personally introduce and defend government measures on the floor of both Houses,' and also the amendment in amendment of the Hon. Mr. Béique to the proposed amendment of the Hon. Mr. David, that all the words in the said amendment after the word 'following' be struck out and replaced by the following: 'from the very serious objections which have been raised to the several modes of reforms which have been suggested by individual members of this House and the great diversity of opinion expressed thereon, the present constitution of the Senate seems to be on the whole the best which can be devised for his country; that moreover, in order that the hon. House may give the full measure of its usefulness it is greatly desirable that means be adopted to keep it more constantly occupied, thereby relieving the House of Commons of part of its work and shortening the sessions of parliament.

Hon. Mr. DAVID—I would like to move the adjournment of the debate, but I leave it to His Honour the Speaker to take my place if he thinks proper to do so.

The SPEAKER—It is some time since the Speaker of the Senate has stepped down from his seat to address the House, but, as it is one of his privileges, I would crave the liberty of exercising that privilege for a few minutes, this being a noncontentious proposition of a somewhat academic nature. The first time I had the advantage of addressing this House, some ten years ago, I expressed an opinion in favour of reforming the Senate. I did not state in a very clear way what I thought that reform should be. I thought the election of senators by the legislatures, or by a system similar to the one which prevails in France would, perhaps, be the one most satisfactory to me. Since then I have somewhat altered my views on the subject, and, although it is not the primary cause of my speaking, I may as well explain now that my experience would lead me to believe that if we transfer the nomination of senators from the federal cabinet to the provincial legislatures, we would simply be transferring the selection of senators to the provincial cabinets and, there-

fore, I have thought that if any reform should be adopted it should not be exactly on those lines. The complaints against the present constitution of the Senate are mainly two in number. It has been alleged that this body lacked independence, because it was composed of party men. I do not intend to discuss at length that assertion. It may be true or untrue. It contains a certain element of truth, because we are, to a certain degree, biased by our party association. I do not suppose that a single senator has been selected since 1867 who had not party affiliations or proclivities. I believe that all the senators who have been appointed since 1867 were party men. They had a known political record, and, generally, had fought the battles of their party; so it is no extraordinary thing to admit that we are somewhat affected by our party affiliations. But is there a system which would bring about a change in this respect? Is there a system of nomination, selection, or election of senators which has been discussed before the Senate or elsewhere which would alter this situation? Could there be selections of men anywhere in Canada to-day who would not have a political faith and adhere to either one of the two great parties that divide public opinion in the Dominion? I do not believe it. The election of senators by the people would bring here citizens of Canada who would belong to either the Liberal or Conservative party, or, perhaps, in years to come, to the labour party. I believe that if the people, as before 1867, were called upon to select senators, you would find the same party divisions and the same nominations by conventions as hold sway in the election of commoners, and that you would have here senators belonging to one of the two parties that divide public opinion in Canada, so that the complaint that the Senate is not composed of men absolutely free from party bias would still be heard. I do not believe that a selection of senators by the people would alter the present condition of things.

Now, if we confide the election of senators to the legislatures, I again ask if we would not there have a party man selected, a man from one of the two great parties? I put this further question to those who have had some knowledge of politics in this country, if the election of a senator from the legislature would not practically be the election of a gentleman whose name would be proposed by the cabinet itself? We all know that a cabinet, having a majority in a legislature, has at its back party men, faithful followers. The cabinet is composed generally of the stronger men, who would impose their will upon their own followers, and again we would have the selection of a party man by the cabinet, who would propose a candidate who would be invariably elected, and this is the reason why—although ten years ago I favoured the nomination of senators by the provincial legislatures—I would rather leave the selection to the federal cabinet, if there is no other means of getting the election of senators nearer to the people, without going to the provincial cabinet or legislature. I undoubtedly prefer the selection of senators directly by the federal cabinet than by the provincial cabinets. I do not favour the election of senators by the people themselves. The reason given by senators who have spoken on this point are, I think, quite satisfactory. We already have a House selected by the people, and I think we have already elections enough and I do not believe that the selections that would be made by a large electorate composed of two or three counties, would be conducive to raising the average of the nominations that have been made to the Senate since 1867 by the present system. The system which prevails in France is one which I believe to be admirable. They have there the municipal councils, as we have throughout our land, but above the municipal councils they have general councils, representing a whole department composed of five or six counties. These general councils have very large powers, a very large budget, and they are composed of men who have already made their mark in their town, village or municipality. When a seat in the Senate is vacant, each municipal council sends a delegate and a body is formed of from five hundred to one thousand electors to select the senator. There are five or six members of parliament representing that department in the House of Assembly. These senatorial electors will select for the Senate, three times out of four, one of the wiser or more prominent members

of the House of Assembly, who has been perhaps the longest there, or has had the most brilliant career. It has this effect in the process of going up the ladder in France, for one who wants to follow a political career. A man is elected to his town or village council, and, if he is ambitious, he will run for the General Council. Once elected there, he will, when a seat becomes vacant in the Senate for his department, strive very often to make place in the House of Assembly for some of the members of that council and perhaps himself, and will vote to send from the House of Assembly a member in order to make a vacancy for one of the members of the General Council; so that one goes from the municipal council to the General Council, from the General Council to the House of Assembly, and, in course of time, by that process of election, he is selected for a number of years for the Senate. This is the form that is followed in France. We have here in Canada no similar system. We have our county councils, composed of the mayors of the different municipalities. It would be somewhat a small body, if we took the county councils of three or four counties, to make of them a senatorial electorate. Perhaps we could join three counties. We could have each municipal council send a delegate, or we could give to the municipal councils the selection of a senator, by getting all the municipal councillors of two or three counties to form a body to select the senator. I readily believe that this would be a much less costly system, and a better system, than to go direct to the people for the election of the senators. If this system of election by the second degree, is favoured, the selection by the municipal councillors of say three or four counties would make an electorate of two or three hundred members who would have the selection of a senator for that division. I think it would be a very respectable body of people, a body having a greater sense of responsibility, and knowing better the men that they could select from, and on the whole, perhaps, it would work satisfactorily. I believe if you called together the municipal councillors of three or four counties for the election of the senators, that you would have in that body a greater sense of responsibility, and the area covered by these three or four counties would be so great that the men selected would already need to be in the public eye. But again, I ask, would the selection made by this body of municipal councillors covering three or four counties, be made outside of men having party affiliation? I do not believe it. The men who would be in the public eye would be the men who had been in the House of Commons or were leaders of their respective parties in that district. If we are looking for a system that would bring into the Senate more independence of party affiliations, there is no system conceivable in our present state of public opinion and party divisions, that would create a different state of affairs from what has prevailed in the Senate since 1867. If we did confine the selection of Senators to such a body, there would be the danger of introducing party politics in our municipal councils. I am not prepared to say that it would be for the best interest of our municipalities, that our municipal business should be conducted on party lines. Then, if this selection of senators was made by municipal councillors or county councillors, or a body of men, it would mean that a senator would be elected for a limited time, and I do not believe that the election of senators for a limited period would make for a greater independence in the Senate. The very raison d'être of the Senate, as constituted by the fathers of confederation, would disappear. The fathers of confederation agreed that the Senate should be formed on the lines it has been formed—that it should resist violent movements of public opinion and stop hasty legislation from the Commons. I ask if under the elective system, we would not have less independence than we have to-day, when we are not amenable to public opinion, or, not obliged to submit our conduct to the electorate at large?

The second complaint which has been made against the Senate is perhaps a more important one, and one which can perhaps be cured. It is that the present system gradually wipes out all opposition, in the Senate, or nearly all opposition. Any system which has been propounded will bring party men here as it has in all other countries. I should like someone to cite to me the case of a Sen-

ate, in America or in Europe, which is not composed of men attached to one of the great parties which divide public opinion in those countries. I should like to know a senator, let it be in Germany, Italy, France, or let it be in the House of Lords, who is not affiliated to one of the great parties dividing public opinion. In all second chambers, as well as in popular chambers, we find men who have grown up in the party, who have a political faith, and who have been associated with a party. If we are to have men here who are not absolutely disinterested from party strife, then should we not try to bring about in the constitution of the Senate a greater equilibrium between parties? It seems to me that if we had in the Senate constantly two strong parties, where the majority of one over the other would be slight, that this body's usefulness would be increased. I would be disposed to favour the election of Senators by the House of Commons. That body is composed of men selected by the whole Dominion, coming direct from the people, representing the whole people and the whole Dominion. The higher the electorate which selects the Senate the better the selection, because I have noticed that one does not generally choose his inferior for a position which is, at all events, equal to the one he fills. If the election was made by the Commons, the majority would continue to rule. There is no doubt that during the debates on confederation, the fathers of confederation, the makers of our constitution, were agreed that the Senate should be sympathetic to the government of the day. It is quite natural and just that it should be. The government of the day represents the will of the people. The government of the day issues from the people, and it is quite natural, as a general principle, that the Senate should be rather sympathetic to the government. Hence I draw the conclusion that it would be natural to find a small majority in the Senate favouring the policy of the government of the day. How can this end be attained, a small majority favourably inclined towards the government of the day, ready to recognize that the will of the people is supreme, and that as expressed by the preceding election, it should not be thwarted. I would select the Senators, one by the majority rule, which would mean very likely one proposed by the cabinet itself. Every second or every third appointment should be filled by one having a majority of the votes of the opposition so that every second or third senatorial appointment would belong to the opposition. I say, a majority of the votes of the opposition, because the opposition would, perhaps, have two or three candidates, as the government party could have more than one candiate. I would give every second or third appointment to the candidate receiving the majority of the votes of the opposition. So that every second or third appointment would belong to the opposition. I will be met with the objection, that if we started this system to-morrow, of giving every alternate nomination in the Commons to the opposition, that the present party would remain with a large majority in the Senate forever. That is why I am suggesting that every second or third appointment should belong to the opposition in order to allow the government to attain and maintain in this Chamber a working majority. It will be objected again, that if you gave two appointments to the majority in the Commons and one to the opposition, it would perhaps take ten years before the government of the day would have a majority in the second chamber, and that the end to be secured, which is, to give a small majority to the government in power, could perhaps not be attained during the life of that very cabinet. I do not know if the suggestion which I am about to make would be workable; but I would be disposed to say, in order that there should be but a majority, say of five or ten at the utmost, in favour of the government in the Upper Chamber, that, on the formation of a new government the majority rule should reign supreme in the House of Commons till the government had a majority of five or ten in the Senate, and when that limit would be attained, I would be in favour of the alternate appointments being made by the majority rule and by the opposition. If this system could be worked out, then no government could ever have a majority of more than five or ten in this Chamber. I believe it would be conducive to a healthier state of things in the Senate. It would maintain a stronger opposition, and would give to the few

more independent senators, senators with an independent turn of mind, a greater influence in this Chamber. I throw out the idea for what it is worth, as I cannot find a system by which we will get into this Chamber men who are absolutely independent of parties. As we are bound to have party men in this Chamber, we should try and have the majority of senators favouring the party in power quite small, I would say five or ten, and I would allow the working of that system, which I have just explained, to go on in the House of Commons, by which the government would have the selection of one senator, and the opposition the selection of the second.

There is a third grievance, which does not affect the constitution of the Senate. It is alleged that the Commons do most of the work, and that the Senate seem to have so much leisure and to give so little time to the important questions that come here that its usefulness is doubtful. The question arises as to how to bring about a better division of the work of parliament. I think it would be very easy to give the Senate as much work as is done by the House of Commons. As a matter of fact, the Senate does about the same work as the Commons performs, except voting supplies and discussing in detail the items in the estimates in Committee of the Whole. Outside of the Supply Bill, which takes about two months of the time of the Commons, and which justifies the Senate in adjourning during most of that time, inasmuch as this is work specially done by the Commons, all the work that passes through the Commons comes to the Senate. We do it in less time, I admit, than the Commons do, and the reason is obvious. We are but 87 members, or should be, and there are 214 members in the other House. The senators feel like addressing themselves exclusively to the question before them, while the Commoners feel that they should address the electorate as well. Many members want to put themselves on record on live issues, while senators do not generally use arguments already uttered by preceding speakers. There are very many obvious reasons why a question debated in the Commons before being taken up in the Senate, should occupy but a quarter of the time here that it took in the Commons. On the other hand, there are a number of important questions which are raised in connection with private Bills which are sifted and settled in the Commons after prolonged discussion in the committee and in the House, and which reach here with the principal contentious clauses eliminated, so that the Bill passes without the Senate appearing to show as much interest in it as was manifested in the Commons. I have seen, in a number of cases, important private legislation settled in the Commons by the withdrawal of the Bill after a hard struggle, when naturally prevented it coming to the Senate and being discussed here. Of course, I respect the view of some who hold that the Senate should not strive to get more legislation initiated here, because we are a House of review and that the work should come to us from the Commons for us to pronounce judgment upon it. This is a view that is worthy of consideration, but inasmuch as the sessions are tending more and more to lengthen, we should, perhaps, put this argument aside, and have more legislation initiated in this Chamber so as to help expedite business. As to private legislation, I would suggest a means that would be very simple to divide it equally between the two Houses. At present, when an outside party sends a petition for private legislation before the opening of the session, the Clerk, who receives the petition and the deposit called for by the regulations initiates it in his chamber, so that if ninety out of every hundred Bills are initiated in the Commons it is purely and simply because the deposit required has been sent to the Clerk of that House. If the money had been sent to the Clerk of the Senate, the Bill would have been intitiated in the Senate. I would suggest the appointment of a joint committee of both Houses to make regulations so that only one clerk should receive the money, and that the Bills should be numbered as they came in, and that those with odd numbers should go to the Commons, and those with even numbers to the Senate, or vice versa. In that way, we would have 50 per cent of the private legislation initiated here automatically.

I have spoken of the interest which the people at large would take in the debates

going on in the Senate when important questions would arise, as they naturally would with half of the private legislation initiated here. I believe we are now at the very root of the misunderstanding between the outside public and the Senate. The important questions which arouse public opinion are initiated in the House of Commons, and there you find representatives of all the large newspapers wiring daily reports of important debates on matters affecting the country. Why does not that interest centre on the Senate? For the simple reason that there are eleven members of the cabinet in the Commons and only two in the Senate. Eleven cabinet ministers introduce their important legislation in the Commons, and there it remains in the public eye until absolutely all interest in those questions have been exhausted, and then, when the lemon is squeezed as dry as it can be, when there is not one more drop remaining, it is sent to the Senate. How can we expect that a question which has been debated for weeks or months in the House of Commons day in and day out, which has been discussed ad nauseam in the press until the newspapers are bored receiving copy from the Commons—that when it comes before the Senate we will see representatives of the press flock to our galleries and repeat and rehash and serve again arguments which were cold and very cold weeks before? That is the situation. Is there a remedy? I say there is, and a very easy remedy.

I do not intend to try and shake the columns of the temple by the suggestion I will make. It is a practice that rules in all the parliaments of the world except the British parliament, and it does not apply in Great Britain for obvious reasons. I would suggest that cabinet ministers should be able to speak in both branches of parliament, as is done in nearly all the parliaments of the world, so that when a long debate on the address or some other important matter arises to block the work of the House of Commons for weeks or months the ministers might file into the Senate and present and explain their Bills here. Then we would have the lemon full of juice and the newspapers interested in hearing and reporting the discussions on this new matter would be here to report the discussion. I am free to believe that in the eyes, perhaps, of some senators, or people outside, I have uttered a blasphemy in suggesting that a minister who has not a seat in the Senate should walk into this Chamber and address the House, or that a cabinet minister in the Senate should go into the Commons and explain there a Bill he had in charge. What do you see in the House of Commons to-day? You see a deputy minister, a paid employee of the country, sitting by the desk of his minister and whispering to him information which all the House may hear and there seems to be no sacrilege in that. The deputy minister is prompting his minister. He is sitting on the sacred floor of the House of Commons and yet we take it as a good practice. Why could not a cabinet minister, who sits in the Senate, walk into the Commons and sit beside his colleagues and explain and defend a measure under the rules of that House? I have discussed the question with a number of senators and members of the Commons, and no one has uttered a serious objection. It is new, and it has not been done in Canada before, but it is done in every other parliament except the British parliament. Why? Because the Barons existed before the Commons, and the high Barons of England would not admit a Commoner into the sacred precincts of the House of Lords. Of course he will be allowed, when a parchment has given him authority, to take a seat there. He belonged to the people the day before, and sat in the Commons; to-day he can sit in the Lords, but if he is not a member of the Upper House he cannot enter there. I wonder if that reason exists in Canada? We are not blue blooded legislators. We do not sit here by any kind of divine right or by that of our forefathers. We are of the same clay absolutely as the Commoners. In fact we see senators leaving their seats and running for the Commons. We have had an example of that lately, where a senator became a commoner, and I think we have seen commoners become senators since 1867. I wonder why this system could not be established, of having members of the cabinet sit in both Houses? If we had half of the important measures

which attract public attention initiated here we would have no need to pay a press reporter to make a synopsis of our debates on those important questions. You would find very little reporting about these questions when they had left the Senate, and gone to the Commons after they had been debated here for three or four weeks. We would not, besides, have very often the spectacle of one minister here charged with the work of eleven or twelve of his colleagues, suspending a debate because he lacked information, or because he is unable, not having prepared the measure himself, to state exactly its purport and meaning, when you would have the minister who drafted the measure or studied it present it himself in the Senate. I repeat, that this calls for no change in the constitution. It is simply a question of regulation between the two Houses by a conference, and I think that then you would have, with the other suggestion I have made, half the private legislation initiated in this Chamber, and perhaps half the public legislation also. You would wipe out with these two reforms, at one blow, the constantly recurring accusation that the Senate is idle and useless, because our work would then be in the limelight just as much as the Commons.

For these reasons, if these various amendments came to a vote, I would favour the amendment of the hon. gentleman from Mille Iles (Hon. Mr. David), with this restriction, that I could not see the utility of asking that more ministers of the Crown have seats in this Chamber. Ministers of the Crown could come into this Chamber and present their own measures, and there would be no special necessity for asking that there be more than two ministers in the Senate. If all cabinet ministers could come on the floor of this House and our own go to the Commons, I would not favour this part of the amendment which calls for the appointment of more ministers to the Senate.

Hon. Mr. MILLER—Would not that be contrary to the British constitutional system on which the British North America Act says our system should be based? It would be a fundamental change in our constitution.

The SPEAKER—I do not believe it. I believe it is simply a question of internal regulations which the two Houses, by joint committee, could well cope with. I do not believe that the fact of allowing members of the Commons holding cabinet positions to come into the Senate, to explain their measures would interfere with the constitution, and I am really of the opinion that the Senate and House of Commons are fully empowered to solve this question.

Hon. Sir MACKENZIE BOWELL moved that the debate be adjourned until to-morrow.

The motion was agreed to.

BILLS INTRODUCED.

Bill (53) An Act respecting the New Brunswick Southern Railway Company.—(Hon. Mr. Ellis.)

Bill (JJ) An Act for the relief of Edith May Gilmore.—(Hon. Mr. Perley.)

The Senate adjourned until to-morrow at three o'clock.

THE SENATE.

OTTAWA, Wednesday, April 1, 1908.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

QUEBEC BRIDGE COMPANY.

INQUIRY POSTPONED.

The order of the day being called:

By Mr. LANDRY:

That he will inquire of the government—
What is the amount of the interest due, of which mention is made in the following declaration given by the government on the 25th March instant:—
(d) The Bridge Company advises that the cost of the bridge, including Chaudière bridge and the railway approaches, to March 1, 1908, was $6,899,033.03, to which is to be added interest from June 30, 1907, on the advances for which the bonds of the company were pledged.

Hon. Mr. SCOTT—I have not the answers to this question. They are not questions which can be answered in Ottawa.

Hon. Mr. LANDRY—I call the attention of the government to the fact that it takes about ten or twelve hours for a letter leaving Ottawa to reach Quebec, and this inquiry has been on the order paper I think since the 20th March. If the government pressed for an answer I believe that those people could furnish it. They are under the control of the government. The president of the Bridge Company is living in Ottawa. If a letter were addressed to the president of the company in Ottawa, and a similar letter to the secretary in Quebec, with a little good will, one of those gentlemen could furnish the information. If not, I would suggest cutting off the salary of the president of the Transcontinental Railway. He is making lots of money and, perhaps, if there were a penalty attached to his non-compliance with the orders of this House he might come to better terms. There is more than one way to kill a cat. I hope the government will take the proper means to get those people to come to a sense of their duty and to answer a question put to them. I will wait until next week, and if the information is not forthcoming before that time I will be obliged to take other means.

Hon. Mr. SCOTT—It is quite open to the hon. gentleman to take any means he thinks proper. I have done all I can. I am not going to run about and catch persons by the button hole——

Hon. Mr. LANDRY—I am not complaining of the action of the hon. Secretary of State.

Hon. Mr. SCOTT—Notes are sent out from day to day asking if it is not possible to obtain the information. I understand they have sent a special messenger to Quebec to procure an answer. I do not know what truth there is in that statement, but that is the explanation I have been given to-day. The moment I receive an answer I will let the hon. gentleman have it.

The inquiry was allowed to stand until Tuesday.

QUEBEC BRIDGE DEBENTURES.

INQUIRY.

Hon. Mr. LANDRY inquired:

What is the total amount of debentures issued by the Quebec Bridge Company?

How many of these debentures have been negotiated and at what rate of interest and discount, and how much have they brought in?

How many of these debentures have been given as guarantees for loans made by the company with banks?

What amount has the company obtained in this manner from banks?

What rate of interest is it paying?

When is each of these loans payable?

Has the government intervened in these negotiations and financial operations?

In what manner? Has it given banks its guarantee for the re-payment of the capital borrowed and for the payment of interest thereupon?

For what amount is the government so responsible?

What are the sums of money which the government has already advanced (a) either to the company, (b) or to banks, in payment of obligations for which the government was responsible?

Has the government in its possession any debentures of the company in exchange for sums which the government has disbursed or for guarantees which it has given?

For what amount?

Hon. Mr. SCOTT—The answer to the hon. gentleman's questions are as follows:

The amount of bonds (not debentures) in sterling money issued by the Quebec Bridge Company is equivalent to $6,678,200. None of these bonds have been sold.

The total issue was pledged with banks. The company advised that the amount of advances obtained by the company on pledge of the bonds referred to was $5,016,453.66.

The rate of interest payable by the company on these advances by the banks was 5 per cent. The advances were repayable on demand.

The government did intervene in these negotiations and financial operations. Finding that, owing to the stringency of the money market, the company's guaranteed bonds could not be sold on advantageous terms, the government requested the bank not to exercise its right to sell, but to assist the company with advances on the security of the government guarantee. The bank followed this course. Subsequently the government obtained from parliament authority to make direct advances to the company (Chapter 35, 1907) to enable it to pay off the indebtedness to the banks. This authority has been partly exercised and an early completion of this part of the transaction is anticipated.

The government has advanced by way of loan to the company $2,000,000 (February 8, 1908) under the authority of chapter 35 of

the Act of 1907, which sum has been applied to the payment of the advances to the company from the banks.

The government has possession of the bonds of the company, part of the issue above referred to, to the amount of £478,700 in exchange for the $2,000,000 advanced under chapter 35, Acts of 1907.

FATAL ACCIDENTS AT HIGHWAY CROSSINGS.

MOTION.

Hon. Mr. McKAY (Truro), in the absence of Hon. Mr. Ferguson, moved:

That an Order of the House be issued for a return based on the records in the offices of the Railway Commission showing the total number of persons killed or injured by being struck by engines or trains on highway crossings, said return to show the number of persons killed or injured on the lines of each railway company separately for the years ending March 31st, 1905, 1906 and 1907, such return to include all persons killed or injured as above described irrespective of any contention of the railway companies or opinion of the officers of the Railway Commission as to the legal rights of the said persons to use the highway crossing at the time of the accidents.

The motion was agreed to.

QUEBEC BRIDGE.

INQUIRY.

Hon. Mr. LANDRY inquired:

What is the amount of the interest due, of which mention is made in the following declaration given by the government on the 25th March instant:—

(d) The Bridge Company advises that the cost of the bridge, including Chaudière bridge and the railway approaches, to March 1, 1908, was $6,899,033.03, to which is to be added interest from June 30, 1907, on the advances for which the bonds of the company were pledged.

Hon. Mr. SCOTT—Before coming into the Chamber, I was not prepared to answer this question, but I have used my knowledge of arithmetic to make up the amount. It is five per cent on $6,899,033, and I make it about $230,000 for the nine months from June 30 last.

Hon. Mr. LANDRY—I am very grateful to the minister for the work he has done. I suppose I may take his statement as the answer of the government?

Hon. Mr. SCOTT—The exact amount is $229,966, but I understand there is some small overdraft on which is charged 6 per cent, which would bring it up to $230,000.

A QUESTION OF PRIVILEGE.

Hon. Mr. McMULLEN—Before the orders of the day are called, I desire to bring up a question of personal privilege. In the other House; in the debate of March 31, a member of that House referred to me in the following manner:

I have stated it repeatedly on the platform and in the committee that this so-called Midland Dredging Company has among its other stockholders the son of Senator McMullen. There is no doubt about it. These people around Midland boast of what they can do on account of their political connections. Senator McMullen met me in the corridor and said he wished to tell me something and that for the future he did not wish me to associate his son's name with that dredging company. I said: He is a stockholder in the company. He said: He was formerly but by reason of the disclosures in connection with the dredging I made him dispose of his stock.

I am exceedingly sorry that Mr. Bennett should have thought it prudent on his part to repeat a private conversation that had casually taken place between himself and myself in the corridor upstairs. However, what I did say to him he has construed to mean something which I never conveyed in any shape. I never said anything about owing to the disclosures that had taken place I had advised my son to sell his stock. I made no admission whatever with regard to disclosures. The only thing I said to Mr. Bennett was that I had noticed on a previous occasion he had coupled my name or that of my son with a dredging company at Midland. I said that my son, during my absence, had taken some stock in this company, and as I did not want my name associated with this company as being a contractor with the government, I urged him to sell his stock and he did so. But to say that I stated that it was owing to disclosures is entirely incorrect, and I cannot understand how Mr. Bennett would permit himself to make such a statement. I am amazed to think he would do it. I said nothing that would lead him to any such conclusion in my statement when I met him. I am exceedingly sorry I mentioned the matter to him at all. Of course it was only in a casual way, and I certainly thought he was gentleman enough to deal with a conversation between himself and me—a private matter—without detailing it on the floor of parliament. I made no such state-

ment as he alleges with regard to disclosures coming out or that that was the reason I had advised my son to dispose of his stock.

CIVIL SERVICE COMMISSION.

Hon. Mr. LOUGHEED—Before the orders of the day are called, I wish to ask the hon. leader of the House, if it is true that Mr. Justice Cassels, of the Exchequer Court, has been appointed under Royal Commission to examine into the civil service, and may I ask, at the same time, to what extent his instructions go in reviewing the report recently laid on the table of the House of Commons ?

Hon. Mr. SCOTT—A Minute of Council was approved to-day appointing Mr. Justice Cassels to make a full inquiry into the charges set forth in the report of the commission appointed to inquire into the civil service, in which they find that misconduct and appropriation had appeared from their examination of the papers in certain departments. I cannot give the wording of the minute, but it authorized Mr. Justice Cassels to make a thorough investigation into the charges contained in the report of the Civil Service Commission.

Hon. Mr. LOUGHEED—Is it to be limited to the charges made in the report, or has he enlarged powers ?

Hon. Mr. SCOTT—No, I think it is limited to the charges in the report.

Hon. Sir MACKENZIE BOWELL—Will the Order in Council appointing Mr. Justice Cassels be laid on the table of the Senate, so that we can ascertain what his powers really are ?

Hon. Mr. SCOTT—I will try to get a copy to-morrow. It has only been approved within the last hour, because the subject was just taken up to-day. I will be glad to lay a copy on the table to-morrow, if possible.

QUEBEC TERCENTENARY.

Hon. Mr. LOUGHEED—Can the hon. Secretary of State inform the House, whether it is the intention of this government to extend an invitation to the United States Navy, as Japan, China, Australia and Great Britain have done, to visit the respective waters of those nations? Is it the intention of the government to have the United States Navy visit the St. Lawrence at the time of the Tercentenary ?

Hon. Mr. SCOTT—No action has been taken with reference to either subject.

Hon. Mr. LOUGHEED—Is it being considered ?

Hon. Mr. SCOTT—It came up casually, but no conclusions were reached.

PRINTING OF QUEBEC BRIDGE COMMISSION REPORT.

Hon. Mr. LANDRY—Is there any progress being made in the printing of the report on the Quebec Bridge Disaster, and the report of the Civil Service Commission ?

Hon. Mr. SCOTT—They are proceeding as rapidly as they can, considering the work of the session has to have precedence. The report of the Civil Service Commission is very much larger than one would imagine, because the commission sent in a number of memoranda unsigned, and extracts that they obtained from the files of the department. These are not typewritten; and in many cases are written on both sides of the paper, and it is very difficult to make rapid progress at the Bureau with them. They are proceeding as rapidly as the conditions will allow, and it will be the end of the week before a complete report can be issued.

SUPPLY BILL.

FIRST, SECOND AND THIRD READINGS.

A message was received from the House of Commons with Bill (136) An Act for granting to His Majesty certain sums of money for the public service of the financial years ending respectively March 31, 1908, and March 31, 1909.

The Bill was read the first time.

Hon. Mr. SCOTT—This supply Bill which has come up for our consideration embraces the supplementary estimates for the year

that terminated yesterday. They amount to $5,319,633. There is chargeable to consolidated account on that item $4,683,876, and to capital account $595,608, the two together making for the supplementary estimates of the year just closed $5,319,633. The fiscal year having been changed, it became necessary to ask parliament for a proportion to carry on the services in the year we are just now entering upon, commencing to-day, and the House of Commons has passed an estimate for one-eighth of that amount. The figures would be as follows: schedule B, main estimates for year ending March 31, 1909, $15,831,818; chargeable to consolidated fund, $8,857,855; and to capital account, $6,973,952; making, as I said before, a total for the estimates of the year which we have now entered upon, in order to meet payments which will arise during the term, a total of $15,831,818. The amount contained in the two sums—that is the $5,000,000 odd voted for supplemental estimates for the year passed, and the one-eighth of the estimates for the current year will amount to $21,151,451. I suppose hon. gentlemen will permit the Bill to be passed to-day.

Hon. Mr. LANDRY—I suppose we are bound to swallow this Bill without having it before us.

Hon. Mr. SCOTT—It is not a very big sum. We are accustomed to a little more than $21,000,000. I move the suspension of rule 24 in order to enable the Bill to be read a second time presently. As hon. gentlemen are aware, we never go into committee on the Supply Bill.

Hon. Mr. LANDRY—When does the government intend to have this Bill sanctioned?

Hon. Mr. SCOTT—I presume to-morrow—not later than to-morrow. We could not get it through to-day in time.

Hon. Sir MACKENZIE BOWELL—Before suspending the rules, I should like to have it understood that any item in this supplementary estimate may be discussed when the main estimates are presented. Had I known that some of these items were coming up to-day, I would have been prepared to discuss them. What I desire is, that if we wish to discuss any of the items in this Bill, we shall not be met with the objection that we have no right to discuss a question which has been settled. I know that is the rule of the House; but with the consent of the House in allowing the Bill to pass through its three stages in one day, I want it understood that no objection shall be raised to a free discussion of any of these items.

Hon. Mr. SCOTT—It is quite understood that the passing of this Bill in no way precludes free discussion of the items in the estimates when they come up.

Hon. Sir MACKENZIE BOWELL—Though it applies to last year, we can discuss these items when we come to deal with the estimates of this year.

Hon. Mr. SCOTT—Certainly.

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

THIRD READING.

Bill (121) An Act to amend the Supreme Court Act.—(Hon. Mr. Scott.)

THE EXPENDITURES OF THE SENATE.

The order of the day being called:

Consideration of the message from the House of Commons requesting the Senate to furnish the House with a return showing the cost, outside of the indemnity, of the Senate, for the sessions 1905, 1906 and 1907, respectively.

Hon. Mr. SCOTT moved that the order of the day be discharged, and that it be fixed for Friday next.

Hon. Mr. LOUGHEED—Can my hon. friend say whether it is usual for the Commons to make such a request? Whether such a request had been made and any reply had been given in former years?

Hon. Mr. SCOTT—I have not had an opportunity of looking into the matter, but I am inclined to think that it is not quite proper, not the usual courtesy for one House to show to the other to make such a demand, particularly as to the way in which the Senate has disposed of money voted by parliament. It is the first time I have ever known of such a proposition being made.

Hon. Mr. CASGRAIN—Would not all that information be found in the Auditor General's report?

Hon. Mr. SCOTT—I think so.

Hon. Mr. CASGRAIN—Then why not refer them to the Auditor General's report?

Hon. Mr. SCOTT—We will consider it on Friday next.

The motion was agreed to, and the order was postponed.

SHUSWAP AND THOMPSON RIVERS BOOM COMPANY'S BILL.

SECOND READING.

Hon. Mr. BOSTOCK moved the second reading of Bill (49) An Act to incorporate the Shuswap and Thompson Rivers Boom Company.

Hon. Mr. LOUGHEED—Will my hon. friend inform the House whether this is not practically the same Bill that was rejected by the Senate on two former occasions, and, if it is not, whether it does not deal practically with the same matter?

Hon. Mr. BOSTOCK—The history of this Bill is to this effect: In 1904 some gentlemen came here and applied for a charter for the purpose of putting booms on the Thompson river. They obtained the charter, but afterwards found that they could not work under it. They came here again in 1906 and applied for another charter, which was at that time defeated. The gentlemen applying for that charter are not the same as those who are applying for this one now. The gentlemen who promoted the former charter are opposing this Bill. Those who are mentioned in this Bill are men operating on the north Thompson and south Thompson rivers. They found that they could not carry on the works necessary without having a charter, and therefore come here this session to obtain the legislation necessary for them to carry on their business.

Hon. Mr. LOUGHEED—On what grounds is the opposition directed against the Bill?

Hon. Mr. BOSTOCK—As far as I can see, the opposition put up against this Bill is unreasonable. The Bill has undergone very large modifications in the other House. It was referred first to the Railway Committee and then to a special committee of that House. The special committee had a number of sittings, and, in fact, remodelled the Bill. The safeguards put in this Bill are very much greater than have ever been put in a measure of this kind before, to protect the interests of the public and of those who were supposed to be injured should the Bill become law. I cannot see why there should be the opposition in this Chamber to this Bill that there has been in the other House. The gentleman who has been the principal opponent of the Bill was offered a chance to come into this company on the same terms as the other gentlemen mentioned in the Bill as it stands, and I do not see why they could not all join together. It is only a boom Bill for the purpose of enabling the limit holders on those rivers to sort and distribute their logs in that part of the country. The promoters of this Bill are quite ready to take everybody in who is interested in lumbering on these rivers, on the same terms as themselves. They do not want this legislation for the purpose of making money out of it, but simply for the purpose of handling their business and paying the cost of handling the logs. Personally I do not see why there should be any opposition to the Bill.

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

SECOND READINGS.

Bill (86) An Act to incorporate the Northern Empire Railway Company.—(Hon. Mr. DeVeber.)

Bill (11) An Act respecting the Nipissing Central Railway Company.—(Hon. Mr. McGregor.)

SENATE REFORM.

DEBATE RESUMED.

The order of the day being called:

Resuming the further adjourned debate on the motion of the Hon. Mr. McMullen, that in view of the agitation regarding the services rendered by the Senate as a part of our legislative system, and in view of the criticism both in parliament and the press with respect to appointments to this Chamber, it is, in the

opinion of this House, desirable that the question of the method of appointments and the term for which appointments are to be made in future should be considered and the system recast, and the motion in amendment of the Hon. Mr. David, that all the words after 'That' in the main motion be struck out and replaced by the following: 'the Senate, while not desiring to pronounce finally upon the numerous and various projects of reform which have been proposed and discussed in connection with the Senate, yet in view of the differences of opinion on the subject and until those projects have had time to mature, believes it opportune to declare that it is desirable, in order to increase the efficiency of the Senate, that more legislation be initiated in this House, that more ministers of the Crown have seats therein, and that any minister may personally introduce and defend government measures on the floor of both Houses,' and also the amendment in amendment of the Hon. Mr. Béique to the proposed amendment of the Hon. Mr. David, That all the words in the said amendment after the word 'following' be struck out and replaced by the following: 'from the very serious objections which have been raised to the several modes of reforms which have been suggested by individual members of this House and the great diversity of opinion expressed thereon, the present constitution of the Senate seems to be on the whole the best which can be devised for this country; that moreover, in order that the hon. House may give the full measure of its usefulness it is greatly desirable that means be adopted to keep it more constantly occupied, thereby relieving the House of Commons of part of its work and shortening the sessions of parliament.—Hon. Mr. David.

Hon. Mr. PERLEY—I seldom occupy much of the time of the Senate in discussing public questions. I generally content myself with listening to the speeches on both sides, and then make up my mind to vote. I have never shirked a vote since I have been in the Senate and I never intend to. This is a question of more than ordinary importance, and it has been well discussed. Few questions have been debated at greater length in this Chamber and more intelligently than this, and, in my opinion, there are few questions deserving greater consideration than the one we are now discussing. The mover of the resolution was actuated, I suppose, by what he considered to be his duty in bringing it before us. Two or three years ago, the Minister of Trade and Commerce brought up the question and spoke at great length upon it. In the debate which followed, several hon. gentlemen spoke at considerable length, but none of them happened to voice the views that I hold on this subject; I therefore crave your indulgence while I put myself on record. The hon. mover of the resolution stated that the Senate was not up to its proper standing. I suppose the ideal Senate was the one appointed at the time of confederation. If we had maintained that standing there would have been no cause for complaint. It was understood, at the time of confederation, that the Senate should be non-partisan, or composed about equally of members of both parties. I do not hesitate to say that in that respect the Senate has fallen far short of what it started out to be, a non-partisan body. The Senate to-day and the Senate in the past has been largely partisan. Sir John Macdonald departed from the rule on which appointments were to have been made, and made party appointments, so that at the time of the defeat of the Conservative party in 1896 a large majority in the Senate was Conservative.

When Sir Wilfrid Laurier came into power, he undertook to follow in the footsteps of his predecessor in that respect, and he has made the Senate partisan; so that, to my mind, the Senate cannot properly fulfil the functions for which it was created, because it is loaded up first one way and then the other with party politics. It cannot be the independent branch of parliament which it should be and which it was designed to be. The hon. gentleman from Wellington complains in his motion that it is a party machine to a certain extent; that it is not composed of the kind of men it should be composed of. If the Senate was up to the standard of manhood and senatorship that it ought to be, then there was no need of the resolution of the hon. gentleman, and if the appointments had been good ones there would be no need to reflect on the method of appointment. In his speech, the hon. gentleman reflects on the Senate, and states that it is not up to the standard. In so doing he must reflect on the government, and he goes so far as to say that he opposes the government having the patronage of appointing the senators, for no other reason than that they have not made good use of that patronage. No other conclusion can be arrived at. The hon. gentleman made a confession in his speech, and open confession is good for the soul. He stated what is a fact—and which everybody knows is a fact—that during the many years he was in the House of Commons he made

it a point to traduce and ridicule the Senate as a useless and unnecessary body for the best interests of Canada. Other gentlemen on that side of politics did the same thing, and the country became educated to believe that this was a useless branch of the legislature, not worth its cost to the country; but when the hon. gentleman made that statement he was a member of the House of Commons, and at that time this Senate was largely Conservative. There is no question about that. The hon. gentleman subsequently became a member of this Senate, and, after a few years' experience here, the very men whom he was decrying as unfit for the position and incompetent, he finds on closer acquaintance to be a useful and creditable body of men, and the statement he made in former times ridiculing and decrying the Senate was made in ignorance. A better confession than that could not possibly be made. It shows that when he became acquainted with the members of the Senate and their efficiency and ability to do the work, he found they were an entirely different body of men from those he had been abusing. Who were they? The Conservative senators appointed by Sir John Macdonald and the Liberals appointed by Alexander Mackenzie. He gives them a certificate of character of the highest standard possible and now he wants a change. What is the inference? That the senators appointed by the present government are not up to the standard. I should not have made that sweeping statement. I should say a good many of them were up to the standard, good, competent, and capable men. He does not draw the distinction. I heard a gentleman say that a certain number of senators who were appointed lately are not up to the standard, and that it would have beeen better not to appoint them. I am not going to individualize them; but I take it the hon. gentleman has some such men in his mind, or he would not have moved this resolution. If the Senate were as it ought to be, then there was no need of this resolution, and if the government appointed good and proper men, there was no need for him to find fault with them having that patronage. The hon. gentleman is an old parliamentarian, an experienced gentleman, but we have the counsel of a gentleman of greater age in parliamentary affairs and of greater experience, and that is the hon. gentleman from Middlesex (Hon. Mr. Ross). He made a very able and clever speech in seconding the motion of the hon. gentleman. He reviewed the Senate from confederation down, and he says he was greatly disappointed to find that the Senate was composed of the class of men we have here. He said that on looking into the history of the Senate, he found it to be entirely different from what he expected, because he says that during the time Sir John Macdonald's government was in power and the Senate was largely Conservative, they rejected 3½ per cent of their Bills, whilst they rejected only two and a half per cent of the Bills of the Mackenzie government, and they showed themselves to be an unbiassed lot of men. What higher certificate of independence could you have than that given by a gentleman of the experience of the hon. gentleman from Middlesex? He was in the House of Commons ten years, a member of the Ontario government several years, and leader of that government, and now a member of the Senate. He made a thorough analysis of the Bills which had been passed from confederation down to the present time, and he finds that the Senate is composed of competent men, and that they have done their work well, and that the charge of being partisan could not be laid at their door. I am glad to hear these two hon gentlemen speak in this way, because they belong to the rank opposed to the Conservatives, and I am glad to know that they have given credit to the Conservative senators.

The question of the reform of the Senate is no doubt one of the greatest questions that can agitate our minds. I have listened to all the different methods of reforming the Senate that have been suggested by the hon. gentlemen who have addressed the Senate on this question. They are all able, clever men, and they have suggested different methods. The hon. Speaker had a very elaborate scheme of appointing senators. He suggests in his speech that every second or third appointment should be from the opposition. He puts up a claim that the government of the day should have

eight or ten of a majority in this Chamber. In my judgment, the government should not have any majority, and if you could divide it evenly I should say that that should be done. If there is one duty the Senate has to perform, it is that of being independent. We are legislators on behalf of the people of the country. We are not here as partisans in any respect whatever. It is not a matter of any question to us whether the government is Grit or Tory. We are to stand here in the interests of the people, to prevent the members of the House of Commons passing improper or unfair legislation, or the government influencing members of the House of Commons in having legislation passed which should not be passed. If we are here for any purpose at all, and if our purpose is not to be independent, and to treat every measure on its merits, then the Senate is a useless and worthless body of legislators and should be abolished. Therefore, I say the Senate needs reforming in that particular. We are loaded up in a one-sided manner to-day. There are fifty-eight reformers and twenty-eight Conservatives, and almost every vote is carried out on that basis.

Some hon. MEMBERS. No, no.

Hon. Mr. PERLEY—I know what I am talking about, and the country knows it. During the last four years something has occurred which has not happened in the history of the country before: there has not been a government Bill defeated in the Senate.

Hon. Mr. CASGRAIN—They are all good Bills.

Hon. Mr. PERLEY—It was not so when the Conservatives were in the majority, and I think the Conservative members were as able men as we have had governing the country to-day. The Senate needs reforming in the matter of appointments. To undertake to appoint senators and not to have politicians to some extent, is impossible. There is not a boy in Canada ten years of age, who has no political leaning one side or the other. Therefore, to undertake to get a Senate appointed that has no politics is out of the question, and I do not hesitate to say that, in my judgment, I have not much use for the man who has no political opinion at the present time. Every man has some opinion on politics as well as other questions, and, to my mind, he would not be a good citizen if he had not an opinion on political questions. Therefore, a Senate that would be entirely neutral, without politics, would be a moral and physical impossibility. The only question is how best to get the senators with the least political bias appointed. In my judgment, this Senate should be evenly balanced, as far as politics is concerned. We do not deal with questions on a political basis—at least we should not. Some hon. gentleman say that we do not. I leave it to the country to say whether we do or not. We should have a Senate composed of men who use fair judgment, not biassed in any way by any government, whether Grit or Tory. It would be a hard job to do that, but there is a way in which it could be done, and that would be to let the opposition recommend the appointment of one-half the Senators. The opposition is virtually, in one sense, the government. The government to-day was the opposition of a few years ago, and the opposition of to-day will be the government of a few years hence. So that if you take the government on one side and the opposition on the other, whether it is one party in power or the other party in power, it is virtually the government, and I would suggest that, commencing now, the leader of the opposition be notified that there is a vacancy in the Senate, and he be asked to recommend a man to fill that vacancy, and the government would make that appointment, and thus work up the number of the opposition till the parties became even. There are now 87 senators—86 sworn in. There are 58 Reformers and 28 Conservatives. It is as badly loaded up on one side now as it was on the other side when the present government came into power, and it is wrong in both cases. It should not be that way. It should be independent, and men should be appointed so that they would make the senators fairly even in number, and when they got the numbers fairly even there would be a pride among them and they would discharge their duties creditably and not in a party manner. What do you

find in support of the motion of the hon. gentleman from North Wellington? At the time of confederation, it was provided that Ontario should have twenty-four senators, Quebec should have 24 and the maritime provinces 24. The object of that arrangement, I understand, was that the maritime provinces should have an equal say in the affairs of the country, because they were placed on an equality with the other two large provinces, whilst their population would not warrant it; nevertheless they were given that representation so that they would have a fair say in the legislation of the country, and not be overruled by more numerous representation of other provinces. Now, in place of 24 we have only had 23 for the last few years. It is a wonder that the maritime provinces have not objected, inasmuch as they have not had 24 seats in the Senate, which was the understanding. The reason is evident, from the speech of the hon. gentleman, because, he said, the members elected by the people to serve them were often called upon to support the government in the hope of getting a senatorship. Senatorships, it would seem, are held as a weapon, as a matter of bribery, to induce the members to vote for the government in the House of Commons, and they would receive their reward by being appointed to the Senate. It is not the right of the government to manipulate the representation in parliament by holding out such an inducement for support. The facts are there and cannot be refuted by anybody. I say it is wrong that the representation of the Senate is not more equal, and I would suggest as another amendment that when you appoint the senators in the way I have suggested, there would be 44 for the government—I would give the government the preference of one senator—and the opposition 43. That would obviate any difficulty that the hon. Speaker referred to, that if they had eight or ten of a majority, oftentimes they would be out a little while and maybe in again, and would still have a majority. But having the House evenly balanced, it would make no difference which party was in power. I would advise that senators be appointed for a period not longer than ten years. I would provide also that a senator should be reappointed if he proved himself to be a useful and fit man, up to the age of eighty years. There are senators in this House over 80 years of age, who reflect great credit on the Senate and themselves also; nevertheless, eighty years is the maximum period of a man's usefulness, and I would suggest that senators be appointed from this day forward for a period of ten years. If a man made a good senator during that period, there would be an incentive to fit himself for appointment for another ten years. Let him be appointed for ten years at a time until he reaches the age of eighty, on the same principle that the people elect a man from boyhood till old age to the Commons, if he fills the bill, and acts as he should. I would not say that because a man was appointed for ten years, that at the end of that period he should be down and out; but if he showed himself a capable man he could be reappointed, by whatever government would be in power, if they thought proper; he would at any rate be eligible, and I would go further than that, and say that I would commence now, and I would not show any partiality against the newly appointed members by saying that they should be turned out when other senators would be elected. I would suggest that, on next Dominion Day, senators should resign their seats and be open for the same method of appointment after that time, and then you would have a Senate that would be independent, because they would have every incentive to acquit themselves in a capable way. They would be fair. Neither party would be overly represented, and, to my mind, you would have a very much better Senate than you could possibly have by loading this Chamber up one way for a term and then loading it the other way. I think the Senate needs reforming in more ways than that. In the matter of remuneration, and the matter of administration of the affairs of the country, senators are not on an equality. I find, in looking over a list of payments, that a number of senators only attended a few days and drew very large amounts. The ordinary senator would receive about fifteen dollars a day for every day the Senate was in session; but some senators who were only here for a few days, were paid at the rate

of $100 a day. I think that fact suggests a very good line on which to reform the Senate, and I think the only way you can get at it, is by the system I suggest. Then it costs nothing. The moment a senatorship becomes vacant, I would have the Clerk of the Senate notify the Prime Minister that there was a vacancy from Wolseley for instance, and in so many days he would require parliament to fill the seat. The country has the right to the services of the senators, and if it has not that right, then there is no use appointing them. The government has no right to hold a senatorship before the eyes of the people and say to a man: 'Now do as we want to, and we shall appoint you to the Senate.' If parliament was in session, I should provide that the vacancy should be filled within twenty days, and if the House were not in session, I should say thirty days, and there is no doubt that in this age of intelligence and ability in Canada, no government or opposition would have any trouble in finding in twenty days a fit and competent man. If you make the appointments quickly, you would take it out of the power of the government to use undue influence with members of parliament to support them in regard to Bills they should not support, and the country would have the benefit of that man's services in the administration of affairs, and there would be none of that system of holding out senatorships. It is a disgrace to the government of the day. It is said that they have held senatorships for two or three or four or five sessions, and have used them for political purposes. The people have a right to the services of that senator, and it is not right that the appointment should be held back, to be used by the government to strengthen them in the country.

Hon. Mr. FROST—It is about two years ago since I made a few remarks in this House on the question of Senate reform. The position that I then took was probably not in accord with the sentiments of many in the House, as I found that quite a number were desiring some change; but since that time, after hearing many other speeches upon this question, I hold to the position that I then took, that it would be very undesirable on our part to make any change at all, and that is the position that I hold to-day, and on that basis I will now make a few remarks. I do not propose to follow my hon. friend who has just resumed his seat. His ideas have always been probably a little higher, the ideal has been very much higher than we ordinary mortals can possibly attain.

Hon. Mr. PERLEY. I do not think so.

Hon. Mr. FROST—For the reason that we are a little bit inclined to partisanship; but if we look at the Senate to-day and consider the work that it has accomplished, and the short time, forty years since it was constituted, I think upon mature reflection, we will find that the great men who bore the burden and heat of that day in gathering together the various conflicting interests that we all know about, and harmonizing them so completely that we have now a unified country, and considering the fact that the Senate was practically the bridge over which we had to cross in order that this confederation should be bound together, I think it would not be paying a very good compliment to the great men who were the founders of confederation to say that we now, after forty years, should undertake to make all these various changes which we have recently been listening to in this House. Forty years ago the condition of the country was unsettled. We had a great deal of race and creed conflict, and men of long experience in political life, who understood the then existing conditions, constituted the Senate as we find it now, and I say we should abide by their judgment. On both sides of politics they were men of great experience and ability, and it is a question whether if we reconsidered the constituting of the Senate, and attempted to form it on a different basis, we might not be opening an old sore which, happily for us and for the future of the country, has been healed. At the time of confederation, Ontario and Quebec were divided equally so far as the number of representatives was concerned. We remember the conflicts that took place over the question of representation by population. We know how frequently govern-

ments changed. They were not strong enough in those days to carry their measures and sometimes the government did not last three days. The patriotic desire of statesmen of that day was to build up on the northern half of this continent a British power. In order to accomplish that desirable object, concessions had to be made, and one of them was that Ontario and Quebec should each have twenty-four senators in this chamber. That was a compact, and if they should undertake to change the constitution of the Senate, it would be a distinct violation of that compact entered into between the English and French inhabitants of this country when the confederation was founded. Therefore, I for one am not prepared, for the sake, perhaps, of making some trifling change in the mode of appointing senators, to advocate a change of the constitution. We cannot reach the perfection aimed at by the hon. senator from Wolseley, but we can believe that each government, when in power, endeavours in making appointments to the Senate, to select accomplished as well as competent men, and we can rest contented that everything is done with a view to the best interests of the country. The hon. senator from Middlesex, in his magnificent speech on this question a short time ago, pointed out that almost every important interest in this country is well represented in this House, probably very much better than it could possibly be represented if the members of the Senate were elected. The hon. gentleman in that speech pointed out that of the 90 members of the United States Senate, no less than 70 were lawyers. Now that is an unequal representation of any one class. In this House, of 86 senators only 16 or 17 are lawyers; the others represent manufacturing, farming, mercantile, banking and other classes. Therefore, I am in favour of retaining the present system. No doubt after a government has been in power a good while, the majority becomes perhaps too large in the Senate, but during the time I have had the honour of holding a seat here, I have yet to see any very great amount of partisanship. In the committees we have the chairmanships divided fairly between the two parties. We seldom find a partisan vote on any question coming before this Chamber. We find members on both sides of politics voting, as I believe, according to their conscientious convictions, and that is what the Senate was intended to do. I cannot see that there would be anything gained by making a change simply to overcome the preponderance of members on one side or the other, and I thought that part of the speech of my hon. friend from Middlesex showed conclusively that the system of appointment by the government was, after all, the best that could have been adopted. It is practically the quickest, easiest and safest system, saving great expense and a tremendous amount of hard work, because if senators had to be elected by large districts, it would be no easy task to secure a seat here.

I have listened to the various suggestions that have been offered. I do not know that I would be in favour of the suggestion that cabinet ministers should be admitted to the floor in both Houses. As the Senate of Canada, we should be a sovereign House within ourselves, whose members would have the right to speak their own minds and support motions without any outside parties interfering. They do not act upon that suggestion in the United States. I am told they do in the French Senate, but in the United States, cabinet ministers are appointed as secretaries of the President, and all legislation comes from them to the various chairmen of the committees, and they in turn carry on the business of both Houses. I do not propose to occupy a great deal of time in discussing this subject to-day, because I spoke at considerable length two years ago, but after listening to the various suggestions made for the purpose of re-organizing, or reforming or changing the method of constituting the Senate, I want to confirm my original statement, that we had better stand by the Senate as it is. We will soon have all the work we can do. The country is expanding rapidly. If we have not been as busy as we would like to be in the past it has been due to the slow growth of our population; but we are now going ahead rapidly, and the country is filling up with people of different nationalities. The Senate stands for holding the balance fairly between the different provinces and races and to see that justice is done to all.

We shall have enough to do in revising hasty legislation which comes to us from the other House, and possibly rejecting measures which do not meet with our approval. In this way, the Senate will prove itself of great value and have important work to do in the future. If we have to take adjournments occasionally it is not our fault, but the fault of the House of Commons. If they choose to spend a month or six weeks discussing a matter, it is no reason why we should sit here occupying our time debating academic questions. We are here to consider the measures which come before us, and we do our share of originating Bills. Last session out of something like 160 Bills that passed both Houses, sixty-two were originated in the Senate. We consume less time in doing business here than they do in the Commons, because the greater part of our discussions take place in the committees rather than in the House. To undertake to change the constitution of the Senate, would be placing ourselves in the position of casting reflections on the able and patriotic men who forty years ago constructed this Chamber for a special purpose, which purpose we serve. I do not believe that any House, at any time in the past 40 years, has had abler or more experienced men than we have in the Senate to-day. We have men here who have been long in political life, who know how to sift evidence and discover the weak points of measures, and who maintain the honour and credit of the country and prevent vicious measures from becoming law. We have such men working on our various committees, and our duty as senators is to remain as we are and keep the Senate as free from partisanship as possible. I agree with the hon. senator from Wolseley in that respect? We can trust to the good sense of the experienced men who are appointed for life and are independent of the waves of popular feeling that pass over the country at times, that they will not be governed by the partisanship which prevails in the other Chamber. I trust that when the conclusion of the whole matter is arrived at we will all, individually and unitedly, say that the Senate is a necessary part of our system of government, that it was designed by men of great ability and experience in the past, and that if it is not up to the standard we would all like to see maintained, we must look inward instead of outward, scrutinize our own hearts and find out whether we are not ourselves to blame. If we find that we are in the wrong ourselves, let us change our course and endeavour to make the Senate what it ought to be. We are intelligent men, men of experience all of us, and if we do our part, the Senate will fill its true place in the legislative system of the country and be acceptable to the people as a whole. It is a human institution and cannot possibly be perfect, but I believe it will satisfy the great majority of the people of this country.

Hon. Mr. ELLIS—We must all feel impressed with the very excellent manner in which this question has been presented to the House by the hon. gentlemen who have spoken upon it. The speeches—most of them at any rate—showed a great deal of research, and all manifested a desire to reach a fair conclusion. I regret that the only inharmonious note along that line was in the remarks of the hon. senator from Wolseley who, while he professed a desire to rise above partisanship, nevertheless thought proper to refer to what he considered the disgraceful conduct of the government in keeping open one senatorship in the maritime provinces. He assumed that all the senators from the maritime provinces and the government were responsible for that. I believe there is a vacancy in the province of Nova Scotia. The last time I directed my attention to conditions in Nova Scotia, I found that the government were struggling with the difficulty of getting somebody to fill the vacant seat in the Senate. Whether they have overcome that difficulty or not, I do not know; but probably that accounts for the condition which the hon. gentleman so severely criticised. When I had the honour of discussing this question before, I expressed a doubt whether a second chamber was necessary or not. I cannot say that that doubt has been dispelled, as seems to have been the case with others; or that I have started on the line of conversion which so many hon. gentlemen admit they have gone through in their views as to the necessity for reforming

the Senate, to an acceptance of the Senate in its present condition and satisfaction entirely with its constitution as it is. A great many other hon. gentlemen seem to think that the Senate is well constituted, and quite in harmony with the conditions of the country. I should like to make one or two observations which are not exactly in that line. I pointed out before that out of the nine provinces of the Dominion, only two have second chambers. I question whether if we were to-day founding a Dominion of Canada we would adopt the idea of two chambers. I do not know; but the idea of two chambers seems to have originated in the recognition of two classes of persons in the country, the people and somebody who are above the people, and, therefore, two chambers were necessary. I grant you that the Senate itself does very excellent work indeed as a revising body, in its revisionary work on the legislation coming from the other house; but whether it is necessary for the Senate to exist for that alone I am not prepared to say. I think not. I think the same work could be done by a board of five revisors whose special duty it should be to go through the Bills and see in what conditions they fail. The hon. senator from Middlesex, in the excellent speech he gave us, so full of historical information, called attention to the Senate of the United States in more than one part of his address. All the institutions of the United States are of British origin. That is to say, they have their foundation and origin in conditions which existed in England, and which existed in the British colonies in America founded upon English institutions. We, coming in later, have developed a system of responsible government such as the mother country has now; but at the time of the foundation of the older colonies, when they got their charters, such a condition did not exist in the mother country. The constitutions of the colonies were very largely the old English practice, what is, I suppose, the common legislative law of the mother country, and the royal instructions sent out to the governors by the King. Upon such a basis the people founded their institutions. When the American nation was founded, to a very large extent, indeed, the political ideas which prevailed in the country were adopted by the people. Representation in the House of Representatives, as every one knows, is based on manhood suffrage, or a percentage of population. The great difficulty was in getting the states, or the provinces as they were first called to surrender their individuality, to sink their individuality into a common organization. It was devised at last that the states should be represented in a body which is now the Senate of the United States, each state having the same representation, whether it be large or small, and that is the idea which pervades the American constitution. I may come back to this in a moment. I simply state what is known to everybody as to how the United States Senate has developed.

I observe that the most eminent members of this Chamber who have discussed the question—and perhaps I would be allowed to refer to some of them by name—the Hon. Mr. Miller, who spoke two years ago, Sir Richard Cartwright, Hon. Mr. Ross, and His Honour the Speaker—all of them seem to admit the necessity that exists for a change in the Senate. Indeed a great many of the speakers admitted at once that there is need for a change, and each one has put forward his own idea of what that change should be; but the fact that these gentlemen admit the necessity for a change seems to me to show that there is in their minds underlying all that has been said with regard to the greatness of the Senate as it exists to-day, of its utility and the excellent manner in which it does its business, an idea that some change is necessary. The hon. senator from Middlesex pointed out that the mode of choosing the Senate of the United States was not a good mode, and I think he instanced the case of one state where they were thirty to forty days, if not more, electing a senator. That does not seem to me at all to impair in any way the value of the United States Senate. It was a loss to the state, no doubt, to be so slow about electing its representative; but the members of the State legislature to whom the right of election belonged could very easily have overcome that by electing somebody. For some reason they did not do it, and, like the case of Nova Scotia, selected by my hon. friend from Wolseley,

the seat remained vacant. I think this Senate is getting along very well with the Nova Scotia seat vacant, though it might be an improvement if it were filled. That objection raised by the hon. gentleman and put before us as a serious matter, is really a matter of small importance. It must be remembered that the Senate of the United States—I am speaking of an elective Senate—has lasted one hundred and twenty years without, practically, any change. Founded at the origin of the nation it has helped to carry the country through great crises. It was a leading factor in the war of the Rebellion, and it has helped to preserve the nation. Altogether, when you judge the Senate of the United States by its legislation, by its practice, and by the conditions in which it exists in the nation itself, I think you will come to the conclusion that outside of Great Britain herself— it would be right to say that— no body has been founded or could be founded that, on the whole, could discharge so well to a great nation the duties which the United States Senate discharges. It may be that now and then —and that is true of the new States—some rich man is able to control the State legislature. I do not know, but I see such statements in the papers; but the great body of the United States senators are not rich men. They are men of limited means, many of them no better off in the ordinary conditions of life—those that I know at any rate—no better off than the hon. gentlemen who compose this Senate, and yet the discussions which arise about the United States Senate, arise from the fact that some rich man is conspiring to become a senator. Whether rich men have conspired to become senators in Canada I do not know. It is not necessary to discuss that point.

The hon. senator from Middlesex, in speaking of the House of Lords, seemed to desire to impress the House with the idea that that House was one of the greatest bodies to be found in existence. That may be true but, notwithstanding the hon. gentleman's statement, he seemed to allow that it could be improved and used a very happy word, the 'fertilization' of the House of Lords. Nevertheless, the statesmen of England to-day who are leading the government of that country are at sword's points with the House of Lords,—are endeavouring to wrest from the House of Lords the power which it has as a legislative body, and reduce its power of veto and compel it to meet the public desires and aspirations more than it has done, and bring itself more in harmony with the people. Then, again, whether the fertilization has been a good thing, depends altogether on the means of fertilization. I have read that Mr. Lea, member for East St. Pancras, a division of London, arraigned in the House of Commons in very strong language the conditions under which peerages had been created. I do not know how many peers he referred to particularly, but he declared, and he challenged denial of his statement that in the last two years of the Conservative administration, 127 persons had been created peers, and orders of knighthood and rank had been conferred on them in order to raise an election fund. And he went on and said that during two years of the present Liberal administration —and I am willing to take my share of the blame as a Liberal—that 168 persons had been advanced in honour in England, and some of them created peers for the very same purpose, and, further than that, the London 'Truth' stated that one man had paid £150,000 to get into the peerage. I make these statements just as they were made. I make no comment with regard to them, because I do not know whether they are true or not; but it shows that just as there is in the United States a criticism of the Senate, just as there is in England a criticism of the House of Lords because these bodies do not sufficiently touch the popular voice, and are not in sympathy with the people of the country, so the very same idea is prevailing in Canada. What is the reason that outside of this House, and in this House, to some extent, there is criticism of the Senate of Canada? The answer is easily found. The great trouble that underlies our whole system as it exists to-day is that the minority of the country is not sufficiently represented in the Senate. I was glad to see the honourable Speaker take up one suggestion I made two years ago, that the ministers should be allowed to come to the floor of this chamber and speak. But the hon. gentleman proposes

a plan—and it is not a bad plan at all, if you adopt those lines by which the government, having acquired a fair majority in the Senate, one new member out of every three, or something of that kind, should be chosen by the opposition. The hon. gentleman from Wolseley adopts that idea with some limitation. I might suggest as a possible improvement that the Liberal party should select the Conservative senators and the Conservatives select the Liberals. You would get such a fair mix-up and broad representation of men as could not be secured in any other way by the proposed system. But the speech of the honourable Speaker—and he may be assumed to be, and he is I think, above all the ordinary party affiliations—shows that there is in his mind, notwithstanding the fact that he admits having somewhat early in life certain principles in regard to amendment of the constitution of the Senate which he has now probably abandoned, shows an earnest desire to reach a sound conclusion. Everybody knows how the first Senate was chosen. The principle of electing legislative councils prevailed in this country. The right of electing the second chamber was in the people; that is in the old province of Canada formed of Upper and Lower Canada. That principle had obtained, and there were very good men chosen. I think I heard the hon. Secretary of State say that the men who composed the old Legislative Council of Canada were very excellent men, and the principle of election was coming in then. They may not all have been elected, but a number of them were elected by the people. There is no doubt whatever that that idea would have prevailed in the choosing of members to this House, but the fathers of confederation were face to face with a difficulty. It was feared they would not be able to get their scheme through the Legislative Councils of the provinces, and so they determined to select the first senators from the legislative councils as they were and the first senators of Canada were thus selected. I do not make any criticism upon them for that. They were face to face with a grave difficulty, and took the best way of overcoming the difficulty that presented itself to their mind. But the result undoubtedly was to put back a forward movement in the interests of the people themselves. As I came into the chamber, the hon. gentleman from Wolseley was referring to it. They selected man and man about in appointing the first senators. Sir John made a public statement on the 'Hansard' that he and Mr. Brown sat down at the table, or whoever others were there, and he selected one man and the other side selected another, and they went through the whole 24, and Sir John stated that they had 12 Liberals and 12 Conservatives from Ontario in the first lot.

Hon. Sir MACKENZIE BOWELL—The agreement was as he has stated it. The number of Conservatives in the Legislative Council at that period exceeded the number of Liberals, and all the legislators in the council at that time were retained, and the number of Conservatives in excess of the Liberals were left out, and the new men that were appointed were from the Liberal party.

Hon. Mr. ELLIS—I have not the original document, but these observations of Sir John Macdonald were made in answer to objections. Some complaint was made about the constitution of the Senate, and Sir John Macdonald made this statement, and it was quoted afterwards. In the year 1893, the Liberal party in this country held a convention. At that convention the question of reform of the Senate was argued and urged with great power and great strength, and we were all committed to it. I heard no objection to it. I attended the conference. No objections were raised to it, openly, at any rate, and we assented to that idea that there should be a reform of the Senate, as the Senate was largely objectionable because of the one-sided position which it had reached by that time, due to the fact that the old plan was no longer continued, of appointing Liberal and Conservative members. I believe that a party, no matter whether Grit or Tory, must have its ideas and must have a policy, or it has no reason to exist, and when it attains to power it should, to some extent, endeavour to bring these ideas into practice. I heard Sir Henry Campbell-Bannerman, in the House of Commons, in England, last year, make the declaration that nothing was going to turn him from the prin-

ciples by which he had assumed office; that he was prepared to do certain things according to the views presented by his party to the people, and when something was proposed which it might be popular to do and in accordance with the policy of the party he would await the mandate of the people.

Hon. Mr. PERLEY—That was in striking contrast with the action of the Canadian government.

Hon. Mr. ELLIS—It may be. I am not always sure of my hon. friend's judgment, and, therefore, I do not always accept it. At the close of the last government, Sir Charles Tupper sought to make a number or appointments. The Governor General at that time did not allow them all, and they were not made. The matter became quite an important one at the time. My hon. friend will remember it better than I do; but Sir Charles Tupper brought the matter up in the House of Commons, and I had the honour of a seat in the House at the time. There are some gentlemen here who were then sitting on the same side as I was. They are here now. Sir Charles Tupper attacked the Governor General because of his failure to make these appointments, and, of course, it fell to the lot of the hon. leader of the government, Sir Wilfrid Laurier, to defend the Governor General, and he made a very good speech, and I remember how heartily we all applauded. We thought it was just the right answer to be given to Sir Charles Tupper, and there was scarcely a point in that speech we did not approve of. Sir Charles Tupper had filled some offices in the Senate, or had appointed two senators, or had re-appointed some senator who had to resign to run for the House of Commons. That is immaterial; but among the persons whose appointment was not confirmed by Lord Aberdeen were two senators. Sir Wilfrid in the course of his speech said:

I charge here against him and his party, that in so far as the Senate is concerned, they have all along for the last eighteen years disregarded the constitution of Canada in the nature of the appointments which they have made to that branch of the legislature. It was one of the well understood principles of confederation that if the Senate was not elective, and if it was to be appointed by the Crown, then both political parties should be equally represented on the floor of the Senate. The hon. gentleman has forgotten that—

Hon. Mr. PERLEY—The hon. Prime Minister has forgotten it also.

Hon. Mr. ELLIS—

—practice although it cannot have escaped his memory. He (Sir Charles Tupper) quoted a moment ago the opinion of Sir Oliver Mowat, who at that early date was against a nominative Senate and in favour of an elective Senate. Certainly, Sir, the practice of late years has shown that at that time, as now, Sir Oliver Mowat possessed the same sagacity which has distinguished all his political career.

I need not go over all that. The same point arose in the discussion between Mr. Mackenzie and Sir John Macdonald with reference to appointments. I refer to this, because what I am seeking to urge is, that the Liberal party was pledged to appointments to the Senate along the line indicated by Sir John Macdonald and by Sir Wilfrid Laurier himself, as to having both parties represented in the Senate. Sir Wilfrid Laurier, as leader of the party, has fairly and straightly stated to the House of Commons the obstacles which have presented themselves to this, and which have prevented him from carrying out that plan. He has admitted in so many words that that should be done, but he has been powerless to do it in view of the demands which may have been made upon him by members of his own political party to obtain seats here. He has stated that very fairly, and we must all absolve him from any improper charge, because he found it impossible to carry out what he thought should be done. And while Sir Wilfrid Laurier himself, in the observations which he made a few weeks ago upon this very question, in the popular branch of the legislature, admitted there should be a change in the organization of the Senate, or rather in the mode of appointing members to the Senate, he confessed he did not see very clearly how it could be done, and he had no hope it could be done under the existing system. Now, what is the result of all this? It shows that in the public mind of this country, among the leading public men there is a sincere belief that the Senate should be re-organized in some way. It is all very well for hon. gentlemen to come here and say—and they believe it—that the Senate is just perfect. The youngest member of the Senate made a speech the

other night in which he announced his conversion to the life permanency of senators, and he had only been here a few months. I do not make any charge against him for that, but he very readily got rid of ideas which some of us have taken years to get rid of, and I have not got rid of them yet. The hon. First Minister, the leader of the Liberal party seemed to say in the House of Commons that he thought the federal idea was the true idea of the basis of the formation of the Senate, and he went so far as to indicate the number of persons that should represent each province. He had no absolutely well-drawn plan in his mind; but he had given the matter some consideration, and what he stated was in that way. I think he reduced the number to about seven from each province, and he would have the Senate chosen on that plan. Now, if the Senate is a federal body—and I think it is—it seems to me we can get rid of a great deal of the trouble which surrounds this question as to what can be done in one case and what can be done in another, and who should be elected and so on, by simply remitting to the provinces themselves the right to select the senators, not giving them too much detail, saying we must choose a man of so many years' experience, and not choose a man after such an age, &c. The constitution might be so amended that the provinces would have the right to select the members for so many years. I think it would be well to limit it. It might be well that a man should sit for so many years, and that the representation from the provinces should be divided; but the government of the day could get rid of all the delicate questions surrounding the choosing of members, by simply giving the provinces the right to select them. How the provinces should do that, need not be so much a matter of dispute as might be imagined. I will not enter upon the field whether they should be chosen by the provincial legislature or by the provincial government. It would be time enough for me to deal with that if I were a minister, and were called upon to do so. I understood the hon. gentleman from Da Salaberry to say that sixty members had been appointed to the Senate in the last twelve years. There will probably be sixty more in the next twelve years. Unfortunately, probably sixty members will have paid their last debt to nature in the next twelve years, and an opportunity will be thus afforded to enable the government to propound a scheme, in the appointment of senators, for the reformation of the Senate—well it is not right to say the reformation—but for the re-arrangement of the Senate, without affecting in any way the rights of the present individual members of the Senate.

With regard to the constitution of the Senate of the United States, that body is an evidence of how an elective body becomes a strong factor. If its members were selected by the President of the United States, the Senate would not have the strength it has. It has a greater strength. It has usurped some powers, I might say, not for the disadavantage of the nation, but being an elective body, having behind it powerful States, it has been able to get a greater share in the government of the country than it would have if it were an appointed body. His Honour the Speaker, last night, drew a very graphic picture of what this House would be if half the measures that come before parliament were introduced in the Senate, and half introduced in the House of Commons. We would have the newspapers full of what we said, and people would come here to listen to what we had to say. He took rather an enticing view of what the Senate might be. The groundwork of his picture failed, because the House of Commons of Canada is the body and place where the great political battles of Canada are fought. It is the arena in which great principles are discussed, and in which great men make themselves. An opportunity will never offer to an appointed Senate to do that. An elective Senate might do so, but I think the picture which His Honour drew was more of a fancy sketch in his own imagination, based upon hopes he entertained, rather than anything else. I think it would be impossible to do that.

I will point out another matter, although it scarcely bears upon this discussion, but as the subject of discussion is something of a constitutional one, I should like to point out that the constitution and practice of the United States follow a certain line. The President chooses his cabinet.

He can take a member of Congress into his cabinet, and that man vacates his seat. The senators of the United States will not accept seats in the cabinet. They hold that the positions which they occupy are greater than the positions of cabinet ministers, and they tell the President to get somebody else. Are we in any way to approach that? Look at this fact: I do not know how much it may be worth, but the idea which underlies our plan is that the members who are chosen members of the cabinet have seats in the Commons or in the Senate, and the disposition grows stronger to give them seats in the House of Commons. It has grown up under this administration more than in any previous administration, that the members who sit in the cabinet are chosen before they are members of the House of Commons at all. In the first cabinet formed by the premier there were three gentlemen whose seats were found for them, who were not in the parliament of Canada. One of them was sent to the Senate when he was appointed, the Hon. Sir Oliver Mowat, and the two others were the hon. Minister of Finance and Minister of Railways. He had seats found for them. And that practice has continued. There are five gentlemen in the government of Canada to-day who had not seats in the House of Commons; the people of Canada had not elected them to parliament at the time they were chosen by the premier, What does that mean? If any hon. gentleman here were a student of constitutional history, and were called upon to write an essay upon the politics of the country, or upon the development of our political institutions, how would he treat that fact, and from what point of view would he discuss it? The House of Commons has been free to discuss the constitution of the Senate, and members who compose the Senate have also discussed it, and if you read the spirit of the speeches which runs through the House of Commons debates you will see that while there is a respect professed for the Senate, there is under it all a feeling that the Upper Chamber is not a necessary body. If I were criticizing the House of Commons, I would point out the fact that the premier has not been able to find in that House men who are qualified to fill the highest offices of the government, but he is compelled to go outside for cabinet ministers and find seats for them in the House of Commons. Of course they finally are elected to the House of Commons, but this is a matter in connection with the working of our constitution which is worthy of the consideration of gentlemen who are paying attention to that matter, and I think the members of the House of Commons might very well look upon the Senate with some respect and regard, because the existence of the Senate as it is to-day, enables the Premier at any rate to make vacancies in the House of Commons, so that he can carry out that plan. I do not say that he gets better men or worse men by that practice. I merely point out the fact, and suggest to hon. members that it is a matter worth considering. I believe that if the Senate of Canada were an elective body, if it represented something definite and absolute, that it would be stronger than it is to-day. The first minister would not have so often to go outside of parliamentary bodies to find colleagues as he does now. If hon. members of the Senate here were elected, so that they would in some way voice popular opinion, it would give them greater strength, and would give the Senate itself greater strength. I sum up my views by saying that the Senate can never be a strong body until it is brought more in touch with the people of the country. A great deal of the unjust criticism which is directed against the Senate, is largely due to the fact that people pay comparatively little attention to the work the Senate does. That is not to be overcome by standing here and saying 'Behold how great we are,' nor by such a proposition as the hon. gentleman from Westmoreland put forward, that the responsibility rested with the government, and it was their duty to appoint good men to the Senate. No doubt they do that. You have only to look round among the 62 members appointed in the last twelve years. But how is it that public opinion is more manifest each day and each month as against the constitution of the Senate? I do not promise to move anything. I do not think there can be anything moved now, but my idea of what the House should do is not to pass any of these resolutions, but to suggest something like this:

Resolved, that this House is always ready to give careful consideration to any plan which may be submitted to it by the administration for the amendment of the British North America Act, so far as the same refers to the constitution of parliament.

The resolution on the paper contains phrases and sentences which are, perhaps, undignified. There seems to be a kind of belief in the Lower House that we are standing here, not ready to do anything, and that we are blocking the way. I would give them a chance to see that we are willing to do our share of the work of reform.

Hon. Mr. ROSS (Middlesex)—Some advantage has accrued to the Senate, and to the parliament of Canada, from the discussion introduced by my hon. friend from Wellington, and I feel now as if we were under a debt of gratitude to him for opening the question in the manner he did, and for enabling members of this House to express themselves, as I am glad to know they have done, with perfect frankness, on the issue before us. Since the discussion of this question in the Senate, I notice there has been less clamour in another place with regard to Senate reform. I notice also that in the press, the Senate, if mentioned at all, is mentioned with more courtesy and consideration. I think both of these results have arisen from the fact that we have put ourselves before the country in a manner which, perhaps, has not been done so fully before, and in which, I think, we have endeavoured to assert ourselves as a part of the constitutional government of Canada. It always appears to me that when a man shrinks from taking the full responsibility of the duties imposed upon him, his very timidity is made a basis of complaint, and is used as evidence of his uselessness. We have, to a certain extent, I believe, asserted ourselves somewhat, and that has called the attention of the country to the purposes which we serve.

Now, I believe it has been shown, and it has never been so fully shown in my experience before, that this Senate is, after all, a somewhat useful body. There has been no evidence brought before us that our legislation has not been in the interest of the country. I think I have shown too, that we possess the experience of a House capable of legislating in the interests of the country; that as a matter of fact the experience of the members of this House exceeds very largely the average experience of a corresponding number of members of the House of Commons. In fact, we have gathered into this House the experience of 29 members of the House of Commons, which is one-seventh of the members of that body. We have gathered here the experience of 32 members of the local legislatures, which is about one-seventh of the membership of those bodies. We have here the experience of seven ex-ministers of the Crown, and four ex-speakers, and summing up all together, we have here a body of men who, from their experience in the House of Commons and the local legislatures and as administrators, ought to be able and I believe are able to consider any question which may properly be submitted to us. This fact, I believe, was not so fully impressed on the country before as it is now, and this fact also has removed the expression, to a certain extent, that the Senate was an incompetent and useless body. We could not be incompetent, surely, with this experience. It cannot be said that having been competent and fit to be elected to the House of Commons, our competency vanished the moment we ceased to be members of the House of Commons, or that having held a responsible place as a Minister of the Crown, we became incapable of further service because we ceased to be Ministers of the Crown. Summing up, I am perfectly justified in saying that, taking a corresponding number of the House of Commons, and choosing them as you will, that the 86 members of the Senate are equal in experience and standing as advisors of the Crown, to a corresponding number of the House of Commons.

Then, it has been said that we are a partisan body, and that complaint made and voiced with a certain degree of freedom, seemed to be the greatest reproach, and I believe was the greatest reproach, passed against the Senate. If true, it would be a reproach. It does not, however, seem to be a reproach when applied to members of the House of Commons to the same extent. They are assumed to be partisans. They are generally elected because they are strongly partisan, and in fact it seems difficult for members of the House

of Commons to hold their place unless they appeal in very strong and suggestive terms to the party feeling of their followers. We have no such appeals to make. The charge of partisanship does not apply because of our relations with the electorate. We do not need to cultivate the partisan spirit; we are not amenable to those influences which necessitate the development of that party spirit. Our views are of a much more judicial character, and in this House we can exercise a judicial mind, which, I am bound to say, it is somewhat difficult to exercise with safety to a commoner's future in the House of Commons. What is the proof that we are a partisan body? The only proof I ever heard advanced is in some Bills that this House has rejected legislation sent us by the House of Commons. Is that proof of partisanship? We are universally admitted to be a court of revision. A court of review implies the idea that we may accept or reject. Does it necessarily follow that we reject because we are partisans? Is it not possible that in some Bills that this House has rejected there were elements which would warrant their rejection by a judicial body? The partisan House of Commons—and I use that term not as an offensive term—may at some time send a Bill to this House of such a partisan character, or, if not partisan, embodying some other element of weakness which would justify this House in rejecting it. Having rejected it, therefore, on just and sufficient grounds, is it fair that we should be charged with being a partisan body? Have we not always been able to give some reason for such rejections? True, those who take some interest in political subjects, looking at matters from a purely partisan point of view, say, 'Oh, the Senate rejected that measure because it is conservative, and the measure was introduced by a reform government, or because the Senate is Liberal and the measure was introduced by a Conservative government. That is not a logical conclusion. The only way to judge whether our action is partisan or not, is to ask, are there good and sufficient reasons outside of this element of partisanship, so called, which would warrant a rejection of the measure? Take a common law case in a court; a suit passes from one court to another. The suitor loses his case before a divisional court, and wins in the Court of Appeal. The case goes to the Supreme Court and he loses it again. Was that a partisan judgment? The case goes to the Privy Council and is again reversed; was that a partisan judgment? It was the view of the different courts, judges considering the case, perhaps, from a different standpoint; may be judges with more experience and better knowledge of constitutional law, and a more practical turn of mind. All those conclusions would be fair and reasonable. We do not need, therefore, to import into the decision of the Senate the idea that it was partisan. Admitting, however, that occasionally the Senate may have given a partisan vote, we would be merely making a concession to the weakness of human nature. Those who do say that the Senate is sometimes partisan may be partisans themselves, and the very fact that we are charged with partisanship may originate in the extreme partisanship of the persons making the charge. Let us look at the action of the House of Commons as compared with ours on this same point. In the last forty years the House of Commons amended 33 per cent and rejected 10 per cent of our measures. Was that due to partisanship? While we managed to amend only one and three-quarter per cent of their Bills and rejected only two per cent. If the cry of partisanship holds against the Senate, then how much more does it hold against the Commons, because their rejections and amendments, have very largely exceeded the rejections of the Senate. I do not think the cry of partisanship is reasonable, and I do not think it will hold, taking the experience of our legislation for over forty years. As I showed in a former discussion—and I need not repeat now—we are able to show that no matter what party was in power in the House of Commons the Senate dealt as generously with the legislation of one party as it did with the legislation of the other. To repeat, and to refresh the memory of hon. gentlemen, let me say that in the first period of Sir John Macdonald's administration the Senate rejected three and one-half per cent of his Bills. Under the administration of Mr. Mackenzie they rejected two

and one-half per cent of his Bills. Under Sir John Macdonald's second term the Senate rejected one and three-quarter per cent of his Bills, and under Sir Wilfrid Laurier's term two and one-half per cent of the present government's Bills. So the average under one administration seems to be as great as under the other. If, therefore, a Liberal Senate is partisan, then a Conservative Senate is partisan, and neither party can reflect on the other because of its partisanship. That brings me to consider how are we to get over the present situation. I was much pleased with the remarks made by the hon. senator from St. John, particularly those in which he said there does seem to be in the public mind the idea that the Senate ought to be reformed. I believe that is deeply seated in the public mind. I believe it has been cultivated by both parties, by the Conservatives out of office, and by the Liberals out of office, and it has become so ingrained upon the public mind as to be accepted as part of the political platform, at least of the Liberal party. The various methods recommended for the reform of the Senate are all, to my mind, to a certain extent illusory. His honour the Speaker gave us various views in his admirable speech yesterday as to how the constitution of the Senate could be reformed. For instance, he said that the Senate might be elected by municipal councils. I do not think we would get rid of partisanship in that way. I think at the same time we might infuse into municipal councils a little partisanship. Then he discussed briefly the election of senators by members of the legislature, and he said truly, in my judgment, that that would be an appeal from a higher court, which may be said to be partisan—that is the cabinet of the Dominion—to the cabinets of the provinces which may be equally if not more intensely partisan. I do not think we would get rid of partisanship in that way. I believe we would weaken very much the constitution of the Senate, because the responsibility would be on an inferior body, namely the local cabinet, instead of being on a superior body, the Dominion cabinet, as it is now, and for which the whole country is responsible.

Then he discussed, and some references were made to that this afternoon, the appointment of senators under certain conditions partly by the government and partly by the opposition. The hon. Speaker will allow me to dissent from this proposition also. The opposition has no constitutional responsibility. It is merely a figment—it is not even a figment of the constitution. It may be part of our parliamentary procedure. It has grown out of the division between the people of the country into two parties, and it is necessary under party government; but who can hold the opposition responsible for any appointment they might make? We can hold the government responsible. A vote of want of confidence might pass the House of Commons because of improper appointments made to the Senate, but what vote of want of confidence would touch the members of the opposition? They are immune from any such terror, or the consequences of such a vote of want of confidence. The whole system of responsible government rests upon this, that somebody can be held responsible to the whole of the people for his acts and conduct. We cannot hold an opposition responsible in any particular sense or form; we can hold a government. And, besides, I am not sure that we would gain anything in the status of the Senate by a partial election by the opposition as well as by the government. My hon. friend from Wolseley said that, under the present system, the appointment of senators is a form of bribery by the government of the day; but if the opposition were permitted a voice in the elections of senators, as he thought it might be, would it not be bribery in the case of the opposition? If the leader of the government, in order to bolster himself in his place, offers seats in the Senate to his supporters as a reason for their political support—and that is bribery—what would it be if the leader of the opposition, when some of his followers were disposed to foresake him, offered a seat in the Senate to his recalcitrant or hesitating follower to remain with him? What would be bribery in one case would be bribery in the other, and that reflection would apply to the opposition just as well as it would apply to the government. I do not believe we would gain much by dividing the election between the government and the opposition, and we would be striking a serious blow at the whole principle of

responsible government. The greatest difficulty, to my mind, however, in the discussion of this whole question is one that was considered at full length by his honour the Speaker, and also the hon. senator from St. John, and that is the maintenance of the political equilibrium of the Senate. Now is that necessary? Is it necessary that this Senate shall be divided proportionately, or almost on a basis of equality between the two political parties? The hon. the Speaker said that the government must have a small majority; but a small majority is just as tyrannical as a large majority. It does not matter whether a Bill is carried or rejected by one or by fifty; I see no political or constitutional utility in the Senate being more of one party than of the other, if the Senate were wise enough to feel the responsibility of its duty as a Senate. We are not here for party purposes, and I do not admit that I was sent here for party purposes. I may have been chosen because I was a party man, or because I had rendered considerable service for the country in public life. I never asked why I was called to the Senate, but I decline to be considered as a party man first and foremost. Do not let it be supposed that I ever forget that I am a Liberal. I do not intend to forsake the creed of my father or my party; but my first duty in the Senate is not to consider a question from a party standpoint, but from the Canadian standpoint. Therefore, to maintain the political equilibrium for party reasons is to sink into discredit the primary function of the Senate, is to rob the Senate of the dignity, the honour and the importance it should hold in the country. The fact that the Senate is held as a party body has been the bane of the Senate, a gross reproach cast on the Senate, and it is the duty of every senator to show, as far as he honestly can, that the Senate has not played a partisan part. The House of Lords is said to play a partisan part at times, and so it is possible we may. As the hon. senator from Smith's Falls (Hon. Mr. Frost) said, we are human, and we may play a party part; but who would abolish the House of Commons in England because it is a partisan body, and who would abolish the Canadian House of Commons because it is occasionally partisan? If you abolish every legislative body that is partisan, you will have none, and if you decapitate every public man who shows party spirit, there would be a great many wigs on the green and more heads off than would be left on. Let us realize the fact that there may run through every man's heart the feeling of a party man; let us feel that here, of all other places under the sun, party feeling has to be set aside as far as, to use a constitutional phrase, circumstances will permit, as far as the maintenance of good government will permit. I admit that under party government we get the best government that is possible for this country, and I do not believe that under any form of government, Canada or Great Britain can have its affairs administered as well; but that form of party government which is best is the judicial form, not the form of the demagogue, nor does it use the language of the demagogue; it stands four square against the demagogue and the socialist when he attempts to dictate to this body and say that every measure must bear the imprimatur of his party. It is not necessary, in my opinion, that the equilibrium should be absolutely preserved. What we want to preserve is the equilibrium of good legislation. I do not want to make the confession that, because I am a Liberal, I am going to be influenced by party feelings to the detriment of the country, and I do not want to believe that my Conservative brethren, much as I have chastised them in days of old, will, in all cases, be overcome by party feeling, or cast to the four winds of heaven legislation that has an element of public utility and good conscience in it. For that reason, I am not so much concerned about preserving the equilibrium of party in the Senate, as I am about seeing and feeling in my conscience that the Senate discharges its full duty to the country. If it checks the House of Commons let it be for reason; if it amends or rejects a measure, let its action be founded on such good and sufficient reason that the wayfaring man, though a fool, could see that the Senate was right. I admit that if in the persistency of public opinion, the House of Commons should send a Bill to us repeatedly that we might not exactly approve of, we might have to do as the House of Lords did at the time

of the Reform Bill, let it pass, and as they did at the time of the Emancipation Act, accept the finger of destiny and the well conceived expression of public opinion. But such a crisis has not arisen. We have rejected for two sessions a Bill that came from the House of Commons. That was not a government measure—I refer to the Lancaster Bill, a Bill that the people were not very much concerned about, a Bill which in its present shape is better than it ever was before. The true principle of Senate reform, the line on which I will persist, is Senate reform within itself, Senate reform with the assistance of the administration. I said before that the Senate was starved by the administration —I repeat it, literally starved, first by the absence of a reasonable quota of ministers, and secondly by the fact that we have not introduced by anybody, either private member or minister, our fair share of public legislation. We are cast in the shade from that simple fact. We have not the rights of the Senate of the United States. We may have the rights of the House of Lords, but we have not the same rights of initiation as the Senate of the United States has, so, if the government of the day, or any government that might succeed it, wishes to prevent agitation for Senate reform, or wishes to be relieved of the responsibility of Senate reform, would so re-organize the administration within the Senate as to give us more to do, then the Senate could fill a larger place in public opinion and discharge its duties more usefully to the public. My reform would be, first, that we should have a better division of legislation. That is simple as a, b, c. The Hon. Speaker referred to a division of private Bills yesterday and gave us an admirable suggestion as to how it should be done; let us take the odd numbers and the House of Commons the even numbers, or vice versa. That would give us something more to do. Then let us have more important legislation introduced in this House. I think we draw the constitutional line too closely when we say that a Bill which may impose certain pains or penalties, or certain burdens of taxation, cannot be introduced in the Senate. I think we construe that too closely, and I do not know whether we construe it rightly or not. It is a matter on which I may be able to express an opinion a little later on. That is the first reform.

The second reform is, ministerial representation or more of it; whether by under secretaries or by ministers, I do not care. The hon. Speaker mentioned yesterday the French system which is the same as the system in Italy and Germany, and I believe Austria too. I submit with due respect to his larger experience and better knowledge of details, that I think that we can reform this Senate without adopting the French or German system, useful though it may be. I rather felt a response to the remark made by the hon. senator from Smith's Falls, when he said that he did not think it would be an undisguised or perfect advantage to the Senate that a minister should come into this House from the Commons to press his Bills upon us. I feel that we might be sometimes overawed by the presence of a minister here. I do not know whether we would or not; I do not want to run the risk. The rule since the time of Charles II. has been that the King cannot enter the House of Commons or the House of Lords. The rule of the constitution of Canada is that the Governor General or the Lieutenant Governor cannot enter within the hearing or seeing of members of the legislature in session, of which he is the governor. While a Lieutenant Governor is much more important than a member of his cabinet, and the Governor General more important than one of his ministers, still I feel as if it would be a confession of weakness and disability on the part of the Senate not to be able to take charge of its own Bills. I do not think we have reached that point yet. I agree that we might get much light through the presence of a minister and I believe we might give some light and leading to the House of Commons if we had a reciprocity in ministerial exposition; nevertheless I think we had better be a self-contained body, and maintain our constitutional entity. Perhaps my Conservative notions—because they tell me I am becoming Conservative very fast—follow British methods, and lead me to suggest that it would be better to divide in fairer proportions the members of the cabinet between the House

of Commons and the Senate. The British practice from time immemorial has been that about an equal number of the administration is in the House of Lords and the Commons. In fact, Pitt's first Governnent and Castlereagh's, consisted of only one member of the government in the House of Commons. Pitt's had only one in the Commons; all the others were members of the House of Lords. That would be too great a disproportion; but let us have better representation.

Another way to reform the Senate is that this chamber should have more initiative. I have a motion before the House which I hope may be disposed of in a few days, which would place us in the position of taking more initiative. We do not take enough responsibility on ourselves. We are suffering, not from the atrocious crime with which Pitt was charged, of being a young man, but with the atrocious crime of being too modest. We do not reach out for legislation as we might, nor for initiation of questions as we might, or discussion of questions which are not purely partisan. I think more initiative on the part of the Senate will help us some. I am not content with being a court of review or feeding on the crumbs which fall from the table of our ostensible masters. That is not our position at all; it is only part of our position. While we are a court of review up to a certain point, let us be a court of original jurisdiction. Let measures begin here and be transferred to the other branch of parliament to be disposed of there. In that way we will have a Senate reform which will give us much delightful occupation. It is an extraordinary thing, and not thought of, that while this Senate is reputed to be a body of very elderly gentlemen, it carries perhaps a larger financial responsibility than the Commons. The 86 members of the Senate carry larger financial burdens than the 214 members of the House of Commons. If the wealth and financial responsibility in banking, manufacturing, commercial and other industries were all consolidated and passed through a clearing house, I venture to say that the balance in favour of the Senate would largely exceed that of the House of Commons. If we are able, as members of this body, to carry this large responsibility and do it successfully—for there are not any failures in the Senate that I know of—surely we are capable enough, notwithstanding our advanced years, of carrying larger responsibilities as legislators, and, therefore, I say if we only asserted ourselves and got over that modesty which seems to characterize us, then we would assert ourselves in such a way that the country would know that the Senate exists and exists for a larger purpose.

Let me simply recapitulate, that it is for the Senate to maintain its owu dignity, assert its own usefulness, and not in any partisan or idle way claim precedence over the other House; but to fulfil a larger part than a court of review and initiation, and to do that without fear, favour or affection.

Hon. Mr. POWER—This question has been discussed now at very considerable length. We discussed the same question two years ago at considerable length, and I do not think that the dignity of the House calls for any further discussion on the matter. It is pretty clear that there is no strong sentiment on the part of the House in favour of any particular resolution which has been introduced by any hon. gentleman, and the sentiments expressed by the hon. senator from St. John, at the close of his speech, that while we would be prepared to give the greatest attention to any measure submitted to our consideration, we should not pass any resolution. I quite concur in that and I trust that the hon. gentlemen who have resolutions and amendments drawn, will be kind enough to let them drop now and let us be done with the subject.

Hon. Mr. SULLIVAN—I object to having the debate cut off in that way. I have something to say on the subject, and I do not think it is fair to attempt to cut me off. I therefore move that the debate be adjourned until to-morrow.

The motion was agreed to.

BILL INTRODUCED.

Bill (88) An Act to incorporate the Architectural Institute of Canada.—(Hon. Mr. Beique.)

The Senate adjourned until to-morrow at three o'clock.

THE SENATE.

OTTAWA, Thursday, April 2, 1908.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

PONTIAC CENTRAL RAILWAY COMPANY'S BILL.

REPORT FROM THE COMMITTEE.

Hon. Mr. CASGRAIN, from the Committee on Railways, Telegraphs and Harbours, reported Bill (EE) An Act respecting the Pontiac Central Railway Company with amendments.

He said: This Bill is for the purpose of incorporating, under a federal charter, a railway which had been incorporated in the province of Quebec. Clause 2 had to be altogether dropped, because that clause, as drafted, would have placed the company under the control of the special Act incorporating this company in Quebec, instead of under the Railway Act of 1903. That is to say, that instead of the Railway Act of 1903 prevailing, the special Act would have superseded it. The railway will now, with that clause stricken out, be under the jurisdiction of the federal Railway Act. All these amendments have been made for the purpose of bringing the company under the legislative authority of the parliament of Canada. In the issuing of securities for the railway, the amount is reduced from forty to thirty thousand dollars, and a further amendment was necessary to make it conform to the usual clause.

Hon. Mr. CAMPBELL moved that the amendments be taken into consideration tomorrow.

Hon. Mr. LANDRY—I seize this occasion to protest against the adjournment of the Standing Committee from the morning to the evening of the same day. It is against our rule. Any adjournment should be from day to day. In this instance, there may be no inconvenience; but I am speaking on the subject in a general way. When a Bill is referred to a standing committee which is to meet at the usual time, everybody who wishes to attend knows when the committee will meet; but if the meeting is adjourned at one o'clock, until the same evening at eight o'clock, many of the parties interested may not know of the adjourned meeting. The proceeding is very irregular, and I call attention to the fact in order that proper notice may be given to those who wish to attend an adjourned meeting of the committee.

Hon. Mr. CASGRAIN—The meeting of the committee was adjourned until the evening by a motion made at the regular meeting of the committee. At one o'clock in the afternoon, a motion was made to adjourn until eight o'clock in the evening. That motion was made because there is only one room where the committee can meet. This morning that room had been specially retained for the Committee on Banking and Commerce, and I understand it will be used by the same committee. Therefore it was impossible for the Railway Committee to meet again this week. The members of the committee thought it desirable to clear our order paper, in view of the coming adjournment, by meeting in the evening. Although it was not necessary that notices should be sent out, because it was only an adjournment of the morning meeting, I gave instruction that notices should be sent to all the members of the committee that the meeting was adjourned until eight o'clock in the evening.

Hon. Mr. LANDRY—Not all of the members.

Hon. Mr. CASGRAIN—The notices were either handed to members in the House or put in their boxes in the post office. I do not know any member that did not get notice.

Hon. Mr. LANDRY—I know of members who did not.

Hon. Mr. CASGRAIN—I should be glad to get those members' names, because when we met in the morning there was a complaint that some had not received notice. It happened in my own case, and I made inquiry to ascertain what notices had not been delivered and why it had happened. We found out that the page who was to deliver the notices simply left them on the desks of any members who were not in their places. That is not the right way, because the senator might not come back

to his desk, or if he came back might not notice the paper upon it. Therefore, I gave orders that the page should deliver notices to the senators themselves, and in any case where that could not be done, to give the balance of the notices to the housekeeper, who would see that they were either delivered personally or placed in the post office boxes of the members who could not be found. I did all that last week in order that there should be no mistake. If the notices given out yesterday afternoon were not delivered, I will inquire why they were not. The meeting last night was held for the convenience of members. The motion was proposed by the Hon. Mr. Lougheed, in the committee, and carried unanimously.

Hon. Mr. LANDRY—The notice was given here about five in the afternoon. Members who were not in the House at that hour did not receive the notice. Now, I do not object to sitting at night, but the committee could have adjourned yesterday until this evening, and that would have been 24 hours notice to all parties interested. When people leave in the morning and do not come in the afternoon, or when they stay only an hour or so in the House and leave before the notice is given, they are not notified. Putting the notice in a member's box in the post office does not help matters. At least 24 hours notice of a meeting should be given.

Hon. Mr. CASGRAIN—Not of an adjourned meeting.

Hon. Mr. LANDRY—That is the question, I say that the adjournment is irregular. You may adjourn from day to day, but not from the morning until the evening of the same day.

The motion was agreed to.

NORTHERN BANK AND CROWN BANK OF CANADA BILL.

REPORTED FROM COMMITTEE.

Hon. Sir GEORGE DRUMMOND, from the Committee on Banking and Commerce, reported Bill (GG) An Act respecting the Northern Bank and the Crown Bank of Canada, with several amendments. He said: These amendments were made in accordance with the wishes of the Department of Finance and to meet their views which were accepted by the committee.

Hon. Mr. WATSON moved that the amendments be concurred in to-morrow.

The motion was agreed to.

THIRD READING.

Bill (Y) An Act respecting the Grand Trunk Pacific Branch Lines Company.—(Hon. Mr. Watson.)

SECOND READINGS.

Bill (53) An Act respecting the New Brunswick Southern Railway Company.—(Hon. Mr. Ellis.)

Bill (JJ) An Act for the relief of Edith May Gilmore.—(Hon. Mr. Perley.)

COMMITTEES OF THE SENATE.

DEBATE CONTINUED.

The order of the day being called :

Resuming the adjourned debate on the motion of the Hon. Mr. Ross (Middlesex), that rule 78 of the rules of the Senate be amended by adding to the standing committees mentioned in said rule the following:—

Namely, a standing committee on—

1. Agriculture and forestry.
2. Immigration and labour.
3. Commerce and trade relations of Canada.
4. Geological surveys and mineral development.
5. Transportation routes to the seaboard and harbours.
6. Coast surveys and merchant shipping.
7. Fisheries.
8. Industrial, arts and expositions.
9. Civil service administration.
10. Public health and inspection of foods.
11. Public buildings and grounds.

Said committees to be composed of not less than five nor more than nine members, and to have and possess the same powers and privileges as the standing committees authorized by said rule 78.

Hon. Mr. POIRIER—Some among the oldest members of this honourable House no doubt remember, I cannot exactly recall the year, but long ago, that a senator by the name of Ross, well and favourably known in history as master of the good ship 'Ontario,' which ship sailed successfully for many years over the lakes, and if I remember well was stranded, owing to some barnacles that had adhered to its keel, introduced into this House a resolution calling for the cre-

ation of standing committees in addition to those which already existed. The object of the motion was to give some work to the senators individually, and to increase the utility of this House. The standing committees he proposed were eleven in number, namely Committees on Agriculture and Forestry, Immigration and Labour, Commerce and Trade Relations of Canada, Geological Surveys and Mineral Development, Transportation Routes to the Seaboard and Harbours, Coast Surveys and Merchant Shipping, Fisheries, Industrial, Arts and Expositions, Civil Service Administration, Public Health and Inspection of Foods, Public Buildings and Grounds. At the time there lived a man named Scott, who walked before the Lord, and who because he had not unlike Noah taken great interest in the manufacture of unfermented wines, and for other valuable and good reasons had become the leader of the Senate. He, if I may say, sat upon the proposition of his colleague, Captain Ross. The eleven committees proposed by the sailor of the lakes met the fate of the innocents. It was a regular slaughter. Of course it is long ago, but as far as my memory serves me, I believe there were only three or four of the committees of the innocents that survived. I happened to be a member of this House at the time. Hon. gentlemen must not forget that I am one of the oldest here; and I proposed an adjournment of the debate. I have been urged ever since not to take it up, for fear of obstructing the business in this honourable House, and I submitted to the request up to this day; but here is what happened. At that time I had taken notes concerning the speech both of the hon. gentleman from Middlesex and of the hon. leader of this House, and those notes through accident, or possibly negligence on my part, were mislaid, and I have to-day to speak from memory. I remember that one of the reasons alleged against the Senate adopting the resolution of the hon. gentleman from Middlesex was that it would forestall the government, it would throw light into the way of the government and possibly lead the government into measures that they might not be prepared to adopt. That argument struck me as being indeed very strange. It was certainly in opposition to the action of some of the heroes of antiquity, Ajax, as we read in Homer calling for light, 'Give me light and I will fight, even unto the gods.' Here light is not only not desired but it is placed as an obstacle to our passing favourably on the resolution of my hon. friend. Notwithstanding the weight of the party who thinks that light should not come from the Senate to affect the direction of public affairs, I will take the opposite view. I say if we desire to be useful,—none of us is unwilling—such steps as are proposed by the hon. gentleman from Middlesex should be adopted. We are, as a body, certainly not overworked. We can divide ourselves into different committees, take the different questions that are brought up in this Chamber, study them, and submit reports, academic reports on them if you like, but such reports and such initiations as are necessary towards progress in any and all countries.

We could, I feel certain, without at all interfering with government work, prepare the way, as we have already done through special committees, one or two concerning the agricultural possibilities of the North and Northwest, the navigability of Hudson Bay, the construction of the Georgian Bay canal, with reports such as would have a positive effect upon the laws, upon the general policy and consequently upon the destinies of our country. I need not refer to the past debate, but I proposed the adjournment of it at that time for the reason that I desire to propose an amendment, not towards curtailing, because God knows the motion has been curtailed pretty well already, but to add two more standing committees to the eleven proposed by the hon. gentleman from Middlesex, and these two committees are, a committee on laws and a committee on fine arts. The committee on laws would be useful and conducive to more useful results. Some ten or fifteen years ago the movement started from Halifax towards having the procedure of laws in the different provinces to harmonize where they can be harmonized. Of course, in real estate, and as to laws codified in the province of Quebec, homogeneity could not be obtained; but in commercial laws the procedure could be made, and I think should be

made pretty well the same throughout the whole Dominion so as to facilitate commercial transactions and intercourse. It is to-day a great hardship for a creditor to collect a bill in another province on account of the difference in procedure, which to a large extent obstructs easy interchange. Such a standing committee, if it had existed when the movement was started, might have been of very great advantage. It would certainly have done what the lawyers indidually were not successful in doing, and which is still to be done. There are many occasions where a standing committee on laws could step in and do useful work. There is, for example, the translation of our laws. Hon. gentlemen of this House and possibly of the other House, are not fully aware of the position in which the translation of the codified laws stands to-day. That translation was given to one single individual to do. He had to perform work that really required a commission. To translate the English laws into French, or vice versa is a difficult task, because the translator must first thoroughly understand the meaning of the law he has to translate. He must master it and the English signification of it, and then he is to as clearly put it into his own language. One translator was entrusted to do that whole work. I have no doubt he is a capable man but he was entrusted with a work beyond the capacity of a single man. I remember reading the laws of Justinian in the Latin original, and comparing it with the French translation. One would hardly detect any difference between the Latin and the French. This cannot possibly be the case in the future translation of our laws. It appears that the government had some difficulty—I am not here throwing blame upon anyone—in finding willing or capable translators. I believe there are capable translators besides the one who is now doing the work, whose services could have been secured had there been sufficient money to pay specialists. While the government are paying fifty or seventy-five dollars or perhaps more per day to Mr. Faulkner and his men to revise the system of bookkeeping in the departments, I believe the translator of our statutes receives something less than five dollars a day and he has, unassisted, to grapple with the whole edifice. I mention this, simply to show that there would be justification for the appointment of a committee on laws selected from amongst the members of this House who have some leisure time at their disposal, and who could do useful and necessary services. I now come to the other committee, which I have in view, namely fine arts. We are building a mighty country, an empire that may possibly be equal with the greatest and most glorious that have existed, and may possibly surpass them because we have both the men and the territory, and we have apparently come at the proper moment. We are building a huge empire for all time, on an eternal foundation. We must spend over a hundred million dollars a year in building that empire. The mind and the spirit must be considered with the body in the building of this great Canada of ours. We are now looking only after the body, the part that comes under the sight, the material part. How much money is devoted towards encouraging what appertains to the spirit of literature, the spirit of poetry and the spirit of architecture? I believe that a sum of six thousand dollars is allotted to this Royal Society, which suffices only to print the reports of the commission of the four classes that compose the Royal Society and that is all. Not one cent of encouragement is given to literature or to art, or to what is known to be of most importance to a country, the intellectual part. The Commonwealth of Australia have voted a round sum of money for the encouragement of literature, and for researches in science. It looks as if Canada was a country in which matter only concerns the legislature and not spiritual things? That should not be. There should be some equilibrium between the grosser part of the edifice and the finer part. We should encourage writers—and there are many of them who would come to prominence if they only received some slight encouragement—we should encourage artists—not at all to the extent that we encourage railroads or canals by giving bounties to concerns which run up in the millions and millions; but could we not set aside ten or fifteen thousand dollars a year to make Canada a country that would have some show with other countries in the

world in matters intellectual? What I propose is a committee on fine arts, and talking of fine arts, I will include and should include the Archives Department. It is only since 1871 that the country has given any attention at all to its archives, and the archives of a country are its foundation. In 1871, petitions were presented to both Houses of parliament here praying that the archives which were scattered in all the departments and elsewhere, be gathered together, classified and placed in some particular spot, where the historian or the investigator could have access. Some hon. gentleman took up the question as I am doing to-day, called the attention of the government to the matter, the government took hold of the idea and in 1872 appointed Mr. Brymner to take charge of the work. He was alone, without an assistant, not even a secretary at the archives for about ten years, so he did not do much—a man alone could not do much. There was indeed an organization of the bureau of Archives, but nothing at all valuable for the searcher or the historian until this government appointed Dr. Doughty, and erected the fine building on Sussex street, which I would recommend my hon. colleagues to go and visit as a mental treat. Dr. Doughty, some few years ago, took charge of the work. A staff was given him, not sufficiently large, and to-day it will repay everyone who takes an interest in historical questions to go to the Archives and see what has been done in the way of classification. The scattered documents that were to be found in the different departments, in the Secretary of State's Department, in the Department of Agriculture, and in the other departments have all been collected there. There was taken from Halifax no less than ten tons of material. There are to-day up to a million of different articles that have been classified, and coordinated. That work is just beginning.

It is wholesomely refreshing to go there and see the good work being done by Mr. Doughty and his assistants. If a committee of fine arts, which would include the archives and the promoting of literature and science, the keeping of battlefields, and everything that goes to preservation of national grounds, everything that pertains in fact to fine arts—if such a committee existed in the Senate, that could be in touch with Dr. Doughty and report to the House what is necessary to be done, we would be in a position to help the development of that department. To-day the men in charge of it are ignored. Very few think of what work they do, and some who do think of it do appreciate it. I would go further. We are all aware that Mr. Fisher, besides being Minister of Agriculture, is also Minister of the Census and of fine arts. As Minister of Agriculture he has a deputy minister and a staff. As Minister of the Census he has also a deputy minister since a few years ago. I would suggest that the Dominion Archives be put on the same footing as the other two—that the Archivist also be made a deputy minister or have rank as such. It appeals to me—no doubt it appeals to you—that the one man who has charge of the literary and esthetic branch in the Dominion of Canada should be the peer of his colleagues in other branches of the administration. We have two librarians both of whom stand on the same level with deputy ministers. The keeper of the archives has no corresponding title. From what was stated in the other House by Mr. Monk, Mr. Bergeron and others when this question was touched upon, it is clear that this side of the House will be happy to see that legitimate prominence should be given to Dr. Doughty who is the right man in the right place. I go further and say as I have no prejudices in this matter, that the Minister of Agriculture deserves much credit for the perseverence he has shown against odds in establishing that department. Other ministers had been there before him, but he is the only one who has grappled with the question and organized that bureau, furnished a proper building, fire proof, to shelter our archives and who had, what few men have, the good judgment to select a proper man to put at the head of the department. I endorse the proposition of the hon. senator from Middlesex, and hope that it will be allowed to pass and that two other committees will be added to the eleven he has named; namely a committee on laws, and a committee on fine arts.

Hon. Mr. SCOTT—I have already spoken on this subject. I pointed out that it was rather exhausting the number of gentlemen

in this Chamber to have committees on so large a number of questions, some of which are under the control of departments. Take for instance the fisheries; that is an international question. We have now practically concluded a treaty with the United States with regard to the inland fisheries. No committee of the Senate could possibly throw light on the negotiations which have been going on with reference to that question. We have a department of the government specially devoted to the fisheries. I might also say with reference to the Geological Department, that it is a regular department of the government. We get a regular report from the savants of that department annually, and I do not know that a committee could add to the information furnished there. I might go through the list of committees. I made some comments on it before, and I thought that for a beginning it would look more reasonable and sensible if we limited the number to three or four. Take agriculture and forestry. These are important subjects, not only within the rights of the Senate, but of immense value if a report were made on them, more particularly with regard to forestry. An hon. gentleman in this chamber has a notice on the paper to discuss that subject. This country would be many hundreds of millions in advance of the national debt if our forests had been looked after years ago. We have wasted, burned and destroyed more timber than we have ever realized the sale of. So far as that subject is concerned, the provinces, and I do not know that I should exclude the Dominion, seemed disposed to leave nothing for posterity—followed the example of the United States, where they are now bewailing the destruction of their forests. Then there is the public health and inspection of foods; that is a question on which we might be able to throw some light. But take, for instance, public buildings and grounds. I do not see what possible value any report from the Senate could have in view of the fact that we have a department of the government with a large staff whose duty it is to look after the public buildings and grounds. I do not know that I need go through the list. I have mentioned some that I think the House might reasonably take up—that is, agriculture and forestry, immigration and labour, industrial arts and exposition, and public health. Beyond that I do not think it would be wise to change our rules to such a degree as to bind this Senate to formulate a committee at every session on each of the various subjects detailed here.

Hon. Sir MACKENZIE BOWELL—I do not know that I should have troubled the Senate with any remarks on this question, were it not for some statements which fell from a gentleman in the other House which have to a very great extent a bearing on this subject. I may, however, before making any comments on the proposition before the House, be permitted to congratulate the hon. senator from Middlesex for the trouble he has taken, and the research he has made, and the information he has given us upon the various subjects mentioned in his motion to increase the number of committees to investigate certain very important questions. But it must strike anyone who reads this resolution that he might be accused—I will not say that he should be—of suggesting committees to relieve the different departments of the government of the responsibility which they should bear. There is not a single subject mentioned in this resolution that is not at present relegated to some one of the departments of the government. Take the first one to which the hon. Secretary of State has called attention, Agriculture and Forestry; why we have had commissions over and over again by independent gentlemen interested in the preservation of our forests, who have given every possible consideration to the subject, and made, in the past, very valuable suggestions. On the question of agriculture, I do not know that any committee appointed specially by the Senate could do more than has been accomplished, and is being accomplished every year, by the investigations which take place in the Committee on Agriculture in the House of Commons. If we could, by appointing a committee of this kind, get further information than we receive every year there would be some reason in making the appointment. The next committee proposed is on immigration and labour. Surely we have had sufficient—no, not sufficient—information on the subject,

because the government has thought proper to enter into a certain contract and arrangements with foreign persons to increase immigration to this country, but they have studiously refused to state who the parties are with whom that contract, that very improper agreement, was made. If we had a committee of this kind that could ferret out the inner workings of a contract made in the past, there might be some advantage in securing it, but the probabilities are that if they attempted to investigate the points to which I have called attention, they might be met in precisely the same way the committee of the Commons was met, with a positive refusal to give that information to which the country was certainly entitled, and the government might excuse themselves by saying that the parties with whom they had made the contract would cut their throats if their names were made known. I do not know that a committee of the Senate would elicit further information on that question than was secured by the gentlemen who sought to obtain it in the House of Commons.

Next we have commerce and trade relations of Canada. I must congratulate my hon. friend on the manner in which he has brought the subject before the Senate. I had the honour of organizing that department. I adopted the principle at that time which has been so forcibly impressed upon the minds of senators here and which the hon. gentleman desires to be extended. In that respect, I am fully in accord with him; but I do not know that it requires a committee in order to accomplish the object which he evidently endeavours to attain. I was impressed more forcibly with the necessity for extending the principle of commercial agents in different parts of the world, from a speech I read a few days ago in the House of Commons by the late Minister of the Interior. He advocated very strongly the extension of the principle which was inaugurated some years ago, and which has been extended by the present government under the present Minister of Trade and Commerce; but he went further. He seemed to depreciate to a very great extent the work done by those who represent Canada in other countries, whether they be British dependencies or foreign countries. From that view of the case I totally dissent. Any one who has taken an interest in the extension of the trade of Canada with foreign countries, and with outlying portions of the British empire, and who has read attentively the reports made by the different agents, must come to a different conclusion. Let any one take the reports made by Mr. Larke, a gentleman appointed by myself when in office, who represents Canada in New South Wales, Australia, and refer also to the report made by Mr. Ross, a gentleman from Nova Scotia, appointed by the present government, whose headquarters are at Melbourne, and I doubt if any diplomat trained in a science of diplomacy could render greater service and do more good, or display greater talents and abilities in representing the manufacturing interests of this country than these two gentlemen have done. I mention these two names particularly; I might refer to the reports made by agents in other countries, but what I think would be in the interest of Canada is, if arrangements could be entered into with the British government to place the Canadian agents general, or whoever may represent this country, in close connection with the British consuls in different parts of the world, and with the British ministers in foreign countries. The idea I have on that subject may be put in very few words. I do not suppose for a moment that we could give them the same power and authority that England gives to her representatives, but there might be an arrangement by which the agent of Canada could be put in close communication with a British minister, say, for instance, by way of illustration in Washington, and have a permanent agency there. When any question comes before Congress, or is mooted by any member of either branch of Congress, our agent should at once enter into communication with the British minister and represent what effect it would have on the trade and commerce and interests of Canada. It is not to be supposed for a moment that a British minister, coming from England, would have the same minute knowledge of the effect which a movement in the United States would have upon the interests of this country as a Canadian re-

presentative would have. If, however, he had the authority and the British minister were instructed to consult with the agent of Canada upon all questions affecting the Dominion, great good would result therefrom to the trade of this country and it would help to maintain that amicable feeling which should exist between two countries adjoining each other as do the United States and Canada. I throw out that hint to the government. It is to my mind a very important proposition, and one which should be taken hold of earnestly and with the desire of creating a closer connection between the representatives of Canada and the representatives of the Imperial government in all parts of the world. Supposing we had had a clever, intelligent agent who understood the trade and requirements of Canada, in Germany, at the time that Germany passed laws detrimental to the interests of this country, who could have pointed out to the British minister, and the British minister to the ruling powers of Germany the effect that their policy would have upon their own trade as well as upon ours, and who could have given to the British minister information which he should have possessed, it might have prevented, to a very great extent, the estrangement between that country and Canada owing to the passing by us of the preferential clauses of the tariff. I could give many illustrations of ways in which great advantages would accrue to Canada from the adoption of a policy of that kind. I have simply to repeat what I said at the commencement on this particular point. That I would congratulate the Minister of Trade and Commerce if he were here today on the fact of his having not only carried out but extended to a very great extent the policy inaugurated by the late government.

The next subject is geological surveys and mineral development. We have a department whose officers and officials are sent from one end of the Dominion to the other every year, who spend their time in different parts of the country for the purpose of getting that knowledge which my hon. friend from Middlesex desires should be acquired by a committee of this House. The reports of the department are published every year or two in a very large volume, where anyone who desires to obtain information upon that subject can find it.

Then we come to transportation routes to the seaboard and harbours; that is probably one of the most important subjects to be considered at the present moment by this government or by any government that may succeed them. The success of the development of the Northwest, the facilities for reaching the seaboard in order to secure all the advantages that accrue in having a foreign market for the disposal of our products depends in a great measure upon the facilities for transporting the products of our country to the markets of Europe. That is a matter that belongs specially to the Department of Trade and Commerce, and it is a question to which the present government has given a great deal of attention. Whether it has or not, we know that the different boards of trade and commercial organizations in every province devote a great deal of time and attention to the subject. Whether the enormous expenditure upon the National Transcontinental Railway is going to accomplish that object I have very grave doubts, for this reason; that the cost of railway transportation will, of necessity, be so great as to absorb to a large extent the value of the article transported. Let us hope, however, that my predictions may not be verified.

Then we come to coast surveys and merchant shipping; that is a subject in the hands of the department and should be attended to by them. Then we have industrial arts expositions to which my hon. friend from Acadia has devoted some time this afternoon. It is a question which is not so much the duty of any particular department, and it might be relegated to a committee, with advantage to the country.

Then public health and inspection of foods; we have a department whose particular duty it is to look after that, and it is also the case with the next subject, public buildings and grounds throughout the country. If we take the estimates laid before us every session and calculate the amount of money squandered during the last few years in the erection of public buildings where there is no revenue to be derived, and on harbours and wharfs, where, in some

cases, there is no water, some good might result; but I am inclined to doubt it. Suppose the committee did make a report as the Civil Service Commission did, what good would be accomplished? The report of the Civil Service Commission has resulted in the appointment of a Royal Commissioner to investigate the allegations and insinuations made by the Commission appointed to investigate the workings of the Civil Service.

We have this most extraordinary precedent set—I question whether there is a precedent in the annals of British legislation, or in any country—of a government appointing a commission to investigate and inquire into and report upon a particular subject, and that when that report is made, another Royal Commission is appointed to ascertain whether the first commission told the truth or not, because really that is the effect. This Commission points out, as a passage quoted in the Order in Council laid upon the table to-day indicates certain derelictions of duty on the part of some of the officials. It not only does that, but it intimates that other matters, such as taking commissions, or exacting commissions, have occurred. And now we have a judge appointed to ascertain whether those allegations are true. Whether we shall have another commission should Judge Cassels, in whom I have the utmost confidence, from what I have known of him in the past, make a report, which at all reflects upon a department or any Minister of the Crown, to ascertain whether he tells the truth or not, because that is really the position in which he is placed, remains to be seen. It is establishing a precedent that I question whether many governments will ever think of adopting. To my mind the appointment of these committees, if the gentlemen placed upon them would give their attention and devote their time and study to the questions which would be relegated to them, would no doubt be of great benefit to those who would take the trouble to read the proceedings of the committees afterwards. But the question is whether they could accomplish any more than has been accomplished by the commissions which have been appointed in the past, and whether it is advisable that committees should be appointed to perform the duties which pertain to each department of the government, because really that is what it would result in. The object is to give to the senators a certain amount of work to do, which they do not do at present, but could they accomplish more than has been accomplished in the past by the commissions which have been appointed, by the reports which have been laid before the Senate and the Commons, and been published to the world by commissions composed of gentlemen who have given these different subjects special attention, and special study. That is the way it strikes me at present. It is not for me to suggest what the hon. Secretary of State should do, but I understood him to make, in a very, very feeble manner, a suggestion that the hon. gentleman having brought this subject before this Senate, he should be satisfied with that, without pushing it to a vote. That I take to be the intimation made by the Secretary of State. That is the request I would make if I occupied his position. However if the hon. gentleman thinks the adoption of the report in whole, or even in part is desirable, I certainly shall not vote against it. I have given my views upon the duties that I think belong solely and wholly to the government and each head of the department, and there I propose to leave it.

Hon. Mr. CLORAN—I do not intend to say anything on this motion, but will simply, in a few words, reply to the criticism which the hon. gentleman from Hastings, the ex-leader of this House and ex-prime minister of the country, has thought fit to make in regard to the action of the government of the day, on this very important question of civil service reform. I am sure that everybody in the country who reads his remarks will be obliged to come to this conclusion, that the government in its action within the past twenty-four hours has done a thing contradictory in itself and unfair, practically, to the first commission which was appointed to look into this matter of civil service reform, to find out how the departments were being run, not so much by the ministers as by the officials. He has left me, or endeavoured to leave me under the impression that the government is wrong that it has

done an unusual act as he has put it, without any precedent in the legislation of the British empire, and that is, that after having obtained the result of the work of the first commission, the government wishes to undo that work. That is the impression that will be created by the reading of his remarks when they are published in the press of the country.

Hon. Sir MACKENZIE BOWELL—But they will not publish them.

Hon. Mr. CLORAN—I hope they will, because I should like to see both sides of the question put before the public. If the hon. gentleman had taken the pains to investigate the question further than he did, he would have found that there is no such intention on the part of the government as to attempt to destroy the work and the results of the commission. The commission's report stands and will stand, and the government, by the appointment under Royal Commission, to Mr. Justice Cassels, to further investigate this question, does not undertake in the least to destroy the effect or the truth of that report. The object of the government in appointing Judge Cassels is simply to find out who are the dishonest people in the departments, to find out to whom the facts should apply. The first commission has stated on broad and general grounds that dishonesty exists in several of the departments, that the administration of the affairs of the country is carried on on a basis of graft; that there is extravagance. That is the report of the first commission; but does the first commission say who are the guilty parties? Does it say that it is the minister or the deputy minister? or the accountants? Does it name the purchasers or the other people who have the handling of the money of the people of Canada? No, the report of the first commission makes no special statement; it is simply a broad accusation based on general facts. Now, what is the object of the second commission? Simply to find out who are the guilty parties, and it may be accepted by this honourable House and by the country that as soon as the parties who are responsible, according to the statements made by the first commission, are discovered, that their heads shall go into the basket. That is all this second commission is supposed to do. It is not to subvert the report of the first commission. It is simply to get light enough to bring home the accusations to the men who deserve them. If ministers are found to be guilty they will be punished, and if deputy ministers are found to be guilty they will also be punished, and so on all along the line. I simply rose to point out the unfairness of the criticism levelled at the government in this matter, which was designed to undermine the confidence of the people in the honesty and the determination of the government to put down dishonesty in the department if such exists, and I hold that an hon. gentleman in his position, an ex-Prime Minister of the country, should have known the full weight of his accusation, his criticism and his insinuation. I think it is not fair on his part as an ex-father of the country and ex-leader of the government, to try and cast a false light on the action of the government in their efforts to ascertain who were the guilty parties referred to in the report of the first commission.

Hon. Mr. ROSS (Middlesex)—I presume, an amendment having been moved to my motion, I may be permitted to offer a few remarks before the question is submitted to the House. I am grateful to the hon. Secretary of State for having conceded so much, having apparently been willing to allow some of the committees which I asked for to be appointed when I moved this resolution, and I am thankful also to the hon. gentleman from Hastings for the very favourable comments he has made, although he did not seem quite anxious for my committees on some of the lines submitted to the House when I moved this resolution. Now, to review what has been said, or to explain a few of the suggestions made would take much more time than I think I would be justified in occupying at present; but allow me to say firstly that although agriculture has been discussed by committees in the House of Commons, and although we have many valuable reports upon the subject of agriculture, there is one phase of that question that has not been considered so far as I can gather from reports, and that is its relation to forestry, and it was because of the relationship between agriculture and forestry that I put these two terms in juxtaposition. I think

there is a line of investigation there which a committee of the Senate could pursue very well without interfering with a minister, or without assuming to usurp any of his functions that would be very profitable to the country. I want it to be understood, as I said before, that I have no idea in proposing these resolutions to enter upon an investigation into the conduct of the department, nor have I the remotest idea of relieving ministers from any responsibility they have assumed in accepting positions which they represent; but ministers are busy and one man cannot, perhaps, survey the whole field. We have some leisure as I said before, and we have men here of the widest experience. I think we have fifteen farmers in this House. We have leisure. A minister that is fit for his position is always prepared to receive suggestions from any quarter, much more I think could a minister who represents the Senate as well as the House of Commons be prepared to receive suggestions from the Senate. I remember well in the early '70's when the Northwest was first being opened up, that the member for South Perth, the late Mr. Trow, was of very great service to us in the House of Commons, because of his repeated visits made to the west in bringing before the committee information of which we were very much in need. We may find some experts in the Department of Forestry or connected with the Department of Agriculture or outside the departments that may give very valuable information that may be lost unless we had an active and persistent committee, that would gather this information and place it before the country. It is well within the recollection of hon. gentlemen what valuable information we obtained last year in regard to the Hudson Bay and the Northwest. There is some information in regard to other subjects. The field of literature or science is by no means being exhausted, nor have the experts on many of those subjects been heard from yet. It was because of the close connection of agriculture with forestry that I placed these two terms in such close proximity; for that reason I would be very much pleased if the hon. Secretary of State and the House would concur in allowing that request of mine to stand. I also asked for a committee on immigration and labour. That is a live question. It came home to Toronto last year, very largely from the fact that we had to supply from charitable sources the means of sustenance for over one thousand people. Most of these were immigrants who came late in the season with insufficient means to carry them over the winter, and then there is the great labour question that is so perplexing that has cost this country millions of money already; that has had so many ramifications in all our industries, in the public utilities as well as in ordinary matters, that might be profitably discussed. The Postmaster General has been showered with encomiums from all parts of the world for his Conciliation Bill. It is possible that his privileges and usefulness may be extended, or is it possible from inquiries we could make that we could add to his usefulness? I think that immigration is more useful than labour, and I do not see, in face of the fact that we are likely to have 250,000 or 300,000 immigrants coming into Canada yearly, how we can afford to dismiss a subject so interesting and so important to us in every respect. Their physical and intellectual condition, the amount of money they carry with them, their nationality, their education and their habits, are all matters I think our immigration agents abroad should consider before they are shipped, or before we pay anything towards transporting them from their own homes to this country. These are two questions; but greater than these are the questions discussed by the hon. gentleman from Hastings. Wm. Pitt said that the trade of the country is its life-blood. We must fight for it to the last ditch. It was a watchward through England during the latter half of the last century particularly, and I suppose a watchword which has guided the aggressiveness of England in every quarter of the world, in introducing her manufactures and in fitting herself to be the great mercantile clearing-house of the world. Here we are increasing our trade very rapidly. Have we done enough? I do not think we are doing at all what we ought to do. Perhaps we must organize. The hon. gentleman from Hastings organized that department which has grown very much since. In the next five years it should more than double or treble its present area of investigation. Let hon.

gentlemen consider this for a moment. I have been following closely in the footsteps of the hon. gentleman from Hastings. If when Germany was framing her protective tariff a few years ago, or if when France was framing her tariff, we had had first-class commercial men at Berlin, or at Paris, we would be in close communication with the officers of those governments connected with the tariff, say the Finance Minister, and we could point out to him the advantages, or reason with him as to the advantages of certain modifications in the tariff that would be favourable to Canada. It is barely possible that we would be almost in the position of a favoured nation, so far as Germany or France is concerned. We have now in Canada a treaty with France. Would it not be more important if this treaty is understood to give us more favourable trade relations with France than before, instead of having two agents at Paris as we now have, that we should have half a dozen or more, and that we should be fortified by some commercial agent who would place before the people of France the advantages of the treaty with Canada. I think there is a large opening for our trade here. I believe, through a visit made to the West Indies a few years ago, that we have not half the trade from there that we should have. We have subsidized steamers to the West Indies and other Islands, and yet our steamers are not freighted as they might be. There is another opening for our trade, and more particularly in the United States at the present moment. It is suggested that there may be a readjustment of the United States tariff after the next presidential election. Probably that will be the case. There is a golden opportunity for Canadians to place the strongest man within our reach at Washington, place him in close communication with the Committee on Banking and Commerce of the Senate and the House of Representatives, and so prepare his mind for such readjustments of the tariff as might be favourable to us. We know how Lord Elgin negotiated the Reciprocity Treaty in 1854. Those who read the life of Lord Elgin will learn how his close relationship with the United States House of Representatives really was the means of his negotiating such a successful treaty, and what Lord Elgin did in 1854 we can do in 1909 or 1910, as the case may be. I would like very much to have a Committee on Commerce and Trade Relations. We must find a market for our manufactures. We export about $24,000,000 worth. Why not export fifty million? Our home market is limited to six million people. The markets of the world are ours, if we fit ourselves for taking possession of them. Our agricultural implements and iron goods must find a market somewhere and let us see to it that facilities are provided, and that openings are made for the surplus product of our skilled labour, and in this way encourage the building up of our large industries, in order that we may place the products of our skilled labour in the best markets of the world. I think this is a very important part of the proposition, and I hope the House will receive it very favourably. As to the others, I would be only repeating if I spoke much longer. I would like to have the Committee on Public Health and the Inspection of Food. We know the terrible ravages of tuberculosis. We have not begun to investigate that subject. There are remedies to be suggested. There are discoveries made by Sir Amworth Wright, in England, which, if pursued in this country, might save a thousand lives a year. I think the loss per year is three thousand persons, and we pay money to procure immigrants and yet our sons and daughters are falling on the right hand and on the left hand, because, perhaps, proper remedial agencies have not been secured for their recovery. The matter is new, and there is no head of a department to deal with that. I should like to have that committee considered.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. ROSS—As to civil service administration, that is non-political, as I said, or at least it should be. I expressed my opinion on that subject before, that the civil service of Canada might very well be overhauled, to use a common expression, and provision made for promotion by competitive examination, and the whole system of patronage, as far as practicable, removed from the sphere of party politics. I have a most positive opinion upon the question

of patronage as part of our political administration, and I think the sooner a government rids itself of the incubus, if I may so term it, of patronage, the better will it be able to administer public affairs impartially, and the better will our civil service be managed.

One word more as to public buildings and grounds. I was unable, on account of having taken so much time on other subjects when I spoke before, to say anything on that, and a word now will suffice. My idea in regard to that subject is this: we should cultivate a taste for refined architecture. There are many hon. gentlemen in this House who have travelled the world over, who have seen the beautiful city of Paris and the city of Berlin, which has been a model city since 1870, and some of the finer buildings of Florence and Rome. I have seen many of them but not all, and there are some beautiful buildings in London, Liverpool and Manchester. If we give the same attention to high class architecture as was given in the old country, our buildings might be greatly improved. How many buildings are there built by the Public Works Department,—and I am ashamed of many of those we have built from an architectural point of view—that present a favourable appearance? There has been a change of architecture in the last few years, and as we are spending a large sum of money in public buildings, why not give to those cities and towns models of modern architecture. Then, another matter, I find that many of our public buildings are crowded in, perhaps in inferior surroundings, planted in the centre of a block where any architectural beauty they have is obscured by their associations. I think care should be taken to place public buildings that cost twenty, thirty or forty thousand dollars at least in some appropriate area, where there might be walks to the main entrance, so that a public building would be a source of attraction to any city. I believe we owe all this to our country. The aesthetic part of it is important. We may live on hard-tack, and study the building of railways and canals, but still the mind wants to be lifted from the baser and more common element of ordinary life into a higher plane. If there were a committee that would meet with the architects of the Dominion government, and that would give suggestions or receive suggestions from them, or discuss the sanitary conditions of public buildings, the result might be most valuable. I do not know how the offices of the civil service are heated or lighted, and I do not know what sanitary applainces have been provided for them, but I have heard that no provision is made, such as we should have for their comfort during noon hour or any other portions of the day. These are matters that press upon us for attention. The health of the civil service and its efficiency depend to a certain extent on these things, and I shall be willing to make a compromise with the hon. Secretary of State and take the first three committees mentioned in my list and the last three and let us make an experiment with these committees, and see whethey we cannot get information for ourselves and for the ministers and scatter through the country much valuable information that will improve public ideas, perhaps change public opinion, and add to the usefulness of the Senate. If the hon. Secretary of State will accept my suggestion, I shall be glad to drop the 4th, 5th, 6th, 7th and 8th in the list of committees.

Hon. Mr. SCOTT—If the hon. gentleman desires that I shall concur in the addition to the standing committees of one committee on Agriculture and Forestry, one on Immigration and Labour, one on Commerce and Trade Relations of Canada, one on Civil Service Administration, one on Public Health and Inspection of Foods and one on Public Buildings and Grounds, I may say with regard to the civil service administration if he has any well defined views on the subject we would feel indebted to him if he would put them on paper. The Civil Service Commission, although they point out a great many improprieties, do not offer a substitute and have not prepared a Bill.

Hon. Mr. LOUGHEED—Were they asked to prepare a Bill?

Hon. Mr. SCOTT—No, they were not asked to prepare a Bill, but they prepared a Bill on superannuation.

Hon. Mr. ROSS (Middlesex)—I am not finding fault with the report of the Civil Service Commission, or any part of it, for the present.

Hon. Mr. SCOTT—If the hon. gentleman has any well defined views, he might make an addendum to that report, setting forth his opinion as to the proper mode of forming the civil service whether by competition, by examination, by graded classes, or any other way his experience would dictate.

Hon. Mr. POWER—Of course after what has been said by the hon. Secretary of State, this motion goes; but I wish to say as one member of the House that it does not go with my approval. We have at the present time the same number of committees that they have in the Commons. Our committees are business committees of a practical character. We always have committees to deal with the regular business that comes before us. If any special subject like that relating to the outlying regions of our country to the west and north, which we dealt with last year, comes up, a special committee is appointed and we have never felt the necessity of committees which the hon. gentleman proposes to appoint. We have ten standing committees as it is; the hon. gentleman proposes to add eleven with his own hand. I gathered from the hon. gentleman some time ago that his views had moderated considerably, and perhaps he would be willing to let the question of the committees which should be added be considered by some committee of this House, and that, I think, would be the proper course to have taken, either some existing committee or a special committee for the purpose of considering what committee should be added to our ten standing committees. Now we are to have six new committees added without, as I think, any sound reason shown for it, or without any necessity being shown, and it would have been much better, as a matter of business, to have referred the question to a special committee.

Hon. Mr. SULLIVAN—I would suggest that this is a means by which we can satisfy all the members who have been grumbling about not being on committees.

Hon. Mr. POWER—That is not our business.

Hon. Sir MACKENZIE BOWELL—The hon. Secretary of State should move an amendment, that certain portions of the motion be struck out.

The SPEAKER—The hon. gentleman, by leave of the House, may amend his motion.

Hon. Sir MACKENZIE BOWELL—Under the circumstances, I am not prepared to throw any obstacle in the way of his amending it.

The motion was amended as suggested by the hon. Secretary of State, and adopted on a division.

Hon. Mr. McKAY (Truro)—Will it be necessary to pass a motion to add to the number of committees?

Hon. Mr. SCOTT—This proposition has been on the paper for a very long time, and the hon. senator from Middlesex has offered a compromise. I thought it better, from the spirit of the debate, to accept the compromise. I do not think myself that it will result in any very serious injury, because I do not think you will find gentlemen willing to undertake the work defined, or that any special benefit will arise from the number of committees, including the additional six.

Hon. Mr. LOUGHEED—When is it proposed to nominate those committees?

Hon. Mr. CASGRAIN—Next session.

SASKATCHEWAN POWER COMPANY'S BILL.

THIRD READING.

Hon. Mr. CASGRAIN moved concurrence in the amendments made by the Standing Committee on Railways, Telegraphs and Harbours to Bill (O) An Act to incorporate the Saskatchewan Power Co.

He said: The principal amendments to the Bill strike out the clause giving this company power to expropriate. The Bill was referred to a sub-committee, and the sub-committee drafted a long clause which allows expropriation only under certain conditions, and then under the action of the court. After the plans have been made and duly approved by the Board of Railway Commissioners and the Department of Railways and Canals, and after notice has been given in the press for five consecutive weeks, then, on application to a judge, the court may grant the right to expropriate. Under an additional clause the right of appeal is given from the order of the judge. The other amendments are minor changes.

The motion was agreed to, and the Bill was then read the third time and passed under a suspension of the rule.

ONTARIO MICHIGAN POWER COMPANY.

REPORT OF COMMITTEE POSTPONED.

The order of the day being called:

Consideration of the report of the standing committee on railways, telegraphs and harbours on (Bill X) An Act to incorporate the Ontario Michigan Power Company.

Hon. Mr. CASGRAIN moved that the report be concurred in. He said: The report is as follows:

Your committee recommend that the Bill be not passed, inasmuch as the powers asked for by the Bill are within the legislative jurisdiction of the province of Ontario.

Hon. Mr. BOSTOCK—Some gentlemen who would like to speak on the subject of this Bill are absent to-day, and I would ask the hon. member to let the report stand over.

Hon. Mr. BAIRD—I think it should stand over until after the adjournment.

Hon. Mr. CASGRAIN—There is no objection to postponing it until the 7th May.

The order was discharged and placed on the orders of the day for the 7th May.

SENATE REFORM.

ORDER DROPPED.

The order of the day being called:

Resuming the further adjourned debate on the motion of the Hon. Mr. McMullen, that in view of the agitation regarding the services rendered by the Senate as a part of our legislative system, and in view of the criticism both in parliament and the press with respect to appointments to this Chamber, it is, in the opinion of this House, desirable that the question of the method of appointments and the term for which appointments are to be made in future should be considered and the system recast, and the motion in amendment of the Hon. Mr. David, that all the words after 'that' in the main motion be struck out and replaced by the following: The Senate, while not desiring to pronounce finally upon the numerous and various projects of reform which have been proposed and discussed in connection with the Senate, yet in view of the differences of opinion on the subject and until those projects have had time to mature, believes it opportune to declare that it is desirable, in order to increase the efficiency of the Senate, that more legislation be initiated in this House, that more ministers of the Crown have seats therein, and that any minister may personally introduce and defend the government measures on the floor of both Houses,' and also the amendment in amendment of the Hon Mr. Béique to the proposed amendment of the Hon. Mr. David, that all the words in the said amendment after the word 'following' be struck out and replaced by the following: 'from the very serious objections which have been raised to the several modes of reforms which have been suggested by individual members of this House and the great diversity of opinion expressed thereon, the present constitution of the Senate seems to be on the whole the best which can be devised for this country; that moreover, in order that the hon. House may give the full measure of its usefulness it is greatly desirable that means be adopted to keep it more constantly occupied, thereby relieving the House of Commons of part of its work and shortening the sessions of parliament.—Hon. Mr. Sullivan.

Hon. Mr. SULLIVAN—This is a subject which I am sorry to say has not been treated by the Senate with that consideration which it deserves. It is a resolution which every senator should look into and express his opinions upon. It is necessary for him to make an article of faith upon the subject, because whether it is a proper resolution or not it should be discussed since it has been introduced in the Senate. I object to that word 'reform' altogether as applied to the Senate, because it is not required. There might be modifications in matters of detail, but there is nothing to warrant the use of the word reform. I see it is used throughout the country also, and it is a pity that such a misleading word should emanate from this Chamber. The Senate was founded by the fathers of confederation, by men of political wisdom and statesmanlike experience, who were really the best qualified men in every respect to deal with such an important question, establishing an organization which will last for ages. They had a model before them; that model was in correspondence with the whole texture of the fabric of the constitution, leaning more to monarchical principles than to any other. Therefore, they had the best example that could be offered to men undertaking such a duty, the British House of Lords. Now there is no such deliberative body, no such branch of parliament, in any other country in the world. It has the most interesting and important history of any deliberative body, founded as

it was anterior to the House of Commons as a necessity following up the feudal tenure. It was from the beginning the chief body and chief adviser of the Sovereign. In the exactions which the monarchs made in tyrannizing over the people, it was necessary for them to be brought to their senses. That was done by the church under the lead of the Archbishop of Canterbury, Stephen Langton. The result of that conference, one of the most important in the world was Magna Charta. The next notice of parliament was fram the celebrated Simon De Montfort, who had been guardian of the King, his nephew. He summoned a parliament for the first time of representatives and delegates from the cities and large towns, knights of shires, and burgesses. That is the first regular parliament in England. I am not going into a history of these representative institutions. Suffice it to say that the House of Lords has gone on from that time until now, occupying the same position always, as chief adviser of the King, and giving all its support to the Crown. Any one who fancies there can be any other body among the institutions of this world which could give suggestions for the improvement of the House of Lords is very much mistaken. That is one of the reasons why I was anxious to say something on this occasion publicly, because I had so much trouble looking over the history of representative institutions of various countries, of Germany, Austria-Hungry, Italy, Prussia, Switzerland, Sweden and Norway and Russia. The United States and England were not in the works which I consulted. The history of these countries shows that there is no such deliberative body as the English House of Lords. I know the history of the United States with reference to its constitution, and have no hesitation in saying that there is nothing in the constitution of the United States that could be of benefit to Canada. The Republic of Switzerland is one of the purest democracies in existence, but there is nothing that we could obtain from the institutions of that country that would give the slightest hint or idea of any reformation here. The wonderful changes which have taken place in the progress of events are typified in the House of Lords probably more than in any other public institution. The House of Lords has always been a great friend of the King; it has been his adviser and it has furnished him the money for his armies, and navy. It has maintained the revenue and contributed more than any other body towards the carrying out of the public affairs. In the declaration of war it advised the King and laid out the plan of campaign. All these things it did until the House of Commons were called upon to manage affairs, and when the Commons took charge of the public purse, money had to be obtained from them. I should like to read a paragraph with reference to the powers of the House of Lords. I quote from a history of the House of Lords:

> It has lived the life of the nation, and grown with the nation's growth. It has, in the main, reflected the nation's thoughts and manners, as additions had been made to its numbers. If the descendants of some of the mistresses of Charles II represents the profligacy of the restoration, and if the descendants of some peers created since that time represent political intrigue rather than the strictness of political integrity, it is because public opinion has not always been cast in a puritanical mode, and because the nation has not always been discriminating in its worship of heroes.

This was the model on which the Senate of Canada was established and one that it is difficult to improve. Many have boasted about the Senate of the United States. Well that is a great body, but it is not maintaining the standard which it had at its beginning. The House of Representatives, at the foundation of the Constitution, was thought more of and attracted more talent to it than the Senate; but the Senate has been able of late years to attract men of more ability, and if the greatest men among the jurists and lawyers have gone to the Senate, it is because great attention has been paid to them and more important subjects have been brought up there than in the other House. I do not think it is necessary to speak at length of any other country to which we could look to make comparisons. If this Senate will strictly adhere to the model on which it was formed, Canada, as a progressive nation, will always be in the first rank. In an investigation as to the nature of the constitution of the Canadian Senate, you will find it is sui generis, that there is nothing like it in the world, and therefore, any amendment

attempted ought to be made from within. There has been a good deal said about the life tenure in the Senate. It might be better to have an age limit in some respects. I do not advocate that, but if anything could be done to its advantage in that way it would be by fixing the age limit at 70 or 75. The example of gentlemen in this House, whose ability seems to increase with their age, cannot be taken as applicable to the average public man. They are very exceptionable cases, and you are not likely to find the same number in any other deliberative body in the world. As soon as evolution ceases, involution begins. The human body is undergoing constantly a certain amount of decay, although we may not know it. There is a remarkable example of continued vigor in my hon. friend here on my right (Hon. Sir Mackenzie Bowell). In making appointments to the Senate, care should be taken to select only men of good character and good education. These qualifications should be a sine qua non, also good pedigree. Pedigree is as necessary in a human being as in a domestic animal. The previous conduct of the man, and his age should be such as to make him free from the caprices and excitements which are common in youth. He should be over 40 years of age at any rate, and if he retired from the Senate at 70 or 75 I do not think any fault could be found on that score. As to the franchise itself, it could not be any better than it is. If you examine the history of elective bodies you will find that so long as the franchise is kept within a small circle, good candidates will be elected; but as you enlarge the circle and diminish the quality by increasing the quantity of the electorate, you do not get as good results, and you cannot improve the elector who names or appoints the senators, the Premier. He is, as he has always been in Canada, whatever political party has been in power, a man of good common sense, who would not do anything to injure the country and who would therefore only send to the Senate men with liberal ideas, not warped or bigoted in any way, particularly by political bigotry. The change which has occurred in this House of late years from one political party to the other has been a cause of wonder because it has been effected in so very short a time. When the present government came into power, the Conservative party had a large majority in the Senate, yet the new government led by such men as Sir Oliver Mowat and Mr. Mills had no trouble in getting its measures passed—the most important measures. Under the leadership of these gentlemen were the present hon. Secretary of State and the hon. member for Halifax. Any one who secured their good offices and influence could get almost anything passed. That shows one thing that there is no difficulty in getting good men with common-sense. I do not say that the Conservative party had any monopoly of the good qualities and mental qualifications which make men good senators; at all events, that was the result and I defy any one to say that there was any Bill passed or rejected except on its merits during the time there was a Conservative majority in the Senate. One of the objections made to the Senate is that its members are partisan. There need be nothing of the kind if proper appointments are made. They will not be so ignorant as to show overbearing political superiority over any members in this House. Any one who could show any such disposition should never be appointed here. I have always advocated independence in this House. When a man enters the Senate he should not be the slave of any political party. He may have his likes and dislikes, but he is not a partisan. It has been asked, how does he throw off his partisan tendency? How does a judge throw off his partisan tendency? If men of the proper character are appointed, there will be no difficulty in passing such measures as are for the benefit of the country, no matter from what side they may come. The Senate should be left as it is, in the main, in the hands of the Premier. It should follow the model of the House of Lords, because that is the highest body with the best and most glorious history of any other deliberative body in the world. I have no particular love for the House of Lords. They manage to throw out every Irish National Bill, but that does not prevent me giving them their due. In the whole world you find no man more lovable and more companionable and honorable than an English gentleman, and the Lords are the

type of the English gentleman. They are not hated or disliked or looked upon with enmity by the people of the country. Why? Because they are the very best protectors and guardians and the best friends of the whole people of England. There is no worse man to have as an enemy and no better man to have as a friend than an Englishman, and I give an example of that in my hon. friend beside me (Hon. Sir Mackenize Bowell). It would be a fatal thing to touch the power which is vested in the Premier of this country for the time being to make appointments to the Senate, and I have shown how that cannot work badly. The Senate might have more harmony than it has, though it is a great deal better in that respect than it had, and I hope the improvement will continue. The Senate could arrange to preserve better order, and try to cultivate friendliness and harmony with the House of Commons. Amongst ourselves we ought not to have that cold, isolated way which we have of not fraternizing more freely. There are millionaires among us, and they ought to set a good example. There are not many classes of men in the House of Lords, but if you run over the list you will find that the tendency has been to select men of action rather than men of thought. Great painters, poets, and writers have seldom been sent there. The first historian selected was Macaulay, and the first poet was Tennyson. The philosophers and men of invention were Lord Kelvin who died a short time ago—who was an Irishman by the way—and another gentleman whose name I forget but in the main the admirals and generals and men of action have been honoured with places in the House of Lords, and so have those who have done anything very brilliant.

Although I have given so much attention to the House of Lords, it is because in the present discussion of duties of each branch of parliament, the Canadian Senate has a better model in the English system. It may not be always so.

Some hon. GENTLEMEN—Withdraw.

Hon. Mr. DAVID—I have no objection to withdrawing my amendment if I have the approval of the seconder.

Hon. Mr. BEIQUE—I acquiesce entirely in the withdrawal of the motion.

The motion and amendment were withdrawn.

The Senate adjourned until to-morrow at Three o'clock.

THE SENATE.

OTTAWA, Friday, April 3, 1908.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

HALIFAX PRESBYTERIAN COLLEGE BILL.

REPORTED FROM COMMITTEE.

Hon. Sir GEORGE DRUMMOND, from the Committee on Banking and Commerce, reported Bill (DD) An Act respecting the Board of the Presbyterian College of Halifax, without amendment.

Hon. Mr. McMULLEN (in the absence of Hon. Mr. McHugh) moved that the Bill be read a third time on Tuesday next.

Hon. Mr. LANDRY—I think this is one of the Bills that should be sent to the Standing Committee on Private Bills. I think we should look at these Bills carefully before we send them to the Committee on Banking and Commerce.

Hon. Mr. POWER—This is a Bill which deals with the funds of the association.

Hon. Mr. LANDRY—I know that.

The motion was agreed to.

ROSS RIFLE.

INQUIRY POSTPONED.

The order of the day being called:

By the Hon. Mr. Landry:

That he will inquire of the government—
Has the government concluded any arrangement whatsoever for the manufacture of bayonets adapted to the Ross rifle?
If so, with whom?
For what quantity?
At what price each?
Has the government asked for tenders for the manufacture of these articles?
And if so, which are the papers which have published in their columns the notices given by the government to that effect?

Hon. Mr. LANDRY—Is the government prepared to give an answer to this question now?

Hon. Mr. SCOTT—No, there will be no answer before the recess.

Hon. Mr. LANDRY—That is very hard. It is a matter that is dealt with in Ottawa here.

Hon. Mr. SCOTT—I know that. It is under consideration now, and will be under consideration for a while.

Hon. Mr. LANDRY—We will make it the first order on the paper when we resume after recess. Perhaps after three weeks of recess we may have a chance to receive an answer.

Hon. Mr. SCOTT—I hope so.

Hon. Mr. LANDRY—That is what I say—perhaps. I am not sure yet.

THE REPORT OF THE CIVIL SERVICE COMMISSION.

Hon. Mr. LANDRY—Before the orders of the day are called, I should like to know from the hon. Secretary of State if Judge Cassels has accepted the position which was offered to him by Royal Commission, and if so, when he will commence his work?

Hon. Mr. SCOTT—I have been very busy to-day, as the hon. gentleman knows, and I am not in a position to give a definite answer. I think he has, so far as I can gather, and if he has accepted he will commence immediately.

Hon. Mr. LANDRY—After the recess?

Hon. Mr. SCOTT—Forthwith. I do not suppose there will be any delay about it.

Hon. Mr. WILSON—I should like to ask the Chairman of the Printing Committee how many copies of the report of the Royal Commission are to be printed for distribution among the members of the House? It deals with a matter of considerable importance, and the country is very much affected by it. Either the chairman of the committee, or the House should indicate the number of copies to be printed so that every member may have a fair share of them to distribute among the electors.

Hon. Mr. ELLIS—The report has not yet come before the Printing Committee. Of course there is considerable excitement over it and great demands have been made for copies of the report. The chairman of the Printing Committee of both Houses has agreed that at least 2,000 extra copies will be necessary, and they will be printed forthwith for distribution among the members.

Hon. Mr. LANDRY—I suppose that matter will come up only after the recess?

Hon. Mr. ELLIS—No, the hon. gentleman will get his copies in good time.

A CORRECTION.

Hon. Mr. WATSON—I rise for the purpose of calling the attention of the House to a report which appears in the Ottawa 'Citizen' of April 2nd, of a speech supposed to have been delivered by Senator Watson. I may say that the speech was delivered by the hon. gentleman from Wolseley. On the first of April, in my younger days, I used to participate in playing tricks on my friends. I do not know whether the hon. gentleman wanted to play a trick on me by attributing his speech to me, but as some people keep scrap-books, I wish to repudiate the speech attributed to me.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman ought to be proud of having such a speech attributed to him.

THIRD READING.

Bill (25) An Act respecting the Hamilton Radial Electric Railway Company.—(Hon. Mr. Gibson.)

SECOND READING.

Bill (88) An Act to incorporate the Architectural Institute of Canada.—(Hon. Mr. Beique.)

The Senate adjourned during pleasure.

BILLS ASSENTED TO.

His Excellency the Honourable Sir Charles Fitzpatrick, K.C.M.G., Chief Justice of Canada and Administrator of the Government of the Dominion, &c., &c., &c., being seated on the Throne,

The Honourable the Speaker commanded the Gentleman Usher of the Black Rod to proceed to the House of Commons and acquaint that House: 'It is His Excellency the Administrator's pleasure that they attend him immediately in this House.'

Who being come with their Speaker,

The Clerk of the Crown in Chancery read the Titles of the Bills to be passed, as follows:

An Act to amend the Winding-up Act.
An Act respecting the Erie, London and Tillsonburg Railway Company.
An Act respecting the Interprovincial Railway Bridge Company of New Brunswick.
An Act respecting the Canadian Northern Quebec Railway Company.
An Act to incorporate the Bank of Winnipeg.
An Act respecting a certain patent of Frederick C. Rehm, Elias Frank and Isidor Frank.
An Act respecting the Windsor, Chatham and London Railway Company.
An Act to amend the Gold and Silver Marking Act.
An Act to amend the Companies Act.
An Act to amend the Intercolonial and Prince Edward Island Railways Employees' Provident Fund Act.
An Act respecting the Canadian Northern Railway Company.
An Act respecting the Owen Sound and Meaford Railway Company.
An Act respecting the Montreal, Ottawa and Georgian Bay Canal Company.
An Act to amend the Irrigation Act.
An Act respecting the Trans-Canada Railway Company.
An Act to incorporate the Bank of Vancouver.
An Act respecting a certain convention between His Majesty and the President of the French Republic.
An Act to amend the Government Railways Act.
An Act to amend the Supreme Court Act.
An Act respecting the Dominion Atlantic Railway Company.

To these Bills the Royal Assent was pronounced by the Clerk of the Senate in the following words:

In His Majesty's name, His Excellency the Administrator doth assent to these Bills.

Then the Honourable the Speaker of the House of Commons addressed His Excellency the Administrator, as follows:

May it please Your Excellency:

The Commons of Canada have voted certain supplies required to enable the government to defray the expenses of the public service.

In the name of the Commons, I present to Your Excellency a Bill intituled:

An Act for granting to His Majesty certain sums of money for the public service of the financial years ending respectively 31st March, 1908, and the 31st of March, 1909, to which Bill I humbly request Your Excellency's assent.

To this Bill the Royal Assent was pronounced by the Clerk of the Senate, in the following words:

In His Majesty's name, His Excellency the Administrator thanks His loyal subjects, accepts their benevolence, and assents to this Bill.

His Excellency the Administrator was pleased to retire, and

The House of Commons withdrew.

After some time the House resumed.

The Senate adjourned till Tuesday the 7th April, at three o'clock.

THE SENATE.

OTTAWA, Tuesday, April 7, 1908.

Prayers and routine proceedings.

The SPEAKER took the Chair at Three o'clock.

BILLS INTRODUCED.

Bill (KK) An Act to amend the Prison and Reformatory Act in so far as the same affects the province of Nova Scotia.—(Hon. Mr. Power.)

Bill (LL) An Act respecting the Phoenix Insurance Company, Limited.—(Hon. Mr. Bostock.)

Bill (MM) An Act to incorporate the Synod of the Diocese of Keewatin.—(Hon. Mr. Ellis.)

Bill (NN) An Act to amend the Canadian Shipping Act.—(Hon. Sir Richard Cartwright.)

PAYMENT TO QUEBEC BRIDGE COMPANY DIRECTORS.

INQUIRY.

Hon. Mr. Mr. LANDRY inquired:

1. From its formation until the moment when Mr. Simon Napoleon Parent became one of the members of its board of direction, how much has the Quebec Bridge Company paid to its directors for services rendered?
2. Since the company caused Mr. Parent to enter its board of direction up to this day, how much has it paid each of these directors for services rendered?
3. What is the nature of these services?
4. How much has its secretary cost it?
5. How much has its engineer received?

Hon. Mr. SCOTT—The company advises that :

1. The old company formed in 1887 did practically nothing and, therefore, its directors were not paid any fee. Its last general meeting of shareholders took place on July 8, 1890, and the first general meeting of the new company, re-organized in 1897, took place on April 20, 1897.

2. Audette, Rod., $5,636.73 for services as vice president ; Boswell Vesy, $3,201.36 ; Dumoulin, P. B., $2,000; Barneau, Hon. N., $2,720.40; Laliberté, J. B., $2,915.65 ; Le-Moine, G., $3,280.95; Parent, Hon. S. N., $24,250 for services as president for over ten years ; Price, H. M., $3,595.92; Sharples, Hon. J., $2,000.

3. Attendance fee and general services as members of the Board, the president and vice president receiving a special fee for their services.

4. $16,890 and $425 for travelling expenses since March, 1897, to date.

5. $45,150.

Hon. Mr. LANDRY—That absorbs the capital of the company. I call the attention of the hon. gentleman to the first answer. He says that the last general meeting of the old company was held on July 8, 1890, and the first general meeting of the new company (re-organized in 1897) was held on April 20, 1897. I suppose those two details were furnished by the Bridge Company ?

Hon. Mr. SCOTT—I presume so. They had to send to Quebec for the answer.

Hon. Mr. LANDRY—Because the answer is quite incorrect. There was not seven years between the two meetings of the companies. It is a mistake.

Hon. Mr. SCOTT—I do not know personally about it.

PROPOSED ADJOURNMENT.

Hon. Mr. SCOTT—Before the orders of the day are called, I wish to say that it will be within the recollection of hon. senators that I intimated, when the motion for an adjournment came up to-morrow, that I thought I could agree to an adjournment from Thursday. I am advised to-day by some of my colleagues that there are important Bills in the other Chamber that they wish to have passed before the recess. I must therefore ask the House to release me from the promise I made. I felt at the time that it was going pretty far, because sometimes exigencies of government suddenly arise to render it impossible to keep such a promise. It is possible that an arrangement may be made by which an early adjournment may be had. There is a Bill now before the other House which I asked one of my colleagues to put through. It is to amend the Immigration Act, giving larger powers to the Governor and the Minister of the Interior to refuse the landing of certain persons that are objectionable—undesirables as they are called—and the ground on which that is taken is largely that they do not come from the country of their birth. That they come from another country different from the one which they originally left.

Hon. Mr. LANDRY—I suppose the Bills referred to by hon. gentlemen are public bills.

Hon. Mr. SCOTT—Yes.

Hon. Mr. ROBERTSON—Could the hon. Secretary of State say at what date we probably will adjourn?

Hon. Mr. SCOTT—It is quite impossible for me to say. In future, as long as I remain here, I shall not commit myself to anything. I cannot control a promise of that kind at the last moment. Public business has to be served of course.

Hon. Sir MACKENZIE BOWELL—I think it is quite evident that there will be no adjournment for a week or two, because it will take some days before we can pass the Bills to which the hon. gentleman refers.

Hon. Mr. SCOTT—The House of Commons will adjourn to-morrow week and we at all events can adjourn then, if not before.

DELAYED RETURNS.

Hon. Mr. LANDRY—Before the orders of the day are proceeded with, I will ask the hon. Secretary of State if he has any answers to give to that order of the House in relation to Mr. Delisle, a return called for on January last ?

Hon. Mr. SCOTT—I will take a note of it and make inquiry. I am afraid my memory is not equal to all the demands the hon. gentleman makes on it.

Hon. Mr. LANDRY—I would ask the hon. gentleman when he takes a note not to forget the note.

THIRD READINGS.

Bill (7) An Act to incorporate the North Empire Fire Insurance Company.—(Hon. Mr. Young.)

Bill (35) An Act to incorporate the Travellers' Life Assurance Company of Canada.—(Hon. Mr. David.)

Bill (56) An Act to incorporate the Bank of Hamilton Pension Fund.—(Hon. Mr. McMillan.)

Bill (62) An Act respecting the Subsidiary High Court of the Ancient Order of Foresters in the Dominion of Canada.—(Hon. Mr. McHugh.)

Bill (DD) An Act respecting the Board of the Presbyterian College, Halifax.—(Hon. Mr. McGregor.)

Bill (37) An Act to incorporate the Canada Weather Insurance Company.—(Hon. Mr. Beith.)

Bill (EE) An Act respecting the Pontiac Central Railway Company.—(Hon. Mr. Campbell.)

Bill (GG) An Act respecting the Northern Bank and Crown Bank of Canada.—(Hon. Mr. Ross, Middlesex.)

PRINTING OF PARLIAMENT.

REPORT OF COMMITTEE ADOPTED.

Hon. Mr. ELLIS moved the adoption of the third report of the Joint Committee of both Houses on the Printing of Parliament.

Hon. Sir MACKENZIE BOWELL—Looking at this hastily, it seems to me that the committee have recommended the non-publication of nearly all the returns. Are there any returns ordered to be printed?

Hon. Mr. ELLIS—The committee recommended the publication of the papers referring to treaty powers, and the report of the Royal Commission on the Quebec Bridge inquiry, as hon. gentlemen will see by a reference to page 516. Those are the only two papers ordered to be printed.

Hon. Sir MACKENZIE BOWELL—In glancing at the report hastily, I came to the conclusion that almost every return which might be used for political purposes was recommended not to be printed. I do not know whether that is the policy of the Printing Committee of the present day or not. There are some returns in it that ought to be printed for information. Almost every subject which affects the conduct of the government in the country is not to be printed, not even for circulation.

Hon. Mr. ELLIS—I can assure my hon. friend there is no policy of that kind, so far as the general policy is concerned. The hon. gentleman knows how it is done. I remember when he was a member of the committee. The title of each paper is read, and if no member requests to have it printed, we do not print it.

Hon. Sir MACKENZIE BOWELL—Then the members are not as vigilant as they used to be when I was on the committee years ago.

Hon. Mr. ELLIS—The hon. gentleman should be placed on the committee again.

Hon. Mr. LANDRY—Return 142 reads as follows:

142. Return to an Address to His Excellency the Governor General of the 18th December, 1907, for a copy of all orders in council, correspondence, contracts, papers and reports in connection with the employment of certain experts to prepare a system of accounting and bookkeeping in the Department of Marine and Fisheries.

I think that is a very important paper. If it is not published in our sessional papers, it might be printed for distribution among the members. I think the members of the two Houses should be informed up to date on matters of that kind.

Hon. Mr. ELLIS—Nobody asked to have that return printed, and the judgment of the committee was that it was not of sufficient importance, in view of the terrible expense of printing.

Hon. Mr. LANDRY—We never know when that committee sits, except those who are members of it, and we cannot pass our time looking through the doorways to see if the committee is sitting. These things go through the House of Commons, and members of the Senate do not know what is

going on. I mentioned this return, because it is a matter of general interest, and I thought it should be printed.

Hon. Sir MACKENZIE BOWELL—Yes, but it is not to the advantage of the government that it should be printed.

The motion was agreed to.

GEORGIAN BAY CANAL.

DEBATE RESUMED.

The order of the day being called:

Resuming the adjourned debate on the motion of the Hon. Mr. Casgrain, that he will call the attention of the Senate to the importance to Canada of the early construction of the Georgian Bay canal, and will inquire of the government if the report of the survey made of that waterway will be laid before the Senate during the present session?

Hon. Mr. McMULLEN—I do not know that I shall detain the House at very great length in the discussion of this question. It is a matter upon which considerable time has already been spent, and two or three very able and extended speeches have been delivered in this Chamber with regard to the necessity for and the national importance of this particular canal. I am not going to deal with it from a financial standpoint, nor from an engineering standpoint. I cannot claim that I have the ability or the experience to do that; I am simply going to make some general observations why, in my humble judgment, if it is at all within the financial ability of this country to construct it, that it will become a necessity. Perhaps that day has not yet arrived. But in the future, possibly no very distant future, it will become a question that Canada will have to seriously consider. Recently, New York State has undertaken the widening and deepening of the Erie Canal, with a view to making it an efficient waterway from Buffalo to Albany. When that canal is completed, undoubtedly the surplus products of the west and northwest can be carried to the seaboard at a lower cost than they are to-day. The Erie and the New York Central Railways have done everything in their power, by the construction of very heavy engines and large cars, and furnishing all possible facilities, to cheapen the carriage of grain from Buffalo to New-York, and yet they have come to the conclusion that if they are going to retain the trade of the west and Northwest, the cost of transportation must be still further reduced. They cannot, with their railways, compete successfully with the waterways of Canada. Canada has been making inroads upon the trade which has hitherto gone to New York, carrying even a very considerable percentage by our railway systems. The Canada. Atlantic branch of the Grand Trunk Railway has been doing a large amount of trade, from Chicago and other western points, by the way of Depot Harbour to Montreal. Our neighbours are one of the most wideawake nations on the face of the earth, and, although they have spent very large amounts in the past in the construction of canals, and have developed their railway facilities to a remarkable extent, they have come to the conclusion that if they are to retain the carrying trade from Buffalo to New York they must deepen and widen the Erie canal. I have heard it said that they have carried wheat by rail from Buffalo to New York at four and one-half cents a bushel, but even at that price they cannot compete with the Canadian route; therefore they are expending one hundred and ten million dollars for enlarging the Erie canal. They expect it will, and I believe myself it will be an enormous advantage to the carrying trade of the United States. Prior to the construction of railways, our neighbours had spent a very large amount of money on canals, something over two hundred million dollars; but when the railway system was being extended the canals were superseded for the time being. To-day there is a tendency to return to the utilization of the waterways as avenues of commerce. Many rivers are being dredged and deepened for that purpose. Take the Missouri river, within the last two years, the United States government has been dredging the channel from Kansas City to St. Louis, and there is now, what had not been there for years before, a line of boats for freight transportation, doing a large business. Notwithstanding the fact that they have three competing lines of railway between the two cities, the people realize that freight can be carried much cheaper by water than by rail, and this fact has led to the improvement of the river. The

State and city of New York see clearly that an enlargement of the Erie Canal is an imperative necessity if they are going to hold their trade, and they are spending a large amount of money for that purpose. When Chicago undertook the construction of their drainage canal in 1890, I was a member of our House of Commons at the time, and raised my humble voice against permitting Chicago to divert the water of Lake Michigan from its natural channel. I pointed out that unless we remonstrated very pointedly, it would in all probability tend to lower the water level in the harbours of Lake Huron, Lake Erie and Lake Ontario. I carefully studied the reports that had been published, and found that the chief engineer in charge of the drainage canal admitted that it would take six hundred thousand cubic feet of water per minute from Lake Michigan, diverting it from its natural outlet into Lake Huron, and turning it in the direction of Joliet to the Mississippi. I do not know that our government or the British government of that day made any protest against it. The British government would not do so unless their attention was drawn to it by the Canadian government. If our government made any protest, I do not know of it; but it should have been done. There is no doubt that if Canada were to construct a large canal, say from Georgian Bay down by Lake Simcoe to Lake Ontario, diverting the waters of Lake Huron from their natural outlet by River St. Clair, you would have a very vigorous protest from the United States against the injury that it would do to the harbours of Detroit, Cleveland and Buffalo. I remember that at the time the drainage canal at Chicago was undertaken, Detroit, Cleveland and Buffalo, remonstrated, pointing out the damage it would do to their harbours, but there was no protest on the part of Canada so far as I know. The water of our great lakes is getting lower all the time. There are many in Ontario who can remember when the water of Georgian Bay, for instance, was two to two and one-half feet higher than it is now. The level of Lake Huron has also receded very considerably. That will be aggravated by a further diversion of water from its natural channel to new routes. In the construction of the Georgian Bay and Ottawa canal, no water will be taken from the Georgian Bay or from Lake Huron, so there will be no ground for protest on the part of the United States against its construction from that point of view. If the construction of the canal were to divert any of the waters of the upper lakes, we might have trouble with our neighbours in its construction. My own opinion is, in view of the United States making a move to extend and deepen the Erie canal from Buffalo to Albany, it will be absolutely necessary at no very distant day for Canada to construct the Georgian Bay and Ottawa canal. It may not be done in a year or two. but if it can be done with reasonable expenditure of money, this country will have to do it, and when it is done it will place Canada in a position whereby she will retain her own trade and draw largely from the great Northwest. The Western and Northwest States will take advantage of the opening up of that route for the transportation of their produce. Why? Because it is a cooler route and much more desirable for the transportation of farm products and commodities of all kinds. It is more desirable than the Buffalo and Albany route, because by that route the freight is always travelling into a hotter climate. Another reason why they would prefer the Georgian Bay and Ottawa canal is, because it is considerably shorter than any other route. I hold, therefore, that if the government constructs that canal, it will place us in a position to successfully compete with our neighbours. A great deal has been said with regard to the National Transcontinental Railway. I rejoice to know that it is being constructed, and that its grades and curves are remarkably easy, and that it will be a road which ought to be able to take its share of the carrying trade of the west. But it never can, nor never will, be able to compete with the water route, I care not how low the grades may be. I care not how slight the curvatures may be, you never can by any railway system, carry freight at the price that it can be carried by water. The United States people realize that. They have tried railroads, and they have the best and most efficient kind of roads, and the best equipped that the world has produced, and, after all, they

have wakened up to the realization, looking over the map, viewing the conditions, looking forward to the enormous output of produce from the Northwest, the extended development of their own country, as well as the extended development of ours, that if they are going to hold that vast trade; they can only do it by the construction of the New York and Buffalo canal. When that route is once enlarged and improved they will carry wheat from Fort William to New York for two and a half or three cents a bushel. How can any railroad compete with a rate as low as that? How can the Transcontinental railroad compete, with its extended mileage of track, with prices of that kind? They cannot possibly do it. If the New York route is going to be placed in a position to carry the hundreds of millions of bushels of wheat that we hope the Northwest will produce before many years, by the construction of that canal, with the cheap rates I have indicated, how will Canada compete? Are we going to be able to offer any formidable competition, even sufficient to retain our own trade for our own lines and carry it to our own ports? We cannot possibly do it unless we construct the Georgian Bay canal. I earnestly hope we may be able to do it. I will be rejoiced if we can. There was a statement made here with regard to the extent of that canal and the amount of rock cutting. I think it was said that we would have to excavate some 25 or 30 miles almost of solid rock in order to construct that canal. I was looking over the cost of the Chicago Drainage canal. It is 29 miles long. It is 22 feet deep at low water. The rock cutting is 202 feet wide at the bottom, and a little wider at the top. The earth cutting is 110 feet wide at the bottom and 160 feet on top. The earth cutting is not taken out as wide as the rock cutting, and the reason of that is that they consider the construction of the canal with 110 feet of earth cutting at the bottom and 160 feet at the top of the cut would answer all needs for the present moment with the population of Chicago as it is; and if it becomes necessary to take out the balance of the earth cutting to the width of the rock cutting, 202 feet, they can more cheaply take it out by dredging than they could have done it by excavation when the canal was first built. They took out in the construction of it over 12 miles of solid rock, in the thirty miles of canal, and it cost them an average of about a million dollars a mile. The engineering difficulties of the Ottawa and Georgian Bay route are not very much greater than they were in the case of the Chicago Drainage canal, and we ought to be able to construct it. I have never been over the route, nor have I read carefully the engineer's report; but even supposing it would cost the country sixty million, yes a hundred million, from a national standpoint, in my humble opinion, the construction of the Georgian Bay and Ottawa canal is a matter of very much more moment to Canada to-day than the construction of the new Transcontinental Railway. I believe it would do more for this country than that road is going to accomplish. Some hon. members who have spoken upon this question have said that they thought that Ontario should take a leading part, and possibly contribute the largest share to the production of that canal if it should be built. I do not think that is a proper view. If that canal is built, it is going to contribute more to the development of the Northwest, the securing to the Northwest a cheap, easy and reliable outlet for all their surplus produce than what they have at the present time. It is going to build up specially the ports of Montreal and Quebec. We all rejoice in the developments that have taken place in the port of Montreal. Montreal does not belong merely to the province of Quebec; it belongs to this Dominion. The port of Montreal does not belong to Quebec, although it is in Quebec. It belongs as much to Ontario and the Northwest as it does to Quebec? It is our great national port. I never refused to vote money for the purpose of developing the port of Montreal. We want to encourage its development, and we want to direct the trade of our Northwest to the ports of Montreal, Quebec, Halifax and St. John as much as we possibly can. Canada must aim at being a nation and at being independent. We never want to play second fiddle or rap at the back door of the United States. We want to take a national stand on behalf of ourselves as a country, and whatever development is necessary to make Canada

what we hope and expect to see it, progressive, independent, rich, well equipped, and a country that is forging forward in the race of life, we must produce the ways by which our supplies can be carried in and our produce taken out, as cheaply as any other country in the world. We have had an object lesson across the border from our greatest competitor. We want to take a lesson from their experience. We want to imitate their good qualities; we do not want to imitate their mistakes. They make mistakes. There is no nation in the world that does not. We want to imitate their advantageous example of national life and development as a progressive nation, and if we do we shall aim at the production of such public works as the Georgian Bay and Ottawa Canal. It is not likely that many hon. members in this room may live to see that canal completed; but I venture to predict that in the future of Canada our people will come more and more to the conclusion that the opening up of that route was a wise, prudent and progressive policy. We know very well that long sighted railway and business men, who have studied the map of Canada and the United States, who have looked into the future and offered their opinions and suggestions with regard to the development of transportation facilities, that may be looked forward to, have expressed themselves in favour of the construction of the Georgian Bay and Ottawa Canal. Sir Wm. Van Horne, when he was president of the Canadian Pacific Railway, did not hesitate a moment to express himself as being in sympathy with that scheme, because the enormous output of produce from the fertile areas of the Northwest would force the construction of such a waterway. Many hon. gentlemen in this Chamber have, no doubt, read the address given by Jas. J. Hill, the great railway magnate of the Northwest States. He has also, in addresses before Canadian gatherings, expressed his opinion as favourable to the construction of the Georgian Bay and Ottawa Canal. He has admitted, as all great railway men will admit, that the carriage of certain classes of goods over a railway to compete with a waterway is an absolute impossibility. It cannot be done. Let us aim to build up our own ports, and our own marine rather than add to the great volume of western trade that is carried to New York and shipped from there to Europe. We have no feeling of bitterness or of opposition to our United States friends. We respect them all; still we have to fight not for our national existence, but for the national progress and development that are absolutely necessary, to meet their competition, and let them see that we are not disposed for one moment to remain at their back door. We want to be on the front streets of business as a nation, and we can successfully compete with them if we get the Georgian Bay Canal at any reasonable figure that this country can afford. I wish I could say more on behalf of this scheme. I believe from the bottom of my heart that the future of Canada will depend upon the production of that waterway. We know perfectly well the St. Lawrence river is not to-day as deep nor as desirable a waterway as it was many years ago. The water is receding, and not much wonder. If you are going to take the Chicago Canal out of it, which takes 600,000 feet of water every minute, and then the enlarged canal from Buffalo to Albany that will increase the flow of water in that direction, it will all tend to reduce the quantity of water by the St. Lawrence route. I hope some remonstance will be made to the United States government in opposition to these drains upon a body of water that is unquestionably international. The United States people cannot claim that it belongs more to them than to us. I have observed in the papers recently that the British ambassador at Washington has been trying to negotiate some settlement with the United States people with regard to the division of water at Niagara, and the use that water may be turned to, and the extent to which each nation may be permitted to draw it. I hope, when he is doing that, he will not forget the enormous volume of water that is taken out of Lake Michigan by the Chicago Drainage Canal. He should be posted in regard to that matter. The engineer of the Chicago canal admitted that it would take away 26 per cent of the flow of the water from Lake Michigan into Lake Huron. That may be a mere rough estimate; it might

amount to a good deal more. I say that that gives us a claim. Has it been presented? Has any effort been made to obtain compensation from the United States for the diversion of water that is international in its character? If it has not already been done we had better remonstrate with them with regard to further drafts upon the waters of the St. Lawrence by enlarging the capacity of the Erie Canal. I think these things should not be lost sight of. The waters that would be utilized by the Georgian Bay Canal belong solely to ourselves. In making these remarks, I am giving my own conscientious view, formed after studying the matter for years, and I do hope the country will wake up to the importance of undertaking the construction and completion of that canal before many years will lapse.

Hon. Mr. CLORAN—I have been requested by the hon. gentleman from De Lanaudière, who introduced this motion, to ask the House to have the debate adjourned, so that he will have an opportunity to close it. In the meantime I desire to make a few remarks on the subject, and if it is convenient to the House, I will move that the debate be adjourned till May 7 next.

The motion was agreed to.

SECOND READING.

Bill (70) An Act to incorporate the Saskatoon, Saskatchewan, Peace River and Dawson Railway Company.—(Hon. Mr. Roy.)

PAULDING DIVORCE CASE.

ORDER POSTPONED.

The order of the day being read:

Consideration of the sixth report of the standing committee on divorce, to whom was referred the petition of Ada Katurah Paulding, together with the evidence.

Hon. Mr. KIRCHHOFFER— moved that the order of the day be discharged and fixed for to-morrow. He said: The evidence in this case is not yet printed.

Hon. Mr. LANDRY—If the evidence is not printed to-day, what probability is there that it will be distributed in time to be in the hands of members before to-morrow afternoon? I think we should have time allowed us to read and understand the evidence.

Hon. Mr. KIRCHHOFFER — Well, Thursday next.

Hon. Mr. CLORAN—I quite agree with the remarks of the hon. senator from Stadacona. I have made it my duty to read the reports of two divorce cases to-day. I just got them as I was coming off the train at one o'clock, and that is the only opportunity I have had to make myself familiar with what they contain. That is not the way to deal with these important matters. I do not think there is any immediate hurry to pass these Bills. I would offer a suggestion to the committee, that they should never put a notice on the order paper until a week after the evidence has been distributed, so that every senator will have an opportunity to become familiar with the case. The notice should not appear until at least five days after the evidence is distributed. I think the suggestion is wise and fair. People who have not been living together for several years can surely wait a few weeks longer for a divorce.

Hon. Mr. KIRCHHOFFER—I will take the suggestion of the hon. gentleman into my most serious consideration.

The motion was agreed to, and the order was fixed for Thursday next.

The Senate adjourned until to-morrow at three o'clock.

THE SENATE.

OTTAWA, Wednesday, April 8, 1908.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

CIVIL SERVICE SUSPENSIONS.

INQUIRY.

Hon. Sir MACKENZIE BOWELL rose to:

Call the attention of the government to the following statements which were telegraphed from Ottawa to western newspapers, and will inquire of the government whether the statements made therein are correct?

A. W. Owen, accountant and chief clerk of the Marine and Fisheries Department.—Mr. Owen was suspended a month ago, owing, it is said, to his having been overheard criticising the enormous expenditure entailed by Mr. Brodeur in engaging accountants to reform the bookkeeping methods of the department.

J. U. Gregory, agent of the Marine Department at Quebec.—Mr. Gregory frequently reported against the patronage system, and urged that if other than party friends were allowed to compete, the government would be able to obtain their supplies cheaper.

J. F. Fraser, commissioner of lights in the Marine Department.—Mr. Fraser is an advocate of acetylene gas for gas buoys and was appointed to the position after the chief engineer of the department had advised against further experiments until the properties of the gas were better known.

He said: My reason for calling the attention of the Senate and the government to the rumours which have been circulated, is to ascertain, for the information of the people of Canada, whether these officials have been suspended for the reasons given in the telegrams sent all over the country. My hon. friend, the leader of the government, knows well that both Mr. Owen and Mr. Gregory have been old servants, the latter, I think, for over forty years. During the administration of the late government I never heard any complaints made of this gentleman. How he has fallen from grace since that period I am not prepared to say; but I am making this inquiry to ascertain how far he has transgressed in the line indicated in these telegrams. Mr. Owen is an old employee of the government, and the only charge, so far as public information is concerned, is that he talked too much—that is that he told too many truths, and it would appear that that is tabooed under the present government. I must frankly confess that I do not think it is judicious on the part of employees, particularly those in high places, to talk too much out of the office; but if they tell no more than the truth, and if they urge upon the head of the department the necessity for economy and of changing the mode of purchasing supplies, by which the country would materially save in the expenditure, it is scarcely a good reason for suspending or dismissing an official. A chastisement or a rebuke for making these statements publicly, even supposing they would be to the disadvantage of the head of the department, would, I think, be sufficient, and until the official, no matter what position he might be in, should disregard a rebuke made to him under such circumstances, it is scarcely, to my mind, and I think the country generally will accept that interpretation, the duty of the minister to suspend him. Unfortunately the very interesting report of the Civil Service Commission has been in our hands but a very short time and we have not been able to thoroughly consider its details; but sufficient has been published to justify the position I have taken in asking for this information. I find in this report that attention is called to the fact that a large order was placed for boiler compound, and when the package was received at Quebec, Mr. Gregory, the agent, was somewhat surprised at its size. He was taken to task for ordering the stuff without instructions from the department, and replied that he had the direct instruction of the minister given to him while standing on the wharf at Quebec. Many instances are cited of extravagant prices paid at this agency. In 1904-5, fire extinguishers were purchased from Chas. Patton to the sum of $5,000. In July, 1906, a large quantity was obtained from P. E. Perreault. Some time later, Perreault became an employee of the agency, and as he had still many fire extinguishers on hand, the department generously took them over from him. In the evidence which was given before this Commission we find that in the matter of purchasing flour, Mr. Gregory said:

There is but one flour dealer on the patronage list.

Is it possible there is only one Liberal in the province of Quebec, to whom application might be made for a supply of flour? However, Mr. Gregory says there is but one on the list and he adds:

I venture respectfully to suggest that to place one or two more on the list of such dealers.

The agent says that on all the articles to which objection had been taken, the prices quoted are correct prices. These prices, by tender as far as possible, were obtained from dealers in Quebec, friends of the administration, and submitted for your approval.

Mr. Gregory concludes: I have more than once stated that if lower prices were wanted, to throw the supply of goods open to public tender, you will get low prices, for I have no doubt that there are people in this market on either side of politics, as the case might be, who would put their prices down very low simply to take the patronage away from the others, and such offers have been made to me more than once.

Mr. Gregory adds, speaking of supplies:

If the best pork could be obtained at Halifax at $17.50 a barrel, it would pay to take it to Quebec for the use of the steamers, but Mr. Gregory adds, 'I cannot do it, purchasing the same from friends of the administration or outsiders.' He says, 'if as good flour can be bought in Halifax for $5.20 per barrel, it would pay the department to import it from there.'

Because they were paying at the same time in Quebec $22 per barrel for pork. I do not purpose going further into the evidence given by Mr. Gregory, but there is this in it, that while he has been punished for alleged disobeying orders, he stated positively in his evidence that he received the order to make those large purchases from the minister on the wharf at Quebec, and he mentions who was present at the time the order was given. I can easily understand the chagrin the head of the department would feel at the fact of these exposures taking place. So long as the charges were made against the minor officials of the department, no notice was taken of them; but when one of the heads of the department is struck directly, as he is by this evidence of Mr. Gregory, then the official is punished. On reading that evidence it brought to my mind a statement made by Sir James Graham in the British House of Commons about 1827. He had made a motion complaining of the extravagance of the government at the time. Objection was taken to it, on the ground that he was kicking high and not dealing with the lower officials of the department who were receiving the smaller salaries. At that time Sir James used this language:

I am not disposed to stoop to ignoble game while flights of voracious birds are floating in the upper regions of the air.

It appears to be applicable in this case. So long as the attacks were made on the under officials of the department, very little notice was taken of them; but when one of the heads of the department was struck, punishment began to follow the offence. I find that Mr. Owen's complaint was that, in one instance, Morris chairs covered in plush were purchased at $18 each for the steamship 'Montcalm,' and the explanation given was that they were purchased for the Governor General's trip; but he afterwards decided to take the steamer 'Minto.' Of course the chairs were not transferred from the 'Montcalm' to the 'Minto.' The price in that respect may be considered large, and I have no doubt the prices charged for articles purchased by the government are always high. I will give an illustration of what took place, even so far as this Senate is concerned. Some chairs were required. Application was made for them. Prices were considered altogether too high, and, to the credit of our Speaker, he put his foot down and declined to make the purchase. The same kind of chairs were purchased in Montreal for a less sum, with 15 per cent discount for cash. It is an illustration of how nearly all the supplies were sold to the government and for the government. If there was not a desire to feather the nests of the supporters of the government, the expense attending the administration of affairs, and the carrying on of the government in this city particularly, would be, I venture to say, 25 to 40 per cent less than it is. Mr. Owen is an accountant of the Department of Marine. He drew attention to the excessive bills presented by the Sampson & Philion Company of Quebec for packings for the steamer 'Champlain' to the amount of $662. Owen says that both the quantity and price charged are excessive. Tallow is charged for at 15 cents a pound, whereas it could be purchased, even in Ottawa, for 8 and 9 cents. In another case, $24 per barrel was paid for pork at Quebec, while at Halifax $17.50 was charged. Is it not desirable that the country should know that these officials have been punished by suspension, and, I presume, the loss of salary, for having, probably some of them under oath, as in the case of Mr. Gregory in Quebec, given evidence that they gave in reference to the management of one department. That the report of the commission appointed by the government should not have given satisfaction to the parties who appointed them—that is the government—we are not at all surprised. Gentlemen who have read the speech delivered by the hon. Minister of Justice a few days ago in his own riding, will come to the conclusion that it depends in a great measure upon whose ox is gored when there are complaints to be made of the reports of commissions. In that speech the hon. Minister of Justice took upon himself the responsibility of telling the electors

of North York that the Civil Service Commission had gone altogether beyond the reference which was made to them. In reading the report of that gentleman's speech in the Conservative press I knew that if I quoted it it would be declared coloured; so I took the trouble to read not only the report in the 'Mail' but the reports in the 'World,' and the 'Globe' also, and I find that the 'Mail's' report of that gentleman's speech is substantially the same. I find in the 'World's' report the following:

> The Minister of Justice declared that the commission had gone beyond the scope of their jurisdiction.

The 'Globe' report stated that:

> The commission had reported on a good many matters not referred to them.

The 'Mail' gives the following report of his statement:

> The Minister of Justice declared that they had gone beyond the scope of their jurisdiction.

The probabilities are that the charge may be, to a certain extent, correct; but we had no such complaint from the Minister of Justice when he was dealing with the report made by the Insurance Commission, although that commission went far beyond the reference and pried as far as it possibly could into the actions of certain politicians, leading Conservatives, who had nothing whatever to do with the purchase of the land in the Northwest, and, consequently, their names had no right to be dragged into the discussion or into the investigation. The Minister of Justice at the time defended that report, and, I must confess, with a very able speech in the House of Commons; but now, when a commission is appointed by this government of their own political friends, two of them at least strong politicians—that is Mr. Fyshe and the other gentleman—I am not including Mr. Courtney in that category, because he is a gentleman who has taken very little part in politics since he has been in the country, though he is by birth and education a Liberal. He has had the good sense, while in the employ of the government, not to interfere in any way, so far as I know, in politics. But in the present case, this commission found the Department of Marine in a state of disorganization, and a system prevailing which was little short of robbery of the finances of this country, and because they had called attention to it, we find the high authority of the Minister of Justice telling the people that they exceeded their duty, and inferentially they had no right to make such a report. I shall not deal now with the appointment of another commission to supervise the report of the first commission but with the speech of this gentleman—and I am speaking of a speech made, not in the House of Commons, or I would be ruled out of order, but made in North York, at nomination of candidates for the local legislature. He attempted to leave the impression upon the minds of his hearers that these two officials, being the appointees of the late administration, were, therefore, rogues and rascals, and he indicates that when the report of the new commissioner is made, they will be able to 'separate the goats from the sheep,' the goats being the Tories and the sheep the Liberals. It struck me when I read the speech, that it was a great pity the Tories had not been wolves and devoured the lambs long ago, because that would have been in the interests of the country. My hon. friend, the Secretary of State, laughs. I have no doubt that had the wolves attempted such an enterprise, they would either have been choked to death or poisoned. I am rather inclined to think the latter result would have been the likely one. In order that I may not be misunderstood in the remarks I have made, I will quote one or two sentences of this important speech of the Minister of Justice. Speaking of the Conservative press, he charges that they are reeking with slanders, sunk to low level, full of lies and calumnies. That is somewhat strong language, but I am inclined to think the Conservative press of the province of Ontario, to which he referred more especially, will survive that attack upon them even by so eminent a jurist as the Minister of Justice. Then he goes on to say, in reference to the employees, that the employees of the government were trying to serve two masters; having been appointed by the late government they could not be honest with the present government. From my somewhat lengthy experience in departments, I am not prepared to say that that is the character of the Liberals that I found in the departments of the Mackenzie government. I

hesitate not to say that some of the most valuable and trustworthy clerks that I had under me in the different departments which I administered during the period I was in the government, were of the Liberal party, and they were true, so far as I know, to their duties, and they were true to the policy of the government which it was their duty from the position they held, to carry out, and from that experience I am quite convinced that the the same remark might be applied to the Conservative employees of the government, and that they are not of the character that the Minister of Justice has indicated. He says that these Tory employees were trying to serve two masters; and that the investigation to be made by Judge Cassels would result in the finding out of the guilty party or parties, and ultimately the separation of the Tory goats in the civil service from the Liberal sheep. With that I leave it. If the Conservative employees of the government have been guilty, as the minister indicates they are, they ought to be punished, and they ought to be punished more particularly for this reason; being Conservatives, if they understand the principles of the party, they deserve the more to be punished if they do wrong.

An Hon. MEMBER—Oh, no.

Hon. Sir MACKENZIE BOWELL—Some hon. gentleman says : Oh, no. That may be his view of the case. It is not mine. It matters not to me what the political complexion of the individual may be who is serving the government, if he proves recreant to his duties, let him be punished, and administer the same punishment to the Liberal sheep as it is proposed to administer to the Tory goats, and the country will be satisfied. I had forgotten Mr. Fraser, who had to do with the lighting of the buoys and the purchase of the calcium carbide. He was not examined before the Commission, and, consequently, there is no indication of the reason for his suspension, but if one-half of what has been published is true, and which many, myself amongst the number believe, of the pickings and grafting that took place in connection with the purchasing and lighting of the buoys with acetylene gas, those who are connected with it ought to be dismissed. On the introduction of that gas for lighting the buoys, certain men closely connected with the government retired wealthy, who had not been wealthy before the adoption of that system of lighting. I shall not mention names, but the result of their operations is well known, and there is reason for the conclusion I have mentioned, unless people are much less suspicious than I am. I do not know that I need to apologize for having directed the attention of the Senate to those matters. I speak on behalf of the country generally in expressing my desire to know how far these gentlemen have been guilty of dereliction of duty as to justify their suspension or dismissal. I have to repeat that if they have been guilty, they should be punished; if not, they should not be dismissed simply because they told the truth and happened to be appointed by the late government.

Hon. Mr. SCOTT—With the hon. gentleman's long experience, of the—I would not say forging,—but of the reasons given for the dismissal of these men as reported to have been sent from Ottawa to some western papers, I have only to say that the reasons are not those which were given to me by the minister. I notice that a similar question was put to the Minister of Marine and Fisheries in the other House, and, with reference to Mr. Owen, he says that he was suspended some weeks before the others, and his suspension had no reference at all to the report of the Commission. As to the others, Mr. Fraser and Mr. Gregory, he says he made some investigations himself and found that some orders he had given were disregarded by those officers, and that is why they were suspended. I do not intend to follow the hon. gentleman in his disquisition in regard to the officials, their personalities or their duties. The Commission, in their report, did not name any persons. The government are quite at sea as to who the guilty parties are who are pointed at, and, necessarily, that involves further inquiry. Under the statute, in order to take evidence under oath, it became necessary to appoint somebody besides the minister himself, as the statute did not seem to contemplate that the head of the department could make an inquiry under oath. The judge of the

Exchequer Court was then named to conduct an investigation. Pending that investigation, I have no observations to make. The hon. gentleman has before him now the report of the Royal Commission, and he has the appendix and the various comments that have been made. It is for him to say whether the reasons given there would justify the action of the minister. I do not propose to make any further comments on the subject, because it is not one really that can properly be inquired into when an investigation under oath is about to be held.

Hon. Mr. SULLIVAN—Was there any investigation with reference to Mr. Fraser? He is the gentleman who was in charge at Kingston when a terrific explosion attending a great loss of life occurred in using acetylene gas. I do not know whether he was relieved of any responsibility in connection with that explosion.

Hon. Mr. SCOTT—I do not think that is an element in the suspensions.

Hon. Mr. ROSS (Halifax)—One remark I want to make as to the character of the Commission. Mr. Fyshe has no politics; he is not a party man in any shape or form. I suppose his independence and his being a non-politician was the reason why he was appointed. It will take a long time to separate the sheep and the goats That can only be done at a certain day when the righteous judge will put one on the one side and the other on the other. We will find them mixed in all the departments of the public service to the end of the chapter.

Hon. Mr. GIBSON—My hon. friend from Hastings was unfair in saying that people had made themselves rich in supplying calcium carbide, to the government. The gentleman who discovered acetylene has made a large amount of money out of his discovery, and I am sure no one would grudge him that. He has collected royalties from his patents, but as far as the makers of calcium carbide is concerned, I am sure my hon. friend would not be pleased as a shareholder to be told that his dividend was only 5 per cent. The owners of carbide factories are getting 5 per cent on their investment, not a large return, and there cannot be much stealing from the government or anyone else under the circumstances.

Hon. Mr. LANDRY—Can any one tell us who invented acetylene gas?

Hon. Mr. GIBSON—Yes, Mr. T. L. Willson.

Hon. Mr. LANDRY—The inventor of the gas!

Hon. Mr. GIBSON—Yes.

Hon. Mr. SULLIVAN—Is he a Canadian?

Hon. Mr. GIBSON—Yes, born in Woodstock.

Hon. Mr. MacKEEN—I am sorry to have to differ from my hon. friend from Halifax (Hon. Mr. Ross) as to the politics of one member of the Commission. I have had the privilege of knowing that gentleman for many years and have never heard him accused of being a Conservative. I think I am safe in saying that he has always been a staunch and strenuous Liberal politician. He never mixed in politics in a partisan way I suppose, but there was no more pronounced free-trader in the Dominion, and he is a free-trader still, and on those grounds, I say he was a Liberal. I am satisfied that the gentleman, even at this late date, would not feel complimented if he were accused of being a Tory or Conservative. If he were here he would be the first to resent the charge. It is only right to have that understood.

Hon. Mr. ROSS (Halifax)—One can be a free trader without being a decided politician.

Hon. Mr. MacKEEN—I have had many an argument with Mr. Fyshe on politics, and I am safe in saying that he never gave a Conservative vote in his life. I fancy he prides himself on his strict Liberalism. All the same, I think he is an honest man.

Hon. Mr. GIBSON—I am astonished that the hon. senator from Cape Breton does not go further and say this, that of all the men who have occupied such a position as that filled by Mr. Fyshe, none could be more independent than he has been.

Hon. Sir MACKENZIE BOWELL—If the hon. senator from Halifax (Mr. Ross) will take the trouble to read the report, he can come to no other conclusion than this, that Mr. Fyshe is a Liberal of the Liberals. In that respect he has gone far enough in advocating the principles of Liberalism to convince any one, even a Scotchman like my hon. friend. I should like to say in reply to the hon. senator from Lincoln, that I made no attack on the inventor of calcium carbide. That gentleman has never been connected with the government except by contract. He has occupied an independent position as a manufacturer and supplied the calcium carbide.

DELAYED RETURNS.

Hon. Mr. LANDRY—Before the orders of the day are called, perhaps my hon. friend the Secretary of State who took a note with reference to a certain return that I called for last January, has not forgotten to read the note and may be prepared to give me an answer to-day?

Hon. Mr. SCOTT—I did not forget it.

Hon. Mr. LANDRY—But I am not further advanced.

Hon. Mr. SCOTT—I do not know whether I can get an answer. The gentleman to whom the return refers is a member of the House of Commons, and I do not know whether it would be in good taste to inquire in this House into a matter affecting a member of the other chamber.

Hon. Mr. LANDRY—Do the government decline to answer—that is all I want?

Hon. Mr. SCOTT—I have not been able to get any information on the subject.

Hon. Mr. LANDRY—There is nothing in my question to indicate that Mr. DeLisle is a member of the House of Commons. I ask if a gentleman named Simeon DeLisle, of Portneuf, has received money from the government? That is easily answered. Either he has received it or he has not received it.

Hon. Mr. SCOTT—I have sent the inquiry to different departments, but have failed to get an answer from them.

Hon. Mr. LANDRY—Well, we shall try it again.

THE GILMORE DIVORCE CASE.

ORDER POSTPONED.

Hon. Mr. BOSTOCK (in the absence of Hon. Mr. Kirchhoffer) moved the:

Third reading Bill (JJ) An Act for the relief of Edith May Gilmore.

Hon. Mr. CLORAN—I was requested yesterday by an hon. member, on behalf of Senator Kirchhoffer, not to proceed with the discussion of this Bill to-day as he wished to be present at the third reading, and I consented. If it is the wish of the Senate to proceed with the discussion now, I am prepared to move my amendment, but I gave my word that I would not go on in the absence of the hon. gentleman.

Hon. Mr. BAKER—Under the circumstances, I move that this order be discharged and placed on the order paper for the 7th of May next.

The motion was agreed to.

STANDARD ACCIDENT AND GUARANTEE COMPANY OF CANADA BILL.

COMMONS AMENDMENTS CONCURRED IN.

The order of the day being called:

Consideration of the amendments made by the House of Commons to (Bill C) An Act to incorporate the Standard Accident and Guarantee Company of Canada.—Hon. Mr. Kerr.

Hon. Mr. KERR moved that the amendments be concurred in.

Hon. Sir MACKENZIE BOWELL—Are these amendments of an important character?

Hon. Mr. KERR—There are two amendments. The first strikes out the power which is given to the directors by the Bill to increase the capital stock. Those who are interested in the Bill consent to the amendment. The second amendment is one which provides that in addition to being subject to the provisions of the Insurance Act, the company shall be subject to the provisions of any other Act which may be passed during the present session, relating to insurance.

Hon. Sir MACKENZIE BOWELL—I do not think these amendments are of sufficient importance to justify me in calling attention to rule 131, but that rule will apply to other amendments to other Bills which are on the order paper for to-day. The rule reads:

When any private Bill is returned from the House of Commons with amendments, the same not being merely verbal or unimportant, such amendments are, previous to their second reading, referred to a committee of the whole, or to the select committee to which such Bill was originally referred.

There is one Bill on the orders, to which there are 16 or 17 amendments. I doubt if any one has had time to study these amendments, and it seems to me that, under rule 131, the Bill with its amendments should be referred to a Committee of the Whole or to a Select Standing Committee; or, if the Senate thinks that is not necessary, the rule might be suspended. While we have this rule, it has scarcely ever been acted upon.

Hon. Mr. LANDRY—I do not see that the second amendment to the Bill which is now before us is necessary, because the company must be subject to any insurance Act which may be on the statute-book, whether passed this session or before this session.

The motion was agreed to.

BILLS INTRODUCED.

Bill (101) An Act respecting the Fort William Terminal Railway and Bridge Company.—(Hon. Mr. Watson.)

Bill (41) An Act to incorporate the Standard Plate Glass Insurance Company of Canada.—(Hon. Mr. Jaffray.)

Bill (40) An Act respecting the Pacific Coast Fire Insurance Company.—(Hon. Mr. Bostock.)

QUEBEC BRIDGE.

INQUIRY.

Hon. Mr. LANDRY—Before the House adjourns, I should like to ask the hon. leader of the Senate if the government has come to any decision upon the policy they intend to adopt regarding the Quebec bridge ?

Hon. Mr. SCOTT—No, the printing of the report has been very long delayed, and will be necessarily delayed. There are some eighty plans and maps. Those first sent were blue-prints, and it was impossible to print from them. The maps and plans are referred to in the body of the report, and, until those are prepared, the report will be unintelligible, as it constantly refers to a plan or map.

Hon. Mr. LANDRY—I think I expressed myself in very bad English. I did not ask in regard to the report. I asked if the government had come to a conclusion as to the policy they intended to adopt in regard to the bridge.

Hon. Mr. SCOTT—No, there is no policy announced so far.

The Senate adjourned until three o'clock, to-morrow.

THE SENATE.

OTTAWA, Thursday, April 9, 1908.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

JURISDICTION OF RAILWAY COMMISSIONERS.

MOTION.

Hon. Mr. McKAY (Truro), in the absence of Hon. Mr. Ferguson, moved :

That an order of the Senate do issue for a return giving a list of all railways in Canada which are not under the control or jurisdiction of the Board of Railway Commissioners; and stating in each case the reason why the railway is not controlled by the commission.

Hon. Mr. SCOTT—There is no objection to this address.

The motion was agreed to.

CLEARING OF LANDS AT LEVIS FORTS.

INQUIRY.

Hon. Mr. LANDRY inquired :

1. Has the government caused the lands in front of Lévis forts No. 1 and No. 2 to be cleared?
2. Were tenders asked for these works?
3. If not, to whom was this work entrusted and upon what conditions?
4. What are the names of the foremen employed for that purpose?
5. What salary did they receive?

Hon. Mr. SCOTT—The answers to the hon. gentleman's questions are as follows :

1. Yes, a strip, 18 feet wide, of the brushwood bordering on the road in front for Forts 1 and 2, Lévis, has been cleared.

2, 3, 4 and 5. Tenders were asked for and the contract for the work awarded to the lowest tenderer.

Hon. Mr. LANDRY—Is that all ?

Hon. Mr. SCOTT—That is all.

Hon. Mr. LANDRY—That is all I can get, I suppose.

Hon. Mr. SCOTT—The other questions were predicated on the assumption that the work was being done by day's work.

Hon. Mr. LANDRY—There was no foreman ?

Hon. Mr. SCOTT—Oh, no—so I am advised.

Hon. Mr. LANDRY—Does the government pretend to say nobody supervised that work ?

Hon. Mr. SCOTT—I am not able to answer the question in any other way than the information given me.

Hon. Mr. LANDRY—I will give another notice of inquiry, so as to relieve my hon. friend's mind of any anxiety he might have on that subject.

Hon. Sir MACKENZIE BOWELL — The two latter questions are very plain. One question is : 'What are the names of the foremen?' And the other question: 'What salaries did they receive ?' Perhaps the hon. Secretary of State has not been furnished with that information.

Hon. Mr. SCOTT—Where work is given out to the lowest tenderer, there is no foreman employed by the government. The work is not watched in that way. It is done under contract. That is the idea.

Hon. Sir MACKENZIE BOWELL—I understood the hon. gentleman to say that it was done by day's labour.

Hon. Mr. SCOTT—No. I said the questions were predicated on the assumption that it was going to be done by day's labour and the department say tenders were called for, and the contract was awarded to the lowest tenderer.

THE QUEBEC BRIDGE.

MOTION POSTPONED.

The notice of motion being called:

By the Hon. Mr. LANDRY—

That he will inquire of the government—

When the government in 1903 concluded a financial arrangement with the Quebec Bridge and Railway Company, did it then require and has it made it one of the obligations of the contract that the company should forthwith subscribe additional shares to the amount of $200,000?

Has the company caused this additional sum to be subscribed?

By whom, giving the names?

Did the company afterwards devote the amount which it so obtained to pay for works chargeable to capital or has it not rather employed almost the whole of that sum, to wit: $188,721, in payment of the discount at which securities of the company had been issued, the builder of the piers of the bridge having consented to extinguish a claim of $283,279 which he had against the company by taking debentures of the said company to the amount of $472,000, that is to say, at a discount of 40 per cent?

Hon. Mr. SCOTT—My hon. friend quite appreciates the fact that I only see these questions late in the day, and it is quite impossible then to get an answer. I spoke to the Minister of Finance, but he could not give me any information. He promised, however, to have it looked up.

Hon. Mr. LANDRY—Perhaps Mr. Parent could give an answer?

Hon. Mr. SCOTT—Mr. Parent is not under our control to the extent that one of my colleagues would be.

The motion was allowed to stand until the 7th of May.

DELAYED RETURNS.

Hon. Mr. LANDRY—Before the orders of the day are called, perhaps my hon. friend can give me the answer I asked for yesterday about a return called for on the 29th January last?

Hon. Mr. SCOTT—I am sorry to say that I can not.

Hon. Mr. LANDRY—The hon. gentleman knows what the subject of the return is, I suppose?

Hon. Mr. SCOTT—Yes, it refers to a gentleman in the other branch of parliament.

OTTAWA, BROCKVILLE AND ST. LAWRENCE RAILWAY COMPANY'S BILL.

COMMONS AMENDMENTS.

The order of the day being called:

Consideration of the Message from the House of Commons disagreeing to the amendment made by the Senate to (Bill 74) an Act respecting the Ottawa, Brockville and St. Lawrence Railway Company.—(Hon. Mr. Derbyshire.)

Hon. Mr. DERBYSHIRE—I am advised that in the interest of this project and of the interested parties, clause No. 4 should be retained on account of this being a special Bill. The town of Brockville owns its own electric light and other utilities, and therefore the clause should remain, because the special Act will override the general Railway Act. Section 247 of the Railway Act reads nearly the same as the clause. It is as follows:

When any company is empowered by special Act of the parliament of Canada to construct, operate and maintain lines of telegraph or telephone or for the conveyance of light, heat, power or electricity, the company may, with the consent of the municipal council or other authority having jurisdiction over any highway, square or other public place, enter thereon for the purpose of exercising the said powers, and, as often as the company thinks proper, may break up and open any highway, square or other public place, subject, however, to the following provisions.

(a) The company shall not interfere with the public right of travel or in any way obstruct the entrance to any door or gateway or free access to any building;

(b) The company shall not permit any wire to be less than twenty-two feet above such highway or public place or erect more than one line of poles along any highway.

Clause 4 of the Bill is as follows:

4. The company shall not sell, dispose of, or distribute electric power or energy within, or for use within, the limits of any city or town which owns and operates its own electric lighting or power plant without the consent by by-law of the council of such municipality.

In the first charter that was granted for this railway, the company had power to sell electricity; but in renewing the charter we are taking that power from them, and we should like to have clause 4, retained in the Bill. That is why it was sent back to the Senate, and I hope this honourable House will see its way clear to leave it in the Bill as it came from the House of Commons in the first place.

Hon. Mr. LANDRY—As I understand, the amendment of the House of Commons is to restore that clause to the Bill.

Hon. Mr. DERBYSHIRE—Yes.

Hon. Mr. BEIQUE—Clause 4 of the Bill was struck out because it does not go as far as the Railway Act. Section 247 of the Railway Act provides a number of safeguards for municipalities in cases of this kind. It provides how the posts and wires are to be placed, and subsection 8 of section 247 says that:

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

Hon. Mr. POWER—Will the hon. gentleman be kind enough to read clause 4 of the Bill?

Hon. Mr. BEIQUE—Clause 4 does not go as far as that. It protects the municipality only if, at the time of the passing of the bill, the municipality happens to be operating an electric plant; but suppose the municipality in a month or a year after the passing of the Bill should decide to acquire an electric plant, they would not have the protection which is general under section 247 of the Railway Act, and it is because the safeguard is much better under the Railway Act than under clause 4 of the Bill that this amendment is made. Now it is suggested that section 247 would not apply to this special Act. There cannot be two opinions on that, because section 247 provides that when any company is empowered by special Act of the parliament of Canada to:

Construct, operate and maintain lines of telegraph or telephone or for the conveyance of light, heat, power or electricity, the company may, with the consent of the municipal council or other authority having jurisdic- open any highway, square or other public place, enter thereon for the purpose of exercising the said powers, and, as often as the company thinks proper, may break up and open any highway square or other public place subject, however, to the following provisions.

So that the guarantee for the municipality is much wider under section 247 of the Railway Act than it is under the fourth clause of the Bill, and therefore, in my humble opinion, we should insist upon the amendment, and I am quite satisfied that in the other House, if they understand the reason, they will acquiesce.

Hon. Mr. DERBYSHIRE—But they are not satisfied to have this clause struck out, because in the original Bill incorporating the company, they had this power. In renewing this charter, we are taking out of it powers that they had in the former charter. I do not think it will do any harm to restore clause 4.

Hon. Mr. POWER—Whatever one's individual opinion on this question may be, inasmuch as the promoters of the Bill are anxious that this clause 4 should be reinstated, there is no reason why we, who are not very directly concerned in the matter, should refuse to do what they wish.

Hon. Mr. LANDRY—That is a broad principle.

Hon. Mr. POWER—There is not any question of principle, as I take it, and I think the hon. gentleman from Brockville should move that the Senate do not insist on its amendment striking out the fourth clause, and let us dispose of it.

Hon. Mr. DERBYSHIRE—I have pleasure in moving that the Senate do not insist on its amendment.

Hon. Mr. LANDRY—I think this Bill should be referred to a Committee of the Whole, or to the committee from which it comes, and have a report from that committee. It would be better debated in a body of that kind.

Hon. Mr. POWER—The hon. gentleman is right as to the practice, but let it go.

Hon. Mr. LANDRY—Let it stand.

Hon. Sir MACKENZIE BOWELL—If I understand this, it is not an amendment by the Senate. The Bill was introduced in the Senate and passed. It is an amendment made by the House of Commons to a Senate Bill.

Hon. Mr. BEIQUE.

Hon. Mr. DERBYSHIRE—No, it was passed by the Commons and sent here, and in the Railway Committee struck out clause 4, and we want clause 4 reinstated, and we think it ought to be done.

Hon. Sir MACKENZIE BOWELL—Did I understand the hon. gentleman from De Salaberry to contend, on reading the Consolidated Railway Act, that there is in the Act ample provision made to protect the interests of municipalities without the addition of this clause ?

Hon. Mr. BEIQUE—Better protection than is provided in this clause.

Hon. Sir MACKENZIE BOWELL—Do I understand further, that if this clause is passed, it overrides the Railway Act ?

Hon. Mr. BEIQUE—Yes.

Hon. Sir MACKENZIE BOWELL—Well, then, there is no necessity for it.

Hon. Mr. DERBYSHIRE—They really do not understand this clause yet.

Hon. Mr. SULLIVAN—No, no one understands it.

Hon. Mr. DERBYSHIRE—In the original charter power was obtained to sell electricity in the towns and villages through which the railway passed. In renewing the charter now we want to take these powers from the company, and we are doing that by clause 4. We do not want them to have power to sell electricity.

Hon. Mr. McMILLAN—I think the suggestion made by the hon. gentleman from Stadacona is the one that ought to be adopted. Special privileges were given in the former Act, to the parties who had the charter, to sell electrical energy. Now we want that power taken from them, and the contention of the hon. gentleman from De Salaberry is that if clause 4 is left in the Bill, it is going to destroy the protection that the municipality has under the general Railway Act. If that is the case, the clause certainly ought to be struck out. I think the power that the municipality has under the general Railway Act must be stronger than that which they would retain under this clause. For that reason, the suggestion of the hon.

gentleman from Stadacona should be adopted, and the Bill re-committed to the Railway Committee, in order that they might discuss it intelligently.

Hon. Mr. CLORAN—If I understand the explanation of the hon. gentleman from De Salaberry, notwithstanding the presence of clause 4 in the special Act, it still comes under section 247 of the General Act. If that is the case, this parliament does not sacrifice any right. The special Act gives certain powers, which are still subject to section 247 of the Railway Act. With the explanation given by the hon. gentleman from De Salaberry, which I think is the correct one, I do not see that there would be any use in allowing the clause to remain in the Bill, because, according to the interpretation given by the hon. gentleman of clause 247 of the Railway Act, this Bill would still be under the operation and jurisdiction of the General Railway Act.

Hon. Mr. BEIQUE—No, clause 4 of the Bill would override the Railway Act.

Hon. Mr. CLORAN—Does not section 247 of the Railway Act provide that notwithstanding anything in any special Act, it shall be——

Hon. Mr. BEIQUE—No.

Hon. Mr. CLORAN—I understood that according to the hon. gentleman's reading of the section.

Hon. Mr. BEIQUE—I did not read it that way. When the company is empowered to do a certain thing, it shall be enabled to do it under such and such conditions. If by a special Act, we provide for other conditions it supersedes section 247. The hon. gentleman in charge of the Bill is under the misapprehension that, because this company was authorized by a charter to do this electric business, it is necessary to have this provision inserted in clause 4, when we continue their power to do so. The Railway Act is deemed to form part of all the charters of every railway company, especially section 247, and if 247 is to be read as part of the charter of that company, therefore that company would be under the obligation of complying with these conditions, in exercising their powers.

Hon. Mr. DERBYSHIRE—In the Hamilton Radial Bill, we allowed clause 4 to remain, and the same with several other Bills which have passed this honourable House this session, and why do hon. gentlemen want to take it out of this particular Bill? I should like to have clause 4 remain in. It is satisfactory to the parties working this charter, and we would like to have it passed as it is.

Hon. Mr. GIBSON—According to the Bill as it came from the House of Commons, this railway charter was granted in 1900 and renewed in 1902, 1904 and 1906, and when the original charter was granted under the Railway Act, the railway at that time had the right under section 247 to manufacture electricity and sell it. Since that time, the city of Brockville produces its own electric light, and it is more interested in this railway than any other municipality. They simply ask that this reservation may be left to the city of Brockville, so that the railway will not be a competitor with the municipal plant of the city of Brockville.

Hon. Mr. KERR—But the general provisions of the Railway Act would do that.

Hon. Mr. DERBYSHIRE—Why did you put it in the Hamilton Radial Railway Bill?

Hon. Mr. KERR—Because there was not any provision of the kind before. I cannot understand why it was done in that Bill, and I do not know that it was done. But the general Railway Act is more wide and comprehensive, and leaves the question of consenting or refusing to a larger number of municipalities, than the limited ones mentioned in the Bill. Just see what the Railway Act provides before you consider that section. It says:

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

Hon. Mr. DERBYSHIRE—We understand that.

Hon. Mr. KERR—So that not only Brockville, but any other municipality through which this railway may run, whether it owns electrical power or does not, would

be able to stand in the way of, and to prevent the company selling power there. This other section prohibits only in the case of such municipalities as own their light, and is limited therefore. While Brockville has all the powers which this proposed clause would give it, other municipalities than Brockville which do not own their lighting plant would not under clause 4 of the Bill have the same powers as Brockville would have under that clause.

4. The company shall not sell, dispose of, or distribute electric power or energy within, or for use within, the limits of any city or town which owns and operates its own electric lighting or power plant without the consent by by-law of the council of such municipality.

Assume, therefore, for the sake of argument, that Brockville owns its own electric light and power, and assume this railway runs through the city of Peterborough, for the sake of argument, which does not own its own light and power company, then this Act would not exclude them from going into Peterborough and distributing electric light and power without that, because this clause might be interpreted as overriding the provision of the general Act which otherwise would apply. Whereas the general Act would not only protect Peterborough, but also protect Brockville, and one would say that it was in that sense more comprehensive than the other section.

Hon. Mr. LANDRY—As I understand the question now, it is simply this: A Bill came from the House of Commons containing clause 4. That clause has been expunged by our committee. The House of Commons refused to accept that improvement, because we call it an improvement. The Railway Committee thought they were improving the Bill in doing so. A discussion arises, are we really improving the Bill or not? The hon. gentleman from Halifax says there is no principle in that. I would advise my hon. friend to refer the Bill back to the Standing Committee on Railways, so that the question may be discussed there. If he is right, he will certainly gain his point and we shall not sacrifice anything. He should move that the Bill be referred back to the Committee on Railways, Telegraphs and Harbours.

Hon. Mr. YOUNG—Under rule 131.

Hon. Mr. KERR.

The SPEAKER—Does the hon. gentleman from Brockville agree to that motion?

Hon. Mr. DERBYSHIRE—Yes, I move that the Bill be referred back to the Committee on Railways, Telegraphs and Harbours.

Hon. Sir MACKENZIE BOWELL—There is another point which has not been referred to in connection with this clause, and that is that the company is only prohibited from selling in municipalities of cities and towns. Electric light and power and telephones are being introduced in many municipalities that are neither cities nor towns. There are villages and general municipalities which, under this clause, they could go into and do business.

The motion was agreed to.

PRISONS AND REFORMATORY ACTS AMENDMENT BILL.

SECOND READING.

Hon. Mr. POWER moved the second reading of Bill (KK) An Act to amend the Prisons and Reformatories Act in so far as the same affects the province of Nova Scotia. He said: This Bill affects two institutions in the city of Halifax, and, as I stated at the first reading substantially, the object of the measure is to assimilate the law governing these institutions with the law governing institutions of the same kind in Ontario. When the Bill goes before a Committee of the Whole House, I shall be quite prepared to enter into detail, and if any hon. gentleman wishes more detailed information now I shall be glad to give it. It is a purely local thing and there is nothing further in the Bill.

Hon. Mr. LANDRY—This is a public Bill?

Hon. Mr. SCOTT—Yes.

Hon. Mr. LANDRY—Is there a special law for Nova Scotia, and a special law for Ontario?

Hon. Mr. POWER—There is one general law, chapter 148 of the Revised Statutes, entitled an Act respecting public and pri-

vate reformatory prisons. The first forty-one sections of that chapter apply to all the provinces. Then part 2 applies to the province of Ontario, and part 5, to the province of Nova Scotia. This Bill is just to amend the law as it affects two institutions in the province of Nova Scotia.

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

Hon. Mr. POWER moved that the Bill be referred to a Committee of the Whole House to-morrow.

Hon. Sir MACKENZIE BOWELL—As this is a Bill amending a general law, I suppose the government is in accord with the proposition made in the amendment proposed by the hon. gentleman who introduced the Bill?

Hon. Mr. SCOTT—The Bill is quite an advance in the improvement of the age by sending juvenile offenders to industrial schools. There are only two clauses of the Act that are affected by this Bill, clause 90 which gives power to sentence Protestant boys to the Halifax Industrial School, and section 93 giving similar power to send Roman Catholic boys to a similar institution for Roman Catholics. It is to keep the boys out of prison rather than send them to herd with criminals.

Hon. Mr. POWER—I may say in reply to the hon. senator from Hastings, that the Bill was submitted to the Department of Justice, and the deputy Minister of Justice revised the measure, making some changes in it. This is the Bill as it comes from him.

The motion was agreed to.

PHOENIX ASSURANCE COMPANY BILL.

SECOND READING.

Hon. Mr. BOSTOCK moved the second reading of Bill (LL) An Act respecting the Phoenix Assurance Company. He said: This is a Bill for the purpose of allowing the Phoenix Assurance Company to carry on the life insurance business of the Pellican Insurance Company, the two companies having amalgamated. Under our law, a fire insurance company is not allowed to do a life insurance business, but this company has received permission from the minister to carry on the business of the Pellican Insurance Company at present in force. It is not the intention that they shall do any new business, but simply that they shall be able to carry on the business that has so far been in force, and they require this legislation to enable them to do so.

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

SECOND READING.

Bill (MM) An Act to incorporate the Synod of the Diocese of Keewatin.—(Hon. Mr. Ellis.)

THE TRADERS LIFE INSURANCE COMPANY.

MOTION.

Hon. Mr. YOUNG moved the adoption of the 21st report of the Standing Committee on Standing Orders. He said: The hon. senator from Belleville has called my attention to the fact that it is not rule 113 but rule 110 that should be suspended with the permission of the House. This report refers to a petition for leave to present a petition after the expiration of the time for the presentation of petitions. The committee decided to report favourably, but in making out the report, or in the printing of it, rule 113 was mentioned instead of rule 110.

Hon. Mr. LANDRY—The error might have occurred in the framing of the report, or it might have been the intention of the committee to ask for the suspension of rule 113, which also governs the presentation of petitions.

Hon. Sir MACKENZIE BOWELL—This is a somewhat important Bill, for the purpose of establishing another life insurance company. The committee report that satisfactory reasons have been given for not having complied with the rules of the Senate in the presentation of the petition and otherwise. Could the hon. gentleman inform the Senate what reasons were given why the requirements of the rules of the Senate were not complied with? Of course the Senate, in adopting the report of the com-

mittee, assume that it is correct, but they ought to know what those satisfactory reasons were in order to enable senators to judge of the correctness of the report.

Hon. Mr. CLORAN—I should like to raise a point of order. Has the hon. gentleman a right to report what happened in the committee? I have been called to order several times for doing so.

The SPEAKER—The chairman of the committee can give the reasons on which the report is based.

Hon. Mr. CLORAN—I do not press the point of order; I understand that the decision applies to all cases.

The SPEAKER—It does, but this case is not analogous to the other cases to which the hon. gentleman refers.

Hon. Mr. YOUNG—It is usual for the Committee on Standing Orders to make its reports as brief as possible, because they are generally of a formal character. The question asked by the hon. senator from Hastings is a proper one. The company failed to present the petition in time, owing to the absence of some of the petitioners from the country. They got it signed, speaking from memory, on the 23rd of March, and the time for the presentation of petitions had expired on the 18th, and they were a few days too late. The evidence before the committee satisfied the committee unanimously that there were extenuating circumstances justifying them in making this recommendation.

Hon. Mr. LANDRY—At all events, all that can be done now is to present the petition, and the other delays must ensue.

Hon. Mr. YOUNG—Certainly.

The motion was agreed to.

RUTHENIAN CATHOLIC MISSION BILL.

AMENDMENTS CONCURRED IN.

Hon. Mr. CLORAN moved concurrence in the amendments made by the Standing Committee on Miscellaneous Private Bills to Bill (69) An Act to incorporate the Ruthenian Catholic Mission of the Order of St. Basil the Great in Canada. He said: One amendment is changing the number of directors from three to five.

Hon. Mr. SULLIVAN—Will the hon. gentleman be kind enough to explain what the Mission is?

Hon. Mr. CLORAN—I have no personal knowledge on the subject, but in the absence of the hon. senator (Hon. Mr. Talbot) who had charge of it, I may say that the object is to carry on charitable and educational work. Power is sought to invest in real estate not exceeding an annual value of $25,000, and the right to mortgage their property and invest what funds they have in certain securities. At the same time it provides that all their funds shall be applied to educational, charitable and benevolent purposes.

The motion was agreed to.

LONDON AND LANCASHIRE GUARANTEE AND ACCIDENT COMPANY BILL.

COMMONS AMENDMENTS CONCURRED IN.

Hon. Mr. ROSS (Middlesex) moved concurrence in the amendments made by the House of Commons to Bill (Q) An Act to incorporate the London and Lancashire Guarantee and Accident Company of Canada.

Hon. Sir MACKENZIE BOWELL—I called the attention of the House yesterday to this Bill, to which some 16 or 18 amendments are made. Are they not of sufficient importance to bring the amendments under the clause to which I called attention, which provides that they must be referred to a Committee of the Whole, or to a standing committee, for consideration? If the hon. gentleman wishes to have the Bill passed now he should have explained the amendments.

The SPEAKER—If the amendments are not unimportant the hon. gentleman could move to have them considered in Committee of the Whole.

Hon. Mr. POWER—Or by the Committee on Banking and Commerce.

Hon. Mr. ROSS (Middlesex)—I consider the amendments are not important. One amendment is to increase the number of directors, and the amendments are in the direction of reducing the powers of the company. If these amendments strengthened or increased the powers of the company as agreed to by the Committee on Banking and Commerce, the position would be different; but it rather takes from the company some of the powers that the committee are willing to let them have. I think the House is perfectly safe in adopting the amendments.

The motion was agreed to.

At six o'clock the Speaker left the Chair.

After Recess.

Hon. Mr. SCOTT—When the House of Commons adjourned at six o'clock, they were still considering the Bill relating to the Inland Revenue, connected more particularly with the tobacco industry, and I do not suppose they will pass that Bill for perhaps the next hour, and they promised that they would then take up the Bill that we thought was of some importance in regard to immigration—the Bill we were chiefly interested in passing before the Easter adjournment. So I think it would be better if we decided on having two sittings of the Chamber to-morrow, meeting at eleven o'clock, when we could dispose of the business, and have the Bills sanctioned at three o'clock and get an adjournment to-morrow. It is scarcely worth while waiting to-night, because it may be ten or eleven o'clock before we receive that Bill. I would therefore move that when the House rises to-day, it meets at eleven o'clock to-morrow, and again at three o'clock, and that the sitting at eleven be considered a distinct sitting, and that there be two sittings to-morrow.

Hon. Mr. LANDRY—With the leave of the Senate.

Hon. Sir MACKENZIE BOWELL—Can the hon. gentleman tell us what Bills it is necessary for the Senate to pass, before he can consent to an adjournment? I understand there is one giving certain powers to the Governor in Council to issue a proclamation affecting immigration. What others are there?

Hon. Mr. SCOTT—The other was a Bill known as the Inland Revenue Bill regulating the duties on raw and cured tobacco.

Hon. Sir MACKENZIE BOWELL—That is the one they are considering now?

Hon. Mr. SCOTT—That is the one they are now wrestling with. It affects the province of Quebec very considerably, and it was thought very desirable that before arrangements were made for the spring operations, the people in Lower Canada should know whether the law was really going to be changed. That was the argument I heard advanced in the House of Commons, indicating a desire to have the Bill passed as promptly as possible.

Hon. Mr. LANDRY—Does the hon. gentleman mean by 'spring operations' the local elections in the province?

Hon. Mr. DERBYSHIRE—The cultivation of the tobacco plant.

Hon. Sir MACKENZIE BOWELL—Could not the question of adjournment be settled to-night, providing these Bills come down and are passed by the Senate in the morning and assented to in the afternoon?

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—Might I ask the hon. Secretary of State whether he has considered the length of time to which the Senate should adjourn?

Hon. Mr. SCOTT—The day fixed originally was April 30. That would be a Thursday.

Hon. Mr. CLORAN—That is a bad day.

Hon. Mr. SCOTT—The day for the reassembling of the House is always a bad day. There is a desire to postpone it indefinitely. In consideration of our not being able to adjourn on the day first indicated, I would have no objections to stretch it a couple of days longer. I think we might adjourn till Tuesday the 5th or Wednesday the 6th.

Hon. Sir MACKENZIE BOWELL — I do not propose to dictate to the hon. gen-

tleman, but my own impression is that at this period of the session, with the probabilities of a large amount of work coming down from the other House, that we should adjourn until the middle of May or even to the 5th or 6th May? Unless it is anticipated that when a dozen Bills come up to us we are expected to declare them carried without any consideration whatever, without casting any reflection on the mode of legislation in this House, I think we do not give sufficient attention, consideration and study to Bills. I recognize the desire of those who live at a distance from the capital to have a long adjournment, but our duty to the country is paramount to any personal consideration. However, if the government take the responsibility of the long adjournment it is not for the few of us on this side of the House to object.

Hon. Mr. SCOTT—My own impression was that it would be better to adjourn to the 30th.

Hon. Sir MACKENZIE BOWELL—Stick to it then.

Hon. Mr. SCOTT—But I found that hon. gentlemen on both sides, the leader of the opposition among them, wanted a long adjournment to enable them to go to their homes, and remain a while there before returning. Besides, I had to take the view that the House of Commons will adjourn for a week at any rate, so I fancy we will not be in arrears with the business.

Hon. Mr. BOSTOCK moved that when the Senate adjourns to-morrow it stand adjourned until the 6th of May at three o'clock.

Hon. Mr. CLORAN—The hon. senator from Hastings does not sympathize with those who live in British Columbia and the maritime provinces, and who for months at a stretch are unable to visit their homes. He is willing that the government should take the responsibility of the adjournment, but I see no necessity for throwing the responsibility on them. We are perfectly independent of the government in this House. Those of us who live at Montreal and Toronto and other points not far from the capital have the advantage, through the kindness of the majority, of being able to go home every Friday and look after our private business until the following Tuesday, while those who live at a distance have to remain here from the opening of the session until prorogation. When, therefore, our colleagues from British Columbia and the maritime provinces ask for an adjournment of four weeks, the least we can do is to accord it to them, especially when there is no business before the House. Some hon. senators before leaving for their homes requested me to endeavour to have the original understanding that the adjournment would be until the 5th of May adhered to.

Hon. Mr. BOSTOCK—As there seems to be some little misunderstanding about this motion of mine, I would ask leave to put it as a notice of motion.

Hon. Mr. SULLIVAN—These adjournments are discreditable to the Senate and will do it a great deal of harm.

The SPEAKER—I call the attention of the hon. gentleman to the fact that the motion has been withdrawn and a notice of motion has been substituted for it.

Hon. Mr. LANDRY—The motion was proposed by the Chair, and it was on that motion that the hon. senator from Victoria (Hon. Mr. Cloran) spoke. It cannot be withdrawn without the unanimous consent of the House.

Hon. Sir MACKENZIE BOWELL—What possible object can be gained by withdrawing the motion and substituting a notice of motion. If there is to be an adjournment the sooner we know about it the better, and I would suggest to the hon. gentleman from British Columbia to adhere to his motion.

Hon. Mr. WATSON—Of course we want an adjournment, but the reasons for asking for a postponement of this motion, was to facilitate the passing of three important Bills, and the leader of the House stated that he had no objection, on the understanding that those Bills should be assented to to-morrow. If that is the case it would not be fair to put the motion to-night that when the House adjourns it stand adjourned till the 6th of May. I think a notice of motion is the proper thing.

Hon. Mr. YOUNG—My understanding with the hon. gentleman from Kamloops was that he was giving a changed notice of motion. By some misunderstanding this question was put from the chair. There was an understanding that these Bills should be put through before the Senate adjourns, and what is the harm if we delay this motion till to-morrow? We should not adjourn and leave this work unfinished. If we have our business completed to-morrow, we shall be in a position to adjourn.

Hon. Sir MACKENZIE BOWELL—As the hon. Secretary of State has abandoned the leadership of the House, and the responsibility has been assumed by the hon. gentleman from Portage la Prairie, and the reasons which he has given have been so ably seconded by the hon. gentleman from Killarney, I withdraw my objection. After the lucid explanations and the unanswerable arguments advanced in favour of allowing the matter to remain open till to-morrow, I should not be doing my duty if I did not abandon my opposition to it.

Hon. Mr. LANDRY—I think there is a way to get out of the difficulty. I cannot see why the hon. gentleman could not withdraw his motion and give a notice of motion, and let it stand until to-morrow. It has been already amended. As the hon. gentleman from Hastings has abandoned his objection, I hope the new leader of the House will see that all the questions I place on the Order Paper are answered, and that all the returns I ask for are brought down as soon as we re-assemble. I desire to call his attention to the fact that I received an answer to an address to-day which is not complete. On March 17, I moved:

That an order of this House do issue ordering to be laid on the table of this House a copy of the service roll of the Garrison Artillery companies of Ottawa and Morrisburg, giving names of the militiamen who were on active service, and who were in barracks at Fort Wellington, Prescott, during the months of November and December, 1865, and during the months of January, February, March, April, May and June, 1866; and also a statement showing what was the daily pay paid to the soldiers of these two corps and that which the militiamen belonging to Company No. 2 of the Ottawa Field Battery received at the same time or that which was received by other corps of the Military District of Ottawa, which were also called out for active service.

The last part of this return has not been furnished. The return of the department comprises the two first corps mentioned, but I want the third one, and one or two in the fourth category. I have put a little note at the bottom, telling what I want. It will be very short.

Hon. Mr. SCOTT—I suppose it is available?

Hon. Mr. LANDRY—Yes.

Hon. Mr. SCOTT—I understood from the military authorities that my hon. friend was satisfied with the information he was able to get.

Hon. Mr. LANDRY—That was a misunderstanding. I am satisfied with the way it is prepared. It is a bona fide way but it is not complete.

Hon. Mr. BEIQUE—I hope the hon. gentleman from Stadacona will see his way to prepare questions for to-morrow which will keep the hon. Secretary of State occupied during the recess in preparing the answers.

Hon. Mr. LANDRY—I desire to give my hon. friend satisfaction in regard to that, and I will certainly to-morrow have a full list, one for each day of the recess, so that the hon. leader of the government in this House will have ample opportunity to prepare the answers which are needed in the public interest.

The SPEAKER—I suppose the notice of motion for to-morrow will be on the Order Paper for the first sitting. It may be adopted before one o'clock or may be adjourned till the second sitting.

The Senate adjourned till eleven a.m., to-morrow.

THE SENATE.

OTTAWA, Friday, April 10, 1908.

The SPEAKER took the Chair at Eleven a.m.

Prayers and routine proceedings.

QUEBEC BRIDGE COMPANY.

INQUIRY POSTPONED.

Hon. Mr. LANDRY inquired:

Is it true, and has this fact been brought to the knowledge of the government that on Thursday, the 28th day of January, 1904, about three months after having signed with the government its agreement of the 19th October, 1903, the Quebec Bridge and Railway Company, at a special general meeting of its shareholders, adopted a resolution confirming in the most positive manner all that had been previously done at the said meeting by the directors on the subject of the abandonment of the company by the shareholders of their shares not fully paid up, in exchange for shares completely paid up, for the amount paid in by them upon the shares?

Does the government know that by this simple transaction those of the shareholders who had only paid 4 per cent—there were some —and those who had only paid 25 per cent upon their shares—who were nearly all of them—repudiated the obligation, voluntarily and legally contracted, to pay up in full their allotment, and thus freed themselves from shares upon which they might still have been called to pay 75 per cent or 96 per cent?

Does the government know that the company thus diminished, at that date, by $156,600, the amount which the company might have been able to draw upon a sum of $220,300 then subscribed by the shareholders, and at one blow lowered its subscribed capital to the figure of $63,700.

Hon. Mr. LANDRY—Is the hon. gentleman ready to give an answer to this question?

Hon. Mr. SCOTT—No.

Hon. Mr. LANDRY—That information comes from the government. It is not the company.

Hon. Mr. SCOTT—I had to go to bed last night.

Hon. Mr. LANDRY—Is the government behind time? I suppose the government will be up to date on May 7?

The inquiry was allowed to stand.

QUEBEC BRIDGE COMPANY.

DELAYED RETURN.

Hon. Mr. LANDRY—Before the orders of the day are called, I should like to direct the attention of the hon. leader of the House to the fact that I obtained from the Senate on January 29, 1908, an order for an address to His Excellency the Governor General, for the following information:

1. Has the Quebec Bridge and Railway Company fulfilled the obligation which was imposed upon it by clause 4 of the agreement made, between it and the government, on the 19th day of October, 1903, which clause reads as follows:—

4. The company will procure subscriptions for additional stock to the amount of $200,000, such new stock to be issued at a price not below par and to be immediately paid up in full, the proceeds to be applied in the first place in the payment of the discount at which the bonds of the company were issued as aforesaid, to wit the sum of $188,721. (Being exactly the difference between the sum of $472,000, the amount of bonds issued, and the sum of $283,279, for which these same bonds were accepted)?

2. When did the company so furnish subscriptions for additional stock to the amount of $200,000?

3. Who are the persons or the companies who divided among them this additional stock to the round sum of $200,000?

4. On what date and for what amount did each of these persons or each of these companies become owner of the aforesaid stock?

5. On what date did each of the aforesaid persons or companies pay into the hands of the company the price (in part or in whole) of the stock so subscribed?

6. Was this amount of $200,000 paid in full and in what manner? How much in cash, how much in promissory notes and how much in any other way?

That question was asked on January 29. Since that time I have made other inquires respecting it, and I have as yet no answer from the government. I suppose the government has forgotten that little item.

Hon. Mr. SCOTT—It is absolutely impossible at times to obtain answers to notices of inquiry, where the information is obtained outside of the department. You cannot take out a writ against a man because he will not answer questions. I do the best I can.

Hon. Mr. LANDRY—I am not complaining at all of the hon. minister, but if the hon. minister would press gently——

Hon. Mr. SCOTT—I will be glad to do anything I can, I assure my hon. friend.

Hon. Mr. LANDRY—There is ample time between now and May 7 to obtain all that information. This inquiry has been standing since January 29.

Hon. Mr. SCOTT—All right, I will press for it.

Hon. Mr. LANDRY—I shall be very anxious to receive the answer when the

House resumes after the Easter adjournment.

Hon. Mr. SCOTT—I hope we shall have the hon. gentleman here, whether the answer arrives or not. I should like him to be ahead of the answer.

Hon. Mr. LANDRY—I am willing to come a day in advance to help the hon. gentleman, without salary. I shall do as Judge Cassels does.

THIRD READING.

Bill (69) An Act to incorporate the Ruthenian Catholic Mission of the Order of Saint Basil the Great in Canada.—(Hon. Mr. Talbot.)

SECOND READINGS.

Bill (40) An Act respecting the Pacific Coast Fire Insurance Company.—(Hon. Mr. Bostock.)

Bill (41) An Act to incorporate the Standard Plate Glass Insurance Company of Canada.—(Hon. Mr. Jaffray.)

Bill (101) An Act respecting the Fort William Terminal Railway and Bridge Company.—(Hon. Mr. Watson.)

IMMIGRATION ACT AMENDMENT BILL.

FIRST, SECOND AND THIRD READINGS.

A message was received from the House of Commons with Bill (135) An Act to amend the Immigration Act.

The Bill was read the first time.

Hon. Mr. SCOTT moved the suspension of the rules so far as this Bill is concerned. He said: The Bill consists of but a single clause and has a single object; it is to authorize the Governor in Council to allow the Minister of the Interior to prevent the arrival in Canada of undesirable immigrants, and one way of arriving at that is by providing that any immigrant coming from a country other than of his birth or nationality can be stopped, if, in the discretion of the department, it is deemed advisable in the public interest. Of course it will prevent the influx of Hindoos who come from Hong Kong, and Japanese who come from the Sandwich Islands. That is substantially the object of the Bill.

30. The Governor in Council may, by proclamation or order, whenever he considers it necessary or expedient, prohibit the landing in Canada of any specified class of immigrants or of any immigrants who have come to Canada otherwise than by a continuous journey from the country of which they are natives or citizens and upon through tickets purchased in that country.

The Bill, consisting as it does of only this one clause and with a single object, I presume will be permitted to pass under a suspension of the rules.

Hon. Mr. LANDRY—It is only subsection 1 that is amended. Subsection 2 remains unchanged.

Hon. Mr. SCOTT—Yes.

Hon. Mr. LANDRY—The only change is in the words 'otherwise than by continuous journey'—that is the material change.

Hon. Mr. SCOTT—Yes. It will affect the people I have indicated, especially Japanese coming from the Sandwich Islands. A large number have come into Canada in that way.

Hon. Sir MACKENZIE BOWELL—This Bill is of a much wider character than that described by the Secretary of State. If the Governor in Council chooses to use the prerogative thus given to him, it may be extended to others than Japanese or Hindoos.

Hon. Mr. SCOTT—Yes. I merely mentioned these two races by way of illustration.

Hon. Sir MACKENZIE BOWELL—That I suppose is the primary object of the Bill. I should like to call the attention of hon. gentlemen to the position the members of the present government occupied some years ago on this question of government by order in council. I remember distinctly when the friends of the hon. Secretary of State used to condemn their opponents for investing so much power in the Governor in Council. At the time, they contended it should only be done properly, and under the constitution, by parliament. The answer that was usually given by a very prominent leader of the Conservative party at that time was that the 'order in council was a great institution.' Most of you who have listened to the late Sir George E. Cartier will remember very well how he used to meet the

arguments advanced by the leader of my hon. friend's party on this question, but in this, as in most other cases, the government have found it necessary to depart from their early education or, perhaps, I had better say, their early predilections of opposition principles.

Having said this much in reference to the past history of the hon. gentleman, I congratulate him that he has upon that, as upon many other things, changed his mind since the responsibilities of office have been placed upon his shoulders. How far will the carrying out of the provisions of this Act interfere with the treaty into which they entered with Japan in reference to the right of the Japanese to come into and depart from Canada ? That question was discussed in this House on a previous occasion. This Bill is extending a power which will restrict rights of the Japanese secured to them under the treaty to which Canada became a party some years ago. I do not know that it is necessary for me to characterize the conduct of the government at that time, but it was either an oversight, if I may use that expression, of the policy of the late government upon this question, or it was gross negligence on the part of those who intimated to the Colonial Secretary in England the willingness of Canada to accept the treaty in its entirety, when they had before them, on record, the objections taken by the late government to becoming a party to the treaty between England and Japan on the grounds that it took from the Canadian government the power to regulate the immigration into this country. Now, had they followed the policy adopted at that time, by the Conservative government, none of these difficulties which have arisen of late would have occurred, because the government would then have been in a position to adopt the policy of Natal, and prevent the entrance into this country altogether of an objectionable class of immigrants. Had they reflected for a moment, and accepted the policy of the late government, they might have become a party to the treaty, reserving the right to themselves to restrict such immigration, because when objection was taken by the Dominion government to becoming a party to this treaty, the Colonial Secretary at that time, having had communication with the Japanese authorities, acceded to a request which had been made by the Dominion government to reserve the right in the treaty to Canada to regulate the immigration into this country. But, unfortunately, for the country, at that time the Conservative government was defeated, and the present government came into power. Shortly afterwards they intimated to the British government their willingness and desire to become a party to the treaty with Japan, and when it was asked if they desired the reservation to be made in the treaty which had been granted to Natal, it was intimated to them that that concession would be made, and that they had the authority of Japan to concede that very important point, but for some reason which has never yet been explained, they declined to demand and insist upon that reservation, intimating to the Colonial Secretary that they were willing to accept it in its entirety, and becoming a party to the treaty to which England had become a party.

Hon. Mr. LANDRY—And they took three months to answer a telegram ?

Hon. Sir MACKENZIE BOWELL—And as has been intimated, when a cablegram was sent to the government of this country, asking if they were willing to accept the treaty as it was then upon the statute-book of England, it took them three months to answer that telegram. However, apart from all that, it is only another evidence of the want of thorough investigation and consideration in the acceptance of treaties made by England with other foreign countries, or with what I may call its own dependencies. My hon. friend knows that formerly it led to a great many difficulties. Formerly the English government used to enter into treaties irrespective of the effect which they might have upon any of their dependencies or any of their colonies. The long period during which the Conservative government were in power, they objected to that, and then a concession of this character was made, which is still, I believe, in existence: that whenever a treaty is entered into between Great Britain and any foreign power, no matter whether it be great or small, it is submitted to the

Canadian government, and a certain period is given to them to declare whether they will become a party to the treaty or not, and so far as the late government was concerned, these treaties which affected the commerce of the country in any degree, either directly or indirectly, were generally referred to the department over which I had the honour to preside. In almost every instance, I recommended against becoming a party to these treaties, and for this reason: the Canadian government never knew what conditions might arise, which would make it desirable to have freer intercourse with foreign nations, and if we had become a party to the provisions of the treaty entered into between England and a foreign country, we would be debarred from entering into any better trade relations with that country. By not becoming a party to such treaties we were always in a position to enter into reciprocal relations or to make any concession to meet concessions which were made to us. That was the reason why the late government declined in almost every instance to become parties to treaties which affected the trade of the country. I have watched current events pretty closely, and I have never yet seen any satisfactory explanation of the reasons which induced the present government to become a party to this treaty with Japan containing the objectionable clauses to which I have referred. The only explanation I have ever heard was by my hon. friend opposite when he said that there were advantages to be derived by entering into that treaty, of which we would be deprived if we did not enter into it. My answer to that is that you could have obtained all the concessions and all the advantages in the matters of trade that could be derived from that treaty and still retain the right to restrict immigration. I thought it only justice to the late government to point out the fact that all these advantages might have been derived had their policy been continued, and none of these difficulties in regard to immigration would have occurred. I may say before this Bill is passed—and I am not aware that anyone is going to oppose it under the circumstances, because the government must take the full responsibility of placing it on the statute-book—whether it is going to bring us into conflict with the treaty as it now exists, or whether difficulties may arise between England and Canada on this subject, or between the mother country and Japan, is for the future to disclose. The government, I should suppose, have taken all these questions into their serious consideration, and have come to the conclusion, in order to meet the demand which has existed and still exists on the Pacific coast, to take the responsibility, and those who have opinions in opposition to the extreme measures which have been adopted, or are likely to be adopted in future on this question, must throw on the government the responsibility they have assumed.

Hon. Mr. SCOTT—I can relieve the hon. gentleman's mind at once by saying that this Bill will in no way interfere with the understanding we have with Japan. It will meet with their approval. Japanese coming to Canada must obtain their passport before leaving their country. All others we can thrust aside. The understanding with Japan is a cordial and pleasant one. I am not going to discuss the broader questions my hon. friend entered upon more than to say that I do not agree in the conclusions he has reached. I do not believe that we should have secured a treaty with Japan if we had insisted upon adopting the Natal Act. My reading of the correspondence—and I have certainly given it a great deal of attention—in 1896 was this: That the late government insisted that neither labourers nor artisans should be admitted into Canada. That was the ground they took. The Japanese were quite willing that we should exclude the labourers, but drew the line at artisans, and so the negotiations were broken off. If hon. gentlemen will reflect for a moment, they will recognize that the conditions in 1896 were entirely different from the conditions in 1906. In ten years, Japan had jumped from being a practically unknown country into being one of the leading nations of the world. Japan had in the meantime met successfully so powerful a nation as Russia, and their national pride had risen under the new conditions, and it was perfectly idle for us to have insisted at that time on the Natal Act. I am quite aware that the Colonial Secretary communicated with Canada and wanted to know

whether we were going to insist on the Natal Act. That did not at all indicate that Japan was willing to concede it. Japan would have turned it down at once —no question about that—and it was simply having a treaty with Japan under conditions that seemed extremely promising, or cutting it adrift. Japan has met us very fairly indeed. When Japan came to recognize that it was a cause of trouble in Canada, the influx of so many Asiatics and foreigners, they appreciated our position, and made an arrangement that is now being fairly carried out, and I think will work in the future, and this Bill will in no way conflict with the new arrangement we have with Japan. I can give my hon. friends that assurance.

Hon. Sir MACKENZIE BOWELL—Perhaps I may be in error, but my recollection is that Japan had consented at the time to enter into trade relations with Canada conceding what had been conceded to Natal. My impression is that that was the intimation from the Colonial Secretary. If I am in error, I should like to be put right. I wish to add to what I have already said, that the Conservative government never objected to artisans and the parties to whom my hon. friend has referred, coming into Canada. That was always conceded by the Conservative government.

Hon. Mr. SCOTT—My recollection of it is very accurate, because I had to analyze very carefully all the correspondence of our predecessors, and I am quite right in saying that Japan consented that the labour element should be excluded from Canada in the treaty then contemplated, but would not agree to the exclusion of artisans. According to my reading, under the Natal Act, artisans might be excluded, and, therefore, the Natal Act in its entirety would not have been acceptable so far back as ten years ago; but certainly, in 1906, after her successful war with Russia, Japan would never have consented to our drawing the line so exclusively.

Hon. Sir MACKENZIE BOWELL— I am very glad that my hon. friend's recollection confirms my own.

Hon. Mr. LANDRY—Prior to 1906, when Japan came out so gloriously from its war with Russia, a correspondence was exchanged between the Canadian and British governments and the following despatch was sent by Mr. Lyttelton to this government. It is dated London, July 4, 1905 :

London, July 14, 1905.

Referring to your confidential despatch of June 7, should Japanese government be informed that your government wishes to adhere to treaty of 1894 and supplementary convention of 1895 under same terms and conditions as Queensland in 1897 which Japanese government then agreed to extend to any other colonies adhering within prescribed period, namely (1) that stipulations contained in first and third articles of treaty shall not in any way affect laws, ordinances and regulations with regard to trade, immigration of labourers, artisans, police and public security, which are in force or hereafter may be enacted in Japan or in colony; (2) that treaty shall cease to be binding as between Japan and colony at expiration of twelve months after notice has been given on either side of desire to terminate same.

Or are your government prepared to adhere absolutely and without reserve as would appear to be the case from speech of Minister of Agriculture in Canadian parliament, June 22? Please telegraph reply.

LYTTELTON.

No reply was sent until the following September, after a new appeal had been made by Mr. Lyttelton, in the following telegram :

London, September 6, 1905.

In reply to your telegram received today please inform your Prime Minister that before taking steps as regards adhesion of your government to commercial treaty with Japan His Majesty's government awaiting reply to telegram of July 14.

LYTTELTON.

Hon. Mr. SCOTT—I have read all that a dozen times. I am quite familiar with every word of it.

Hon. Mr. LANDRY—The hon. Secretary of State, after some deliberation, sent the following answer :

Ottawa, September 25, 1905.

The undersigned, the Secretary of State, has had under consideration the minute of council approved on June 7 last, advising, on the recommendation of the Minister of Trade and Commerce that His Excellency be moved to ascertain whether the Japanese government would be prepared to admit Canada to a participation in the existing treaty between Great Britain and Japan, adopted in the year 1894 and supplementary convention 1895 and has had also under consideration the cable despatch from Mr. Lyttelton to Earl Grey of July 14 last inquiring whether the government of Canada was prepared to adhere absolutely and without reserve to the treaty of 1894 and 1895, or whether Canada desired to limit the

terms of the treaty to the conditions made on behalf of Queensland when accepting the Japanese treaty, which provided that the stipulations contained in the 1st and 3rd articles of the treaty should not in any way affect the laws, ordinances and regulations with regard to trade, immigration of labourers, artisans, police and public security which are in force or might hereafter be enacted in Japan or Queensland; (2) limiting the treaty to a period of 12 months after notice given on either side.

When the minute of council dated June 7, 1905, was approved the judgment of the Privy Council as expressed in that minute was that Canada was willing to become a party to the treaty of 1894 and supplementary convention of 1895 without any reserve. Since those dates Japan has enacted a law, limiting immigration to foreign countries thus removing one of the objections that influenced the government of Canada in declining to become a party to the treaty with Japan in 1897. It is doubtful whether Japan would now agree to a treaty on any other basis than the proposals contained in the original treaty.

The undersigned therefore recommends that a cable despatch be sent to Mr. Lyttelton advising him that the government of Canada is prepared to adhere absolutely and without reserve to the treaty of commerce and navigation made between Great Britain and Japan in 1894 and supplementary convention signed at Tokio in July, 1895.

All of which is respectfully submitted.

R. W. SCOTT,
Secretary of State.

So, prior to that important step taken by Japan in 1906, this government had given its decision to adhere absolutely without reserve to the treaty between Great Britain and Japan.

Hon. Mr. SCOTT—Because we knew there was no other way. Mr. Lyttelton does not undertake to say that Japan was willing to do that. Some clerk in the colonial office copied despatches of ten years previously. There is no basis of fact in that communication, not the smallest.

Hon. Mr. BEIQUE—The hon. gentleman has lost sight of the note sent to this government by Mr. Nosse, which is to be found on page 2099 of 'Hansard.' He says:

> The Japanese government will, I am afraid, never agree to such terms, and decline to entertain the question of allowing Canada into the party, if she will ask Japan to give her special concessions. Japan gives England the right of coastwise navigation, for instance, the Canadian Pacific Railway steamers at present call at the open ports in Japan, but Japan will never ask the same privilege, and the immigration will always be restricted voluntarily by Japan, and I do hope very much that Canada will depend upon our good faith and will not try to put any restrictions by right of treaty. The Queensland treaty is quoted, but this treaty does not now exist since her amalgamation into the Commonwealth, and there is not any treaty at present between the colony and Japan.
>
> I hope you will do your best not to make any special proposal to the English government, else your endeavours will come to nothing.

Hon. Mr. SCOTT—It has nothing to do with this Bill.

Hon. Mr. LANDRY—That was his opinion.

Hon. Mr. BEIQUE—But he was speaking as the representative of his government.

Hon. Mr. LANDRY—That was not a reply at all.

Hon. Mr. BEIQUE—Then he gave an assurance to the Canadian government that the immigration would be restricted by his own government.

Hon. Mr. LANDRY—As far as possible.

Hon. Mr. BEIQUE—It is quite natural that, under such circumstances, the Canadian government, who were contemplating fostering the trade between this country and Japan to a considerable extent, and were therefore interested in keeping in full sympathy with the Japanese government, should deem it advisable to take this assurance on the part of the representative of the Japanese government and accede to the request. Now, the result has not proved to be against the interests of this country. We have had the example of what has taken place here as well as in the States, and it is perfectly well known that although the United States were free to impose whatever restrictions they liked, the difficulties were more intensified on the other side of the international boundary than they were on this side. The result has been that the Japanese government has taken upon itself the restriction of immigration in a fair measure. Therefore, the criticism made on this occasion as well as on former occasions, by the hon. senator from Hastings does not appeal to my mind, and, I believe, to the minds of hon. members of this House, generally. I quite understand that the hon. gentleman is much more impressed than members of this House generally are, with the omniscience of the late government, and

that he is always disposed to criticise the present government. There is no doubt that sometimes this government, like all governments, is open to criticism; but on this occasion I do not think the criticism is justified.

Hon. Mr. LANDRY—We would want another commission to find that out.

Hon. Mr. POWER—I rise for the purpose of calling attention to the fact that we are not now considering the treaty with Japan. That has been settled, and there is no object in going back and discussing a matter which was very fully debated at the proper time.

Hon. Mr. LANDRY—Have we no right to do that?

Hon. Mr. POWER—No.

Hon. Mr. LANDRY—Certainly we have.

Hon. Mr. POWER—The speeches are not relevant to the subject before the House.

Hon. Sir MACKENZIE BOWELL—This is rather a new doctrine to lay down. We are dealing with a Bill which we contend materially affects the treaty into which we entered with Japan, are we to be told that we are not to discuss the effect which we believe it will have on the peaceful relations between the empire and Japan and this country? It is a new doctrine?

Hon. Mr. POWER—The hon. gentleman has not been discussing the effect of this measure, he has been discussing the effect of the treaty.

Hon. Sir MACKENZIE BOWELL—As this Bill affects the treaty, we have a right to discuss what that effect is likely to be, and the provisions of the treaty, and the manner in which this Bill will affect them. I think we may well leave that question in the hands of the Speaker if it is raised as a point of order. The hon. gentleman from De Salaberry says that I think all Acts of the late government are above criticism. He labours under a great misapprehension if he thinks so. In the case of the late government, as in the case of all others, as events show, the wisest course has not always been followed. The only difference between the hon. gentleman and those who agree with me is this: there is a vast difference between making a treaty with a foreign government and taking the word of a consul general in the country, and putting it in a treaty. If Japan is prepared to do all that it promised to do, Japan will probably carry out its promise; but the agreement should have been put in the treaty and then there could have been no misunderstanding about it in future. Governments, as my hon. friend knows, are like many individuals; they sometimes make promises which they never carry out.

Hon. Mr. CLORAN—I wish to call the attention of the House to the fact that members have been permitted to speak half a dozen times on this question, while at times, on other subjects, a senator is not permitted to speak twice.

The SPEAKER—I admit there were remarks which were out of order, but they were made by leave of the House. If no point of order is raised, I take it for granted that there is no objection.

The motion was agreed to, and the Bill passed through its final stages.

INLAND REVENUE ACT AMENDMENT BILL.

FIRST, SECOND AND THIRD READINGS.

A message was received from the House of Commons with Bill (143) An Act to amend the Inland Revenue Act.

The Bill was read the first time.

Hon. Mr. SCOTT moved the suspension of the rules so far as they relate to the Bill.

Hon. Sir MACKENZIE BOWELL—Will the hon. Secretary of State kindly inform us what necessity there is for this rapid legislation ?

Hon. Mr. SCOTT—The tobacco industry is assuming larger proportions year by year, and this Bill proposes to give greater advantages to the Canadian grower. In Essex, and many parts of the province of Quebec, they are growing more tobacco every year, and this Bill will stimulate the industry. It is thought desirable that the people interested should be advised as early as practicable that the Bill had re-

ceived the approval of parliament in order that they might make arrangements for the coming season accordingly. The provisions of the Bill mainly are to permit of only one class of license. Under the existing Act, there is considerable elaboration in regard to tobacco licensing. For one thing, there are four stamps, and it is proposed to reduce the number to one, and there are a number of details which are changed by the Bill with a view to the more simple working of the Act. At present, Canadian leaf tobacco goes into the factory and is subject to the same duty as foreign leaf. That is being changed to the advantage of the Canadian grower.

Hon. Mr. LANDRY—Will it be subject to the same duty ?

Hon. Mr. SCOTT—The duty is changed in this Bill, but the law as it stands at present provides that when Canadian tobacco goes into the factory it shall be subject to the same duty as foreign tobacco.

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

Hon. Mr. SCOTT moved that the House resolve itself into a Committee of the Whole on the Bill.

Hon. Sir MACKENZIE BOWELL — I want to congratulate the hon. gentleman on having taken another step in the direction of carrying out the policy of the late government. I hope the hon. senator from De Salaberry will not think that I am trying to extol the acts of the late government again ; I am simply stating a fact. My hon. friend says that this Bill is in the line of protection. I congratulate him on his still further conversion to a protective policy. As long as he legislates in that direction, I can assure him of my support at least, and on the support of all members of the Senate who approve of a protective policy.

The motion was agreed to, and the House resolved itself into a Committee of the Whole.

(In the Committee.)

On the first clause,

Hon. Mr. POWER—The change in this clause is made by striking out the words at the end of the section 'to manufacture Canadian leaf tobacco only.' Why is that change made ?

Hon. Mr. SCOTT—There are certain words taken out, because there is only one license to be issued now.

The clause was adopted.

On clause 4,

4. Section 141 of the said Act is repealed and the following is substituted therefor:

141. The department may, under the regulations made for that purpose, allow on the exportation of goods manufactured from, or a product or result of the process of manufacture of, articles subject to a duty of excise, and on which such duty of excise has been paid a drawback equal to the duty so paid, with such deduction therefrom as is provided in such regulations and subject to the direction of the Governor in Council

2. The said section 141 shall be construed as if it had been originally enacted as herein amended.

Hon. Mr. SCOTT—As the law stood, the Department of Justice decided that the Act did not contemplate the interference of the Governor in Council, and this is to make it retroactive so as to recognize what has been done.

Hon. Sir MACKENZIE BOWELL—Does the refund under clause 141 apply to the excise duty which has been paid, as well as the duty which is paid upon the imported leaf ?

Hon. Mr. SCOTT—It is only the duty on the leaf that is refunded.

Hon. Sir MACKENZIE BOWELL—That is the imported leaf ?

Hon. Mr. SCOTT—Yes.

The clause was adopted.

On clause 7,

7. Section 266 of the said Act is amended by adding the following subsection thereto:—

2. Every person who uses methyl alcohol, or spirits containing methyl alcohol in any form, in any pharmaceutical, medicinal or other preparation intended for external use shall affix to the vessel containing the said preparation a label stating, in black letters not less than one-fourth of an inch in height, the presence of methyl alcohol therein; and every person violating the provisions of this subsection shall incur a penalty not less than fifty dollars and not exceeding two hundred dollars.

Hon. Mr. POWER—I do not propose to move an amendment, but if we had plenty

of time, I think it might be well to amend the clause. I first call attention to the existing section, 266, which provides that every person who uses methyl or spirits containing methyl in any form, in any pharmaceutical, medicinal or other preparation intended for external use shall be liable to a penalty of $500. The amendment provides a penalty for the use of these spirits internally.

Hon. Mr. LANDRY—That is added.

Hon. Mr. POWER—The point is this: That very often people are poisoned by getting hold of preparations of this kind in the dark, and I think that the mere fact that there is a dark label on a bottle does not guide one very much if he is going to get a medicine bottle at night, and the provision, which, I think, exists already in our law, that a bottle containing this deadly poison should be made of ruffened glass, is the proper one.

The clause was adopted.

On clause 9,

9. Section 275 of the said Act is repealed and the following is substituted therefor:—

275. The person in whose favour a license for manufacturing tobacco or cigars is granted shall, upon receiving such license, pay to the collector the sum of fifty dollars.

11. Section 279 of the said Act is repealed and the following is substituted therefor:—

Hon. Sir MACKENZIE BOWELL—Is that a reduction of the license fee?

Hon. Mr. SCOTT—There is only one license now.

Hon. Sir MACKENZIE BOWELL—For manufacture of all kinds of tobacco and cigars?

Hon. Mr. SCOTT—Yes.

The clause was adopted.

On clause 11,

279. There shall be imposed, levied and collected on tobacco and cigars manufactured in Canada, the following duties of excise, which shall be paid to the collector as by this Act provided, that is to say:—

Hon. Mr. LANDRY—In the subclauses of this clause there are changes. In subclause 'a' it is 25 cents; now it is 5 cents.

Hon. Mr. SCOTT—Yes. In section 'a' instead of 25 cents it is 5 cents, and in section 'b' 5 cents, and in section 'c' it is 5 cents instead of 25 cents and so on.

Hon. Mr. POWER.

Hon. Sir MACKENZIE BOWELL—Can the hon. Secretary of State tell us why the great reduction in the excise duty is made?

Hon. Mr. SCOTT—The duty is now placed on the raw leaf. Formerly it was 10 cents. Now it is 28 cents.

Hon. Sir MACKENZIE BOWELL—Then the revenue is recouped by the duty imposed upon the imported leaf instead of collecting the excise on the manufactured article. That is another step in the direction of protection.

The clause was adopted.

On clause 12.

12. All stemmed and unstemmed raw leaf tobacco and all materials and articles the product in whole or in part of raw leaf tobacco which are in process of manufacture in any tobacco or cigar manufactory licensed to use foreign raw leaf tobacco shall, in addition to the duty already paid upon the raw leaf, be subject to the difference between the rate so paid and that hereby imposed, and all other materials in stock in any factory at the time this Act comes into force shall, under the conditions of subsection 2 of section 279 of the said Act, as hereby enacted, be subject to the rate of duty therein mentioned; and the quantity upon which such additional duty shall be paid, as well as the quantity upon which the percentage of such other materials shall be based, shall be determined in such manner as the Department of Inland Revenue directs.

Hon. Sir MACKENZIE BOWELL—This is a departure from the usual practice of legislation. The policy of the past has been that whenever a duty is changed, all goods in bond are subject to the new duty. This provides for the continuance of the old duty, whether it is high or low, upon all tobacco mentioned in this clause, that is in bond at the time. The furthest this principle has been carried, as far as my recollection carries me back, is that when goods, purchased in the foreign market, are in transit to this country that they have been allowed to come in at the duty which existed at the time of purchase. This goes a good deal further. No matter what quantity of goods may be in bond at the time this Act comes into force, they have the benefit of the old law.

Hon. Mr. SCOTT—The old duty was higher in that particular than the new duty.

Hon. Sir MACKENZIE BOWELL—But the principle is just the same. In the past the manufacturer who had the goods in bond received the advantages of the lower duty, or had to submit to the disadvantage of the higher duty.

Hon. Mr. LANDRY—Is the Governor in Council empowered by this legislation to interfere and reduce it to the figure mentioned in the law as it stands now?

Hon. Mr. BEIQUE—The clause is imperative.

Hon. Mr. LANDRY—But if there is another clause empowering the Governor in Council to interfere, and to be at liberty to give that reduction, which would bring it to the duty now imposed.

Hon. Mr. SCOTT—The only interference by the Governor in Council would be to proclaim when the Act shall come in force.

Hon. Sir MACKENZIE BOWELL—The Governor in Council would have no authority whatever, because this clause makes the collection of the duty imperative.

The clause was adopted.

On clause 25.

25. Section 334 of the said Act is repealed and the following is substituted therefor:—

334. All imported raw leaf tobacco which is removed from the custody of the customs authorities to a tobacco or cigar manufactory, or to a licensed bonding warehouse, when it passes into the possession and control of the department, may be so removed in bond, such bond being taken by the collector of customs and accompanied by proper entry papers, and shall be for an amount equal to one dollar per pound on the raw leaf tobacco to which it relates, and shall be conditioned for the delivery of the raw leaf tobacco to the tobacco or cigar manufacturer or licensed bonding warehouse mentioned therein.

2. Such bond shall be cancelled by the certificate on the customs removal entry, by the collector or other proper officer of Inland Revenue, that the tobacco to which it relates has been received at the tobacco or cigar manufactory or license bonding warehouse mentioned therein, and an account thereof made in the manufacturer's or licensed warehouseman's books.

3. The quantity certified to the collector of Inland Revenue shall be that ascertained by actual weight by the officer in charge of the tobacco or cigar manufactory or on the premises of a licensed warehouseman.

Hon. Mr. SCOTT—It is not necessary to refer to the different classes of factories, because they are all under one license. In the clause as it originally stood there was a division.

Hon. Sir MACKENZIE BOWELL—This again is, according to the policy of the government, to make no distinction whatever in the labels that are placed upon the manufactured article, whether it be made from foreign or domestic growth. Is that it?

Hon. Mr. SCOTT—No.

Hon. Sir MACKENZIE BOWELL—When we come to the third reading I shall ask for an explanation as to whether there is to be but one stamp or label on all kinds and quality of tobacco.

The clause was adopted.

Hon. Mr. KERR, from the committee, reported the Bill without amendment.

Hon. Mr. SCOTT moved the third reading of the Bill.

Hon. Sir MACKENZIE BOWELL—I should like to know from the Secretary of State why the policy of having but one label on all kinds of tobacco and cigars has been adopted. Under the former law, as I understand it, the label would indicate the character of the article that was being purchased. In other words, the label would show whether cigars were made from foreign or from home grown tobacco. I am not a user of tobacco, and never was; consequently I cannot appreciate the virtues of the different qualities. Is this change made for the protection of the Canadian grown leaf, or is it to enable the seller to dispose of the inferior article and pan it off as the superior article? Under the old law, a dealer placing an improper label upon an article would be subject to a penalty for fraud. In this case the buyer has to be the judge, either by tasting the tobacco or by smoking it, of what he is buying, unless the retailer or wholesaler is honest enough to tell him the character of the leaf out of which the article is manufactured. I am strongly in favour of protection, but I like to have it done in an honest, straightforward way, so as not to humbug and deceive the people who purchase. This clause, as the hon. gentleman indicated a short time ago, is for the protection of the Canadian

home grown leaf, but while it is a protection to the producer it will not be a protection to the consumer, and I suppose in order to carry out the doctrine of protection to its fullest extent it is legitimate in the eyes of the government that the purchaser should be deceived and not protected. Is that the principle the government has acted on?

Hon. Mr. SCOTT—No, I understand there was an actual prejudice against the Canadian grown tobacco, which is not fair.

Hon. Mr. SULLIVAN—Very properly so.

Hon. Mr. SCOTT—Under the law at present, there are different rates of duties according to the stamp. That is done away with, and for the first time, the duty has been equalized and one stamp suffices. That is the reason.

Hon. Mr. SULLIVAN—That is going to have a terribly bad effect on every individual who smokes, and the smokers constitute a large body in the community. If the tobacco is indicated by the stamp, this provision should be removed, because I can assure hon. gentlemen that this Canadian leaf, with all due respect to the gentlemen who are connected with the sale of it, is a most villainous article. If a man smokes this home grown tobacco in the smoking compartment of a car, for instance, it would mean instant expulsion. I do not say that humorously, but I say it is a very inferior tobacco. You cannot grow the same tobacco in this country that you can in Cuba and the United States, so that if the government has entered into any such contract with his satanic majesty it will have a very bad effect. I am sorry that the law has been changed, for my own sake, and I am afraid I will have to give up the indulgence of smoking.

Hon. Mr. WATSON—I think I can assure my hon. friend that he need not be afraid, and should not require Canadian tobacco to be labeled poison, because the hon. gentleman from Killarney has been smoking it for years and he is a healthy subject yet.

Hon. Mr. SULLIVAN—Canadian tobacco?

Hon. Mr. YOUNG—Yes.

Hon. Mr. SULLIVAN—There is an exception to all rules.

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

BILLS OF EXCHANGE ACT AMENDMENT BILL.

FIRST, SECOND AND THIRD READINGS.

A message was received from the House of Commons with Bill (142) An Act to amend the Bills of Exchange Act.

The Bill was read the first time.

Hon. Mr. SCOTT moved that the Bill be read at length at the table. He said a typographical error occurred in the Revised Statutes, the word 'endorser' being inserted instead of 'endorsee.'

The motion was agreed to.

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

Hon. Sir MACKENZIE BOWELL—I should like to call the attention of the Secretary of State to an error, as we are correcting errors in Bills. Bill No. 9, passed by both Houses, and sanctioned by the Governor General, contains no enacting clause. The usual provision 'His Majesty by and with the advice and consent of the Senate enacts as follows,' has been omitted. What effect will that have?

Hon. Mr. SCOTT—I do not know.

Hon. Mr. LANDRY—It might have the effect of changing the government.

Hon. Mr. SCOTT—I will refer it to the Justice Department.

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

OCEAN STEAMSHIP SUBSIDIES BILL.

FIRST, SECOND AND THIRD READINGS.

A message was received from the House of Commons with Bill (145) An Act to amend the Act relating to Ocean Steamships Subsidy.

The Bill was read the first time.

Hon. Mr. SCOTT moved that the Bill be read at length at the table.

He said: The French treaty has not yet been approved by the French government, and this legislation is for the purpose of granting a subsidy by Canada for a French line. It may have some influence on the passage of the treaty in France.

Hon. Sir MACKENZIE BOWELL—If this is not what is termed hasty legislation, I do not know what it is. No one has had an opportunity of considering that question. Although it does not require any great amount of thought, still the granting of a subsidy of that kind and the terms on which it is to be paid, are important questions, and whether the steamers are to run direct from port to port or whether they can carry goods to England or any other country en route to France, or whether it is absolutely necessary to have the transportation from this country direct with the vessels receiving this subsidy to France in order to enable the Canadian exporter to receive the benefit accruing from the adoption of the French minimum in the provisions of the treaty. None of us know anything about it, because as I understand it there is no provision for it. This hasty legislation is altogether inexcusable; but it is only doing precisely what I indicated a few days ago that on an occasion of this kind, or at the close of the session, a dozen or two of Bills will be brought down and galloped through at race horse speed. This Bill is predicated on the assumption that there will be direct communication, but there is an exception to that; that a vessel may call at a country, presumably England, which enjoys the benefit of the preferential tariff, and England, of course, would be the only country that vessels between France and Canada should call it. There is no provision of that kind in the treaty.

Hon. Mr. SCOTT—Oh, yes.

Hon. Sir MACKENZIE BOWELL—A direct importation does not mean for a vessel to go to Liverpool and transfer the goods there and then proceed to Paris.

Hon. Mr. SCOTT—Oh, no, there is no transfer. The steamship would have the right to call.

Hon. Sir MACKENZIE BOWELL—Even that is doubtful, but it only shows that the parties who entered into the treaty were not sufficiently acquainted with that branch of the trade between foreign countries and themselves to make provision for the difficulties that have arisen in the past and will arise in the future. I am not going to object to it; but I wish to make my protest against this kind of legislation.

The Bill was read at length at the table.

The Bill was then read a third time under a suspension of the rules and passed.

BILLS INTRODUCED.

Bill (114) An Act to amend the Winding Up Act.—(Hon. Mr. Scott.)

Bill (113) An Act to amend the Land Titles Act.—(Hon. Mr. Scott.)

The Senate adjourned until three o'clock.

Second Sitting.

The SPEAKER took the Chair at three p.m.

Routine proceedings.

ACETYLENE GAS BUOYS.

MOTION.

Hon. Sir MACKENZIE BOWELL — I have here a notice of motion which I had intended to put on the orders for to-day. If the hon. Secretary of State and the House think that I should give it as a notice of motion, I will move it on May 6, but if there is no objection, I should prefer to move it now.

Hon. Mr. SCOTT—Move it now.

Hon. Sir MACKENZIE BOWELL—It may as well go as a notice for May 6th.

The motion was agreed to.

The Senate was adjourned during pleasure.

BILLS ASSENTED TO.

His Excellency the Honourable Sir Charles Fitzpatrick, K.C.M.G., Chief Justice of Canada and Administrator of the Government of the Dominion, &c., &c., &., being seated on the Throne.

The Honourable the Speaker commanded the Gentleman Usher of the Black

Rod to proceed to the House of Commons and acquaint that House: 'It is His Excellency the Administrator's pleasure that they attend him immediately in this House.'

Who being come with their Speaker,

The Clerk of the Crown in Chancery read the Titles of the Bills to be passed, as follows:

An Act respecting the Atlantic, Quebec and Western Railway Company.
An Act to incorporate the London and Lancashire Guarantee and Accident Compay of Canada.
An Act to amend the Inland Revenue Act.
An Act to amend the Act relating to Ocean Steamship Subsidies.
An Act to amend the Bills of Exchange Act.

To these Bills the Royal Assent was pronounced by the Clerk of the Senate in the following words:

'In His Majesty's name, His Excellency the Administrator doth assent to these Bills.'

His Excellency the Administrator was pleased to retire, and

The House of Commons withdrew.

The Senate adjourned until Wednesday, May 6, at three p.m.

THE SENATE.

OTTAWA, Wednesday, May 6, 1908.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

ROSS RIFLE.

INQUIRY.

Hon. Mr. LANDRY inquired:

1. Has the government concluded any arrangement whatsoever for the manufacture of bayonets adapted to the Ross rifle?
2. If so, with whom?
3. For what quantity?
4. At what price each?
5. Has the government asked for tenders for the manufacture of those articles?
6. And if so, which are the papers which have published in their columns the notices given by the government to that effect?

Hon. Mr. SCOTT—The answers to the hon. gentleman's questions are as follows:

1, 2, 3 and 4. His Excellency the Governor General in Council has authorized that a contract be entered into with the Ross Rifle Company for the manufacture of 52,000 bayonets adapted to the Ross rifle, with scabbards, at the rate of $5.25 for each bayonet with scabbard complete.

5 and 6. Quotations were obtained from the Ottawa Car Company and the Ross Rifle Company: Ottawa Car Company, $5.40; Ross Rifle Company, $5.25. No public tenders were called for.

ANALYSIS OF FERTILIZERS.

MOTION.

Hon. Mr. DOMVILLE moved:

That an order of the Senate do issue for copies of all correspondence with Inland Revenue Department and officers referring to analysis of fertilizers, and for decision of department on questions raised during the years 1906, 1907 and 1908 to date.

The motion was agreed to.

QUEBEC BRIDGE AND RAILWAY COMPANY.

INQUIRY.

Hon. Mr. LANDRY inquired:

1. Is it true, and has this fact been brought to the knowledge of the government, that on Thursday, the 28th day of January, 1904, about three months after having signed with the government its agreement of October 19, 1903, the Quebec Bridge and Railway Company, at a special general meeting of its shareholders, adopted a resolution confirming in the most positive manner all that had been previously done at the said meeting by the directors on the subject of the abandonment of the company by the shareholders of their shares not fully paid up, in exchange for shares completely paid up, for the amount paid in by them upon the shares?
2. Does the government know that by this simple transaction those of the shareholders who had only paid 4 per cent—there were some—and those who had only paid 25 per cent upon their shares—who were nearly all of them—repudiated the obligation, voluntarily and legally contracted, to pay up in full their allotment, and thus freed themselves from shares upon which they might still have been called to pay 75 per cent or 96 per cent?
3. Does the government know that the company thus diminished, at that date, by $156,600, the amount which the company might have been able to draw upon a sum of $220,300 then subscribed by its shareholders, and at one blow lowered its subscribed capital to the figure of $63,700.

Hon. Mr. SCOTT—I am advised that the transaction, as far as the government is aware, is contained in chapter 54 of the Statutes of 1903. The 6th section reads as follows:

The company may, pursuant to clause 1, of the said agreement accept from the present subscribers of the capital stock of the company a surrender of such stock and relieve them from further liability upon the stock subscribed for by them, and thereupon such liability either to creditors of the company or otherwise shall cease and determine.

There is a long schedule attached to the Act which describes the phases of the transaction that took place between the Bridge Company and the government.

Hon. Mr. LANDRY—I suppose that answer is that the government knows all that took place ?

Hon. Mr. SCOTT—The only information that I have is that whatever was done was done under this Act.

Hon. Mr. LANDRY—That is not the question.

Hon. Mr. SCOTT—That is the only information I could obtain.

Hon. Mr. LANDRY—I ask, is it true, and has this been brought to the knowledge of the government, that on such a day such a thing took place ?

Hon. Mr. SCOTT—I am quite unable to answer.

Hon. Mr. LANDRY—Not had time enough yet ?

Hon. Mr. SCOTT—I have had abundance of time ; but my information is that the transactions between the Bridge Company and the government are based on the statute to which I have referred.

Hon. Mr. LANDRY—I am asking if the thing has been done, not what it has been based upon. You may have power to hang a man, but unless that power is exercised——

Hon. Mr. SCOTT—Whatever is authorized by that statute has been carried out, I understand.

BILLS INTRODUCED.

Bill (147) An Act to repeal the Canned Goods Act.—(Hon. Mr. Scott.)

Bill (149) An Act to amend the Meat and Canned Foods Act.—(Hon. Mr. Scott.)

Bill (OO) An Act to amend the Chinese Immigration Act.—(Hon. Sir Richard Cartwright.)

DELAYED RETURNS.

Hon. Mr. LANDRY—I should like to know from the leader of the House if there is any answer to that return I moved for three months ago respecting the Quebec Bridge Company?

Hon. Mr. SCOTT—No, not at present. The leader of the opposition in the other Chamber asked for a somewhat similar return, perhaps a larger return, and that is being prepared. I am advised that it will be ready within a few days. It will give all the particulars covered by the hon. gentleman's motion, covering also the points referred to in the motion of the hon. leader of the opposition in the other chamber.

Hon. Mr. LANDRY—I suppose he asked for that return at the beginning of the session.

Hon. Mr. SCOTT—He asked for it in December, a month before the hon. gentleman's request. I think the hon. gentleman's request was on the 29th of January.

Hon. Mr. LANDRY—And the order of this House will remain in abeyance.

Hon. Mr. SCOTT—Until this return is prepared. It is of course in preparation.

Hon. Mr. LANDRY—But mine is shorter.

Hon. Mr. SCOTT—It is not considered short by those who have to prepare the return.

Hon. Mr. LANDRY—Could the hon. gentleman give me any information about that little return—that very short return—about Mr. De Lisle ?

Hon. Mr. SCOTT—I thought I had that in my possession. I find I have not. I hope to be able to furnish it to-morrow.

RAILWAY ACT AMENDMENT BILL.

FIRST READING.

Hon. Mr. CASGRAIN introduced Bill (PP) An Act to amend the Railway Act as regards the preferential charge created by the issue of securities.

He said : As this is rather an important measure, I shall give the House a short explanation. The purpose of the Bill is to return to the law as it existed in the

Revised Statutes before 1903. Under the law as it stands to-day, the working expenses of a railway are chargeable on the property, instead of being chargeable on the revenues of the property, and the object of this Bill which I am now introducing is to provide that the working expenditures shall not rank before the bonds. Of course, I will be prepared to furnish fuller explanations when the Bill is read the second time.

The Bill was read the first time.

THE LATE SENATOR LOVITT.

Hon. Mr. SCOTT—Before the orders of the day are called, it is my sad duty to call the attention of the House to the absence of a gentleman who was with us when we separated in the beginning of last month. The late Hon. Senator Lovitt, of Yarmouth, was a gentleman who was highly esteemed by his colleagues in this House—a man of high judgment, giving on all occasions an independent vote. Though he rarely addressed hon. gentlemen from his seat in this Chamber, yet he was always attentive to his duties, and invariably exercised a wise and prudent judgment in the votes which he cast in the Senate. He had for many years been in public life. Thirty-four years ago, he was elected to represent the constituency of Yarmouth in the provincial house. Subsequently he represented that same constituency in the House of Commons, and soon after this government assumed office, in December, 1896, I think, he was called to this Chamber. During the ten years that he was a member of this Chamber, he earned the respect and esteem of every member of it. Retiring and modest in his manner, we all felt a very great sympathy for him in the mental suffering he endured during the last two years, owing to financial loss in regard to the bank with which he was connected. Those of us who knew the late Senator Lovitt were convinced that whatever circumstances led to the closing of the bank door, it could be through no fault of his, as he was regarded by those who knew him as a high-minded, honourable gentleman. On behalf of this Chamber, I desire to extend to the members of his family our deep sympathy in the affliction they have suffered.

Hon. Mr. CASGRAIN.

Hon. Mr. LOUGHEED—I feel assured that every hon. gentleman on this side of the House will most fully concur in the very appropriate remarks which have fallen from the hon. leader of the House. Every hon. gentleman must necessarily, on grounds of friendship and sentiment and otherwise, have deep feelings of regret at the death of any of our colleagues in this Chamber, but the late Senator Lovitt was a gentleman who endeared himself peculiarly to the members of this House, and I am sure the regret which his associates feel by reason of his death will be deep-seated and sincere. The hon. gentleman was one who always stood high in the estimation of this body, although he did not take as active a part as many hon. gentlemen in the proceedings of the Senate, yet his judgment was always esteemed as that of a man of strong calibre of thought and action. He was a man of considerable independence of thought, and the expression of his judgment was always regarded highly by his colleagues. Very few business men in their day have received a greater tribute of regret than the late Senator Lovitt, owing to the unfortunate and regrettable events which occurred in his business career within the last couple of years. Those events gave rise to expression from all quarters, and more particularly fro mthose who knew him personally, as to his honour, his probity and his honesty, and I know of my personal knowledge that the deepest regret was expressed on all sides that he should have been the victim of circumstances which caused him so much worry in his later days. I am sure every hon. gentleman in the Senate will join in the expressions of condolence which have been conveyed to his sorrowing family in their bereavement from all parts of the Dominion.

Hon. Mr. McMULLEN—I cannot let this sad occasion pass without expressing my concurrence in the remarks made by the leaders on both sides of the House to-day, concerning the sudden demise of our esteemed friend the late Senator Lovitt. I had the privilege and pleasure of sitting with him in the House of Commons as well as in this House, and a more genial, kind-hearted, liberal man I never had the plea-

sure of knowing. He was a most exemplary man in his conversation and actions, and was universally respected by all who knew him. I felt very much sympathy for him owing to the sad financial trouble he got into, in addition to the bodily ailment which followed, and I am sure that my sympathy was shared by every member of the House. I join heartily with the leaders on both sides of the House in extending to his bereaved family my sympathy in the sad loss they have sustained in the death of the late Senator Lovitt.

Hon. Mr. DOMVILLE—Coming from the province of New Brunswick, I cannot allow this occasion to pass without adding my tribute to that of the leaders of both sides of this House with regard to the late Senator Lovitt. Personally I have known Senator Lovitt for over forty years, and have during that time done a good deal of business with him. Everybody who knew him held him in the highest esteem. I do not think it is worth while to enter into any discussion as to his merits or demerits, because a man of the standing of the late Senator Lovitt required no eulogy in this Chamber and no endorsation from the people beyond the expression of a few kind words that his family may know that he was appreciated by those who knew him. The late Senator Lovitt stood so high in the maritime provinces that that fact alone places his character on the highest pinnacle and nothing further need be said on the subject.

OTTAWA AND GEORGIAN BAY CANAL.

DEBATE CONTINUED.

The order of the day being called:

Resuming the adjourned debate on the motion of the Hon. Mr. Casgrain, that he will call the attention of the Senate to the importance to Canada of the early construction of the Georgian bay canal, and will inquire of the government if the report of the survey made of the waterway will be laid before the Senate during the present session?

Hon. Mr. CLORAN—I consider it a privilege to address this honourable House, and through it the people of this country on the subject of this canal. I consider it a privilege for several reasons, but mainly one, that I hope to live to see the Ottawa and Georgian Bay canal built before I am obliged to leave this Chamber. It is a project which has engaged the attention of this country from the time the route was first explored until the present day, and while we are celebrating the tercentary of the founder of Quebec, the name of the Georgian Bay canal ought to be coupled with that of Champlain, as he was the original explorer of the route. They call it the Georgian Bay canal route; I am not in favour of that cognomen. It minimizes the value, the extent and the wonderful resources of the route. Georgian bay is a local body of water, and it would be more appropriate to speak of the canal as the all-Canada water route, or at least the Ottawa River route. We have had on this subject the views of experienced men from a scientific and a financial point of view. To-day I think it my duty to refer to what I would call the patriotic and national point of view. We had first the hon. mover of the motion, the hon. gentleman from De Lanaudière, who gave us a very important contribution on this question. His scientific knowledge of these matters cannot be questioned. He is one of the leading engineers in regard to waterways and kindred subjects, and I am glad that he, a young man, has undertaken to press this project on behalf of Canada. I have also to congratulate other senators who have expressed their approval of the project; I need not name them all. Their names and their views are on record in the Senate Debates. I have also listened to the opinions expressed by the hon. senator from Halifax, and the hon. senator from Kingston in opposition to the project. The hon. senator from Halifax opposed it on financial grounds, the other because he was jealous, and feared it would hurt the St. Lawrence route. I cannot sympathize with either of these opinions. The hon. gentleman from Halifax need not be at all afraid of the cost of this project; it will not interfere with his rights as a representative of the port of Halifax or of any other port in the maritime provinces, nor need the hon. senator from Kingston be afraid that the opening up of the Ottawa canal will interfere with the value or usefulness of the St. Lawrence route. We are not here advocating a scheme which will destroy any work built in the past. We are here advocating a project to complement and supplement the works of the past. There are

men in this country who have taken a deep interest in the Ottawa canal project and have gone through the country advocating the construction of the work. One is the ex-Mayor of Ottawa, Mr. McLeod Stewart, another the Ex-Minister of Railways in the old government, Mr. Haggart, another Mr. William Poupore, ex-member for the County of Pontiac. I was with them fifteen or twenty years ago, a young acolyte. I followed them through the provinces of Ontario and Quebec advocating this scheme as a young man, looking forward to the future of this country and never thinking that to-day I should be still speaking as an apostle of the scheme and to say of those men that they have done a good and noble work for Canada. To-day it is my privilege to stand here and thank the men I have mentioned and others like them, and I say here and now, determined and calmly, that my adhesion goes to the government that will build this great work. The Georgian Bay canal route, which I would wish to have known throughout the world as the All-Canada water route from the ocean to the heart of the continent, is a project which should receive universal support. The parliament of Canada cannot deal with a nobler one and no government can undertake one more useful for the development of the resources of this country. It does not mean competition with any existing route. We simply wish to accomplish what nature clearly designed, that the Ottawa should be a great artery for commerce between the sea-board and the heart of the continent. There is one great artery in the United States, the Mississippi. There is another in Canada known as the St. Lawrence route, and we are now called upon to give Canada a second water route, to provide two great arteries for the life blood of the nation. The Mississippi has been such an artery in the United States for over the hundred years, and to-day the government of the United States is trying to increase the capacity of that artery by deepening channels and digging drains and canals here and there. They are spending millions upon millions in this work, while we in Canada, with the largest wheat fields known to the civilized world, are making no adequate preparation to open up a channel by which the products of those fields may be carried to the sea-board. We have, under Providence, outside of the Mississippi and the St. Lawrence, one of the most beautiful and one of the greatest and safest natural arteries for trade that any country could possess, and when we undertake the work of opening up that route, we shall do it not only for trade, but for the health and pleasure of the people, for all that can make a people happy. The Ottawa river route would be a grand boulevard for the national health and pleasure as well as for national trade. Imagine that route open to Canada and to the rest of the world! To-day it is composed of what? Practically, as we used to say in the old days, talking of our forests, they are virgin forests. We are the only country on the face of the earth to-day who can say they have virgin waters. There are waters flowing there by the mile, and ten, fifteen and twenty-five feet deep, without giving any result to Canada, without producing anything, and why should we not take advantage of such a highway to enable the farmers of the west to get their produce to the sea-board and to the centres of Canada on easy terms? Man's ways are railways, dear, often very dear,—sometimes extortionate. God's ways for the human kind are river routes and waterways, free and never extortionate. We have spent money in this country of ours on things that do not pertain to the national wealth, and do not pertain, I will say, to the national honour. We are spending in some of our departments millions of money that should be spent elsewhere. When we are called upon to spend from five to seven millions of money on military business, which is altogether disproportionate to the needs of the country, am I not justified as a young Canadian in asking this honourable House, is it not time to call a halt in regard to the military expenditure, and put the money into useful works, which will bring traffic and will add to the welfare and prosperity of the people? This is a state of affairs which I cannot tolerate any longer. This young country has jumped from one million and a quarter to six million expenditure on military matters, and yet we hesitate to spend a few million dollars as interest to build one of the most important works for the welfare and development of the coun-

try. I am told by the hon. gentleman from Halifax: 'But this country is already engaged in the expenditure of large amounts.' It is very well to be prudent, saving and economical, but if the Baldwins and Lafontaines, Macdonalds and others had been economical and saving in the sense in which it is now suggested, how much regard would we have for their memory? Where would our splendid canal system be to-day? These statesmen fifty or sixty years ago undertook a enormous task, with a population of two and a half or three million. They spent millions upon millions to build our Lachine canal, the Welland canal, the Grenville canal, and we have spent millions to improve the St. Lawrence system. If we have any regard to-day for the memory of these men, it is because we admire their judgment and their appreciation of the great future for this country when they entered into these large expenditures. According to certain views they were not prudent. They built for posterity, and posterity is faithful to the memory of these men. They left us a national debt, which to-day is about $260,000,000. Are we sorry that that debt has been created? Where is the citizen of Canada who regrets the building of the Intercolonial Railway? Who is the citizen of Canada today who regrets the building of our canal system, or the building of the Canadian Pacific Railway? And here I must say to our good friends the Conservatives, that they saw much further than we did twenty-five years ago. I must give them that credit. The men now in their graves were the men who helped to make this country prosperous. Are we going to our graves before we help to add to that prosperity? This project is objected to by some as a matter of expense. What is the expense? I have no fear of a national debt, as I have already had occasion to say on the floor of this honourable House, no more than I have a fear of a municipal debt properly incurred. To my mind, after observation of public affairs during the past thirty years, the larger the debt the better and more prosperous the people. England, for instance, with a debt of over a billion of money is one of the richest countries in the world. Germany the same way, with a national debt of over a billion, and France is in the same position. Is this vigourous and prosperous young country to be afraid of a national debt of $250,000,000? Why, no. Let us build these public works that are necessary. Let us take from expenditures that are not necessary to put it into those that would be useful and will serve the country. I have no objection, I say once again, to the expenditure of money when it is in the public interest, when it is going to redound to the credit and advantage of the country. But I do object to useless expenditure of money, and the expenditure which brings no credit to us and is of no service. The argument of economy falls to he ground. If we open up this Ottawa river route, after it is built, our children will be proud of us, as both Conservatives and Liberals are to-day proud of the men who built up Canada by the honest expenditures of money on other great public works. The argument of economy should not touch public feeling in this matter and it will not. The people are prepared to expend the money, and the sooner the work is commenced, the better, because the trade of the west is growing. The products of the west are multiplying beyond measure, and will soon be beyond calculation if the flow of immigration keeps up at the present rate. What the St. Lawrence route, the Canadian Pacific Railway and all our railway systems are unable to cope with to-day, they will be much less able to cope with in ten or fifteen years, when, instead of having three or four or five hundred thousand population in the Northwest you have from five to ten million. The construction of this route is not, therefore, in any way a menace or a threat against the value of stocks of other routes, or to the value of property controlled by the government, in the matter of canals and railways. That question of economy does not and will not appeal to the people of the country, because, after all, what will the canal cost? I am not going into details in regard to the cost, as it had been done so thoroughly by my hon. friend from De Lanaudière. Some people estimate that it will cost eighty-five million, others say 90 and some say 100 million. Millions cannot block this matter. The matter of cost should not deter the

government or parliament. We are to-day in a position to do ten times more for the development of the country than our forefathers were 25 or 30 years ago. We have a revenue to-day anywhere from eighty to 110 millions, and in the old days, when they had a revenue of fifteen to twenty million they undertook works at which some of us to-day would tremble. We are building the Grand Trunk Pacific. We are going to undertake the Hudson Bay route, and I am in favour of it at once. I have no objection to it, because the development of that route in a few years will pay the interest on the capital, the same as the development of the Georgian Bay and Ottawa river route will pay for itself almost before it is finished. I have no hesitation as a young Canadian to burden myself and my children with any debt which is incurred in this noble undertaking. I have no hesitation whatever, because I consider that the opening up of this route will bring to eastern Canada from the west all that they can use in ore and grain and all kinds of produce. The Ottawa river route is a cold storage route. It is not a canal route, where soft goods will perish as they would while going through the Welland or Lachine or other canals eight or ten miles long, where there is nothing but heat, dirt and dust. The Georgian Bay canal is a route where all kinds of grain, all kinds of fruit and animals can come in cold storage, through the virgin waters of this great west and north country, where everything is cool and fresh, and perishable goods can be transported and delivered in first-class condition. It will be a route of pleasure for all. In the development of this route, you will have hydro-electric energy developed in immense quantities, almost for the asking for it. You will have it for the planting of poles and the stringing of wires. You will have more light than you will need and it will be a route of pleasure. What a pleasant thing it would be, if instead of brides and grooms taking their honeymoon trip down the Hudson river they would go down the Georgian Bay canal?

Hon. Mr. OWENS—Hear, hear.

Hon. Mr. CLORAN—And we know perfectly well what that means. We know that where steamers can come and go without being tied up in canals for hours and days at a time, you will get the travel of the west and you will get the travel of the south. The Georgian Bay canal, as the hon. gentleman from De Lanaudière pointed out, will have from 25 to 29 locks only, not taking more than fifteen to twenty minutes at each of them, instead of standing three or four or five or six hours in a canal. Therefore, you have a cold storage route. You have a route for national pleasure. You have a route for national trade and traffic. Gentlemen talk of the depth of the canal. What is it going to be? Is it going to be fourteen feet, twenty or twenty-two feet? That is a circumstance which can be easily got over by engineering science, just the same as when the Allens started in to create and develop trans-Atlantic trade between Liverpool, Glasgow, London and Montreal. They started with a channel in the St. Lawrence river of not more than eighteen feet in low water. Engineering science has improved the channel to a depth of about 25 or 30 feet, and great credit must be given to the Hon. John Young, who was then the master of the harbour of Montreal, who undertook these works. He was laughed at and told he was undertaking an impossible scheme, and putting on the shoulders of the Canadian people a tremendous expenditure. And what is the expenditure to-day? The late John Young stands as the father of our national trade as far as Montreal is concerned. He was the one who sounded the note of development which has been followed up, and I am proud to-day to have to say to the government that its choice in the person of Mr. G. W. Stephens has been a wise one. I am proud to be able to say that Mr. Stephens, a young man, feels the full responsibility of his position, and, what is more, is able to carry it out. He is one of the young men of the day. He has returned from Europe after an official trip, where he has been enabled to establish the fact that there is no river in Europe which presents a better channel for shipping business than the St. Lawrence. He has returned from Europe with full information with regard to all or nearly all of the large ports of England, Scotland, France and other countries, and he has told the people

of Montreal and the people of Canada that its commerce and trade must be directed through the St. Lawrence channel. But he does not stop there. He foresees what is coming, the development of trade, and the development of the trade means the enlargement of the vessels to carry freight, and he is prepared to recommend to this government that the channel be not merely 18 or 30 feet, but 40 feet, and if necessary 45. People to-day will say as they said in years gone by 'But that is a large expenditure.' Certainly it is, but who to-day will denounce the teachings of the late John Young? Who to-day will denounce Sir Hugh Allen? Who to-day will denounce the man who built up the port of Montreal and deepened the channel between Quebec and the metropolis of the Dominion? Not one. I therefore, in all sincerity, congratulate the government in having as the master mind of the future development of our trade in regard to this matter a young man like G. W. Stephens. The hon. senator from De Lanaudière gave us an elaborate exposé of what the Ottawa and Georgian Bay route would do for the population of Canada along its banks and probably many miles away from the banks. The exposé was in regard to electricity. I fully appreciate, and I fully endorse all that he says in regard to that part of the question. He did not overstep the mark. I think he was rather below it. The construction of this route will result in the development of what is now becoming almost a necessity of life, electric light and power. The building of this route will give to the people who live it for miles on each side all the way down, power and light and will give them means whereby to make life prosperous and happy. The hon. gentleman from De Lanaudière stated that in regard to Montreal—and I am afraid—in fact I know—that he dwelt a little too much in regard to the development of electricity there. People are so jealous. Senators are often jealous of one locality because they reside in another. They say 'Oh, it is a Montreal affair.' It is not a Montreal affair. It is a national affair. It is an affair that touches the well-being and the prosperity of millions of people in this country, and I hope it is the last time I shall ever hear an honourable representative of the people in this House disclaim or protest against a project because it does not suit his locality. I hope it will never be said again. Times have changed. Ideals have become brightened. Minds have become more clear in regard to these matters. We are not bound down to one little locality where we reside. We are here to work in the general interests of the country, and when the hon. gentleman from De Lanaudière laid stress on the fact that the construction of this route would develop sufficient hydro-electric energy above Montreal to free it from the tyranny of a monopoly, that enough electric power could be developed there to supply not only the 400,000 inhabitants, but five million people, why was he to be blamed for localizing his argument in that regard? He might have dealt with the same emphasis and the same power all along the route, wherever there was a lake or rapid.

Hon. Mr. OWENS—Hear, hear.

Hon. Mr. CLORAN—But because the hon. gentleman spoke of the great benefits that were going to accrue to Montreal, I heard it stated, not on the floor of this House, but outside : 'Oh, it is a Montreal scheme.' It is not a Montreal scheme. Far from it. It is a national scheme from the headwaters of the lakes to the outgoing ocean. When we discuss this matter, it should be on the ground that what is good for one section must be good for all, and we who come from the centres of population have no grudge against the interests of localities where population is sparse and thin—I know that I have none. We in the east are prepared to build great works in the west as we have been doing for the last 25 or 30 years. We have helped to build the Canadian Pacific Railway and we are to-day helping to build the Grand Trunk Pacific and the Canadian Northern. We are prepared to help the farmers of the west to build the Hudson Bay Railway, although the construction of that road would not do as much for the development of that country as the opening up of the Ottawa river route. We have no prejudices; we are broad, and have given of our substance to the west and are prepared to continue doing so. We have done likewise with the east. The mari-

time provinces have been benefited by the assistance of Ontario and Quebec. We did not grudge the building of the Intercolonial Railway, and why hon. senators should offer that as an argument against taking up this scheme is more than I can understand and more than the people of this country will accept. I stated in my opening remarks that I would deal with this question not from a scientific, financial or commercial point of view. That has been done so ably and so well by those who have preceded me that there is no need to dwell on those points, but I here as a child of the people, voicing their wants, call through you to the government to take up this national work as soon as possible. The hon. senator from Ottawa (Hon. Mr. Belcourt), the hon. senator from Westmoreland (Hon. Mr. Wood) and others, besides our friend who introduced the subject gave ample evidence that this scheme from a scientific and financial point of view is one which the government should undertake and which they could undertake on behalf of the people of Canada without sacrificing a cent of the patrimony. But I have here the opinions of men that have influenced me a good deal in regard to this question, although I did not need much after travelling the entire valley of the Ottawa with the ex-mayor of Ottawa, Mr. McLeod Stewart, and the ex-member from Pontiac, Mr. Poupore, for days and weeks at a time calling upon the people to uphold the hands of any government that would construct this work. They are to-day in life, as I am, and I hope that their aims and ambitions will be satisfied and fulfilled before they are called to the great unknown. I hope that this government who have undertaken many noble works on behalf of Canada will take up this canal and do for the people of Ontario and Quebec what they have been doing for the far west and for the far east. I hold in my hands the written opinion of one of our great engineers, which I think has not been given to the House—I refer to the late Walter Shanley, C.E. He writes as follows:

> I believe the construction of this Ottawa canal will greatly increase and benefit the commerce of the whole Dominion of Canada. It could not but assist the Northwest beneficially in cheapening transportation, espicially in affording same to the water-powers along the route. The Ottawa valley might become the greatest flour milling country in the world.

Those who are interested in the trade and commerce of the country will agree with me that that last remark is perfectly true. The construction of the canal would develop water powers unrivalled even by Niagara Falls, and create in the Ottawa valley rivals to Duluth, Minneapolis, and St. Paul. Every barge of wheat coming down towards the close of navigation when the ice begins to form could be stopped at points like Arnprior, Ottawa and Hawkesbury, and the wheat ground and forwarded to an ocean port by rail. In this way milling centres would be created all the way between Georgian bay and Montreal. Walter Shanley, in all his experience, never stated a greater or more probable truth than when he said the construction of this canal would make the Ottawa valley one of the greatest flour milling countries in the world. Mr. Shanley continues:

> The trade would, of course, chiefly be in cereals. The effect both in Ontario and Quebec would be beneficial as stimulating trade generally.
>
> Grain from Lakes Michigan and Superior could be laid down in Montreal at a lower rate and in Quebec at no higher rate than the lowest rate yet ever reached between the lakes and New York. Whatever benefits the country generally will not harm the railways.

There is the opinion of a man competent to express an opinion on this subject who says that the building of this route will not harm the railway interests or the interests of the government as represented in the St. Lawrence route. He continues:

> So this canal would have a good effect on the Canadian Pacific Railway and the Ottawa, Arnprior and Parry Sound Railway. The New York Central Railway alongside the free Erie canal increases its traffic and its earnings year by year, and it will do so when the canal has been improved (work now in progress), to nine feet draught.

This opinion was written years ago. If Mr. Shanley were alive to-day he would be surprised to find that they are trying to make the Erie a fourteen feet canal. I have no doubt they would make it a twenty-five feet canal if it suited their purposes, but Mr. Shanley says that even with nine feet draft the traffic would be increased. He continues:

This canal will certainly be most beneficial to the lumber and wood-pulp industries.

We have lumbermen in this Senate interested in pulp wood; why do they not exercise their influence and force upon the government the immediate consideration of this scheme. Mr. Shanley continues:

The successful development of mining smelting industries in the Ottawa valley, and especially of iron mining is mainly dependent on cheap transportation that the projected Ottawa navigation will provide.

There is not the slightest doubt about it. To-day the Cobalt mines are being developed slowly. It is like hatching eggs —it takes time. If transportation facilities were furnished, the development would proceed more rapidly. Mr. Shanley continues:

As between the lakes generally and Montreal, the season of navigation would be probably ten days shorter by way of the Ottawa than by way of the Welland canal.

That is much less than the hon. senator from Kingston said. Mr. Shanley then proceeds to deal with the question from a military point of view, and this will attract the attention of hon. gentlemen who are more military wise than I am. It is a point which engaged the attention of the imperial authorities many years ago. Mr. Shanley says:

As a military defence, the construction of this waterway would prove a valuable auxiliary, provided the 'Flag' also holds the naval supremacy of the lakes.
I quite incline to the belief that the effect and results of this projected line of navigation would be for 'the general advantage of Canada.'

That does away with the argument that the waters between Georgian Bay and Montreal would come under provincial control.

Colonel Walker Powell, of Ottawa, late adjutant general of Canada, says as follows:

The advantage of the Ottawa route as a means of military defence are, that it is direct, and it will be a ready means of communication by water between the sea and the west, while the additional population, food supplies and timber that will be available will insure an immediate militia development for local and interior defence. This waterway is much wanted, can be cheaply constructed and will greatly benefit Canada and the Empire.

These opinions were given years ago by men who had no personal interests to be served, and should weigh with the government in favour of this scheme. Mr. Shanley was highly esteemed in his walk of life when he was with us. He was one of our great engineers who helped to build up and develop this country. We have also the opinions of men who are authorities in commerce and finance and one of them I shall quote. It is the opinion of Sir Wm. Van Horne, given when he was president of the Canadian Pacific Railway and interested to the extent of every cent of his wealth in building up the revenues of that great corporation. It was given at a time when it was his interest to see that the Canadian Pacific Railway should suffer no damage and sustain no decrease of its earning powers. He said:

I am of the opinion that the construction of the Montreal, Ottawa and Georgian Bay canal will benefit the commerce of the Dominion generally. Anything tending to lessen the cost of transportation between Manitoba and the Northwest and the seaboard must have unquestionably a beneficial effect. The trade of this canal would chiefly be in grain, food products, mineral and other freights. The water-power it would afford should result in the establishment of important industries along its course in Ontario and Quebec. This canal would greatly increase the trade of Montreal and Quebec and other Canadian seaports. It would also develop local resources by the utilization of the water-power it would afford and the cheapness of transportation. This canal would have a good effect on the Canadian Pacific Railway, as it would create more traffic than it would take away.

Hon. gentlemen who are interested in railroads will please bear in mind that the president of the Canadian Pacific Railway held the opinion that the building of this canal would bring more traffic to his road than it would take away from it. Sir William then proceeds to say:

The pulp and wood industries would be beneficially affected as it would result in the utilization of all kinds of forest products some of which are not now available because of the cost of carriage.

Sir William lays down a principle of trade which is known to everybody to-day. Thirty or forty years ago when they started to build canals in the United States, the presidents of the New York Central and other railways were apprehensive that the opening up of these canals would diminish the trade of their roads, especially where they paralleled their roads, yet these same men lived to state the fact that every mile of canal built alongside of and parallel to a railway

furnished more traffic to the road than it took from it. In view of that experience and of the opinions which I have quoted, there can be no hesitation on the part of this House in favouring the construction of the Ottawa canal so far as that point is concerned. I have dealt with the subject from an economic point of view; I shall deal with it now from a trade point of view. I am reading the opinions of men who once spoke against the canal, but who admit to-day that the result of constructing a canal is to increase the trade of the neighbouring railways. Sir William Van Horne says:

This canal would have a very favourable effect on the mineral resources of the Ottawa valley and beyond.

The opening up of this waterway would affect to some extent the cost of transportation of grain and produce from the Great lakes to the Atlantic sea-board and the New England States. I am unable to make an estimate.

The cost of constructing this waterway now in comparison with 1860 would be much less because of improved methods and appliances.

The length of navigation will be about the same as at Sault Ste. Marie.

That is six and one-half or seven months of the year. There are opinions from two of our most worthy citizens, one who has now gone to an honoured grave, and the other who is helping to build up the fortunes of other countries. I am sorry he is not here to help us in building this great work as he is helping to build up Cuba. I am sorry we have lost a man of his ability, but we have his opinion which I have quoted, and we have the opinion of the late Walter Shanley approving of this Ottawa canal for the development of the trade of this country, and to furnish a military route for the empire. Why not undertake it?

In 1897 Mr. McLeod Stewart, ex-Mayor of Ottawa, who has always been closely identified with the Ottawa and Georgian Bay canal scheme, and proposed to build it through a syndicate of capitalists, the government to guarantee the bonds of the company, advanced a letter to the Premier, from which I quote as follows:

In our opinion, work on the Ottawa as well as on the St. Lawrence ought to be pushed vigorously and at once. The Americans are keenly alive to the value of handling the enormous traffic, and are making every effort to retain the whole of it for United States carriers to United States ports. While to this end they contemplate a deep waterway in the future, they are not neglecting to deepen the Erie barge canal to nine feet. And, following their example, we ought to neglect no advantage that we possess. If they are beforehand with us it will be a difficult matter for Canada to retain that supremacy in the carrying trade of the northern part of this continent that Nature has fitted her to achieve. The traffic to which we are fairly entitled by our position is sufficient already to fully employ both the Ottawa and St. Lawrence routes. These latter are really complementary, instead of competitive, both having Montreal for their terminus. The true rivalry is with American routes carrying trade to New York.

The shortness of the Ottawa route, and the very low rates at which freight can be carried by it, ensure that as soon as opened it will gain and bring to Montreal and Quebec a share of the through traffic that now goes to New York. Its local traffic also will be important and far in excess of that of the St. Lawrence canals. And every ton of through freight moved on the Ottawa river as well as every ton of increased production of the Ottawa valley seeking export, will necessarily go to Montreal or Quebec for an outlet, not being liable to be diverted at numerous points, like the traffic on the St. Lawrence canals, which experiences exhaustive drains at Buffalo, Oswego and Ogdensburg.

There is reason to believe that $15,000,000 will cover the actual cost of construction if done by a company. That is not one tenth of the cost of a ship canal for ocean-going vessels even by the St. Lawrence to the lakes, and not more than one-twentieth what it would cost for such a canal by the cheapest route between the lakes and New York. Granting even that at some future time ocean-going vessels will pass by Montreal, and take on their cargoes at Toronto, Chicago, Duluth and Fort William, for the present and for many years to come the enlarged St. Lawrence canals and the Ottawa waterway will meet all the needs of Canadian commerce at a very moderate expenditure.

The whole matter resolves itself into one or two questions: If this waterway, through the heart of our own country, owing to present favourable conditions, can be constructed without interference with other needed public works, and without recourse to the public treasury, except to the extent of a small annual bonus after completion, and can be completed in a short time at comparatively slight cost, is it worth making an effort to obtain? Would such a feeder and alternative through route tend to increase the commerce of Montreal and Quebec and to benefit the great St. Lawrence waterway? Are its prospective effects in developing new territory and increasing production and national wealth, worth trying to secure?

I have read with much interest a pamphlet on this question by a writer whose name is not given. He reviews the history of the St. Lawrence route, and points out in forcible terms the number of ways in which Canadian shipping ports and routes have been discriminated against by the British government in favour of the Cunard line and United States ports. Shortly

after the introduction of steam, Mr. Joseph Howe wrote to Lord Glenelg that the slow and inefficient ten-gun brigs should give place to steam vessels like the 'Sirius,' which he had encountered while crossing the Atlantic. Mr. Samuel Cunard, of Halifax, came on the scene, and the result was the adoption of a contract between the Imperial government and the embryo Cunard Company for the carriage of mails twice a month between Liverpool, Halifax and Boston—New York was subsequently added—with a side service from Pictou, N.S., to Quebec in summer. This side service was, however, soon dropped. The first Cunarder to sail from Liverpool to Halifax and Boston was the 'Britannia,' July 4, 1840. The company received a substantial subsidy, which was augmented at a later date to £186,000 a year.

The people of Upper and Lower Canada felt that this state of things was scarcely fair, that England was building up Boston and New York in preference to Quebec and Montreal. Their newspapers quoted Mr. Howe's letter in which he said that 'if Great Britain is to maintain her footing upon the North American continent, she must, at any hazard of increased expenditure, establish a line of rapid communication with the provinces, through channels exclusively British and inferior to none in security and expedition;' and asked why this doctrine should not apply to the St. Lawrence route as well as to Halifax, especially as the bulk of Her Majesty's subjects in British America were found in the two provinces which the St. Lawrence served. It was contended that the subsidy to the Cunards was a violation of the free trade principles which had recently been embraced by England to the injury of Canada, the preferential duties having been abolished. Lord Colchester, the imperial postmaster general, stated in a letter to the lords of the treasury in 1858, when the Cunard contract was being renewed, that the company received £53,000 a year more from the imperial treasury than the treasury derived from the ocean postage. It was held, therefore, that this £53,000 was a bounty, pure and simple. The chief point was that the subsidy to the Cunard line together with the subsidies paid by the United States government to the Collins and other American steamers, had the effect of cheapening ocean rates on freight to and from New York, which, of course, brought about the diversion of ocean-going traffic from the St. Lawrence. The railway bonding system was established in 1855, and the merchants of Upper Canada found it cheaper to import and export through New York than through Quebec. Again, it was said that by bonusing the Cunards, the imperial government was enabling them to carry British emigrants at a low rate past Canada to the United States; no passenger steamers ran to Quebec, and the better class of emigrants avoided the sailing ships, which, besides being slow, often harboured disease. It was shown that the imperial government was giving subsidies to vessels sailing to Australia and the West Indies, and the question was asked why Canada should not merely be overlooked in that respect, but injured by the subsidies paid to the Cunard line for running to American ports. It was deemed particularly hard that she should be treated in this fashion after she had spent so much in developing trade by the St. Lawrence through the construction of canals and railways designed to convey freight to Montreal and Quebec.

The case was briefly stated by Sir Edmund Head in a letter to the imperial government, 1856, but a more elaborate presentation was made by Sir Alexander Galt, inspector general (Finance Minister) of the province, to the colonial office, 1858. Sir Alexander observed that the province had already spent no less than £7,000,000 on canals and railways, and was now anxious to reduce ocean rates on the St. Lawrence to a par with those at New York:

'But,' he continued, 'it has been conclusively shown by the evidence taken before parliamentary committees in Canada, that the large subsidies paid by the British and United States governments to their respective lines of steamships have operated as a direct bounty to the ports of New York and Boston, reducing freights to and from them, and so far defeating the object of Canada and drawing provincial trade mainly into American channels.'

The province of Canada had not been consulted when the original contract with the Cunards had been framed, but had expected to be when the contract came up for renewal. In this, however, she had been disappointed:

The Canadian public will therefore learn with much feeling and profound regret that it has pleased Her Majesty's government to renew the contract till 1867, without any opportunity having been afforded to the government of Canada to urge such arrangements as would have been conducive to the prosperity of this colony. The line now subsidized by the British government, although touching fortnightly at Halifax, is essentially an American line, and directly prejudicial to Canada. It is, in fact, wholly devoted to the trade between the United Kingdom and the United States, offering a direct bounty to the United States ports of New York and Boston against the British colonial ports in the St. Lawrence, and placing the mother country in the invidious position of fostering foreign interests in preference to those of her own colonial subjects.

In July, 1859, Sir John Rose, a member of the administration, was sent to England to urge the importance of subsidizing the Canadian line, but met with no success. He appeared before a select committee on packet and telegraphic service of the British House in 1860, and wrote to the colonial secretary reciting the foregoing facts in detail. He showed that the avowed purpose of the subsidy to the Cunards had been 'to assist in the maintenance of a regular service between Great Britain and her North American Dependencies,' and, to secure that end, the Cunards had called at Halifax and conducted a branch service from there to Quebec. When the Cunards resolved to give up the branch service, owing to its heavy cost, the Canadian government acquiesced; nor did it complain when they ceased to call at Halifax on the ground that, in consequence of the absence of railway communication between Halifax and the province of Canada, the passenger and freight traffic afforded by that port was very meagre. When, however, the Grand Trunk Railway was completed from the Atlantic sea-board to Sarnia, the case assumed an entirely different aspect, and the Canadian government felt that since the Cunards were still ostensibly subsidized to promote a closer connection between Great Britain and her North American colonies, it ought at least to have been consulted when the time came for renewing the contract. Assurances in this sense had been given by the British government, but the Cunards managed to obtain a renewal in advance of the proper time on the plea that they proposed to strengthen their line, and that a new contract would enable them to do so on advantageous terms. The select committee of 1860 corroborated Sir John's statements, showed at some length that Canada had a substantial grievance, and observed that Great Britain and her colony present the spectacle of competing against each other by maintaining rival subsidized lines.'

When Mr. Cunard obtained his first contract, there was but one other tender, which was higher than his. The imperial authorities were most anxious at that time to establish a steamship service on the Atlantic, fearing lest the Americans, who had been operating steamers on their inland waters for years, and who then possessed a splendid mercantile fleet on the ocean, should anticipate them. On seeking a renewal of his contract with an increased subsidy, and on various other occasions, Mr. Cunard made a point of enlarging upon the danger to British commerce that must arise if England permitted the Americans, who by this time were subsidizing the Collins line of steamers, to cripple or oust his line by state-aided competition. All agreed that the Cunard service was remarkably efficient, yet rival companies in England, like the Inmans, were disposed to think that Mr. Cunard was unduly favoured by the imperial government, and that the latter was too easily frightened by the American bogey he so often invoked.

Before the contract was given to the Allans in 1856, the carriage of the ocean mails of Canada was performed for a while by other contractors, the McLean-McLarty line, whose service was not satisfactory. The British Post Office Department declined to send letters to Canada by that line or by the Allans down to 1859, unless they were specially directed; in other words, letters destined for Canada and specially addressed to go by any named ship of the Canadian lines were sent by her, but no others. The British authorities desired, as they frankly acknowledged, that letters for Canada should be carried to New York or Boston by the Cunard vessels, in order that the British revenue from the sea postage might be increased, to meet the heavy subsidy to the Cunards. Again, on the failure of a Galway-American line of steamers, of

which more will be said in a moment, the Canadian government requested that the subsidy paid to it by the imperial government should be transferred to the Allans. The Galway steamers had called at Newfoundland, and were subsidized partly for that reason and partly because they served the west of Ireland and had been built with the money of a multitude of small Irish investors. It was contended in Canada, therefore, that as the venture had collapsed, it was only just and logical that the subsidy should be given to the Canadian line. Here, it was said, is England helping Boston and New York to the south of Canada and Newfoundland to the north, besides aiding lines to Australia and other colonies; why, then. should Canada be overlooked, when without additional expense to the British taxpayer the Newfoundland-Galway subsidy can be transferred to the Allans? The imperial government could not, however, see its way to transfer the subsidy.

The Allans have never received a postal subsidy from the imperial exchequer, nor has any other Canadian line operating on the Atlantic. The British post office turns over to the Canadian treasury the sea postage which it collects from mail matter carried to Canada by Canadian steamships, but gives no regular subsidy, and has never given any, to any Canadian company on the Atlantic.

In 1861 postal arrangements with foreign governments had to be made through the imperial government whose officials, as Mr. Sydney Smith reported, got it into their heads that while the Cunard was the British, the Allans were an American line.

I have been discussing this subject from a national point of view, and I am proud to find in the French Canadian press an expression of opinion which completely coincides with what I have stated. This expression of opinion is from 'La Presse' of Montreal:

LE CANAL DE LA BAIE GEORGIENNE.

La "Presse" qui, depuis sa fondation, a toujours préconisé le canal de la baie Georgienne, entrevoit l'heure mémorable où ce projet passera dans la réalité. De même que nous avons consacré un espace considérable à l'exposé si intéressant et si clair de l'honorable sénateur Casgrain, sur la question, de même nous voudrions reproduire le remarquable discours de l'honorable M. Belcourt, si notre espace le permettait. Mais, nous pouvons y puiser, tout de même, des renseignements précieux pour la cause qui a déjà triomphé dans l'esprit public et qui n'attend plus qu'une consécration officielle.

Un autre jour, nous utiliserons les chiffres presque fantastiques, mais vrais tout de même, que notre commerce de l'Ouest nous permet d'espérer et auxquels nous devons nous préparer. Aujourd'hui, nous nous contentons d'examiner le côté financier de la question. Comme l'honorable M. Belcourt le fait remarquer, il y a longtemps que le canal de la baie Georgienne serait fait, s'il avait été sur le territoire d'à côté. Il nous rappelle la visite d'un expert américain, M. Geo. J. Wisner, qui avait été chargé par le président Roosevelt, avec deux autres messieurs, de faire une enquête sur la possibilité d'un canal qui aurait relié les grands lacs avec l'océan. Comme le fait remarquer l'honorable M. Belcourt, le rapport fait par ces commissaires fut négatif, en ceci, qu'il ne conseillait aucune route et qu'il n'était pas loin, non plus, de considérer comme impossible une telle entreprise. M. Wisner, cependant, après un voyage fait du côté canadien sur la route de la baie Georgienne, déclara formellement que ce n'était pas les Etats-Unis qui étaient en état d'entreprendre un tel projet mais bien le Canada.

Plus tard, lisons-nous toujours dans le même discours, nous avons eu le rapport du département des Travaux publics. Les ingénieurs y traitent de la possibilité de ce canal à partir de l'embouchure de la rivière des Français jusqu'à North-Bay, et y reconnaissent la parfaite praticabilité de l'entreprise. Ils assuraient qu'un canal de 20 pieds pouvait être construit entre la baie Georgienne et North-Bay au coût de $13,000,000.

Dernièrement encore, le département des Travaux publics a fait faire une nouvelle inspection; le résultat n'a pas été mis devant la Chambre, mais l'ingénieur en chef a confirmé l'opinion qu'il n'y avait aucun empêchement matériel à la construction d'un canal depuis le lac Huron jusqu'à Montréal. L'"Engineering News", de New-York, est du même avis et, dans un article paru il y a quelque temps, il démontrait que cette route était la plus courte et la meilleure entre les grands lacs et la mer.

Maintenant, quant au coût général, M. St-Laurent, l'ingénieur en chef de l'arpentage, l'a estimé à $90,000,000, M. Wisner à $85,000,000. Il n'y a donc, ajoute l'honorable M. Belcourt, qu'une minime différence de $5,000,000 entre les deux opinions. Mais il faut remarquer que M. Saint-Laurent calcule en même temps le coût de l'installation des lumières des ports, des bouées et tous les dommages généraux occasionnés à cette entreprise. Est-ce une dépense excessive pour le Canada? Considérons que le Canada peut emprunter facilement à 4 p. 100, fait remarquer M. Belcourt, cela fera un intérêt de $3,600,000 à peu près annuellement; ajoutons à cela $1,000,000 pour les dépenses d'entretien, la somme sera portée à $4,600,000. Ceci n'est en aucune façon au-dessus des ressources du Dominion, surtout quand on imagine le profit formidable que retire de ce canal le commerce canadien tout entier.

En réalité, ce canal ne coûtera pratiquement rien au pays.

Ainsi, admettons que l'entrée du canal et les droits de passage soient gratuits, la somme que le Gouvernement pourra parfaire avec l'affermage des pouvoirs d'eau développés par cette voie, sera amplement suffisante pour solder les dépenses. On estime de 800,000 à 2,000,000 H.P. la force qui sera développée le long de cette route unique. En se basant, cependant, sur 800,000 H. P., loué à l'extrême bon marché de $6 par H. P., le revenu du canal sera de $4,800,000. Donc, le canal, une fois complété ne grèvera notre budget en aucune façon.

M. Roosevelt a bien compris l'importance vitale des cours d'eau pour l'industrie d'un pays quand il institua une commission pour faire inspecter les cours d'eau intérieurs aux Etats-Unis et lorsqu'il préconise de faire servir à l'industrie toutes les digues et les barrages construits pour améliorer la navigation et qui pourraient donner des centaines de milliers de chevaux-vapeur.

Le canal de la baie Georgienne développera un nombre incalculable d'industries.

Les moulins à pulpe se multiplieront, le commerce du bois s'augmentera considérablement, les fonderies surgiront de partout; la fabrication du ciment de Portland, dont on trouve la matière première le long de la route du canal, se fera sur une grande échelle. De plus, la force électrique ainsi créée pourra servir à la traction des tramways et même des chemins de fer qui tôt ou tard remplaceront la vapeur par l'électricité.

Le Pacifique Canadien, dont la voie ferrée suit la route proposée du canal, devra dans quelques années, d'après l'opinion d'un expert, employer nécessairement l'électricité de préférence à la vapeur. Il y a quelques jours à peine, MM. Mackenzie et Mann ont acheté des pouvoirs d'eau considérables à Niagara, dans l'intention d'opérer leur système de chemin de fer par l'électricité. Avant sept ans, temps où sera complété le canal, la demande de force motrice dépassera probablement tout ce que pourra développer le canal.

Le "New York Herald", parlant des canaux du Saint-Laurent, dit dans un article, qu'ils n'ont pas atteint le but dans lequel ils ont été construits et qu'ils ont failli à attirer le commerce qui se dirige vers Buffalo.

Le caractère général de ce commerce, ajoute le "New York Herald", l'énorme capacité des navires sur les grands lacs, et la facilité d'obtenir une cargaison de retour dans les ports américains du lac Erié, met dans un désavantage évident les canaux canadiens qui ne peuvent transporter que des vaisseaux relativement petits. Mais, continue le "New York Herald", le Canada tient entre ses mains un atout dans la construction du canal de la baie Georgienne. Cette route qui utilisera la rivière des Français, le lac Nipissing et la rivière Ottawa, permettra aux vaisseaux de naviguer dans 20 pieds d'eau jusqu'à Montréal, de plus est de 450 milles plus courte que toutes les autres routes du Saint-Laurent. Il semble impossible de lui faire la moindre concurrence. Quand elle sera en opération, la route de Buffalo sera déclassée, sans espoir, et le Saint-Laurent contrôlera alors le transport de tout le continent.

Hon. Mr. CLORAN.

Poor Canada has a good deal to suffer, and I suppose will have to suffer more. Since 1841 Canada has had a lot to put up with. She was supposed to be the spoiled child of the empire, but my experience and observation and what I can learn from history shows that she has been far from spoiled by Downing street. I find that Canada has had to fight its own way in this world without the aid of the mother country, so far as trade and commerce is concerned. The St. Lawrence route which is to-day the great asset of Canada and artery of Canada's life blood has been developed by Canadian means alone. Downing street did not do much on behalf of Canada in regard to this question, which is one of vital importance in the development of our own Dominion. To suit their own purposes the wealth of England has been spent to build up foreign ports instead of the ports of Canada. In the past 50 or 60 years millions of money have been given to the United States while the Canadian St. Lawrence route has been neglected. That is the tender mercy extended to us. If New York and Boston are great ports to-day, they can thank the British treasury for it. They owe it to the enormous subsidies granted by the British government to the Cunards and other lines as against the Allan and other Canadian lines. I stand here to say that the government of Britain, not only this present government but the governments in the past 60 years, have dealt unfairly and unjustly with Canada in regard to the development of trade and traffic across the Atlantic. I hold in my hand documents whereby it is proved that one of the great United States lines has been largely built up by British money, while our Canadian lines have been left to paddle their own canoe. Thank God they have been able to work their own way, and this country owes the Allans a debt of gratitude for having fought their way through the shoals and shallows of the St. Lawrence. They are now being aided by the Canadian Pacific Railway and other lines, but we owe nothing to the mother country for help to open up the St. Lawrence route. Even to-day, when our government is trying with all the prestige and power of this country behind them to establish an All Red line, where do we find refusals and dis-

couragements coming from? Not from any sister colony, but from Downing street. We, a young country with six millions of people, are prepared to grant subsidies to any line or lines that would bind the empire together as nothing else would bind it. We meet with encouragement from Australia. They are prepared to pay their fair share. We are prepared to do as much, but the mother country will do nothing. Their subsidies still go to the Cunard line, and they are able to build 'Lusitanias' and 'Mauritanias' costing millions while no encouragement is tended to our 'Empresses.' When the leader of this government goes to England and proposes to the British government a scheme by which to bind the empire together not merely by cables but by steamers, what encouragement does he meet with from the Imperial government? When the leader of this government goes to the Premier of the British government and says, 'We have had to bind this empire together by steel rail and by cable, and as representing the people of Canada I come to you, the British government, and say you have been helping to build up foreign ports by subsidizing lines to the United States, bleeding the British people to fatten a foreign country, and now we ask you to adopt means to build up the empire and bind it together, what is the reply? It is the same old story that we have always heard from Downing street. When Canada's interests and those of our neighbours are involved, Canada's interests must be sacrificed. When we stand up against the United States we are thrown down every time. History tells us that one of the most valuable assets of this country, the State of Maine, was cut out of the heart of Canada and given to the United States, depriving us of Portland and other ports. To use a Yankee expression, we have been thrown every time. The latest occasion was in connection with the Alaskan boundary. I hope the day is coming when the attitude assumed by the leader of this government will be upheld by the people of Canada and that no British government shall any longer dare to sacrifice the rights of the Canadian people. Whether the Premier of this country lives long enough to see his plan adopted and followed or whether he be succeeded by another Prime Minister, I hope the policy of our government will be to say to Downing street when Canadian interests are involved, you shall not sacrifice them without our consent. When the Imperial government refuses to assist the All-Red line it is time that this country should say that Canada, in the interest of the empire, should have what has been going to the United States for many a year. And I hope the present government of England, under Asquith and Lloyd-George will deal with the matter. I hope that my voice, humble as it is, weak as it may be, but national and patriotic, will reach them, and tell them that we cannot tolerate this discrimination any longer. We are building up this part of the empire at our own expense. They talk of Canada granting a subsidy, or granting naval aid to the empire. Why, we have been granting aid to the empire for the past twenty years. We have sunk over 20 millions in canals and water routes. We have given them an All-Red route over our half of the continent already; we are building them a second route, and we will give them a third route. We are doing all that without any encouragement, and when we ask them for a little help they decline to give it. I feel strongly that if this All-Red route is to be an accomplished fact, it will be largely the result of our own efforts. Although this All-Red route is not under discussion, still it is a question of navigation, and the Georgian Bay route may be a factor in it in the near future. We are trying to transport our products from the west to the sea coast as cheaply and as fast as we can. We are trying to get them there in good condition, and if the All-Red route is established, which I hope it will be with the consent—I won't say the consent, but without detriment to existing companies, then the Georgian Bay canal would benefit them. This route will be the shortest from the heart of Canada to the sea-board. It will bring all the large centres of population in the northwest and all the farms from three to four hundred miles nearer to the sea-board than any other route in existence, with a much shorter time to accomplish the distance, because the route through the St. Lawrence canals is one that takes considerable time. It is a safe and good route, but by the Ottawa and Georgian Bay canal fully two

days can be saved. On this route goods will not perish, you will have good breezes and cold air nearly the whole distance. So that I say that if we receive no encouragement from England in regard to the All-Red route, I would ask the government to throw the money that would be voted for that line into the coffers of the Georgian Bay canal. The government are prepared to spend, I believe, a million and a quarter of a subsidy annually for the construction of the All-Red line. That would almost pay the interest—half of it any way. If de do not receive any encouragement from Downing street, from the present British government, then let us devote the money in the construction of this canal. I understand the old saying that the mills of the gods grind slowly, but I am bound to say that the ways of the government and parliament are worse in comparison when great ends are to be achieved. They make one weary. Parliament is slow in accomplishing things which are of excellent service to the country, and sometimes very fast in doing things that are not very useful, and, as far as I am concerned, I hope this will be the last time that an appeal will have to be made on the floor of parliament to urge the government to construct this work. These appeals have been made from time to time for some fifty or sixty years past, by men who were able to advocate it on grounds of science, men who had a knowledge of the country and who urged the construction of the route because it would supply the wants of the country. They have been more or less set aside. They have been encouraged by little promises here and there. I wish to state in my position as a senator, that I am prepared to support any government who will undertake the construction of this work. I feel so strongly that it is in the interests of the country at large that no attachment to party would prevent me from supporting a government that will undertake it. I make that statement very deliberately, after having studied this question to its full extent, and I hope that the hon. leader of the government will have another laurel added to his crown of usefulness and prestige that he is wearing to-day, on behalf of the people of Canada. I hope he will live to see the day when this work will be accomplished, and when he has done that he will have done more than all our statesmen for the past generation. He will have given to Canada a permanent right of way for the traffic of the world. The building of that canal would mean more to the human race than the building of the Suez or Panama canals. Both those undertakings are supposed to be avenues not only for trade, but for war. This will be an avenue for peace, development and prosperity, for the growth of the nation at large, and I hope the day is not far distant when he will consider it his duty on behalf of the people of Canada to initiate this work which we are all anxious to see accomplished. In the sixties, one of the leading newspaper men of the day, afterwards a presidential candidate in the United States, said to the young men who were coming in from England, Ireland and Scotland: 'Go west, young men, the star of the empire points west.' That is only 48 years ago. The young men went west. The result is they have a tremendous country built up by what was supposed then to be the bone, sinew and intelligence of the old country. You have the best people from England, Scotland and Ireland, following Greeley's advice to 'Go west,' as they have done for 48 or 50 years. It is strange—although not strange to those who observe and study, and those who do observe and study will understand it—that the development of the human race has followed climatic geographical lines. The human race, to start with, directed its march of progress towards the south. The human race developed in Africa. Then it went east to the Indies, China and Japan. Then the march of humanity came west from Italy, France and England, and has continued up to the present day to come west to the United States. To-day, if I am not too bold, I may state that the star of the empire now points northwards, that the human race has taken a new trend; that it is bound to develop not to the south, to the east or the west so much as to the north, and Canada owns the north. The trade of the empire is northward, and I would say to our young men, and to all the immigrants who come here, instead of remaining in the large centres of the Dominion that they go northward and northwest.

The star of the empire is northward, and when that star of the empire is established in the north, we will be sorry mortals; we will be sorry citizens of Canada when we will not be able to meet their demands, when we will not be able to meet them half-way in bringing out to civilization and the remainder of the human race what the north and northwest is able to produce. Therefore it is the sacred duty of this government to consider this question in all its bearings, not only for the money we have—and God knows we have more than we can spend at the present time—but to consider it for the future generations, and for the near future. We are spending money by hundreds of thousands to bring immigrants to our shores, and when they are here, I ask the government to exercise foresight, so that when these people have earned their living out of the land and desire to sell the surplus or the excess of their produce, that we will be in a position to give them an easy and cheap method to transport their produce to the markets of the world.

Hon. Mr. DERBYSHIRE—On behalf of the hon. gentleman from Russell (Hon. Mr. Edwards) I move that the debate be adjourned until Tuesday next.

The motion was agreed to.

QUEBEC AND NEW BRUNSWICK RAILWAY BILL.

AMENDMENTS OF COMMITTEES CONCURRED IN.

Hon. Mr. COSTIGAN moved the concurrence in the amendments made by the House of Commons to Bill (P) An Act respecting the Quebec and New Brunswick Railway Company.

Hon. Mr. LANDRY—Are the amendments very substantial, or are they merely formal?

Hon. Mr. COSTIGAN—The Bill as it passed the Senate gave the company power to amalgamate or make arrangements with other companies not named. The rule in the House of Commons, as I understand, is and it has always been the practice, that in order to pass such a measure through the House of Commons we have to name the companies with which you are associated. and therefore not having named the companies the clause was struck out. That is all the change that I know of.

The motion was agreed to.

WINDING-UP ACT AMENDMENT BILL.

Hon. Mr. SCOT moved the second reading of Bill (144) An Act to amend the Winding-Up Act.

He said: This Bill does not propose to introduce any new principle or any change in the law as it now stands. In making the revision of the Revised Statutes, they altered the phraseology of the law as it stood, and it left a doubt as to whether the expression 'No lien or privilege shall be created,' referred to all the points that were mentioned in all the paragraphs, and then again in the sixteenth line there was a mistake. The expression 'Or by the issue or taking out' should read 'Or making out.'

Hon. Mr. LOUGHEED—Can my hon. friend say whether any litigation has arisen over any doubts which may be thrown on the interpretation of the language in the Revised Statutes?

Hon. Mr. SCOTT—I do not know. The report sent me from the department states that section 84 which it is proposed to amend is taken from section 66 of the Revised Statutes of 1886, chapter 129. The Revised Statutes of 1906 divided the section in two subsections in such a manner as to suggest the possible question as to whether or not the hypothetical sentence 'If before the payment,' etc., in line 16, applied to both A and B. It provides that it should be so and in the old Revised Statutes section 66 it reads correctly. So that the object is simply to remove any possible doubt there may be in regard to it. I cannot state whether there has been any litigation under this.

Hon. Mr. LOUGHEED—Do I understand my hon. friend to say this is taken from the old statutes?

Hon. Mr. SCOTT—Yes.

Hon. Mr. LOUGHEED—Is this a re-print of the old Revised Statutes?

Hon. Mr. SCOTT—No, it is really no change, but the fault was in the Revised Statutes of 1906, making the change. In-

stead of placing the words 'No lien or privilege shall be created' at the top, as they should have done, to apply to all the paragraphs, they simply introduced it in the first line of each, and there was a doubt as to whether it applied to all the conditions that arose. Then the expression in regard to taking attachment should read 'making.'

Hon. Mr. LANDRY—That is a clerical error.

Hon. Mr. SCOTT—Then the expression 'If before the payment over to the plaintiff of the moneys,' was left out, and two words added at the bottom. It simply makes the paragraph clear. There is no change contemplated in the law. It was intended to leave the law as it stood before the revision of the statutes.

Hon. Mr. LOUGHEED—Is this a reprint of the former Revised Statutes?

Hon. Mr. SCOTT—It does not follow it exactly, but it is in effect.

Hon. Mr. LANDRY—It is manifestly a substantive change in the Revised Statutes of 1906. Additional language is employed in the latter end of the section which is not to be found in the existing law.

Hon. Mr. SCOTT—The wording is very nearly the same. I have compared it. The transposition is different.

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

LAND TITLES ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (133) An Act to amend the Land Titles Act.

He said: There are a great many of these bodies in the Northwest which are not incorporated, and the object of this Bill is to allow the trustees or the head of the church to hold the church properties, the trustees to continue to be elected.

Hon. Mr. LOUGHEED—I think this Bill is open to many objections, owing to its indefiniteness. A very important trust is being invested in the proposed representatives of the church or congregation, and it seems to me that before trustees should hold valuable lands as they are to be entrusted with under this Bill, there should be some safeguards to protect the congregation in asking trustees of that charter to account for their trust. My hon. friend will observe that this is a very radical departure from well recognized principles of law, by which to-day, it would be impossible for the representatives of a congregation appointed in, possibly, a very general and indefinite way to hold valuable lands. Let us assume for the moment that in a very informal and irregular way trustees are appointed by a congregation; how are we going to determine in the event of litigation, if those trustees have been regularly appointed. Supposing the congregation should divide itself into two factions, as very often is the case, and let us assume that both should appoint trustees, who is going to determine who are the trustees of the congregation? So far as I can observe, there is no definition as to what constitutes a congregation, and if there is any body of people liable to split asunder and indulge in controversies upon questions of this kind, it is the ordinary congregation. It is not a very great hardship to impose upon the congregation, that they should apply to the provincial or Dominion authorities for letters patent, or for some process of incorporation, so that their representatives should be able to properly hold lands. I think this is very dangerous legislation indeed, and that has been peculiarly exemplified very recently in a case which I just now call to mind, which involved a very small and apparently unimportant congregation in the city of Edmonton, in litigation which went to the Privy Council, and which represented in costs an amount far in excess of the value of the property held by them, and far in excess probably of what will be found for many years to come in the coffers of that congregation. However, when the Bill goes into committee we can discuss it further, but I must place myself on record as being opposed to the principle which is embodied in this measure.

Hon. Mr. SCOTT—A large and populous body in the province of Alberta have been incorporated, but there are a number of Christian bodies that probably are repre-

sented by the pastor of the church, not outside of that, and therefore the object of this Bill was to give them an opportunity of holding property according to the wishes of the majority of the congregation.

Hon. Mr. LOUGHEED—The very law which is being amended, namely the Land Titles Act, makes provision that no trust shall appear upon the face of the certificate: so that my hon. friend will appreciate at once the powers vested in the trustees, and the possibility of trustees appointed, say, in a very irregular way, and possibly by irresponsible congregations, disposing of lands which they should hold, without any machinery being provided by law to call them to account for such a disposition.

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

The Senate adjourned until three o'clock, to-morrow.

THE SENATE.

OTTAWA, Thursday, May 7, 1908.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

BRANDON TRANSFER RAILWAY COMPANY.

PRESENTATION OF PETITION POSTPONED.

Hon. Mr. TALBOT moved the suspension of rules 24a, 110 and 112, so as to allow the presentation of the petition of the Brandon Transfer Railway Company.

Hon. Mr. LANDRY—That motion is not in order. The hon. gentleman should proceed by presenting a petition asking for leave to present a petition.

Hon. Mr. YOUNG—Yesterday, on two occasions, the matter was dealt with in the manner proposed by my hon. friend. My hon. friend is following the practice adopted yesterday in moving that the rules be suspended.

Hon. Mr. LANDRY—I object to it.

Hon. Mr. YOUNG—The hon. gentleman (Hon. Mr. Talbot) is not censurable for making any new departure, because we have been following this practice.

Hon. Mr. LANDRY—I asked yesterday, when a similar motion was moved, if it was a petition asking for leave to present a petition, and was told that it was; however, I must accept the record as I find it.

Hon. Mr. YOUNG—Had it been a petition to present a petition there would have been no necessity to suspend the rule.

Hon. Mr. LANDRY—There is no necessity to suspend the rules to-day.

Hon. Mr. POWER—As far as my memory goes, the uniform practice has been that indicated by the hon. senator from Stadacona, and, like him, I asked the question yesterday with respect to those petitions brought in, and got the impression that they were simply petitions asking for leave to present petitions. That has been the uniform practice and I do not think it should be departed from.

Hon. Mr. TALBOT—I am not very well posted on the rules, and I made an effort to follow the same course that was taken yesterday in the case of the Lake Champlain and the St. Lawrence Ship Canal Company. It was permitted yesterday, and I do not see why objection should be taken to my motion to-day. Since objection has been taken, I give this as a notice of motion for to-morrow.

Hon. Mr. LANDRY—I asked yesterday whether it was a petition for leave to present a petition and was answered in the affirmative, and it was for that reason I let it pass.

The SPEAKER—The motion being objected to, I would suggest to the hon. gentleman to bring in a petition asking for leave to present a petition.

THE EXPORT OF PULP WOOD FROM CANADA.

MOTION.

Hon. Mr. BAIRD moved :

That in the opinion of the Senate it is advisable that a commission be appointed consisting of representatives from the different legislatures of the several provinces, together with such other persons as may have the management of the Crown Lands of Canada, with power to report on the best means to adopt for the preservation of our forests in the best interests of Canada, in view of the large amount of logs and pulp wood that are annually exported from Canada.

He said : In moving the resolution which stands in my name, I regret that same other member of the Senate who is better qualified, had taken the matter up; but feeling as I do, the great need for considering the question embodied in the resolution, at the earliest possible moment, in order that the people of this country may be fully alive to all the facts in connection with the pulp industry, I make the attempt, trusting that the Senate will give it the consideration its merits demand in all its bearings on the future welfare of Canada.

There is, to my mind, no question of such vital importance to Canada, which has come before this Senate for many years. It is the duty of this parliament to be leaders of public opinion, not followers, especially in the matter now before us, as we should be better informed as to the wants and requirements of the country. Supplementing our views with such legislation as will preserve our natural resources in the interests of the labouring men of Canada, whose interests play such an important part in the welfare of the country.

'The greatest good to the greatest number,' should be the motto of every legislator who should apply his best energies to the attainment of that object.

Canada owns in her lumber, mines and fisheries, resources of untold value, which if properly husbanded, will for many years give employment to our people. In my humble opinion, if we were to bend our energies, and part of the expenses incurred in bringing some of the immigrants who have reached our shores, in the direction indicated by this resolution, we would accomplish a great benefit to our own people, keeping our young men at home.

The SPEAKER.

The time has now arrived, indeed, shall I say we have already lost much valuable time by not having taken steps more promptly to protect the resources of our forests by a proper system of fire protection, and by a greater encouragement towards the manufacture of pulp and paper in Canada. Canada is, at much cost, encouraging immigration to our shores, toward which I offer no protest, provided a good, civilized class of people come here, but while we are directing our energies in the direction of immigration, let us not forget to keep our eyes steadily on our great natural resources, and so legislate as to preserve them in the best interest of future generations. If we neglect the present opportunity we fail in our duty as legislators.

One cannot look backward without reflecting, shall I say with sorrow, on the manner in which we have neglected the preservation of our best asset, the forests of this country.

Fire has been the worst enemy of the forest, and until very recently many of the provinces have not taken very active steps, but I am glad to say that in the last few years they have become fully alive as to the necessity of proper fire protection, which has been very materially assisted by the efforts of the forestry convention. Fire has destroyed more than the axe and the saw, and the lumbermen have been destructive beyond reason and common sense. They have destroyed young trees in the cutting and skidding of logs, which in 15 or 20 years would amount to more than the cut itself.

The forest areas of Canada are the largest in the world. Dr. Robert Bell estimates that the forest area of Canada is 2,600,000 square miles, of which over one-half may be pulp wood.

Two important railway lines are now under construction in the province of New Brunswick. One from the town of Campbellton, on the northeast coast of New Brunswick, to St. Leonard, 110 miles long. St. Leonard is a town situated on the Canadian side of the St. John river, on its bank, which river is the boundary between New Brunswick and Maine at that point.

A charter was renewed in this House at the present session, to build a bridge over the St. John river to connect the Interna-

tional Railway with the American system of railways at Van Buren in the State of Maine, directly opposite St. Leonard, and on the American bank of the St. John river. This whole territory covered by the International Railway is well covered with pulp and logs. Pulp and paper men are now actually turning their attention to the erecting of mills on the American side of the river, as soon as the railway line is completed.

The Grand Trunk Pacific passes from Grand Falls to Moncton through the centre of the province of New Brunswick, almost entirely through forest lands. That railway connects with the International and Canadian Pacific Railway at St. Leonard. When these lines are completed, they will open up the greater part of the lumber lands of New Brunswick. Which under existing regulations as to the export of pulp wood and logs, the product of the whole province will be sent to the United States for manufacture. Already the Americans have got control of most of the lumber lands on the north shore of New Brunswick. The lumber cut in that section will be, this year, about 100,000,000 feet of which one-half will be shipped as pulp wood during the coming summer.

America's scarcity of pulp wood is Canada's opportunity.

Guildford Pinchot, chief forester of the United States government, on returning to Washington, November, 1907, from a six month's tour of inspection in which he travelled 5,000 miles, issued a statement to the press, in which he said: 'That in 20 years the timber supply of the United States on government reserves and private holdings, at the present rate of cutting will be exhausted, although it is possible that the growth of that period might extend the famine another five years. The policy of preserving our natural resources for manufacture by our own people is far above and beyond any political consideration. The American people are fully alive to the fact that the end of their pulp supply is in sight. They are therefore purchasing every timber limit that can be obtained, as a reserve.'

Let us see how the pulp areas of the United States are being stripped of pulp wood. The 'Paper Mill,' the recognized organ of the paper and pulp makers of the United States, makes the following statement in an issue of that magazine for January, 1908. 'The wood situation of to-day is a very serious matter. There is not a mill in the United States manufacturing paper from pulp, that is not largely dependent on Canada for its wood. During the year 1907, the United States imported from Canada 650,366 cords of pulp wood, enough to manufacture, say 520,000 tons of news-paper, while its imports from Canada were 149,827 tons of ground pulp, valued at $3,230,272. The actual quantity of pulp wood is supposed to be from 800,000 to 1,000,000 cords, as large quantities get out of Canada along the boundaries between Maine and New Brunswick, and Georgian bay and Lake Superior without any record being made. This is quite evident, as the American people are not anxious to have it all recorded.

Acording to the special report of the United States Census Bureau, the consumption of domestic spruce wood used by the United States pulp mills increased 47 per cent in quantity, and 122 per cent in price, in five years, from 1900 to 1905. While the consumption of Canadian spruce wood by the United States mills increased 102 per cent in quantity and 150 per cent in price in the same period.

The average cost of wood used for mechanical and chemical pulp was more than doubled in the five years named, for every variety of pulp wood except domestic poplar. Canadian poplar increased 167 per cent.

There are 108 pulp mills in New York State with a yearly capacity of 987,000 cords of wood. These mills will strip nearly 100,000 acres per year, which added to the cut of lumber by the mills, estimated at 245,000,000 will exhaust the whole supply of the Adirondacks in 7 years. Estimating 650,360 cords of pulp wood as the amount exported to the United States in 1907, at $4 per cord we get $2,601,440, made into pulp at $7, $4,552,520, and made into paper, nearly $20,000,000. We are therefore losing $18,000,000 yearly, as between the value of pulp wood and the manufactured article.

From these figures it can be easily calculated that the benefit by the manufacture

of pulp and paper in Canada is about eight times greater than from the sale of pulp wood for export. And if the export of pulp wood be prohibited, foreigners will be compelled to manufacture in Canada and the United States will be forced to remove the duty on pulp and paper, which will give still greater impetus to our pulp and paper manufacturers. Canada has lost in the neighbourhood of $70,000,000 in four years, on account of the pulp wood not being manufactured into paper.

It may be said that should we prohibit the export of pulp wood, the United States may retaliate by putting on an extra duty on paper and pulp wood. Any person who has made a careful study of the pulp and paper situation in the United States knows that this will not be done. It cannot be done under the pressure now being made in the United States for cheaper paper, when it is a fact that no person can deny, that the pulp resources are being so rapidly exhausted in that country. We are told by competent experts that the timber supply of pulp wood in the United States will be exhausted in 30 years.

The first paper mill in Canada, says the 'Pulp and Paper Magazine,' was started at Jacques Cartier, Quebec, by a Mr. Jackson, in August, 1800, and was in successful operation till 1857. The second mill was started at St. Andrew's, Quebec, in 1803, the same year in which the Fourdrinier machine, which was to revolutionize paper making, was introduced into England.

According to the census of 1851, Upper Canada had five mills, and Lower Canada had also five. The census of 1871 gave twelve mills to Ontario, seven to Quebec, one to Nova Scotia, and one to New Brunswick. The census of 1881 recorded 36 paper mills and 5 pulp mills.

The subsequent progress of the pulp and paper industry is recorded in the 'Pulp and Paper Handbook of Canada' in the various editions as follows:

Pulp Mills.

Years.	No. of mills.	Total capacity in tons per 24 hours.
1888	34	154
1892	37	312
1899	39	1,145
1907	58	2,361

The total capacity of the mills producing chemical pulp by the sulphite and soda processes in 1899 was about 500 tons per day, and in 1907 about 550 tons per day, so that the increase in the last five years has been almost wholly in mechanical, or ground wood pulp.

Paper Mills.

Years.	No. of mills.	Total capacity in tons per 24 hours.
1888	40	173
1892	37	312
1899	33	326
1907	46	966

The era of manufacturing pulp from wood in Canada began in the decade of 1880-90. The yearly capacity of its pulp mills at the present time is about 700,000 tons of pulp and 290,000 tons of paper. Pulp first figures in the trade and navigation returns of Canada in 1890, when the total export was valued at $168,180, of which $460 went to Great Britain, $147,098 to the United States, and $20,622 to other countries. In 1897 the total export was valued at $741,959, of which $164,138 went to Great Britain and $576,720 to the United States. In nine months of the fiscal year ending March, 1907, the export of pulp was $2,984,945, of which $558,600 went to Great Britain, $2,397,448 to the United States, and the balance to France, Mexico, Japan, the West Indies and Italy.

The exports of Canadian-made paper in the nine months of 1907 were valued at $1,657,740, besides $20,412 of wall-papers Great Britain was the largest importer of paper, the amount sent to that country in the nine months being $920,272, to Australia $33,326, New Zealand $139,687, and to the United States $109,273. This is a large increase in recent years, the exports for the whole of the year 1903 amounting to less than $900,000, including wall-papers.

The Union Paper and Bag Company, which owns 2,000 square miles of spruce lands in the province of Quebec, recently explained that they cut their dividends from 7 to 4 per cent to apply the difference to the purchase of timber lands in Canada, on account of the rapid increase in the market price of pulp wood, and the disappearance of spruce forests from the continent. Last

year Wisconsin imported 70,000 cords of pulp wood from the province of Quebec, to supply its mills.

In order to fully appreciate what the manufacture of pulp and paper means to us, and the rapid growth of these industries we have only to see what has been done in the United States.

In 1850 there were 443 mills in the United States making paper from rags, with a capital of $7,260,864, with a product valued at $10,187,864.

In 1880 there were 742 establishments, with a capital of $48,000,000, producing paper and pulp valued at fifty-seven and a half million dollars.

In 1900 there were 763 establishments comprising over 1,200 mills with a capital of 167½ million dollars, producing paper and pulp to the value of 127¼ million dollars. A most remarkable growth.

By 1908 the capital had increased to 277½ million dollars with an output of $189,000,000, while the amount of wages paid out was $38,000,000. Nine-tenths of the paper now used is made from pulp wood.

In the next four years at the present rate of increase we will lose $200,000,000, as the consumption of paper is rapidly increasing, the supply in the United States is rapidly decreasing. The United States will draw more heavily on us for pulp wood, as time goes on, and they now fully realize their shortage.

As long as we allow our pulp wood and logs to go out of Canada, just so long will pulp and paper mills, and saw mills, hesitate to erect mills in this country, as the country to the south of us have the mills now in operation. For example: Let us see what is being done in Ontario.

From 1892 to 1899 only seven mills were erected.

From 1899 to 1907 nineteen were erected, and the increase is attributed to the regulations of the Ontario government, passed in 1900, requiring all lumber cut in the province to be manufactured in Canada.

This is how the probable prohibition of pulp wood by the Canadian government appeals to one American Congressman. Mr. Littlefield says:

'Canada has the largest supply of pulp wood in the world. And there is already an agitation in Canada for export duty on pulp wood. Why are the Canadians asking for this duty? It is because they want all the returns their forests will give them. And they are right. It is laudable on their part, and it is just as laudable for us, while we stand on the proposition 'America for the Americans,' and they, 'Canada for the Canadians.'

Sir William Van Horne says that the time has arrived for the Canadian people to take action to protect the pulp areas of this country, if we are to reserve them for Canada, and prevent the United States manufacturers from decimating our forests and injuring our water supply. When I tell you that Americans own 2,000 square miles of timber limits, nearly all in the province of Quebec, you will probably realize to some extent the seriousness of the situation. Now, this means that unless something is done. and done quickly, to prevent the wholesale exportation of pulp wood, the United States mills will in time denude our pulp wood areas. If, however, the federal or provincial authorities take action and prevent the Americans taking away our pulp wood in such tremendous quantities, we will be in a position to force the United States mills to locate on this side of the line.

Of course, the American paper manufacturer is anxious to have no export duty on Canadian pulp wood, for it will be easier to secure all he requires to keep his mills running over-time.

With what result, may I ask? Well, to keep the Canadian manufactures out of the United States market. Now, let us cut off the supply of pulp wood, and in six months you will find the American capitalists erecting paper mills in Canada.

Speaking of the agitation in favour of the renewal of the duty on pulp and paper coming into the United States from Canada, as recommended by the newspaper men of the United States owing to the growing demand for paper in other countries, and on account of the scarcity of pulp wood in the United States.

J. Tirrell, a member of the House of Representatives at Washington says:

'If there are any gentlemen on this floor who wish to see the pulp and paper industry of the United States wiped out; who wish to throw tens of thousands of Ameri-

can wage-earners out of employment, and have them walking the streets; if they wish to see the smoke and fire of 108 mills extinguished in the state of New York, and the industry hampered so that it no longer becomes a factor in the development of the country, then it is only necessary to wipe out the tariff on pulp and paper, and give Canada the power to pass a prohibitive export law, and close the mills of the United States.

The pulp and paper branch of the Canadian Manufacturers' Association, last month unanimously adopted a resolution favouring the prohibition of export of pulp from Canada, as being in the interest of our water supply, and the upbuilding of Canada.

We should educate the people as to the great advantages that would accrue to us by the manufacturing of our raw products by Canadians around their own fireside.

Let 'Canada for the Canadians' be impressed upon the whole of Canada, not 'Canada for the Americans.'

Teach Canadians that every tree now standing is a valuable asset. That it is worth more to the owner than cash in the bank, at the same time discourage by every possible effort the cutting of small trees.

The government has sent many valuable men through Canada into every district, instructing the farmers as to the successful making of cheese and butter, rotation of crops, proper cultivation of the soil, the different kinds of seeds which will grow most successfully in the latitudes to which they are adapted, all of which has been materially assisted by the Experimental Farm, money well spent, which is bringing in fruitful returns.

Our leading statesman has coined the phrase, 'The twentieth century is Canada's century,' is very well said. But what have we as the representatives of the people done to make it a successful Canadian century? Are we preserving the natural resources of this country, that they may go down to posterity stamped with an economical management on our part? Are we managing those natural resources in the future interests of Canada? If not, then we are failing in the discharge of our duty as legislators.

I have only heard two arguments offered against an export duty. One is, that if you compel the small pulp wood owner to sell in Canada without competition, he will be forced to sell at a low figure. I have only to refer to Ontario for an answer to this question.

In 1900 an Act was passed to compel all lumber cut in Ontario to be manufactured in Canada, and since that date lumber never sold so high, except the present year, which is on account of a financial depression all over the world.

The other objection is that the United States may retaliate by passing a high duty on our products entering the country. This they will not do. They can not do, as we have the pulp, and they must have it.

No American statesman in the last five years has ventured to threaten Canada with increased duties. Canada can no longer be forced to give America the lion's share of her products. We are in a position to do the bargaining.

Let us make use of our privilege.

Our premier has stated that the twentieth century is Canada's century. Very good indeed, but how are we going to make the twentieth century the best? Are we, by wise legislation, legislation which will preserve the forests of the country, going to make this century the best? Are we stamping this period with wise and intelligent legislation, calculated to preserve our forests, so that they will be taken down to posterity as a valuable asset for those who come after us? I say it is of the greatest importance that we should become alive to the necessity of preserving the natural resources of the country. We have the greatest natural resources of any country in the world. We look across to England and we find that their resources are very limited, but they have made it the greatest country in the world, through their skill, ability and energy. There is no reason why Canada cannot, in the future, be made one of the greatest and wealthiest countries on the face of the globe. But unless we awake now, and develop and protect our natural resources by wise legislation, lose sight of politics for a short time, and get together and solve this problem which I have no doubt the two Houses assembled in parliament will be able to do, we cannot rise to the position we should occupy. What have I to

offer? In the first place, I would suggest that the local governments of Canada should do as Ontario has done, enact a law that all lumber cut on Canadian land should be manufactured in Canada. Then the government should place a prohibitive duty on the marketing of lumber not controlled by the local legislature. It is estimated that the United States forests will be completely denuded of pulp wood in twenty years. They begin now to realize this. Let us move before it is too late, and conserve our forests in the best interest of the people of Canada. Do not put these matters off until it is too late. Surely we should learn from the experience of the great country to the south of us. There are many things we learn from those people, and we should now consider the mistakes they have made, and should profit thereby. I shall not endeavour to cover the whole ground in this matter, and I apologize for having to read the greater part of my speech, because it contained a great many facts and figures, and it was necessary that my figures should be correct. I trust that every member in this House who feels interested in this subject will take it up. I have felt keenly in the matter myself for a number of years. I have had something to do with lumber all my life, and I have witnessed the reckless waste which has gone on in our forests. The public now realize the extent of that waste and are taking steps to prevent it. I see no reason why the government should not deal with the question this session. Let us have an expression of opinion. It would be a good move on the part of this government to send intelligent bright men all over the country to teach the farmer the value of every tree on his farm, in the same way that he was taught how to produce butter and cheese. There are a great many farmers who do not consider these things, and who look upon the forest as an enemy. No doubt years ago, when the forests were very heavy and the flies were so troublesome they became a sort of pest to the farmers, and the desire was to cut the forest down, so that the wind could blow through the districts and relieve them of the flies. I desire that the Dominion and local governments may take this matter into consideration and appoint a commission. It is a matter, to my mind, in which both federal and local governments ought to be interested. They should act in conjunction—get some of the best practical men in the country, they need not necessarily be members of parliament, who will take this matter into consideration. It would suit me better if the government felt in a position to act now, because I believe that public opinion in Canada is ripe to deal with this question, and protect the pulp wood in the interests of the Dominion.

Hon Mr. EDWARDS—I must congratulate my hon. friend for introducing in this Chamber a subject which, in my humble opinion, is one of the most important that can come before the people of Canada. Next to agriculture, there certainly is no more important question for Canada than the preservation of her forest reserves. I have no doubt that my hon. friend and myself have exactly the same object in view. If we disagree, however, as to the application, or the means of bringing about the result, it will be merely a disagreement upon that point, and not one upon the main object. He is correct in stating that forest fires have been the great enemy of the forests of Canada. There are those unacquainted with the subject who imagine that the lumberman's axe has been the great destroyer of the forest, but such is not the case. I think it is absolutely safe to say that forest fires have done twenty times the destruction to the forest that the lumbermen's axes have done, and I say, as a practical lumberman, without hesitation, that if forest fires had been kept from our forests, and if our timber had been cut scientifically and judiciously from the first, our forest areas in Canada would be still unbroken, and you could hardly tell that the lumberman's axe had any effect on them. It is, unfortunately, a regretful fact that much of our forest area has been destroyed and lost perhaps forever; but if the people of Canada awake to-day to the real situation, and apply the methods which are possible of application, Canada need never suffer for the want of timber. This subject is one which I hope will be fully discussed here. It cannot be too much discussed throughout the entire area of this Dominion, for unless our

forests are preserved, as has been very forcibly said by my hon. friend, our water-powers will also become impaired, and thereby another of the great assets of Canada will be destroyed. For it is only by the preservation of the forests that our water-powers can also be preserved. Every province of Canada has had its full share of timber areas. The province of Quebec is perhaps one of the most fortunate provinces of the Dominion in that respect, for the reason that it is the most northerly province in which our large water sources are situated, and if those northern forests are preserved, Canada, in the future, must become one of the greatest manufacturing countries in the world. Coal is the great source of motive power in the United States. It is a diminishing quantity, and it is only a question of time when coal must cease to be the producer of motive power. But by the preservation of our forests and the maintenance of our streams our water powers will go on forever; the supply will never cease and every Canadian can look forward with an assurance that if those two great sources are preserved Canada must sooner or later become if not the greatest, one of the greatest manufacturing countries in the world. My hon. friend and myself up to this point thoroughly agree, but there is a point to which I shall shortly refer on which we will disagree. My hon. friend makes the question one of the cutting of pulp wood and the exportation of a certain amount of it to the United States. I am one of those who will be heartily glad when the day comes—and the day is sure to come—when all our forest products will be manufactured in Canada; but I would not at this moment shut of the exportation of the small amount of our pulp wood which annually goes to the United States. There are those who believe that if that export were cut off immediately the pulp mills of the United States would be transplanted to Canada. Such is not the case. The evolution would not come about in so short a space of time. It is going on, however, and will go on until within a reasonable period of years the greater portion, if not the whole of our pulp wood, will be manufactured into pulp and paper in Canada. The state of New York is the largest paper manufacturing state in the United States. It draws from Canada a certain portion of its raw material. Many mills have been built in that state, but no sane manufacturer is going to build many more paper manufacturing mills in the United States for the reason that the tenure of those mills, so far as the supply of material is concerned, cannot be guaranteed, and it would be very foolish indeed to rely upon the local supply. What will be the life of the pulp and paper mills of the United States? With few exceptions, those mills are cheap and of inferior construction. Their lifetime cannot be more than ten or twelve years at the outside. If we stop the exportation of pulp wood to-day do you immediately close those mills in the United States? By no manner or means. While their supply is becoming exhausted, it is not yet exhausted, and for several years to come they will have a sufficiency to keep them going. Would the mills be erected in Canada if we ceased exporting pulp wood? Not at all. Why? For two very good reasons, that the United States tariff would not enable us to manufacture for that country and, therefore, we could not export paper to the United States. Again, we cannot export paper to Great Britain from the fact that Great Britain is supreme in the production of paper, procuring its raw material from Scandinavia cheaper than it can be supplied from Canada or any other source. I have personally investigated this matter at my own individual expense, and know whereof I am speaking. That being the case, what would happen? Simply we would lose that much business in Canada. We could not erect the paper mills and put them into immediate operation here, but the evolution will go on. By degrees the change will come about, and in a short period of years—I think certainly before 20 years—we will hear no more of this question, because the business, by natural evolution, will be transferred to Canada. There are those who believe that because a few hundred thousand cords of pulp wood go to the United States, our resources in that respect will soon be exhausted. Those who speak that way have very little knowledge of our resources in so far as timber supply is concerned. This cry comes from what sources? Not generally from gentleman like my hon. friend here, but from Cana-

dian manufacturers of paper who want to control the market for themselves, and obtain from the producers of timber in this country supplies for their mills at their own price. It would be a very nice thing indeed for the gentlemen who own the pulp and paper mills to be able to say, 'You shall not sell abroad; you must sell at home,' and for a few of them in this country to combine and make prices at which they will buy pulp wood, and, under the unfortunate tariff of Canada, dictate the price of the article. That is the condition which a few gentlemen in this country would like to bring about.

Hon. Mr. POWER—Was not that same argument used when it was proposed to put an export duty on logs going from the province of Ontario?

Hon. Mr. McMULLEN—Hear, hear.

Hon. Mr. EDWARDS—My hon. friend says 'hear, hear;' I have not forgotten that little question, and I shall answer it later on.

Hon. Mr. POWER—I have an open mind on the whole subject, and I am anxious for information.

Hon. Mr. EDWARDS—How could that have the same effect? How would the result be parallel?

Hon. Mr. POWER—It is just this; there were lumber mills in the province of Ontario and the ground might naturally have been taken that if the people who cut logs were not allowed to export them to the United States, the Canadian millmen would get the logs at their own price. Whether a stick measures six inches in diameter or two feet does not seem to me to alter the principle.

Hon. Mr. EDWARDS—I was aware that my hon. friend was not a practical lumberman. What happened at that time was this—what my hon. friend claims would be the result was not claimed at all. This was the position; Ontario had sold several of her licenses under certain regulations with no restrictions as to the exportation of timber, and Ontario enacted, and I say wrongly enacted, a law which deprived those gentlemen who had bought those licenses of a right which they had under their purchase. I quite agree it was within their power to do it; but I have always denied, and now deny, that Ontario did the right thing when she passed that enactment. And let me say here that Ontario was a direct loser by the transaction.

Hon. Mr. ROSS (Middlesex). How?

Hon. Mr. McMULLEN. Hear, hear.

Hon. Mr. EDWARDS—The fact was then and the fact is to-day that the round log on the shore of Georgian Bay will sell for more than the sawn lumber after it is manufactured.

Hon. Mr. ROSS (Middlesex). Do you saw logs for nothing?

Hon. Mr. EDWARDS—The log will sell for more before it is manufactured than after it is sawn up, for this reason; that it can be taken across in the round log for half the price it can be taken any other way. The mill refuse can be used to make salt, and for other purposes in Saginaw, and is worth so much more; therefore the United States lumbermen can afford to pay more for the round log than for the lumber it will produce. If Canada has not lost by its policy, let us be sound and logical, and when our butter and cheese and other exports get down to Montreal, hire men to roll them around and pay them to do it in order to make money for Canada. The case would be exactly parallel. The enactment appealed then and will appeal now to sentiment, but it would never appeal to sound logical business men who understand the business.

Hon. Mr. McMULLEN—We will answer you after a while.

Hon. Mr. EDWARDS—My hon. friend will have some trouble answering me.

Hon. Mr. McMULLEN—Not the slightest.

Hon. Mr. EDWARDS—My hon. friend may make statements, but he cannot answer me.

Hon. Mr. CASGRAIN—We will be the judges of that.

Hon. Mr. EDWARDS—My hon. friend who introduced this question is and has

been all his life a manufacturer of sawn lumber, and a very respectable one. I ask him this question: has he ever found any fault with the selling of sawn lumber for export to the United States or Great Britain or any other country? He has no more right to find fault with the sale of pulp wood for export than he has with the sale of sawn lumber for export. The great question is, not what should be done with the article after it is cut down, but the preservation of our forests, and every province of the Dominion and the Dominion itself should manage the forests in such a way that they will never be depleted. Is this going to be done as the result of certain enactments as to what an individual shall do with the products of his forest? Not at all; but there is a way of doing it and that way is to cut carefully and judiciously. What is the proper way to cut? I make this statement, and make it advisedly; my belief is that more timber dies and goes to destruction in Canada annually than is cut. That is my firm belief as a practical lumberman of many years. Now, what should be done? Every limit in Canada should be operated in a judicious way, cutting only the old and matured timber, and not one stick of the small timber. If timber were cut under the method which I would advocate, and which I strongly advocate, there would not be nearly so much pulp wood for sale. I do not believe in cutting small undergrowth timber. It should be preserved for the future. While I am heartily in accord with the appointment of a commission to investigate this matter thoroughly, my doctrine is that what should be looked into is not what should be sold or how it should be sold or manufactured, but how to maintain and preserve the great forest wealth of Canada. It is a matter of the highest importance to the country; but it is foolish to interfere with trade and tell your neighbour where and how he should sell his products and what he should do with that which is his, and which he has a right to sell where he pleases. I myself am preparing to engage in the manufacture of pulp and paper, but I am not going to cut any of the small trees, neither shall I ask for protection; but I hope, before I go into the manufacture of this article, that every vestige of protection on paper shall be removed from the Canadian tariff. I may be bad, but I'll be hanged if I will be a sneak thief. I would rather be a robber who would boldly demand a man's money than steal it through tariffs or anything of that kind.

Hon. Mr. FERGUSON—That is hard on the Minister of Trade and Commerce.

Hon. Mr. EDWARDS—I will ask the Minister of Trade and Commerce, if he finds any fault with what I say; I do not think he will. I want to point out, and I do so with all respect, one little mistake which my hon. friend has made. I do not recall the number of cords of pulp wood which he said we sold to the United States annually, but he said it was sold at $4 a cord, and then he took the price of paper and claimed that in five years Canada has lost seventy millions of dollars as the result of selling the pulp wood for export. That statement is very misleading, because it has cost something to manufacture the pulp into paper, and that cost would have to be deducted from the price.

Hon. Mr. CASGRAIN—Our people would get the wages.

Hon. Mr. EDWARDS—We can get wages at a loss to Canada, and I claim that you deprive the farmers of Canada and the small lumbermen of Canada of this market for the small amount of material which they have to sell, and in this respect it would be a very improper imposition upon them. I hope the day will never come when this government will pass any such enactment. Educate the Canadian people not on the narrow lines of protection and what they should do in trading with one another, but educate them to preserve one of our greatest resources, our forests and as a consequence of preserving them, preserving also our water-powers, and in time this Dominion will reap a reward such as no Canadian can realize at present. Educate the Canadian people to preserve what they have, but not on the lines of a system of slavery such as is brought about by protection; teach them just as we are teaching them in agriculture how to preserve our forests and you will do untold good to Canada.

Hon. Mr. McMULLEN moved the adjournment of the debate until Tuesday next.

Hon. Sir MACKENZIE BOWELL—What reason is there for postponing this question? It has been on the order paper for a long time and should be disposed of in some way.

Hon. Mr. McMULLEN—It has only been introduced to-day, and I want to look into some matters before attempting to speak on the subject. I waited expecting some member of the Senate to go on and speak, but as no one rose, I moved the adjournment of the debate.

The motion was agreed to.

THE EXCHEQUER COURT JUDGE.

INQUIRY.

Hon. Mr. COMEAU (in the absence of Hon. Mr. Choquette) inquired:

1. Does the Hon. W. Cassels, recently appointed Judge of the Exchequer Court of Canada speak French and does he know the civil law of the province of Quebec?
2. If not, does the government propose to appoint a second judge of the said court who knows French and is acquainted with the civil law of the province of Quebec, so that French-Canadian citizens shall be upon an equal footing with English-Canadian citizens before all the tribunals of this country as prescribed by the constitution?

Hon. Mr. SCOTT—Mr. Cassels is a native, I believe, of the city of Quebec, and no doubt in his earlier years was a fluent speaker of the French language. For many years he has been living in Toronto, and probably is not so well up in the French language as he was in his earlier life. I noticed in replying to the address presented to him by the Bar of Montreal, that he expressed the hope that the next time he addressed them he would speak to them in their own language, which seemed to please the Bar of Montreal, who found no fault with him for the manner in which he referred to his knowledge of the French language. I am not aware whether he is versed in the civil law of Quebec or not, but he is a gentleman of ability, and I have no doubt he can very soon become versed in civil law. It is not proposed to appoint any other gentleman on the bench.

FRENCH EDITION OF EXPERIMENTAL FARM REPORT.

INQUIRY.

Hon. Mr. COMEAU (in the absence of Hon. Mr. Choquette) inquired:

Does the government know that the Experimental Farms Report for 1906 has not yet been published in French? And, if the answer is in the affirmative, what means does it propose to take to hasten such publication and prevent similar delay in the future?

Hon. Mr. SCOTT—I hold in my hand a copy of the Experimental Farm report in French, which was issued during the summer of 1907. It was down to the year 1906. The last report made by the department was only presented to the House of Commons during the present session. It has been translated and is now in the hands of the printer.

TENDERS FOR IRON WORK ON INTERCOLONIAL RAILWAY.

INQUIRY.

Hon. Mr. BOLDUC (in absence of Hon. Mr. Landry) inquired:

Did the government during the last fiscal year, ask for tenders for the supply of all the iron work which it bought for the use of the Intercolonial from Lévis to St. Flavie?

Who tendered?

Who obtained the contract and at what price?

If tenders were not asked for, who supplied the government with the articles of ironwork which were bought for the Intercolonial from Lévis to St. Flavie?

Hon Mr. SCOTT—The answers to the hon. gentleman's questions are as follows:

1. The only iron work asked for by the department during the fiscal year 1907-08, between the above named points, was for a short span bridge at Trois Saumons. Tenders were asked for this work.

2. The Dominion Bridge Company, Montreal, Que.

3. The Dominion Bridge Company, Montreal, at $3.82 per 100 pounds.

SUPPLY OF BRUSHES FOR INTERCOLONIAL RAILWAY.

INQUIRY.

Hon. Mr. BOLDUC (in absence of Hon. Mr. Landry) inquired:

Who supplied the government with the brushes which have been bought for the use of the Intercolonial railway?

Was it after tenders had been asked for that these purchases took place?

Who tendered, and at what price was the contract awarded?

Hon. Mr. SCOTT—The answers to the hon. gentleman's questions are as follows:

1. Brushes are being supplied the railway by Messrs. Hector Lamontagne & Co., Montreal; Robert Carrier, Lévis; A. M. Bell & Co., Halifax, and L. S. Macoun, Ottawa.

2. Yes.

3. The following parties tendered: Hector Lamontagne & Co., Montreal; Cragg Bros. & Co., Halifax; Caverhill, Learmonth & Co., Montreal; Robert Carrier, Lévis; The E. Cavanagh Company, Montreal; A. M. Bell & Co., Halifax; L. S. Macoun, Ottawa; A. Prudhomme & Fils, Montreal.

Contracts were awarded at the following prices:

To Hector Lamontagne & Co.—Car wash brushes at $8 per dozen; artists' flat brushes ½-inch, 65 cents per dozen; whitewash brushes at $1.40 per dozen; artists' flat brushes, ¾-inch at 85 cents per dozen; deck scrub brushes at $2.80 per dozen.

To Robert Carrier—Counter dusters, $2.10 per dozen; paint brushes, round, $11.25 per dozen; point brushes, flat; $12.96 per dozen; paint brushes, flat, $5.40 per dozen; paint brushes, flat, $2.70 per dozen; artists' brushes, round, 30 cents per dozen; artists' brushes, round, 34 cents per dozen.

To A. M. Bell & Co.—Scrub brushes, $1.20 per dozen; stove brushes, $1.40 per dozen; battery brushes, $1.95 per dozen; varnish brushes, 1-inch, $1.65 per dozen; varnish brushes, 1½-inch, $2.80 per dozen; painters' dusters, $4.85 per dozen; paint brushes, grey and white, $12.75 per dozen; sash brushes, No. 2, 57 cents; No. 3, 70 cents; No. 4, 85 cents; No. 5, 95 cents; No. 6, $1.30; No. 7, $1.40; No. 8, $1.05; No. 9, $2.10; No. 10, $2.65.

To L. S. Macoun.—Turkey feather dusters, $2.85 per dozen; varnish brushes, oval, $8.50 per dozen; paint brushes, round, $9 per dozen; stencil brushes, No. 3, $1 per dozen; stencil brushes, No. 4, $1.30 per dozen; stencil brushes, No. 5, $1.60 per dozen; stencil brushes, No. 6, $1.90 per dozen; stencil brushes, No. 7, $2.50 per dozen; stencil brushes, No. 8, $3 per dozen.

Hon. Mr. BOLDUC.

CLEANING OF FORTS AT ST. JOSEPH DE LEVIS.

INQUIRY.

Hon. Mr. BOLDUC (in absence of Hon. Mr. Landry) inquired:

Who obtained the contract for the cleaning of the ground in front of Forts No. 1 and No. 2 at St. Joseph de Lévis?

At what price?

Is it by the job, by a square yard or acre?

Who has been named to superintend and accept the work?

At what salary?

Hon. Mr. SCOTT—The answers to the hon. gentleman's questions are as follows:

1. Mr. M. Gosselin.

2. $375.

3. By the job.

4. Mr. L. J. Mathieu, clerk of military works, Quebec.

5. Mr. Mathieu, who is a permanent official of the department, and in receipt of an annual salary of $1,500, received no extra remuneration for supervising this work.

SHIPBUILDING INDUSTRIES OF CANADA.

INQUIRY.

Hon. Mr. DOMVILLE rose to:

Call attention to the desirability of assisting financially the shipbuilding industries of Canada, and will ask if the government has given the subject any consideration, or is likely to?

He said: I come from a shipbuilding province, New Brunswick, alongside of Nova Scotia, which, for many years, had their main industry in shipbuilding, with their lumber. They built ships and manned them with their own men and sent them to sea. Their earnings came back, and every ship on the ocean was really a factory producing revenue to the province. After the iron ships came into vogue, the trade in wooden vessels fell off, and they looked with anxiety for some industry that would take its place and maintain the commercial standing of the maritime province. I would ask what is going to bring them up? We do not object to a very vast expenditure in the west; we have no reason to say that the west shall not be developed. But, in the meantime, we, in the maritime provinces, must think of our

present position, and what our position in the future is to be. We are naturally considering whether we are going to get a wharf, or whether the government are going to do any dredging. Every vessel that comes there to load leaves a certain amount of toll. There is toll for loading and toll for unloading, and so on, but I will not go into that branch of the question on this occasion. Every vessel that enters our ports leaves so much money there, but that is not what we are looking at. We are looking at the future. There is the Transcontinental Railway; we all pay our share of that. There is the Georgian Bay Canal, being discussed, and no doubt that is a worthy enterprise. We contribute our share. There is the Hudson Bay Railway which is to be run up there to bring down the caribou and all other game. We do not object to that.

Hon. Mr. PERLEY—It will take the wheat out.

Hon. Mr. DOMVILLE—Where are they going to take it?

Hon. Mr. PERLEY—To England.

Hon. Mr. DOMVILLE—We do not object to that; but we think the direction of legislation should be, perhaps, to our individual advantage, if we chose to so call it, in New Brunswick and Nova Scotia. Nova Scotia has done well with their bounties and their steel, iron and coal. That is a step in the right direction, but we want to come down to what is more beneficial to us. That is shipbuilding. We can build wooden ships which will compete in design and model with any in the world. The 'Marco Polo' was built in St. John, and nothing could compete with her. But as the trade passed away from us, and iron vessels came in, we suffered severely, and we want to get back to our previous supremacy in shipbuilding, if we can. The rolling mill producing iron can roll the plates and angles and various pieces that go into a modern vessel, and we want to build ships in Halifax or St. John, even as they did first of all in Ireland at Belfast. There was no iron there. They brought over all the material to Belfast, erected the ships there, and sailed them afterwards. We could do the same. We could obtain our material from England now, but we would be met with the tariff on the material and would be at the disadvantage of having to pay the heavy freight from the old country to Canada, and we would not be helping to build up our local industries, because we would not be using the iron and steel produced in Canada. We wish to be placed on an even keel in that matter. My suggestion is that something should be done in the direction of, we will call it a bonus or assistance, —bonus is a good word—so that we may be on an even keel with England and foreign ships, and will have ships constructed in Canada, bonused to a certain extent, so that they can be built by us as cheaply as they can be assembled in the old country. Our own ships would then be sailing with our own produce, and we would be educating and maintaining a fleet of sailors, which would be a good thing for the empire, who, when necessary, would be able to render assistance to the old country in manning their ships. We would produce hardy seamen such as we used to have, such as England produced when they went to fight the Spanish pirates in South America, so that we could send our sailors out on such expeditions if the opportunity offered.

Hon. Mr. LOUGHEED—As pirates?

Hon. Mr. DOMVILLE—Yes, if you like. There is no fault found with the government. We do not care anything about the government of the past, and we are glad to see the present government getting along, but that cuts no ice with the great prosperity of the maritime provinces. Governments pass away and new governments come in. The soil still remains, and we must have industries suitable to the soil. They could hardly manufacture the goods required at the head of Lake Superior, at Fort Francis for instance, where I was the other day, on account of the distance. I observed that they were getting coal for $3.25 a ton delivered at Fort Francis. They have their iron mines and blast furnaces, their structural steel for the west and rolling wire. We would never pay the freight from St. John to compete with them, but we must ask the government to consider the

matter as to whether they will not assist us on such a basis as will revive a past industry. The Board of Trade of St. John sent me a communication under date the 30th April, which reads as follows:

St. John, New Brunswick, Canada.
April 20, 1908.

Senator Jas Domville,
Ottawa.

Dear Sir,—I have the honour to enclose herewith, copy of a report *re* Steel Shipbuilding in Canada, submitted to the board by Mr. George Robertson, as our representative on a delegation to the government two years.

Hoping this may be of use to you.

I beg to remain, yours faithfully,
W. E. ANDERSON,
Secretary.

To the President and Council of the St. John Board of Trade.

Gentlemen,—Pursuant to my appointment as your delegate to meet a delegation in Ottawa representing all the ship building interests in Canada for the purpose of meeting the Dominion cabinet and endeavouring to secure a sufficient bounty to insure the establishing of steel ship building in the Dominion on a paying and premanent basis, I beg leave to report as follows:

That on March 22 the delegation met in Ottawa, and were received by the Minister of Finance and other members of the cabinet. The following gentlemen were present at the meeting, Hon. Mr. Fielding, Hon. Sir William Mulock, Hon. Mr. Fitzpatrick, Hon. Mr. Emmerson, Hon. Mr. Prefontaine and Hon. Senator Power of Halifax, Mr. Roche, M.P., of Halifax, Mr. Carney, M.P., of Halifax and Mr. Johnston of Cape Breton. The following delegates were present: Mayor Scharfe, of Dartmouth, Mr. DeWolfe, Halifax, Mr. Allison, Halifax, Alderman Johnston of Halifax, Mr. Bertram of Toronto, Mr. Nichol, Toronto, Mr. Clergue, Sault Ste. Marie, Mr. Robertson, St. John, New Brunswick.

Mr. DeWolfe of Halifax introduced the individual members of the delegation to the ministers and then referred to the efforts Halifax was making to establish a ship building plant in that city, an English firm offering to take a large interest in the project providing the government would grant a bonus to assist the enterprise. Halifax has promised a grant of $100,000 in cash. The Nova Scotia government $100,000, and Dartmouth $100,000, all for the same purpose. A provisional company has been formed and the sum of $30,000 subscribed for the purposes of promotion, and a very large and suitable site has been secured for the yard. Mr. DeWolfe went very fully into the subject and recited the efforts that had been made in the past stating that nothing had been accomplished, because of the divergence of opinion between ship builders on the Great lakes and those who contemplated establishing a yard in a Canadian sea port. The point made was that the competition would be much more keenly felt in maritime province ports than it would be on the Great lakes from yards already long established in Great Britain, and that for the first few years at any rate, of its existence a Canadian shipyard should be assisted by means of a bounty or bonus of so much per ton from the Dominion government. He stated that the delegates from the lake ports and the maritime provinces had agreed to ask the government to grant a bonus of $6 per gross ton for the term of ten years to assist in steel ship building in Canada.

The members of the cabinet evinced a deep interest in the subject and among the important questions asked was one by the Finance Minister as to what constituted the construction of a ship, that is to say, would the material be all Canadian or what part of it? This question was answered very fully by Messrs. Britain and Nichol, practical ship builders of Toronto. They said the steel plates had so far been imported, but there was no reason why they should not be made in Canada, referring specially to facilities for work of that kind in Cape Breton. I judge from the information given by these gentlemen that in a short time after the enterprise became firmly established on a paying basis, that practically all the material used in the construction of steel ships could be produced and manufactured in Canada.

Mr. Clergue, of Sault Ste. Marie also gave a most interesting and valuable address dealing with many aspects of the question.

Alderman Johnston of Halifax, made a very interesting address referring to the splendid position his province held at one time in the wooden ship building and the present lonesome look of the old ship yards, and his belief that the establishing of steel ship building throughout the maritime provinces would assist in retaining our young men at home, and would be one of the greatest boons that could be conferred upon the maritime provinces and decidedly in the interests of the whole Dominion.

This is not an application from men of straw. They are the leading men of Halifax, and they say they will put some money into it, and they recognize that it is a bona fide and praiseworthy industry for them to assist. They therefore approach the government asking them if they will assist them. They ask for a moderate sum which will put them on an even keel, and they point out what it will do to build up the country, and they say, 'We are going to sail the seas as we did before, with a Canadian fleet, carrying Canadian produce.'

That is what the east says. Let us see what the west says. Take Ontario: There is a firm at Collingwood, Thomas Long, I think is the name. I received a letter from Mr. Thomas Long, Collingwood Shipbuilding Company, Limited. He was down here the other day and he asked me to present a statement to the House as his view of the question. The letter reads as follows:

The national importance of the shipbuilding industry cannot be over-estimated at the present stage of development of Canada's resour-

ces. The future of Canada is assured. The great fertile plains to the west of Lake Superior offer a home to millions of settlers, and the rapid increase in population and production yearly proves that the offer is not being spurned. Vast acreage under cultivation means immense quantities of grain for shipment to points east, and a large population in the wheat producing section of the west will demand heavy return shipments of manufactured articles from the east. The question then that confronts the nation to-day is how to provide the best, cheapest and most successful means for conveying this tonnage from point of production to destination. A glance at the map of Canada immediately points out the great natural waterway from the sea to the head of Lake Superior as the outlet for all trade to and from the west. The moment for Canada to arise from her seeming indifference to the question of water transportation is at hand. The merchant marine of Canada is neither sufficient nor worthy of this country, and now when the call goes forth for an increase in our tonnage is the time for our Canadian statesmen to answer the call by doing all in their power to assist in building up a Canadian fleet worthy of the future we all fondly believe the hand of Providence holds out to us if we build but wisely and well.

Hitherto as the demand was made for additional tonnage Canadian capital was invested in British or United States ships, and as we all well know the type and variety have not added much to the prestige of our merchant marine. Our money has been expended in foreign lands, our skilled mechanics and tradesmen seek employment where such labour is in demand, and as a consequence Canada's growth in wealth, population and native industries is retarded. Is this the way to lay the foundation of a nation? Is it the policy pursued by England, Germany, France, the United States or other nations? Are we still to be content with the cast-off ships of the British and United States fleets? Are we still to consent to make our marine highway a dumping ground for the refuse of other nations? We hear a great deal about the necessity of allowing no physical or moral degenerate among the new settlers coming into our land, and justly so. Why should not the same policy be followed when it comes to the question of importing ships? The best should be none too good for our trade. Why should discarded ships from other land be not only permitted but practically encouraged to come here and become Canadianized without question? So long as a vessel keeps afloat is she to be considered good enough for our Canadian trade? Not grown honourably old in the service of her own land, but worn out in the service of strangers is she to come to Canada to seek a watery grave? Duty free for ship and equipment is the rule for British ships entering this country, and duty free for all repairs done to Canadian ships in American ports is our motto. What is the result? The shipbuilding industry in Canada, which at one time was a considerable and valuable asset, has dwindled to almost nothing. We are content to pay duty on all raw material imported for new and repair work, and for much of the equipment, and allow the United States to impose a duty of 50 per cent on any repair work done to American ships in Canadian yards, and yet we hope to flourish and prosper. The ultimate result is apparent. Canadian shipbuilders cannot successfuly compete against such manifestly unfair handicaps. Although the vessels built in Canada are of a much superior type to those imported, and much more suitable for the lake trade, yet prospective purchasers refuse to pay the higher price made necessary by existing conditions, and go elsewhere to secure their ships. We have been applying the golden rule to our neighbours even beyond the limit, and it is now time for every Canadian who looks at this question from a national standpoint to protest against this grave injustice and demand protection in whatever form it may come.

In the first place let us see that the same rule applies to the United States as the United States applies to us. If American owners must pay fifty per cent duty on the cost of repairs to ships in Canadian ports make Canadian owners pay fifty per cent on any repairs they may have done to their ships in American ports. Canadian work should be done on Canadian soil when the facilities for doing it are found here complete in every detail. When patriotism fails to appeal to a man it is time to appeal to his pocket. In the case of British ships, the government could easily place Canadian builders on a fair competing basis with British builders by granting them a rebate on new work sufficient to cover the amount paid for freight and duty on the raw material imported from Great Britain. In this way a great industry would soon spring up along the lakes and rivers from the Atlantic coast to the head of lake Superior, and when half a century has elapsed Canada's ships will be her own, and second to no merchant marine in the world.

Some may point to our great transcontinental railways that are rapidly flinging their iron arms across the continent and ask what more is needed in the way of transportation facilities. These lines are a great boon to the west, and most justly deserve all the aid and encouragement afforded them by the government, but thoughtful men who look to the future realize that unless our great waterways are properly developed and manned with first-class ships the country is no better than a mighty giant paralyzed in the most vital part. The cost of lake carriage is only a small fraction of the cost of transportation by rail, say about one-eighth and when nature has so bountifully provided us with waterways of such magnitude as we possess it is a national scandal not to have them furrowed with a fleet of vessels capable of handling quickly and economically all the produce offered for transportation, and this fleet should be native production—Canadian built and Canadian owned. With proper protection and assistance to the ship building industry this would be an easy matter. The government employs men and money to induce immigration to this country. Would not a great industry such as would soon spring up here in the building of ships, be an excellent means of drawing to our shores the best class of men from other lands?

What satisfies the child fails to please the man. Canada has now cast off her swaddling

clothes and stands forth claiming for herself the position and privileges due a nation. Then let her take a nation's view of this question, and see that her own interests are no longer allowed to suffer, but that her men shall find at home a market for their labour, her capital a first-class field for investment and her industrial genius a fighting chance at least, on native soil. Let the country assert that the man who goes into foreign fields to purchase his requirements for the sake of a paltry gain shall not find in Canada's marine a home for the disabled and dangerous crafts that are considered unfit for any other nation's trade.

I think that covers the whole situation. I hope my hon. friend, the Minister of Trade and Commerce, will look upon the subject favourably. I think that he is now persuaded that the matter is something which is worthy of consideration. The people of the maritime provinces will be gratified to know that I have brought this subject to the notice of the government, and I hope the government will feel that I have done so not at all in an offensive way. I have merely asked them to consider what they can do.

Hon. Sir RICHARD CARTWRIGHT—I have, in common with the House, listened with great interest to my hon. friend. When I first knew him he was a distinguished leader of cavalry rather than a bold pirate, but I have no doubt his versatile genius is equal to either part. The question he has raised is undoubtedly one that deserves and will receive the consideration of the government. At the same time, I may point out to him that it is not one to be rashly undertaken at this time. We would have to be very well convinced that we could really advantage the various interests that he has alluded to, and that there is a fair prospect of creating an industry of the kind in Canada. There is one point to which he alluded that I think is beyond all question a very fair one for bringing to the attention of the government, and that is the fact that shipbuilders here are considerably handicapped by the heavy duties which would be imposed on much of the material used in the construction of ships. Without pledging the Finance Minister on the point, I may express my own individual opinion, but my hon. friend must understand that it is my own individual opinion, that point is very well worth consideration and that every facility should be given in the way of admitting raw material free of duty used in the construction of vessels. As to another matter that he alluded to, that is the need of doing something for the maritime provinces, there may be two opinions on that point. I do not think they are overlooked in the distribution of the loaves and fishes at the present moment.

Hon. Mr. DOMVILLE—The right hon. gentleman is thinking of Nova Scotia.

Hon. Sir RICHARD CARTWRIGHT—My hon. friend suggests that I have Nova Scotia more particularly in my eye. I speak generally, and do not want to particularize; but I think if we went into a debtor and creditor account, he would find that the present government have not in the slightest degree overlooked the just claims of the maritime provinces. However, that would lead me into a discussion which might unnecessarily prolong the matter. All I can say is, I shall feel it my duty to call the attention of my colleagues to the matter which he has brought up. It is pre-eminently a question of money grant which belongs rather to the lower Chamber than to the Senate, and, therefore, he must be content for the present with the assurance that I shall see to it that his representations are considered in council. That much I can promise him at all events, and I shall do so with great pleasure.

Hon. Sir MACKENZIE BOWELL — Is there not a drawback allowed to all shipbuilders of any duties that are paid on articles which go into the construction of a ship?

Hon. Sir RICHARD CARTWRIGHT—There is, but, as my hon. friend is aware, it has been represented, and with some force, that as that is interpreted by the customs authorities, it does not at all cover the full amount of the duties paid. That is a matter of detail, and to settle it, as my hon. friend probably knows, I would have to refer to the department in charge of it.

ISLE ROUGH FLOATING LIGHT.

INQUIRY.

Hon. Mr. BOLDUC (in the absence of Hon. Mr. Landry) inquired:

How much annually has the Isle Rough Floating light cost during the years 1905, 1906 and 1907?

Hon. Mr. SCOTT—The answer sent to me by the department, is as follows :

1904-5..	$ 6,935 90
1905-6..	22,715 44
1906-7..	5,123 75

The expenditure for 1905-6 is large owing to the fact that in that year the sum of $14,260 was spent for repairs.

DELAYED RETURNS.

Hon. Mr. FERGUSON—Before the orders of the day are called, I wish to ask the leader of the House if he is prepared to lay on the table several returns which I moved for over a month ago. I moved for one on March 27. It is asking for information with regard to railway crossings protection. I moved for another on April 1, asking for a return of the number of persons killed or injured as shown by the records of the Board of Railway Commissioners, for three years, showing the railways in detail where the injuries took place. Then I moved for another on April 9, simply asking for a list, which could be supplied by the Railway Commission, of the railways under the control of the Commission and those that are not under the control of the Commission in Canada. I am sure these two last returns could be prepared in half an hour by any official with the records before him, and it is rather remarkable that we have not had them brought down sooner. I notice that when the hon. senator from De Salaberry moved for a return on January 28, it was brought down the very next day.

Hon. Mr. SCOTT—That may be ; some departments are loaded down with demands for returns, and they have to employ extra help to prepare them.

Hon. Mr. FERGUSON—I think these are the only three returns asked for from the Railway Commission.

THIRD READING.

Bill (JJ) An Act for the relief of Edith May Gilmore.--(Hon. Mr. Perley.)

EXPENDITURES OF THE SENATE.

MOTION.

The order of the day being called :

Consideration of the Message from the House of Commons requesting the Senate to furnish that House with a return showing the cost, outside of the indemnity, of the Senate, for sessions 1905, 1906 and 1907, respectively.—(Hon. Mr. Scott.)

Hon. Mr. POWER—At the suggestion of the hon. Secretary of State, I propose to move a resolution which the hon. leader of the opposition has agreed to second; but I see he is not in his place. Perhaps the hon. gentleman from Hastings will take his place as seconder.

Hon. Sir MACKENZIE BOWELL—I will let you know when I hear what it is?

Hon. Mr. POWER—This is a rather important matter. The House of Commons have sent to inquire about the details of our expenditure and it is a subject which I think should be dealt with carefully. We have to reply to their message, and we should do so with reasonable consideration. I therefore move that the Hon. Messrs. Lougheed, Landry, Young, Tessier and the mover be a committee to prepare and report to the Senate a reply to the message from the House of Commons with respect to the cost of the Senate for the sessions of 1905, 1906 and 1907, respectively.

Hon. Sir MACKENZIE BOWELL—I have no objection to second that motion if the hon. gentleman thinks that is the best mode of proceeding. I should like to ask if he has taken the trouble to look up the precedents on this question ? I find that so far back as 1884, on the 28th of March, a similar order was called for by the House of Commons on a motion made by a gentleman who at that time took a great deal of interest in the expenditure of money by this Chamber. I refer to the hon. senator from North Wellington. That motion remained for some time upon the notice paper. If you refer to the journals of the House of Commons of that date, page 302, you will learn what action was taken at that time. I find no further reference to that. No action was taken until March, 1890, when a similar motion was made, and this resolution was passed by the Senate :

That a message be sent to the House of Commons to inform that House in answer to its message requesting the Senate to grant leave to the officers in charge of the stationery and contingencies of the Senate to attend before the Select Standing Committee of the House of Commons on public Accounts at the next meeting to give information respecting the distribution of each stationery and the expenditure for contingencies as set out on page D—17-18 of the report of the Auditor General on appropriation and accounts for the year ending June 30, 1889, and to bring with them all records relating to such item.

That all matters in relation to the internal economy of this House are under the control and supervision of a committee on contingent accounts subject to the approval of the Senate, that the said committee is now engaged in examining the accounts and vouchers of the clerk including the distribution of stationery and expenditure referred to in the said message, and that as soon as the report is submitted by the said committee to this House it will be transmitted to the House of Commons for the use of the Select Standing Committee on Public Accounts.

You will find a record of the action taken by the Senate at that time in the debates on the 15th of May, 1890, page 873. It appears that the committee did not act very expeditiously in the matter. A report had been made to the Senate by the Contingent Accounts Committee, who performed the duties that the hon. gentleman's motion proposes to relegate to that sub-committee which he has named.

Hon. Mr. Reid presented the fifth report of the Select Standing Committee on the Contingent Accounts of the Senate.

The report was received and read at length at the table.

Hon. Mr. Reid moved that the report be adopted.

Hon. Mr. ABBOTT—Hon. gentlemen will remember that we had a message from the House of Commons at the beginning of the session requesting the presence of some of our officers before their committee to give explanations respecting our contingent accounts. There was an understanding of some kind that we should look into the matter ourselves.

Hon, Mr. REID—Yes, and we promised to send them our report and the demand was that we must hurry up, and that is the reason why we have been hurrying up now to bring in the report.

Hon. Mr. ABBOTT—I may say that the proceedings of our committee are shown by the report which has just been adopted, and I moved—

That a message be sent to the House of Commons transmitting to that House a copy of the fifth report of the committee of this House on Contingencies, adopted by this House to-day, calling the attention of that House to the several clauses of that report referring to the expenditure upon contingencies during the past year.

The motion was agreed to.

Hon. Sir MACKENZIE BOWELL.

It seems to me if we follow that precedent all that will be necessary for this committee to recommend is that the report of the Standing Committee on Contingencies of this House, which was presented to the Senate some months ago, be forwarded to the House of Commons. That will be pursuing precisely the same course that was followed in 1890 by the Hon. Mr. Abbott who was leading the Senate. I need scarcely say that I think the demand on the part of the House of Commons to minutely investigate the expenditures in this House is arrogating to themselves a little more than they are entitled to, and it is quite evident the Senate came to that conclusion at the time when Mr. Abbott moved the resolution which I have just read. Might I ask the hon. gentleman who has moved this resolution, if it is his intention that the committee he has named should perform a somewhat similar duty to that performed by the Contingent Accounts Committee on the occasion to which I have referred, and recommend to the Senate the sending to the House of Commons, in answer to their demand for an account of our expenditure, the report which was made by the Auditing Committee on the accounts presented to the House by the Contingencies Committee some months ago? It seems to me that that would be the most dignified course to pursue unless you are prepared to admit that the Senate is subject to investigation by a committee of the House of Commons as to every cent they think proper to expend. If I understand, a certain amount is voted annually for the contingent accounts of this House, and it is the privilege of the Senate to expend it in such a manner as they think best in the interest of the Senate and of the public. Beyond that information, I would not be prepared to admit the right of the House of Commons to make the demand which they have made. Perhaps the hon. senator from Wellington may take a different view on this question, as he was one of the principal movers in those days of attacks on this body, and more particularly in connection with the expenditures.

Hon. Mr. FERGUSON—The request made on the present occasion is not the same request that was made on the occasion referred to. Then they asked for details of stationery and all other things. All that is

asked for now is the statement of the cost. I do not know why they ask it at all, because they can get it from the Auditor's report.

Hon. Sir MACKENZIE BOWELL—That is why I suggested sending them a copy of the Auditor's report.

Hon. Mr. POWER—With respect to the question asked by the hon. senator from Hastings, I should not care to undertake to anticipate the action of the committee. Speaking for myself, however, I may say that I am disposed to take the same view which the hon. gentleman himself takes; and I might say further, that he has placed the House and the committee under an obligation by the trouble which he has taken to look up the precedents on the matter. With that information before them, the committee will be in a position to report in a very short time, and I hope their report will be satisfactory to the hon. gentleman.

The motion was agreed to.

PRISONS AND REFORMATORIES ACT AMENDMENT BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (KK) An Act to amend the Prisons and Reformatories Act in so far as the same affects the province of Nova Scotia.

(In the Committee.)

Hon. Mr. POWER—There are two reformatories in the city of Halifax, one known as the Protestant Industrial School-I think they now call it the Industrial School—and the other St. Patrick's Home. The provisions of the Revised Statutes, chapter 148, deal with both. They deal in greater detail with St. Patrick's Home; and one of the objects of this Bill is to extend to the Industrial School some of the provisions which have for years applied to St. Patrick's Home. That is one of the principal objects. Another object is to introduce certain amendments, some of which are copied from the Ontario Act. This Bill, as originally introduced, was submitted to the Department of Justice and was considered, although not very particularly, by the department before the Bill was read the second time. Since the Bill was read the second time it has been considered by the authorities of the two industrial schools of Halifax, during the adjournment, and it has received further consideration by the Minister of Justice and his deputy, and certain amendments have been shown by this further consideration to be desirable. These amendments I shall take the liberty of moving. I move that clause 1 be amended by inserting at the beginning of the fourth line thereof, 'Except where the context precludes such construction.' This Act in the Revised Statutes is divided into several sections, and the first is headed 'General,' but it has been found from experience that even professional men, in consulting the Revised Statutes, have not noticed that the first 51 sections of the Act apply to all parts of the country, and this amendment is for the purpose of calling attention to that fact. There are certain sections amongst the first 51 which would not apply, and that is why the words which I have read should be added to the clause.

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

On clause 2,

2. Subsection 5 of section 29 of the said chapter is repealed.

Hon. Mr. POWER—In all the other reformatories, both male and female, in the Dominion, the maximum age at which a juvenile offender can be sentenced to a reformatory school is sixteen years. In some way that I have never quite understood—and I have been generally pretty watchful about legislation—without my knowing it, a change was made in the law a few years ago raising the age to 18. That has been found unsatisfactory, and it is distasteful to both institutions, and this provision is simply to place this institution on the same footing as other institutions of the same kind, to make the maximum age 16.

The clause was adopted.

On sub-clause 1 of clause 3,

Hon. Mr. Power—It was necessary to repeal the first subsection of section 90, be-

cause that section said 18 years. This substitutes 16 for 18, and another amendment which I propose is that clause 3 be amended by substituting the word 'sentence' for the word 'order,' in line 15 of the Bill. I do this at the recommendation of the Department of Justice, because the word 'sentence' is used in all the other legislation with respect to reformatories, and the Department of Justice objects to having different phraseology.

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

On clause 3 of clause 3,

3. If any boy so sentenced and detained in the industrial school has in the opinion of the board of directors so conducted himself during a term of six consecutive months by good behaviour, diligence and industry as to warrant his being set at large and no longer detained in the school, and if the judge, stipendiary magistrate, justice or justices before whom such boy was convicted or the stipendiary magistrate or police court of the city of Halifax concur with the said board in recommending the issue of a license to such boy to be at large, then the Minister of Justice, or such person as he appoints to issue such licenses, may issue a license to such boy to be at large in the province of Nova Scotia, or in such part thereof as is specified in the license.

Hon. Mr. POWER—Then there is another amendment further down, in subclause 3. It is deemed sufficient that the directors of the institution, with the concurrence of the Minister of Justice, should let the boy go, and that the expense and difficulty of going before a judge or stipendiary magistrate is uncalled for, and the Department of Justice have no objection to this amendment. I move that all the words in subclause 3 of the proposed section 90, between the words 'school' in the 30th line of the Bill, and the last 'the' in line 34, be stricken out.

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

On subclause 4,

4. If any respectable and trustworthy person is willing to undertake the charge of any boy over the age of twelve years, (sentenced under any statute of the Dominion) who has so conducted himself as mentioned in the next preceding subsection, as an apprentice to the trade or calling of such person, the superintendent of the industrial school may, with the consent of the parent or guardian of the boy and in the name of the board of directors of the school, bind the said boy to such person for a term not to extend, without his consent, beyond a term of five years from the commencement of his imprisonment.

Hon. Mr. POWER—This sub-clause is substantially a copy of section 65 of the copy of the Revised Statutes which affect Ontario, and the Department of Justice suggests that after the word 'person' in the first line, the words 'not being a Roman Catholic,' be inserted. In the corresponding enactment, with reference to the St. Patrick's Home, it said :

If any respectable and trustworthy person being a Roman Catholic——

And the Justice Department thought both institutions ought to be placed on the same footing, and that those words should be inserted :

The amendment was adopted.

Hon. Mr. POWER—I have another amendment to propose to this clause. The Bill as printed provides that the boy could be apprenticed only with the consent of his parents or guardian. The authorities of the two institutions, I think particularly, the Industrial School, demurred to this. They said that very often the parent or guardian was a person of bad character who would not give consent, and that these words should be stricken out altogether; but it was felt that it would be perhaps an undue interference with parental rights, particularly as the boys who were sent to these industrial schools are sometimes sent there for very trifling offences, such for instance as truancy. The son of a respectable man might be sent to such an institution for truancy, and it would be very hard indeed and very unfair that that child should be apprenticed for five years without the consent of his father. So this amendment is suggested, and it has been concurred in by the Minister of Justice with a view of meeting the case. I move that the subclause be further amended by inserting after the word 'boy' in the 9th line of the Bill the following:

Or if such consent cannot be obtained, with the consent of the stipendiary magistrate of the city of Halifax.

Of course if that consent is applied for, the parents in such a case as that referred to could appear before the stipendiary

magistrate, and the consent would not be obtained.

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

Clauses 4 and 5 were agreed to with certain amendments proposed by the senator in charge of the Bill.

Hon. Mr. BAKER, from the committee, reported the Bill with some amendments.

The Senate adjourned till three o'clock, to-morrow.

THE SENATE.

OTTAWA, Friday, May 8, 1908.

The SPEAKER took the chair at Three o'clock.

Prayers and routine proceedings.

THE TERCENTENARY CELEBRATION AT QUEBEC.

Hon. Mr. MACDONALD (B.C.)—Before the orders of the day are called, I desire to ask the hon. Secretary of State if the government or the gentlemen in charge of the Quebec function in July, have invited the previous Governors General of Canada and their ladies to attend the celiberation? I think there are five Ex-Governors General living, and it would be a most graceful thing to do.

Hon. Mr. SCOTT—I saw in the press that an invitation had been sent. I have no official knowledge of it at all. I shall be very glad to make inquiry. I will have to get the information from Quebec, of course. The commissioners are authorized to act on their own motion.

CANADA SHIPPING ACT AMENDMENT BILL.

SECOND READING.

Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (NN) An Act to amend the Canada Shipping Act.

He said: This Bill consists of a number of minor amendments which have been drawn up by the Department of Marine and Fisheries. As none of them are of any very special prominence, it would be better to consider them in detail in Committee of the Whole. They affect the registration of vessels, and certain regulations respecting masters and mates and one or two respecting pilots. There is a considerable number of them, but they are all of very minor significance and do not affect the principle of the Act.

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

WINDING-UP ACT AMENDMENT BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (144) An Act to amend the Winding-up Act.

(In the Committee.)

Hon. Mr. LOUGHEED—Can my hon. friend say what has given rise to this particular legislation? Have any doubts arisen under the present Act?

Hon. Mr. SCOTT—In the last line but one of the section which is to be amended, the expression used is 'making of' instead of 'taking out' of any attachments. That is evidently a typographical error. The Department of Justice had it under consideration, and they state that section 84, which it is proposed to amend, is taken from section 66 of the Revised Statutes of 1886, chapter 129. The revisors of 1906 divided the section into two subsections in such a manner as to suggest a possible question as to whether or not the hypothetical sentence 'if before the payment over to the plaintiff, &c.,' applied only to one of the paragraphs, and it was to remove that doubt that this Bill was introduced. It is doubtful whether the point would ever have arisen; however this will make it clear.

Hon. Mr. MITCHELL, from the committee, reported the Bill without amendment.

CHINESE IMMIGRATION ACT AMENDMENT BILL.

SECOND READING POSTPONED.

The order of the day being called second reading Bill (OO) An Act to amend the Chinese Immigration Act.

Hon. Mr. LOUGHEED—Can my right hon. friend inform the House what the object of the Bill is? I find that it is not printed.

Hon. Sir RICHARD CARTWRIGHT—It will be distributed before Tuesday, but I can give the hon. gentleman a general explanation. He will remember there was a suit in Sydney, N.S., in which it appeared that Chinamen when they once get into the country cannot very well be deported, and if they prefer to spend a few months in jail at the public expense to paying $500 capitation tax, they can remain. We are taking power to deport them under such circumstances. Also we want to put certain limitations on the age of Chinese children who are admitted to school. It has been reported that an abuse has occurred in that respect, and that Chinamen of rather mature age have been, under existing law, attending the schools, to which the British Columbia authorities object, and very properly. Those are the two chief alterations that are made. I move that the order be discharged and placed on the orders of the day for Tuesday next.

The motion was agreed to.

DELAYED RETURNS.

ON THE MOTION TO ADJOURN.

Hon. Mr. FERGUSON—May I ask my hon. friend the Secretary of State whether he has made any inquiry for the returns I spoke about yesterday?

Hon. Mr. SCOTT—I gave orders to obtain them if possible. Of course they are not in my possession.

Hon. Mr. FERGUSON—No, but the hon. gentleman promised to inquire of the department as to whether they are going to prepare them or not.

Hon. Mr. SCOTT—My hon. friend knows very well that the movement for returns has been far beyond the usual demand this session, and the departments are much behind and it cannot be helped.

Hon. Mr. FERGUSON—I think these are the only returns asked for from the Railway Commission, so that the plea that some of the other departments may be busy does not apply in this case. My hon. friend gave me an assurance yesterday that he would inquire about these returns.

Hon. Mr. SCOTT—So I did. I gave the order and asked for an explanation, which I have not received up to this time.

Hon. Mr. FERGUSON—I happen to know that there is a peculiar reason why those returns are not produced. I want to know if I am to get those returns?

Hon. Mr. SCOTT—I will insist upon an answer.

The Senate adjourned until Tuesday next at three o'clock.

THE SENATE.

OTTAWA, Tuesday, May 12, 1908.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

NATIONAL TRANSCONTINENTAL COMMISSIONERS' PRIVATE CAR.

INQUIRY.

Hon. Mr. LANDRY inquired:

Has any private car been put at the disposal of the Commissioners of the National Transcontinental Railway of which Mr. Parent is the chairman?

How much did the government pay for such a car?

How much for the fitting?

How much each year up to date has been spent for its maintenance and repairs?

Hon. Mr. SCOTT—The answers to the hon. gentleman's questions are as follows :

1. The Transcontinental Railway Commissioners purchased the car 'Victoria' to be used as a business and office car.

2. $8,000. The alterations to the car cost the commissioners in 1906-7, $1,400.

3. Fittings in 1906-7, $3,016.93 ; fittings in 1907-8, $328.78.

4. Maintenance in 1906-7, $867.65 ; maintenance in 1907-8, $1,465.60. Repairs in 1906-7, $23.25 ; repairs in 1907-8, $2,564.67.

The car was damaged on the line twice during the years 1907-8, which accounts for the high expenditure on account of repairs, for that year.

SYDNEY STEEL WORKS STRIKE.

INQUIRY.

Hon. Mr. LANDRY inquired:

1. (a) Who was in charge of the Sydney Field Battery during the strike at the steel works at Sydney in 1905? (b) How many men were on duty belonging to the 17th Sydney Field Battery during the said strike?

2. (a) How many of these men have been paid and who paid them? (b) The town of Sydney, the county of Cape Breton, or the government?

3. How many horses were in use by the 17th Sydney Field Battery during the said strike?

4. (a) Did the Steel company furnish any of the said horses, and if so, how many? (b) How much was paid for their hire, and to whom and when was such payment made?

5. (a) Who furnished the forage for the horses used by the 17th Sydney Field Battery during the above strike? (b) How much forage was furnished and at what price per ton for hay and per bushel for oats?

6. Did the Steel company supply any rations for the men of the Sydney Field Battery, and if so, at what price per day per man? If not, who supplied the rations and were tenders asked?

7. If the men of the 17th Sydney Field Battery have been paid by the government for their services during the said strike, to whom was the money sent for distribution to the men?

8. Was the man to whom was sent the money to pay the men the man who was in command of the 17th Sydney Field Battery during the entire period of the strike?

9. (a) How many of the officers of the 17th Field Battery received pay during the strike? (b) What were the names of the officers who received pay and how much was paid to each officer?

10. (a) If the government paid the members of the 17th Sydney Field Battery, at what date was the money sent out? (b) Was the money paid by cheque? What was the amount?

Hon. R. W. SCOTT, Secretary of State:

1. (a) Major W. Crowe and Captain D. L. McDonald. (b) 56 all ranks.

2. (a) 56 all ranks. (b) The total cost of the strike at Sydney Mines was $7,809.09. The municipality advanced $2,500, and the balance was advanced by the Dominion government.

3. 26 horses.

4 and 5. (a) No. (b) The horses were furnished by the officers, non-commissioned officers and men who rode them, for which they were paid an allowance of $1 per diem, and 50 cents per diem was paid Major W. Crowe out of which he purchased the forage for the whole number.

Horse allowance paid, $178; forage allowance paid, $89.

6. (a) No. (b) H. B. Campbell. (c) No, the time being too short.

7. The cheques were forwarded to the District Officer Commanding Military District No. 9, Halifax, by registered mail, who transferred them to Major Crowe for distribution.

8. No, Major Crowe was paid for 3 days only, namely: July 4 to 6, inclusive. It is presumed that Captain D. L. McDonald then took command and held same until July 11, the completion of the period for which the 17th Battery was called out.

9. (a) Six officers. (b):

Major W. Crowe, 3 days pay.	$11 70	
Allowance for horse	3 00	$14 70
Captain D. L. McDonald, 7 days pay..	19 74	
Allowance for horse	7 00	26 74
Lieutenant C. Downing, 7 days pay..	11 06	
Allowance for horse	7 00	18 06
Lieutenant H. G. McLeod, 8 days pay..	12 64	
Allowance for horse	7 00	19 64
Surgeon-Major F. O'Neil, 19 days pay..	74 10	
Field allowance	12 00	
Horse allowance, 7 days.	7 00	93 10
Veterinary Lieutenant E. C. Thurston, 8 days pay..	12 64	
Horse allowance, 7 days.	7 00	19 64

10. (a) The money was sent out to the District Officer Commanding Military District No. 9 on October 25, 1904, by registered mail. (b) Two cheques for $865.29 and $58.80, respectively, the former in favour of Major W. Crowe, and the latter of Surgeon-Major F. O'Neil.

Legal proceedings have been instituted against the municipality for the recovery of this amount.

Hon. Mr. LANDRY—The hon. gentleman said some legal proceedings were being instituted.

Hon. Mr. SCOTT—Yes.

Hon. Mr. LANDRY—For the reimbursement——

Hon. Mr. SCOTT—Legal proceedings have been instituted against the municipality for the recovery of this amount.

FENCES ON THE INTERCOLONIAL RAILWAY.

MOTION.

Hon. Mr. LANDRY moved:

That an Order of this House do issue for—

A copy of all the correspondence exchanged in 1906 and 1907, between Mr. L. C. A. Casgrain, of Nicolet and Messrs. J. Butler, deputy minister of Railways and Canals, and T. C. Burpee, engineer, or any other persons in the Department of Railways and Canals, on the subject of the fences along the line of the Intercolonial Railway across the county of Nicolet and the neighbouring counties?

The motion was agreed to.

CONSTRUCTION OF NEW POST OFFICE AT NICOLET.

INQUIRY.

Hon. Mr. LANDRY inquired:

When does the government intend to open to the public the new post office which it has just constructed at Nicolet, the work upon which has been finished for several weeks already?

Hon. Mr. SCOTT—This department is advised by the Public Works Department that the new public building at Nicolet, will be ready for occupation at an early date.

CROSSING OF ST. LAWRENCE BETWEEN MURRAY BAY AND RIVIERE OUELLE WHARF.

INQUIRY.

Hon. Mr. LANDRY inquired:

Have tenders been asked for the furnishing of meat on board the vessel which makes regularly the crossing of the river St. Lawrence beween Murray bay and the Rivière Ouelle wharf?

How many tenders have been received?

Which is the lowest, and how much does it ask?

Who obtained the contract, and for what price?

Hon. Mr. SCOTT—The answers to the questions are as follows:

1. Yes.
2. Two.
3. Joseph Warren:

Fresh pork	.10
Salt pork	.12
Sausage	.15
Ham	:15
Bacon	.16
Fresh mutton	.10
Fresh veal	.10
Fresh beef	.10
Mess beef	.10

4. Contract not yet awarded.

PURCHASING BY GOVERNMENT DEPARTMENTS.

MOTION.

Hon. Mr. MACDONALD (B.C.) moved:

That in the opinion of the Senate the employment of and purchasing through the medium of middlemen by the spending departments of the government should be discontinued.

That such a way of purchasing is improper and extravagant, is unfair to legitimate merchants, and an unnecessary waste of public money.

That tenders for all necessary supplies should be advertised for when the amount involved is over one thousand dollars.

He said: I want to assure the House at the outset that it is not my intention to make any charge against any member of the government or any deputy or official. My sole object is to get a strong opinion from this House in condemnation of what I regard as a wrong practice. We all admit that things have been done in the purchasing of supplies for the government which ought not to have been done. I may be told that the Senate should not interfere in matters of this kind, but we should remember that this is a co-ordinate branch of parliament and that it is our right and duty to take cognizance of all public affairs, financial and otherwise. We do not come to this House to be dumb or blind, but to take an intelligent view of all public affairs, and if we see anything going wrong, it is our bounden duty to try and correct it. Therefore, whether this resolution is carried or not, or whether it will have an effect on the government, it is my duty to offer it, and I think it is the duty of the House to adopt it. I am not going back to grieve over spilled milk or wrongs that have been done. Every one who reads the proceedings of parliament, and what is taking place in the Public Accounts Committee, knows that evidence has been given, not by Conservatives, but by officials of the government, in support of what I say. I know that every member of the Senate and the two ministers on the floor of this House desire above all things a clean administration of the government. What has been disclosed of late must have been a matter

of regret to ministers in this House. Perhaps they have been unable to stop the evil; but unfortunately these things are done, and we never can have clean government until the middleman is done away with. They are insatiate in their greed and bring discredit on the government and on the departments they deal with. I think, therefore, this resolution will commend itself to the House. I may mention one incident that has taken place and which has been disclosed before the Public Accounts Committee. The engineer of the Intercolonial Railway, Mackenzie, knew perfectly well the feeling in the country about dealings with middlemen; yet in the face of all that, when he wanted supplies of steel rails, instead of going to a wholesale man to purchase them, he went to a middleman in Nova Scotia. I think his name is Wallberg. From that middleman he purchased supplies worth $900, for which he paid $1,400. Now, that is neither fair nor honest, and the man who would with his eyes open make such a purchase under the circumstances should be dismissed by the government. No member of this House can justify such a transaction. As I said before, I am not going to bring any charge against the government or any department; I merely put this forward as an effort to get an expression of opinion on the subject. Unless the competitive system in calling for contracts is carried out, you will inevitably have dishonesty. If purchases are made through favourites of the government, there will always be overreaching, because they have a pull with the government and get what they want. If by any action on our part we could put a stop to such a practice and lead to a return to the competitive system of contracts for public works, it would be a good thing for the country. Merchants seeing purchases made through favoured middlemen are led to become dishonest themselves, and to ask for more than the right prices. They ask themselves why, if the middlemen get such figures, they should not get them also. The right way is to advertise for tenders and award the contract to the lowest. One can say this much; suppose a Conservative and a Liberal sent in tenders equal or nearly equal. I should not be at all surprised if the contract was given to a friend of the government. That would be legitimate; but things should not be allowed to go as far as they have been going in this direction.

Hon. Mr. SCOTT—The hon. gentleman's view in reference to the employment of middlemen are sound, and shared in by every member of this government. I do not know the facts in connection with the individual case to which he has referred. It may be wrong. Those things will occur notwithstanding the most careful watching and inquiry by the head of the department. This government is spending over one hundred million dollars a year, and in the distribution of that large sum, I think it would be quite impossible for any private concern to exercise greater caution and care. You must employ other people in certain subordinate positions, and, no doubt, advantage is very often taken of it to permit what would be called a wrong; but the hon. gentleman's statement cannot apply to any considerable amount, not a fraction of one-tenth of one per cent. That I should be quite prepared to challenge, and I should ask no better authority than that of the Auditor General's Report. Now, in reference to calling for tenders, the policy of the government, following out the policy of a former government—and there is an order in council standing—is to call for tenders in every case where the expenditure involved is $5,000 and upwards. There is only one apology to make if a deviation from this policy takes place, and that is where a minister, on his own assurance and honour, states that the time is short and that there are circumstances connected with it that will justify him in asking his colleagues to allow it to go; but it is in very rare instances—very rare indeed, and the invariable practice, I venture to say in ninety-eight cases out of one hundred, is to give the contract to the lowest tender, whether he is Conservative or Liberal. Even the statements the hon. gentleman makes as to justifying the preference to one political party over another is not tolerated or permitted. As I said before, there will be individual instances in the expenditure of so large a sum of money where improper practices will occur and which the most honest and conscientious man cannot avert. You cannot avoid them. In reference to expenditures for smaller amounts,

sometimes it costs more to advertise in the papers than the amount of the purchase, because, as hon. gentlemen know very well, this kind of patronage for newspapers bothers every government. Appeals are made that advertisements which appear in one paper should appear in another. They claim that their circulation entitles them to it, and, therefore, the minister hesitates to incur the necessary cost of advertising for small amounts of two or three thousand dollars. The usual practice in all departments is to send out invitations to a number of houses in the trade, in order that there may be competition, inviting them to tender. That is the practice that is followed as far as possible. I am not familiar with the incident mentioned by the hon. gentleman. There may be some explanation which, if further investigation were made, would, I will not say justify it, but allow it to be condoned. Sometimes things are required in a hurry, and the loss of time calling for tenders would involve a greater injury to the public service than making the purchase at once; but so far as the middleman is concerned, the hon. gentleman has no stronger views than the members of the government have on that subject.

The motion was agreed to.

BUSH FIRES IN THE EDMONTON DISTRICT.

Hon. Mr. BAIRD—Before the orders of the day are called, I wish to direct attention to a paragraph which appears in today's issue of the Montreal 'Gazette.' It is as follows:

> Devastating Bush Fires.
>
> Hundreds of square miles of timber destroyed.
>
> Edmonton, May 11.—Charles Tompkins, contractor on the Grand Trunk Pacific, seventy miles west of here, brings a report of devastating bush fires which swept through the district last week. Hundreds of square miles of timber were destroyed and a construction camp was only saved by the strenuous work of the men engaged on the grade, who worked all Thursday night when the wind suddenly veered and the camp was saved.

I desire to ask the hon. leader of the House if the government has taken any steps to furnish firewardens on the line of the Transcontinental under construction? As is well known to everybody in this House, from Moncton to the Pacific ocean, three-quarters of that proposed line is covered by forests, and I think it is of the utmost importance that the government should move at once to have placed along the sections in course of construction a proper staff of firewardens, who will look after the forest along the line where men make fires for clearing the right of way, cooking and other purposes.

Hon. Mr. SCOTT—When it was first proposed to built the Northern Transcontinental Railway, the government gave some consideration to this subject, and correspondence took place with some of the provinces, those particularly in the east—I do not know that there was any with those in the west, because at that time there was no construction in view in the west, and I think the proposition finally settled at Quebec was that we should pay the firewardens that they might choose to appoint at the different stations. We are interested in the preservation of the timber, in the different provinces, New Brunswick, Nova Scotia, Ontario and Quebec, and we were quite prepared to pay the cost of the fire protectors, who would proceed along the line and watch for fires, and take measures to extinguish them, or to caution people to be careful about fires. Recently, in New Brunswick—I cannot say exactly what it is—whether the New Brunswick government is assuming the whole control or not, but the subject is engaging the attention of the government. I am not prepared to say that anything has been arranged with regard to Saskatchewan and Alberta. I shall be glad to inquire from the Minister of the Interior if anything has been done in that direction. I was quite amazed when I read the paragraph. Having some knowledge of the value of timber, I consider it a fearful calamity to the country to allow its merchantable timber to be destroyed by fire.

Hon. Mr. PERLEY—I understand the hon. Secretary of State to say that there have been no fire guardians appointed in New Brunswick along the line of the National Transcontinental Railway. I saw a statement in the press that a Mr. Ferris of New Brunswick had been appointed.

Hon. Mr. SCOTT—The original arrangement was that we proposed to pay the cost and permit them to appoint the men. They

were quite as much interested as we were. We were quite willing to bear the burden and let them take the responsibility of appointing good men.

PUBLICATION OF FRENCH EDITION OF REVISED STATUTES.

Hon. Mr. LANDRY—I desire to ask the hon. leader of the government in the Senate if any progress has been made in the publication of the French edition of the Revised Statutes? I was promised, before recess, that in three weeks from the date of the adjournment we would have it, and I naturally supposed that we might receive it.

Hon. Mr. SCOTT—I have made inquiries very frequently of the King's Printer, and he has been very much embarrassed by the action of the translators. Some three or four weeks ago, after the final revise was sent in, and the volume sent out for signature for printing off, it came back with an innumerable number of further corrections, which was most irritating and tantalizing. I think I explained before to this House, that the translator insisted upon making a new translation of the British North America Act, and of the several constitutional Acts. Well, that seems so monstrous, that we should have it altered after being satisfied with the present translation for forty years. He was remonstrated with, but for some very considerable time he declined to make any change. I gave instructions to the King's Printer not to print unless he gave the French version as it appeared, and as we have accepted it. He finally agreed to that. That involved a very considerable delay. The subsequent delay was caused by the fact that I mentioned to the House just now, that after the final revise was sent back for signature, he made very considerable changes, most unfair and unreasonable, necessitating great delay. The Printing Bureau has not been to blame in any way. I have frequently called the attention of the Premier to the fact that more care should be exercised in the selection of translators when we are in a hurry to get anything done.

Hon. Mr. LANDRY—When does the hon. gentleman expect we will have it?

Hon. Mr. SCOTT—I think it must only be a matter of a few days. I will telephone to the Bureau to-morrow.

Hon. Mr. LANDRY—I will inquire again in a week—not a few days.

PRINTING OF JOURNALS OF THE SENATE.

Hon. Mr. LANDRY—Could the hon. Secretary of State tell us why the Journals of the Senate of last session are not printed in French?

Hon. Mr. SCOTT—I think the English Journals of the House of Commons have only been printed recently. I do not think they have been issued very long.

Hon. Mr. LANDRY—I am speaking of the Senate—not the House of Commons?

Hon. Mr. SCOTT—Hon. gentlemen must recollect that in the last six years the printing of the country has doubled. A greater number of books have been issued, and parliament has been sitting longer, and the Bureau is entirely too small for the work. But I do not hesitate to say that the Bureau is up to date. The printing bureaus at London and Washington do not approach it. When a speech is delivered in the House in Washington it is several days before it is in print. Speeches are delivered in the House of Commons here at 3 or 4 o'clock in the morning, and you have them before you in print at 10 o'clock in French. Even a hundred columns have been delivered in the morning, which is the best proof that we have an efficient staff there. But with the volume of work and the limited space, it is impossible to keep up with all the reports.

Hon. Mr. LANDRY—But this is not a hundred columns from one evening till the next morning; it is the Journals of the House that ought to have been printed 365 days ago.

Hon. Mr. SCOTT—They are never undertaken until after parliament rises. I do not think the translation even is commenced.

Hon. Mr. LANDRY—Do you not furnish the Bureau with any work during vacation?

Hon. Mr. SCOTT—I will try and get a report for the hon. gentleman to-morrow.

BRIDGE COMMISSIONERS' REPORT.

Hon. Mr. LANDRY—I should like also to ask the hon. leader of the House, when he may expect the report of the Quebec Bridge Commissioners ?

Hon. Mr. SCOTT—The final portion of it is now completed, and they are waiting to get it ready. It will probably be issued in a week.

CENTRAL CHEMICAL COMPANY PETITION.

Hon. Mr. KERR—I move the suspension of the rules of the House, for the purpose of enabling me to present the petition of the Central Chemical Company, of Phillipstown, New York.

Hon. Mr. LANDRY—I desire to call the hon. gentleman's attention to the fact that, according to our rules, no motion for the suspension of the rules in regard to a private Bill is in order, unless such suspension has been recommended by the Committee on Standing Orders. I have no objection to the suspension of the rules, but if we are going to adopt this practice in this House, it simply amounts to this : our rules mean nothing at all. If we do not want the report of the Standing Committee, we need not get it. The best thing then is to move that all our rules be suspended, and let us go as we please. The time for presenting petitions has long since expired. It was once extended to March 18, and since that time the Committee on Standing Orders have met, and they have not judged in their wisdom that it was necessary to prolong that extension. I think this petition should be referred to the Committee on Standing Orders to see if it is all right, and to ascertain if there is any reason for the extension of time. They are going to meet to-morrow, and if they want to extend the time, it will be done in the regular way, and, if not, why should not the hon. gentleman bring in a petition asking for leave to present a petition. That would be the correct way to bring the matter before the House, and in that case I do not see that any suspension of the rules is necessary. At all events, the House is the judge of the matter, I would not press my objection if everybody agrees to it, but I am stating what my views are on the necessity of complying with the rules.

The motion was agreed to.

Hon. Mr. LANDRY—I suppose the petition will be referred to the Standing Orders Committee, and the usual report will be made before we proceed with the Bill.

Hon. Mr. KERR—Yes. This question only arose immediately before the Easter adjournment. The attention of the owners of the patent was called to the fact that something which they had done might have impaired the validity of their patent, and that is the reason why we are so late in coming with this petition. There is a large amount of money invested in these patents and it is an important matter to them.

THIRD READINGS.

Bill (LL) An Act respecting the Phœnix Assurance Company, Limited.—(Hon. Mr. Bostock.)

Bill (KK) An Act to amend the Prisons and Reformatories Act in so far as the same affects the province of Nova Scotia. —(Hon. Mr. Power.)

WINDING UP ACT AMENDMENT BILL.

THIRD READING.

Hon. Mr. SCOTT moved the third reading of Bill (144) An Act to amend the Winding Up Act.

Hon. Mr. BELCOURT—I should like to know the reason of the amendment. I have read the section of the Act, and find no difficulty whatever in its present form.

Hon. Mr. SCOTT—The Department of Justice considered that a doubt existed as to whether the leading line applied to the whole paragraph. In revising, the officials divided the section. The law is practically the same as it was before the revision of the Statutes ; but they made a change, and the Department of Justice thought that some doubt had arisen as to the proper application of the leading word. There is no material change.

Hon. Mr. BELCOURT—There is no change at all—absolutely none.

Hon. Mr. SCOTT—The Department of Justice thought there was.

Hon. Mr. BELCOURT—The only change is the substitution of T for M.

Hon. Mr. SCOTT—I gave the full explanation at the time. The last word in the last paragraph was not in the original. The main feature was that the Department of Justice gave its opinion that as it was drawn up the words 'No lien or privilege shall be granted,' did not apply to both paragraphs, that the Revising Commission had made a change, perhaps unwittingly, and it was only to conform the law to what it was originally before they interfered with it.

Hon. Mr. BELCOURT—I cannot for the life of me see why it was necessary.

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

RAILWAY ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. CASGRAIN moved the second reading of Bill (PP) An Act to amend the Railway Act as regards the preferential charge created by the issue of securities.

He said: This is a very short Bill. It simply proposes to strike out in the fifth line of section 138 of the Railway Act, chapter 37, the words 'property and assets.' The object is to revert to the law as it existed before 1903. Before 1903 mortgages were first liens on the railway, and nothing was allowed to come before them. Penalties and working expenses were not allowed to rank before the mortgage bond. Now it is proposed to revert to the law as it existed previously. The way the law stands to-day, a railway under the pretext of working expenditures might spend a very large sum of money, and when the bondholders would want to assume the road and foreclose the mortgage, they would find very heavy and expensive charges in front of their bonds. I believe that this is a Bill that is absolutely necessary. I really believe that it was overlooked when the law was altered.

Hon. Mr. LOUGHEED—May I ask the hon. leader of the House if the government had given any consideration to this question? It means that it enhances to the extent mentioned in the Act, the securities already existing upon the road. What does my hon. friend the mover of the motion say in regard to that?

Hon. Mr. CASGRAIN—It cannot have any retroactive effect.

Hon. Mr. LOUGHEED—I doubt that very much.

Hon. Mr. CASGRAIN—That is my information.

Hon. Mr. LOUGHEED—From the date of the passage of the Act, it is certainly going to effect the standard of the mortgages or securities upon the road.

Hon. Mr. KERR—No, pardon me. It only affects the position of the penalties. The effect of the law as it is now, as it was made in 1903 by the insertion of those words 'Property and assets,' where they appear in the 5th line of the Act, was to give the penalties a precedent. The clause in the Act reads as follows:

> The company may secure such securities, by a mortgage deed creating such mortgages, charges and encumbrances upon the whole of such property, assets, rents and revenues of the company, present or future, or both, as are described therein, but such property, assets, rents and revenues shall be subject, in the first instance to the payment of any penalty then or thereafter imposed upon the company for non-compliance with the requirements of this Act, and next, to the payment of the working expenditure of the railway.

The effect of inserting those two words was to make them a charge in precedence to the mortgage security. This is simply to restore it to the position in which it was, by striking out the words 'property and.' It simply restores the mortgage securities to the position which they occupied in 1903, as respects their priority over penalties for infringement of the requirements of the Act. In other words, it makes the penalties stand behind the mortgages.

Hon. Mr. BEIQUE—I think the hon. gentleman will see that the effect of the Bill will go further than that. I must say that I am entirely in favour of the Bill. As a matter of fact, on referring to page 604 of the Debates of the Senate for 1906, it will be found that I introduced a Bill exactly similar to the one which is now before this honourable House. It received its second reading on June 12, 1906, and as I left a few days afterwards for England, the matter dropped. However, I must call attention to this fact; it would go further

than has been stated by the hon. senator of Toronto. It would not affect penalties only, but would affect the working expenses. The working expenditure is a very serious thing. As defined by subsection (cc) of section 2, of the Railway Act, it includes :

All expenses for the maintenance of the railway, and all such tolls, rents or annual sums as are paid in respect of property leased to or held by the company, apart from the rent of any leased line, or in respect of the hire of rolling stock, let to the company; also all rent charges or interests on the purchase money of lands belonging to the company, purchased but not paid for, or not fully paid for; and also all expenses of or incidental to working the railway and the traffic thereon, including all necessary repairs and supplies to rolling stock, while on the lines of another company; also rates, taxes, insurance and compensation for accidents or losses; also all salaries and wages of persons employed in and about the working of the railway and traffic; and all office and management expenses, including directors' fees, agency, legal and other like expenses; also all costs and expenses of and incidental to the compliance by the company with any order of the board under this Act; and generally all such charges, if any, not otherwise specified, as in all cases of English railway companies are usually carried to the debit of revenues as distinguished from capital account.

It will be seen that this definition is so ample that it would be in the power of a railway company, or of its managers, to destroy the value of the bonds by letting, for instance, the credit balance accumulate between that company and other railways, by purchasing supplies which might be disposed of, in fact might be sold, such as coal, but which would rank as forming part of the working expenditure, and, therefore, it seems to me that the amendment would be in the right direction. In 1906 the matter was considered by the Canadian Pacific Railway, and I had a letter from them stating that they would not object to the change, that they did not think they would be concerned. I quite understand that railways of very high standing would not be affected by a law of that kind, but it is a surprise to me that capitalists under a law such as this would invest money in railway bonds, because they would be at the mercy of the manager of the railway. I find on referring to the discussion on that occasion, that the leader of the opposition raised the question, as to whether rents and revenues would comprise tolls, and, therefore, it might be well to substitute for the words property and assets, the word 'tolls' so that the clause would read : 'Such tolls, rents and revenues,' The word might be inserted when we go into committee.

Hon. Mr. POWER—Tolls are revenues.

Hon. Mr. BEIQUE—I think they are revenues, but the question was raised by the hon. senator from Calgary. I do not think there could be any question as to whether tolls would be covered by revenue. However, I am of opinion that the working expenses should be a first charge upon the rents and revenues of the road, and should not be a first charge upon the property itself, because otherwise it might be the means of destroying the value of the bonds. At the time of their issue, the property might be sufficient to meet the full value of the bonds, but by mismanagement of the road, by letting credit balances accumulate, or fees and legal expenses and expenses of all kinds accumulate on the road, all these claims would have precedence.

Hon. Mr. LOUGHEED—I question if the law does not already protect not only the public but the mortgages in this respect. After all, the property of the company must be necessarily treated as one entire property. The mortgage, I am assuming, would cover the entire property. If there be any default in the mortgage, the mortgagee will at once proceed against the property of the company, but the essential consideration in my mind is not the rights of the mortgagee in the first instance, but the rights of the public. The public must have the road operated. Immediately the road ceases to operate, the public should have a right to say that the whole of that property must be liable for the working expenses of the road, and if it is not so liable it simply means that the road is to stand still. The public interests require, in the first place, that that road should be in continuous operation, and to warrant that operation; assuming the rents and the revenues which are to be the only source of revenue to pay that expenditure, are not sufficient for that purpose, then that expenditure should be met out of the property and the assets of the company. There

is another consideration to which some little attention might be paid, and that is, by this legislation we are enhancing the security of the mortgagees which they had not taken into contemplation at the time of negotiating their mortgage, because we practically exempt from the payment of the working expenditure the property and assets of the road, and rely upon the rents and revenues meeting the working expenditure. So many questions arise in considering a question of this kind, that I do not care to tie myself to any view which can be better ventilated in committee; but it is a further reaching Bill than would be indicated in the short provision which appears in the Bill itself.

Hon. Mr. POWER—There might be some force in the objection taken by the leader of the opposition if we were legislating for the first time. But, as I understand the law, it will be, after this amendment is adopted, the same law that was in operation up to 1903. Now we had a good many railways in Canada, previous to 1903, and I do not think the melancholy fate which the hon. gentleman professes to see in the operation of roads if this Bill becomes law befell those roads. The most important thing is that the credit of the country should be preserved. We cannot build railways in Canada, except upon borrowed money, and if it gets to be understood in countries where they lend us money, and in Canada itself, that the money which is loaned on a railway has not the whole security of that railway behind it, capitalists will naturally be slow to lend for railway building. I think, therefore, that the mortgage should take precedence of everything else, and surely the rents and revenues of a road will pay the working expenses. They did so before 1903.

Hon. Mr. LOUGHEED—It scarcely does so in the case of the Intercolonial Railway.

Hon. Mr. POWER—We are not mortgaging the Intercolonial Railway.

Hon. Mr. BEIQUE—It is quite proper, as stated by the hon senator from Calgary, that the rights of the public to have railways operated must be protected; but we have machinery for that purpose under the Exchequer Court Act. A few years ago, I think in 1902, that Act was amended for the purpose, whenever a railway company becomes insolvent or ceases to operate its road, of permitting the appointment of a receiver who shall have power to issue certificates which would rank before the bonds in cases of that kind. Of course, the bondholders would have an occasion to be heard as to the advisability and the extent to which such certificates should be issued, but the rights of the public would be properly protected. What is at issue in this instance is really the proper protection of the bondholders, not leaving it to their debtors to deviate the guarantee that has been given to the lender.

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

THE OTTAWA AND GEORGIAN BAY CANAL.

DEBATE CONCLUDED.

The order of the day being called:

Resuming the adjourned debate on the motion of the Hon. Mr. Casgrain, that he will call the attention of the Senate to the importance to Canada of the early construction of the Georgian bay canal, and will inquire of the government if the report of the survey made of that waterway will be laid before the Senate during the present session?

Hon. Mr. EDWARDS—I rise with some diffidence to attempt to say a few words on this very important question. It is a question of long standing before the people and particularly the people of this portion of Canada. As far back as I can remember, it was an important factor in the elections which took place in this section of the country. The Georgian Bay canal was one of the most important questions at that time. However, a time arose when this question did not agitate the public mind to any great extent; but for last ten or twelve years it has again been taken up. It was lost sight of for a time because of the very large amount expended on the St. Lawrence canals, and on the construction of our various railways. Canada, in her short history, has certainly been among the foremost countries in the world in the construction of railways. There are those, however, who believe now that the time has arisen when this canal project should be taken hold of vigorously.

I must confess that while I am an Ottawa river man, having all my interests upon the Ottawa river, I have not been, and am not now, as enthusiastic a supporter of this scheme as some of my friends are. It will appear perhaps a little like heresy for an Ottawa river man to say this. However, I hold this, that it is a serious question for the people of Canada to consider; but the time for this project has not yet arrived. It must arrive, however, and the canal must be built. The great question is when? The government of the day has gone this far; it has authorized a survey and estimates to be prepared, first as to the feasibility of building this canal, and next as to the cost of doing so. Another question which has arisen is as to the character of the canal. The subject is one which can be far more intelligently discussed after this report to which I have referred has been brought down, and that I think will be in the near future. The surveys and estimates are approaching completion, and we may expect the report at no distant day. The questions which arise with those who are not familiar with the subject are these; first, is the scheme a feasible one? Is there a sufficiency of water at the summithead to furnish a supply for the working of the canal? If there is not, then the project falls to the ground. The next question is, if the work can be performed, should it be done at present in view of the amount that we have invested in railways, and would it be a competitor with enterprises for which we have made ourselves responsible? A great many believe that it will be no serious competitor with the railways, but that it will have the effect of regulating the rates of transportation. If it will have that effect, then it will be of great value to the country. One of the difficulties—because we must look at both sides of the question—is this, that the canal at best can only operate for six months of the year while our railways operate continuously. In view of that condition, will this country be justified in spending perhaps a hundred millions upon the enterprise?

Hon. Mr. POWER—More than that.

Hon. Mr. EDWARDS—Those who are opposed to the scheme, if there are any such in Canada should view this as a national question, because I hold it is one affecting the whole country and not the Ottawa valley alone. The east and the west are as largely interested in it as are the people in the Ottawa valley. Then there would be the question as to whether, in view of our large expenditure on public works, Canada is prepared to undertake such an enterprise as this. There is also the further question, if it is undertaken, what sort of a canal shall it be? Shall it be simply a barge canal, or shall it be a ship canal? That is a question which should be looked closely into. There is one thing which we must not lose sight of; the vessels which cross the Atlantic are growing larger and larger every year. It will only be a short period of years when the vessels which cross the Atlantic will be too large to navigate the inland waters, no matter what improvements may be made. But suppose as it is suggested by those who approve of constructing a ship canal, that the boats which traverse the great lakes shall proceed as far east as Montreal and there transfer their cargoes to ocean vessels, the fact must not be lost sight of, that the large vessels which now ply on the lakes, even if they can utilize this canal, must have sea room. I am one of those who believe that the time will soon be passed when the larger vessels crossing the ocean, will come to the port of Montreal. A vast sum of money has been spent on deepening the channel of the St. Lawrence to Quebec to accommodate our largest steamers. But is there sea room in that channel to make it safe for the largest steamers to come to Montreal? My opinion is, no, and while I think Montreal will always be a great sea port, the larger vessels which cross the Atlantic must, in a short time, make their terminus at Quebec or some other port nearer the sea-board. It may be said that there will not be the same danger for the larger vessels which ply on the lakes coming to Montreal, because on the Ottawa river we have no tidal waters; but there is always danger of a rudder getting out of order, or something happening to lose control in a river channel, and it will not be safe to calculate that large steamers can navigate from the great lakes to Montreal. But even sup-

posing that is true, it is no reason why this great project should be abandoned entirely. If it is entertained, however, it should be carefully considered what sort of a canal should be built. There is another subject with regard to distance. From Port Arthur to Montreal by the St. Lawrence route the distance is 1,200 miles, while by the Ottawa river route it is nine hundred miles. I am not advocating the St. Lawrence route as against the Ottawa route; but as a Canadian I am not looking merely at what is best for the district where I live. Whatever is done with regard to these great waterways I want to see done in the best interests of the entire Dominion. I am not an enthusiastic supporter of this great project as some are, but I am not opposing it. The distance in miles as between Montreal and Port Arthur by way of the Ottawa route is three hundred miles less than by the St. Lawrence route, and yet the time distance is practically the same, the reason being that steamers can travel faster on the St. Lawrence route than on the Ottawa route. It therefore will make practically no difference, so far as time is concerned, which route is taken between Port Arthur and Montreal.

Hon. Mr. LANDRY—There is a difference in distance, but not in time.

Hon. Mr. EDWARDS—Yes, because the vessels will go faster by the St. Lawrence route.

Hon. Mr. BELCOURT—Has my hon. friend any authority for that?

Hon. Mr. EDWARDS—Yes.

Hon. Mr. OWENS—There is more canaling on the St. Lawrence route.

Hon. Mr. EDWARDS—No, there is more on the Ottawa route. The number of locks on the Ottawa route, I grant you, is less. There will be twenty-seven locks altogether on the Ottawa route, and there are more than that number on the St. Lawrence route.

Hon. Mr. BELCOURT—There are forty-nine on the St. Lawrence route

Hon. Mr. SULLIVAN—The hon. gentleman is mistaken. There will be many more on the Georgian Bay than in the St. Lawrence system.

Hon. Mr. EDWARDS—But the possibilities of navigation on the St. Lawrence route are such that vessels can run practically at full speed except in the River St. Clair, and at two or three other points, whereas on the Ottawa route it would be perfectly impossible for large steamers to make any such speed, and it is safe to say you get it down to nearly half speed, so that, as to time, there is no very great difference.

Hon. Mr. BELCOURT—My hon. friend has not answered my question. I should like to know on what authority that statement is based?

Hon. Mr. EDWARDS—I suppose hon. gentlemen who have made speeches on this subject, have gone to a great deal more trouble than I have to prepare themselves for speaking.

Hon. Mr. BEIQUE—The hon. gentleman should be able to answer their questions.

Hon. Mr. EDWARDS—I have obtained the very best information I could get on the subject, and I am surprised to find that the opinion of the best authorities today is that, as to time, there will be practically no difference between the two routes, because of the smallness of the Ottawa river relatively to the St. Lawrence.

Hon. Mr. BELCOURT—Who is the authority?

Hon. Mr. SULLIVAN—Common sense, of course.

Hon. Mr. EDWARDS—There is, however, another side to this subject, and there are few people in Canada who realize the importance of it—I refer to the water-power question. Hon. gentlemen who are enthusiastic for the construction of this canal, will tell you that immediately upon its construction a great many water-powers will be developed and brought into operation. I want to tell hon. gentlemen that if this canal could be brought into operation, next year, or five years after-

wards, there will not be five water-powers brought into operation as a consequence of its construction.

Hon. Mr. BELCOURT—It will take ten years to build the canal.

Hon. Mr. EDWARDS—If it takes ten years to build the canal, then I say in ten years after the canal is built it will not have the effect of bringing into operation ten water-powers. Then you may say that it is a question of such small importance, that it is not worthy of serious consideration. I do not say so at all; I say the very reverse. I consider it the most important question of all. Canada is rich in water-powers, and the portion of the country through which this canal will go is in that respect the richest in Canada. Our water-powers do not amount to very much as an asset to-day, and may not amount to much for some years to come; but a time will come in the history of Canada when our water-powers will play a most important part in the world. On the Ottawa river, our possibilities in this direction are enormous, and in this feature alone lies the most important question for the Canadian people. I have pointed out in a short way the difference between the two routes, the St. Lawrence and the Ottawa. If I am asked the question if the enlargement of the Welland canal and the improvement of the navigation of the St. Lawrence river will have the effect of bringing into operation numerous water-powers, I say, no.

On the Ottawa river, we not only have water-powers, but we have enormous lakes in every part of our entire country, where it is possible to impound the water. It is impossible to impound the enormous streams. It is impossible to regulate the flow of water at all seasons in the streams, so that you have such a condition as you see to-day, an enormous amount of water running, no use to anybody, but a danger to many. It can, however be impounded in the lakes, so that these water powers can be so regulated as to operate perpetually. Not only will it have that effect, so far as the water-powers are concerned, but it will keep the navigation of the stream always regular and good.

As I have said on many occasions, coal is a diminishing quantity throughout the country. Our water-powers, if preserved, will go on forever, and Canada has an asset in that respect of which few people have any conception. Few men have the slightest idea of the extent and the value of our water-power. I am one of those who believe that if this Ottawa and Georgian Bay canal were built to-morrow, in so far as bringing into effect at once any of our great water-powers or to any great extent, such will not be the case. I cannot measure at what time in the history of the country that will come about, but I have no doubt that in a reasonable number of years all our water-powers will go into operation. This canal will make it possible for a great many water-powers to be developed that would not otherwise go into operation. The improvement in storing the water for the purpose of the canal will create a reserve which will be useful for regulating the operation of the water-powers. That is a subject so important for Canada, that I feel almost incapable of discussing it. It is an immense subject for Canada, and the first question that appeals to me is whether the scheme is a feasible one. I hope it will prove to be. If the canal is to be built, what sort of a canal should it be, is a matter which should be well considered. The question is, shall the canal be built at all, and if so, when? As I stated before, this is a question which has engaged the attention of the people of Canada for some years, and was a live question with them many years ago. If I were offering my opinion as a Canadian, I would say: 'Do not commence it at the moment.' Some gentlemen think it should be built at once. I say we should investigate carefully before we proceed, and I am one of those who believe that we have other undertakings at the present moment which are more pressing for Canada.

Hon. Mr. OWENS—No.

Hon. Mr. EDWARDS—Great as this project will be in the future,—and I hope not in the too remote future—I do not think the time has yet arrived when Canada is prepared to invest the large amount necessary for the construction of this great work. I do not throw cold water upon it

as a scheme because of its possibilities in developing the country. I am a firmer believer in it now than I have been in the past. I have been a doubter in regard to it, but I have now become more favourable to it. I hope in the interests of Canada it will be built, but built at a time when Canada can afford it

Hon. Mr. BERNIER—The hon. gentleman does not seem to have taken into consideration the necessities which arise for the canal in the interests of the Northwest and in solving the problem of transportation. Has he anything to say about that?

Hon. Mr. EDWARDS—The Canadian Northwest in a very short time will have three transcontinental routes and when these three railways cannot carry the traffic of the country on their single lines, they can be double-tracked. There is a very nice economical question—and I admit it at once—as to this matter of carrying by water or by rail. That is a very nice question. I am not prepared to discuss it, but I am favourable to the opinion that so far as railways are concerned they will be the most effective means for the transportation of the products of the great west. I think the three great railways which we will have in a short time—and two will be effective in moving the crop next year—will be able to transport everything that can be produced in that country for many years to come.

Hon. Mr. MACDONALD (B.C.)—Don't forget the Hudson Bay Railway.

Hon. Mr. EDWARDS—I hope to see that project in the air also for a long time.

Hon. Mr. BEIQUE—I did not intend to speak on this question, and I confess I have not the necessary data to deal properly with the matter. I rise because of disappointment at some of the remarks which have fallen from the hon. gentleman from Russell. I generally take pleasure in seeing eye to eye with the hon. gentleman, because he is a man in whose judgment I have a great deal of confidence, and a man of very great business experience. I agree with him in some of the statements which he has made. I think he is quite right in saying that it is an enterprise of such magnitude that the first question to be determined is as to whether it is feasible, and what will be the efficiency of this scheme when it is carried out; but I am afraid that he is rather despondent, and is not as progressive as he usually is when he expresses a doubt as to whether Montreal will remain the head of inland navigation on the St. Lawrence. He is not as progressive as I would have hoped, because we have the experience of the whole world in a contrary direction. We have it in Germany, we have it in England, we have it in France, that no efforts are spared to create artificial inland navigation on canals. For my part, I cannot understand where the real difficulties in regard to maintaining Montreal as the head of inland navigation exist. It is a question of deepening a very small portion of the route, between Montreal and Quebec, and it is much easier than was the building of the Manchester canal or a number of other canals in Europe. As far as the water powers are concerned, the argument of the hon. member seemed to be in the direction that he is afraid that there will be too many water-powers developed if this canal is built, and that it will put upon the market such a large amount of water power, that it will retard the development of existing power plants. I understood the hon. gentleman to say that if this canal is built, he believed it will be the means of developing a large amount of water power.

Hon. Mr. EDWARDS—Making it possible to do so. What I claim is, that it will make it possible to develop a large amount of water power; but I further claim that these water powers cannot be successfully put into operation until there is business for them.

Hon. Mr. BEIQUE—Exactly, and that there will be such an amount of water power which can be developed that it may retard the further development of other powers which are now being used on the Ottawa or elsewhere. As was stated, the development of the Ottawa and Georgian Bay route will involve the building of a number of locks, and I believe there will be room for the water powers that are now being developed, as well as the water powers that can be created by

the development of that canal. One of the main arguments in favour of building the canal as soon as possible, if the data which have been placed before the hon. House are true data is that it will be the means of diverting American trade to Canadian ports. If this scheme is a feisable scheme, and will be the means of navigating large vessels from the lakes to the sea, I think it cannot be built too soon, and it should be built before the traffic is diverted from the St. Lawrence to the south. We know perfectly well that a single state of the United States republic, New York State, is now spending an enormous sum, over one hundred million dollars, merely for the purpose of deepening the Erie canal a few feet.

Hon. Mr. De BOUCHERVILLE—How many feet?

Hon. Mr. BEIQUE—From nine feet to fourteen feet. It is for the purpose of deepening the canal that the State of New York is spending, I think it is $112,000,000. Now, if a state can carry out an enterprise of that kind, surely this Dominion should be able to carry out the enterprise of building the Georgian Bay canal, and if this canal is built, according to the data which have been placed before the House—and I repeat, as far as I am concerned, I do not know whether they are accurate or not—the question should be thoroughly investigated—if the data are correct and the canal is constructed, it would be the means of diverting United States business to such an extent that in itself it would be sufficient to pay for the maintenance of the canal and for the interest on the outlay which it would involve.

Hon. Mr. De BOUCHERVILLE—What are the data put before the House? I never heard any.

Hon. Mr. BEIQUE—The data to which I refer, are to be found in the speeches made by hon. gentlemen in this House, and especially the hon. gentleman from De Lanaudière and the hon. gentleman from Ottawa. I was not in the House when the hon. gentleman from De Lanaudière spoke, but I was in the House when the hon. gentleman from Ottawa spoke, and I must say that I was very much impressed with the data of all kinds which he placed before us, and, I repeat that if his data are correct, to my mind this is an enterprise which should be carried out as soon as possible for the purpose of diverting United States traffic towards the St. Lawrence and to our maritime provinces, and preventing Canadian traffic being diverted to United States ports by the deepening of the Erie canal.

Hon. Mr. De BOUCHERVILLE—Many of us must have thought when the question of the Georgian Bay canal was brought before us for discussion, that we should have data. I take occasion to say that I did not intend to cast any doubt on the data furnished by the hon. gentleman from De Lanaudière, but he did not furnish us with the necessary information. It seems to me—and I think every hon. gentleman in the House should be of the same opinion—that when this question is before us for discussion, the government should have placed before us the report on the Georgian Bay canal. That report was promised to us last year, and again this year, but we have been discussing the project without the report before us. I should like to ask where is the necessity of building the Georgian Bay canal unless it be to help the northern and western provinces to transport their grain. Another reason for the building of the canal is that the United States people may not be able to take advantage of their canals being deepened, and take this commerce through the United States, as was suggested just now by the hon. gentleman from DeSalaberry. That hon. gentleman says that if once the trade is diverted, it will be hard to bring it back; but I am in favour of not allowing outsiders to have the monopoly of transporting the grain from the Northwest. It is not necessary to build a canal of 22 feet for that purpose—at least I do not see that there is any necessity for it. It is admitted by everybody—I think even by my hon. friend from Russell—that with the Georgian Bay canal we will have a shorter route to Montreal from the great lakes than any other. We should, however, have the report of the gentlemen who surveyed the Georgian Bay route. A 16-foot canal would be better than 14 feet. I am told the Erie canal is to be 14 feet from Buffalo to Albany. Even if we had a canal of 14 feet, we would have an advantage over the United States canal.

I think the report of Mr. Shanley was that a canal of 9 feet would cost much less than thirty million. I had occasion to see Mr. Shanley a few months before his death. I met him at the St. Lawrence Hall in Montreal, and I was asking about the cost of the canal. I said 'When you made your report the cost of labour was cheaper than it is now," and he answered that the great facilities that they had to transport whatever they wanted for the work, and the up to date plant which the contractors would have to do the work, plant such as was not in existence in those days, would amply compensate for the increased price of labour. His estimate was that the canal 9 feet deep would cost much less than thirty million. The present estimate for a canal 22 feet deep is one hundred million, and if the canal is to be only 16 feet deep, it would probably cost only half of that sum, fifty million dollars. There is another point in regard to the matter. Mr. Shanley did not take into consideration what we should take into consideration now ; if you want to build a ship canal 22 feet, you will not only have 27 locks, but you will have to deal with the Ottawa river itself. If we had the report before us, we might ascertain that; but we have not the report. We may not find 22 feet depth in the Ottawa at certain places. According to the hon. gentleman from De Lanaudière, it costs, I think, three dollars per cubic yard to excavate stone, and there will be a great deal of stone excavation in the Ottawa, and you would have to spend an immense sum for that. Then, again, if you had boats of ten thousand tons capacity, you would have to raise all the bridges on the route, and you would have to raise the railroads. You would have the Hawkesbury bridge; you would have the two bridges at Lachine, and probably another bridge above here, because every bridge would require to be elevated so that the ships could pass under it. But that is not the only point. Instead of the country being in favour of the canal, I think there is a large section who are opposed to it, and, in my opinion, they have taken the means of preventing its construction, by introducing the new scheme of a 22 foot canal. It is not necessary to build a 22 foot canal to compete with the United States people. Sixteen feet is more than is necessary, and 14 feet would be plenty. Why did they introduce this phase of it? I am speaking for the people of Montreal. They say 'We are the head of navigation.' You are the head of navigation of steamers of over 30 feet draught, but when ocean steamers can go through from Montreal up to Ottawa, and on through to Chicago, do you think you can call Montreal the head of navigation? It will be Chicago that will be considered the head of navigation, or Port Arthur on Lake Superior. When ocean going ships of 20 feet draught can pass through to the great lakes, I do not think you can say that Montreal would be the head of navigation. Hon. gentlemen think that by having steamboats pass by them they will gain nothing. If we had a smaller canal from here to Montreal, it would cost much less, probably half of what the proposed one would cost, on account of the deepening of the Ottawa—probably less than one-half—one-third. But is there an understanding between some people not to give us the proper information, since we have had to discuss this question of the Georgian Bay canal? Why do they not give us all the information and the true data? Why is it that for two years this information has been promised, and we have not yet received the report on the Georgian Bay canal route?

Hon. Mr. CASGRAIN—In closing this debate, the first thing I have to offer is sincere thanks to the hon. gentlemen who have taken part in the discussion, and especially to those who made such kind references to the study I have made of this question; also to the senators who have listened so attentively to the discussion of this question. I said in introducing this question, that I knew of no body of men in Canada so well qualified to discuss intelligently and dispassionately such a large question as this, and I think the discussion which has taken place fully justified the position that I took then, that senators have shown that they take a deep interest in this enterprise. It has been said on various occasions that the press does not take enough interest in our debates. Since this question has been discussed, the press have reported our discussions very fully through-

out Canada, and even across the water; and, as far as Montreal is concerned, 'La Presse,' with its 100,000 of circulation, the largest by far circulation of any paper in Canada, has published a verbatim translation of the speech that I had the honour of making in this House. It shows that when we take up a live question in the Senate, we are sure to find a responsive each from the press of this country.

The hon. gentleman from Russell, appears to think that we should have a barge canal of 14 feet navigation, the same as on the St. Lawrence. We already have one 14 foot canal, the fleet for which has never been built. It is not fit to pass all the vessels which ply on our great lakes, and I do not see that there would be very much advantage in having two 14 feet canals, one on the St. Lawrence and one on the Ottawa. If a 14 foot canal is big enough, the best thing the country can do is to save its money for other public works and use the 14 foot canal, now in operation, because it will supply all the demands, if we are to be satisfied with transhipping goods at Port Colborne and so on. But if there is to be a canal from Montreal to Georgian Bay via the Ottawa river, there is no question but it must be a 22 foot canal. That would mean 20 feet of navigation. With such a canal you will have the advantage that all the vessels which ply Lake Superior, Georgian Bay, Lake Michigan, all the vessels that pass Sault Ste. Marie, will be able to use the Ottawa route through to the ocean port of Montreal. With a 22 feet canal, you will be in a position to easily accommodate all the ocean going cargo boats in the world. Not many cargo boats exceed 20 feet in draft, because cargo boats, commonly called tramp boats, have to call at various ports; for instance the cargo boats which ply to the Argentine Republic load at Rosario, well up the river in the Argentine Republic. But they complete their load at La Plata, outside of the bar. We have also on the Danube vessels loading at Ibraila and Galatz, but they complete their loading at Sulina outside of the bar. Now these two great rivers, the Danube and the river Plate are the competitors of the St. Lawrence, and they have at their mouths bars where there is only nineteen to twenty-one feet of water according to the season and weather less than 22 feet of the proposed canal. Remember, these cargo boats have to visit various ports throughout the world, and that is why the twenty-two feet draft is quite sufficient for all general trading. As the hon. gentleman from Montarville has just said, if this canal were constructed, Montreal would become an ocean port and a lake port.

The hon. member from Russell has spoken of the water-powers on the Ottawa route. It is well established that at these twenty-seven locks, and my impounding the water in the way the hon. gentleman described, there will be at least one million horse-power all the year round. What does that mean? It is equivalent to seven million tons of coal yearly from an inexhaustible mine. If you look at the production of coal in the most progressive countries in the world, you will see that in 1906 the production in Great Britain was six tons per head of the population. In the United States, Germany and Belgium the production per head was four tons, in France one ton, in Austria-Hungary one ton, and in Canada a ton and one-half per head of the population. Now, in Canada we have many water-powers already in use and a great many which are yet undeveloped, and we could use a great deal more power in Canada than we produce with a ton and one-half of coal per head of the population, so there will be a demand for all those water-powers just as soon as they are available. If we could put the water-powers of the Ottawa river into operation, as I have said, they would furnish as much power annually as could be generated by seven million tons of coal, and we could give employment in that way to a couple of millions more of people, who would be just as busy and productive as the people of the United States, Great Britain, Germany and Belgium. Then Canada would only have the equivalent of an annual consumption of two and one-half tons of coal. Even then, we would be still a ton and one-half per head behind the United States, Germany and Belgium. in the use of coal. Therefore, I claim it would be very easy to use up the whole of that water-power. There is

another advantage of water over coal. After the first installation of power generated by water, it is infinitely cheaper than power generated by coal, and, consequently, many industries which would be unprofitable if run with coal at $3 per ton would become profitable with the cheap power produced by water. If this one million horse-power is equal to seven million tons of coal, putting coal at the low price of one dollar and a half per ton, it is worth over ten million dollars per annum which is three times more than would be necessary to pay three per cent on one hundred million dollars, the estimated cost of this work. The progress of all the great industrial nations has been in the ratio of their production of coal. That is to say, cheap power underlies their progress, and without cheap power it would not have been possible for them to have attained the high position they hold in the industrial world. Therefore, in making the production of cheap power possible, we shall secure many industries which we could not have under present conditions, and thus we shall add a great deal to the national wealth of this country. Take the manufacture of wood pulp for instance. The hon. member from Russell will bear me out when I say that wood pulp cannot be profitably produced in this country by steam-power. It requires cheap power. With coal at $3 per ton we could not have the pulp industry, and wood pulp is only one of many such industries. I may give a few other illustrations of the use to which cheap electric power can be put. One is electric smelting, which is now in its infancy. Smelting by electricity all manner of minerals, including such base ores as the ores of iron, is now possible, thus absolutely dispensing with coal and making the production of iron possible where the transportation charges of the ore or of the coal made the production costly or impossible.

The process of electric smelting is based simply on the enormous temperature produced by the electric furnace. The ores fuse and the oxygen which they contain is driven off as gas leaving the pure molten metal behind. It is different in principle from smelting with coke, where the carbon of the burning coke first combines with one atom of oxygen of the air, making carbon monoxide and then with another atom of oxygen from the ore which does not fuse forming carbonic acid gas and escaping as such from the furnace. The oxygen of the ore is thus slowly taken up by the carbon of the coke until nothing but the metal is left in a molten state.

Another use of electric power is fixing, as it is called, atmospheric nitrogen so as to make it available for fertilizing agricultural lands in precisely the same way that the famous nitrates from Chile and the guano from Peru are used. The atmosphere contains an inexhaustible supply of nitrogen, but in an inert form, as the scientists say, that is, it is not taken up readily by plants, or rather by the bacteriae through which they feed on nitrogen. The best means have always been to supply the nitrogen to the ground in the form of a soluble salt, and hitherto only nitrate and guano and animal or vegetable manure have been used, because chemists had not found the way to produce nitrogen salts out of atmospheric nitrogen. But by means of the terrific temperature of the electric furnace, that long sought result has been achieved, and the production of nitrate from atmospheric nitrogen is to-day an industrial fact in Norway. At such temperature the recalcitrant nitrogen combines with lime and makes a soluble salt—that is all that is necessary for the purposes of fertilizing.

And those eminently useful applications of the electric furnace are only recent developments. The world's scientists and inventors are looking for more, and it is pretty safe to predict that more will be found.

Let me now briefly summarise my arguments so as to concentrate attention on the salient points.

The canal of 22 feet will be a huge highway and will develop 1,000,000 horse power. As a highway, it will bring the Atlantic ocean into the heart of North America. The lakes will be a great inland sea, more important than the Baltic, and scarcely less so than the historic Mediterranean. It will liberate the immense lake fleet from its winter fastness and will increase by two-thirds its present usefulness. As a consequence, the great standing charges which are now borne by only 7 months of navi-

gation, will be spread over 2 months, thus reducing the daily share and enabling the fleet to carry lake cargoes more cheaply. It will save a large amount of handling of cargo as well as diminish the distance, and thus ensure greater economy of transportation for the products from the west.

And it will divert to Canadian route and territory, all or nearly all, the exports and imports between Europe and the country west of the lakes.

As a source of power, it provides the equivalent of an inexhaustable coal mine yielding some seven millions of tons every year, sufficient for all the industrial needs of two or more millions of people, as busy and as productive as those of Great Britain, the United States, Germany and Belgium. It will provide power so cheap that many novel applications will be possible which are now impossible with coal. It will lie right on the great highway to the west, along lands of great resources, thus offering the greatest attraction for the settlement of immigrants and for the establishment of industries of every kind.

And finally, the sacrifice of money is not for ever. In years to come, when the power is fully utilized, the capitalization of the reasonable profit from its use will be double, or treble even, the cost of the whole canal. All this can be done for $100,000,000, and we are in the happy position of being able to afford it.

Let me now enunciate a mere truism. I make no apology for doing so because truisms do bear enunciating sometimes in order that we may be reminded of their solid, if self-evident, truths.

Material wealth in its ultimate analysis, is the transformation of the raw materials of nature into useful commodities, and the transportation of such materials and commodities from where they are produced to where they are wanted. That transformation requires power—plentiful and cheap; and that transportation requires highways —commodious and economical.

When we consider that the Ottawa river canal so exactly and in such eminent degree meets both those indispensable requirements of material wealth, need we look for further proofs of its incalculable benefits? Works such as this are the very foundation of all prosperity. With the Intercolonial Railway, the work of the statesmen who founded the confederation, with the Canadian Pacific, the work of that other eminent statesman, Sir John Macdonald, and with the Grand Trunk Pacific, the work of our great Prime Minister, the Ottawa river canal would rank as one of the very cornerstones of the future greatness of a young, vigorous and ambitious country.

Hon. Mr. SCOTT—The report is under way. I do not know when it will be brought down.

CHINESE IMMIGRATION ACT.
SECOND READING.

Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (OO) An Act to amend the Chinese Immigration Act.

He said. The object of this measure is two-fold: First of all to enable us to deport Chinamen who may have obtained in some illegal or surreptitious manner entry into this country, and whom it is desirable to return to the place from whence they came; and in the next place to substitute certain restrictions which will prevent the clause under which Chinese of a greater age than 17 have obtained admission to British Columbia schools, and in that way have escaped payment of the capitation tax. These are the two objects contained in the Bill. When the Bill goes into committee, I shall be pleased to give any explanation which any hon. member may ask for.

Hon. Mr. LOUGHEED—May I ask my hon. friend in what way we come to intervene on questions of education, as far as British Columbia is concerned?

Hon. Sir RICHARD CARTWRIGHT—This is an amendment to the existing Act. Under the present statute, certain classes of Chinese are admitted without payment of the capitation tax. Among those are students or scholars attending schools, and the allegation of the gentlemen from British Columbia has been that this privilege has been abused to a considerable extent, and that Chinese of mature years, over age in fact, have gone through the formula of attending school for the purpose of escaping payment of the capitation tax. The hon. gentlemen will understand, there will be serious objections

to Chinese over 17 attending schools, and the same objection, I believe, has been taken in the United States, and they have been excluded there. This Bill is an amendment to the present law.

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

CANNED GOODS ACT REPEAL BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (147) An Act to Repeal the Canned Goods Act.

He said: This Act has passed some twenty years ago, and applied only to goods put up for consumption in Canada. Some question arose as to the jurisdiction of parliament to pass a Bill of that kind, and it was never put into operation. Another Act was passed to revise the same object from time to time, and applied to goods that were shipped from one province to another, or from Canada to some outside country.

Hon. Mr. LOUGHEED—Is it intended to substitute this Act by another?

Hon. Mr. SCOTT—The provisions of it were enacted in the Act of 1907, but this Act has never been actually repealed. The Justice Department gave an opinion a short time ago that it was ultra vires.

Hon. Mr. LOUGHEED—Has it ever been tested in any court of law?

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

CANNED GOODS ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (149) An Act to amend the Meat and Canned Goods Act.

He said: The changes in this are not very important. The first provision applies the law to all factories, and those who desire to be exempt must apply to the Governor in Council, who decides whether they shall be exempt or not. The next change in the law relates to the dealer. The rule, it appears now, is that in those establishments the man who buys the goods first, the wholesale man, put on his own label; so that it substitutes the purchaser for the packer. The third change is merely a clerical error, the word 'marked' instead of 'packed.'

Hon. Mr. LOUGHEED—Is it proposed to still hold the packer liable under clause 2?

Hon. Mr. SCOTT—The wholesale man who put on his label is the man who would be liable.

Hon. Mr. LOUGHEED—Why should they exempt the packer? By what process of reasoning should the packer, if he puts up an inferior article, be exempt from prosecution? It seems to me they are both equally liable.

Hon. Mr. SCOTT—The wholesale dealer issues the article to the public, and he assumes the liability. I think it is a greater protection, because he has his reputation at stake. In all cases the wholesale man who buys from packers insists on having his label on the goods. The wholesale dealer insists on having his name issued by the packer, and the liability is assumed by him. It shifts the responsibility from the packer to the man who first gives the goods to the public.

Hon. Mr. GIBSON—This is done in every business. The same factory will give out a dozen different labels to suit the conditions of the trade. They supply the same article to different merchants, and it does not do any harm. I do not see why the packers object to it. There were 34 packers brought in under the Canadian Canners' organization. These individual canners' marks were not retained by the bigger concerns. They simply gobbled up the smaller ones, and put their own labels on their cans, and now they insist on having goods marked for them. There is not a shirtmaker or a watchmaker in the country who has not the words on his goods 'specially made for ' so-and-so, although they may all come from one factory. We had a case with regard to the packing of lobsters. The English merchant insisted on being permitted to put his own label on the cans of lobsters that went over to England. Every member of this House seemed to be agreeable to that. If that had not been done, it would have injured the lobster packers, and of course, sooner

than spoil the trade it was decided that they would not take them unless their own brand was put on. The Canadian trade had no more right to an exclusive market than any other packers. The wholesale men who are equally responsible to the people as the canners are, should be allowed to put on their own label.

Hon. Mr. POWER—I take a different view from the hon. gentleman behind me, but I will not inflict it on the House just now. When we go into committee, I will discuss the question.

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

The Senate adjourned until three o'clock, to-morrow.

THE SENATE.

OTTAWA, Wednesday, May 13, 1908.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

SUSPENSION OF RULES.

Hon. Mr. YOUNG, from the Committee on Standing Orders, presented their 24th report. He said: The time for receiving petitions for private Bills expires to-morrow, and the committee felt that it was desirable to grant a further extension, and also to extend the time for receiving reports from the standing committees, and with the consent of the House, I move the suspension of the rules in order that we may concur in the report at once.

Hon. Mr. De BOUCHERVILLE—I understand that the time expires to-morrow. There was an extension of time granted some time ago, therefore, if we adopt this motion it means that we are going to give up the rules altogether, and I think it would be better to strike the rules from our records rather than to continually disregard them by extending the time.

Hon. Mr. YOUNG—There is something in what the hon. gentleman says, but permit me to point out that the time for presenting petitions has expired, and no further petitions can come before the House unless the House suspends the rules or grants leave. There is something in what he says as to whether the door should not be always open for the presentation of Bills when they have got to that stage.

Hon. Mr. LANDRY—I think they are more strict in the House of Commons than we are here.

Hon. Mr. YOUNG.—They have more time.

Hon. Mr. De BOUCHERVILLE—I object to this motion.

Hon. Mr. LANDRY—Then I move that the report be taken into consideration to-morrow.

Hon. Mr. De BOUCHERVILLE—I understand that the motion was to approve of the report.

The SPEAKER—No, the motion was to suspend the rules to approve of the report to-day; but it has to be carried unanimously, and inasmuch as the House is not unanimous, the hon. gentleman moves that it be taken into consideration to-morrow.

The motion was agreed to.

BILLS INTRODUCED.

Bill (RR) An Act for the relief of Catherine Ann Cannon.—(Hon. Mr. Baird.)

Bill (SS) An Act respecting the Lake Champlain and St. Lawrence Ship Canal Company.—(Hon. Mr. Belcourt.)

Bill (TT) An Act respecting certain patents of the General Chemical Company.—(Hon. Mr. Kerr.)

Bill (UU) An Act for the relief of Mary Alexander.—(Hon. Mr. Derbyshire.)

Bill (VV) An Act for the relief of Ada Katurah Stewart Paulding.—(Hon. Mr. Derbyshire.)

Bill (WW) An Act to amend the Canadian Temperance Act.—(Hon. Mr. McGregor.)

A POINT OF ORDER.

The notice of inquiry being called:

By the Hon. Mr. Landry:

That he will inquire of the government—Does the government know whether Mr. George Tanguay, of Quebec, merchant, was for several years and until the recent municipal elections held in February last, one of the aldermen of the city of Quebec, and one of the most devoted partisans of a civic ad-

ministration of which Mr. Parent, the present president of the Transcontinental Railway Commission, had been the head?

Does it likewise know whether in the course of the month of May, 1900, this same Mr. Tanguay—at a special meeting of the city council had been secretly called, and to which the mayor had not been summoned, in order not to offend his proverbial modesty, so it was said—caused to be voted, at the expense of the taxpayers, a bonus of $5,000, which had or had not found its way to the bottom of the pocket of His Honour?

How much has this same Mr. George Tanguay received yearly from the commissioners of the Transcontinental railway, of which Mr. Parent became the president, for goods and merchandise, during each of the years 1904-5, 1905-6, 1906-7 and 1907-8?

Hon. Mr. POWER—I wish to raise a question of order on this inquiry. To my mind the last of the three questions is the only one which is regular; and I think the words 'Of which Mr. Parent became president,' are also out of order. I have not investigated this question very carefully, but later on I shall do so if his honour thinks it necessary that I should. It is clear on the authorities and to the common sense of the House, that notices of this kind are irregular and out of order. I take Bourinot, page 434. He says very little about it, but I find the following:

It (the question) should be simply and severely accurate in its allegations. If it is hypothetical, it is objectionable, and as a rule should not be answered. It should not be ironical or convey an imputation.

Then May, page 243, says this:

As the notice paper is published by authority of the House, a notice of a motion or of a question to be put to a member, containing unbecoming expressions, infringing its rules, or otherwise irregular, may, under the Speaker's authority, be corrected by the clerks at the table.

Then on page 249 I find the following to which I particularly direct your Honour's attention:

The purpose of a question is to obtain information and not to supply it to the House.

(I may observe that that is not the general purpose of the hon. gentleman's questions, certainly not of this question.)

A question may not contain statements of facts, unless they be necessary to make the question intelligible, and can be authenticated, nor should a question contain arguments, inferences, imputations, epethets, or controversial or ironical expressions.

And then on page 250, I find:

A question which publishes the names of persons or statements not strictly necessary to render the question intelligible will be refused a place on the notice paper. The expression of an opinion cannot be sought for by a question, nor the solution of an abstract legal case, or of a hypothetical proposition. Nor is it in order to ask merely whether certain things, such as statements made in a newspaper, are true; but attention may be drawn to such statements, if the member, who puts the question, makes himself responsible for their accuracy. No question can be asked which reflects on the character or conduct, or stated on p. 278, can only be dealt with on a substantive motion; and for the same reason, a question is not permitted which makes or implies charges of a personal character.

Then at pages 277 and 278, I find:

Certain matters cannot be debated, save upon a substantive motion which can be dealt with by amendment, or by the distinct vote of the House, such as the conduct of the Sovereign, the Heir to the Throne, the Viceroy and Governor General of India, the Lord Lieut. of Ireland, the Speaker, the Chairman of Ways and Means, members of either Houses of parliament, and judges of the superior courts of the United Kingdom, including persons holding the position of a judge, such as a judge in a court of bankruptcy and of a county court.

I think that a commissioner of the National Transcontinental Railway holds a position somewhat analogous to that of a judge. May continues:

For the same reason, no charges of a personal character can be raised, save upon a direct and substantive motion to that effect. No statement of that kind can, therefore, be embodied in a notice stating that the attention of the House will be called to a matter of that nature.

I do not propose to enlarge on this matter. I think the House has shown a great deal of forbearance towards the hon. gentleman, because we have had for a long time notices of this kind which are contrary to our parliamentary experience and calculated to bring the Senate into hostile collision with bodies and persons that we really should not have such collisions with. I desire to have an authoritative decision as to whether notices of this kind can be given.

Hon. Mr. LANDRY—The hon. gentleman who has just raised the point of order, is quite correct in saying he was not quite prepared. I might give him till to-morrow to prepare himself. I will give him three or four days if he likes; but the authority does not apply to the question at all. Bourinot says:

It has been decided in numerous instances in the English Commons that a member may

make an explanation which is necessary for a clear understanding of his question; but he may not enter upon a general discussion.

He also says:

It should not be ironical or convey any imputation.

Did the hon. gentleman show how my question was ironical or that it conveyed any imputation? My question is a simple one. I do not affirm the facts. I asked if the government has heard that such facts exist or not. The government is at liberty to say they know nothing at all about it, or that they know such is the fact. I ask does the government know whether Mr. George Tanguay, of Quebec, merchant, was for several years, and until the recent municipal elections, held in February last, one of the aldermen of the city of Quebec, and one of the most devoted partisans of a civic administration of which Mr. Parent, the present president of the Transcontinental Railway Commission, has been the head.

Hon. Mr. POWER—What has parliament to do with that?

Hon. Mr. LANDRY—The hon. gentleman cannot see the point, but I will point it out to him. If the government knows that all the persons who have been serving under Mr. Parent, while he was mayor of Quebec, are now precisely the persons that are authorized by the government to-day, or by Mr. Parent. Where is the irony in that? There is no irony at all. I want to know if the government, when they spend the money of the country in giving Mr. George Tanguay $10,000 or $12,000 every year—because that is the sum that will appear when the minister gives us the answer—are aware that Mr. George Tanguay or another person is now to receive annually $10,000 or $12,000 because of his having served in the administration of Mr. Parent. I do not say that it is the real reason. I do not affirm the fact, but I want to know if the government is aware that those persons that are receiving $10,000 or $12,000 yearly have served and are devoted servants of Mr. Parent? It is the public money that is being squandered on this occasion. It is the public money that goes to these people. If the government say they are not aware of this fact, that is an end of it. Perhaps they will look into it in the future. That is the object of the question. There is no irony in that. I do not assert it as a fact; but I ask if the government is aware that such a thing has taken place. If they are not aware they will not be so guilty as if they knew of the fact. Last year, Mr. Tanguay received $12,000 and the year before he received $10,000, and another gentleman received $15,000 last year, and the year before I cannot remember what it was. The government will say whether they are aware of that or not. There is no irony in that, and now the hon. gentleman says we must not say anything against Mr. Parent because he is a judge. When was he named a judge? He is a public employee, under the control of parliament. We desire to know how he is spending the money he receives from the public? He is giving that to his faithful servants. We want to know how it is given. And we are told that we cannot name Mr. Parent here, because he is assumed to be a judge of the land. I really agree with my hon. friend that he was not quite prepared when he raised that point of order.

Hon. Mr. CHOQUETTE—I am not going to pronounce exactly on the point of order, because I have not prepared myself to be able to say if it is well taken. But I regret very much that the hon. gentleman has seen fit to place this question on the order paper, because it should not be there. I do not know if the questions are absolutely out of order, but I, as a citizen of Quebec, regret that my hon. friend has asked them. He has a right to know if this one or that one received so much money from the government.

The SPEAKER—The hon. gentleman must limit his remarks to the point of order.

Hon. Mr. CHOQUETTE—Yes, I understand. I take it for granted that the point is well taken for the moment. It seems to me that it ought to be well taken, though I am not prepared to say that it is. In asking a question it is not necessary to drag in the past record of men who may have received money from the government, and to say that this man has been a ser-

vant of that man, I do not think this at all necessary. I say, as a member of the Senate and as a citizen of Quebec, I regret that my hon. friend has seen fit, for purposes of his own, to say that this gentleman has been a fervent municipal friend of Mr. Parent. I may say moreover that I have had political and municipal contests with Mr. Parent myself. It seems to me it is right for the hon. gentleman to put the question whether this party or that party has been paid this money or that money from the commission of the Transcontinental, of which Mr. Parent is chairman. This may be a proper question to put; but I do not think it is in order to put a question as it appears on our records, especially in view of this, that in some of these questions gentlemen are named as being members of the city council, although they were not members of the city council at the time Mr. Parent was there. Therefore I hope the point of order is well taken; but if it is not well taken I regret that my hon. friend does not put his question directly instead of expressing it in words which do not serve the purpose he is aiming at.

Hon. Mr. ELLIS—Might I mention to the hon. gentleman, that the second paragraph covers most objectionable matter? It is both an ironical statement and a statement the facts or truth of which nobody would know, as to the motives for which the $5,000 was given, apparently a gift of the council of Quebec, and such statements ought not to appear on the records of the House.

Hon. Mr. LANDRY—I am simply asking if these are the facts. I do not say that all this is true.

The SPEAKER—Rule 27 states:

> No motion prefaced by a written preamble is received by the Senate.

I take it that this applies as well by the authorities Bourinot and May, to questions put, which must still be more pointed and cover but the necessary matter which is to be answered. My opinion being asked, I would say that the motion is irregular, because the two first clauses are but disguised preambles to the question asked.

Hon. Mr, LANDRY—We are not considering that phase of it.

The SPEAKER—I would say in addition, that there are other reasons why these two clauses should be ruled out of order, because their tone does not come up to the rules of the House.

Hon. Mr. LANDRY—Is the hon. gentleman prepared to answer the question?

Hon. Mr. SCOTT—No. The members of the government have no information of the character the hon. gentleman suggests, and I quite agree with the remark of the hon. gentleman from Quebec, that the dignity of the Senate ought not to be offended to the degree the hon. senator does offend on very many occasions. He has eight or ten inquiries of a similar character, in which he attacks, practically, the character of private individuals, and I think the Senate ought not to be the medium for giving the hon. gentleman the opportunity for making insinuations in which he likes to indulge.

Hon. Mr. LANDRY—I will ask my question to-morrow without those two paragraphs, and we will see if we can obtain from the hon. gentleman any information regarding the expenditure of this public money. I give notice to-day that I will renew my question to-morrow omitting the first two paragraphs. As to the preamble, I think the question of preamble applies to members and not to questions. There is no preamble at all. There are two or three different questions.

Hon. Mr. LOUGHEED—I should like as one member to know if a notice of inquiry is to be treated as a motion.

The SPEAKER—No. I stated that a motion, by virtue of Rule 27, cannot be prefaced by a preamble, and that likewise a question cannot be prefaced by a preamble, and I take for granted that the two questions put in this case can only be a disguised preamble to the inquiry that is put, and also, besides the fact that the two questions—at all events the second question—offend against the rule which says that there shall be no ironical qualification in a question.

Hon. Mr. POWER—I wish to show my good-will towards the hon. gentleman from Stadacona. The hon. gentleman says he

proposes to give notice of an inquiry which will be the same as the present notice, striking out the first two paragraphs. I wish to direct the hon. gentleman's attention to the last paragraph containing these words, 'Of which Mr. Parent became the president.' These words are irregular, and out of order. The hon. gentleman has a right to ask about George Tanguay and what moneys he received from the Transcontinental Railway Commission, but the other matter does not form a proper part of the question that should be asked.

Hon. Mr. LOUGHEED—For my own information, I should like rather a clearer exposition from His Honour the Speaker as to the distinction, if there is a distinction—because I understand that he holds there is not a distinction between a notice of inquiry and a motion. Apparently, under the rules, they would both come under the same category. Rule 27 would apply to notices as well as motions. I do not find anything between rules 21 and 26, which are all the rules dealing with notices of inquiry, touching the question of preamble, therefore am I to understand that the ruling of His Honour the Speaker will hereafter apply to a notice of inquiry, or in other words, does a notice of inquiry mean a motion?

The SPEAKER—I will try to make myself as clear as possible. The inquiry must be a clear question and cannot, in consequence, contain a preamble. I assimilate it on that score to a motion which cannot have a preamble.

Hon. Mr. FERGUSON—Permit me to call the attention of His Honour to the long established practice of this House, based on the practice of the House of Lords, I believe, that an inquiry to be debatable must really have what would be a preamble according to the ruling we have just now had, when an hon. member gives notice that he will call the attention of the House to a certain matter. He names that matter. It is really a preamble, and he will then base an inquiry on it and he could not make the inquiry and debate it without having this very objectionable feature of a preamble. Therefore, a preamble becomes necessary, according to our practice, to an inquiry that is debatable.

The SPEAKER—The hon. gentleman draws a distinction which I admit. The calling of the attention of the Senate to a matter is not the putting of a question, and my statement bore on the question itself, on the question solely and not on the other inquiry which calls for a debate.

Hon. Mr. LANDRY—I am not going to attack His Honour's ruling, but I want to know for the future, if I placed those three questions in three different paragraphs, and first asked No. 1. Where would the preamble be to that question? The day after I would ask the second question and where would the preamble be? The same way with the third question.

Hon. Mr. POWER—I respectfully submit that His Honour is not undergoing an examination on the rules.

Hon. Sir MACKENZIE BOWELL—I confess I am somewhat puzzled to know what constitutes a preamble under the ruling given by the chair. The first question is, to my mind, simple enough: does the government know that such a person exists and that that person has received government money? Are we to understand that that is a preamble? I confess I have not understood that it would be a preamble. The second question does strike me as going too far. If I understand the ruling and the practice of both Houses, it is that no fact must be stated in a question put for information. For instance, does the second question not contain a fact, because it states, does the government know whether in the course of the month of May the same Mr. Tanguay, at a special meeting of the council, had been called secretly and to which the mayor had not been summoned, in order not to offend his proverbial modesty and so on. Well, first of all, the government may say: 'We do not know whether any meeting of the council ever was called, nor do we know that the mayor was not summoned.' If I were putting the question, I should put it in another way, with-

out stating that that is a fact which is stated in the motion. I would consider that portion would be out of order. I come back to where I started. I am still puzzled to know what constitutes a preamble to a motion. I think that question might be positively and distinctly asked without stating any reference to it at all. The hon. gentleman who spoke last, says we have no right to ask questions affecting the disposition of this money. Moneys have been paid to Mr. Parent or by the Transcontinental Commissioners, and the House has a right to know how that money is disposed of. A question of that kind is pertinent. I come back to where I started; I am in a muddle as to what constitutes a preamble.

The SPEAKER—When I said that the two first paragraphs were irregular, I took it for granted that they could only be a preamble to the third. They are either a preamble, or are out of order as questions.

Hon. Mr. CHOQUETTE—This matter has been settled, and there is only one way of continuing the discussion, namely, by an appeal to the House. We have been debating the matter after it has been settled, and the whole discussion is out of order.

THE SERVICES OF MR. EDMOND TASCHEREAU.

A POINT OF ORDER.

The notice of inquiry being called:

By the Hon. Mr. Landry:

That he will inquire of the government—

Does the government know whether Mr. Edmond Taschereau, of Quebec, notary, was during the several years and until the last municipal elections, one of the aldermen of the city of Quebec and one of the most devoted partisans of the civic administration whose head was Mr. Parent, to-day the president of the Transcontinental Railway Commission?

Does it likewise know whether this same Mr. Taschereau was employed as notary, and in that capacity signed the deed of agreement entered into on the 19th October, 1903, between the federal authorities and the Quebec Bridge and Railway Company, relating to the financial obligations contracted by the government with the said company?

How much was he paid for that transaction and by whom? By the government or by the company?

How much, in addition, did he receive from the Commissioners of the Transcontinental railway, of which Mr. Parent is president, for having as notary verified the titles of ownership of certain lands acquired by the aforesaid commission for the passage of its road?

Apart from what it has already paid him, does the Transcontinental Railway Commission still owe anything to Mr. Edmond Taschereau?

What amount? And for what services?

Hon. Mr. LANDRY—Is there any objection to this question?

Hon. Mr. SCOTT—Yes. It is laid down in the last edition of Bourinot that a reply to a question has been refused because it referred to a matter of opinion. Now, the hon. gentleman expresses an opinion in this inquiry. The authorities lay down the rule that a question should be:

> It (the question) should be simply and severely accurate in its allegations. If it is hypothetical it is objectionable and, as a rule, should not be answered. It should not be ironical or convey an imputation.

The hon. gentleman surely will concede that this inquiry conveys an imputation?

Hon. Mr. LANDRY—What imputation?

Hon. Mr. SCOTT—The imputation that Mr. Taschereau is 'one of the most devoted partisans of the civic administration whose head was Mr. Parent.' Is not that an imputation?

Hon. Mr. LOUGHEED—That is for the purpose of identifying him.

Hon. Mr. LANDRY—I never knew that it could be called an imputation to say that a man is a friend of Mr. Parent.

Hon. Mr. SCOTT—Is it a polite thing to call a man a partisan? Is it fair to a man who is not present to defend himself, to make such a charge?

Hon. Sir MACKENZIE BOWELL—The hon. gentleman simply asks if the government know that he is a partisan.

Hon. Mr. LOUGHEED—If he be a devoted partisan, there can be no objection to that.

Hon. Mr. LANDRY—I want to know if there is any objection raised to inquiry No. 2?

Hon. Mr. SCOTT—Yes. The hon. gentleman does not ask the question; he states

himself that Mr. Taschereau is one of the most devoted partisans of the civic administration, whose head was Mr. Parent. Surely there is an imputation there! He does not ask the government for information.

Hon. Mr. POWER—I take it that this notice is open to the same objection as the preceding one, though not to the same extent. The hon. gentleman has a right to ask how much has Mr. Taschereau been paid out of the moneys which come from the treasury of Canada. He has no right to inquire about the last municipal elections and speak of this gentleman as being a devoted partisan of Mr. Parent, &c.

Hon. Mr. LANDRY—May and Bourinot do not say that the inquiry should be stricken out because it is out of order, but they say that the government may refuse to answer those questions.

Hon. Mr. CHOQUETTE—They may refuse to answer them too.

Hon. Mr. LANDRY—If the government can refuse to answer them, that implies that they may be put.

Hon. Mr. SCOTT—The refusal had reference to the first paragraph, not to the subsequent three on the paper. May lays it down distinctly, that it is unparliamentary to put questions like this in which the hon. senator expresses an opinion of somebody outside of this Chamber.

Hon. Mr. LANDRY—I ask: 'Does the government know whether Mr. Edmond Taschereau, of Quebec, notary, was, during the several years, and until the last municipal elections, one of the aldermen of the city of Quebec?' What imputation is there in that?

Hon. Mr. SCOTT—Read on.

Hon. Mr. LANDRY—And whether the government know that he is one of the most devoted partisans of Mr. Parent.

Hon. Mr. SCOTT—The hon. gentleman states that as a matter of fact.

Hon. Mr. LANDRY—No, I do not state it. I took pains to frame my question, so as not to state it. In the first question, I made a statement, but in preparing this one, I took pains to avoid making a statement. I simply ask do the government know, and I wish to know if the hon. gentleman is prepared to give me an answer?

Hon. Mr. SCOTT—I have no answer. The department declined to give an answer on the grounds I have mentioned.

Hon. Mr. FERGUSON—There surely can be no objection except to the first question.

Hon. Mr. SCOTT—The question must be taken as a whole.

Hon. Mr. LANDRY—If the hon. gentleman says: 'I refuse to answer,' that removes the difficulty altogether.

Hon. Mr. POWER—The point of order has been raised, and I think should be settled.

Hon. Mr. LANDRY—My question is comprised of six paragraphs. The government may very well say that they refuse to answer the first paragraph. I wish to know if they refuse to answer the second paragraph.

Hon. Mr. SCOTT—I have no answer.

Hon. Mr. POWER—The point of order has been raised and that takes precedence.

The SPEAKER—I decide that the first paragraph is irregular.

Hon. Mr. LANDRY—On what ground?

The SPEAKER—On the ground that it states a fact. It is affected by the same irregularity as the first inquiry, it practically being a preface or preamble to the succeeding question. It states a fact. It states: 'Whose head was Mr. Parent?' That is not a question.

Hon. Mr. FERGUSON—That ruling only applies to the first question?

Hon. Mr. LANDRY—Will the hon. leader of the Senate give me a reply to the second paragraph?

Hon. Mr. SCOTT—It is open to the same objection. Where there is an objection to any part of the question, I decline to furnish an answer. I have no answer to give.

Hon. Mr. LANDRY—Very good. I will bring up the question to-morrow.

THE NATIONAL TRANSCONTINENTAL RAILWAY COMMISSION.

INQUIRY.

The notice of inquiry being called :

By the Hon. Mr. Landry :

That he will inquire of the government—

How much have the Transcontinental Rail-Way Commissioners, of whom Mr. Parent is president, paid each year, during the years 1905-6, 1906-7 and 1907-8 to the Quebec Preserving Company, of Quebec, a commercial house, the head of which, Mr. L. Letourneau, had been an alderman of the city of Quebec before the municipal elections of February last?

Hon. Mr. SCOTT—If the hon. gentleman would strike out the words—'A commercial house, the head of which, Mr. L. Letourneau, had been an alderman of the city of Quebec before the municipal elections of February last' the inquiry would not be irregular.

Hon. Mr. LANDRY—Is the hon. gentleman ready to answer the question ?

Hon. Mr. SCOTT—No, I have no answer to any of the questions in which the hon. gentleman has made innuendoes against persons outside of this Chamber.

Hon. Mr. LANDRY—I am asking if the hon. gentleman will answer the question if I strike out these words that he has quoted ?

Hon. Mr. SCOTT—I cannot give an answer, because I have not had one furnished to me. The hon. gentleman knows that I give more time to his inquiries than to the legislation of this House. He knows that I am endeavouring to meet the questions that he raises. He puts four times more questions than all the other senators of this House. It is very unreasonable and unfair, and although I am most anxious to meet his wishes he is never satisfied.

Hon. Mr. LANDRY—I am to be thankful.

Hon. Mr. FERGUSON—The hon. gentleman is entitled to the greatest credit. It shows his industry.

Hon. Mr. LANDRY—I suppose the hon. gentleman is not ready to give an answer to any of these questions?

Hon. Mr. SCOTT—No.

Hon. Mr. LANDRY—Is he ready to give an answer to No. 6?

Over and above the sums which have been paid to Mr. Ulric Barthe as salary as secretary of the Quebec Bridge and Railway Company, or as reimbursement of his travelling expenses, have the Commissioners of the Transcontinental railway paid any other moneys to the same Mr. Barthe?

When, for what services, and what amount?

Amongst these payments are there any whatsoever which have relation to his presence at meetings of a committee known under the name of the Quebec Terminus Committee?

Under this head, how much has been paid to him, and at what date was each of such payments made?

What was the amount of each of such payments?

Hon. Mr. SCOTT—No, the only answers I have been able to get are to Nos. 8, 10 and 11.

Hon. Mr. LANDRY—Then I will let the others stand. I want to know why inquiry No. 7, a motion by Mr. McMullen, is placed before mine. It is dated 11th March. Why does it not come before mine of the 7th of May?

Hon. Mr. SCOTT—I have answers to Nos. 8, 10 and 11, which I am ready to give.

Hon. Mr. LANDRY—The hon. gentleman has trouble enough with me without adding needless trouble. I am asking why No. 7 inquiry is put between No. 6 and No. 8. I think No. 7 should be No. 1.

Hon. Mr. POWER—I think the hon. gentleman from Wellington asked that this notice of his should be put down for to-day.

Hon. Mr. SCOTT—It is in the wrong place. It should be at the end of the list.

Hon. Mr. LANDRY—I should think the notices of inquiry and motions should be put in order of precedence as regards dates.

The SPEAKER—The only explanation I can give is that some of these notices have already appeared on the Order Paper and have been adjourned. The hon. gentleman says they should appear in order of dates. I have no opinion to give. I will have to confer with the officials.

THE BUSINESS OF PARLIAMENT

MOTION.

Hon. Mr. McMULLEN moved:

That the Senate deems it expedient to invite the House of Commons to co-operate with it by means of a joint committee to consider the advisability of devising methods whereby a more equal division of the initiation of private and public legislation may be secured between the two branches of parliament, and adopting rules governing debate which will limit the time of discussion so as to better expedite business.

He said: As an attempt in some way to facilitate the business of parliament and close the sessions in a shorter time than we are likely to do this year, I put this notice on the order paper. For a number of years the length of the sittings of parliament has been increasing. This year we have sat about five and one-half months —it will be six months on the 28th of this month since parliament was summoned in November last. I do not wish for a moment to challenge the right of any member of the opposition to have full time to discuss every question that can possibly come before parliament that is a matter of interest to the Dominion. It is highly desirable that the opposition should not be fettered in the discharge of their duty. At the same time, when we find that on the floor of one branch of this parliament, statements are made and reiterated day after day, and night after night in almost the same language, and that a great deal of time is in that way spent uselessly, it is high time that some consideration should be given to the question whether it is possible by a better division of the business that comes before parliament by which the Senate would get a larger share, or whether we should not adopt a system the same as they have in England, known as the closure, so as to control the length of debates and bring parliament within a reasonable expenditure of time. For my own part, I see a very great risk as regards the future of this Dominion, if matters are allowed to go on in the way they have been going the last few years. It will result in driving from parliament altogether some of the best men we have in this country. Men who are professional men, and also men largely engaged in other callings in life will be forced, if their business is such that it requires a fair share of their personal attention, to retire from parliament altogether, and you will have parliament filled with a second or third-class lot of men who are willing to accept office and devote all their time to politics. You will find that, in the House of Commons, especially, men will not be got to accept a nomination for a constituency if they have to spend five, six or seven months of the year in Ottawa attending parliament. The session is so prolonged, and discussions on questions are so limitless, that they wear out the patience of many of the best members, and they will decline to accept the duties of representatives in parliament. We know very well that we cannot now get the best material in the country to accept nominations for parliament. I do not think there is a constituency in the Dominion, that has not at times to deplore the fact that men who would be an advantage to the constituency and an ornament to parliament are forced to decline nomination, because they do not feel disposed to make the enormous sacrifice they are called upon to make in going to parliament, because of the length of the sessions. There is either one of two ways by which we can bring about a change. We have either to apply the closure the same as they do in England and the United States to the procedure of this House and of the other Chamber, or you have to reduce largely the number of representatives in both Houses. I honestly think that in the inception of the confederation scheme, there were altogether too many representatives fixed for each province. It would have been very much better if there had been only half the number. Quebec, as we know, has 65 members in the House of Commons, and the population of Quebec divided by 65 gives the unit by which the other provinces are to be represented. Taking that as a basis, if we should go on increasing in population year by year, and we hope it will increase, representatives will be very numerous. We will find that there are no two Chambers in Ottawa large enough to hold the number of members that Canada will have before many years. For instance, if we take the representation as it now is—we

have some three hundred altogether members of the House of Commons and senators during the present session. With an indemnity of $2,500 for each member, it amounts to $750,000, or virtually 12½ cents per capita of our population. Then, from year to year, as we increase in population, the number of representatives will increase. We are now supposed to have between six and seven million of a population. Supposing we should have, after a few years, ten millions, and the population of Quebec should be two million, the number of members of the House of Commons would be three hundred and of the Senate one hundred and twenty, and the indemnity would be $1,350,000, a cost of ten and one half cents per capita of the population. If we should have twenty millions of population, we would have, under the present arrangement, about 480 members of the House of Commons and 240 senators, to whom would be paid $1,680,000 in indemnities, or eight cents per capita. If the population should increase to 30,000,000 and Quebec should have three millions, we would have about 600 members of the House of Commons and 240 senators, costing about $2,100,000 per annum, or seven cents per capita, and so the increase would go on from year to year. Let us compare that with the number of representatives in the United States. With about 80,000,000 of a population, there are 391 members of the House of Representatives and 91 senators. The indemnity is $7,500 each. It costs the people of the United States, therefore, four and three-quarter cents per head of their population for indemnity to their representatives in Congress, while it is costing us at the present time about three times as much. Of course, as the population increases, the cost per capita for indemnity is reduced. If we are to make a reduction in the number of our representatives, I admit it is a very serious matter. You cannot make a reduction unless you get the consent of the smallest province in the Dominion ; you have to go back to the original elements, of which our Dominion is composed and virtually lay the foundations over again to do that. I question very much if there is any master-hand in this Dominion, prepared to grapple with a question of that kind, and try to recast our whole system. The only other recourse we have is to apply the closure to the discussions in both Houses. The closure was introduced by Gladstone in the British parliament, in 1882, at the time of the Irish agitation for Home Rule, and in order to prevent a perpetual discussion on that question, and an abuse of the privilege enjoyed by members of speaking on any motion as long as they liked, and having that speech repeated by others, power was given to the Speaker to arrange when a debate should end and a vote be taken. After a discussion commenced he could limit the time to be occupied to a certain number of days or hours, and, when that time expired, a vote of the House had to be taken. In 1888 the closure was amended, so that it was necessary that one hundred members should demand a ruling of the Speaker as to when a debate should close. It was thought that it was placing too much power in the hands of one man to allow the Speaker to exercise arbitrarily, if he was disposed to do so, and it was thought better that there should be an application on the part of one hundred members before the Speaker could apply the closure. That, of itself, was, I think, a very good measure to adopt. We should aim at bringing about a shortening of the session, if it is possible to do so. As I have said, it will injure this country in the future and drive some of our best men out of public life altogether, and, therefore, in the public interest, it is necessary that some effort should be made to shorten the sessions. In my humble opinion the present session has been unnecessarily lengthened. I do not deny that important questions have been brought up and discussed; but after all, the time that has been spent in debating a good many questions that have been brought up in the other chamber has been frittered away. The Senate is charged in the country with not doing the work that it should do, and taking long adjournments; but these adjournments are due to the fact that business is so retarded in the House of Commons that we have nothing on our Order Paper, such as we should expect from the other House in order to occupy our time profitably. As

a result, we have been forced to adjourn, and the press of the country is disposed to find fault with the Senate when in reality the fault is with the House of Commons in holding back business from week to week and month to month that they should send up to us. We have been here now nearly six months and the probabilities are that we may be here two months more. I understand that not one half of the estimates have gone through yet. Something should be done, in view of the existing condition of things, to introduce a better system for the future. The leaders should come together and make some arrangement to shorten the session. Otherwise we shall soon have to sit here the whole year round. If parliament should increase in numbers, as I have shown it probably will as our population increases, we shall eventually have to be in session for twelve months of the year. I have gone over the 'Hansard' this year, and I find that up to the present time there are 8,634 columns of 'Hansard' at a cost of $46,623. The Premier has stated that 'Hansard' costs about $5.40 a column. I have gone over the ten years in which the present government were in opposition, the ten years previous to 1896, and the number of columns of 'Hansard' used in that time, in all was 49,628. The present opposition has been in opposition for ten years, and they have just doubled the amount. The amount that they have used up to the present time, not including the present session, is 84,440 columns. So that they have largely increased the cost so far as the 'Hansard' is concerned. The cost of the 'Hansard' during the last ten years was $459,492, and the cost during the preceding ten years, when the present party which is now in power was in opposition, was $267,991, or about half the former sum. It has nearly doubled during the period that the present opposition have occupied their present position.

Hon. Mr. FERGUSON—Does my hon. friend take into account the increase of public business and money expended?

Hon. Mr. McMULLEN—I am quite prepared to admit that there has been an increased amount of business—no doubt about that—some increase, but, after all, I do not think the increase has been to an extent that would justify doubling the expense of 'Hansard' in five years. What will be the end of it if we are going to double it every ten years? It is going to be an enormous cost to the people of this country in the end.

Hon. Mr. MACDONALD (B.C.)—The first part of the hon. gentleman's motion is a very old subject in this House. Year after year members have urged the government to bring more legislation into this chamber. That has been done to a certain extent, but if all the Bills coming into parliament were passed in this House first it would not shorten the session by one day. Those Bills go back from this House to be amended and discussed in the other House, the same as they are to-day, and, besides that, members in the other House have Bills handed them by their constituents in the country, railway Bills and other Bills which they desire them to put through, and they would not entrust them to anybody else. They want to put those Bills through themselves and to see what the effect will be on the other House. So that that part of the hon. gentleman's motion may be just as well blotted out. In regard to the most important matter mentioned in my hon. friend's motion, the shortening of the session, there are two things which would shorten the session and two only. The first is to reform the abuse of time in committees of the Whole House. Take the matter of passing the estimates: an item is moved by the minister, a member rises and asks a question, and the minister replies and they go on bobbing up and down, see-saw for a whole hour, and the item remains just the same. There is no change made in the vote. If they could limit the time of speech in Committee of the Whole House to speaking twice, that would save a month or two months of the session; but the great thing is that the government have failed up to this day to realize that they are trustees of the people, for the people and by the people. They do not keep an open account or an open mind, and all this discussion is taken to get returns of public matters that should be brought down by the government, and the government are backed up by members

of the House of Commons, who wish to smother the truth and will not let it come out in the Public Accounts Committee or in the House. If any question presses closely on any department of the government, the whole of the members on the government side will suppress it, and they will support a lie—a falsehood. That is my opinion of the members of the House of Commons.

Hon. Mr. CLORAN—Is that not a little severe on the members of the House of Commons?

The SPEAKER—I would draw the attention of the hon. members to the fact that strictures are not permissible.

Hon. Mr. MACDONALD (B.C.)—Well, I take that back. If information is moved for and the government try to keep it back, they are supported by a majority of the House. If the ministers would realize that they are working for the public, that whenever a motion is made for a return in regard to any public work or any expenditure of money, they would say, 'Yes, it will come down to-morrow,' there would be no room for an opposition to keep the debates going from day to day, and until that is done you will never have a short session.

Hon. Sir RICHARD CARTWRIGHT—There is not the slightest doubt that the object desired to be obtained by the motion of my hon. friend is one that I think members of both sides would gladly cooperate in bringing about, and I see no reason why we should not invite the attention of the other Chamber to the enormous length to which the sessions have grown. My own experience in that matter—and I think the hon. gentleman from Hastings would corroborate it—is that, to a very considerable extent, the mischief arises, I am afraid, from the authorities on the two sides not having their followers in as good order as they used to have them. I can recollect when I used to have the pleasure or the honour of opposing my hon. friend and his then leaders, Sir John Macdonald and Sir Charles Tupper, that although they were good fighters—and I think they conducted the opposition as vigourously as anybody need desire to have an opposition conducted, I remember we got through, I think, in an average of three months in five successive years. My hon. friend can correct me if I am wrong, and that was, I think, because the discipline on both sides of the House was better than it is to-day. There is a serious danger of the administration of the country being very much hampered, and the public business being very seriously retarded, if the sessions of parliament are prolonged for six or seven or eight months. All hon. gentlemen who have had any experience in public life, are aware that it is with the utmost difficulty that ministers can attend to the regular duties of their office, if, let us say, six or seven or eight months are taken up in parliamentary debates of more or less utility. Everybody knows that at this present moment ministers in the House of Commons—I won't say the ministers of this House—are perhaps as hard-worked men as are to be found in His Majesty's Dominions anywhere. They usually have a very heavy correspondence which they must conduct. They are usually obliged to interview or receive deputations from a number of people. They have to attend the committees of the House of Commons; they have likewise to be present for the most part in their seats in the House, often up to an extremely late hour in the evening, and they have, I may add, on the days when the House of Commons is not sitting, as a rule, to sit in council for seven or eight hours together, in addition to discharging the ordinary business of their departments. Now, it is not possible for men to do that and have any sufficient time left for the consideration of public questions. That has to be done after the House rises, and there is no doubt that a great deal of the enormous expenditure complained of which is now going on in various public objects in Canada, is due to the undue proportion of the time of ministers which is now taken up in attending to the House of Commons debates. I think that that is a point which will have to be very seriously considered by this committee, if the two Houses should elect to employ their ser-

vices in endeavouring to produce a better state of affairs. So far as this particular branch of the legislature is concerned, I am strongly of opinion that it would be to the advantage of the country, and it would add to the dignity of this House, if a large proportion, at any rate, of the private legislation was of necessity originated in this Chamber, just as the divorce cases are. In order to give any substantial relief to the House of Commons, in order to give this House a better status and more important work to do, however, it is necessary that it should be compulsory, either by resolution or by statute, that a large proportion of the legislation must of necessity originate here. I think that would be a considerable improvement. As for the question of the debates in the House of Commons, the picture my hon. friend has drawn is no doubt alarming. If you are going to have 16 or 17 thousand pages of 'Hansard,' one thing is pretty clear, and that is that nobody in the House or out of it will be much the better for it, for no human being, unless he expects to attain the age of Methusaleh, can ever be expected to read through a 'Hansard' which contains thousands of pages. When I was a member of the other House—and I had experience of both modes of reporting debates—I came to the conclusion that the best thing that could be done—and I stated it on the floor of the House again and again—was to abolish 'Hansard' altogether. I am well convinced that if 'Hansard' were abolished, we would have had very much better reports in the newspapers than we now have, and that the public would be much better informed as to the conduct of public affairs than they now are, and what is more, that these persons who abuse the ear of the House, and waste the time of parliament, would, by a process of natural selection, be weeded out. Men will not go on inflicting two or three or four hours harangues on any legislative bodies when they find that all the newspapers have to say for them is that Mr. So-and-So replied, or Mr. So-and-So made a few remarks. At present, an hon. gentleman can spread himself to any extent, and have his remarks reported to his constituents. Without the 'Hansard,' he would not be able to do that, and I think, making a suggestion on my own account alone, if the committee desires to shorten the session, one of the most effective modes they can adopt would be to put an end to the 'Hansard,' and leave the various newspapers on either side to distinguish between those gentlemen whose remarks are worth while reporting and those who are not; but in any case, I see no reason at all, if my hon. friends opposite do not object, to inviting the House of Commons to see if what threatens to be a very formidable abuse and a very formidable obstacle to the conduct of public affairs as they ought to be conducted in the country—that is the inordinate and enormous length of the sessions, can in any way be put an end to. I may add, that though it might be necessary, I would be sorry to see the closure adopted in either House. It may become necessary; but taking everything into account, I would exhaust every possible expedient before I would personally be disposed to recommend the adoption of the closure.

Hon. Mr. LOUGHEED—I had not intended making any observations on this question, and my right hon. friend will pardon me if I make a few remarks therefore, notwithstanding his having, possibly, as he may have thought, closed the debate.

Hon. Sir RICHARD CARTWRIGHT—I should like to hear from my hon. friend.

Hon. Mr. LOUGHEED—It seems to me that the parliamentary system such as we have it to-day is at the root of the evil, and unless some Prime Minister of this Dominion is sufficiently strong to cut off many of the mouldering branches of that system, we shall continue to labour under the difficulties which now confront us, and the increasing difficulties which will confront us session after session. One can very well understand such a system becoming so clogged by the many so-called privileges which arise session after session as to make parliament really unfit for the proper transaction of the public business. What is the parliamentary system that we find to-day? We find a system made up, in fact, of two hostile camps, pitted the one against the other. Take for instance

in the Dominion of Canada we have an expenditure in round figures of $100,000,000 annually. We find the dominant party claiming the absolute right, without consulting the opposition party, to expend that amount of money. I am simply dealing with this entirely irrespective of who may be the dominant party to-day; but that is the parliamentary system, not only as we know it in Canada, but wherever responsible government obtains. And how is that money expended, and how are the affairs of the country administered? Not, certainly, as any business body of men would administer their own affairs. Not, certainly, as any commercial company or any financial institution would for a moment conceive of administering the financial responsibilities or commercial obligations with which they are called upon to deal. It seems to me that we must necessarily labour under the difficulties which have been already so well pointed out, unless we can devise some way of engrafting upon the parliamentary system many of the admirable features which, through necessity, business companies must introduce and adopt for the purpose of transacting the business which pertains to them. Now, there is an absence of mutuality—absolutely I might say—with reference to the transaction of parliamentary business. Why should this be so? If a financial institution, such as a bank, such as a large insurance company, a railway company, or any other commercial institution, meets annually, as they do in their annual meetings, they do not for a moment think of arraying themselves into two hostile camps, the directorate claiming they have absolute authority to deal with the affairs of the company, as against say a minority of shareholders who may not entirely agree with them. The principle of mutuality is at once recognized and followed, so far as the best interests of that company are concerned. Why should it not be so in parliamentary life? Does the business of the country not demand it? Would it not be patriotic to do this? Would it not evince a national spirit of the highest patriotism that both parties should attempt to get together and to mutually transact the actual business of the country. Is that practical? I say hon. gentlemen that it is, if the dominant party will take the initiative along these lines. Let me instance a case. Take for instance the present session of parliament. Had the government of the day seriously given consideration to the transaction of public business in harmony with the demands of the country, when parliament assembled business would have been ready? I am not assuming that this is an isolated instance wherein the government fails, because we go back to former governments, and we find practically the same indifference, or the same inability to grapple with the requirements of the occasion in evidence. I say, in the first instance, that the government of the day when parliament assembled should certainly have all the business coming before parliament ready for its ultimate transaction. We have been in session now nearly six months. The other day, I think it was last week, the Prime Minister, almost after six months had been spent, brought down a programme sufficiently important to demand the attention of parliament for the ensuing six months, provided we take the same amount of time for the transaction of the business which has been foreshadowed that we have already taken for that which has been disposed of. This is not along business lines, abuses of the kind will certainly have to be wiped out, and they can only be wiped out through initial steps being taken by the dominant party of the day. What do we find with reference to the investigation of public accounts? I think we have no less than three committees sitting in the House of Commons investigating the alleged maladministration of different departments. This should not be so. Committees of parliament should not have responsibilities of that kind always thrust upon them, when they are utterly unable to efficiently grapple with questions of that nature. Instead of a committee of parliament, for instance, such as the Public Accounts Committee, being called to probe into the affairs of a department, arrayed as I said before, in two hostile camps, the counsel for the government attempting to obstruct, practically, the obtaining of all information while the other side may attempt to get all the information from a witness that they can—instead of that, we should have a fixed and well paid investi-

gating board made up of men appointed by parliament, as is the case with the Auditor General, who would probe into those departments, and whose report upon the administration of any of them, so far as public expenditure and administration are concerned, would meet with the same weight and the same approval that the report of the Auditor General does with reference to any of the matters coming within his department. Would that be unreasonable? I say it would not, and I contend that it would be placing in the hands of parliament, machinery infinitely more efficient than the system which we have to-day of a committee of the House of Commons attempting, under the most adverse circumstances, to elicit information, which finally they discover they cannot obtain. That would be one method by which the proceedings of parliament might be shortened. I am of opinion, with my right hon. friend, that the adoption at present of the closure would not very greatly facilitate the shortening of our sessions.

It is necessary also, that the idea should be developed that the public business cannot be promoted by the making of long speeches, and we want to get away from the impression that a public man's services must be measured in proportion to the length of his speeches on the various questions coming before parliament. Public opinion may protest against the length of our sessions, but public opinion by a free expression upon this question could rectify abuses of this kind very much more readily than any other machinery that could be set in motion. The time has come when both parties should get together and engraft on our parliamentary system business methods, and drop altogether the idea that business can only be transacted by hostile camps being arrayed one against the other. In this connection, I might say that one of the great evils of to-day in prolonging the sessions lies in this, that the government in initiating its business brings down its measures and forces them through entirely irrespective of the sentiments, the wishes, or the views of the opposition. The whole matter is practically cut and dried in caucus. The measure is introduced by the government in the House, and then it is at once thrown for dissection and discussion into what might be termed an inflammatory body, then follow the most vigorous steps to inflame the body more and more as the discussion of the subject proceeds until exhaustion gradually follows. When one comes to investigate the system under which we labour, it seems really extraordinary that we are able to transact the public business with the limited success we achieve. I think the House is indebted to the hon. senator from Wellington for introducing the subject, and I trust we may ultimately make some progress toward the desired end.

Hon. Mr. POWER—The hon. leader of the opposition has, to a certain extent, misapprehended the object of a session of parliament. As far as the observation of a few years goes, my impression is that a session of parliament is the time and this is the locality where the government start with an idea that they may get some business through, and as a rule are not very sanguine about succeeding. The opposition, as conducted in modern times, start with the idea that the government shall not get business through, or shall get as little as possible through, and the great object of a session of parliament, as looked at from an opposition point of view, is not the transaction of business, but the ousting of the government from their position and the substitution of the opposition. I am surprised that an old parliamentarian like the leader of the opposition should have talked in the ingenuous way he did about this matter. He knows better; and the hon. gentleman knows that he has been to-day at another gathering, not a meeting of either House of parliament, where that doctrine has been acted upon to the fullest extent, where it was decided not to go on with the business of the country but to try to burst the government. The hon. gentleman cannot make us believe that he is a sort of Moses coming to market to buy green glasses; he knows better. I quite sympathize with the hon. gentleman from North Wellington in thinking that it would be better if our business were conducted in a more businesslike way, but I do not feel in the slightest degree sanguine that any good will be done by any attempt to act just now. We are now in the middle of a

session which promises to cover nearly a whole year, and the other House is not at the present time in that calm and equable frame of mind which the hon. leader of the opposition thinks it ought to be in, and which it should be in, in order to deal with a resolution such as that submitted by the hon. gentleman from Wellington. I noticed that both the hon. leader of the opposition and the right Hon. Minister of Trade and Commerce deprecated the introduction of the closure. There has been no hurry in introducing the closure here, but the closure was found necessary in England with a view to enabling the public business to be transacted, and until the change of heart which the hon. leader of the opposition seems to foresee takes place in the members of the House of Commons, it will be found that we cannot get through with the public business in that House, without resorting to the closure. They have the same thing in the United States, and in the various state legislatures of the republic. They do not call it closure, but it is the previous question, and the question is put in exactly the same words as in the Commons in England, that the question be now put, and the majority have some power of protecting themselves. In this country, so far as parliament is concerned, the minority rule, and I do not think that the way in which the minority have ruled for the last few years makes it desirable that they should be allowed to rule parliament any longer. I do not see why we should undertake to talk about adopting rules governing debate which will limit the time of discussion so as to better expedite business. The Senate is never responsible for prolonging a session. We do not need any rules to shorten our debates, as we are at present constituted at any rate. The other House would naturally resent any attempt on the part of the Senate to tell them that they were not conducting their business in the proper way. It is not for us to tell them how they should conduct their business. As citizens of Canada, we may make observations on the length of the session, but we have no right as one House to try to advise the other House how it should transact its internal business. No sort of rearrangement of the present division of business between the two Houses will shorten the session. The root of the matter is in the House of Commons, and if that House can be induced either to adopt some rule which will prevent these everlasting discussions, or if the members of the two sides will meet together in that spirit of Christian brotherhood, which the hon. leader of the opposition seems to think should prevail, you may get something done; but no action we can take here will materially affect the question. We have discussed ourselves too much this session. We have talked about the constitution of the Senate and how it could be improved, how our business should be transacted, and various other things, and now we propose to discuss our relations with the House of Commons. I think that our relations with the other House at the present time are perfectly satisfactory, to us at any rate. Whenever they do send us a legislative measure we give it our best consideration, and we amend a very considerable number of the measures they send up. That constitutes about the only relation between the two Houses that we need concern ourselves about. When the other House adopts a better method of transacting the public business, and there is some possibility of confining the sessions of parliament within reasonable limits, then if the hon. senator from North Wellington introduces a measure to further improve the situation, I shall be happy to support him, but at the present time I do not think this motion is opportune.

Hon. Sir MACKENZIE BOWELL—This is a question, as has been intimated by the hon. senator from British Columbia, that has been discussed in this House for a great many years. Scarcely a session passes without our devoting some time to finding fault with the progress of public business. I am very much inclined to agree with the hon. Minister of Trade and Commerce, particularly on the subject of continuing 'Hansard.' Like himself, I was in favour of the abolition of it when I sat in the House of Commons, whenever the question came up, and I think he was actuated by the same feeling, that the use

of official reports, while very valuable for reference on important questions, is abused for the purpose of placing upon record long speeches, not with the hope of convincing those who listen to them, but for the benefit of constituents. I frankly say that I have made speeches in the House of Commons myself with that object in view, and I fancy there are others here who have taken the same course. The abolition of the official reports, would, to my mind, tend in a great measure to the shortening of the session; but experience has taught me that sessions might be shortened to a very great extent if ministers were prepared, when parliament meets, to have whatever important measures they intend to bring before parliament ready to be laid upon the table with proper explanation. I do not say that the present government are the only sinners in this respect. My hon. friends who sit opposite me, and who have had a very long experience of public life, know that that is a difficulty which presents itself to all governments; but it may be carried to such an extent as to keep parliament in perpetual session. I have noticed also that when questions are asked by the opposition to elicit from ministers the meaning or object of government measures when they are introduced, and the effect it is thought they would have upon the country if passed, that if a simple explanation be given at once it would save a great deal of discussion afterwards. I have noticed also that when matters affecting the management of departments come up and questions are asked by the opposition as to whether such and such things have occurred and whether certain difficulties have arisen that the minister who frankly says, yes, that did take place and the moment it was brought to my notice I took steps to correct it, the discussion at once ceased. I can speak of an incident which came under my own observation. My successor in the government of which I was a member was asked a simple question in the House of Commons. He thought it was a reflection upon himself and he refused to answer. I called him over and asked why he did not answer the question? He said he would not. The result of that was that we had three or four hours discussion on a minor question which might have been settled in five or ten minutes. That is one instance that I observed, and my remark is applicable to all governments and all ministers who are not prepared to answer frankly questions put to them by the opposition. Another great difficulty which presents itself and creates a prolongation of the sessions of parliament is when measures of a debatable or questionable character, so far as the opposition are concerned, are presented, information should be given to parliament by those who are responsible for attempting to enact such measures, and they are not frank enough, and very often information is refused which properly and legitimately should be supplied by the minister, the opposition prolong the debate until they secure the information. We have had instances of that kind many times, and never more frequently than during the present session. I am speaking from personal experience, and I think my hon. friend the Minister of Trade and Commerce will agree with me in most of the statements I have made in reference to the business of parliament. We are constantly discussing what should and should not be done. To my mind, the appointment of a committee of this kind would be impracticable. It would result in nothing. I am glad to see that the hon. senator from Wellington is becoming a thorough out and out Reformer in this particular, as he has been in others since he has had the honour of a seat in this chamber. I know of no hon. gentleman who occupied more time and covered more pages of 'Hansard' in the good old times in the past when we sat opposite each other in the House of Commons than the hon. gentleman himself. Since he has been here he has seen the folly of a policy of that kind, and is quite willing now to extend his reforms to such an extent as to affect others who are following in his illustrious footsteps while he was a member of the House of Commons. The hon. senator from Victoria, B.C., put the case in a nut shell when he said that difficulties arise from the fact that every constituency desiring legislation upon any particular question will put that business in the hands of the representative of that con-

stituency who will take good care to show to his constituents that he is doing something for them. I do not know how we can avoid the difficulty, unless we adopt the suggestion made by the hon. Minister of Trade and Commerce and require that certain measures, whether they be of a private character or not, shall be introduced in this House and not in the House of Commons. Even supposing you do that. Take the question which is now before the House of Commons, how will it shorten the debate or the duration of a session? There is a very grave question before the House and country just now. The government take one view of the necessity for amending the election law in a certain line, and in certain particulars the opposition look upon it as an attempt to get possession of the franchise of the country in order that they may secure a majority at the next election. I am giving no opinion one way or the other, although I have strong convictions on the question; but be that as it may, any measure which might be introduced to regulate the management of the business of the country could in no way affect that except you adopt the closure, and limit the speeches to a certain time. To that proposition, personally, I decidedly object. The evil arising from free discussion is much less than the evil you would have if you tried to gag any member in the expression of his opinions on questions of any important character. I am totally opposed to anything like tyranny in the management of public affairs, or controlling individuals in freely discussing all matters which come before parliament. I hope the time is far distant when it will be necessary in this country to introduce any system of that kind, though it has been adopted in the mother of parliaments. Perhaps it would be a much easier way to adopt the Yankee principle, that is, let a man prepare his speech and hand in 50 or 100 pages for publication in 'Hansard' and save the time of the House in discussion. The result of that would be precisely what has been pointed out by the hon. Minister of Trade and Commerce.

Hon. Mr. DOMVILLE—It would be very expensive to the country printing all those speeches.

Hon. Sir MACKENZIE BOWELL—I am not advocating it, but I say that even if it were adopted nobody would read the speeches unless it was some person who had a personal interest in the matter. I have a full set of 'Hansard' of both Houses from the time of confederation. They take up a long row of shelves in my library. Not once in a year does any one come to me and ask to see those books, and, I frankly confess, unless it is something personal to myself I never look at them. It did come handy when we were discussing a great canal question a number of years ago. The Hon. Mr. Mackenzie had taken strong grounds on the question, and in fighting it in my neighbourhood they came to me to refer to 'Hansard' in order to show that the party we were opposing were opposed to the project. That is about the only time I remember 'Hansard' being called into requisition.

Apart from that, I do not fully agree with my hon. friend to my right as to the division of labour. I am somewhat in favour of compromise, and while it would be a good idea, if it could be done, to take a measure like the one that is now occupying the time of the House of Commons, and from appearances is likely to occupy it until the snow flies. If the leaders on both sides would get together, and in a matter of that kind where politics and partisanism should not prevail, agree upon a plan best calculated to ensure honest elections over the whole country, it would be much better than the present system. Unless there is an object underlying the propositions which may be made by either party on a question of this kind in order to get an advantage over the other, there is no reason why parties, no matter what their opinions may be on public questions, should not meet and come to an honest conclusion as to what the election laws should be in order to secure the honest opinion of the electors of the country and have members elected by fair and honourable means instead of by ballot box stuffing, or bogus ballot boxes. I suppose so long as partyism exists to the extent it does to-day that is scarcely to be expected. I mention some of the causes which, I think, tend to length-

en the session. A readiness on the part of the government with their Bills and an equally honest readiness to answer questions and give information when asked for, would put a stop to ninety-nine per cent of the discussions and time wasted in the other House in the consideration of measures which come before them.

Hon. Mr. ROSS (Middlesex)—I am somewhat impressed with the view presented by the hon. senator from Halifax, although I feel that we should thank the hon. senator from Wellington for bringing up the subject. I feel as if the regulation of the discussion of the other House lengthened debates and matters germane to the prolongation of the session, are matters with which we have really nothing to do unless it is made quite clear that the conduct of the other House interferes with the operation of parliamentary institutions or brings discredit upon the government of the country. Of course, as a branch of parliament, we are interested in maintaining the dignity of parliament whether represented by the House of Commons or by this Chamber. Beyond that, I would feel, if I were a member of the House of Commons, like resenting any interference with the House either as to the length of the session or the length of the discussions, or the mode in which the House of Commons conducts its business. Of course it goes without saying that this session is a long session; it goes without saying that there have been many long sessions and after an experience of eleven years in the House of Commons, I know that speeches are sometimes unnecessarily long, and perhaps like other hon. members of that House who have seats here, I should plead guilty to having offended in that particular myself. Upon my observations of the British House of Commons—and I think other hon. senators will corroborate that view—the practice there is to curtail speeches to very narrow limit. In discussing the great South African war it was said that Chamberlain in twenty-five minutes presented the views of the government and made a defence of the government so far as the war was concerned. Should such a defence be made in our House of Commons, I fear very much that no member of that House would make a defence which he would consider adequate in that time. There is no doubt party government is open to that abuse, if abuse you can call it. There is no doubt that, under our party system, government is apt to be obstructed by a resolute, determined and resourceful opposition. A cynic has said that party government consists in this, that half the cleverest men of the country are occupying their time in preventing the other half carrying on the government of the country. There may be some force in that, but that is one of the incidents in parliamentary government, and we must leave it largely to the judgment of members of the House of Commons themselves and let public opinion, which, after all, regulates parliament as well as individuals, determine what course it should pursue, at the same time expressing as we do in dignified and proper language our opinion that there is a tendency to prolong the session. I admit with the hon. senator from Wellington that the prolongation of the session may produce the evils to which he refers. It is a very serious thing for business men to be absent from their business, to be prevented from the management of their private affairs as long as it is necessary in this country to attend a session of parliament. That is a serious thing, and the end of it may be, as my hon. friend has suggested, that some men who are admirably fitted for representatives in either House, will be deterred by these circumstances from giving the public the benefit of their services.

This, too, is a matter which will probably cure itself to a certain extent in the course of time. As the Minister of Trade and Commerce has said, in our early days a session of one hundred days was considered a long session. When the sessions extended to four months, we considered we were imposed upon. Matters have changed since then, and what the remedy is, it that the closure which has been adopted myself, speaking after some experience, that the closure which has been adopted in England is not, after all, a good thing. There ought to be some limit of discussion. As the Duke of Wellington said, 'The King's government must go on,' and if the

resolute minority, for pure purposes of obstruction, continue to obstruct, after public questions have been thoroughly ventilated, and after the last useful word has been said, then I think the majority should have some rights. The minority is not parliament. The majority is parliament, and if, in the exercise of an obstructive policy, which serves no useful purpose—for you can very soon exhaust the merits of a question—debates are prolonged, irrelevant matter is interpolated into them, long quotations, to no purpose whatever, are read in order to kill time, then I think the majority ought to exercise these rights and the British parliament—as good an example of parliamentary government as we have in the world—has felt in the interest of public business the necessity of adopting some system of closure. They have two systems there. One was referred to by the hon. gentleman from London. First that when 100 members rise and go into the division lobby and say that the debate shall be closed, then the debate is closed accordingly. Another system is in Committee of the Whole, after the estimates have been discussed for a considerable length of time, the leader of the House then moves that the estimates do pass. They call that closure by compartments. It was adopted by Mr. Balfour in order to get his estimates through. That is another system of closure. I think the latter system is perhaps even more preferable than the former one. In the United States, the system of closure, as I understand it, is that a resolution is passed that at a certain time the vote be taken, fixing a term three days or, perhaps, a week hence. Then those who have to speak do so in the interval more briefly than they otherwise would, and after the speeches are over the vote is taken. Members are warned that they are limited as to time, and that at all events the discussion is limited to a fixed period. I do not see why any very useful purpose which a parliament serves could not be served in that way. Of course, the sentiment of free speech is a noble sentiment, and the English parliament has asserted itself in that respect, perhaps, equal to any parliament in the world; and yet free speech may be abused as any of nature's blessings or privileges may be abused, and if it appears in the course of debate that they are needlessly prolonged; if it appears to one-third or one-fourth of the members of the House that the subject is exhausted, that all that may be said usefully has been said, then I see no reason why the majority should leave itself in the hands of the minority, because, after all, the majority legislates, not the minority.

The hon. gentleman from Hastings, and the Minister of Trade and Commerce, have referred to a division of labour between the two Houses. I think it would be an improvement, and in regard to some matters it would save time. The rule of the British parliament is that the Chairman of the Committee of Ways and Means and the Chairman of a Committee of the House of Lords meet at the beginning of the session and divide evenly between them the private Bills. That saves times, because a Bill once passing through the House of Lords, as a Bill passing through the Senate, and being approved by the House of Lords, generally passes through the Lower House in a very short time. That would save some time. However, that is only a very limited means of curtailing the length of the session, because we find that discussions are not, as a rule, on private Bills, but are upon public questions. Of course we can offer suggestions. Every one can cure an evil, except the particular person afflicted. Every man looking at a game knows the next best move to make on a chess-board. It is very easy for the ministers to bring down their Bills early in the session. So they should, but did you ever find ministers able to do it, and if you keep parliament in session for six or seven months each year, how are they to get their Bills ready? Every minister should give clear explanations and answer questions civilly and not provoke debate. You will have to reorganize human nature before you get that out of any minister that had been born or may be born in the future. Ministers like the battle, and so do the opposition, and in the excitement of the moment they grapple with each other and the battle goes on. If there would be some way of applying the Conciliation Act to members of parliament before they come into a conflict; if before the strike

began leaders could be brought together, to find out what was really going to be the acute form of the attack, or what was going to be the attacking point of the debate, and avoid that by settling matters beforehand, no doubt things would go much more easily. But you cannot do that by Act of Parliament or by any committee. These things must regulate themselves. I sometimes think the only cure for our long sessions, rests with the good sense of the House of Commons, the sufferings which they endure by prolonged sessions, and the objection which public opinion through the press and constituencies may make to it. I do not like exactly the idea of the Senate saying to the House of Commons 'You should do business in a certain way,' abolish 'Hansard' or cut down the speeches, or that members of the House of Commons should do this or that. I do not think any advice on that score would be taken in the spirit in which we would give it. If I thought they were open to conviction, that they might regard this body as wise because of its years, and accept advice from us, than a committee like that suggested would be very useful, and our section of the committee would give advice to the members of the House of Commons which, I think, would be profitable to them, and profitable to the country at large.

Hon. Mr. FERGUSON—There was one remark made by he hon. gentleman from Halifax with which I fully agree, and that is that this House has talked a great deal too much about itself and about Senate reform during the present session. We have had a number of motions on the subject, and we have had a number of gentlemen making speeches on what they were pleased to call Senate reform—two or three long speeches each on that subject. I think the subject was very fully discussed two years ago in the House. We had a very long and elaborate discussion on the question, and I consider that the Senate had stretched forth its hand and answered for itself, and it might allow that question to stand and not be supplemented by a number of debates during the present session. While that was to be deprecated, I think the present debate is more to be deprecated. It has been entirely a criticism of the House of Commons from beginning to end, and I do not think there is one hon. gentleman who has not transgressed the rules by criticising the procedure in the Commons and mapping out methods by which it could do business better than it is being done. It is not to be wondered at that we should have an irregular discussion, because the motion itself is irregular. It is irregular in one respect, as was pointed out, at a former stage of the placing of notice, inasmuch as there are two distinct propositions, which have no connection with each other, involved in the same motion. But apart from that, the latter part of the motion is irregular, and I think it is out of order:

That the Senate deems it expedient to invite the House of Commons to co-operate with it by means of a joint committee to consider the advisability of devising methods whereby a more equal division of the initiation of private and public legislation may be secured between the two branches of parliament, and adopting rules governing debate which will limit the time of discussion so as to better expedite business.

The hon. gentleman from Wellington, in this motion, has not stated where he proposes to apply these rules governing debate. It might be, for all I know, in the council of the town of Mount Forest, or in the municipality of Wellington. I do not think we would have very much to do with that here; nevertheless as far as the motion is concerned, it might apply to any of these places. It might apply, and my first conclusion was it would apply to this House; but I understood my hon. friend to say, and I certainly understood a number of other hon. gentlemen who addressed the House, that there does not appear to be any necessity for closure or anything like that here, for the general complaint perhaps not in the last year or two, but the general complaint against this House is that there have not been sufficient debates—not that there were too many. The only inference to be drawn—still it is only an inference—is that this House suggests the adoption of rules governing debate which will limit the time of discussion so as 'to better expedite business,' applies to the House of Commons, and if it does so apply it, it is irregular and out of order, and something

with which we have nothing to do. The House of Commons might very well regard all our criticism in that respect as simply impertinence, as we would regard speeches by members of the House of Commons as to the manner in which we should conduct our business here. Sometimes we have occasion to speak rather sharply about what they say of us, and they talk very freely about the Senate in regard to adjournments; but I do not think they undertake to point out to us the way in which we should amend our rules with regard to conducting debates. I think we have already had too much discussion on the question of Senate reform for the dignity of this House, and this debate might have been very well omitted from beginning to end, as it has been nothing more or less than a criticism of the House of Commons. Having made his criticism, and elicited a discussion on the question, I think my hon. friend will surely be inclined to drop his motion and not press it to a vote, because I certainly would feel called upon to vote against it if it were so pressed.

Hon. Mr. McMULLEN—My hon. friend from Halifax thought that the course taken by my resolution was to some extent dictating to the House of Commons as to how they should conduct their business. I think he certainly must have read between the lines to find anything in the resolution that makes, directly or indirectly, any insinuation in that regard. I simply ask by the resolution to appoint a committee to confer with them with regard to the length of the session. What was my reason for doing that? There is not a public journal in this country that has not declared that the sessions are too long, that the discussions in the House of Commons will eventually result in driving all the good men from that Chamber, because they cannot afford to remain away from their private business for such a long time. We know that is the view. Several gentlemen in the House of Commons have told me that they will be forced to decline the nomination if parliament is to be lengthened out in this manner. The hon. gentleman from Hastings said that when I was there I contributed very much to the length of the session and to the number of pages of 'Hansard' that I filled. I did my duty as I humbly knew it to be—my duty when I was a member of the opposition in the House of Commons. I endeavoured to do it under my leader, and as far as I was concerned, I endeavoured to watch my hon. friend who was then a Minister of the Crown, and it took watchful care on my part to see that everything was right, and I hope he appreciated my efforts in that direction.

The hon. gentleman from Marshfield also thinks we are dictating to the Commons, and has thrown out the insinuation that perhaps I, as a member of the House, and a new member, am a little too fresh. I should go behind hon. gentlemen like himself who have sat here for so many years and ask his permission before I place a notice on the Order Paper and bring it before this Chamber at all. Young members coming into this House should keep behind. They should virtually hang on to the coat tails of those who have been here for many years, and not dare to open their mouths unless with the consent of older members; they have got to get permission before making any move. Any gentleman who is called by a commission to come to this House, has a perfect right to introduce any measure he thinks is in the interests of the country, and I have done this from a patriotic desire to serve my country, because I believe it is a move in the right direction, and I believe that changes can be made that would be very much in the interests of the country. I entirely agree with the remarks of the Minister of Trade and Commerce. I believe that if 'Hansard' was entirely abolished, or if it was cut down to a point at which the verbiage would be thrown out, and nothing but the kernel of the debate would be included and printed, the gentlemen who dealt out those unlimited speeches would learn after a while that it was no use, because they would not be printed. If we can get a change of that kind, it would be a good one. You have

either to adopt that or abolish 'Hansard' altogether, if you intend to shorten the sessions of parliament. I think something of that kind might be done. I make no insinuations whatever against the members of the House of Commons, and I treat them most cordially. It has been stated that there were reasons why this session should be longer than ordinary; but I say they are making speeches that have been reiterated over and over again. There should be some means of putting a stop to that. I entirely agree with the hon. gentleman from London (Hon. Mr. Coffey) that there should be some method adopted, some means devised, whereby we might shorten up the work and perform the business before parliament with more expedition, and have more time to attend to our own business at home, at less sacrifice to all of us.

The House divided on the motion which was carried on the following division:

Yeas 28, Nays 23.

CONTENTS:

The Hon. Messrs.

Baird,	McDonald (C.B.),
Beith,	McHugh,
Bostock,	McMullen,
Campbell,	McSweeney,
Cartwright (Sir Richard),	Miller,
Coffey,	Riley,
Derbyshire,	Ross (Middlesex),
DeVeber,	Roy,
Gibson,	Scott,
Gilmor,	Shehyn,
Godbout,	Sullivan,
King,	Tessier,
Legris,	Thompson,
Lougheed,	Watson.—28.

NON-CONTENTS:

The Hon. Messrs.

Bernier,	McKay (Truro),
Boucherville de,	McLaren,
Bowell (Sir Mackenzie),	McMillan,
Casgrain,	Merner,
Ellis,	Montplaisir,
Ferguson,	Perley,
Forgent,	Poirier,
Kerr,	Power,
Landry,	Ross (Halifax),
Macdonald (Victoria),	Wilson,
MacKeen,	Wood,
	Yeo.—23.

BILL INTRODUCED.

Bill (WW) An Act to incorporate the Traders' Life Insurance Company.—(Hon. Mr. Jaffray.)

Hon. Mr. McMULLEN.

TERCENTENARY CELEBRATION AT QUEBEC.

Hon. Mr. LANDRY—I would call the attention of the government to the fact that the 'Gazette' gives notice that the government has decided to abandon the plan to assemble 25,000 men on the Plains. A paragraph in to-day's 'Gazette' reads as follows:

No army for Quebec—Government abandons plan to assemble 25,000 men on the plains.

Ottawa, May 11—(Special).—The assembling of 25,000 troops at Quebec for the 300th anniversary of the battle of the Plains of Abraham, will not take place. The four days' pay trouble, the transportation difficulty, and the 50 per cent of establishment complaint have been settled with one sweep as far as the Militia department is concerned. The rural corps will go to camp the same as usual, and the Québec Battlefields Commission will choose any regiments it desires to add military splendour, to the festivities.

It was announced to some corps at the drill hall to-day that the Quebec affair was 'off.' There was general surprise, of course; but at once the corps settled down to change their arrangements for about the fifth time since it was first announced that the flower of Canadian youth was to be assembled at Quebec in the 25,000 troops of the active militia.

The cause of this change as announced by the Militia department, is lack of money to carry out the scheme. It was given out at the department this morning that every alternative had been tried to accomplish the task with the money at hand, but it could not be done. The cutting down of the drill pay had been suggested as the last chance of bringing the troops to Quebec, and it was not accepted by the militia, so there was no other course to pursue, since the money was not forthcoming, than to call the affair off. It would have taken $300,000 or so, more than is allowed the department, it is claimed, to have taken the number of troops asked for to Quebec, and it was not forthcoming.

Yesterday about fifteen commanding officers of corps from various parts of Canada waited on the Minister of Militia to explain that they could not comply with the terms that they would only draw pay for four days. The minister then stated that other arrangements would be made.

The work of choosing what regiments will go to Quebec will be left to the Quebec Battlefields Commission, so any regiment that is not invited will not blame the department. In fact, the Militia Department will have nothing to do with the affair except to arrange transportation for the troops chosen.

I want to know if there is any truth in that report?

Hon. Mr. SCOTT—I understood the paper was quoting from a statement supposed to be made by the Minister of Militia. I know that has been his view. I

know that he has expressed that opinion. He was unable to provide transportation, and other difficulties arose, and whether the final order was given or not I do not know.

Hon. Mr. LANDRY—Has he abandoned the head of his department in order to allow the Battlefields Commission to rule the department ?

Hon. Mr. SCOTT—I will get the information for the hon. gentleman.

Hon. Mr. LANDRY—Could we have an answer to-morrow ?

Hon. Mr. SCOTT—I think so.

The Senate adjourned until three o'clock to-morrow.

INDEX

PART I — SENATORS

The following abbreviations are used: 1st R., 2nd R., 3rd R., 1st, 2nd and 3rd Readings; *, without remark or debate; Accts., Accounts; Adjn., Adjourned; Amt., Amendment; Amts., Amendments; B., Bill; B.C., British Columbia; Can., Canada or Canadian; Com., Committee; Co., Company; Consdn., Consideration; Cor., Correspondence; Dept., Department; Govt., Government; His Ex., His Excellency the Governor General; H. of C., House of Commons; Incorp., Incorporation; Inq., Inquiry: Man., Manitoba; M.s., Message; M., Motion; *m.*, moved; N.B., New Brunswick; N.W.T., North West Territories; N.S., Nova Scotia; Ont., Ontario; Parlt., Parliament; P.E.I., Prince Edward Island; P. O., Post Office; Ques., Question: R.A., Royal Assent; Rem., Remarks; Rep., Reported; Ret., Returned; Ry., Railway; Sel., Select; 6 m h., 6 months hoist; Withdn., Withdrawn.

BAIRD, Hon. G. T.

Adjournments: M., 405.
Bush Fires: inq., 860.
Cannon Divorce B. (RR): Int., 876; 2nd R.*, 926; 3rd R.*, 928.
Pulp wood from Canada, The export of: M., 836.

BAKER, Hon. G. B.

Church of England Missionary Society B. (75); Int., 329; 2nd R.*, 338; 3rd R.*, 380.
Dominion Guarantee Co. B. (V): M. not to concur in Commons Amts., 1476.

BEIQUE, Hon. F. L.

Accidents at Railway Crossings: M., 176.
Architectural Institute of Canada B. (87): Int., 759; 2nd R.*, 778; 3rd R.*, 971.
Civil Service Act Amt. B. (189): on 2nd R., rem., 1525; in Com., rem., 1603.
Customs Act Amt. B. (194): on 2nd R., rem., 1474.
Dominion Lumbering Co., B. (H): Int., 176; M. 2nd R., 221; rem., 223, 226, 228; M. agreed to, 229; on M. 3rd R., rem., 929; 3rd R. agreed to, 937. (*See* under Bills—Seriatim.)
Georgian Bay Canal: on M. (Mr. Casgrain) rem., 869.
Juvenile Delinquents B. (QQ): 1st R., M. 2nd R., 971; in Com., 1038, 1042; M. 3rd R., 1149; rem., 1152, 1156; M. 3rd R. carried, 1165.
Point of Order on Shuswap and Thompson River B. (49): rem., 1170.
Procedure, A Question of: rem., 949.
Reform of the Senate: Amt. to M. (Mr. McMullen) 640.

BEIQUE, Hon. F. L.—*Con.*

Rules of the Senate: Amt. to M. (Mr. Davis) 409.
Senate Debates: M. to adopt report, 1323; rem., 1327; M. to adopt report, 1685.
Standing Committees: on M. (Mr. Ross, Middlesex), rem., 351, 403.

BEITH, Hon. R.

Campbellford, Lake Ontario and Western Ry. Co. B. (14): Int., 97; 2nd R.*, 174; 3rd R.*, 213.
Canada Weather Insurance Co. B. (37): Int., 640; 2nd R.*, 703; 3rd R.*, 781.
Rehm and Frank Patents B. (E): Int., 175; M. 2nd R., 219; 3rd R.*, 380.
Windsor Pump and Foundry Co. Patents B. (72): Int., 231; 2nd R.*, 291; 3rd R.*, 380.

BELCOURT, Hon. N. A.

Address, The: M. to adopt, 3.
British Yukon Ry. Co. B. (21): Int., 382; 2nd R.*, 430; 3rd R.*, 503.
Contingent Accounts Committee: on report, rem., 134.
Georgian Bay Canal: on M. (Mr. Casgrain), rem., 430.
Lake Champlain and St. Lawrence Ship Canal Co. B. (SS): Int., 876; 2nd R.*, 986; 3rd R.*, 1042.
Public Ownership of Public Utilities: rem., 661.
Standing Rules of the Senate: on M. (Mr. Comeau), rem., 146.

BERNIER, Hon. T. A.

Contingent Accounts Committee: on report, rem., 75, 132.
Georgian Bay Canal: on M. (Mr. Casgrain), rem., 680.

BERNIER, Hon. T. A.—*Con.*

Georgian Bay Canal route, Exploration of: inq., 61.

Grand Trunk Pacific Site in Ottawa: inq., 73.

Hudson Bay, Construction of a Railway to: on M. (Mr. Davis), rem., 556.

Manitoba, The boundaries of: inq., 215.

Ottawa and Georgian Bay Canal: inq., 45.

Senatorial Divisions: rem., 1181.

Standing Rules of the Senate: on M. (Mr. Comeau), rem., 143.

BOLDUC, Hon. J.

Pulp wood from Canada, The export of: rem., 1384.

BOSTOCK, Hon. H.

Ashcroft, Barkerville and Fort George Ry. Co. B. (58): Int., 231; 2nd R.*, 291; 3rd R.*, 368.

Bank of Vancouver B. (32): Int., 501; 2nd R.*, 539; 3rd R.*, 703.

Boundary Kamloops and Cariboo R. Co. B. (36): Int., 231; 2nd R.*, 266; 3rd R.*, 318.

Calgary and Fernie Ry. Co. B. (33): Int., 231; 2nd R.*, 266; 3rd R.*, 318.

Kamloops and Yellowhead Pass Ry. Co. B. (39): Int., 211; 2nd R.*, 219; 3rd R.*, 318.

Pacific Coast Fire Insurance Co. B. (40): Int., 793; 2nd R.*, 805; 3rd R.*, 928.

Phœnix Insurance Co. B. (LL): Int., 779; 2nd R.*, 779; 3rd R.*, 862.

Privilege, Questions of: rem., 122.

Railway Charters, Renewal of: rem., 550.

Shuswap and Thompson River Co. B. (49): Int., 714; 2nd R., 740; 3rd R., 1206. (*See* under Bills—Seratim.)

Vancouver Island and Eastern Ry. Co. B. (87): Int., 460; 2nd R.*, 520; 3rd R.*, 721.

BOUCHERVILLE, Hon. C. E. de, C.M.G.

Business of Parliament: on M. (Mr. McMullen), rem., 966.

Georgian Bay Canal: on M. (Mr. Casgrain), rem., 870.

Juvenile Delinquents B. (QQ): in Com., rem., 1037, 1042; on 3rd R., M. for 3 m. h., 1152; M. lost, 1156.

Juvenile Offenders, An Institution for: on M. (Mr. Comeau), rem., 1080, 1165.

Standing Committees: Amt. to report, 66.

BOWELL, Hon. Sir M., K.C.M.G.

Address, The: on M. (Mr. Belcourt) to adopt, rem., 25, 52.

Adjournments: on M. (Mr. Perley), rem., 1041.

Alberta and B. C. Ry. Co. B. (DDD): Int., 1025; 2nd R.*, 1053; 3rd R.*, 1172.

BOWELL, Hon. Sir M., K.C.M.G.—*Con.*

Anglo-Canadian and Continental Bank B. (J): on 2nd R., rem., 263.

Business of Parliament: on M. (Mr. McMullen), rem., 891, 968, 1010.

Canadian Cattle, British Embargo on: rem., 263.

Civil Service Commission: inq., 714.

Civil Service Insurance Return: rem., 210.

Civil Service Suspensions: inq., 786.

Civil Service Act Amt. B. (189): on 2nd R., rem., 1528; in Com., rem., 1600, 1601, 1602, 1605, 1615, 1619, 1623.

Committee of Selection: on M. (Mr. Scott), rem., 40.

Contingent Accounts Committee: on report, rem., 74, 129.

Customs Act Amt. B. (194): on 2nd R., rem., 1468, 1475; on 3rd R., rem., 1515.

Dominion Elections Act Amt. B. (115): on 2nd R., rem., 1697; in Com., rem., 1704, 1712, 1713, 1715.

French Convention B. (57): in Com., rem., 707.

French Treaty: inq., 82, 1339.

Fur Seal Fisheries: rem., 365.

Hindoo Immigration: rem., 483.

Hudson Bay, Construction of Railway to: on M. to adjn., rem., 567.

Japanese in B.C., Arrest of: inq., 367.

Japanese Immigration: rem., 94, 270.

Lead Bounties B. (191): on 2nd R., rem., 1493.

Major's Hill Park B. (89): in Com., rem., 1555, 1562.

Marking of Gold and Silver Plated Ware B. (AAA): in Com., rem., 1216, 1350.

Opium Prohibition B. (205): on 2nd R., rem., 1597; in Com., rem., 1673.

Parliament, Supplying information to: rem., 1103.

Point of Order on inq. by Mr. Landry: rem., 880.

Printing of Parliament: on M. to adopt report, rem., 781, 1060.

Privilege, Questions of: rem., 124, 125, 362.

Prorogation: rem., 1448, 1684.

Public Bills in Senate, Introduction of: rem., 60.

Public Lands B. (181): on 2nd R., rem., 1627; in Com., rem., 1633, 1635; on 3rd R., rem., 1662.

Quebec, Lieutenant Governorship of: rem., 212.

Reports to the Senate, Delay in submitting: rem., 1394.

Rules of the Senate: rem., 317.

Senate Debates: on report, rem., 1324.

Senate, Expenditures of the: on M. (Mr. Power), rem., 851.

BOWELL, Hon. Sir M., K.C.M.G.—*Con.*

Senatorial Divisions: on M. (Mr. Ross, Middlesex), rem., 1177.

Standing Committees: on amt. to report, rem., 64, 68; on M. (Mr. Ross, Middlesex), rem., 765.

Standing Rules of the Senate: on M. (Mr. Douglas), rem., 241.

Supply Bill No. 1: on 1st R., rem., 287.

Supply Bill No. 4 (220): on 2nd R., rem., 1729, 1732.

Tobacco Restraint B. (173): in Com., rem., 1460.

Trans-Canada Ry. Co. B. (M): on 2nd R., rem., 292.

Under Secretaries in Canada, Appointment of: on M. (Mr. Ross, Middlesex), rem., 324.

Union Jack, Hoisting the: rem., 906.

CAMPBELL, Hon. A.

Address, The: seconded, 6.

Civil Service Act Amt. B. (189): B. rep. from Com., 1624.

Metallic Shingle and Siding Co. B. (HHH): 1st R.*, 1414; 2nd R.*, 1476; 3rd R.*, 1486.

Pontiac Central Ry. Co. B. (EE): Int., 567; 2nd R.*, 632; 3rd R.*, 781.

Townsend Divorce B. (GGG): Int., 1276; 2nd R.*; 3rd R.*, 1343.

Water Carriage of Goods B. (Z): Int., 382; M. 2nd R., 473; in Com., rem., 990; 3rd R.*, 1004.

CARTWRIGHT, Rt. Hon. Sir R., G.C.M.G.

Address, The: on M. (Mr. Belcourt) to adopt, rem., 17.

Business of Parliament: on M. (Mr. McMullen), rem., 887.

Canada Shipping Act Amt. B. (NN): Int., 779; 2nd R., 855; in Com., 913, 951; 3rd R.*, 1011; Commons amts. concurred in, 681.

Chinese Immigration Act Amt. B. (OO): Int., 817; 2nd R., 874; in Com., 1046; 3rd R.*, 1050; Commons amts. concurred in, 1323.

French Convention B. (57): Int., 480; 2nd R., 703; 3rd R.*, 714.

French Treaty: reply to inq., 1339.

Fur Seal Fisheries: rem., 365.

Gold and Silver Marking Amt. Act B. (CC): Int., 1st R., 470; 2nd R.*, 3rd R.*, 487.

Inspection and Sale of Grain B. (CCC): 1st R., 2nd R.*, 1053; in Com., rem., 1131,1300; amt. carried, 1374; in Com., rem., 1411; M. to concur in amts., 1416; rem., 1419; M. to suspend rules, 1437; M. 3rd R., 1444; Commons amts. concurred in, 1650.

CARTWRIGHT, Rt. Hon. Sir R., G.C.M.G.—*Con.*

Manitoba Grain Act Amt., B. (ZZ): Int., 905; M. 2nd R., 982; in Com., rem., 1012, 1018, 1037, 1089, 1095; 3rd R.*, 1105; M. to concur in Commons amts., 1648; M. agreed to, 1649.

Marine and Fisheries Investigation: rem., 1287.

National Battlefields B. (III): Int., 480; 2nd R., 520; in Com., rem., 524; 3rd R.*, 537.

Parliament, Supplying information to: rem., 1101.

Supply Bill No. 1: on 1st R., rem., 288.

Shipbuilding Industries of Canada; reply to inq., 850.

Under Secretaries in Canada, appointment of: on M. (Mr. Ross, Middlesex), rem., 345.

CASGRAIN, Hon. J. P. B

Committees, Concurrence in reports of · rem., 293.

Dominion Lands Survey B. (9): on 2nd R., rem., 217: in Com., 276, 277, 307.

Georgian Bay Canal: M., 247; rem., 871

Railway Act Amt. B. (PP): Int., 817; 1st R., 818; M. 2nd R., 863; in Com., rem., 937, 1064, 1073, 1359; M. that Com. rise carried, B. dropped, 1373.

Railway Charters, Renewal of: rem., 545.

Standing rules of the Senate: on M. (Mr. Comeau), rem., 145.

Trans-Canada Ry. Co. B. (M): on 2nd R., rem., 291.

CHOQUETTE, Hon. P. A.

Canadian Cattle, British Embargo on: rem., 263.

Exchequer Court Judge of Canada: inq., 652, 845.

Experimental Farm Reports: inq., 652, 845

Indianapolis, State Life Insurance Co. of: inq., 502.

National Battlefields B. (III): on 2nd R., rem., 520.

Point of Order on inq. by Mr. Landry: rem., 878.

Privilege, Questions of: rem., 523.

Trans-Canada Ry. Co. B. (M): Int., 247; M. 2nd R., 291; 3rd R.*, 368.

Quebec Ry. Light and Power Co. B. (73): Int., 480; 2nd R.*, 520; 3rd R.*, 919.

CLORAN, Hon. H. J.

Contingent Accounts Committee: on report, rem., 130.

Gammell Divorce Case :on report, rem., 551.

Georgian Bay Canal: on M. (Mr. Casgrain), rem., 819.

Gilmore Divorce Bill: on report, rem., 721

Italian Immigration: inq., 425.

Juvenile Offenders, An Institution for: on M. (Mr. Comeau), rem., 1080.

CLORAN, Hon. H. J.—*Con.*

Japanese Immigration: rem., 269.
Privilege, Questions of: rem., 85, 126, 448, 485, 522.
Public Bills in Senate, Introduction of: rem., 60.
Public Ownership of Public Utilities: rem., 375
Rules of the Senate: on M. (Mr. Davis), rem., 407, 412.
Rehm and Frank Patents B. (E): on 2nd R., rem., 220.
Restriction of Divorce B. (HH) Int., 640; M. 2nd R., 722; M. lost, 724.
Spratte Divorce B. (BBB): amt. to 3rd R., 1025; amt. lost, 1035.
Standing Committees: on M. (Mr. Ross, Middlesex), rem., 768.
Standing rules of the Senate: on M. (Mr. Comeau), rem., 139, 145; on M. (Mr. Douglas), rem., 234.
Union Jack, Hoisting the: rem., 906; M to adjn., 907.

COFFEY, Hon. T.

Reform of the Senate: rem., 117.
Windsor, Chatham and London Ry. Co. B. (N): Int., 262; 2nd R.*, 291; 3rd R.*, 368.

COMEAU, Hon. A. H.

Convicts under age of twenty: M., 295.
Juvenile Offenders, An Institution for: M., 1075.
Reform of the Senate: rem., 645.
Standing rules of the Senate: M. 137.

COSTIGAN, Hon. J.

Inland Fisheries: inq., 1277; rem., 1277.
New Brunswick Interprovincial Bridge Co. B. (76): Int., 480; 2nd R.*, 520, 3rd R.*, 591.
Quebec and New Brunswick Ry. Co. B. (P): Int., 1st R.*, 2nd R., 319; 3rd R., 501; Commons amts. concurred in, 833.

DANDURAND, Hon. R. (Speaker).

Business of Parliament: on M. (Mr. McMullen), rem., 968.
Contingent Accounts Committee: on report, rem., 76.
Committees, Concurrence in reports of: 295.
Juvenile Offenders, An Institution for: on M. (Mr. Comeau), rem., 1079.
Point of Order on resolution *re* Manitoba boundaries: rem., 425; ruling, 471.
Point of Order on inq. by Mr. Landry: rem., 879, 881.
Point of Order on Shuswap and Thompson River B. (49): ruling, 1171.
Privilege, Questions of: rem., 360, 448, 1452
Procedure, A Question of: rem., 950.

DANDURAND, Hon. R. (Speaker).—*Con.*

Reform of the Senate: rem., 729.
Rules of the Senate, Suspension of: on M (Mr. Douglas), rem., 88.
Rules of the Senate: rem., 318.
Senatorial Divisions: ruling on pt. of order (Mr. Ellis), 1178.
Standing Committees: on report, rem., 65; amt. ruled out of order, 69; on M. (Mr Ross, Middlesex), rem., 346, 350.
Suspension of rules: on M. (Mr. Davis), rem., 62, 63.
Telegraph System of Canada: on M. (Mr Davis), M. ruled out of order, 334.

DAVID, Hon. L. O.

Privilege, Questions of: rem., 452
Reform of the Senate: amt. to M. (Mr. Mc Mullen), 184
Rules of the Senate: on M. (Mr. Davis), rem., 415.
Travellers' Life Assurance Co. B. (35): Int 617; 2nd R.*, 679; 3rd R.*, 781.

DAVIS, Hon. T. O.

Adjournments: on M. (Mr. Baird), rem., 405.
Committee of Selection: on M. (Mr. Scott), rem., 40.
Edmonton, Yukon and Pacific Ry. Co. B. (68): Int., 501; 2nd R., 539; 3rd R.*, 951.
Hudson Bay Railway: M., 455, 561.
Inspection and Sale of Grain B. (CCC): in Com., rem., 1301, 1306; amt., 1311; rem., 1340, 1416, 1429, 1437; on 3rd R., rem., 1446.
Manitoba Grain Act Amt. B. (ZZ): in Com., rem., 1013, 1015, 1019, 1020, 1035; amt., 1084; rem., 1087; amt. withdr., 1091; amt., 1093; amt. withdn., 1097; on M. to concur, rem., 1649.
Privilege, Questions of: rem., 1452.
Railway Charters, Renewal of: rem., 546.
Reform of the Senate: rem., 177.
Rules of the Senate: M., 406; rem., 415.
Saskatchewan Power Co. B. (O): Int., 270; 2nd R., 306; 3rd R.*, 774.
Standing Committees: on report, rem., 67, 69.
Standing rules of the Senate, on M. (Mr. Douglas), rem., 234.
Suspension of rules: M., 62; rem., 63.
Telegraph System of Canada: M., 332; rem., 333.

DERBYSHIRE, Hon. D.

Alexander Divorce B. (UU): Int., 876; 2nd R.*, 926; 3rd R.*, 928.
Ottawa, Brockville and St. Lawrence Ry. Co. B. (74): Int., 480; 2nd R.*, 520; 3rd R.*, 721; Commons amts. concurred in, 798.
Paulding Divorce B. (VV): Int., 876; 2nd R.*, 926; 3rd R.*, 928.

DERBYSHIRE, Hon. D.—*Con.*

Patent Medicines B. (146): in Com., rem., 1643, 1669.

DE VEBER, Hon. L. G.

Anglo-Canadian and Continental Bank B. (J): Int., 2nd R., 262; 3rd R., 523.
Northern Empire Ry. Co. B. (86): Int., 714; 2nd R.*, 740; 3rd R.*, 920.
Western Alberta Ry. Co. B. (K): 1st R., 214; M. 2nd R., 264; 3rd R.*, 504.

DOMVILLE, Hon. J.

Aluminum, Imports and Exports of: M., 272
Committee of Selection: on M. (Mr. Scott), rem., 43.
Fertilizers, Analysis of: M., 816.
Gold Reserve, Depletion of: rem., 1504.
Hindoos at Vancouver: rem., 502.
Opium Prohibition B. (205): in Com., rem., 1676.
Railway Charters, Renewal of: rem., 549.
Senate, Appointments to the: M., 501.
Senator Lovitt, The late: rem., 819.
Shipbuilding Industries of Canada: inq., 846
St John and Halifax, Tonnage at: M., 1202.
Standing rules of the Senate: on M. (Mr. Douglas), rem., 237.
Union Jack, Hoisting the: rem., 905, 910.

DOUGLAS, Hon. J. M.

Committee of Selection: on M. (Mr. Scott), rem., 42.
Hindoo Immigration: rem., 482.
Rules of the Senate: on M. (Mr. Davis), rem., 410, 416.
Rules of the Senate, Suspension of: M., 87.
Standing Committees: amt. to report, 63,
Standing rules of the Senate: M., 232; rem., 242.

EDWARDS, Hon. W. C.

Committee of Selection: on M. (Mr. Scott), rem., 43.
Georgian Bay Canal: on M. (Mr. Casgrain), rem., 865.
Pulp wood from Canada, The export of: rem., 841.
Standing rules of the Senate: on M. (Mr Comeau), rem., 143.

ELLIS, Hon. J. V.

Customs Act Amt. B. (194): on 2nd R., rem., 1471.
Intercolonial Ry., Money paid to: inq., 946.
Lead Bounties B. (191): on 2nd R., rem., 1491.
New Brunswick Southern Ry. Co. B. (53): Int., 735; 2nd R.*, 761; 3rd R.*, 920.
Point of Order on inq. by Mr. Landry: rem., 879.
Printing of Parliament: M. to adopt report 781; M., 1060.

ELLIS, Hon. J. V.—*Con.*

Privilege, Questions of: rem., 360.
Reform of the Senate: rem., 747.
Senatorial Divisions: on pt. of order, 1176.
Standing Committees: on report, rem., 68; on M. (Mr. Ross), rem., 351.
Synod of Keewatin B. (MM): Int., 779; 2nd R.*, 799, 3rd R.*, 1004.
Tobacco Restraint B. (173): on 2nd R., rem 1410.

FERGUSON, Hon. D.

Accidents at Railway Crossings: rem., 274, 292.
Agricultural Fertilizers B. (III): on 2nd R., rem., 1487.
Auditor General B. (208): on 2nd R., rem., 1549.
Bank Act Amt .B. (160): on 2nd R., rem., 1319; in Com., rem., 1354.
Business of Parliament: rem., 896, 969.
Canada Temperance Act Amt. B. (WW): in Com., rem., 1110.
Canada Shipping Act Amt. B. (209): on 2nd R., rem., 1679.
Civil Service Insurance Return: inq., 98; rem., 210.
Civil Service Act Amt. B. (189): on 2nd R., rem., 1531; in Com., on cl. 9, rem., 1603; on cl. 45, rem., 1621, 1624.
Co-operation B. (5): on M. to concur in report, rem., 1254, 1335, 1337; on M. (Mr. Scott), rem., 1583.
Delayed Returns: inq., 46
Dominion Lumbering, &c., Company B. (H): on 2nd R., rem., 226, 228.
Dominion Notes B. (159): on 2nd R., rem., 1269.
Dominion Guarantee Co. Amt. B. (211): rem., 1652.
Dominion Lands Survey B. (9): on 2nd R., rem., 216
Dominion Elections Act Amt. B. (115): on 2nd R., rem., 1700; in Com., on subcl. 4, rem., 1702; on cl. 8, 1706.
Exchequer Court Judge of Canada: inq., 1231.
Exchequer Court Act Amt. B. (116): in Com., rem., 1051.
Gold Reserve, Depletion of: inq., 1495.
Grain Inspection and Sale Amt. B. (CCC): in Com., rem., 1432.
Gold and Silver Marking Amt. B. (CC): on 1st R., rem., 470.
Grand Trunk Pension Scheme: inq., 965.
Government Railways Amt. B. (27): in Com., rem., 704.
Government Annuities B. (120): on 2nd R., rem., 1489; in Com., rem., 1535, 1538.
Highway Crossings, Fatal Accident at: M., 737.

FERGUSON, Hon. D.—*Con.*

Hudson Bay, Navigation of: inq., 355.
Hudson Bay, Construction of a Railway to: rem., 468.
Inspection and Sale Act Amt. B. (148): in Com., rem., 1294.
Juvenile Delinquents B. (QQ): in Com., rem., 1160.
Level Crossings: M., 703.
Manitoba and other Provinces, The boundaries of: rem., 215.
Marine and Fisheries Investigation: rem 1284.
Marking of Gold and Silver Plated Ware B. (AAA): on 2nd R., rem., 1054; in Com., rem., 1217, 1247.
Major's Hill Park B. (89): in Com., rem., 1560.
Meat and Canned Foods Act Amt. B. (149): in Com., rem., 921, 924.
Natal Act of British Columbia, Disallowance of: rem., 336.
National Battlefields B. (219): on 2nd R., rem., 1707.
National Battlefields B. (III): in Com., on cl. 1, rem., 532.
Opium Prohibition B. (205): in Com., rem., 1677.
Parliament, Supplying information to: M., 1098.
Point of Order on inq. by Mr. Landry: rem., 880.
Point of Order on Shuswap and Thompson River B.: rem., 1169.
Printing of Parliament: rem., 1061.
Press Summary of Debates: rem., 539.
Privilege, Questions of: rem., 124, 127, 360.
Patent Medicines B. (146): in Com., rem., 1671.
Prince Edward Island Ry. Branch B. (202): on 2nd R., rem., 1548.
Public Lands B. (181): in Com., rem., 1633; on 3rd R., rem., 1661.
Railway Commissioners, Jurisdiction of: M., 793.
Reports to the Senate, Delay in submitting: rem., 1395.
Rules of the Senate: rem., 410.
Rules of the Senate, Suspension of: rem., 88.
Railway Act Amt. B. (A): in Com., rem., 302.
Railway Act Amt. B. (PP): in Com., rem., 941, 961, 1066, 1370.
Railway Act Amt. B. (3): on 2nd R., rem., 153, 157, 163; on M. to refer, rem., 167; on report, rem., 309, 310; on amt. (Mr. Beique), rem., 508, 500; amt. to amt., 585, 613; on amt. (Mr. Power), 635; rem., 694.
Railway Act Amt. B. (112): in Com., rem., 1397, 1401, 1407; on 3rd R., amt., 1454.

FERGUSON, Hon. D.—*Con.*

Railway Subsidy B. (215): on 2nd R., rem., 1720.
Senate Debates: rem., 1323, 1685.
Senatorial Divisions: rem., 1179.
Standing Committees: rem., 350.
Standing rules of the Senate: rem., 142.
Supply Bill No. 1 (94): on 1st R., rem., 288.
Supply Bill No. 4 (220): on 2nd R., rem., 1731.
Telegraph System of Canada: rem., 333.
Water Carriage of Goods B. (Z): on 2nd R., rem., 477.

FISET, Hon. J. B. R.

Atlantic, Quebec and Western Ry. Co. B. (T): Int., 337; 2nd R.*, 368; 3rd R., 617.

FROST, Hon. F. T.

Annunciator System: M., 1204.
Reform of the Senate: rem., 745.
Senatorial Divisions: on M. (Mr. Ross, Middlesex), rem., 1179.
Major's Hill Park B. (89): in Com., rem., 1555.
Walker Divorce B. (AA): Int., 404; 2nd R.*, 434; 3rd R.*, 487.

GIBSON, Hon. W.

Canadian Northern Ontario Ry. Co. B. (67): Int., 480; 2nd R.*, 520; 3rd R.*, 703.
Civil Service Suspensions: rem., 791.
Gammell Divorce Case: on report, rem., 551.
Grand Trunk Railway B. (D): Int., 175; 2nd R.*, 219.
Hamilton, Waterloo and Guelph Ry. B. (EEE): Int., 1172; 2nd R.*, 1222; 3rd R.*, 1738.
Hamilton Radial Electric Ry. B. (25): Int., 479; 2nd R.*, 539; 3rd R.*, 778.
Inspection of Sale of Grain B. (CCC): in Com., rem., 1300, 1303, 1308.
Marking of Gold and Silver Platedware B. (AAA): in Com., rem., 1215, 1241, 1349.
Parliament, Supplying information to: rem., 1102.
Privilege, Questions of: rem., 86.
Rules of the Senate: on M. (Mr. Davis), rem., 411.
Standing Committees: M. to adopt report, 63; on amt., rem., 66.

JAFFRAY, Hon. R.

Customs Act Amt. B. (194): on 2nd R., rem., 1474.
Traders Life Insurance Co. B. (XX): Int., 898; 2nd R.*, 951.
Standard Plate Glass Insurance Co. B. (41): Int., 793; 2nd R.*, 805; 3rd R.*, 919.

JONES, Hon. L. MELVIN.

Gammell Divorce B. (FF): Int., 591; 2nd R.*, 632; 3rd R.*, 684.

JONES, Hon. L. Melvin.—*Con.*

Manufacturers Mutual Insurance Co. B. (I): Int., 187; 2nd R., 244.

Senatorial Divisions: on M. (Mr. Ross, Middlesex), rem., 1179.

KERR, Hon. J. K.

Anglo-Canadian and Continental Bank B. (J): on 2nd R., rem., 263.

General Chemical Co. Patents B. (TT): int., 876; 2nd R.*, 926; 3rd R.*, 971.

Goodwin Car Co. Patents B. (60): Int., 329; 2nd R., 354; 3rd R.*, 380.

Manitoulin and North Shore Ry. Co. B. (R): Int., 308; 2nd R., 354; 3rd R.*, 684.

Montreal, Ottawa and Georgian Bay Canal Co. B. (47): Int., 479; 2nd R.*, 539; 3rd R., 684.

Moore and Heskett Patents B. (67): Int., 329; 2nd R., 354; 3rd R.*, 380.

Niagara Grand Island Bridge Co. B. (48): Int., 231; 2nd R.*, 266; 3rd R.*, 318.

Niagara, St. Catharines and Toronto Ry. Co. B. (82): Int., 617; 2nd R.*, 679; on report, M. to refer back, 987; 3rd R.*, 1060.

Pacific and Atlantic Ry. Co. B. (S): Int., 309; 2nd R.*, 479; 3rd R.*, 703.

Point of Order on Shuswap and Thompson River B. (49): rem., 1169.

Railway Charters, Renewal of: rem., 548.

Rehm and Frank Patents B. (E): on 2nd R., rem., 220.

Rules of the Senate: on M. (Mr. Davis), rem., 416.

Standing rules of the Senate: on M. (Mr. Comeau), rem., 144, 151.

Standard Insurance Co. B. (C): Int., 175; 2nd R.*, 219; 3rd R.*, 550; Commons amts. concurred in, 792.

Standard Mutual Fire Insurance Co. B. (71): 1st R., 2nd R.*, 993; 3rd R.*, 1340.

KIRCHHOFFER, Hon. J. N.

Gammell Divorce Case: M. to adopt report, 551.

Gilmore Divorce Bill: M. to adopt report, 721.

LANDRY, Hon. P.

Bic Harbour Wharf: inq., 1358.

Business of Parliament: on M. (Mr. McMullen), rem., 967.

'Canada Gazette,' Circulation of: inq., 332.

Civil Service Commission: inq., 356, 404.

Commands-in-Chief: inq., 717.

Committees, Concurrence in reports of: 293.

Committee of Selection: on M. (Mr. Scott), rem., 45.

LANDRY, Hon. P.—*Con.*

Co-operation B. (5): on M. to concur in report, rem., 1260; on M. (Mr. Scott), rem., 1592.

Delayed Printing: inq., 45.

Delayed Returns: inq., 352, 550, 683.

Deschambault Wharf, Construction of: M., 231; inq., 1683.

Dominion Lumbering, &c., Co. B. (H): on 2nd R., rem., 224.

Dominion Lands Survey B. (9): in Com., rem., 284.

Dominion Guarantee Co. Amt. B. (211): rem., 1650, 1651.

Electoral Lists: inq., 1566.

French Reports, Delay in publishing: inq., 1414.

French Representation in Senate: inq., 211.

Garrison Artillery Companies: M., 542.

Grand Trunk Pacific, Location of: inq., 1338.

Ice-breaker 'Montcalm,' Repairing of: inq., 59.

Immigration Act Amt. B. (135): on M. to suspend rules, rem., 808.

Intercolonial Railway Tariffs: M., 122.

Intercolonial Railway Employees: inq., 716.

Inspection and Sale of Grain B. (CCC): on M. to concur in amts., rem., 1432.

Intercolonial Railway, Tenders for ironwork on: inq., 845.

Intercolonial Railway, Supply of brushes for: inq., 846.

Isle Rough Floating Light: inq., 851.

Japanese Immigration: rem., 267.

Juvenile Delinquents B. (QQ): on 3rd R., rem., 1155; amt. to amt. (Mr. Power), 1158.

King's Regulations: inq., 271, 273, 331, 403, 445.

Labrador Boundary: inq., 617.

Lévis Forts, Clearing of lands at: inq., 793, 846.

Lead Bounties B. (191): B. rep. from Com., 1534.

Manitoba, The Boundaries of: M., 420.

McGovern, J., Accusations against: inq., 1551.

Michel Simeon Delisle: inq., 209.

National Battlefields B. (219): on 2nd R., rem., 1707.

Northern and Crown Bank B. (GG): on 2nd R., rem., 680.

Parliament, Supplying information to: on M. (Mr. Ferguson), rem., 1103.

Patent Medicines B. (146): in Com., on pt. of order, 1669.

Point à Coté Wharf: inq., 1358.

Point of Order on resolution *re* Manitoba boundaries: rem., 420.

Point of Order on inq.: rem., 877.

LANDRY, Hon. P.—*Con.*

Point of Order on Shuswap and Thompson Rover B. (49): rem., 1165, 1170.
Printing of Journals of the Senate: inq. 74.
Printing of Parliament: on M. (Mr. Ellis), rem., 781.
Prisoners on Parole: inq., 1552.
Privilege, Questions of: rem., 366, 1149.
Procedure, A Question of: rem., 949.
Prorogation: rem., 1683.
Public Bills in Senate, Introduction of: 60.
Public Printing, Delay in: inq., 1653.
Public Lands B. (181): in Com., rem., 1637; on 3rd R., rem., 1665.
Quebec Bridge Disaster: inq., 295.
Quebec Bridge Company, Payment to Directors of: inq., 779.
Quebec Bridge: inq., 329.
Quebec Harbour Commissioners: inq., 904.
Quebec, Leased Government lands in: M., 905.
Quebec, The Militia at: inq., 905.
Quebec Terminus Committee: inq., 1056.
Quebec Bridge Company, Government loan to: inq., 61.
Quebec Bridge and Railway Co.: inq., 72, 82, 448, 469, 736, 737, 816, 899, 900, 901, 902, 903, 927, 949, 1055, 1142 1338, 1392, 1450, 1478; M., 176.
Quebec Tercentenary: inq., 317, 898.
Quebec, Lieutenant Governorship of: inq., 212, 214.
Quebec, Removal of Military Hospital in: inq., 232, 273.
Quebec Bridge and Ry. Co. B. (217): on 2nd R., rem., 1721.
Railway Committee, Minutes of: M., 542.
Railway Act Amt. B. (3): in Com., amt., 310.
Railway Subsidies B. (215): on 2nd R., rem., 1719.
Revised Statutes, French Edition of: inq., 484, 614, 861.
Ross Rifle: inq., 45, 77, 618, 683, 816.
Senate Debates: on M. (Mr. Béique), rem., 1685.
Senators and Members of H. of C. appointed to Office: M., 1358.
Shuswap and Thompson Rivers B. (49): on amt. to refer back report, rem., 1000; on 3rd R., amt., 1206.
Standing Committees: rem., 350.
Standing rules of the Senate: rem., 150, 237.
St. Joseph, Dry dock at: inq., 72.
St. Lawrence River, Navigation of the: M., 231.
Sydney Steel Works Strike: inq., 857.
Telegraph System of Canada: on M. (Mr. Davis), rem., 333.

LANDRY, Hon. P.—*Con.*

Transcontinental Railway Commission: inq., 1148, 1149, 1230.
Trancontinental Commissioners, Private Car for: inq., 856.
Water Carriage of Goods B. (Z): in Com., rem., 989.

LOUGHEED, Hon. J. A.

Address, The: on M. (Mr. Belcourt) to adopt, rem., 10.
Anglo-Canadian and Continental Bank B. (J): on 2nd R., rem., 263.
Business of Parliament: on M. (Mr. McMullen), rem., 888.
Canadian Cattle, British Embargo on: rem., 261.
Civil Service Commission: inq., 738.
Civil Service Act Amt. B. (189): on 2nd R., rem., 1518; M. in amt., 1521; in Com., rem., 1601, 1605, 1621.
Contingent Accounts Committee: on report, rem., 127.
Crown Life Insurance Co. B. (YY): Int., 899; 2nd R.*, 946; 3rd R.*, 1004.
Customs Act Amt. B. (194): on 2nd R., rem., 1471; in Com., rem., 1494.
Dominion Elections Act Amt. B. (115): on 2nd R., rem., 1687; in Com., rem., 1706, 1711.
Dominion Lands Survey B. (9): on 2nd R., rem., 216; in Com., rem., 275, 278, 280, 285.
Fisheries Question, The: inq., 3.
French Treaty: inq., 1391.
French representation in Senate: rem., 212.
Fur Seal Fisheries: rem., 366.
Hindoo Immigration: rem., 482.
Hindoos at Vancouver: rem., 502.
Hudson Bay Railway: on M. (Mr. Davis), rem., 559.
Japanese Immigration: rem., 93, 267, 268
Japanese in B.C., Arrest of: rem., 368.
Kettle River Valley Ry.: inq., 272, 542.
Major's Hill Park B. (89): on 2nd R., rem., 1533; in Com., rem., 1556.
Manitoba, The Boundaries of: rem., 215
Natal Act of B.C., Disallowance of: rem., 335; inq., 357.
National Battlefields B. (111): on 2nd R., rem., 520; in Com., rem., 525, 532.
Point of Order on inq. by Mr. Landry: rem., 880.
Printing of Parliament: on M. (Mr. Ellis), rem., 1061.
Privilege, Questions of: rem., 122, 123, 1098.
Public Lands B. (181): on 2nd R., rem., 1512; in Com., rem., 1631, 1634, 1635, 1638; on 3rd R., rem., 1654, 1657.
Prorogation: rem., 1447, 1683.

LOUGHEED, Hon. J. A.—*Con.*
Public Bills in Senate, Introduction of: inq., 59; rem., 61.
Quebec Tercentenary: inq., 738.
Rehm and Frank Patents B. (E): on 2nd R., rem., 219.
Reports to the Senate, Delay in submitting: rem., 1395.
St. Claire and Erie Ship Canal B. (F): Int., 176; M. 2nd R., 221; 3rd R.*, 318.
Senate Debates: on report, rem., 1325
Senator Lovitt, The late: rem., 818.
Senatorial Divisions: on M. (Mr. Ross, Middlesex), rem., 1176.
Standing Committees: on rep., rem., 65, 67; on M. (Mr. Ross, Middlesex) rem., 401.
Standing rules of the Senate: on M. (Mr. Comeau), rem., 138.
Supply Bill No. 1 (94): on 1st R., rem., 287; on 3rd R., rem., 289.
Supply Bill No. 4 (220): on 2nd R., rem., 1726.
Tobacco Restraint B. (173): on 2nd R., rem., 1410; in Com., rem., 1458, 1460; on 3rd R., rem., 1481.
Trans-Canada Ry. Co. B. (M): on 2nd R., rem., 291.
Under Secretaries in Canada, Appointment of: on M. (Mr. Ross, Middlesex), rem., 206.
Unrevised Hansard: inq., 25.
Western Alberta Ry. Co. B. (K): on 2nd R., rem., 265.

MACDONALD, Hon. W. J. (B.C.).
Business of Parliament: on M. (Mr. McMullen), rem., 886.
Coal lands, Leasing regulations of: inq., 522, 946.
Fishing Leases in Northwest Waters: inq., 946.
Fur Seal Fisheries: inq., 364.
Government Departments, Purchasing by M., 858.
Hindoo Immigration: M., 480.
Japanese Immigration: rem., 270.
Northwest, Sale of timber lands in the: inq., 331.
Quebec Tercentenary: inq., 855.
Under Secretaries in Canada, Appointment of: on M. (Mr. Ross, Middlesex), rem., 338.

McGREGOR, Hon. J. D.
Canada Temperance Act Amt. B. (WW): Int., 876; 2nd R., 965; in Com., rem., 1105; M. 3rd R., 1129.
Nipissing Central Ry. Co. B. (II): Int., 714; 2nd R.*, 740; 3rd R.*, 920.
Presbyterian College of Halifax B. (DD): Int., 521; 2nd R.*, 616; 3rd R.*, 781.

McHUGH, Hon. G.
High Court of Foresters B. (62): Int., 617; 2nd R.*, 679; 3rd R.*, 781.
Lindsay, Bobcaygeon and Pontypool Ry. Co. B. (34): Int., 211; 2nd R.*, 219; 3rd R.*, 318.
Rehm and Frank Patents B. (E): on 2nd R., rem., 220.

MACKEEN, Hon. D.
Civil Service Suspensions: rem., 791.
Eastern Trust Co. B. (G): Int., 176; 2nd R.*, 219; 3rd R.*, 354.
Manufacturers' Mutual Insurance Co. B (I): B. rep., 337.

McMULLEN, Hon. J.
Address, The: on M. (Mr. Belcourt) to adopt, 46.
Bank of Hamilton Pension Fund B. (56): Int., 617; 2nd R.*, 679; 3rd R.*, 781
Business of Parliament: M., 884; rem., 897; M., 966 rem., 969; M., 1010.
Customs Act Amt. B. (194): on 2nd R., rem., 1471.
Freight rates on grain: rem., 79.
Fur Seal Fisheries: rem., 366.
Gammell Divorce Case: on report, rem., 552.
Georgian Bay Canal: on M. (Mr. Casgrain), rem., 782.
E. F. Giraud Patent B. (52): Int., 231; 2nd R., 291; 3rd R.*, 380.
Lead Bounties B. (191): on 3rd R., rem., 1491.
Major's Hill Park B. (89): in Com., rem., 1559.
New York Mutual Reserve Life Association: inq., 335.
Owen Sound and Meaford Ry. Co. B. (83): Int., 480; 2nd R.*, 520; 3rd R.*, 684.
Patent Medicines B. (146): in Com., rem., 1569. 1667.
Privilege, Questions of: rem., 737.
Public Ownership of Public Utilities: M., 369; rem., 677.
Pulp wood from Canada, The export of: rem., 1379.
Railway Charters, Renewal of: rem., 547.
Reform of the Senate: M., 98.
Railway Act Amt. B. (A): Int., 97; 2nd R., 231; in Com., M. in amt., 295; rem., 302. (*See* under Bills—Seriatim.)
Senator Lovitt, The late: rem., 819.
Senatorial Divisions: on M. (Mr. Ross, Middlesex), rem., 1175.
South Ontario Pacific Ry. Co. B. (16): Int., 211; 2nd R., 219; 3rd R.*, 318.
Standing rules of the Senate: on M. (Mr. Douglas), rem., 242.
Supply B. No. 1 (94): on 3rd R., rem., 289.

McMULLEN, Hon. J.—*Con.*

Under Secretaries in Canada, Appointment of: on M. (Mr. Ross, Middlesex), rem., 207.

West Ontario Pacific Ry. Co. B. (24): Int., 98; 2nd R.*, 175; 3rd R.*, 213.

McSWEENEY, Hon. P.

Intercolonial Ry., Provident Fund of: inq., 72.

Intercolonial Ry. Employees: inq., 1550.

Maritime Coal and Ry. Co.: inq., 902.

Privilege, Questions of: rem., 84.

Public Ownership of Public Utilities: rem., 675.

MILLER, Hon. W.

Privilege, Questions of: rem., 357.

Standing Committees: on M. (Mr. Ross, Middlesex), rem., 346.

MITCHELL, Hon. W.

Business of Parliament: on M. (Mr. McMullen), rem., 969.

OWENS, Hon. W.

Freight rates on grain: rem., 80.

Georgian Bay Canal: on M. (Mr. Casgrain), rem., 497.

PERLEY, Hon. W. D.

Adjournments: amt. to M. (Mr. Baird), 405; M., 1040.

Business of Parliament: on M. (Mr. McMullen), rem., 966.

Dominion Eelections Act Amt. B. (115): on 2nd R., rem., 1694; in Com., 1714.

Freight rates on grain: inq., 772.

Gilmore Divorce B. (JJ): Int., 735; 2nd R.*, 761; 3rd R.*, 851.

Gold Reserve, Depletion of: rem., 1507.

Government Bills by the Senate, Rejection of: inq., 267.

Grain Inspectors at Winnipeg: inq., 1055.

Hudson Bay Railway: on M. (Mr. Davis), rem., 557.

Manitoba Grain Act Amt. B. (ZZ): on 2nd R., rem., 983; in Com., rem., 1017, 1024, 1035, 1089.

Privilege, Questions of: rem., 85, 86.

Reform of the Senate: rem., 741.

Royal Grain Commission: inq., 379, 469.

Spratte Divorce B. (BBB): Int., 965; 2nd R., 1011; M. 3rd R., 1025; M. agreed to, 1035.

POIRIER, Hon. P.

Contingent Accounts Committee: on report, rem., 76.

Privilege, Questions of: rem., 361.

Rules of the Senate: on M. (Mr. Davis), rem., 417.

POIRIER, Hon. P.—*Con.*

Standing Committees: on report, rem., 64, 69; on M. (Mr. Ross, Middlesex), rem., 761.

Standing rules of the Senate: on M. (Mr Comeau), rem., 138, 149; on M. (Mr. Douglas), rem., 236.

Toronto, Destitution in: rem., 213.

POWER, Hon. L. G.

Address, The: on M. (Mr. Belcourt) to adopt, rem., 52.

Adjournments: on amt. (Mr. Perley) to M. (Mr. Baird), rem., 405.

Business of Parliament: on M. (Mr. McMullen), rem., 890.

Canada Temperance Act Amt. B. (WW): in Com., rem., 1111; on 3rd R., amt., 1129.

Canadian Cattle, British Embargo on: inq., 261.

Civil Service Act Amt. B. (189): on 2nd R., rem., 1521; in Com., rem., 1602, 1615, 1620, 1622, 1623.

Committees, Concurrence in reports of: rem 294.

Committee of Selection: on M. (Mr. Scott), rem., 41.

Contingent Accounts Committee: on report, rem., 76, 131, 1488.

Co-operation B. (5): on 2nd R., rem., 632; on report, 1253.

Copyright Act Amt. B. (28): 1st R.*, 329; 2nd R., 380; 3rd R., 541.

Cumberland Ry. and Coal Co. B. (46): Int., 246; 2nd R., 270; 3rd R., 541.

Customs Act Amt. B. (194): on 2nd R., rem., 1470.

Dominion Atlantic Ry. Co. B. (50): Int., 479; 2nd R.*, 520; 3rd R.*, 684.

Dominion Lands Survey B. (9): in Com., 276, 280, 285, 307.

Georgian Bay Canal: on M. (Mr. Casgrain), rem., 495.

Hindoo Immigration: rem., 483.

Hudson Bay Railway: on M. (Mr. Davis), rem., 553.

Juvenile Delinquents B. (QQ): in Com., rem., 1042; on 3rd R., amt., 1157; rem., 1158; amt. carried, 1165.

Juvenile Offenders, An Institution for: on M. (Mr. Comeau), rem., 1079.

Library of Parliament: M. to adopt report, 617.

Major's Hill Park B. (89): in Com., rem., 1557, 1561.

Marine and Fisheries Investigation: rem., 1287.

National Battlefields B. (111): in Com., rem., 535, 536.

Point of Order on inq. by Mr. Landry: rem., 877.

POWER, Hon. L. G.—*Con.*

Point of Order on Shuswap and Thompson River B. (49): rem., 1168.
Press Summary of Debates: rem., 540.
Prison and Reformatory Acts Amt. B. (KK): Int., 779; 2nd R., 799; 3rd R.*, 862; Commons amts. concurred in, 1227.
Privilege, Questions of: rem., 125, 362.
Procedure, A Question of: rem., 950.
Prorogation: rem., 1684.
Public Ownership of Public Utilities: rem., 654.
Rehm and Frank Patents B. (E): on 2nd R., rem., 219.
Reports to the Senate, Delay in submitting: rem., 1395.
Reporting Service of two Houses, Consolidation of: M., 1510.
Rules of the Senate: on M. (Mr. Davis), rem., 413; amt. to amt., 414.
Rules of the Senate, Suspension of: on M. (Mr. Douglas), rem., 88.
Senate Debates: on report, rem., 1323.
Senate, Expenditures of the: M., 851.
Senatorial Divisions: on M. (Mr. Ross, Middlesex), rem., 1181.
Wm. B. Smith Patent B. (FFF): Int., 1276; 2nd R., 1342; 3rd R., 1415.
Standing Committees: on amt. to report, rem., 65, 67, 69; on M. (Mr. Ross, Middlesex), rem., 350, 773.
Standing rules of the Senate: on M. (Mr. Comeau), rem., 139, 151; on M. (Mr. Douglas), rem., 239.
Suspension of rules: on M. (Mr. Davis), rem., 62
Telegraph System of Canada: on M. (Mr. Davis), rem., 332.
Tobacco Restriction B. (173): in Com., amt., 1457; rem., 1460; on 3rd R., amt., 1479; amt. carried, 1486.
Under Secretaries in Canada, Appointment of: on M. (Mr. Ross, Middlesex), rem., 245.

ROBERTSON, Hon. J. E.

Adjournments: on M. (Mr. Baird), rem., 405.

ROSS, Hon. W. (*Halifax*).

Civil Service Suspensions: rem., 791.
Gammell Divorce Case: on report, rem., 552.
Georgian Bay Canal: on M. (Mr. Casgrain), rem., 681.
Inland Fisheries: rem., 1279.
Privilege, Quesitons of: rem., 452.
Public Ownership of Public Utilities: 674.
Reform of the Senate: rem., 183.
Standing Committees: on report, rem., 70; on M. (Mr. Ross, Middlesex), rem., 398.
Union Jack, Hoisting the: rem., 910.

ROSS, Hon. GEO. W. (*Middlesex*).

Business of Parliament: on M. (Mr. McMullen), rem., 894.
Belleville Prince Edward Bridge Co. B. (20): Int., 1083; M. 2nd R., 1222; rem., 1224; M. carried, 1227; 3rd R.*, 1396.
Contingent Accounts Committee: on report, rem., 132.
Dominion Lands Survey B. (9): in Com., rem., 281, 284.
Inland Fisheries: rem., 1280.
London and Lancashire Guarantee Co. B. (Q): Int., 293; 2nd R., 320; 3rd R.*, 523.
Northern and Crown Bank B. (GG): Int., 616; 2nd R., 679; 3rd R.*, 781.
Pulp wood from Canada, The export of: rem., 1386.
Railway Charters, Renewal of: inq., 542.
Reform of the Senate: rem., 103, 754.
Rejection of Bills by the Commons: M., 209.
Reports to the Senate, Delay in submitting: rem., 1393.
Senate Debates: on report, rem., 1325.
Senatorial Divisions: M., 1172; rem., 1179, 1181.
Standing Committees: M., 346; rem., 349; M., 383; rem., 769.
Standing rules of the Senate: on M. (Mr. Comeau), rem., 147.
Supply Bill No. 4 (220): on 2nd R., rem., 1733.
Tobacco Restriction B. (173): on 2nd R., rem., 1409; in Com., rem., 1459, 1463; on 3rd R., rem., 1483.
Under Secretaries in Canada, Appointment of: M., 187; rem., 339.

ROY, Hon. P.

Edmonton, Dunvegan and B. C. Ry. Co. B. (38): Int., 246; 2nd R.*, 270; 3rd R.*, 318.
Patent Medicines B. (146): on 2nd R., rem., 1565; in Com., rem., 1643, 1669.
Saskatoon, Saskatchewan and Peace River Ry. B. (70): Int., 501; 2nd R.*, 786.

SCOTT, Hon. R. W. (Secretary of State).

Accidents at Railway Crossings: rem., 273, 274.
Adjournments: on M. (Mr. Perley), rem., 1041.
Address, The: on M. (Mr. Belcourt) to adopt, rem., 85.
Agricultural Fertilizers B. (III): 1st R.*, 1447; 2nd R., 1487.
Anglo-Canadian, &c., Bank B. (J): on 2nd R., rem., 263.
Auditor General B. (208): 1st R.*, 1513; M. 2nd R., 3rd R.*, 1549.
Bank Act Amt. B. (160): Int., 1276; M. 2nd R., 1318; 3rd R.*, 1356.

SCOTT, Hon. R. W.—*Con.*

Bank of Winnipeg B. (19): on 2nd R., rem., 338.
Bills of Exchange Act Amt. B. (142): 1st R.*, 2nd R., 3rd R.*, 814.
Bounties on Crude Petroleum B. (199): 1st R.*, 1513; M. 2nd R., 1544; in Com., rem., 1545; 3rd R.*, 1546.
Bic Harbour Wharf: reply to inq., 1358.
Bush Fires: reply to inq., 860.
Board of Trade Act Amt. B. (BB): Int., 1st R., 448; 2nd R., 487; in Com., rem., 538; 3rd R.*, 550; Commons amts. concurred in, 1494.
British Columbia Court of Appeal B. (165): Int., 1276; 2nd R., 1321; 3rd R.*, 1357.
Canadian Cattle, British Embargo on: reply to inq., 261.
'Canada Gazette,' Circulation of: reply to inq., 232.
Canada Temperance Act Amt. B. (WW): on 3rd R., rem., 1129.
Canadian Patriotic Fund B. (JJJ): 1st R.*, 1514; 2nd R.*, 1582; amt. to 3rd R., 1582.
Canned Goods Act Repeal B. (147): Int., 817; 2nd R., 875; 3rd R.*, 928.
Canada Shipping Act Amt. B. (209): Int., 1651; M. 2nd R., 1678; 3rd R.*, 1680.
Canadian Northern Railway Extension B. (214): 1st R.*, 2nd R., 3rd R.*, 1717.
Civil Service Commission: reply to inq., 356, 404, 714, 738.
Civil Service Suspensions: reply to inq., 790.
Civil Service Act Amt. B. (189): Int., 1453; M. 2nd R., 1516; in Com., rem., 1611, 1617, 1622; 3rd R.*, 1624.
Criminal Code Amt. B. (212): Int., 1649; 2nd and 3rd R.*, 1678.
Commands-in-Chief: reply to inq., 717.
Coal Lands, Leasing of: rem., 948.
Coal Lands, Leasing regulations of: reply to inq., 522.
Co-operation B. (5): Int., 479; M. 2nd R., 619; on report, M., 1573; M. rejected, 1596.
Committee of Selection: M., 39; rem., 41.
Companies Act Amt. B. (L): Int., 1st R., 247; 2nd R., 291; 3rd R.*, 363; Commons amts. concurred in, 652,
Construction of Dry Docks B. (119): Int., 1221; M. 2nd R., 1287; in Com., rem., 1331; 3rd R.*, 1340.
Customs Act Amt. B. (194): 1st R.*, 1413; M. 2nd R., 1467; rem., 1473; in Com., rem., 1494; M. 3rd R., 1515.
Delayed Printing: reply to inq., 46.
Delayed Returns: reply to inq., 46, 352, 550, 683.
Deschambault Wharf, Construction of: reply to inq., 1683.

SCOTT, Hon. R. W.—*Con.*

Dominion Notes B. (159): 1st R.*, 1230; M. 2nd R., 1261; rem., 1268; 3rd R.*, 1276.
Dominion Lands Surveys B. (9): Int., 97; M. 2nd R., 216; rem., 217, 218; in Com., rem., 276, 278, 281, 283, 286, 307; M. 3rd R., 331.
Dominion Elections Act Amt. B. (115): 1st R.*, 1681; M. 2nd R., 1686; in Com., rem., 1702, 1706, 1711; 3rd R.*, 1716.
Dominion Lumbering, &c., Company's B. (H): on 2nd R., rem., 223, 225.
Edmonton, Yukon and Pacific Railway Extension B. (213): 1st R.*, 1716; 2nd R., 3rd R.*, 1717.
Electoral Lists: reply to inq., 1566.
Exchequer Court Judge of Canada: reply to inq., 652, 845, 1231.
Experimental Farm Reports: reply to inq., 652, 845.
Exchequer Court Act Amt. B. (116): Int., 946; 2nd R., 993; in Com., rem., 1051, 1052; M. 3rd R., 1053.
Fishing Leases in Northwest Waters: reply to inq., 946.
Fisheries Question, The: reply to inq., 3.
Freight rates on grain: reply to inq., 79.
French Representation in the Senate: reply to inq., 211.
French Reports, Delay in publishing: reply to inq., 1414.
French Treaty: reply to inq., 84, 1391.
Fur Seal Fisheries: reply to inq., 364.
Georgian Bay Canal Route, Exploration of: reply to inq., 62.
Government Guaranteed Grand Trunk Bonds B. (171): 1st R.*, 1221; M. 2nd R., 1292; 3rd R.*, 1340.
Government Railways Act Amt. B. (27): Int., 617; 2nd R., 679; in Com., rem., 704; 3rd R.*, 721.
Gold Reserve, Depletion of: reply to inq., 1501.
Government Bills by the Senate, Rejection of: reply to inq., 267.
Government Departments, Purchasing by: rem., 859.
Grain Inspectors at Winnipeg: reply to inq., 1055.
Grand Trunk Pacific, Location of: reply to inq., 1338.
Grand Trunk Pacific Site in Ottawa: reply to inq., 73.
Grand Trunk Pension Scheme: reply to inq., 965.
Halifax Signal Dues B. (152): Int., 946; 2nd R., 993; 3rd R.*, 1011.
Hindoo Immigration, Restriction of: rem., 484.
Hindoos at Vancouver: rem., 502.

SCOTT, Hon. R. W.—*Con.*

Hudson Bay, Construction of a Railway to: rem., 560, 567.
Hudson Bay, Navigation of: reply to inq., 355.
Ice-breaker 'Montcalm,' Repairing of: reply to inq., 59.
Immigration Act Amt. B. (135): 1st R.*, M. to suspend rules, 805; rem., 807; 2nd and 3rd R.*, 810.
Insurance Superintendent Salary B. (200): 1st R.*, 1511; M. 2nd R., 1546; 3rd R.*, 1547.
Inspection and Sale Act Amt. B. (148): Int., 1202; 2nd R., 1228; 3rd R.*, 1298.
Intercolonial and Prince Edward Island Railway Act Amt. B. (117): Int., 550; 2nd R., 616; 3rd R.*, 653.
Inland Revenue Act Amt. B. (143): 1st R.*, 2nd R., 810; M. 3rd R., 813.
Indianapolis, State Life Insurance Company of: reply to inq., 502.
Inland Fisheries: reply to inq., 1277.
Intercolonial Railway Employees: reply to inq., 716, 1550.
Intercolonial Railway, Money paid to: reply to inq., 946.
Intercolonial Railway, Supply of brushes for: reply to inq., 846.
Intercolonial Railway, Provident Fund of: reply to inq., 72.
Intercolonial Railway, Tenders for iron work on: reply to inq., 845.
Irrigation Act Amt. B. (99): Int., 501; 2nd R., 566; 3rd R.*, 684.
Isle Rough Floating Light: reply to inq., 851.
Italian Immigration: reply to inq., 429.
Japanese in British Columbia, Arrest of: reply to inq., 368.
Japanese Immigration: rem., 89, 95, 268.
Juvenile Delinquents B. (QQ): in Com., rem., 1038; amt., 1157.
Juvenile Offenders, An Institution for: rem., 1078.
Judges Act Amt. B. (206): Int., 1598; 2nd R., 3rd R.*, 1630.
Kettle River Valley Railway: reply to inq., 272, 542.
King's Regulations: reply to inq., 271, 273, 331, 403, 455.
Labrador Boundary: reply to inq., 618.
Land Titles Act Assurance Fund B. (168): Int., 1149; 2nd R., 1211; 3rd R.*, 1297.
Land Titles Act Amt. B. (113): Int., 815; M. 2nd R., 834; in Com., rem., 912; 3rd R.*, 1004.
Lead Bounties B. (191): Int., 1453; M. 2nd R., 1491; 3rd R.*, 1534.
Lévis Forts, Clearing of lands at: reply to inq., 794, 846.

SCOTT, Hon. R. W.—*Con.*

Manitoba and other Provinces, The Boundaries of: reply to inq., rem., 215.
Marine and Fisheries Investigation: rem., 1286.
Maritime Coal and Railway Company: reply to inq., 902.
Major's Hill Park B. (89): Int., 1453; M. 2nd R., 1533; 3rd R., 1564.
Manufacturers' Mutual Liability B. (I): in Com., rem., 337.
Marking of Gold and Silver Plated Ware B. (AAA): 1st R., M. 2nd R., 1054; in Com., rem., 1212, 1241, 1343, 1347; 3rd R.*, 1353.
Meat and Canned Foods Act Amt. B. (149): Int., 817; M. 2nd R., 875; in Com., rem., 920, 924; 3rd R.*, 928.
Meaford Harbour B. (158): Int., 946; 2nd R., 994; in Com., rem., 1009; 3rd R.*, 1011.
McGovern, J., Accusations against: reply to inq., 1551.
Michel Simeon Delisle: reply to inq., 209.
Natal Act of British Columbia, Disallowance of: reply to inq., 335, 357.
National Battlefields B. (111): in Com., rem., 526.
Naturalization Act Amt. B. (W): Int., 1st R., 355; 2nd R., 380; in Com., on cl. 1, rem., 473; amt., 488; 3rd R.*, 504.
National Battlefields B. (219): 1st R.*, 1707; on 2nd R., rem., 1708; 3rd R.*, 1710.
New York Mutual Reserve Life Association: reply to inq., 352.
Northwest Territories Act Amt. B. (210): Int., 1598; 2nd R.*, 3rd R.*, 1639.
Northwest, Sale of timber lands in the: reply to inq., 331.
Ocean Steamships Act Amt. B. (145): 1st R.*, 2nd R., 3rd R.*, 815.
Opium Prohibition B. (205): 1st R.*, 1549; M. 2nd R., 1597; in Com., rem., 1672; 3rd R., 1678.
Ottawa and Georgian Bay Canal: reply to inq., 45.
Parliament, Supplying information to: rem., 1101.
Patent Medicine B. (146): Int., 1535; M. 2nd R., 1565; in Com., rem., 1570, 1641, 1644, 1670; 3rd R., 1672.
Point à Coté Wharf: reply to inq., 1358.
Point of Order on resolution *re* Manitoba boundaries: rem., 425.
Post Office Act Amt. B. (162): Int., 1221; M. 2nd R., 1291; 3rd R.*, 1378.
Prince Edward Island Railway Branch B. (202): 1st R.*, 1511; M. 2nd R., 1547; rem., 1548; 3rd R., 1624.
Press Summary of Debates: rem., 540.

SCOTT, Hon. R. W.—*Con.*

Printing of Journals of the Senate: reply to inq., 74.
Prisoners on Parole: reply to inq., 1552.
Privilege, Questions of: rem., 122, 124, 126, 367, 485, 1098.
Prorogation: rem., 1447, 1683.
Public Lands B. (181): 1st R.*, 1511; on notice 2nd R., rem., 1512; M. 2nd R., 1625; in Com., rem., 1631, 1635, 1638; M. 3rd R., 1654.
Public Bills in Senate, Introduction of: reply to inq., 59; rem., 61.
Public Printing, Delay in: reply to inq., 1653.
Quebec Bridge and Railway Co. B. (217): 1st R.*, M. 2nd R., rem., 1721, 1725; 3rd R.*, 1726.
Quebec Bridge: reply to inq., 329.
Quebec Bridge Company, Government loan to: reply to inq., 61.
Quebec Bridge Company, Payment to Directors of: reply to inq., 779.
Quebec Bridge and Railway Company: reply to inq., 72, 82, 448, 469, 736, 737, 816, 899, 900, 901, 902, 903, 927, 949, 1055, 1142, 1338, 1392, 1450, 1478.
Quebec Bridge Disaster: reply to inq., 295.
Quebec Harbour Commissioners: reply to inq., 904.
Quebec, Lieutenant Governorship of: reply to inq., 212, 214.
Quebec, The Militia at: reply to inq., 905.
Quebec, Removal of Military Hospital in: reply to inq., 232, 273.
Quebec Tercentenary: reply to inq., 317, 738, 855, 898.
Quebec Terminus Committee: reply to inq., 1056.
Railway Act Amt. B. (112): Int., 946; 2nd R., 993; in Com., rem., 1404, 1408; M. 3rd R., 1453; rem., 1454.
Railway Act Amt. B. (A): in Com., rem., 305.
Railway Act Amt. B. (PP): in Com., rem., 940, 959, 1064, 1361.
Railway Act Amt. B. (3): on 2nd R., rem., 167.
Railway Act Amt. B. (118): Int., 1391; 2nd R., 1410; in Com., rem., 1465; 3rd R., 1467.
Railway Act Amt. B. (204): Int., 1597; 2nd R., 3rd R.*, 1638.
Railway Charters, Renewal of: reply to inq., 544.
Railway Subsidy B. (215): 1st R.*, 1717; M. 2nd R., 1718; 3rd R.*, 1720.
Reports to the Senate, Delay in submitting: rem., 1394.
Revised Statutes, French Edition of: reply to inq., 484, 614, 861.

SCOTT, Hon. R. W.—*Con.*

Ross Rifle: reply to inq., 45, 77, 618, 683, 816.
Royal Grain Commission: reply to inq., 380, 469.
Sale of Ordnance Lands B. (218): 1st, 2nd and 3rd R.*, 1681.
School Lands Exchange B. (163): Int., 946; 2nd R., 1053; 3rd R.*, 1060.
Senator Lovitt, The late: rem., 818.
South African Volunteers' Bounty B. (109): Int., 1651; M. 2nd R., 3rd R., 1680.
St. Joseph, Dry Dock at: reply to inq., 72.
Standing Committees: rem., 346, 399, 764, 772.
Standing rules of the Senate: rem., 137, 141.
Supply Bill No. 1 (94): M. 1st R., 287; 2nd R.*, 289; M. 3rd R., 289.
Supply Bill No. 2 (136): 1st R.*, 738; 2nd R., 3rd R.*, 739.
Supply Bill No. 3 (186): 1st R.*, M. to suspend rules, 1143; rem., 1144, 1146; 2nd and 3rd R.*, 1147.
Supply B. No. 4 (220): 1st R.*, 1726; M. 2nd R., 1726; rem., 1729, 1736; 3rd R., 1737.
Supreme Court Act Amt. B. (121): 1st R.*, 682; 2nd R., 703; 3rd R.*, 739.
Sydney Steel Works Strike: reply to inq., 857.
Telegraph System of Canada: rem., 333.
Telegraphic News Service B. (201): 1st R.*, 1511; 2nd R., 1548; 3rd R.*, 1549.
Transcontinental Commissioners, Private Car for: reply to inq., 856.
Transcontinental Railway Commission: reply to inq., 1148, 1149, 1230.
Timber Marking Act Amt. B. (193): Int., 1495; 2nd R., 3rd R.*, 1534.
Tobacco Restraint B. (173): Int., 1391; M. 2nd R., 1409; in Com., rem., 1458; M. 3rd R., 1479; rem., 1481.
Under Secretaries in Canada, Appointment of: rem., 203.
Unrevised Hansard: reply to inq., 25.
Union Jack, Hoisting the: rem., 906.
Winding-Up Act Amt. B. (144): Int., 815; M. 2nd R., 833; 3rd R., 862.
Winding-Up Act Amt. B. (102): Int., 455; 2nd R., 487; 3rd R.*, 550.
Yukon Act Amt. B. (169): Int., 1149; M. 2nd R., 1233; 3rd R.*, 1340.
Yukon Placer Mining Act Amt. B. (150): Int., 1202; 2nd R., 1229; in Com., rem., 1296; 3rd R.*, 1340.

SULLIVAN, Hon. M.

Address, The: on M. (Mr. Belcourt) to adopt, rem., 55.
Georgian Bay Canal: on M. (Mr. Casgrain), rem., 488.

SULLIVAN, Hon. M.—*Con.*

Juvenile Offenders, An Institution for: on M. (Mr. Comeau), rem., 1078.
Opium Prohibition B. (205): in Com., rem., 1677.
Patent Medicines B. (146): in Com., rem., 1566, 1568, 1641, 1645, 1667.
Public Ownership of Public Utilities: rem., 675.
Reform of the Senate: rem., 774.
Standing Committees: on report, rem., 64, 68; on M. (Mr. Ross, Middlesex), rem., 398.

TALBOT, Hon. P.

McLeod, Cardston and Montana Ry. Co. B. (22): Int., 211; 2nd R.*, 219; 3rd R.*, 318.
Ruthenian Mission B. (69): Int., 355; 2nd R.*, 566; 3rd R.*, 805.

TESSIER, Hon. JULES.

Canadian Northern Quebec Ry. Co. B. (77): Int., 480; 2nd R.*, 520; 3rd R.*, 591.

THOMPSON, Hon. F. P.

Transcontinental Railway. Routes of the: M., 335.
Tobique Manufacturing Co. B. (8): Int., 231; 2nd R.*, 266; 3rd R.*, 380.

WATSON, Hon. R.

Anglo-Canadian Insurance Co. B. (U): Int., 337; 2nd R.*, 368; 3rd R.*, 523.
Contingent Accounts Committee: 1st report presented, M. to suspend rule, 74; M. to adopt, 127; M. to adopt 4th report, 1488.
Dominion Guarantee Co. B. (V): Int., 337; 2nd R.*, 382; 3rd R.*, 523.
Dominion Elections Act Amt. B. (115): on 2nd R., rem., 1689; in Com., rem., 1702, 1713, 1714.
Freight rates on grain: rem., 81.
Fort William Terminal Ry. and Bridge Co. B. (101): Int., 793; 2nd R.*, 805; 3rd R.*, 920.
Gold Reserve, Depletion of: rem., 1506.
Grand Trunk Pacific Branch Line Co. B. (Z): Int., 1st R.*, 368; 2nd R., 454; 3rd R.*, 761.
Manitoba and Northwestern Ry. Co. B. (26): Int., 98; 2nd R., 175; 3rd R.*, 213.
Occidental Fire Insurance Co. B. (B): Int., 175; 2nd R.*, 219; 3rd R.*, 550.
Ontario and Michigan Power Co. B. (X): Int., 356; 2nd R., 381.
Privilege, Questions of: rem., 361, 523.

WATSON, HON. R.—*Con.*

Widows' and Orphans' Presbyterian Church Fund B. (23): Int., 329; 2nd R.*, 364; 3rd R.*, 487.

WILSON, Hon. J. H.

Committee of Selection: on M. (Mr. Scott), rem., 44.
Erie, London and Tilsonburg Ry. Co. B. (51): Int., 480; 2nd R.*, 520; 3rd R.*, 591.
Gilmore Divorce Bill: rem., 722.
Rules of the Senate: on M. (Mr. Davis), rem., 418.
Senate, Appointments to the: M., 212.
Senate Debates: M., 403.
Standing Committees: on report, rem., 71.
Standing rules of the Senate: on M. (Mr. Douglas), rem., 241.
St. Clair and Erie Ship Canal B. (F): on 2nd R., rem., 221.
Western Alberta Ry. Co. B. (K): on 2nd R., rem., 264.
Suspension of rules: on M. (Mr. Davis), rem., 62, 63.

WOOD, Hon. J.

Georgian Bay Canal: on M. (Mr. Casgrain), rem., 725.
Reform of the Senate: rem., 648.

YOUNG, Hon. F. M.

Alberta and Brazeau Ry. Co. B. (44): Int., 246; 2nd R., 308; 3rd R.*, 430.
British Columbia Southern Ry. Co. B. (13): Int., 97; 2nd R.*, 174; 3rd R.*, 213.
Canadian Pacific Ry. Co. B. (45): Int., 246; 2nd R.*, 270; 3rd R.*, 318.
Canadian Northern Ry. Co. B. (81): Int., 480; 2nd R.*, 520; 3rd R.*, 684.
Committees, Concurrence in reports of: rem., 294.
Esquimaux and Nanaimo Ry. Co. B. (15): Int., 98; 2nd R.*, 175; 3rd R.*, 213.
Freight rates on grain: rem., 80.
Railway Act Amt. B. (3): Int., 97; M. 2nd R., 152; M. to refer, 167.
Manitoba Grain Act Amt. B. (ZZ): in Com., rem., 1012, 1013, 1015, 1018, 1020, 1095; on M. to concur, rem., 1648.
North Empire Fire Insurance Co. B. (7): Int., 617; 2nd R.*, 679; 3rd R.*, 781.
Rules of the Senate, Suspension of: on M. (Mr. Douglas), rem., 88.
Standing rules of the Senate: on M. (Mr. Comeau), rem., 148.
Bank of Winnipeg B. (19): Int., 329; 2nd R., 337; 3rd R.*, 523.

PART II—SUBJECTS

ACCIDENTS AT RAILWAY CROSSINGS: M. (Mr. Béique), M. agreed to, 176; rem., Mr. Scott, 273; Mr. Ferguson, Mr. Scott, 274; rem., Mr. Ferguson, 292.

ADDRESS, THE: M. to adopt (Mr. Belcourt), 3; seconded (Mr. Campbell), 6; debated, Mr. Lougheed, 10; Sir R. Cartwright, 17; Sir M. Bowell, 25; Mr. Scott, 35; Mr. McMullen, 46; Sir M. Bowell, Mr. Power, 52; Mr. Sullivan, 55.

ADJOURNMENTS: M. (Mr. Baird), amt. (Mr. Perley), rem., Mr. Davis, Mr. Power, Mr. Robertson, amt. carried (c. 29; n.c. 28), 405; M. (Mr. Perley, 1040; rem., Mr. Scott, Sir M. Bowell, 1041.

ALUMINUM, IMPORTS AND EXPORTS OF: M. (Mr. Domville), 272.

ANNUNCIATOR SYSTEM: M. (Mr. Frost), 1204; M. agreed to, 1206.

BILLS—SERIATIM:

(A) An Act to amend the Railway Act as respects the selling of intoxicating liquors to railway employees on duty (Mr. McMullen). Int. 97; M. 2nd R. (Mr. McMullen), 229; rem., Mr. Davis, Mr. McMullen, Sir M. Bowell, 230; M. agreed to, 231; in Com., M. in amt. (Mr. McMullen), 295; rem., Mr. Power, Sir M. Bowell, 296; Mr. Cloran, 297; Mr. Watson, 299; Mr. Douglas, 300; Mr. Perley, Mr. Cloran, 301; Mr. McMullen, Mr. Kerr, Mr. Ferguson, 302; Mr. Power, Mr. Wilson, 303; M. that Com. rise (Mr. Watson), 304; Mr. Cloran, Mr. Scott, 305; M. that Com. rise, carried (c. 23, n.c. 13).

(B) An Act respecting the Occidental Fire Insurance Company (Mr. Watson). Int., 175; 2nd R.*, 219; 3rd R.*, 550; R.A., 1147 (c. 139).

(C) An Act to incorporate the Standard Accident Insurance Company (Mr. Kerr). Int., 175; 2nd R.*, 219; 3rd R.*, 550; Commons amts. concurred in (Mr. Kerr), 792; R.A., 1147 (c. 159).

(D) An Act respecting the Grand Trunk Railway of Canada (Mr. Gibson). Int., 175; 2nd R.*, 219.

BILLS—SERIATIM—*Con.*

(E) An Act respecting a certain patent of Frederick B. Rehm, Elias Frank and Isadore Frank (Mr. Beith). Int., 175; M. 2nd R. (Mr. Beith), rem., Mr. Power, Mr. Lougheed, 219; Mr. McHugh, Mr. Kerr, Mr. Cloran, M. agreed to, 220; 3rd R.*, 380; R.A., 779 (c. 151).

(F) An Act respecting the St. Clair and Erie Ship Canal Company (Mr. Lougheed). Int., 176; M. 2nd R. (Mr. Lougheed), rem., Mr. Wilson, M. agreed to, 221; 3rd R.*, 318; R.A., 541 (c 153).

(G) An Act respecting the Eastern Trust Company (Mr. MacKeen). Int., 176; 2nd R.*, 219; B. rep. from Com. (Mr. Drummond), 330; 3rd R.*, 354; R.A., 1147 (c. 103).

(H) An Act to incorporate the Dominion Lumbering and Power Development Company (Mr. Béique). Int., 176; M. 2nd R. (Mr. Béique), rem., Mr. Ellis, Mr. Kerr, Mr Cloran, 221; Mr. McMullen, Mr. Lougheed, 222; Mr. Béique, Mr. Scott, Mr. Cloran, 223; Mr. Landry, 224; Mr. Scott, Mr. Power, Mr. Speaker, 225; Mr. Ferguson, Mr. Béique, 226; Mr. Wilson, Mr. Edards, 227; Mr. Ferguson, Mr. Domville, Mr. Béique, 228; Mr. Cloran, M. agreed to, 229; M. 3rd R. (Mr. Casgrain), amt. Mr. Davis, 928; rem., Mr. Béique, Mr. Power, Mr. Poirier, 929; Mr. Wilson, Mr. Kerr, 930; Sir M. Bowell, 931; Mr. Ross (Middlesex), 933; amt. lost (c. 12, n.c. 31), 934; amt. Mr. Davis, 934; rem., Mr. McMullen, Mr. Wilson, 935; Mr. Gibson, Mr. Davis, 936; amt. lost, M. 3rd R. agreed to, 937.

(I) An Act to incorporate the Manufacturers' Mutual Liability Insurance Company (Mr. Jones). Int., 187; 2nd R., 244; in Com., rem., Mr. Scott, B. rep. from Com. (Mr. MacKeen), 337.

(J) An Act to incorporate the Anglo-Canadian and Continental Bank (Mr. DeVeber). Int., 2nd R., 262; rem., Mr. Lougheed, Sir M. Bowell, Mr. Scott, Mr. Kerr, 263; 3rd R., 523; R.A., 1147 (c. 81).

(K) An Act respecting the Western Alberta Railway Company (Mr. De Veber). 1st R., 214; M. 2nd R. (Mr. De Veber), rem., Mr. Wilson, 264; Mr. Lougheed, M. agreed to, 265; 3rd R.*, 504; R.A., 1147 (c. 170).

BILLS—SERIATIM—*Con.*

(L) An Act to amend the Companies Act (Mr. Scott). Int., 1st R., 247; 2nd R., 291; 3rd R.*, 363; Commons amts. concurred in, 652; R.A., 779 (c. 16).

(M) An Act respecting the Trans-Canada Railway Company (Mr. Choquette). Int., 247; M. 2nd R. (Mr. Choquette), rem., Mr. Casgrain, Mr. Lougheed, 291; Sir M. Bowell, M. agreed to, 292; 3rd R.*, 368; R.A., 779 (c. 164).

(N) An Act respecting the Windsor, Chatham and London Railway Company (Mr. Coffey). Int., 262; 2nd R.*, 291; 3rd R.*, 368; R.A., 779 (c. 171).

(O) An Act to incorporate the Saskatchewan Power Company, Limited (Mr. Davis). Int., 270; M. 2nd R., (Mr. Davis), rem., Mr. Watson, Mr. McMullen, Sir M. Bowell, M. agreed to, 306; amts. concurred in, 773; 3rd R.*, 774; R.A., 1147 (c. 154).

(P) An Act respecting the Quebec and New Brunswick Railway Company (Mr. Costigan). Int., 1st R.*, 272; M. 2nd R. (Mr. Costigan), rem., Mr. McMullen, 319; M. agreed to, 320; 3rd R.*, 504; Commons amts. concurred in, 833; R.A., 1147 (c. 149).

(Q) An Act to incorporate the London and Lancashire Guarantee and Accident Company of Canada (Mr. Ross, Middlesex). Int., 293; M. 2nd R. (Mr. Ross), M. agreed to, 320; B. rep. from Com. (Mr. Drummond), 448; 3rd R.*, 523; Commons amts. concurred in (Mr. Ross), 800; R.A., 816 (c. 124).

(R) An Act respecting the Manitoulin and North Shore Railway Company (Mr. Kerr). Int., 308; 2nd R., 354; 3rd R.*, 684; R.A., 1147 (c. 127).

(S) An Act respecting the Pacific and Atlantic Railway Company (Mr. Kerr). Int., 308; 2nd R.*, 479; 3rd R.*, 703; R.A., 1147 (c. 142).

(T) An Act respecting the Atlantic, Quebec and Western Railway Company (Mr. Fiset). Int., 337; 2nd R.*, 368; amts. concurred in (Mr. Casgrain), 616; 3rd R., 617; R.A., 816 (c. 84).

(U) An Act to change the name of the head office of the Anglo-Canadian Insurance Company (Mr. Watson). Int., 337; 2nd R.*, 368; 3rd R.*, 523; R.A., 1147 (c. 131).

(V) An Act respecting the Dominion Guarantee Company, Limited (Mr. Watson). Int., 337; 2nd R.*, 382; 3rd R.*, 523; on

BILLS—SERIATIM—*Con.*

Commons amts., M. not to concur (Mr. Barker) rem., Mr. Speaker, Mr. Power, M. agreed to, 1476; R.A. 1738 (c. 102).

(W) An Act to amend the Naturalization Act (Mr. Scott). Int., 1st R., 355; 2nd R., 380; in Com., on cl. 1, rem., Mr. Macdonald (B.C.), Mr. Scott, cl. adopted, 473; amt. (Mr. Scott), rem., Mr. Lougheed, amt. carried, B. rep. from Com. (Mr. Gibson), 488; 3rd R.*, 504; R.A., 1738 (c. 48).

(X) An Act to incorporate the Ontario and Michigan Power Company (Mr. Watson). Int., 356; M. 2nd R. (Mr. Watson), 381; rem., Mr. Lougheed, Sir M. Bowell, Mr. Kerr, M. agreed to, 382.

(Y) An Act respecting the Grand Trunk Pacific Branch Line Company (Mr. Watson). Int., 1st R.*, 368; 2nd R., 454; 3rd R.*, 761; R.A., 1147 (c. 115).

(Z) An Act relating to the Water Carriage of Goods (Mr. Campbell). Int., 382; M. 2nd R. (Mr. Campbell, 473; rem., Mr. Lougheed, Sir R. Cartwright, 476; Mr. Ferguson, 477; Mr. Derbyshire, Mr. Cloran, 478; M. agreed to, 479; 1st report adopted (Sir G. Drummond), 591; in Com., Mr. Landry, Mr. Belcourt, 989; Mr. Campbell, Mr. Kerr, 990; B. rep. from Com. as amended (Mr. Watson), 993; 3rd R.', 1004.

(AA) An Act for the relief of Andrew Walker (Mr. Frost). Int., 404; 2nd R.*, 454; 3rd R.*, 487; R.A., 1147 (c. 168).

(BB) An Act to amend the Board of Trade Act (Mr. Scott). Int., 1st R., 448; 2nd R., 487; in Com., rem., Mr. Lougheed, Mr. Scott, B. rep. from Com. (Mr. McKay, Truro), 538; 3rd R.*, 550; Commons amt. concurred in, 1494; R.A., 1738 (c. 9).

(CC) An Act to amend the Gold and Silver Marking Act (Sir R. Cartwright). Int., 1st R., rem., Mr. Lougheed, Mr. Ferguson, Mr. Gibson, 470; 2nd R.*, B. rep. from Com. (Mr. David), 3rd R.*, 487; R.A., 779 (c. 29).

(DD) An Act respecting the Board of the Presbyterian College of Halifax (Mr. McGregor). Int., 521; 2nd R.*, 616; B. rep. from Com. (Sir G. Drummond) 777; 3rd R.*, 781; R.A., 1147 (c. 147).

(EE) An Act respecting the Pontiac Central Railway Company (Mr. Campbell). Int., 567; 2nd R.*, 632; B. rep. from Com. (Mr. Casgrain), 760; 3rd R.*, 781; R.A., 1147 (c. 146).

BILLS—SERIATIM—*Con.*

(FF) An Act for the relief of Edith Maud Rosario Gammell (Mr. Jones). Int., 591; 2nd R.*, 632; 3rd R.*, 684; R.A., 1147 (c. 110).

(GG) An Act respecting the Northern and the Crown Bank of Canada (Mr. Ross, Middlesex). Int., 616; M. 2nd R. (Mr. Young), 679; rem., Mr. Landry, Mr. Young, M. agreed to, 680; B. rep. from Com. (Sir G. Drummond), 761; 3rd R.*, 781; R.A., 1147 (c. 137).

(HH) An Act to restrict the evils of Divorce (Mr. Cloran). Int., 640; M. 2nd R. (Mr. Cloran), 722; M. lost (c. 22, n.c. 24), 724.

(II) An Act respecting the Nipissing Central Railway Company (Mr. McGregor). Int., 714; 2nd R.*, 740; 3rd R.*, 920; R.A., 1148 (c. 135).

(JJ) An Act for the relief of Edith May Gilmore (Mr. Perley). Int., 735; 2nd R.*, 761; 3rd R.*, 851; R.A., 1737 (c. 112).

(KK) An Act to amend the Prison and Reformatory Act in so far as the same affects the Province of Nova Scotia (Mr. Power). Int., 779; 2nd R., 799; in Com., various amts. (Mr. Power) agreed to, 853, 854; B. reported from Com. (Mr. Baker), 855; 3rd R.*, 862; Commons amts. concurred in (Mr. Power), 1227; R.A., 1737 (c. 55).

(LL) An Act respecting the Phœnix Insurance Company, Limited (Mr. Bostock). Int., 779; 2nd R., 799; 3rd R.*, 862; R.A., 1148 (c. 145).

(MM) An Act to incorporate the Synod of Keewatin (Mr. Ellis). Int., 779; 2nd R.*, 799; 3rd R.*, 1004; R.A., 1738 (c. 121).

(NN) An Act to amend the Canada Shipping Act (Sir R. Cartwright). Int., 779; 2nd R., 855; in Com., Mr. Power, Sir M. Bowell, 913; Mr. Domville, Mr. Lougheed, 914, Mr. Ellis, Mr. McGregor, 915; Progress rep., 919; in Com., 951-956; Sir R. Cartwright, amt. (Mr. Power) to cl. 75, amt. lost, B. rep. from Com. with amts. (Mr. Wilson) 1007; 3rd R.*. 1011; Commons amts. concurred in, 1681; R.A., 1738 (c. 65).

(OO) An Act to amend the Chinese Immigration Act (Sir R. Cartwright). Int., 817; 2nd R., 874; in Com., Mr. Wilson, Mr. McMullen, Sir R. Cartwright, Sir M. Bowell, 1046, 1050; B. rep. from Com. (Mr. Coffey), 3rd R.*, 1050; M. to concur in Commons amts. (Mr. Scott), 1321; rem., Sir M. Bowell, Mr. Campbell Mr. Bostock, 1322; Mr. Power, M. agreed to, 1323; R.A., 1737 (c. 14).

(PP) An Act to amend the Railway Act as regards the preferential charge created by the issue of securities (Mr. Casgrain). Int., 817; 1st R., 818; M. 2nd R. (Mr. Casgrain), rem., Mr. Lougheed, Mr. Kerr, Mr. Béique, 863; Mr. Power, M. agreed to, 865; in Com., rem., Mr. Casgrain, 937; Mr. Lougheed, 938; Mr. Béique, 939; Mr. Wilson, Mr. Scott, 940; Mr. Ferguson, 941; Sir M. Bowell, 944; on cl. 141, Mr. Béique, Sir M. Bowell, 956; (Mr. Ross, Middlesex), 957; Mr. Lougheed, Mr. Scott, 959; Mr. Ferguson, 961; Sir M. Bowell, 933; Mr. Casgrain, Mr. Lougheed, Mr. Power, Mr. Scott, 1064; Sir M. Bowell, 1065; Mr. Ferguson, 1066; Mr. Power, 1068; Mr. Béique, Mr. Cloran, 1071; Mr. Wilson, Mr. Casgrain, 1073; Mr. Casgrain, Mr. Gibson, 1359; Mr. Ross (Middlesex) ,1360; Mr. Scott, 1361; Sir M. Bowell, 1363; Mr. Baird, Mr. Cloran, 1364; Mr. Béique, 1366; Mr. Ferguson, 1370; Mr. Domville, 1371; Mr. Watson, 1371; M. that Com. rise, carried, B. dropped, 1373.

(QQ) An Act respecting Juvenile Delinquents (Mr. Béique). 1st R., M. 2nd R. (Mr. Béique), 971; rem., Mr. Coffey, 975; Mr. MacDonald (B.C.), Mr. Lougheed, 979; Mr. Kerr, 981; M. agreed to, 982; in Com., Mr. DeBoucherville, Mr. Power, Mr. Scott, Mr. Béique, Mr. Wilson, 1037-1039; Mr. Béique, Mr. DeBoucherville, Mr. Power, Mr. Wilson, Sir M. Bowell, Mr. Ellis, 1042-1046; B. rep. from Com. (Mr. Roy), 1046; M. 3rd R. (Mr. Béique), 1149; M. in amt. (Mr. DeBoucherville) for 3 m. h., 1152; rem., Mr. Béique, 1152; Mr. Ross (Middlesex), 1153; Mr. Landry, 1155; Mr. Béique, M. for 3 m. h. lost (c. 4, n.c. 41), 1156; amt. Mr. Scott, carried, amt. Mr. Power, rem., Mr. Béique, 1157; amt. to amt. Mr. Landry, rem., Mr. Power, 1158; Mr. Ferguson, 1160; Mr. Ross (Middlesex), 1163; amt. to amt. rejected, 1164; amt to amt. Mr. David carried, amt. Mr. Power carried, M. 3rd R. carried and B. passed, 1165; R.A., 1738 (c. 40).

(RR) An Act for the relief of Catherine Ann Cannon (Mr. Baird). Int., 876; 2nd R.*, 926; 3rd R.*, 928; R.A., 1737 (c. 97).

(SS) An Act respecting the Lake Champlain and St. Lawrence Ship Canal Company (Mr. Belcourt). Int., 876; 2nd R.*, 986; 3rd R.*, 1042; R.A., 1738 (c. 122).

BILLS—SERIATIM—*Con.*

(TT) An Act respecting certain patents of the General Chemical Company (Mr. Kerr). Int., 876; 2nd R.*, 926; 3rd R.*, 971; R.A., 1737 (c. 111).

(UU) An Act for the relief of Mary Alexander (Mr. Derbyshire). Int., 876; 2nd R.*, 926; 3rd R.*, 928; R.A., 1737 (c 80).

(VV) An Act for the relief of Ada Katurah Stewart Paulding (Mr. Derbyshire). Int., 876; 2nd R.*, 926; 3rd R.*, 928; R.A., 1737 (c. 144).

(WW) An Act to amend the Canada Temperance Act (Mr. McGregor). Int., 876; 2nd R., 965; in Com., rem., Mr. McGregor, 1105; Mr. McSweeney, Mr. Comeau, Mr. Cloran, 1106; Mr. Domville, 1107; Mr. Wilson, Mr. Cloran, 1109; Mr. Ferguson, 1110; Mr. Ross (Middlesex), Mr. Power, 1111; general discussion, 1112, 1128; B. rep. without amt. (Mr. Talbot), 1129; M. 3rd R. (Mr. McGregor), amt. Mr. Power, amt. to amt. Mr. Scott, amt. withdn., amt. to amt. carried, M. 3rd R. carried, 1129; R.A., 1738 (c. 71).

(XX) An Act to incorporate the Traders' Life Insurance Company (Mr. Jaffray). Int., 898; 2nd R.*, 951.

(YY) An Act respecting the Crown Life Insurance Company (Mr. Lougheed). Int., 899; 2nd R.*, 946; 3rd R.*, 1004; R.A., 1148 (c. 99).

(ZZ) An Act to amend the Manitoba Grain Act (Sir R. Cartwright). Int., 905; M. 2nd R. (Sir R. Cartwright), 982; rem., Mr. Perley, 983; Sir M. Bowell, 985; M. agreed to, 986; in Com., Sir R. Cartwright, Mr. Young, 1012; Mr. Davis, Mr. Young, 1013; Mr. Young, Mr. Davis, Mr. Gibson, 1015; Mr. Watson, Mr. Perley, 1016, 1017; Mr. Young, Sir R. Cartwright, 1018; Mr. Campbell, Mr. Davis, 1019; Mr. Davis, Mr. Young, Mr. Perley, 1020, 1024; Mr. Davis, Mr. Perley, Sir R. Cartwright, 1035 to 1037; amt. Mr. Davis, 1084; rem., Mr. Gibson, 1084; Mr. Béique, Mr. Davis, 1087; Mr. Perley, Sir R. Cartwright, 1089; amt. withdn., amt. Mr. Talbot, 1091; amt. carried, 1092; amt. Mr. Davis, 1093; Sir R. Cartwright, Mr. Young, 1095; amt. withdn., 1097; B. rep. from Com. (Mr. McSweeney), 1098; 3rd R.*, 1105; M. to concur in Commons Amts. (Sir R. Cartwright), rem., Mr. Young, 1648; Mr. Davis, Sir M. Bowell, M. agreed to, 1649; R.A., 1738 (c. 45).

(AAA) An Act respecting the sale and marking of Manufactures of Gold and Silver, and Gold and Silver Plated Ware (Mr. Scott). 1st R., M. 2nd R. (Mr. Scott), rem., Mr. Ferguson; M. agreed to, 1054; in Com., rem., Mr. Scott, 1212; Mr. Gibson, 1215; Sir M. Bowell, 1216; Mr. Ferguson, 1217; general discussion, 1218, 1221; discussion on cls. 3 to 9, 1237-1239; rem., Mr. Kerr, 1239; Mr. Scott, Mr. Gibson, 1241; Mr. Lougheed, 1243; Mr. Power, 1245; Mr. Ferguson, 1247; Mr. Béique, 1249; Mr. Scott on cl. 9, 1343; rem., Mr. Kerr, 1344; Mr. Scott, 1347; Mr. Gibson, 1349; Sir M. Bowell, 1350; Mr. Power, 1351; B. rep. from Com. (Mr. Belcourt), 1352; 3rd R.*, 1353; R.A., 1738 (c. 30).

(BBB) An Act for the relief of Hattie Spratte (Mr. Perley). Int., 965; 2nd R., 1011; M. 3rd R. (Mr. Perley), amt. (Mr. Cloran), 1025; rem., Mr. Kirchhoffer, 1031; Mr. Domville, 1033; Mr. McMullen, 1033; Mr. Ross (Halifax), 1034; amt. lost, M. for 3rd R. agreed to, 1035; R.A., 1737 (c. 158).

(CCC) An Act to amend the Inspection and Sale Act as regards grain (Sir R. Cartwright). 1st R., 2nd R.*, 1053; in Com., rem., Sir R. Cartwright, Mr. Perley, Mr. Lougheed, 1131; Mr. Watson, Mr. Douglas, Mr. Campbell, 1133; general discussion, 1134-1142; Mr. Perley, Mr. Douglas, 1299; Mr. Young, Sir R. Cartwright, 1300; Mr. Davis, Mr. Perley, 1301; Mr. Young, 1303; discussion on amt. Mr. Davis, 1304 to 1306; amt. lost, 1307; Mr. Talbot, Mr. Young, 1308; amt. Mr. Campbell to cl. 16, 1310; amt. lost, 1310; amt. Mr. Davis, 1311; Mr. Poirier, Mr. Power, 1312; Mr. Watson, Mr. Wilson, 1314; Mr. Douglas, 1315; Mr. Davis, 1340; amt. Sir R. Cartwright carried, 1374; amt. Mr. Davis carried, 1375; B. rep. from Com. (Mr. Roy), 1377; B. referred back, 1411; in Com., Sir R. Cartwright, Mr. Watson, Mr. Perley, 1411; Mr. Power, B. rep. from Com. (Mr. Roy), 1412; M. to concur in amts. (Sir R. Cartwright), amt. Mr. Davis, 1416; Sir R. Cartwright, 1419; Mr. Douglas, 1421; Mr. Watson, 1422; Mr. Perley, 1425; Mr. McHugh, Mr. Wilson, 1427; Mr. Power, 1428; sub-amt. Mr. Bernier, rem., Mr. Davis, 1429; Mr. Landry, Mr. Ferguson, Mr. Domville, 1432; Mr. Douglas, sub-amt. lost (c. 18; n. c. 30), 1435; amt. lost, M. to concur carried, 1437; M. to suspend rules (Sir R. Cartwright), rem., Mr. Davis, 1437; M. agreed to, M. 3rd R. (Sir R. Cartwright), 1444; amt. Mr. Douglas, 1444; rem., Mr. Watson, 1445; Mr. Davis, Sir M. Bowell, amt.

BILLS—SERIATIM—*Con.*

withdn., 1446; M. 3rd R. agreed to, 1447; Commons amts. concurred in, 1650; R.A., 1738 (c. 86).

(DDD) An Act to incorporate the Alberta and British Columbia Railway Company (Sir M. Bowell). Int., 1025; 2nd R.*, 1053; 3rd R.*, 1172; R.A., 1738 (c. 78).

(EEE) An Act respecting the Hamilton, Waterloo and Guelph Railway (Mr. Gibson). Int., 1172; 2nd R.*, 1222; R.A., 1738 (c. 118).

(FFF) An Act respecting a certain patent of William B. Smith (Mr. Power). Int., 1276; M. 2nd R. (Mr. Power), rem., Sir M. Bowell, Mr. Wilson, 1342; M. 2nd R. agreed to, 1343; B. rep. from Com. (Mr. Cloran), 1378; M. 3rd R. (Mr. Power), rem., Sir M. Bowell, 1415; M. 3rd R. agreed to, 1416; R.A., 1738 (c. 156).

(GGG) An Act for the relief of Arthur James Townsend (Mr. Campbell). Int., 1276; 2nd R.*, 3rd R.*, 1343; R.A., 1738 (c. 163).

(HHH) An Act respecting certain patents of the Metallic Shingle and Siding Company, Limited (Mr. Compbell). 1st R.*, 1414; 2nd R.*, 1476; 3rd R.*, 1486; R.A., 1738 (c. 128).

(III) An Act respecting Agricultural Fertilizers (Mr. Scott). 1st R.*, 1447; M. 2nd R. (Mr. Scott), rem., Mr. Ferguson, Mr. Lougheed, 1487; M. 2nd R. agreed to, 1488.

(JJJ) An Act respecting the Canadian Patriotic Fund Association (Mr. Scott). 1st R.*, 1514; 2nd R.*, 1582; M. 3rd R. (Mr. Cox), amt. Mr. Scott, amt. carried, M. 3rd R. agreed to, 1582; R.A., 1738 (c. 96).

(3) An Act to amend the Railway Act (Mr. Young). Int., 97; M. 2nd R. (Mr. Young), rem., Mr. McMullen, 152; Mr. Wilson, Mr. Ferguson, 153; Mr. McMullen, Mr. Ellis, Mr. Watson, 154; Mr. Davis, Mr. Power, 155; Mr. Casgrain, 156; Mr. Ferguson, 157; Mr. Jones, 160; Mr. Ferguson, 163; Mr. Béique, 164; Mr. Scott, M. agreed to, 167; M. to refer (Mr. Young), rem., Mr. Ferguson, 167; Mr. Watson, Mr. Davis, 168; Mr. McMullen, 169; Mr. Kerr, 170; Mr. Edwards, Mr. Wilson, 171; Mr. McSweeney, Mr. Power, 173; Mr. Béique, Mr. Domville, 174; M. agreed to, 174; B. reported (Mr. Casgrain), 308; rem., Mr. Ferguson, Sir M. Bowell, 309; Mr. Ferguson, Mr. Poirier, Mr. Speaker, amt. (Mr. Landry), 310; rem., Mr. Ellis, Mr. Béique, 311; Mr. Power, Sir M. Bowell, 312; Mr. Cloran, 313; Mr. Speaker, amt. carried, 315; on report of Com., amt., Mr. Béique, 504; rem., Mr. Ferguson, 508, 560; amt. ta amt. (Mr. Ferguson), 585; rem., Mr. Poirier, 585; Mr. Béique, 587; Mr. Bostock, 589; Mr. Kerr, 591; Mr. Casgrain, 597; Mr. Power, 599; Mr. McMullen, 602; Mr. McGregor, Mr. Douglas, 604; Mr. Cloran, 605; Mr. Scott, 609; Mr. Ferguson, 613; amt. (Mr. Ferguson) to amt. declared lost, 614; amt. to amt. (Mr. Power), 632; rem., Mr. Béique, 633; Mr. Ferguson, 635; Mr. Sullivan, 639; amt. (Mr. Power) to amt. declared lost, 639; amt. to amt. (Mr. Belcourt), amt. declared lost, 640; rem., Mr. Davis, 685; Mr. Ellis, 686; Mr. Wood, 690; Mr. Sullivan, 692; Mr. Poirier, 693; amt. (Mr. Béique) carried, 694; rem., Mr. Ferguson, 694; Mr. Gibson, 699; amt. (Mr. Ferguson) declared lost, 701; amt. (Mr. Ellis) lost (c. 14; n. c. 42), report of Com. concurred in, 702; M. 3rd R. (Mr. Young), amt. (Mr. Cloran), 718; amt. lost, 720; rem., Mr. Casgrain, 720; M. carried, 721.

(5) An Act respecting Co-operation (Mr. Scott). Int., 479; M. 2nd R. (Mr. Scott), 619; rem., Mr. McMullen, 620; Mr. Bostock, 622; Mr. Béique, 623; Mr. Cloran, 624; Mr. Lougheed, 625; Mr. Sullivan, 626; Mr. Macdonald (B.C.), Mr. Derbyshire, 627; Sir M. Bowell, 627; Mr. Wood, 630; Mr. Owens, 631; Mr. Power, M. agreed to, 632; M. to concur in report (Mr. Gibson), 1252; rem., Mr. Power, Sir M. Bowell, n pt. of order Mr. Power), 1253; rem., Mr. Ferguson, Mr. Speaker, 1254; Mr. Gibson, Mr. Wilson, 1255; Mr. Béique, Mr. Poirier, Mr. McMullen, 1257; Mr. Lougheed, Mr. Kerr, Mr. Landry, 1260; rem., Sir M. Bowell, 1332; Mr. Ferguson, Mr. Speaker, 1335; Mr. Wilson, Mr. Ferguson, amt. to refer back (Mr Casgrain), 1337; amt. carried, 1338; M. Mr. Scott, 1573; Mr. Ross (Middlesex), 1577; Mr. Ferguson, 1583; Sir M. Bowell, 1586; Mr. Lougheed, 1587; Mr. Kerr, 1588; Mr. Landry, 1592; Mr. Wilson, 1595; Mr. McMullen, 1596; M. (Mr. Scott) rejected (c. 18; n. c. 19), report of Com. adopted, 1596.

(7) An Act to incorporate the North Empire Fire Insurance Company (Mr. Young). Int., 617; 2nd R.*, 679; 3rd R.*, 781; R.A., 1147 (c. 136).

(8) An Act respecting the Tobique Manufacturing Company and to change its name to "Fraser Lumber Company, Limit-

BILLS—SERIATIM—*Con.*

ed' (Mr. Thompson). Int., 231; 2nd R.*, 266; 3rd R.*, 380; R.A., 541 (c. 162).

(9) An Act respecting the survey of public lands of the Dominion and Surveyors entitled to make such survey (Mr. Scott). Int., 97; M. 2nd R. (Mr. Scott), rem., Mr. Ferguson, Mr. Lougheed, 216; Mr. Scott, Mr. Casgrain, 217; Mr. Scott, M. agreed to, 218; in Com., rem., Mr. Lougheed, Mr. Scott, Mr. Power, Mr. Casgrain, 275, 276; Mr. Casgrain, Mr. Sullivan, 277; Mr. Lougheed, Mr. Scott, 278; amt. to cl. 21 (Mr. Kerr), 280; rem., Mr. Power, Mr. Lougheed, 280; Mr. Scott, Mr. Ross (Middlesex), 281; Mr. Scott, Mr. Bernier, 283; Mr. Landry, Mr. Ross, Mr. Kerr, 284; Mr. Lougheed, Mr. Sullivan, Mr. Power, 285; Mr. Scott, Mr. Kerr, amt. lost, 286; on cl. 22, rem., Mr. Casgrain, Mr. Power, Mr. Scott, cl. struck out, 307; on cl. 44, amt. (Mr. Power), 307; amt. adopted, B. reported with amts. concurred in (Mr. Ellis), 308; M. 3rd R. (Mr. Scott), rem., Mr. McMullen, M. agreed to, 331; R.A., 541 (c. 21).

(13) An Act respecting the British Columbia Southern Railway Company (Mr. Young). Int., 97; 2nd R.*, 174; 3rd R.*, 213; R.A., 293 (c. 87).

(14) An Act respecting the Campbellford, Lake Ontario and Western Railway Company (Mr. Beith). Int., 97; 2nd R.*, 174; 3rd R.*, 213; R.A., 293 (c. 90).

(15) An Act respecting the Esquimalt and Nanaimo Railway Company (Mr. Young). Int., 98; 2nd R.*, 175; 3rd R.*, 213; R.A., 1738 (c. 107).

(16) An Act respecting the South Ontario Pacific Railway Company (Mr. McMullen). Int., 211; 2nd R.*, 219; 3rd R.*, 318; R.A., 541 (c. 157).

(19) An Act to incorporate the Bank of Winnipeg (Mr. Young). Int., 329; M. 2nd R. (Mr. Watson), rem., Mr. Lougheed, 337; Mr. Scott, Mr. McMillan, M. agreed to, 338; 3rd R.*, 523; R.A., 779 (c. 173).

(20) An Act respecting the Belleville Prince Edward Bridge Company (Mr. Ross, Middlesex). Int., 1083; M. 2nd R., (Mr. Ross), 1222; rem., Mr. Derbyshire, Mr. Wilson, 1223; Mr. Ross, Mr. Poirier, 1224; Mr. Power, amt. (Mr. Davis) for 6 m. h., 1225; Mr. Kerr, Mr. Perley, Mr. Cloran, 1226; amt. withdn., M. 2nd R. carried, 1227; 3rd R.*, 1396; R.A., 1737 (c. 85).

BILLS—SERIATIM—*Con.*

(21) An Act respecting the British Yukon Railway Company (Mr. Belcourt). Int., 382; 2nd R.*, 430; B. rep. from Com. (Mr. Casgrain), 480; 3rd R.*, 503; R.A., 541 (c. 88).

(22) An Act respecting the Macleod, Cardston and Montana Railway Company (Mr. Talbot). Int., 211; 2nd R.*, 219; 3rd R.*, 318; R.A., 541 (c. 125).

(23) An Act respecting the Ministers', widows and orphans fund of the Presbyterian Church of Canada (Mr. Watson). Int., 329; 2nd R.*, 364; 3rd R.*, 487; R.A., 541 (c. 148).

(24) An Act respecting the West Ontario Pacific Railway Company (Mr. McMullen). Int., 98; 2nd R.*, 175; 3rd R.*, 213; R.A., 293 (c. 169).

(25) An Act respecting the Hamilton Radial Electric Railway Company (Mr. Gibson). Int., 479; 2nd R.*, 539; 3rd R.*, 778; R.A., 1147 (c. 117).

(26) An Act respecting the Manitoba and Northwestern Railway Company of Canada (Mr. Watson). Int., 98; 2nd R., 175; 3rd R.*, 213; R.A., 293 (c. 126).

(27) An Act to amend the Government Railways Act (Mr. Scott). Int., 617; 2nd R., 679; in Com., rem., Mr. Ferguson, Mr. Scott, 704; Mr. Wilson, Mr. Watson, B. rep. from Com. (Mr. McKay, Truro), 705; 3rd R.*, 721; R.A., 779 (c. 31).

(28) An Act to amend the Copyright Act (Mr. Power). 1st R.*, 329; M. 2nd R. (Mr. Power), rem., Mr. Lougheed, 380; M. agreed to, 381; in Com., rem., Mr. Ross (Middlesex), 454; B. rep. from Com. (Mr. Baker), 455; 3rd R., R.A., 541 (c. 17).

(32) An Act to incorporate the Bank of Vancouver (Mr. Bostock). Int., 501; 2nd R.*, 539; 3rd R.*, 703; R.A., 779 (c. 166).

(33) An Act respecting the Calgary and Fernie Railway Company (Mr. Bostock). Int., 231; 2nd R.*, 266; 3rd R.*, 318; R.A., 541 (c. 89).

(34) An Act respecting the Lindsay, Bobcaygeon and Pontypool Railway Company (Mr. McHugh). Int., 211; 2nd R.*, 219; 3rd R.*, 318; R.A., 541 (c. 123).

(35) An Act to incorporate the Travellers' Life Assurance Company of Canada (Mr. David). Int., 617; 2nd R.*, 679; 3rd R.*, 781; R.A., 1147 (c. 165).

BILLS—SERIATIM—*Con.*

(36) An Act respecting the Boundary, Kamloops and Cariboo Central Railway Company (Mr. Bostock). Int., 231; 2nd R.*, 266; 3rd R.*, 318; R.A., 541 (c. 86).

(37) An Act to incorporate the Canada Weather Insurance Company (Mr. Beith). Int., 640; 2nd R.*, 703; 3rd R.*, 781; R.A., 1147 (c. 91).

(38) An Act respecting the Edmonton, Dunvegan and British Columbia Railway Company (Mr. Roy). Int., 246; 2nd R.*, 270; 3rd R.*, 318; R.A., 541 (c. 104).

(39) An Act respecting the Kamloops and Yellowhead Pass Railway Company (Mr. Bostock). Int., 211; 2nd R.*, 219; 3rd R.*, 318; R.A., 541 (c. 120).

(40) An Act respecting the Pacific Coast Fire Insurance Company (Mr. Bostock). Int., 793; 2nd R.*, 805; 3rd R.*, 928; R.A., 1147 (c. 143).

(41) An Act to incorporate the Standard Plate Glass Insurance Company of Canada (Mr. Jaffray). Int., 793; 2nd R.*, 805; 3rd R.*, 919; R.A., 1147 (c. 161).

(44) An Act to incorporate the Alberta and Brazeau Railway Company (Mr. Young). Int., 246; 2nd R., 308; B. rep. from Com. (Mr. Casgrain), 355; amts. concurred in, 381; 3rd R.*, 430; R.A., 541 (c. 79).

(45) An Act respecting the Canadian Pacific Railway Company (Mr. Young). Int., 246; 2nd R.*, 270; 3rd R.*, 318; R.A., 541 (c. 95).

(46) An Act respecting the Cumberland Railway and Coal Company (Mr Power). Int., 246; 2nd R., 270; In Com., amts. concurred in, 455; 3rd R., R.A., 541 (c. 100).

(47) An Act respecting the Montreal, Ottawa and Georgian Bay Canal Company (Mr. Kerr). Int., 479; 2nd R.*, 539; 3rd R., 684; R.A., 779 (c. 130).

(48) An Act respecting the Niagara Grand Island Bridge Company (Mr. Kerr). Int., 231; 2nd R.*, 266; 3rd R.*, 318; R.A., 541 (c. 133).

(49) An Act to incorporate the Shuswap and Thompson Rivers Boom Company (Mr. Bostock). Int., 714; 2nd R., 740; M. to concur in report (Mr. Casgrain), amt. to refer back (Mr. Bostock), rem., Mr. Ellis, Sir M. Bowell, 994; Mr. Kerr, 995; Mr. Béique, 997; Mr. Cloran, 999; Mr. Landry, 1000; Mr. Belcourt, 1001; Mr. McMullen, amt. to refer back carried (c. 29; n. c. 15), 1002; M. to concur in amts.

BILLS—SERIATIM—*Con.*

(Mr. Casgrain), 1183; amt. (Mr. Comeau) for 3 m. h., 1184; rem., Mr. Bostock, 1184; Mr. Baird, 1186; Mr. David, 1187; Mr. Gibson, 1188; Mr. Béique, 1190; Mr. McMullen, 1192; Sir M. Bowell, 1193; Mr. Kerr, 1195; Mr. Lougheed, 1197; Mr. Wilson, 1201; amt. rejected (c. 9; n. c. 23), M. agreed to, 1202; M. 3rd R. (Mr. Bostock), amt. Mr. Landry, 1206; rem., Mr. Béique, 1207; Mr. Cloran, 1208; Mr. Belcourt, 1209; Sir M. Bowell, 1210; amt. rejected (c. 10; n. c. 29), M. 3rd R. carried, 1211; R.A., 1737 (c. 155).

(50) An Act respecting the Dominion Atlantic Railway Company (Mr. Power). Int., 479; 2nd R.*, 520; 3rd R.*, 684; R.A., 779 (c. 101).

(51) An Act respecting the Erie, London and Tilsonburg Railway Company (Mr. Wilson). Int., 480; 2nd R.*, 520; 3rd R.*, 591; R.A., 779 (c. 106).

(52) An Act respecting the patent of Eugene François Giraud (Mr. McMullen). Int., 231; 2nd R.*, 291; 3rd R.*, 380; R.A., 541 (c. 113).

(53) An Act respecting the New Brunswick Southern Railway Company (Mr. Ellis). Int., 735; 2nd R.*, 761; 3rd R.*, 920; R.A., 1147 (c. 132).

(56) An Act to incorporate the Bank of Hamilton Pension Fund (Mr. McMullen). Int., 617; 2nd R.*, 679; 3rd R.*, 781; R.A., 1147 (c. 116).

(57) An Act respecting a certain convention between His Majesty and the President of the French Republic (Sir R. Cartwright). Int., 480; 2nd R., 703; in Com., rem., Sir R. Cartwright, 705; Sir M. Bowell, 707; Sir R. Cartwright, 713; B. rep. from Com. (Mr. Wood), 714; 3rd R.*, 714; R.A., 779 (c. 28).

(58) An Act respecting the Ashcroft, Barkerville and Fort George Railway Company (Mr. Bostock). Int., 231; 2nd R.*, 291; 3rd R.*, 368; R.A., 541 (c. 83).

(60) An Act respecting patents of the Goodwin Car Company (Mr. Kerr). Int., 329; 2nd R., 354; 3rd R.*, 380; R.A., 541 (c. 114).

(61) An Act respecting patents of Montague Moore and Thomas James Heskett (Mr. Kerr). Int., 329; 2nd R., 354; 3rd R.*, 380; R.A., 541 (c. 129).

(62) An Act respecting the Subsidiary High Court of the Ancient Order of Foresters

BILLS—SERIATIM—*Con.*

in the Dominion of Canada (Mr. McHugh). Int., 617; 2nd R.*, 679; 3rd R.*, 781; R.A., 1147 (c. 108).

(67) An Act respecting the Canadian Northern Ontario Railway Company (Mr. Gibson). Int., 480; 2nd R.*, 520; 3rd R.*, 703; R.A., 1147 (c. 93).

(68) An Act respecting the Edmonton, Yukon and Pacific Railway Company (Mr. Davis). Int., 501; M. 2nd R. (Mr. Wilson), rem., Mr. Power, Mr. Wilson, M. agreed to, 539; 3rd R.*, 951; R.A., 1148 (c. 105).

(69) An Act to incorporate the Ruthenian Catholic Mission of St. Basil the Great in Canada (Mr. Talbot). Int., 355; 2nd R.*, 566; amts. concurred in (Mr. Cloran), 800; 3rd R.*, 805; R.A., 1147 (c. 152).

(70) An Act to incorporate the Saskatoon, Saskatchewan, Peace River and Dawson Railway Company (Mr. Roy). Int., 501; 2nd R.*, 786.

(71) An Act respecting the Standard Mutual Fire Insurance Company, and to change its name to the 'Standard Fire Insurance Company' (Mr. Kerr). 1st R.*, 2nd R., 993; 3rd R.*, 1340; R.A., 1737 (c. 160).

(72) An Act respecting the patent of the Windsor Pump and Foundry Company, Limited (Mr. Beith). Int., 231; 2nd R.*, 291; 3rd R.*, 380; R.A., 541 (c. 172).

(73) An Act respecting the Quebec Railway, Light and Power Company (Mr. Choquette). Int., 480; 2nd R.*, 520; 3rd R.*, 919; R.A., 1147 (c. 150).

(74) An Act respecting the Ottawa, Brockville and St. Lawrence Railway Company (Mr. Derbyshire). Int., 480; 2nd R.*, 520; 3rd R.*, 721; on Commons amts., M. (Mr. Derbyshire) to agree with Commons and restore original cl. 4, 795; rem., Sir M. Bowell, Mr. McMillan, 796; Mr. Cloran, Mr. Béique, Mr. Kerr, 797; amended M. (Mr. Derbyshire) carried, 798; R.A., 1147 (c. 140).

(75) An Act to incorporate the Women's Auxiliary to the Misisonary Society of the Church of England in Canada (Mr. Baker) Int., 329; 2nd R.*, 338; 3rd R.*, 380; R.A., 541 (c. 98).

(76) An Act respecting the Interprovincial Railway Bridge Company of New Brunswick (Mr. Costigan). Int., 480; 2nd R.*, 520; 3rd R.*, 591; R.A., 779 (c. 119).

(77) An Act respecting the Canadian Northern Quebec Railway Company (Mr. Tessier). Int., 480; 2nd R.*, 520; 3rd R.*, 591; R.A., 779 (c. 94).

(81) An Act respecting the Canadian Northern Railway Company (Mr. Young). Int., 480; 2nd R.*, 520; 3rd R.*, 684; R.A., 779 (c. 92).

(82) An Act respecting the Niagara, St. Catharines and Toronto Railway Company (Mr. Kerr). Int., 617; 2nd R.*, 679; M. to concur in report (Mr. Ellis), amt. to refer back (Mr. Kerr), 987; amt. agreed to, 988; 3rd R.*, 1060; R.A., 1737 (c. 134).

(83) An Act respecting the Owen Sound and Meaford Railway Company (Mr. McMullen). Int., 480; 2nd R.*, 520; 3rd R.*, 684; R.A., 779 (c. 141).

(86) An Act to incorporate the Northern Empire Railway Company (Mr. DeVeber). Int., 714; 2nd R.*, 740; 3rd R.*, 920; R.A., 1147 (c. 138).

(87) An Act to incoporate the Vancouver Island and Eastern Railway Company (Mr. Bostock). Int., 480; 2nd R.*, 520; 3rd R.*, 721; R.A., 1147 (c. 167).

(88) An Act to incorporate the Architectural Institute of Canada (Mr. Béique). Int., 759; 2nd R.*, 778; 3rd R.*, 971; R.A., 1147 (c. 82).

(89) An Act to authorize the sale to the Grand Trunk Railway Company of Canada of a portion of Major's Hill Park, in the City of Ottawa, as a hotel site (Mr. Scott). Int., 1453; M. 2nd R. (Mr. Scott), rem., Mr. Lougheed, 1533; M. 2nd R. carried, 1534; in Com., rem., Sir M. Bowell, Mr. Frost, 1555; Mr. Lougheed, Mr. Sullivan, 1556; Mr. Power, 1557; Mr. Ferguson, 1558; Mr. Watson, 1558; Mr. McMullen, 1559; Mr. Ferguson, 1560; Mr. Power, 1561; Sir M. Bowell, 1562; Mr. Kerr, Mr. Ross (Halifax), 1563; B. rep. from Com. (Mr. Comeau), 1563; 3rd R., 1564; R.A., 1738 (c. 44).

(94) An Act for granting to His Majesty certain sums of money for the public service for the financial year ending 31st March, 1908 (Mr. Scott). M. 1st R. (Mr. Scott), rem., Mr. Lougheed, Sir M. Bowell, 287; Sir R. Cartwright, Mr. Ferguson, 288; M. agreed to, 289; 2nd R.*, 289; M. 3rd R. (Mr. Scott), rem., Mr. Lougheed, Mr. McMullen, 289; Mr. Douglas, 290; M. agreed to, 291; R.A., 283 (c. 1).

(99) An Act to amend the Irrigation Act (Mr. Scott). Int., 501; 2nd R., 566; B.

BILLS—SERIATIM—*Con.*

rep. from Com. (Mr. McKay, Alma), 679; 3rd R.*, 684; R.A., 779 (c. 38).

(101) An Act respecting the Fort William Terminal Railway and Bridge Company (Mr. Watson). Int., 793; 2nd R.*, 805; 3rd R.*, 920; R.A., 1147 (c. 109).

(102) An Act to amend the Winding Up Act (Mr. Scott). Int., 455; 2nd R., 487; B. rep. from Com. (Mr. Wilson) 539; 3rd R.*, 550; R.A., 779 (c. 74).

(109) An Act to authorize a bounty to Volunteers who served the Crown in South Africa (Mr. Scott). Int., 1651; M. 2nd R. (Mr. Scott), rem., Sir M. Bowell, M. agreed to, 3rd R., 1680; R.A., 1738 (c. 67).

(111) An Act respecting the National Battlefields at Quebec (Sir R. Cartwright). Int., 480; M. 2nd R. (Sir R. Cartwright), rem., Mr. Choquette, Mr. Lougheed, 520; M. agreed to, 521; in Com., rem., Sir R. Cartwright, 524; Mr. Lougheed, 525; Mr. Scott, 526; Mr. Dandurand, 528; Mr. Bernier, 528; Mr. Macdonald (B.C.), Mr. Poirier, 529; on cl. 1, rem., Mr. Ferguson; on cl. 5, rem., Mr. Lougheed, 532; on cl. 9 and 10, rem., Mr. Power, 535; on cl. 16, rem., Mr. Power, 536; B. rep. from Com. (Mr. Roy), 537; 3rd R.*, 537; R.A., 541 (c. 57).

(112) An Act to amend the Railway Act as Com. (Mr. Roy), 537; 3rd R.*, 537; R.A., respects the constitution of the Board of Railway Commissioners (Mr. Scott). Int., 946; 2nd R., 993; in Com., Mr. Lougheed, Mr. Ferguson, Mr. Casgrain, 1397; Mr. McMullen, 1399; Mr. Ellis, 1400; Mr. Ferguson, 1401; Mr. Power, 1402; Mr. Béique, 1403; Mr. Scott, 1404; discussion on clauses, 1405-1407; Mr. Ferguson, 1407; Mr. Scott, Mr. Béique, 1408; B. rep. from Com. (Mr. Bolduc), 1409; M. 3rd R. (Mr. Scott), amt. Mr. Béique carried, 1453; amt. Mr. Ferguson, rem., Mr. Scott, 1454; Mr. Ferguson, 1455; amt. adopted, amt. Mr. Landry rejected, M. 3rd R. carried, 1457; R.A., 1738 (c. 62).

(113) An Act to amend the Land Titles Act (Mr. Scott). Int., 815; M. 2nd R. (Mr. Scott), rem., Mr. Lougheed, 834; M. agreed to, 835; in Com., rem., Mr. Lougheed, Mr. Power, Mr. Ellis, 911; Mr. Scott, 912; Sir M. Bowell, B. rep. from Com. (Mr. Ellis), 987; 3rd R.*, 1004; R.A., 1147 (c. 41).

(115) An Act to amend the Dominion Elections Act (Mr. Scott). 1st R.*, 1681; M. 2nd R. (Mr. Scott), 1686; rem., Mr. Lougheed, 1687; Mr. Watson, 1689; Mr. Perley, 1694; Sir M. Bowell, 1697; Mr. Ferguson, 1700; Mr. Béique, M. 2nd R. agreed to, 1701; in Com., on subcl. 4, Mr. Ferguson, Mr. Scott, subcl. adopted, on subcl. 6, Mr. Watson, cl. adopted, 1702; on cl. 8, Mr. Kerr, Mr. Ross (Middlesex), Sir M. Bowell, 1704; Mr. Ferguson, Mr. Scott, Mr. Lougheed, 1706; Mr. Scott, Mr. Lougheed, cl. adopted, 1711; on cl. 21, amt. Sir M. Bowell, Mr. Ross (Middlesex), 1712; Sir M. Bowell, Mr. Watson, 1713; amt. lost, cl. adopted, 1714; on cl. 26, Mr. Perley, Mr. Watson, 1714; cl. adopted, on cl. 36, Sir M. Bowell, 1715; B. rep. from Com., 3rd R.*, 1716, R.A., 1738 (c. 26).

(116) An Act to amend the Exchequer Court Act (Mr. Scott). Int., 946; 2nd R., 993; in Com., Mr. Scott, Mr. Ferguson, Sir M. Bowell, 1051; Mr. Scott, Mr. Ferguson, Mr. Ellis, B. rep. from Com. (Mr. Talbot), 1052; M. 3rd R. (Mr. Scott), rem., Sir M. Bowell, M. 3rd R. agreed to, 1053; R.A., 1147 (c. 27).

(117) An Act to amend the Intercolonial Railway and Prince Edward Island Railway Employees' Provident Fund Act (Mr. Scott). Int., 550; 2nd R., 616; 3rd R.*, 653; R.A., 779 (c. 37).

(118) An Act to amend the Railway Act with respect to Telegraphs and Telephones and the jurisdiction of the Railway Commissioners (Mr. Scott). Int., 1391; 2nd R., 1410; in Com., rem., Sir M. Bowell, Mr. Scott, Mr. Béique, 1465; B. rep. from Com. (Mr. Campbell), 1467; 3rd R., 1467; R.A., 1738 (c. 61).

(119) An Act to encourage the construction of Dry Docks (Mr. Scott). Int., 1221; M. 2nd R. (Mr. Scott), 1287; rem., Mr. Lougheed, 1288; Sir M. Bowell, 1290; Mr. McMullen, M. 2nd R. agreed to, 1291; in Com., on cl. 3, rem., Mr. Power, 1329; Mr. Béique, Mr. Ross (Middlesex), Mr. McSweeney, 1330; cl. adopted, 1331; on cl. 8, rem., Sir M. Bowell, Mr. Béique, Mr. Scott, 1331; cl. adopted, 1332; B. rep. from Com. (Mr. Cox), 1332; 3rd R.*, 1340; R.A., 1737 (c. 24).

(120) An Act to authorize the issue of Government Annuities for old age (Sir R. Cartwright). Int., 1453; M. 2nd R. (Sir R. Cartwright), 1488; rem., Mr. Ferguson, 1489; M. 2nd R. agreed to, 1491; in Com., rem., Mr. Ferguson, 1535; Sir R. Cartwright, 1536; on cl. 4, Mr. Ferguson, Mr. Cox, Sir R. Cartwright, 1538; cl. adopted,

BILLS—SERIATIM—*Con.*

1539; discussion on clauses, 1540-1543; on cl. 11, Sir R. Cartwright, Mr. Béique, Mr. Sullivan, cl. adopted, 1544; B. rep. from Com. (Mr. Forget), 3rd R.*, 1544; R.A., 1738 (c. 5).

(121) An Act to amend the Supreme Court Act (Mr. Scott). 1st R.*, 682; 2nd R., 703; 3rd R.*, 739; R.A., 779 (c. 70).

(135) An Act to amend the Immigration Act (Mr. Scott). 1st R.*, M. to suspend rules (Mr. Scott), rem., Sir M. Bowell, 805; Mr. Scott, 807; Mr. Landry, 808; Mr. Béique, 809; 2nd and 3rd R.*, 810; R.A., 1738 (c. 33).

(136) An Act for granting to His Majesty certain sums of money for the public service of the financial years ending respectively March 31, 1908, and March 31, 1909 (Mr. Scott). 1st R.*, 738; 2nd R., 3rd R.*, 739; R.A., 779 (c. 2).

(142) An Act to amend the Bills of Exchange Act (Mr. Scott). 1st R.*, 2nd R., 3rd R.*, 814; R.A., 816 (c. 8).

(143) An Act to amend the Inland Revenue Act (Mr. Scott). 1st R.*, 2nd R., 810; in Com., rem., Sir M. Bowell, Mr. Power, 812; B. rep. from Com. (Mr. Kerr), M. 3rd R. (Mr. Scott), 813; rem., Sir M. Bowell, 813; M. agreed to, 814; R.A., 816 (c. 34).

(144) An Act to amend the Winding-Up Act (Mr. Scott). Int., 815; M. 2nd R. (Mr. Scott), rem., Mr. Lougheed, 833; M. agreed to, 834; in Com., B. rep. from Com. (Mr. Mitchell), 855; 3rd R., 862; R.A., 1147 (c. 75).

(145) An Act to amend the Act relating to Ocean Steamships Subsidies (Mr. Scott). 1st R.*, 2nd R., rem., Sir M. Bowell, 3rd R.*, 815; R.A., 816 (c. 68).

(146) An Act respecting proprietary or patent medicines (Mr. Scott). Int., 1535; M. 2nd R. (Mr. Scott), rem., Mr. Roy, M. agreed to, 1565; in Com., Mr. Power, Mr. Sullivan, Mr. McMillan, Mr. Béique, 1566, 1567; Mr. Sullivan, 1568; discussion on clauses, Mr. McMullen, Mr. Scott, Mr. Power, Mr. Wilson, Mr. Douglas 1569-1573; Mr. McMullen, Mr. Scott, Mr. Sullivan, 1641; Mr. Kerr, Mr. Derbyshire, Mr. Roy, 1643; Mr. Scott, 1644; Mr. Cox, Mr. Sullivan, 1645; Mr. Ross (Middlesex), Sir M. Bowell, 1647; Mr. Coffey, 1648; on cl. 7 reconsidered, amt. Mr. Sullivan, rem., Mr. McMullen, Mr. Béique, 1667; amt. lost, amt. Mr. Derbyshire, on pt. of order (Mr. Landry), Chairman's ruling upheld (c. 28; n. c. 6), 1669; rem., Mr. Roy, Mr. Kerr, 1669; Mr. Scott, Mr. Power, 1670; Mr. Ferguson, 1671; amt. Mr. Derbyshire carried, B. rep. from Com. (Mr. David), 3rd R., 1672; R.A., 1738 (c. 56).

(147) An Act to repeal the Canned Goods Act (Mr. Scott). Int., 817; 2nd R., 875; 3rd R.*, 928; R.A., 1147 (c. 13).

(148) An Act to amend the Inspection and Sale Act (Mr. Scott). Int., 1202; 2nd R., 1228; in Com., rem., Mr. Lougheed Mr. Ferguson, 1294; Mr. Power, 1295; B. rep. from Com. (Mr. McSweeney), 1296; 3rd R.*, 1298; R.A., 1737 (c. 35).

(149) An Act to amend the Meat and Canned Foods Act (Mr. Scott). Int., 817; M. 2nd R. (Mr. Scott), rem., Mr. Lougheed, Mr. Gibson, 875; M. agreed to, 876; in Com., rem., Mr. Lougheed, Mr. Scott, 920; Mr. Ferguson, 921; Mr. Power, Mr. Bostock, Mr. Baird, 922; Mr. Jaffray, Mr. Lougheed, 923; Mr. Scott, Mr. Ferguson, 924; Mr. Cloran, 925; B. rep. from Com. (Mr. Ellis), 926; 3rd R.*, 928; R.A., 1147 (c. 47).

(150) An Act to amend the Yukon Placer Mining Act (Mr. Scott). Int., 1202; 2nd R., 1229; in Com., rem., Mr. Scott, Sir M. Bowell, 1296; Mr. Lougheed, 1297; B. rep. from Com. (Mr. Béique), 1332; 3rd R.*, 1340; R.A., 1737 (c. 77).

(152) An Act respecting Signal Dues at Halifax (Mr. Scott). Int., 946; 2nd R., 993; B. rep. from Com. (Mr. Sullivan), 1008; 3rd R.*, 1011; R.A., 1147 (c. 66).

(158) An Act respecting the Meaford Harbour (Mr. Scott). Int., 946; 2nd R., 994; in Com., Mr. Scott, Sir M. Bowell, 1009; B. rep. from Com. (Mr. Bostock), 1010; 3rd R.*, 1011; R.A., 1147 (c. 46).

(159) An Act respecting the issue of Dominion Notes (Mr. Scott). 1st R.*, 1230; M. 2nd R. (Mr. Scott), 1261; Mr. Lougheed, 1262; Mr. Domville, 1264; Mr. Watson, 1265; Mr. Scott, 1268; Mr. Ferguson, 1269; Sir M. Bowell, 1274; Mr. Gibson, 1275; M. 2nd R. agreed to, 3rd R.*, 1276; R.A., 1737 (c. 23).

(160) An Act to amend the Bank Act (Mr. Scott). Int., 1276; M. 2nd R. (Mr. Scott), 1318; rem., Mr. Ferguson, 1319; Mr. Campbell, 1320; Mr. Béique, Mr. Power, M. 2nd R. agreed to, 1321; in Com., rem., Mr. Ferguson, 1354; Sir R. Cartwright, 1354, 1355; B. rep. from Com. (Mr. Coffey), 3rd R.*, 1356; R.A., 1737 (c. 7).

BILLS—SERIATIM—*Con.*

(162) An Act to amend the Post Office Act (Mr. Scott). Int., 1221; M. 2nd R. (Mr. Scott), 1291; rem., Mr. Lougheed, Sir R. Cartwright, Sir M. Bowell, Mr. Power, M, 2nd R. agreed to, 1292; in Com., rem., Mr. McMullen, 1377; B. rep. from Com. (Mr. Legris), 1378; 3rd R.*, 1378; R.A., 1738 (c. 53).

(163) An Act to authorize the Exchange of School Lands for other Dominion Lands (Mr. Scott). Int., 946; 2nd R., in Com., rem., Sir M. Bowell, Mr. Scott, B. rep. from Com. (Mr. Sullivan), 1053; 3rd R.* 1060; R.A., 1147 (c. 22).

(165) An Act respecting the Court of Appeal of British Columbia (Mr. Scott). Int., 1276; 2nd R., 1321; B. rep. from Com. (Mr. Kerr), 3rd R.*, 1357; R.A., 1737 (c. 10).

(168) An Act to authorize the payment to the Provinces of Saskatchewan and Alberta of part of the Assurance Fund under the Land Titles Act, 1894 (Mr. Scott). Int., 1149; 2nd R., 1211; B. rep. from Com. (Mr. Young), 1236; 3rd R.*, 1297; R.A., 1737 (c. 42).

(169) An Act to amend the Yukon Act (Mr. Scott). Int., 1149; M. 2nd R. (Mr. Scott), rem., Mr. Lougheed, 1233; M. agreed to, 1234; in Com., B. rep. from Com. (Mr. Derbyshire), 1318; 3rd R.*, 1340; R.A., 1737 (c. 76).

(171) An Act respecting Government Guaranteed Bonds of the Grand Trunk Railway Company (Mr. Scott). 1st R.*, 1221; M. 2nd R. (Mr. Scott), 1292; rem., Mr. Lougheed, Sir M. Bowell, 1293; M. 2nd R. agreed to, 1294; 3rd R.*, 1340; R.A., 1737 (c. 32).

(173) An Act to restrain the use of tobacco by young persons (Mr. Scott). Int., 1391; M. 2nd R. (Mr. Scott), 1409; rem., Mr. Ross (Middlesex), 1409; Mr. Ellis, Mr. Lougheed, M. 2nd R. agreed to, 1410; in Com., on 1st cl., amt. Mr. Power, 1457; rem., Mr. Scott, Mr. Lougheed, Mr. Mc Mullen, 1458; Mr. Ross (Halifax), Mr. Ross (Middlesex), 1459; Mr. Power, Sir M. Bowell, Mr. Lougheed, 1460, Mr. Béique, amt. lost, 1461; on cl. 2, amt. (Mr. McMullen), rem., Mr. Gibson, 1462; amt. carried and cl. adopted, 1463; amt. Mr. Ross (Middlesex), 1463; rem., Mr. Gibson, amt. carried, 1464; B. rep. from Com. (Mr. Wilson), 1464; M. 3rd R. (Mr. Scott), 1479; amt. Mr. Power, 1479; rem., Mr. Scott, Mr. David, Mr. Lougheed, 1481; Mr. Kerr, 1483; Mr. Ross (Middlesex), 1483; Mr. Edwards, 1484; Mr. Sullivan, Mr. Wilson, 1485; amt. carried (c. 32, n.c. 13), M. 3rd R. carried, 1486; R.A. 1738 (c. 73).

(181) An Act to consolidate and amend the Acts respecting the Public Lands of the Dominion (Mr. Scott). 1st R.*, 1511; on notice of 2nd R., rem., Mr. Lougheed, Sir M. Bowell, Mr. Scott, 1512; M. 2nd R. (Mr. Scott), 1625; Sir M. Bowell, 1627; Mr. Davis, M. agreed to, 1628; in Com., on cl. 15, Mr. Lougheed, Mr. Scott, Mr. Béique, 1631; Sir M. Bowell, Mr. Ferguson, cl. adopted, 1633; on cl. 32, Mr. Lougheed, Sir R. Cartwright, cl. adopted, 1634; on cl. 39, Sir M. Bowell, Mr. Scott, cl. adopted, 1635; on cl. 42, amt. (Mr. Lougheed) 1635; Mr. Landry, Mr. Watson, 1637; Mr. Lougheed, Mr. Scott, amt. rejected (c. 3, n.c. 15), B. rep. from Com. (Mr. Coffey), 1638; M. 3rd R. (Mr. Scott), rem., Mr. Lougheed, 1654; amt. Mr. Lougheed, 1657; Mr. Scott, 1658; Mr. Ross (Middlesex) 1659; Mr. Watson, Mr. Ferguson, 1661; Sir M. Bowell, 1662; Mr. Kerr, 1664; Mr. Landry, 1665; amt. lost, M. 3rd R. carried, 1666; R.A., 1738 (c. 20).

(186) An Act for granting to His Majesty certain sums of money for the public service of the financial year ending March 31, 1909 (Mr. Scott). 1st R.*, M. to suspend rules (Mr. Scott), rem., Mr. Lougheed, 1143; Mr. Scott, 1144; Mr. Miller, 1145; Mr. Scott, 1146; M. agreed to, 2nd R.*, 3rd R.*, 1147; R.A., 1148 (c. 3).

(189) An Act to amend the Civil Service Act (Mr. Scott). Int., 1453; M. 2nd R. (Mr. Scott), 1516; rem., Mr. Lougheed, 1518; M. in amt .(Mr. Lougheed), 1521; rem., Mr. Power, 1521; (Mr. Béique), 1525; Mr. Ross (Middlesex), 1526; Sir M. Bowell, 1528; Mr. Ferguson, 1531; amt. lost, M. 2nd R. agreed to, 1533; in Com., on cl. 6, rem., Sir M. Bowell, cl. adopted, 1600; on cl. 8, rem., Sir M. Bowell, Mr. Lougheed, cl. amended adopted, 1601; on cl. 9, rem., Sir M. Bowell, Mr. Power, 1602; Mr. Ferguson, Mr. Béique, 1603; Mr. Lougheed, Mr. McSweeney, Sir M. Bowell, 1605; Mr. Watson, Sir R. Cartwright, 1607; Mr. Kerr, Mr. Domville, 1609; cl. adopted, 1610; on cl. 11, Mr. Ross (Middlesex), Mr. Scott, cl. adopted, 1611; on cl. 38, Mr. Power, Sir M. Bowell, 1615; Mr. Scott, Mr. McMullen, 1617; Mr. Ross (Middlesex), 1618; cl. adopted, 1619; on cl. 41, Sir M. Bowell, 1619; Mr. Power, Sir R. Cartwright, 1620; cl. adopted, 1621; on cl. 45, Mr. Lougheed, Mr. Ferguson, 1621; Mr. Power, Mr. Scott, 1622; Sir M. Bowell,

BILLS—SERIATIM—*Con.*

Mr. Power, 1623; Mr. Ferguson, Mr. Wilson, cl. adopted, B. rep. from Com. (Mr. Campbell), 3rd R.*, 1624; R.A., 1738 (c. 15).

(191) An Act respecting the bounties on lead contained in lead-bearing ores mined in Canada (Mr. Scott). Int., 1453; M. 2nd R. (Mr. Scott), rem., Mr. McMullen, Mr. Ellis, 1491; Sir M. Bowell, Sir R. Cartwright, 1493; M. 2nd R. agreed to, 1494; B. rep. from Com. (Mr. Landry), 3rd R.*, 1534; R.A., 1738 (c. 43).

(193) An Act to amend the Timber Marking Act (Mr. Scott). Int., 1495; 2nd R., 3rd R.*, 1534; R.A., 1738 (c. 72).

(194) An Act to amend the Customs Act (Mr. Scott). 1st R.*, 1413; M. 2nd R. (Mr. Scott), 1467; rem., Sir M. Bowell, 1468; Mr. Gibson, 1469; Mr. Power, 1470; Mr. Lougheed, Mr. Ellis, Mr. McMullen, 1471; Mr. Scott, 1473; Mr. Béique, Mr. Jaffray, 1474; Sir M. Bowell; M. 2nd R. agreed to, 1475; in Com., rem., Mr. Lougheed, Mr. Scott, 1494; B. rep. from Com. (Mr. McSweeney), 1495; M. 3rd R. (Mr. Scott), rem., Sir M. Bowell, 1515; M. 3rd R. carried, 1516; R.A., 1738 (c. 19).

(199) An Act to provide for the payment of bounties on crude petroleum (Mr. Scott). 1st R.*, 1513; M. 2nd R. (Mr. Scott), rem., Mr. Lougheed, Mr. Domville, 1544; M. agreed to, 1545; in Com., rem., Sir M. Bowell, Mr. Wilson, Mr. Scott, 1545; B. rep. from Com. (Mr. Domville), 3rd R.*, 1546; R.A., 1738 (c. 52).

(200) An Act respecting the salary of the Superintendent of Insurance (Mr. Scott). 1st R.*' 1511; M. 2nd R. (Mr. Scott), rem., Sir M. Bowell, Mr. Cox, 1546; M. agreed to, 1547; 3rd R.*, 1547; R.A., 1738 (c. 69).

(201) An Act to assist in maintaining an independent and efficient service of telegraphic news from Great Britain for publication in the Canadian Press (Mr. Scott). 1st R.*, 1511; 2nd R., 1548; 3rd R.*, 1549; R.A., 1738 (c. 12).

(202) An Act to authorize the construction of a branch line of the Prince Edward Island Railway from Harmony on the Souris branch to Elmira (Mr. Scott). 1st R.*, 1511; M. 2nd R. (Mr. Scott), rem., Sir M. Bowell, Mr. Lougheed, 1547; Mr. Ferguson, Mr. Scott, M. agreed to, 1548; 3rd R., 1624; R.A., 1738 (c. 54).

(204) An Act to amend chap. 38 of the Statutes, 1907, in amendment to the Railway Act (Mr. Scott). Int., 1597; 2nd R., 3rd R.*, 1638; R.A., 1738 (c. 60).

BILLS—SERIATIM—*Con.*

(205) An Act to prohibit the importation, manufacture and sale of opium for other than medicinal purposes (Mr. Scott). 1st R.*, 1549; M. 2nd R. (Mr. Scott), rem., Sir M. Bowell, 1597; M. 2nd R. carried, 1597; in Com., rem., Mr. Scott, 1672; Sir M. Bowell, 1673; Mr. Domville, Mr. Kerr, 1676; Mr. Sullivan, Mr. Ferguson, B. rep from Com. (Mr. McKay, Alma), 1677; 3rd R., 1678; R.A., 1738 (c. 50).

(206) An Act to amend the Judges Act (Mr. Scott) . Int., 1598; 2nd R., 3rd R.*, 1639; R.A., 1738 (c. 39).

(208) An Act respecting the Office of Auditor General (Mr. Scott). 1st R.*, 1513; M. 2nd R. (Mr. Scott), rem., Mr. Lougheed, Mr. Ferguson, Sir M. Bowell, M. agreed to, 3rd R.*, 1549; R.A., 1738 (c. 6).

(209) An Act to amend the Canada Shipping Act (Mr. Scott). Int., 1651; M. 2nd R. (Mr. Scott), rem., Mr. Lougheed, 1678; Sir M. Bowell, Mr. Ferguson, 1679; M. agreed to, 3rd R.*, 1680; R.A., 1738 (c. 64).

(210) An Act to amend the Northwest Territories Act (Mr .Scott). Int., 1598; 2nd R.*, 3rd R.*, 1639; R.A., 1738 (c. 49).

(211) An Act to amend the Act of the present Session entitled An Act respecting the Dominion Guarantee Company, Limited. B. received, rem., Mr. Baker, Sir M. Bowell, Mr. Landry, Mr. Power, Mr. Speaker, 1650; Mr. Speaker, Mr. Landry, Mr. Power, 1651, Mr. Ferguson, Mr. Baker, Mr. Speaker, 1652.

(212) An Act to amend the Criminal Code and to repeal section 415 of the Railway Act (Mr. Scott). Int., 1649; 2nd R.*, 3rd R.*, 1678; R.A., 1738 (c. 18).

(213) An Act respecting aid for the extension of the Edmonton, Yukon and Pacific Railway (Mr. Scott). 1st R.*, 2nd R., 3rd R.*,1717; R.A., 1738 (c. 25).

(214) An Act respecting certain aid for the extension of the Canadian Northern Railway (Mr. Scott). 1st R.*, 2nd R., 3rd R.*, 1717; R.A., 1738 (c. 11).

(215) An Act to authorize the granting of subsidies in aid of the construction of the lines of railway therein mentioned (Mr. Scott). 1st R.*, 1717; M. 2nd R. (Mr. Scott), rem., Sir M. Bowell, 1718; Mr. Landry, Mr. Scott, 1719; Mr. Ferguson, M. agreed to, 3rd R.*, 1720; R.A., 1738 (c. 63).

BILLS—SERIATIM—*Con.*

(217) An Act respecting the Quebec Bridge and Railway Company (Mr. Scott). 1st R.*, M. 2nd R. (Mr. Scott), rem., Sir M. Bowell, 1720; Mr. Scott, Mr. Landry, 1721; Mr. Scott, 1725; M. agreed to, 3rd R.*, 1726; R.A., 1738 (c. 59).

(218) An Act to authorize the sale or other disposition of certain Ordnance lands in the cities of Toronto and Montreal (Mr Scott). 1st R.*, 2nd R.*, 3rd R.*, 1681; R.A., 1738 (c. 51).

(219) An Act respecting the National Battlefields at Quebec (Mr. Scott). 1st R.*, M 2nd R. (Mr. Power), rem., Mr. Landry, Mr. Ferguson, Sir M. Bowell, 1707; Mr. Scott, Mr. Lougheed, 1708; M. 2nd R. agreed to, 3rd R.*, 1710; R.A., 1738 (c. 58).

(220) An Act for granting to His Majesty certain sums of money for the public service for the financial year ending 31st March, 1909 (Mr. Scott). 1st R.*. 1726; M. 2nd R. (Mr. Scott), rem., Mr. Lougheed, 1726; Mr. Scott, Sir M. Bowell, 1729; Mr. Ferguson, 1731; Sir M. Bowell, 1732; Mr. Ross (Middlesex), 1733; Mr. Scott, M. 2nd R. agreed to, 1736; 3rd R., 1737; R.A., 1738 (c. 4).

BIC HARBOUR WHARF: inq. (Mr. Landry), reply (Mr. Scott), 1358.

BILLS ASSENTED TO: 293, 541, 779, 816, 1147, 1737.

BUSH FIRES: inq. (Mr. Baird), reply (Mr. (Scott), 860.

BUSINESS OF PARLIAMENT: M. (Mr. McMullen), 884; rem., Mr. Macdonald (B. C.), 886; Sir R. Cartwright, 887; Mr. Lougheed, 888; Mr. Power, 890; Sir M. Bowell, 891; Mr. Ross (Middlesex), 894; Mr. Ferguson, 896; Mr. McMullen, 897; M. carried on division (c. 23, n.c. 23), 898. M. Mr. McMullen), 966; rem., Mr. DeBoucherville, Mr. Perley, 966; Mr. Landry, 967; Mr. Speaker, Sir M. Bowell, 968; Mr. Ferguson, Mr. McMullen, Mr. Mitchell, 969; M. withdn., 970. M. (Mr. McMullen, rem., Sir M. Bowell, M. carried (c. 28, n.c. 19), 1010.

CANADA GAZETTE, CIRCULATION OF: inq., (Mr. Landry), reply (Mr. Scott), 332.

CANADIAN CATTLE, BRITISH EMBARGO ON: inq. (Mr. Power), reply (Mr. Scott), rem., Mr. Lougheed, 261; Sir M. Bowell, Mr. Scott, Mr. Choquette, 263.

CIVIL SERVICE COMMISSION: inq., (Mr. Landry), reply (Mr. Scott), 356, 404; inq. (Sir M. Bowell), reply (Mr. Scott), 714; inq. (Mr. Lougheed), reply (Mr. Scott), 738.

CIVIL SERVICE INSURANCE RETURN: inq. (Mr. Ferguson), reply (Mr. Scott), 98; rem., Mr. Ferguson, Mr. Scott, Sir M. Bowell, 210.

CIVIL SERVICE SUSPENSIONS: inq. (Sir M. Bowell), 786; reply (Mr. Scott), 790; rem., Mr. Ross (Halifax), Mr. Gibson, Mr. MacKeen, 791.

COAL LANDS, LEASING REGULATIONS OF: inq. (Mr. Macdonald, B.C.), reply (Mr. Scott), 522.

COAL LANDS, LEASING OF: M. (Mr. Macdonald, B.C.), 946; rem., Mr. Scott, M. withdn., 948.

COMMANDS-IN-CHIEF: inq. (Mr. Landry), reply (Mr. Scott), 717.

COMMITTEES, CONCURRENCE IN REPORTS OF: rem., Mr. Landry, Mr. Casgrain, 293; Mr. Power, Mr. Young, 294; Mr. Speaker, 295.

COMMITTEE OF SELECTION: M. (Mr. Scott), rem., Mr. Gibson, 39; Sir M. Bowell, Mr. Davis, 40; Mr. Scott, Mr. Power, 41; Mr. Douglas, 42; Mr. Edwards, Mr. Domville, 43; Mr. Wilson, 44; Mr. Landry, M. agreed to, 45.

COMMITTEE ON STANDING ORDERS: Reports adopted, 271, 799.

CONTINGENT ACCOUNTS COMMITTEE: First Report presented, M to suspend rule (Mr. Watson), rem., Sir M. Bowell, 74; Mr. Watson, Mr. Bernier, 75; Mr. Power, Mr. Speaker, Mr. Poirier, 76; report adjourned, 77; M. to adopt report (Mr. Watson), 127; rem., Mr. Lougheed, 127; Mr. Watson, 128; Sir M. Bowell, 129; Mr. Cloran, 130; Mr. Power, 131; Mr. Bernier, Mr. Ross (Middlesex), 132; Mr. Belcourt, 134; Report adopted, 136. M. to adopt 4th rep. (Mr. Watson), rem., Mr. Power, M. agreed to, 1488.

CONVICTS UNDER AGE OF TWENTY: M. (Mr. Comeau), 295.

DELAYED PRINTING: inq. (Mr. Landry), 45; reply (Mr. Scott), 46.

DELAYED RETURNS: inq. (Mr. Ferguson), reply (Mr. Scott), 46; inq. (Mr. Landry), reply (Mr. Scott), 352, 550, 683.

DESCHAMBAULT WHARF, CONSTRUCTION OF: M. Mr. Landry, 231; inq. (Mr. Landry), reply (Mr. Scott), 1683.

DIVISIONS:

On M. (Mr. DeBoucherville) in amt. to report as to Standing Committees, M. rejected (c. 14, n.c. 27), 68.

DIVISIONS—*Con.*

On M. (Mr. Comeau) to amend Standing Rules of the Senate, M. rejected (c. 23, n.c. 31), 152.

On M. (Mr. Douglas) to amend Standing Rules of the Senate, M. rejected (c. 16, n.c. 45), 244.

On M. (Mr. Watson) that Com. rise on Bill (A) An Act to amend the Railway Act as regards sale of intoxicating liquors, M. carried (c. 23, n.c. 13), 306.

On amt. to M. to adjourn (Mr. Perley), amt. carried (c. 29, n.c. 28), 405.

On amt. (Mr. Power) to M. as to Rules, amt carried (c. 34, n.c. 17), 420.

On M. (Mr. McMullen) as to business of Parliament, M. carried (c. 28, n.c. 23), 898.

On amt. (Mr. Bostock) to refer back report on Shuswap & Thompson Rivers B., amt. carried (c. 29, n.c. 15), 1002.

On M. (Mr. McMullen) as to Business of Parliament, M. carried (c. 28; n.c. 19), 1010.

On M. (Mr. DeBoucherville) for 3 m. h. on Juvenile Delinquents B., M. lost (c. 4, n.c. 41), 1156.

On amt. (Mr. Comeau) for 3 m.h. on Shuswap & Thompson Rivers B., amt. rejected (c. 9, n.c. 23), 1202.

On amt. Mr. Landry to refer same B to Supreme Court, amt. rejected (c. 10, n.c. 29) 1211 .

On sub-amt. on Inspection and Sale Amt. B. (Mr. Bernier), sub-amt. rejected (c. 18, n.c. 30), 1435.

On amt. (Mr. Power) to 3rd R. of Restraint of use of Tobacco B., amt. carried (c. 32, n.c. 13), 1486.

EXCHEQUER COURT JUDGE OF CANADA: inq. (Mr. Choquette), 651; reply (Mr. Scott), 652, 846; inq., (Mr. Ferguson), reply (Mr. Scott), 1231.

EXPERIMENTAL FARM REPORTS : inq. (Mr. Choquette), reply (Mr. Scott), 652, 845.

ELECTORAL LISTS : inq. (Mr. Landry), reply (Mr. Scott), 1566.

FERTILIZERS, ANALYSIS OF : M. (Mr. Domville), 816.

FISHING LEASES IN NORTHWEST WATERS: inq. (Mr. Macdonald, B.C.), reply (Mr. Scott), 946.

FISHERIES QUESTION, THE: inq. (Mr. Lougheed), reply (Mr. Scott), 3.

FREIGHT RATES ON GRAIN : inq. (Mr. Perley), 77; reply (Mr. Scott), rem., Mr. McMullen, 79; Mr. Owens, Mr. Young, 80; Mr. Watson, 81.

FRENCH TREATY : inq. (Sir M. Bowell), 82; reply (Mr. Scott), 84; inq. (Sir M. Bowell), reply (Sir R. Cartwright), 1339; inq. (Mr. Lougheed), reply (Mr. Scott), 1391.

FRENCH REPORTS, DELAY IN PUBLISHING : inq. (Mr. Landry), reply (Mr. Scott), 1414.

FRENCH REPRESENTATION IN THE SENATE : inq. (Mr. Landry), reply (Mr. Scott), 211; rem., Mr. Lougheed, 212.

FUR SEAL FISHERIES : inq. (Mr. Macdonald, B.C.), reply (Mr. Scott), 364; rem., Sir M. Bowell, Sir R. Cartwright, 365; Mr. Lougheed, Mr. McMullen, 366.

GAMMELL DIVORCE CASE: M. (Mr. Kirchhoffer) to adopt report, rem., Mr. Cloran, Mr. Gibson, 551; Mr. Ross (Halifax), Mr. McMullen; M. agreed to, 552.

GARRISON ARTILLERY COMPANIES : M. (Mr. Landry), 542.

GEORGIAN BAY CANAL: M. (Mr. Casgrain), 247; rem., Mr. Belcourt, 430; Mr. Sullivan, 488; Mr. Power, 495; Mr. Owens, 497; Mr. Bernier, 680; Mr. Ross (Halifax), 681; Mr. Wood, 725; Mr. McMullen, 782; Mr. Cloran, 819; Mr. Edwards, 865; Mr. Béique, 869; Mr. DeBoucherville, 870; Mr. Casgrain, 871.

GEORGIAN BAY CANAL ROUTE, EXPLORATION OF : inq. (Mr. Bernier), 61; reply (Mr. Scott), 62.

GILMORE DIVORCE BILL : M. to adopt report (Mr. Kirchhoffer), rem., Mr. Cloran, 721; Mr. Wilson, M. agreed to, 722.

GOLD RESERVE, DEPLETION OF : inq. (Mr. Ferguson), 1495; reply (Mr. Scott), 1501, 1503; rem., Mr. Domville, 1504; Mr. Watson, 1506; Mr. Perley, 1507.

GOVERNMENT BILLS BY THE SENATE, REJECTION OF : inq. (Mr. Perley), reply (Mr. Scott), 267.

GOVERNMENT DEPARTMENTS, PURCHASING BY: M. (Mr. Macdonald, B.C.), 858; rem., Hr. Scott, 859; M. agreed to, 860.

GRAIN INSPECTORS AT WINNIPEG : inq. (Mr. Perley), reply (Mr. Scott), 1055.

GRAND TRUNK PACIFIC, LOCATION OF: inq. (Mr. Landry), reply (Mr. Scott), 1338.

GRAND TRUNK PACIFIC SITE IN OTTAWA : inq. (Mr. Bernier), reply (Mr. Scott), 73.

GRAND TRUNK PENSION SCHEME : inq. (Mr. Ferguson), reply (Mr. Scott), 965.

HIGHWAY CROSSINGS, FATAL ACCIDENTS AT : M. (Mr. Ferguson), 737.

HINDOO IMMIGRATION, RESTRICTION OF: M. (Mr. Macdonald, B.C.), 480; rem., Mr. Lougheed, Mr. Douglas, 482; Mr. Power, Sir M. Bowell, 483; Mr. Scott, M. withdn., 484.

HINDOOS AT VANCOUVER : rem., Mr Lougheed, Mr. Scott, Mr. Domville, 502.

HUDSON BAY, NAVIGATION OF : inq. (Mr. Ferguson), reply (Mr. Scott), 355.

HUDSON BAY, CONSTRUCTION OF A RAILWAY TO : M. (Mr. Davis), 455; rem., Mr. Ferguson, 468; Mr. Power, 553; Mr. Bernier, 556; Mr. Perley, 557; Mr. Lougheed, 559; Mr. Scott, 560; Mr. Davis, 561, M. carried, 563; on M. to adjn., rem., Sir M. Bowell, Mr. Scott, 567.

ICE-BREAKER 'MONTCALM,' REPAIRING OF : inq. (Mr. Landry), reply (Mr. Scott), 59.

INDIANAPOLIS, STATE LIFE INSURANCE COMPANY OF : inq. (Mr. Choquette), reply (Mr. Scott), 502.

INLAND FISHERIES : inq. (Mr. Costigan), reply (Mr. Scott), 1277; rem., Mr. Costigan, 1277; Mr. Ross (Halifax), 1279; Mr. Ross (Middlesex), 1280.

INTERCOLONIAL RAILWAY, PROVIDENT FUND OF : inq. (Mr. McSweeney), reply (Mr. Scott), 72.

INTERCOLONIAL RAILWAY TARIFFS: M. (Mr. Landry), 122.

INTERCOLONIAL RAILWAY EMPLOYEES: inq. (Mr. Landry), reply (Mr .Scott), 716; inq. (Mr. McSweeney), reply (Mr. Scott), 1550.

INTERCOLONIAL RAILWAY, MONEY PAID TO : inq. (Mr. Ellis), reply (Mr. Scott), 946.

INTERCOLONIAL RAILWAY, TENDERS FOR IRON WORKS ON: inq (Mr. Landry), reply (Mr. Scott), 845.

INTERCOLONIAL RAILWAY, SUPPLY OF BRUSHES FOR : inq. (Mr. Landry), reply (Mr. Scott), 846.

ISLE ROUGH FLOATING LIGHT : inq. (Mr. Landry), reply (Mr. Scott), 851.

ITALIAN IMMIGRATION : inq. (Mr. Cloran), 425, reply (Mr. Scott), 429.

JAPANESE IN BRITISH COLUMBIA, ARREST OF: inq. (Sir M. Bowell3, 367; reply (Mr. Scott), 368; rem., Mr. Lougheed, 368.

JAPANESE IMMIGRATION : rem., Mr. Scott, 89; Mr. Lougheed, 93; Sir M. Bowell, 94; Mr. Scott, 95; rem., Mr. Landry, Mr. Scott, Mr. Lougheed, 267, 268; Mr. Cloran, 269; Mr. Macdonald (B.C.), Sir M. Bowell, 270.

JUVENILE OFFENDERS, AN INSTITUTION FOR: M. (Mr. Comeau), 1075; rem., Mr. Scott, Mr. Sullivan, 1078; Mr. Power, Mr. Speaker, 1079; Mr. DeBoucherville, Mr. Cloran, 1080; Mr. DeBoucherville, M. agreed to, 1165.

KETTLE RIVER VALLEY RAILWAY : inq. (Mr. Lougheed), reply (Mr. Scott), 272, 542.

KING'S REGULATIONS: inq. (Mr. Landry), reply (Mr. Scott), 271, 273, 331, 403, 455.

LABRADOR BOUNDARY : inq. (Mr. Landry), 617; reply (Mr. Scott), 618.

LEVEL CROSSINGS : M. (Mr. Ferguson), 703.

LEVIS FORTS, CLEARING OF LANDS AT: inq. (Mr. Landry), 793; reply (Mr. Scott), 794, 846.

LIBRARY OF PARLIAMENT : M. to adopt report (Mr. Power), 617.

MANITOBA AND OTHER PROVINCES, THE BOUNDARIES OF: inq. (Mr. Bernier) reply (Mr. Scott), rem., Mr. Lougheed. Mr. Ferguson, Mr. Scott, 215; M. (Mr. Landry), 420; M. withdn., 679.

MARITIME COAL AND RAILWAY COMPANY : inq. (Mr. McSweeney), reply (Mr. Scott), 902.

MARINE AND FISHERIES INVESTIGATION : rem., Mr. Ferguson, 1284 : Mr. Scott, 1286; Sir R. Cartwright, Mr. Power, 1287.

McGOVERN, J., ACCUSATIONS AGAINST: inq. (Mr. Landry), reply (Mr. Scott), 1551.

MICHEL SIMEON DELISLE : inq. (Mr. Landry), reply (Mr. Scott), 209.

NATAL ACT OF BRITISH COLUMBIA, DISALLOWANCE OF : rem., Mr. Lougheed, Mr. Scott. 335; Mr. Ferguson, 336; inq. (Mr. Lougheed), reply (Mr. Scott), 357.

NEW YORK MUTUAL RESERVE LIFE ASSOCIATION: inq. (Mr. McMullen), 335; reply (Mr. Scott), 852.

NORTHWEST, SALE OF TIMBER LANDS IN THE: inq. (Mr. Macdonald, B.C.), reply (Mr. Scott), 331.

OTTAWA AND GEORGIAN BAY CANAL: inq. (Mr. Bernier), reply (Mr. Scott), 45.

PARLIAMENT, SUPPLYING INFORMATION TO: M. to adjourn (Mr. Ferguson), 1098; rem., Mr. Scott, 1101; Sir R. Cartwright, 1101; Mr. Gibson, 1102; Sir M. Bowell, Mr Landry, 1103; M. withdn., 1105.

POINT A COTE WHARF: inq., (Mr. Landry), reply (Mr. Scott), 1358.

POINT OF ORDER ON RESOLUTION *RE* MANITOBA BOUNDARIES: rem., Mr. Landry, 420; Mr. Scott, Mr. Speaker, 425; Mr. Speaker's ruling, 471.

POINT OF ORDER ON INQUIRY BY MR. LANRY: rem., Mr. Power, 877; Mr. Landry, 877; Mr. Choquette, 878; Mr. Ellis, Mr. Speaker, 879; Mr. Lougheed, Mr. Ferguson, Sir M. Bowell, 880; Mr. Speaker, 881.

POINT OF ORDER ON SHUSWAP & THOMPSON RIVER B. (49): rem., Mr. Landry, 1165; Mr. Power, 1168; Mr. Kerr, Mr. Ferguson, 1169; Mr. Béique, Mr. Landry, 1170; Mr. Speaker's ruling, 1171.

PRESS SUMMARY OF DEBATES: rem., Mr. Ferguson, 539; Mr. Scott, Mr. Power, 540.

PRINTING OF JOURNALS OF THE SENATE: inq. (Mr. Landry), reply (Mr. Scott), 74.

PRINTING OF PARLIAMENT: M. to adopt report (Mr. Ellis), rem., Sir M. Bowell, Mr. Landry, 781; M. agreed to, 782; M. (Mr. Ellis), rem., Sir M. Bowell, 1060; Mr. Ferguson, Mr. Lougheed, 1061; M. agreed to, 1063.

PRISONERS ON PAROLE: inq. (Mr. Landry), reply (Mr. Scott), 1552.

PRIVILEGE, QUESTIONS OF: rem., Mr. McSweeney, 84; Mr. Perley, Mr. Cloran, 85; Mr. Gibson, Mr. Perley, 86; rem., Mr. Bostock, Mr. Lougheed, Mr. Scott, 122; Mr. Lougheed, 123; Mr. Ferguson, Mr. Scott, Sir M. Bowell, 124; Mr. Power, Sir M. Bowell, 125; Mr. Scott, Mr. Cloran, 126; Mr. Ferguson, 127; rem., Mr. Miller, 357; Mr. Speaker, Mr. Ellis, Mr. Ferguson, 360; Mr. Watson, Mr. Poirier, 361; Sir M. Bowell, Mr. Power, 362; M. withdwn., 363; rem., Mr. Landry, 366; Mr. Scott, 367; rem., Mr. Cloran, Mr. Speaker, 443; Mr. Ross Halifax), Mr. David, 452; rem., Mr. Cloran, Mr. Scott, 485; rem., Mr. Cloran, 522; Mr. Choquette, Mr. Watson, 523; rem., Mr. McMullen, 737; rem., Mr. Lougheed, Mr. Scott, 1098; rem., Mr. Landry, 1149; rem., Mr. Davis, Mr. Speaker, 1452.

PROCEDURE, A QUESTION OF: rem., Mr. Landry, Mr. Béique, 949; Mr. Speaker, Mr. Power, 950.

PROROGATION: rem., Mr. Lougheed, Mr. Scott, 1447; Sir M. Bowell, 1448; rem., Mr. Lougheed, Mr. Scott, Mr. Landry, 1683; Sir M. Bowell, Mr. Power, 1684.

PUBLIC BILLS IN SENATE, INTRODUCTION OF: inq. (Mr. Lougheed), reply (Mr. Scott), 59; rem., Mr. Landry, Mr. Cloran, Sir M. Bowell, Mr. Scott, Mr. Lougheed, 60, 61.

PUBLIC OWNERSHIP OF PUBLIC UTILITIES: M. (Mr. McMullen), 369; rem., Mr. Cloran, 375; Debate adjourned, 563; rem. Mr. Power, 654; Mr. Belcourt, 661; Mr. Ross (Halifax), 674; Mr. McSweeney, Mr. Sullivan, 675; Mr. McMullen, 677; M. withdn., 679.

PUBLIC PRINTING, DELAY IN: inq. (Mr. Landry), reply (Mr. Scott), 1653.

PULP WOOD FROM CANADA, THE EXPORT OF: M. (Mr. Baird), 836; rem., Mr. Edwards, 841; Mr. McMullen, 1379; Mr. Bolduc, 1384; Mr. Ross (Middlesex), 1386.

QUEBEC BRIDGE DISASTER: inq. (Mr. Landry), reply (Mr. Scott), 295

QUEBEC BRIDGE COMPANY, PAYMENT TO DIRECTORS OF: inq. (Mr. Landry), reply (Mr. Scott), 779.

QUEBEC BRIDGE: inq. (Mr. Landry), reply (Mr. Scott), 329.

QUEBEC HARBOUR COMMISSIONERS: inq. (Mr. Landry), reply (Mr. Scott), 904.

QUEBEC, LEASED GOVERNMENT LANDS IN: M. (Mr. Landry), 905.

QUEBEC, THE MILITIA AT: inq. (Mr. Landry), reply (Mr. Scott), 905.

QUEBEC TERMINUS COMMITTEE: inq. (Mr. Landry), reply (Mr. Scott), 1055.

QUEBEC BRIDGE COMPANY, GOVERNMENT LOAN TO: inq. (Mr. Landry), reply (Mr. Scott), 61.

QUEBEC BRIDGE AND RAILWAY COMPANY : inq. (Mr. Landry), reply (Mr. Scott), 72, 82, 448, 469; inq. (Mr. Landry), reply (Mr. Scott), 736, 737, 816, 899, 900, 901, 902, 903, 927, 949, 1055, 1142, 1338, 1392, 1450, 1478; M. (Mr. Landry), 176.

QUEBEC TERCENTENARY : inq. (Mr. Landry), reply (Mr. Scott), 317, 898; inq. (Mr. Lougheed), reply (Mr. Scott), 738; inq. (Mr. Macdonald, B.C.), reply (Mr. Scott), 855.

QUEBEC, LIEUTENANT GOVERNORSHIP OF : inq. (Mr. Landry), reply (Mr. Scott), rem., Sir M. Bowell, 212; inq. (Mr. Landry), reply (Mr. Scott), 214.

QUEBEC, REMOVAL OF MILITARY HOSPITAL IN : inq. (Mr. Landry), reply (Mr. Scott), 232, 273.

RAILWAY COMMITTEE, MINUTES OF: M. (Mr. Landry), 542.

RAILWAY CHARTERS, RENEWAL OF: M. (Mr. Ross, Middlesex), 542; reply (Mr. Scott), 544: rem., Mr. Casgrain, 545; Mr. Davis, 546; Mr. McMullen, 547; Mr. Kerr, 548; Mr. Domville, 549; Mr. Bostock, 550.

RAILWAY COMMISSIONERS, JURISDICTION OF : M. (Mr. Ferguson), 793.

REFORM OF THE SENATE: M. (Mr. McMullen), 98; rem., Mr. Ross (Middlesex), 103; Mr. Coffey, 117; Mr. Davis, 177; Mr. Ross (Halifax),, 183; M. in amt. (Mr. David) 184; amt. to amt., Mr. Béique, 640; rem., Mr. Comeau, 645; Mr. Wood, 648; Mr. Speaker, 729; Mr. Perley, 741; Mr. Frost, 745; Mr. Ellis, 747; Mr. Ross (Middlesex), 754; Mr. Sullivan, 774; M. and amt. withdn., 777.

ROYAL GRAIN COMMISSION : inq. (Mr. Perley), 379; reply (Mr. Scott), 380, 469.

REJECTION OF BILLS BY THE COMMONS : M. (Mr. Ross, Middlesex), 209.

REVISED STATUTES, FRENCH EDITION OF : inq. (Mr. Landry), reply (Mr. Scott), 484, 614, 861.

REPORTS TO THE SENATE, DELAY IN SUBMITTING : rem., Mr. Ross (Middlesex), 1393; Sir M. Bowell, Mr. Scott, 1394; Mr. Lougheed, Mr. Power, Mr. Ferguson, 1395.

REPORTING SERVICE OF TWO HOUSES, CONSOLIDATION OF : M. (Mr. Power), 1510; M. agreed to, 1511.

ROSS RIFLE : inq. (Mr. Landry), reply (Mr. Scott), 45, 77, 618, 683, 816.

RULES OF THE SENATE. SUSPENSION OF : M. (Mr. Douglas), 87; rem., Mr. Power, Mr. Ferguson, Mr. Young, Mr. Speaker, M. adjourned, 88.

RULES OF THE SENATE : rem., Sir M. Bowell, 317; Mr. Speaker, 318; M. (Mr. Davis), 406; rem., Mr. Cloran, 407; amt. (Mr. Béique) 409; Mr. Ferguson, Mr. Douglas, 410; Mr. Gibson, 411; Mr. Cloran, 412; Mr. Power, 413; amt. to amt. (Mr. Power), 414; Mr. Davis, Mr. David, 415; Mr. Kerr, Mr. Douglas, 416; Mr. Poirier, 417; Mr. Wilson, 418; amt. of Mr. Power carried (c. 34; n.c. 17), 420.

SENATE, APPOINTMENTS TO THE: M. (Mr. Wilson), 212; M. (Mr. Domville), 501.

SENATE DEBATES : M. (Mr. Wilson), 403; M. agreed to, 404; M. to adopt report (Mr. Béique), rem., Mr. Power, Mr. Ferguson, 1323; Sir M. Bowell, 1324; Mr. Lougheed, Mr. Ross (Middlesex), 1325; Mr. Béique, 1327; M. agreed to, 1328; M to adopt report (Mr. Béique), rem., Mr. Ferguson, Mr. Landry, 1685.

SENATE, EXPENDITURES OF THE : M. (Mr. Power), rem., Sir M. Bowell, 851; M. agreed to, 853.

SENATOR LOVITT, THE LATE : rem., Mr. Scott, Mr. Lougheed, Mr. McMullen, 818; Mr. Domville, 819.

SENATORS, NEW :

Hon. Napoléon A. Belcourt, 1.

Hon. Archibald Campbell, 1.

Hon. Daniel Derbyshire, 1.

SENATORIAL DIVISIONS : M. (Mr. Ross, Middlesex), 1172; Mr. McMullen, 1175; Mr. Lougheed, Mr. Ellis on pt. of order, 1176; Mr. McMullen, Sir M. Bowell, 1177; Mr. Speaker's ruling, 1178; Mr. Ross, Mr. Ferguson, Mr. Jones, Mr. Frost, 1179; Mr. Bernier, Mr. Power, Mr. Ross, 1181; M. withdn., 1182.

SENATORS AND MEMBERS OF THE HOUSE OF COMMONS APPOINTED TO OFFICE : M. (Mr. Landry), 1358.

SHIPBUILDING INDUSTRIES OF CANADA : inq. (Mr. Domville), 846; reply (Sir R. Cartwright), 850.

SPEECH FROM THE THRONE, 1, 1739.

ST. JOHN AND HALIFAX, TONNAGE AT: M. (Mr. Domville), 1202.

STANDING COMMITTEES: M. to adopt report (Mr. Gibson), M. in amt. (Mr. Douglas), 63; rem., Mr. Poirier, Sir M. Bowell, Mr. Sullivan, 64; Mr. Lougheed, Mr. Speaker, Mr. Power; M. in amt. (Mr. DeBoucherville), rem., Mr. Gibson, 66; Mr. Lougheed, Mr. Power, Mr. Davis, 67; amt. rejected (c. 14, n.c. 27), 68; rem., Sir M. Bowell, Mr. Sullivan, Mr. Ellis, 68; Mr. Poirier, Mr. Power, Mr. Speaker, amt. ruled out of order, 69; rem., Mr. Davis, 69; Mr. Ross (Halifax), Mr. Wilson, M. agreed to, 70, 71; M. (Mr. Ross, Middlesex), Mr. Scott, Mr. Speaker, Mr. Miller, 346; Mr. Ross, 349; Mr. Ferguson, Mr. Power, Mr. Landry, Mr. Speaker, 350; Mr. Ellis, Mr. Béique, 351; M. (Mr. Ross, Middlesex), 383; rem., Mr. Ross (Halifax), Mr. Sullivan, 398; Mr. Scott, 399; Mr. Lougheed, 401; Mr. Béique, 403; Mr. Poirier, 761; Mr. Scott, 764; Sir M. Bowell, 765; Mr. Cloran, 768; Mr. Ross (Middlesex), 769; Mr. Scott, 772; Mr. Power, 773; M. carried as amended, 773.

STANDING RULES OF THE SENATE: M. (Mr. Comeau), rem., Mr. Scott, 137; Mr. Poirier, Mr. Lougheed, 138; Mr. Cloran, Mr. Power, 139; Mr. Scott, 141; Mr. Ferguson, 142; Mr. Bernier, Mr. Edwards, 143, Mr. Kerr, 144; Mr. Cloran, 145; Mr. Casgrain, 145; Mr. Belcourt, 146; Mr. Ross (Middlesex), 147; Mr. Young, 148; Mr. Poirier, 149; Mr. Power, Mr. Landry, Mr. Kerr, 151; M. rejected (c. 23, n.c. 31), 152; M. (Mr. Douglas), 232; rem., Mr. Davis, Mr. Cloran, 234; Mr. Poirier, 236; Mr. Landry, Mr. Domville, 237; Mr. Power, 239; Sir M. Bowell, Mr. Wilson, 241; (Mr. McMullen, Mr. Douglas, 242; M. rejected (c. 16, n.c. 45), 244.

ST. JOSEPH, DRY DOCK AT: inq. (Mr. Landry), 71; reply (Mr. Scott), 72.

ST. LAWRENCE RIVER, NAVIGATION OF THE: M. (Mr. Landry), 231.

SUSPENSION OF RULES: M. (Mr. Davis), rem., Mr. Power, Mr. Wilson, Mr. Speaker, 62; Mr. Davis, Mr. Speaker, Mr. Wilson, 63.

SYDNEY STEEL WORKS STRIKE: inq. (Mr. Landry), reply (Mr. Scott), 857.

TELEGRAPH SYSTEM OF CANADA: M. (Mr. Davis), rem., Mr. Power, 332; Mr. Davis, Mr. Landry, Mr. Ferguson, Mr. Scott, Mr. Speaker, 333; M. ruled out of order, 334; M. dropped, 652.

TORONTO, DESTITUTION IN: rem., Mr. Poirier, 215.

TRANSCONTINENTAL RAILWAY COMMISSION: inq. (Mr. Landry), reply (Mr. Scott), 1148, 1149, 1230.

TRANSCONTINENTAL RAILWAY, ROUTES OF THE: M. (Mr. Thompson), 335.

TRANSCONTINENTAL COMMSIIONERS, PRIVATE CAR FOR: inq. (Mr. Landry), reply (Mr. Scott), 856.

UNDER SECRETARIES IN CANADA, APPOINTMENT OF: M. (Mr. Ross, Middlesex), 187; rem., Mr. Scott, 203; Mr. Lougheed, 206; Mr. McMullen, 207; Mr. Power, 240; Mr. Power, 321; Sir M. Bowell, 324; Mr. Macdonald (B.C.), 338; Mr. Ross (Middlesex), 339; Sir R. Cartwright, M. withdn., 345.

UNION JACK, HOISTING THE: rem., Mr. Domville, 905; Mr. Scott, Sir M. Bowell, Mr. Cloran, 906; M. to adjn. (Mr. Cloran), 907; Mr. Ross (Halifax), Mr. Domville, M. lost, 910.

UNREVISED HANSARD: inq. (Mr. Lougheed), reply (Mr. Scott), 25.