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DEBATES

OF

THE SENATE

OF THE

DOMINION OF CANADA

1897

REPORTED AND EDITED BY

HOLLAND BROS.

Official Reporters of the Senate of Canada

SECOND SESSION—EIGHTH PARLIAMENT

OTTAWA
PRINTED BY S. E. DAWSON, PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY
1897

SENATORS OF CANADA.

2nd SESSION, 8th PARLIAMENT, 60th VICTORIA.

1897.

THE HONOURABLE C. A. P. PELLETIER, C.M.G., SPEAKER.

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THOMAS R. MCINNES	New-Westminster	Victoria, B. C.
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PETER MCLAREN	Perth	Perth, Ont.
HIPPOLYTE MONTPLAISIR	Shawenegan	Cap de la Madeleine, P.Q.
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JOHN DOBSON	Lindsay	Lindsay, Ont.
A. C. P. LANDRY	Stadacona	Mastaï, P.Q.
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SIR MACKENZIE BOWELL, C.C.M.G.	Hastings	Belleville, Ont.
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JOHN LOVITT		Yarmouth, N. S.
GEORGE GERALD KING		Chipman, N. B.

THE QUEEN'S PRIVY COUNCIL FOR CANADA.

THE CABINET.

Prime Minister and President of the Council :—
The Hon. Wilfrid Laurier, Q.C.

Minister of Trade and Commerce :—
The Hon. Sir Richard John Cartwright, K.C.M.G.

Secretary of State :—
The Hon. Richard William Scott, Q.C.

Minister of Justice :—
The Hon. Sir Oliver Mowat, K.C.M.G.

Minister of Marine and Fisheries :—
The Hon. Louis Henry Davies, Q.C.

Minister of Militia and Defence :—
The Hon. Frederick William Borden.

Postmaster General :—
The Hon. William Mulock, Q.C.

Minister of Agriculture :—
The Hon. Sydney Arthur Fisher.

Minister of Public Works :—
The Hon. Joseph Israel Tarte.

Without Portfolio :—
The Hon. R. R. Dobell.

Minister of Finance :—
The Hon. William Stevens Fielding.

Minister of Railways and Canals :—
The Hon. Andrew George Blair, Q.C.

Minister of the Interior :—
The Hon. Clifford Sifton.

Without Portfolio :—
The Hon. C. A. Geoffrion, Q.C.

MEMBERS OF THE MINISTRY, NOT OF THE PRIVY COUNCIL.

Solicitor General :—
The Hon. Charles Fitzpatrick, Q.C.

Controller of Customs :—
The Hon. William Paterson.

Controller of Inland Revenue :—
The Hon. Sir Henri G. Joly de Lotbinière, K.C.M.G.

THE DEBATES

OF THE

SENATE OF CANADA

IN THE

SECOND SESSION OF THE EIGHTH PARLIAMENT OF CANADA, APPOINTED TO MEET FOR DESPATCH OF BUSINESS ON THURSDAY, THE TWENTY-FIFTH DAY OF MARCH, IN THE SIXTIETH YEAR OF THE REIGN OF

HER MAJESTY QUEEN VICTORIA.

THE SENATE.

Ottawa, Thursday, March 25th, 1897.

The Senate met at 2.30 p.m.

PRAYERS.

NEW SENATORS.

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

Hon. DAVID MILLS.
Hon. GEORGE ALBERTUS COX.
Hon. GEORGE GERALD KING.

THE SPEECH FROM THE THRONE.

His Excellency the Right Honourable Sir John Campbell Hamilton-Gordon, Earl of Aberdeen; Viscount Formartine, Baron Haddo, Methlic, Tarves and Kellie, in the Peerage of Scotland; Viscount Gordon of Aberdeen, County of Aberdeen, in the Peerage of the United Kingdom; Baron of Nova Scotia; Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George, &c., &c., Governor General of Canada, 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's pleasure they attend him immediately in this House."

Who being come with their Speaker,

His Excellency the Governor General was then pleased to open the Session by a gracious speech to both Houses.

Honourable Gentlemen of the Senate:

Gentlemen of the House of Commons:

In welcoming you on your attendance at the second session of the present parliament, I desire to express the gratification I feel at the evidences which prevail throughout the Dominion, of the loyalty and affection entertained by the Canadian people for Her Majesty the Queen and of the desire to join with their fellow-subjects in all parts of the Empire in celebrating the Diamond Jubilee in a manner worthy the joyous event. And I am pleased to be able also to announce that in accordance with an invitation from the Imperial government, arrangements are being made for an effective representation of the Dominion in connection with the commemoration of this historic occasion at the Capital of the Empire.

Immediately after the last session the government of Manitoba was invited to hold a conference with my ministers on the subject of the grievances arising out of the Act of that province relating to education passed in the year 1890. In response to that invitation, three members of the Manitoba government came to Ottawa, and, after many and protracted discussions, a settlement was reached between the two Governments, which was the best arrangement obtain-

able under the existing conditions of this disturbing question. I confidently hope that this settlement will put an end to the agitation which has marred the harmony and impeded the development of our country, and will prove the beginning of a new era to be characterized by generous treatment of one another, mutual concessions and reciprocal good-will.

A measure will be submitted to you for the revision of the tariff, which it is believed will provide the necessary revenue, and, while having due regard to industrial interests, will make our fiscal system more satisfactory to the masses of the people.

You will be asked to give your support to a bill abolishing the present expensive and unsatisfactory Franchise Act and adopting, for the election of members of the House of Commons, the franchises of the several provinces.

My government has determined that the advantages to accrue, both to our western producers and the business interests of the whole Dominion, from the completion of the works for the enlargement of the St. Lawrence canals, should no longer be deferred, and has, subject to the approval of parliament, taken the initial steps for a vigorous prosecution of those works and for the perfecting of the canal system by the close of the year 1898.

I have much satisfaction in informing you that arrangements have been concluded which, if you approve, will enable the Intercolonial Railway to reach Montreal, and thus share in the large traffic centering in that city. The many advantages which will flow from this extension of that railway are apparent, and I have no doubt you will gladly approve of the proposal.

Appreciating the difficulties encountered by our farmers in placing their perishable food products on the English markets in good condition, my government has arranged a complete system of cold storage accommodation at creameries, on railways, at ports and on steamers, by which these products can be preserved at the desired temperature during the whole journey from the point of production to Great Britain. The contracts made for this purpose will be laid before you.

It is desirable that the mind of the people of Canada should be clearly ascertained on the subject of prohibition, and a measure enabling the electors to vote upon the question will be submitted for your approval.

The Behring Sea Claims Convention constituted during the past year to adjust the damages payable to the owners of the British sealing vessels, seized by the cruisers of the United States on the high seas, has completed taking the evidence submitted to it by the respective governments of Her Majesty and the United States, and has adjourned for a time to hear the arguments thereon on behalf of both Governments. I indulge the hope that a final and satisfactory adjudication of these long delayed claims will now speedily be reached.

The calamity which has befalled our fellow-subjects in India has evoked a widespread sympathy in this country. The generous manner in which the appeal for practical tokens of this feeling has been responded to, has elicited warm assurances of grateful acknowledgment from the government of India which have also been specially and heartily endorsed by the Imperial authorities.

Gentlemen of the House of Commons:

The accounts of the past year will be laid before you.

The estimates of the coming year will be presented at an early day. They have been framed with every regard for economy consistent with the efficiency of the public service. I regret that the receipts from ordinary sources continue to be inadequate to meet the charges against the Consolidated Revenue. The proposed revision of the tariff and the application of strict economy in the administration of the Government will, I trust, restore the equilibrium between income and expenditure.

Honourable Gentlemen of the Senate:

Gentlemen of the House of Commons:

Among the bills which have been prepared and will be submitted for your approval, are bills amending the Superannuaction Act and the Civil Service Act.

These and other measures, I commend to your earnest consideration and express the hope that your deliberations under the Divine guidance will tend to increase the happiness and prosperity of every class in the Dominion.

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

BILL INTRODUCED.

Bill "An Act Relating to Railways"—(Mr. Scott.)

THE ADDRESS.

MOTION.

The SPEAKER reported His Excellency's Speech from the Throne, and the same was then read by the Clerk.

Hon. Mr. SCOTT moved:—

That the Senate do take into consideration the Speech of His Excellency the Governor General, on Monday next.

The motion was agreed to.

Hon. Sir MACKENZIE BOWELL asked whether the terms of the so-called settlement of the school question would be laid before the Senate prior to the discussion on the Address. It would, he said, be difficult to deal with the important question without knowing the exact terms.

Hon. Mr. SCOTT replied that the terms of the settlement would be laid before the House prior to the discussion of the Address, but he might say now that there was no correspondence on the subject.

Hon. Sir MACKENZIE BOWDLL—Neither before nor after?

Hon. Mr. SCOTT—No.

The Senate then adjourned.

THE SENATE.

Ottawa, Monday, 29th March, 1897.

THE SPEAKER took the Chair at Eight O'clock.

Prayers and routine proceedings.

NEW SENATOR.

Hon. JOHN LOVITT was introduced and took his seat.

THE ADDRESS.

MOTION.

Hon. Mr. COX moved,—

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 gracious Speech which he has been pleased to make to both Houses of Parliament, namely :—

TO HIS EXCELLENCY the Right Honourable Sir JOHN CAMPBELL HAMILTON-GORDON, Earl of Aberdeen ; Viscount Formartine, Baron Haddo, Methlic, Tarves and Kellie, in the Peerage of Scotland ; Viscount Gordon of Aberdeen, County of Aberdeen, in the Peerage of the United Kingdom ; Baronet of Nova Scotia ; Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, etc., etc., Governor General of Canada.

MAY IT PLEASE YOUR EXCELLENCY :—

We, Her 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.

He said :—An unwillingness to shrink from the discharge of any duty that may be entrusted to me by the honoured leader of this House must be my apology for presuming to occupy your time thus early in my parliamentary experience.

I have accepted the task of moving the address with the greatest diffidence. I feel that I must ask for the indulgence of the Senate when I venture to make my first remarks before them upon subjects of such great importance as those contained in the Speech from the Throne.

I am pleased to know that the first topic to be referred to is one on which there can be no two opinions in this chamber, and no two opinions in this country. The celebration of the Jubilee year of Her Majesty's reign is a common ground upon which all parties, all creeds, all races and all classes in Canada can unite with loyal pride.

In touching upon the events of the long and glorious reign of Queen Victoria it is scarcely possible for an inexperienced speaker to express his ideas in language that will not seem to be exaggerated. Within the sixty years of that reign, the British Empire has shared with the rest of the civilized world a more marvellous advance in the arts of peace than can be claimed for any similar period in the history of the human race. At the same time the people of Great Britain have distanced all other nations in their vast and almost fabulous increase in material wealth, and in the all pervading influence which their enterprise has given them in every part of the globe.

In 1837 it may have been a question as to what language and what race would lead the civilized world, but in 1897 no one can dispute that the English language and the Anglo-Saxon race must hold that proud position.

The political progress of the empire during the present reign cannot be better illustrated than by referring to Canadian history. In 1837 our system of government, while far in advance of the old Crown colony plan, was not based upon the same lines of freedom as prevailed in England itself. It cannot be said that peace and harmony prevailed in either Upper or Lower Canada at that time. How different it is to-day ; England with wise generosity has given to Canada the fullest rights of self government, and the result is that in no other part of the empire can be found a more loyal and contented population.

While the Queen owes much to the distinguished line of statesmen who have been her advisers from Lord Melbourne to Lord Salisbury, still her own sound judgment, her patriotic loyalty to the constitution, and her womanly virtues, have combined to make her reign the greatest in English history.

I will now turn for a moment to a question on which we cannot all see eye to eye ; I must express my great satisfaction at the settlement which the government has made as to the Manitoba schools. At one time the agitation on this subject was assuming dangerous proportions, and was a menace to the peace and good feeling which should prevail among citizens of all creeds in the Dominion. If the settlement with

Manitoba does not satisfy extreme views on either side of the question it may perhaps be all the more reasonable on that account, and I believe it does satisfy the vast majority of the Canadian people who desire no more agitation of that dangerous character.

There has for many years been extreme dissatisfaction with the operation of the Dominion Franchise Act, and it seems fair and reasonable to return again to the provincial franchises as we had them up to 1885.

It is to be hoped that the vote which will be recorded upon the question of prohibition and the manufacture and sale of spirituous liquors will be sufficiently decisive to leave no doubt as to the wishes of the people. It cannot be denied that the immediate loss to revenue from the adoption of prohibition would involve at least a temporary increase in taxation, direct or indirect, and that point will no doubt be discussed in all its bearings, moral and financial, during the campaign.

The next paragraph in the Speech from the Throne to which I shall refer reads as follows :

> A measure will be submitted to you for the revision of the tariff, which it is believed will provide the necessary revenue, and, while having due regard to industrial interests, will make our fiscal system more satisfactory to the masses of the people.

The importance to this country of the legislation foreshadowed by this paragraph cannot be overestimated. It is a matter fraught with consequences too serious to be influenced by the campaign speeches made by either political party under circumstances quite different from those that now exist. It should, if possible, be taken out of the political arena altogether, and approached by both political parties with due regard to the circumstances as they exist in Canada to-day. By the construction of the Canadian Pacific Railway, the Intercolonial Railway and many other important and extensive public works a large national debt has been created, the interest upon that debt and the cost of administering the government have increased out of all proportion to the increase in population. Not only these charges, but also the subsidies to the provinces must be raised by customs and excise, for the time has not come when the people of Canada will submit to direct taxation.

Not only have we built up a great annual outlay. We have created industries upon the basis of protection, industries in which many millions of dollars of private capital has been invested, and upon the credit of which many millions more of working capital has been borrowed from our banking institutions. It is not necessary now to discuss the merits or demerits of the system under which these industries have been created, the fact remains that they do exist, that large investments have been made, large liabilities incurred and that legislation tending to embarrass important interests would be disastrous.

It has been the hope of the Liberal party to effect improved trade relations between this country and the United States. If the products of our manufacturers, our forests, our farms, our fisheries, and our mines had been admitted to the markets of that country upon fair terms our producers would have been glad to meet their competition upon the same basis, but judging from the tariff measure now under discussion at Washington it appears to be the settled determination of the American politicians to shut our products out of the markets of this continent, there can be no doubt that this action must tend to force Canada into cultivating closer relations with other countries who will admit our products upon an equitable basis, and to give some tangible recognition of our sense of the value and importance of the great free market of the empire. Our exports to Great Britain now exceed those to the United States by twenty-two millions, and, in fact, exceed our exports to the United States and all other countries together, and as we must find the chief market for our exports in the old land, so under a freer tariff we must increase our imports from England, and in thus improving return cargoes the tendency will be to reduce rates of transportation as well as to cheapen supplies to the masses of our people.

In this connection the plans of the government for putting our products on the British market in better condition by a system of cold storage, and by better transportation facilities is of great importance. Products from every corner of the world are seeking the great free market of the old land, and we can only improve our position in that market by improving the quality of our products, and in delivering shipments in as good or better condition than those of our competitors. Last year we sent $14,000,000

worth of cheese and $2,000,000 worth of butter to England and there is room for great increase in the butter export. In order that we may get our butter into this market in the best condition, the Minister of Agriculture is providing a complete chain of cold storage from the railway stations here in Canada through the shipping ports to the English market. Many creameries will be provided with cold storage chambers, the railways will provide refrigerator cars from the creameries to the large centres, where cold storage warehouses are found, and at shipping points arrangements have been made to provide cold storage until the products are put on the steamships. The minister has also arranged a weekly steamship service to the chief ports in England, and as a result we ought to have a great increase in the butter export and also to receive a better price for the Canadian article. In cheese we have now a splendid position in this market, and under the improved system of cold storage we ought to be able to hold our advantage if not to improve even upon the splendid position we have already achieved. The trade in poultry should also be improved, and it is evident that we must continue to send eggs in increasing quantities to the British market. It has been estimated, too, that the shipment of dressed beef will add from $10 to $15 to the value of every steer raised on the western prairies. The transportation charges for the carriage of steers alive average nearly $30 ; the carcases of the same steers can be shipped as dressed beef for $15 per head, and the shrinkage during the journey would not be more than five or seven pounds per carcass. It is believed that the cold storage service arranged for by the government on railways and steamships will be of great benefit to the whole cattle interest of Canada and particularly to the live stock interest of Manitoba and the west. In the development of these great natural industries must we look for the real growth and prosperity of the Canadian people, and if we are to be denied reasonable access to the markets of our own continent it is of enormous importance that the government should persevere in its well ordered plans for improving the quality of the products that we must send to England, and in making Canadian products of the very first quality, and therefore guaranteeing to the Canadian producer the best prices in the ultimate market.

The enlargement of the St. Lawrence canals, the extension of the Intercolonial Railway to Montreal, and other matters referred to in the Speech from the Throne, afford evidence of an intelligent, aggressive and vigorous policy upon the part of the government. And I desire to take this opportunity of extending my congratulations to this House, and to this country, upon the fact that we have, at this important epoch in the history of our country, gentlemen guiding the ship of state so well qualified and so well disposed to extend the commerce and to develop the resources of our fair Dominion.

Hon. Mr. KING. – In rising, as I now do for the first time, to address this hon. House and discharge the duty which devolves upon me, I think I may fairly claim the measure of indulgence which I believe has been accorded on similar occasions to gentlemen filling the position which I occupy at this moment. I am conscious that in speaking to the Senate of Canada, I am addressing a body of men, the majority of whom conscientiously and honestly differ from me in the opinions which I hold on many important questions affecting the welfare of this country, and, I have no doubt, in the remarks which I may choose to offer before I resume my seat, that there will be found in this chamber some who consider it is their right and the proper thing for them to dissent to what I have to say ; but from the manner in which the remarks of the hon. member who preceded me were received there are some questions upon which I am sure we all agree. The first matter to which I propose to allude to-night is that paragraph of His Excellency's speech delivered at the opening of this session of Parliament which points to the loyal feeling that obtains in Canada at the present time. I may say that in times past, and in times not very remote, some hon. gentlemen have thought it worth their while to characterize their opponents, in the heat, perhaps, of an election campaign, as disloyal and unpatriotic. I am glad to think that that time has passed away in Canada, I trust never to return. I make bold to say to-night that as matters stand to-day, no party in this country has anything to gain with the people of this country by characterizing their opponents as disloyal and unpatriotic. When I remember that in this year in which it is my privilege to address the Senate we are to have a celebration known as the Diamond

Jubilee celebration, I am sure I may be permitted to say that the people of Canada, one and all, feel that a compliment has been paid them in the invitation extended to us by the Imperial government to send a representative from Canada to take part in that celebration, and I may be permitted also to say that in the present premier of Canada I feel, as one, that we have a gentleman well fitted to represent not merely a party in Canada, but the whole Canadian people. I do not know that it is at all necessary for me to venture to make any extended remarks with regard to that question known as the settlement of the school difficulty of Manitoba. I do not intend to deal with that question at all from its legal aspect, as I believe it would be presumption on my part to make any such attempt; but I may say here, that I honestly believe that the people of this country, from one end of Canada to the other, with few exceptions, indeed, are satisfied with the way in which that difficulty has been disposed of. I daresay that there are some who are not satisfied. There was but one way, in my opinion, to settle the question. It was referred to the courts in the first place, then it had to be referred back to the people of Canada. If I understand right, there are in this country but two powers competent to deal with the question. It might have been settled by the legislature of the province of Manitoba; it might have been settled by this Federal Parliament here at Ottawa, but it was settled by the help of both the government of Manitoba and the government of Canada. I believe it is safe for me to say that recent events have shown that the people of Canada, in all the provinces where they have had an opportunity of speaking out on this question at the polls, have pronounced in favour of that settlement. I come now to another matter which has been alluded to in the Speech of His Excellency, and that is the revision, or the reform, of the tariff. I stand here to-night as an advocate of reduced taxation in this country. I stand here to-night as one who has all along favoured a reduction of the tariff; I stand here to-night as one who has all along from the outset been opposed to the National Policy. I believe to-night that a mistake was made when that policy was introduced into this Dominion. I am satisfied, speaking from a provincial standpoint—more particularly speaking from the standpoint of the province from which I come—that it has been productive of no good, that is, to the maritime provinces. I admit there are sections of Canada which have benefited by that policy, but if we are to be guided and governed by the statistics placed in our hands, it must be clear to every one of us that the progress made in Canada during the time in which that policy has been in operation has not been such as we had a right to expect. Will any hon. gentleman say that I, as a New Brunswicker, should be satisfied when in ten years the province from which I come has only gained sixty-one souls—when previous to that decade our population was increasing by leaps and bounds. We were keeping pace with the other provinces of Canada, but during ten years of the eighteen since the adoption of the National Policy our population has been stationary. What I say with regard to New Brunswick, will apply equally well to the other maritime provinces, but, as remarked by the hon. gentleman who preceded me in discussing this question, we have to take things as we find them, Circumstances have changed and are changing. I am to-day as firm a believer in a low tariff as I ever was, but when I look around me and see the condition of things existing to-day in the adjoining republic, among the people to the south of us—when I find that that people are determined to crush us as Canadians and avow that they are going to adopt a tariff which will compel us to forego our allegiance to the mother land, or in other words, which would starve us into annexation with that country, then, if I had advice to offer to the government of Canada, I would ask them in the revision of the tariff to go slowly. I would ask them to consider well the steps they were taking and I would go further and say that until the better judgment of the people of the United States reasserts itself, I would ask them to grant favours only where favours would be granted in return. They have adopted or rather are about to adopt a policy not only of protection, but a policy of exclusion as well. They have their alien labour laws, and they propose amendments to the immigration law, and they propose a tariff more prohibitory than the McKinley tariff. I do not know what the effect of it is to be. I am quite sure if it is to bear hard upon any part of this Dominion it will be upon the

eastern provinces of Canada. But it may turn out that it will prove to us a blessing in disguise. It is possible, I say, that we may be able to so arrange matters as to keep our young men at home. I have faith in the future of this country. I know that in the western parts of this Dominion we have a great heritage and great resources. I know that we have a wealth of mines, and what I ask to-night of this honourable House—and I think I would not be doing my duty if I were not to state it thus plainly—is that in any policy which may be adopted to open up and develop that western country it should not be forgotten that there is an east as well as a west in the Dominion of Canada. You may take, as it is proposed to take, millions, and lavish them in deepening canals and waterways in this Dominion. You may build the Crow's Nest Pass Railway, you may build railways through all that western country, and if the policy which has prevailed in Canada ever since confederation is to be continued in the future then I say that the people of the maritime provinces would have good reason to oppose the expenditure which it is proposed to make for the purposes of that North-western country. But I go further and point this out to this honourable House to-night, that if in carrying out the policy of the present government, which I believe is a policy acceptable to the majority of the people of Canada, they take care that the trade which is developed in that great west, and in British Columbia, finds its way to ports in the Maritime provinces, and to ports in Canada, and not to allow it to filter out through other channels to Boston and Portland, as it has been doing ever since we had the honour of forming part of this confederation——

Hon. Mr. MACDONALD (B.C.)—Hear, hear.

Hon. Mr. KING—Then I say the maritime provinces will respond and there will be no hesitation on our part, at all events, in contributing our fair share towards the cost of those very large undertakings. I might be permitted to say here what perhaps is known to most of the hon. gentlemen present, that the people of the maritime provinces—more particularly St. John—are making in proportion to their population and in proportion to their means, large sacrifices for one or two or three years past in order to be able to demonstrate to the people of this country that we have at our own seaboards, harbours sufficient to accommodate the trade of Canada. They have spent their hundreds of thousands of dollars, and I believe they have clearly established the fact that in the city of St. John, to say nothing of what is well known in this House with regard to Halifax, that they are able, or will be able in the near future to accommodate as much traffic as it is possible to direct that way, and I hope that in adopting this policy of deepening the canals and developing the western country, it will be the aim of this House and the aim of the government of this country to see that no more money is expended in subsidizing lines of steamers to Boston and Portland; but to see that encouragement should be given to lines of steamers as is being given to-day, and which may be supplemented still further to lines of steamships to the ports of St. John and Halifax and other ports in the maritime provinces. It was not my intention to speak at length to-night. I am satisfied that I could not do the subject justice by continuing my remarks, I have nothing to say to this hon. House that is not very well known to most of the hon. members, and therefore I take the liberty of seconding the motion made by my hon. friend to my left.

Hon. Sir MACKENZIE BOWELL—I should like to call the attention of the leader of the House to the promise made by the Secretary of State before the adjournment of the Senate on Thursday last in reference to laying upon the Table the terms of what is called the agreement between the Federal Government and that of Manitoba before the debate on the Address.

Hon. Mr. SCOTT—I have already laid the terms on the Table. Probably my hon. friend did not catch my observation at the time.

Hon. Sir MACKENZIE BOWELL—I was not aware of that fact. However, it is not my intention now to make any remarks with reference to it, not having seen it, much less had time to read it. I have, of course, read the newspaper reports, but as I notice that the leader of the government, the premier, on every occasion repudiates news-

paper reports, I do not deem it safe to indulge in any criticism upon that which has appeared in the newspapers. Hence I was anxious to see the official document itself. I shall be able, no doubt, to sleep after I have read it. I have little fear that it will keep me awake any part of the night. After having heard the mover and the seconder of the address, if the House has no objection, I would move the adjournment of the debate. Before doing so I would say that I have listened not only with a great deal of interest, but a great deal of pleasure to the remarks of the mover of the address and also to the remarks of the seconder; though I must qualify it by saying I am more in accord with the observations of the mover of the address than I am with those of the seconder. These are points that I will have an opportunity of dealing with at a later period. Let me say further that I compliment and congratulate the government on the late appointments to the Senate. I say so in all sincerity. I had the pleasure of sitting in the House of Commons with the hon. Senator from Bothwell for nearly a quarter of a century. I am not aware that upon any great question we ever agreed; but I can say this for him that he always dealt with any question that came before the House, in a manly, straightforward, I believe conscientious, and I am sure intellectual manner. My hon friend from Toronto, if I may mention his name, Mr. Cox, is a gentleman with whom I have been acquainted for a number of years. I congratulate him, and I congratulate the country, on the appointment to the Senate of a man of his commercial and financial standing in the country. And as to the other hon. member from New Brunswick, though he came here under peculiar circumstances, I congratulate the country on the accession to this chamber of a gentleman of the ability which he possesses. Though his opinions are not in accord with my own, I am quite sure he is fully as honest as I am in the views which he holds. I deem it my duty to say this much in reference to the composition of this House, because appointments of this kind, of men of ability, men who have taken an active part in the commercial affairs of the country, who have been leading members in politics, will add, not only to the dignity of the House, but will also add a great deal to its—shall I say intellectual standing in the country? Having made these remarks, which I have done in all sincerity—I move that the debate be now adjourned.

Hon. Sir OLIVER MOWAT—Before the motion is carried I wish to say a word or two. I am grateful at the generous way in which my hon. friend opposite has alluded to the late appointments made to the Senate. He has used very strong language, but not too strong: and I hope he will find that all the appointments made to the Senate and to every other department of the government with which we have to do will be of as praiseworthy character as the appointments which have been made.

Hon. Sir MACKENZIE BOWELL—I reciprocate that wish.

Hon. Sir OLIVER MOWAT—My hon friend who has moved the answer to the address is known throughout all the Dominion as a gentleman of uncommon energy, uncommon business ability, of the highest moral character, and one who has an immense experience in public business of various kinds. Such a man will be, I am sure, of great service to us in many of the matters that come before us, and I have the satisfaction of knowing that, as it has been his habit to apply his energy to everything which he has undertaken, so he has accepted the office of senator with a determination to throw into the discharge of its duties the same energy, and to give to it the same attention, which he is known to have done with regard to other things during the whole of his life. His observations here to-day show him to be a thoughtful man with regard to public as well as to other matters. My hon. friend who seconded the motion comes from a different part of Canada. He, too, is a gentleman with large experience of business, a successful man of business, and who has given his attention not only to matters of business, but also to public matters, and is very familiar with them. I expect we shall find in him also a very valuable assistant in dealing with the many questions with which we have to deal. Another of the new senators is a gentleman whom we are all familiar with—with whom politicians generally are more familiar than they are with either of the other gentlemen,—I mean Mr. Mills, of whom my hon. friend opposite has spoken very kindly. Mr. Mills is one of the ablest politicians in

public life. He probably bestows upon the questions which come before him a larger amount of thought—of deep, independent thought, than most gentlemen can. His habit is to study thoroughly every question and to give the public the benefit of his mature thought upon it. He possesses an eminently logical mind, he has a good memory and other valuable qualities which fit him for any assembly in which he may take part. There is no appointment which I ever expect to have an opportunity of making here during the ten or twenty years for which I may be leader of the House, which I expect to be superior to that of Mr. Mills. The other hon. gentleman who was introduced to the Senate this evening is less known to me than the hon. members to whom I have referred, but from what I have heard of him I expect to find him also a valuable member of the Senate. I have no objection to the motion before the House.

The motion was agreed to.

The Senate then adjourned.

THE SENATE.

Ottawa, Tuesday, 30th March, 1897.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

BILLS INTRODUCED.

Bill (A) "An Act respecting the employment of children."—(Sir Oliver Mowat.)

Bill (B) "An Act to amend the Criminal Code, 1892."—(Sir Oliver Mowat.)

THE ADDRESS.

THE DEBATE CONTINUED.

The order of the day being called

Consideration of His Excellency the Governor General's Speech, on the opening of the Second Session of the Eighth Parliament.

Hon. Sir MACKENZIE BOWELL said:—In rising to address this House I propose to confine myself as closely as possible to the subjects contained in the Speech from the Throne, and to be as brief as I can. I desire, before proceeding further, to state that I think I did the honourable Senator from Bothwell an injustice, yesterday, when I stated that during the long period I had had the pleasure of sitting in the other House with him, we had always been opposed, particularly upon all great questions. Upon reflection, however, I find that that was not correct. There were occasions on which constitutional questions arose, questions which affected the creeds and nationalities of the people of Canada, and on every one of those occasions which created discussion—and I may say, to a certain extent, bitter animosities among the different races of the people of the Dominion—the then member for Bothwell took sides with the government of the day, and in an argumentative manner defended the constitutionality of the position which was taken by the government of which I was a member. It is only just that I should refer to these matters in order that I may put myself right so far as his parliamentary course, during the time I had the pleasure of sitting in the Commons with him is concerned. I refer more particularly to the Jesuits' Estates Act, which we all know created a great deal of discussion and opposition, and to the Bi-lingual Act in which he was in accord with the government of the day. Upon the very question which has created so much discussion of late, he delivered one—I think I am safe in saying—of the best argumentative speeches in the debate in the House of Commons, in which he justified the position taken by the government of the day in carrying out the decision and recommendations of the law lords of the Privy Council. But, unfortunately—perhaps I would not be doing justice if I did not say so—after delivering that portion of his speech, which met the approbation of almost every one, he wound up with an attack on the government of the day for the course they had pursued in reference to the settlement of that question. I can only compare the hon. gentleman's position on that occasion to that of a character in one of Bulwer's works, "My Novel." An old Tory country gentleman had a son who had visited the United States and returned imbued with Republican ideas. The son ran for a seat in the House of Commons; this put the

old gentleman in a rather difficult position as to how he should vote—whether filial affection should counterbalance his better judgment upon political matters—so, when the contest came on he says: "My son, I wish you well, but I always vote blue." Now, it struck me that this is a modern illustration of the principle. The hon. gentleman certainly defended in a masterly manner the position which had been taken by the government, but as he always voted Grit, he had to get a good excuse for doing as he did. Having made this explanation, I join cordially with the mover of the Address in his remarks respecting the first paragraph of His Excellency's Address to Parliament, in which he refers to the loyalty of the people of Canada, and to the Diamond Jubilee of Her Majesty, I need scarcely waste time in discussing, or even referring, to a question of that kind. It is a matter for congratulation to know that there are very few, if any, of Her Majesty's subjects in Canada who are not devoutly loyal to the Crown, and who have not the highest respect for the sovereign, who has reigned so long and stands pre-eminently above—in fact has no peer amongst the ruling powers of the world. My hon. friend passing from that paragraph expressed his gratification on the settlement of the Manitoba school question. I wish I could join him in that congratulation. I wish I could believe for a moment that the terms of the agreement entered into between Mr. Laurier's government and Mr. Greenway, meets the approval of the country as a whole, and particularly of those who are directly affected by that settlement. If it were so, I think it would be a happy augury for the future. I should be gratified to know that a question of this kind which appeals to religious prejudices and to race feeling was removed entirely from the political arena. Every one who desires to see Canada prosper, should also desire to have removed from all political platforms questions affecting our religious belief, or the place of our birth, or the race from which we sprang. I do not propose to read a large number of extracts from the official correspondence on this question to prove the soundness of the position which I propose to take. It has been charged that the late government made demands on the Manitoba government in a manner which they were justified in resenting as dictatorial. I deny in a most positive manner that any demands of a dictatorial character were ever made by the government of the Dominion on Manitoba. If those who have paid any attention to this question will refer to the answer of the government to the petitions which were sent in by the bishops and by the laity of Manitoba, asking for interference by the Dominion government; the report made by a sub-committee of the Privy Council, composed of the late Sir John Thompson, Mr. Chapleau, the present Lieutenant Governor of Quebec, Mr. Daly, and myself, they will find that the winding up paragraph of that report implores the Manitoba government, in the most respectful manner, to deal with this question in such a manner as to remove it altogether from the Dominion political arena. You have also to refer to the Order in Council which was an answer to the reply of the Manitoba government to the remedial order, and you will find that the language of that reply was of such a character that by no possibility could it be construed into a demand that the Manitoba government should do anything other than restore the rights which we believed, under the constitution, the minority of that province had been deprived of. We pointed out to them that in their answer to the remedial order they had possibly misunderstood the terms of it; that there was no desire on the part of the Dominion government to force them to take any course other than to restore as far as they possibly could, under the direction of the decision of the law Lords of the Privy Council, those rights, and remove the grievances which the law Lords of the Privy Council had pointed out as existing in the Educational Act of Manitoba. I point to these facts to show that the charge against us that we made demands in such a manner as to be repulsive and to induce the government of Manitoba to resist the recommendations which we made to them, is absolutely incorrect and incapable of being established by the documents which have been laid before the country. I say it with a good deal of reluctance —that the information I received during those negotiations was of such a character as to force us to the conclusion, that there was a determination on the part of the government of Manitoba to resist any proposition that might be made by the Dominion government at that time, in order to keep the question before the public, to enable hon. gentlemen opposite to carry the elections, which were

then approaching, with Mr. Laurier at their head. Information was received that such an understanding did exist between them, and if there was anything wanting to prove that beyond a peradventure, it was a remark made by Mr. Greenway the other day in the House of Assembly when this question was under discussion, when the leader of the Opposition, Mr. Roblin, was pointing out that the terms of this agreement had not settled the question—that it had not removed the discontent, nor would it remove the discontent that existed. Mr. Greenway replied that it had accomplished one thing, and that was it had driven the Conservative party out of power. Now, that was the object, I have not the slightest doubt from the beginning, and I believe the party now in power was a party to that arrangement and a party to that understanding. Whether the people affected are satisfied with the settlement or not is a question for them to decide. I do not agree with some of those with whom I act politically on this question. It has been said, repeatedly said, and I regret to say it has been repeated in the House of Commons lately, that because the people of the province of Quebec had returned a large majority against the late government, who proposed to do justice to the minority in Manitoba, that therefore we should drop the question altogether. Now, to me, it matters not what position the people of Quebec may take. If every man in that province were to record his vote in favour of Mr. Laurier, whether because of his race or because of his creed, it is a matter which does not affect the question at issue one iota. The simple question is this, did the constitution give to the minority in Manitoba certain rights and privileges? Did the parliament of Canada in 1870, when they passed the constitution of Manitoba, intend that the minority should be protected in their educational rights, or in the exercise of the rights and privileges which they had at that time so far as education and the teaching of their religion is concerned? If so, it matters not to me whether the whole country should decide against me or not, my position would not be affected as to their rights under the constitution. Every one who thinks upon the subject, who came to the decision that we did upon the question, believing the minority of Manitoba to have rights which should be maintained, ought not to be influenced by the result of the general election, or the result of any election which has taken place since then. After all, did the last general election prove that the Roman Catholic population of Canada approved of this settlement, or that they would be content with the settlement of the question which has been presented to this House? We all know that every candidate in the province of Quebec pledged himself in writing, by speech, or by solemn declaration, to do more than the Conservative party proposed to do, and if the honest habitants took the word of their countrymen when it was dinned into their ears, is it to wondered at? We know that they were told, not only by Catholic leaders but by Protestants also, when this question of the Remedial Bill was discussed: "Are not the rights of the minority in Manitoba safer in the hands of Laurier, who is a Frenchman and a Catholic, than they would be in the hands of Sir Mackenzie Bowell, who is a Protestant and an Orangeman?" This was the method pursued, these were the utterances which were made to the voters of the province of Quebec, and if they believed, as no doubt they did, the assurances of the present premier and his followers, I am not prepared to say that I blame them so much for the manner in which they voted. Since the general election, and since the terms of the agreement have been made public, there have been several by-elections, and I heard them referred to in the House of Commons a few nights ago, as evidence of the fact that the country accepted the settlement. Is that true? Has not every candidate in the by-elections, in the province of Quebec and in other parts of the Dominion, stated that they do not regard this as a final settlement, but that they would obtain more, that this was simply a beginning of what they intended to accomplish? Did not Mr. Laurier himself state in a speech in Montreal that this was but an instalment, and that he would continue to agitate for more concessions? If the people are all content with this settlement, what necessity is there for the government candidates pledging themselves to agitate for further concessions to the minority in Manitoba? In all the elections which have taken place since the general election, with the exception of one, the people had pronounced upon this question before, and the only constituency in which the people are now and have been directly interested in this matter—that is St. Boniface

—returned a member in opposition to the Greenway government, and pronounced against the agreement which we are told has been accepted by the whole community, and that, too, mark you, although the government candidate had given a written declaration at different polling places that he accepted the opinions and declaration of Archbishop Langevin upon the question, and that he would vote, if elected, to have them carried out; while in Winnipeg and in other portions of the constituency he was pronounced to be an admirer of Mr. Greenway and an ardent follower of Mr. Laurier's, and that he accepted the agreement which had been effected. I mention these facts to show that there has been a system of hypocrisy in dealing with this question, from beginning to end, that there has not been a straightforward, manly stand taken with respect to it. First we should see whether it is a constitutional question or a religious question. If it were simply a religious question, I should not take the position that I hold today. I hold it to be a constitutional question, in which the minority of Manitoba and all minorities are interested. My course has been suggested by thoughts of this kind: if the minority of a province who do not think as I do are to be deprived of their rights, may it not lead to a similar interference in some other province with the rights of a minority with whose views I am in accord? I make this explanation because I desire to be fully and fairly understood in dealing with a question in which race and religion are too apt to be mixed up. Now, what is this settlement which has been made? It is somewhat singular that that same system of contradiction should have been carried on to the present day. Mr. Laurier told the people of Montreal a short time ago that he had obtained more for his countrymen and co-religionists than the late government offered to accept. Mr. Cameron, the Attorney General of Manitoba, when introducing the bill to give effect to this agreement, told the people that there was no comparison between the demands made by the late Conservative government and the concession which had been accepted by Mr. Laurier. I leave it between those two gentlemen to decide who is right, and to the public to say which of them tells the truth. There is the same system, I repeat, of contradiction, uttered to suit the circumstances of the case, and the locality in which the person who utters the sentiment happens to be for the time being. In order that this agreement may be fully on record—I will read it. It is as follows:

1. Legislation shall be introduced and passed at the next regular session of the legislature of Manitoba, embodying the provisions hereinafter set forth in amendment to the "Public Schools Act," for the purpose of settling the educational questions that have been in dispute in that province.

2. Religious teaching to be conducted as hereinafter provided.

1. If authorized by a resolution passed by a majority of the school trustees, or

2. If a petition be presented to the board of school trustees asking for religious teaching and signed by the parents or guardians of at least ten children attending the school in the case of rural district, or by parents or guardians of at least twenty-five children attending the school in a town, city or village.

This clause gives the right, on petition or by a vote of a majority of the school trustees, to furnish religious teaching, provided there are ten children in a rural district or twenty-five in a city, attending the school. Let me ask those who conscientiously believe that religious instruction should accompany secular education, why the limit of ten children in rural districts and twenty-five in cities, towns and villages, should be fixed? If religious instruction be necessary for ten children, why should nine be deprived of it because there does not happen to be a tenth pupil? Or in the case of a city, town or village, why should twenty-four children be deprived of religious instruction because there does not happen to be a twenty-fifth pupil? If religious teaching be recognized at all, and if it be necessary for the welfare of the children, then it is just as important that one child should receive such instruction as the ten or twenty-five should; and it is an outrage upon the feelings of the parents if they cannot have the same rights and privileges as though there happened to be the number of pupils specified in the terms of the agreement, attending the school. I leave it to any reasonable man to say whether there is any concession in that, which should not be extended to all children attending a school. I am one of those who believe that the fundamental principles of religion should be taught in all our schools. I do not pretend to say that I would approve of sectarian instruction, but the fundamental principles of Christianity, in which we all believe, whether we are Catholics or Protestants, should be taught

to every child who is capable of understanding his duties to himself and to his country. Of course, the next clause is simply one providing for the manner in which the teaching shall be done. It must be by a Protestant clergyman whose charge includes any portion of the school district, or by a person duly authorized by such clergyman, or by a teacher when so authorized. I presume that the intention of this provision is, that if the teacher is considered fit for the work, he may be so authorized by the clergyman. I do not know of any other interpretation that I could put upon it. The fourth clause provides:—

Where so specified in such resolution of the trustees or where so required by the children's parents or guardian; religious teaching during the prescribed period may take place on certain specified days of the week only, instead of every teaching day.

Another clause provides that there may be three days in which the Roman Catholics can teach religion after school hours, and the other three days can be devoted to Protestants, if they desire to have their children taught any religion, or to send a clergyman to those schools. Practically I look upon the whole of these regulations as an utter farce. They can never be carried out, nor would they meet the requirements or wishes of those who hold the views of the minority of Manitoba. The fifth clause reads as follows:

In any school in towns and cities where the average attendance of Roman Catholic children is forty or upwards, and in villages and rural districts where the average attendance of such children is twenty-five or upwards, the trustees shall if required by the petition of the parents or guardians of such number of Roman Catholic children respectively, employ at least one duly certificated Roman Catholic teacher in such school.

It goes on to make the same provision in case there are a requisite number of Protestants. I would like to ask any one who has experience in public school matters, what benefit can possibly arise to the children from the provision in that section of the agreement? The teachers are not permitted to teach the religion of any sect or of any church, and surely it matters not to Roman Catholic child or parent, or to a Protestant child or parent, whether the rule of three or a problem in Euclid is taught by a Roman Catholic or by a Protestant teacher. I have yet to learn that there is any particular religion in the teaching of a child that three times three make nine, and whether he is taught by a Roman Catholic or a Protestant is a matter of perfect indifference. Why a provision of that kind should be made drawing a distinction between the teachers under such circumstances must be a marvel to everyone, unless we come to the conclusion that it is to tickle the ear and the fancy of men who never think beyond the fact that they are Protestants or Roman Catholics. In my younger days this question of the creed of a teacher never was considered. When I was a boy, a large number of the teachers in the town where I resided, were educated gentlemen who had come out to this country under adverse pecuniary circumstances, and took up teaching as a means of livelihood. No one objected to them as teachers. No one in the section of the country in which I lived objected to any teacher because he happened to be a Protestant or because he happened to be an Irish Catholic—I do not say French Catholic, because in that section of the country there were very few, if any. The next section simply provides for the giving of power to the Department of Education to make certain rules and regulations in order to carry out the terms of this agreement. There is but one other point in connection with this agreement to which I would draw your attention, and that is the tenth clause which provides that when ten of the pupils in any school, speaking French, (or any other language other than French) as their native language, the teaching of such pupils shall be conducted upon the bi-lingual system. There is no provision in this regulation for the teaching of English in the section. I dare say my hon. friend from Manitoba will understand this point better than I do. In a section where the large proportion of the inhabitants are Roman Catholics and are French and speak the French language, supposing that there happens to be the requisite number of Protestant children in that particular school section, what provision is there here that they shall be taught the English language? There is but one answer to that question and that is, if the school law of Manitoba provides that in all cases the English language shall be taught.

Hon. Mr. MILLS—The majority could take care of itself.

Hon. Sir MACKENZIE BOWELL—I understand my hon. friend very well. I am quite sure the majority would take care of itself, but it is not the majority I am speaking of. It is the minority in a French section where they speak nothing but the French language. What provision is there in these regulations that the children of Protestants attending that school shall be taught the English language? That is what I desire to point out. Perhaps I was not sufficiently clear.

Hon. Mr. POWER—Would the hon. gentleman read that 10th paragraph again?

Hon. Sir MACKENZIE BOWELL (again reads the paragraph)—That provides for the teaching of French in addition to English in the case of ten French children being in the school. In a further section of this agreement where it provides for religious teaching, it provides for the employment of a Roman Catholic teacher or a Protestant teacher. It is duplicated. It is made applicable to both classes of people, but in this section it is only made applicable to one and there can be but one answer to it; I speak under correction when I refer to it. I do not desire to draw improper conclusions from the reading of this 10th paragraph. If the Manitoba school law provides absolutely for the teaching of English in all schools, then, of course, my objection is answered; if not, then the deduction which I draw from this 10th paragraph must be correct—there is no provision where there is a minority of ten Protestants in a French settlement for teaching of the English language. If the people who are interested in that agreement are willing to accept it as carrying out the provisions of the constitution, it is not for me, and those who think with me, to take exception to it. I again repeat my repudiation of the charge that has been laid against the late government of having treated the Manitoba government with discourtesy in any respect, directly or indirectly. I repeat that it is a matter of very little consequence to me, taking the position that I hold, and believing it to be the position which every statesman and every public man should hold, whether the whole province of Quebec or any other province should vote acceptance of that agreement. If the papal ablegate who is now in this country, advises the people to accept a settlement, it is a matter for themselves. But if the question comes up as to recording my vote in favour of the rights, as I understand them, of the minority in Manitoba, notwithstanding the Pope should say himself that it was satisfactory to him, I should vote for the enactment of a law which would give to the minority that which I believe they are entitled. The next paragraph is perhaps one more congenial to my feelings—one with which I could deal with less reserve. My hon. friend who moved the address expressed pretty strong views in reference to the trade question and the tariff. He pointed to the fact that millions of dollars had been invested, and that vested interests should not be interfered with. When one reflects upon the past, and what has taken place during the 17 or 18 years in which the protective policy of the government has been in force, and then reads the utterances of the leaders of the Liberal party of to-day, if one could only blot out the names of those who utter them and read them without knowing who gave expression to those views, one would say they come from the veriest Tories in the land. I congratulate my hon. friends upon their conversion. They have been denouncing in the bitterest possible terms the national policy for the past 17 years. They have told us, only place them in power and they would remove the incubus which has weighed down the country during the last 18 years, and driven the people abroad and made us all miserably poor. The farmers were ruined; they were literally under burdens which they could not possibly carry. Now, these same gentlemen tell us that we must not interfere with rights that have grown up under the protective policy, because they are vested rights. Why all this change? I have not heard my hon. friend from Bothwell give utterance to any expressions of that kind. I believe that he is too ardent a free trader, and moreover that he is too honest to give expression to similar views to those which have fallen from hon. gentlemen with whom he has been acting. Let me say, parenthetically, that I agreed with the leader of this House when he passed the glowing eulogy he did upon my hon. friend from Bothwell. I have watched that hon. gentleman with a good deal of interest during his political career. I have received from him very much information, and it was a marvel to me that a

gentleman who had done so much for his party, a gentleman who, in season and out of season, had never hesitated to raise his voice in defence of the principles which he consistently advocated from the time of entering parliament up to the present session, should have been set aside for men who never did anything for their party. Notwithstanding that fact, he has the satisfaction of knowing that he maintains a better position to-day in the estimation of the people generally and of both political parties, than those who occupy positions that he was so eminently qualified to fill, if I may take the opinion of the hon. leader of the government in this House. We have had denunciations of the tariff *ad nauseam*. I might occupy pages and pages of the official report by reading declarations of a most vehement kind against the tariff and against every man who advocated the policy of protection, but I shall not inflict the House, or myself either, by doing so. There is one thing, however, that I may just as well refer to, and that is, when we take the Liberal platform and read it, and compare it with the declarations of the leaders of the party to-day, we are somewhat amazed that a transformation of so complete a character could possibly take place in so short a period. Was it because of the views which were presented to the hon. gentlemen during their interview with the manufacturers, or was it from some other cause that they were led to adopt the course they take to-day? "Oh, they say, you have involved the country so deeply in debt, that we must have a revenue, and it is only by money raised from customs and excise that we can possibly obtain that revenue." If they were consistent with the views they formerly expressed, that they were free traders of the English schools, or that they desired a tariff for revenue purposes only, there is no difficulty whatever in raising the revenue. Why did not my hon. friend take the same course as the English free traders? If he and his friends were honest in their convictions and declarations prior to the elections, why did they not do as Mr. Reed, the premier of New South Wales did, when he was returned in that country? In New South Wales Mr. Reed opposed Sir George Dibbs, and the issue before the people was free trade and protection. Mr. Reed was a free trader. Under Sir George Dibbs they had a protective tariff, not only against the outside world, but against the other Australian colonies as well. Mr. Reed declared himself a free trader. He professed sentiments similar to those which have been uttered by every leader of the Liberal party in the Dominion during the last fifteen or sixteen years. In the general election he carried the country as Mr. Laurier has done. He met parliament and at once put his promises into practice, abolished the customs duties from the statute-book, and adopted a free trade policy, pure and simple. He raised his revenue by a land tax and a tax upon income, etc. If hon. gentlemen opposite are honest in their professions, why do they not do the same thing? Simply because they do not dare to carry out, or attempt to carry out the policy they announced when in opposition. Any one who listened to the speech of the late Finance Minister, the present Minister of Trade and Commerce, the other night in the House of Commons would come to the conclusion that changing his seat from one side of the House to the other, has had a marvellous effect upon that hon. gentleman, both in his manner of speaking, and in the views which he utters. He had declared in the past that all manufacturers were rascals, great and small; he denounced them as legalized robbers and loud mouthed blatant defenders of a system which was robbing the people. He compared the Conservative government to priests of Baal. He spoke of the shallow clap-trap of the national policy; of the Conservative leaders as wolves, a minstrel troupe and juggling combination—a menagerie—tools and agents of the manufacturers, whom he describes as skilled and drilled cohorts of sinister interests, dangerous to freedom and a standing menace to the government—a far worse set of bandits than the Robber Barons of the Rhine. These are only a few illustrations, yet the other night he was as bland and as courteous and as mild in dealing with this question as my hon. friend sitting opposite will be when he rises to address the House. Yes, and he spoke of vested rights, though when he was in Lanark a short time ago the reports say that in ringing tones, Sir Richard denounced those who had made these investments as loud mouthed blatant blockheads. He said the policy of the Liberal party will bring about a cordial union between Great Britain and the United

States, and no greater service could be rendered to the British Empire. If that is the policy of the Liberal party, how it it that their sunny ways have not accomplished anything in that direction? I find nothing in the Speech from the Throne intimating that a commission is to be appointed to confer with a similar commission to be appointed by the United States to deal with the trade relations between the two countries. An intimation of such an arrangement has been given to the public. Perhaps my hon. friend can tell me whether that is correct or not. It seems to me, however, that if there was any such arrangement between the United States government and the government of Canada it would have been heralded forth to the world in the Governor General's Speech. Is it merely one of those little side plays for the purpose of letting them down easily, or have they found out in going to the United States, that they were treated precisely as the delegation of the late Conservative government was treated when it sought extended trade relations with the neighbouring republic? The hon. gentlemen opposite denounced the Conserservative party as being dishonest in their professed desire to extend the trade relations between the two countries, and they told the people, "Put us in power, and the moment we show our faces across the line the United States will at once come down from their high horse and will give us what we want." They have been met precisely as we were met. The spirit displayed by the late Hon. James Blaine, when he was Secretary of State, was that no system of reciprocity would be conceded to Canada until we were prepared to cast in our lot with the United States as a part of that country, or to discriminate against Great Britain. He told us that distinctly, and he stated it in a speech made in Boston; and that is the spirit which pervades the whole of the politicians of the United States to-day, if we except a few merchants of Boston and other frontier towns and cities which would benefit by reciprocal trade relations with Canada. Then what are we to do—I do not know that my hon. friend will tell me—what are we to understand is to be the tariff policy of the present government? Last night I heard the late Finance Minister ask a question across the House as to how certain information was obtained by people in Kingston which induced them to set all their operatives to work again in their factories, for the reason as given by the manager, that the government did not intend to interfere materially with the cotton duties. We know that the Finance Minister made a declaration of the government policy in the city of Montreal in an interview in which he communicated to the people of the maritime provinces that the coal duty was not to be interfered with. The hon. gentleman forgot his duty as a Privy Councillor when he made that declaration, and any minister who gave information which enabled speculators to take advantage of the coming tariff changes, committed little less than perjury, for every minister is sworn solemnly to keep the counsel of the advice he gives to the Governor General in all matters relating to the tariff, or anything else, until he has the consent of the Crown to lay it before the people's representatives. Only to-day I received a letter from a gentleman in the town from which I come, in which he states that a certain person who has not been in business and has no more to do with the liquor trade than I have, has purchased three or four carloads of whisky, and my correspondent asks how did he get this information—why does a man, who is not in trade, speculate in whisky to such an extent? Has any intimation gone abroad that the duty on spirits is to be increased? If so, this man will be enabled to reap a profit on his speculation, or if not, he will sell the spirits and lose nothing. If the articles which appear in the press indicate the trend of public opinion, I believe the attitude of the government on this question is beginning to be understood. When a newspaper of the political character of the Montreal *Witness*, denounces the compromise upon the tariff question as a "mean" transaction, it is evident that there is a good deal of dissatisfaction. The *Witness* says:

> A meaner attitude could not be taken than that into which the beheaded Nova Scotia government proposes to lead that province. If there is any province which has been steadily denouncing protection as a wrong and an oppression, and even a ground for secession, it is Nova Scotia. But the Nova Scotia government is willing to wreck the movement towards deliverance from this incubus for the sake of the interests of a small minority of people.

What says the Halifax *Chronicle* on this question? The *Chronicle* is the free trade journal *par excellence*—a journal that has

never had a good word, until now, to utter in favour of protecting any industry. It has at last come to the conclusion that my hon. friend who moved the address has reached, that large vested interests exist and therefore they should not be interfered with, no matter what principle is violated. Speaking of the coal duty it says:

> There are fifteen million dollars invested in the coal industry of that province. Several thousand men are employed, and many millions of money annually expended, so that, "no one can be indifferent to its maintenance and progress. If no fair concessions are made by the American Congress, then no patriotic Canadian, and certainly no Nova Scotian, will hesitate to uphold the government in seeing that an important coal industry is maintained in its integrity."

Now, compare that with the utterance of of Mr. Laurier in Montreal when he was asking for the votes of the manufacturers. Then he said:

> There are two articles which are raw material of every manufacturer, and these articles are coal and iron, and are they free? If you have a revenue tariff, the object will be to develop the country, and all raw materiel should be free under such a tariff.

Contrast that utterance of Mr. Laurier's with the utterance of Mr. Fielding, the other day, and then draw your own conclusions as to which is the honest politician of the two. Or what are we to think of a government where you have the Finance Minister telling people that a certain industry is of such a character that it will not do to interfere with it, and his organ, because it is well known the *Chronicle* is the organ of the Finance Minister, if the articles are not written by himself, affirming that the duty on coal must be retained, and the premier of the government stating it must be free. The public must draw their own conclusions as to the principles of these men. Either free trade is correct or it is wrong. If it is right, it is the duty of those who advocate it, not only to frame a tariff to meet the requirements of the country, but to promulgate it at the earliest possible moment. If they have not the courage of their convictions, as they are proving they have not, then they should take the course which they have taken and say manfully that they have changed their opinion. If they do so they will have my congratulation on their sudden conversion, but the question will remain whether the removal from one side of the House to the other has not been the cause of the conversion, rather than a desire to carry out any certain principles. There is so much connected with this question of the tariff that I could occupy hours in discussing it. There are portions of this address to which I shall refer very briefly. Two promises made to the people are mentioned in the address—one to repeal the Franchise Act, and the other to submit the question of prohibition to the people by a plebiscite. That the Franchise Act is so objectionable to the people as has been stated, I am not prepared to admit. I say further that all legislative bodies such as the Dominion should have control of their own franchise. When you consider the diversity of systems throughout the Dominion, you can easily understand the difference in the character of the voters which would under the system proposed by the government have the right to send members to the House of Commons. The principal objection which has been made to the Franchise Act has been the expense attending it. That, I admit, is an objection. I have been opposed all my life to manhood suffrage, but it were better a thousand times that we should have manhood suffrage throughout the whole Dominion, so that we should all sit in the House of Commons upon an equality, than to have the various systems which prevail in the several provinces of the Dominion. Are we to have a repetition of what I have known to take place in my own province. I will not say whether it was during the reign of my hon. friend opposite, or before he took charge, but I am inclined to think it was when he was leader of the government? The government decided to have an election. The courts of revision throughout the province had sat and done their work, but the government had not notified their friends throughout the country that there was to be an election at so early a period, and in order to give them an opportunity to prepare the lists for the election, they repealed the law as it stood, abandoned the revision which had taken place and put the whole country to the expense of another revision from one end of the province to the other.

Hon. Sir OLIVER MOWAT—I do not remember anything of that kind. When did that occur?

Hon. Sir MACKENZIE BOWELL—I do not remember the year.

Hon. Sir OLIVER MOWAT—My hon. friend is probably referring to something done by the late Dominion government and imagines it was done by the Ontario government.

Hon. Sir MACKENZIE BOWELL—No, it was before the Franchise Act was passed. My recollection is tolerably good on that point. What impressed it on my mind, is the fact that I had to travel through the whole of my constituency, a county one hundred miles deep and thirty miles wide, in order to watch my hon. friend's friends, that they did not stuff the lists to defeat me at the then coming elections. At that time the Ontario voters' list was used for the Dominion elections as well as for the provincial elections. I have heard of other cases of a similar character in other provinces. I lay down this principle: that this Parliament should not be subject to the whim or caprice of any local legislature in tampering with the voters' list as they think proper. I hope before they get through that some uniform system—I care not how cheap you make it, I care not though it be universal suffrage, —may be adopted by which we will have uniformity. I would rather have a system of that kind than one subject to the whim and dishonesty of any political party in any province. Next, we have the question of the canals and my hon. friend congratulated the government on what they are doing to improve the canal system. To read the speeches of those who support the government, one would suppose that the enlargement of the canals, the adoption of cold storage and the settlement of the Behring Sea claims, were new subjects; something which had just emanated from their brilliant intellects. My hon. friend must know that the cold storage project was being carried out to its fullest extent by the late administration and has only being added to by the present Minister of Agriculture. For what he is doing he deserves credit. I will be the last to detract from any credit due to him for extending that principle, but does not the honourable gentlemen know, that in preparing a draft contract for the fast Atlantic line of steamers the late government had, in one of their principal clauses, provided for cold storage to the extent of thousands of tons, in order that the trade of this country in articles of a perishable character might be extended? Yet these gentlemen talk through the country as though they had originated these projects. The deepening of the canals has been carried on from year to year. I am only sorry that they did not go further. I wish a decision had been arrived at long ago to sink every lock twenty feet, so that as the trade of the country justified it the canals could be deepened without going to the great expense that will otherwise be involved in deepening them. If there is one thing of which I am proud of having done when acting as Minister of Railways and Canals, it is, that after visiting the Sault Ste. Marie Canal with the Hon. Sir Frank Smith, then a member of the cabinet, we changed the size of the locks to sixty feet in width instead of one hundred feet, and its length from 600 to 900 feet long, by which the canal can be worked more economically. Every engineer connected with the United States Sault Canal, and on this side of the line, confesses now that it was an improvement and of incalculable benefit to the trade of this country. Had we carried out a system of that kind on the whole of the canals from the beginning, I believe a great saving would have been effected, and it may be within the experience of many who are here to-day, that it will be necessary to go to a large expenditure in the enlargement of our canals to meet the requirements of the trade of the country. The very best evidence of this fact is that the tonnage passing through the Sault Canals, on both sides, during open navigation, exceeds the tonnage passing through the Suez Canal during the whole year. It is an indication of the extraordinary development of our trade and justifies the adoption of large measures. If there has been one ground of complaint against the late government—and I admit there was—it has been because they did not prosecute these works rapidly enough so that we might have the full advantages of a 14 foot canal from one end of the route to the other, because the system is comparatively useless for through trade until the whole of it is completed to that depth. As to the plebiscite, I am opposed to it on principle. I think it is an evasion of the constitution under which we live. I am of the opinion that under responsible government the government of the day, no matter to what party it belongs, should have the courage to come down with a measure if they think it is in the interest of the country,

and pass it without evading responsibility by sending it to the people. That question of prohibition has been on the tapis for how long?

Hon. Mr. POWER.—The plebiscite is not as good as a royal commission, I suppose?

Hon. Sir MACKENZIE BOWELL.—That is quite true, but royal commissions are recognized under our system both in England and here, and the only place where a plebiscite has been recognized, as far as my recollection goes, has been in France, when they wanted to decide who should be their emperor and who should not. It has never been known in England. Royal commissions, forsooth! Does the honourable gentleman object to royal commissions? I hope he will change his opinion. I have no doubt he will when that return for which I have moved comes down, for there never has been a time in the history of this country when so many royal commissions to investigate nothing, had been appointed as during the short period that my honourable friend has been supporting the present government. Just as soon as ninety or one hundred thousand majority of the voters in Ontario had recorded themselves in favour of prohibition, my honourable friend opposite found that he had not the power to carry it out, and he referred it to the Dominion government, promising to carry out to the fullest possible extent of their powers as might be defined by the law lords of the Privy Council. You have all read the little episode which has lately taken place between the present premier of Ontario and the prohibition people in Toronto. I am not prepared to say that those who went there representing the temperance people behaved as they should have done. The liquor men, who went a few days afterwards, behaved much more correctly and in a more gentlemanly manner than the prohibition men. They neither contradicted the premier nor hissed him when he gave expression to his opinions. My honourable friend opposite (Mr. Vidal) will agree with me that their conduct was no credit to those whom they represented on that occasion. In Manitoba they had a plebiscite and when the people were heard from, the government found that they had no power. If the plebiscite is taken in Canada the present Minister of Justice, I am satisfied, will find that there is a negro in the fence somewhere. If he does not find some excuse for not carrying out prohibition, then I not only misapprehend him, but I have an incorrect opinion of his powers of manipulation under circumstances of the kind. Like many others, in the early period of my life, I was an ardent prohibitionist. Perhaps I was something like the mover of the address in the House of Commons. He said those were his opinions when he was a younger man but in a "moment of weakness" he had changed his view. I happened to pick up an extract from a Hamilton paper dealing with this question, in which the writer points out how often those who have been advocating prohibition in the past when placed in a position to put their views on the statute-book have evaded the question. I am not going to refer, as Mr. Hardy did the other day, to my hon. friend who sits opposite me (Mr. Vidal), when he asked him how long he had been in parliament and what had he done towards enforcing prohibition in this country. My hon. friend did not reply to him and very properly, but every one who knows anything of parliamentary practice must know that my hon. friend was never in a position to do anything. He might have replied that had he been a member of the government he might have insisted upon the adoption of a certain policy or left the cabinet. He might have added further that he is simply a private member of this House and that he has never failed, on all occasions, to express his views fearlessly on the subject whenever it has come up for discussion. Until the plebiscite takes place, of course I cannot express any opinion as to its success, but I trust I may live long enough to cast my vote upon that question, and that my hon. friend the Minister of Justice may have the delicate task of dealing with it when he has a large majority in his favour. I frankly confess that I do not desire to undertake the responsibility which he will have to assume in carrying out that law should he have a majority in its favour. I agree with my hon. friend in saying that I hope the time has arrived when these Behring Sea claims will be paid, and I also congratulate this country on the magnificent donations which have been made by the people from one end of the country to the other towards the Indian Famine Fund. The most pleasing feature, perhaps, of the whole of it is the fact that some 30,000 children in the different schools of Canada have contributed their

mite towards the relief of the starving millions of India. It indicates a feeling of which every Canadian may be proud, and nothing could possibly have occurred that will raise the people of Canada so high in the estimation of the mother country and of the whole world, as the fact that over $130,000 has been raised in this country to aid our starving fellow-subjects in another portion of the empire. I think I am not going too far when I say that the enterprising proprietor of the Montreal *Star* deserves much credit for advocating and opening what is called the Indian Famine Fund. It will never be forgotten by the people of this country nor by those who have benefited by it. Now, let me ask one or two questions as to what is not in the Speech. Might I asked the leader of this House whether there is any intention to carry out the scheme of the fast line of steamers between Canada and England? It is not mentioned in the Speech. To my mind it is one of the most important features of any policy that could have been inaugurated by any government in this country. I was delighted to see the other day a letter written by the Hon. Alfred Jones of Halifax, advocating a line of steamer between Halifax and Cape Colony. That was a favourite scheme of mine—not entirely mine, but one in which I took a deep interest, and I did hope that the present government would not only push with the vigour that an enterprise of that kind deserves, the establishment of a fast line between Canada and England so as to compete with the greyhounds between the United States ports and the mother country, with its cold storage, and to assist to its fullest possible extent the important line between British Columbia and Australia which is cultivating a trade that is growing rapidly; but that in addition to that, we should have a line from Halifax to the Cape, where I am confident a large and profitable market can be obtained for the products of this country. It is true that there cannot be a return cargo of such a character as would justify the putting on of steamers without a subsidy. The opening up of trade of that kind which did not exist before, must be aided in the same way that you aid in the bringing up of a child and in teaching it to walk, and that has been the policy of past governments, and I should like to know from my hon. friend, whether these are to be allowed to sink or to fall into—shall I say decay—and that there is no intention of carrying out that portion at least of the policy of the late government. In connection with that are we to have any assistance given to the Pacific cable or a cable from Canada to Australia, in order to assist in developing the trade between these two countries? I am convinced, after much study and consideration—not only my own study, but on reading the opinions of others—that it is not only practicable, but if properly conducted, it can be made a profitable enterprise to the governments if they undertake it. I am in favour of a Pacific cable owned by the governments and not by a company. My reasons for that are varied. It can be done cheaper. There will be less expense to keep it running, and the people whom it will be necessary to employ in carrying on and operating it are so few, that the difficulties that present themselves in running railways would not exist. However, that is a question on which, when it comes up, I shall speak perhaps more at length, but in the meantime I should like the hon. gentleman to tell the House and the country what we are to expect in reference to these great enterprises to which I have called attention, and to inform us whether they intend to accept the suggestions of the Hon. Mr. Jones by aiding and assisting the line between Halifax and the Cape, touching at the different West Indian ports, which could be done, and made profitable I am sure; and the construction of the Pacific cable, or whether at an early date the papers connected with that conference will be laid before the House. There are many other things to which I might call the attention of the House; but I have spoken much longer than I intended on these different subjects. I congratulate the country, that there is to be no revolution, as I understand it, in the tariff. I hope that before we get through with the discussion of the tariff, the members of the government may all be converted to the sound principles of protection to all the industries in this country. I will not include my hon. friend from Bothwell, because I do not think it is possible to convert him on that question.

Hon. Sir OLIVER MOWAT—In making a few remarks on the various subjects which my hon. friend has spoken on, I desire to acknowledge the courteous manner in which he has discussed the questions before

the House—a courtesy becoming to this House in the position which it occupies, and I believe characteristic of it. If he has not always been fair in his statements, I am sure he meant to be fair, and that is all that can be expected of human nature. The greater part of my hon. friend's speech was directed to the important subject of the Manitoba school settlement. My hon. friend says that that settlement has not met with the approval of the country. I differ from my hon. friend there. While it has not received the universal approval of the country, it has received the approval of the great majority of the electors. My hon. friend says that there was an understanding with the Manitoba government on the part of the Liberal party of the Dominion which prevented any settlement being made by the government of which he was the head, and of which he was an important member before becoming the head. I quite deny that there was any such agreement. I ought to know something of it if there was any, and I have never heard an observation or a word which would enable me to fancy that any such agreement had existed. The subject of the schools is one of very great importance, because it involves religious considerations, and because it relates to the very delicate as well as important subject of education. Nobody can have any doubt that there has arisen out of that question strife and bad feelings throughout the whole Dominion. We all recognize the evils incident to religious strife and bad feeling, and as Canadians, desiring the prosperity of the country and the well-being of its people, we all must feel how desirable it would be that evils of that kind should cease in the land. The great objection to the policy of my hon. friend while he was a leader of the government or a member of it was, that he did not take into account the public feeling which existed on this subject, or the importance of preventing this strife and this bad feeling. It was in 1890 that the Manitoba legislature passed the Act which has given rise to all the trouble that has taken place. That Act, I have no reason to doubt, was passed in good faith. It was passed under the impression that such an Act was in the interest of Manitoba, and it was passed under the impression also that it was within the power of the provincial legislature to pass such an Act. That impression appears now to have been a mistake. The Privy Council, to whose decision we all owe respect and pay deference, has decided that while the Act was perfectly valid in point of law, which had long been thought to be the only matter in question, the Act gave jurisdiction to the Dominion Parliament to correct a grievance which the Act worked to the minority of Manitoba. That is the result of the decisions, and there is no doubt that the local legislature, according to these decisions, had the power to abolish the separate schools of Manitoba, and there is no doubt also, that the passing of the Act gave jurisdiction to the Dominion Parliament to interfere, if parliament should think fit. The power is not a judicial one, or to be exercised judicially. The counsel in arguing for the minority before the Privy Council disclaimed any pretense that there was any judicial authority or any judicial duty on the part of the government or of parliament. Counsel declared that as regards parliamentary action, it was a political question—that political considerations were to be taken into account. So it was the duty of the government to do that which was best for the country in the matter and to remedy the grievance in some way which would be consistent with the best interests of the Dominion. Now, what was the course that the late government pursued to accomplish that object? As soon as the decision of the Privy Council was known here, steps were immediately taken to have an appeal which the minority had the right to make to the government considered and entertained; that appeal was made accordingly within a few weeks after the receipt of the decision of the Privy Council. The decision at which the late government arrived was that set forth in the remedial order. The province of Manitoba was not prepared to adopt what the remedial order required. Now, this matter was a very delicate one. It was one which had to be dealt with very cautiously and very considerately. What the remedial order proposed to do was to restore the Act as it had previously stood, as nearly as was practicable. The objection to that was that it was far too sweeping a thing to do in so hasty a manner. The effect of it would have been to perpetuate religious strife in Manitoba, and the religious strife would have prevailed all over the country; and before determining upon a course so injurious to the country,

time should be given. The people of Manitoba have a strong opinion that separate schools are not suited to that country at present. The people of that province are a loyal and a law-abiding people and are largely composed of the same people who dealt with the separate schools of Ontario, in a way that everybody knows. In Ontario, the great majority were non-Catholic, just as the great majority of the people of Manitoba are non-Catholic, and as soon as the position of the schools was such that the people were under no further apprehension of being coerced by laws which they did not want, and to which they were opposed, they acted in a generous and fair manner—generous and fair according to the judgment of the minority itself, and that minority have ever since conceded. Separate schools in Ontario as constituted at the time of confederation were not provided with the means of efficiently discharging the work for which they were created; and the people of Upper Canada gave them such amendments as the minority and their representatives thought sufficient for their purposes. The majority might have rejected every one of those amendments. They might have rendered the work of separate schools more difficult, but they did not. On the contrary they put the separate schools into a position far superior to that which they occupied at the time of confederation. But they were a loyal and law-abiding people, and felt this course to be their duty, and accepted it. And I may add that the Acts which they passed had the approval of Conservatives as well as of the Liberal party. Now, the same spirit, I have no doubt, will be manifested in Manitoba, and any steps to coerce the people of Manitoba into that which they were not at the time prepared to coerce them immediately, only allowing a few weeks before the coercion was to come into force, was unstatesmanlike, and injurious to the country, and objectionable from every public point of view. But that was the position that the late government took. Now, what was the position which the Liberal party took? They recognized the great evils of coercion. They believed that the Roman Catholics themselves would not, in the long run, gain any advantage from it, that it was not in their interest that they should be in a position of antagonism towards the great majority of the people; that the proper course was to obtain such terms as might be practicable from those who represented the majority in Manitoba; and to bide their time for such improvement, by means of legislation and otherwise as might remove such grievances. That was a course which the result in Ontario and also the result in the maritime provinces would justify being taken. In the maritime provinces there is no law in favour of separate schools and never has been. But so fairly has the majority governed in those provinces, so kindly have they acted towards their Roman Catholic fellow-subjects, that the system in operation there gives satisfaction to them and has done so for many years; and it gives satisfaction without legislation and merely by administration. In dealing with this Manitoba matter the Liberal party considered that these things indicated the course which was in the interest of the country and of Roman Catholics themselves. Coercion is a very bad thing in such a matter; it is so bad that it ought only to be resorted to as a last remedy, even if in such a matter it should be resorted to then. The leader of the Liberal party has announced his opinion, and the party generally concur in it, that it was better to accept almost any measure that could be obtained without coercion, rather than to obtain a more satisfactory measure by means of coercion. That was substantially the policy announced by the party before the last elections. The settlement had not then been made. The Liberal party was not in a position to make any settlement, but that policy was announced as the principle of the party and it was the principle on which the party went to the polls. My hon. friend picks out a sentence here and there from this speech and that speech, and says that things were said inconsistent with that view. I do not think it necessary to follow my hon. friend in that respect. I do not consider it necessary to defend my friends in the other House against charges of inconsistency. If the charges are made there, they are made in the presence of those against whom they are made. It would be unreasonable to suppose that any large proportion of our people could have been misled by inconsistent statements of prominent speakers because what a man says in one place is immediately published over the whole country. What he said in Quebec is published in Ontario, and what he said in Ontario is immediately published in Quebec,

and everything is known. That the general policy such as I describe it, was generally known all over the whole country is beyond any doubt whatever. Well, the elections came on, and it is in Catholic Quebec that the Liberal party obtained its great majority.

An Hon. MEMBER—Why?

Hon. Sir OLIVER MOWAT—Because their principles are sound principles, and because the people of Quebec believed in those principles, and thought that this country would be better governed by the Liberal party than by the Conservative party, and because, so far as this question had any influence on the election, they believed the Liberal policy was the sounder one, and one by which the Catholics would gain the most in the long run. The settlement was necessarily after the general election. I want to remind the House that since the general election and since this settlement has been effected, we have had by-elections when the country knew exactly what had been accomplished, and in those by-elections the people showed most emphatically that in Catholic Quebec and in Protestant Ontario the same view is taken. The subject was brought up at these elections and discussed on platforms and in the newspapers, and the result of the elections demonstrates that the public sentiment is that it was a wise thing to accept that settlement. And why was it a wise thing? My hon. friend points out that we did not obtain this concession or the other concession, or some of the provisions are not what they should have been; and that the settlement contains some things which are useless; and he objects to a French teacher being provided for.

Hon. Sir MACKENZIE BOWELL—No.

Hon. Sir OLIVER MOWAT—In a certain case my hon. friend did.

Hon. Sir MACKENZIE BOWELL—No, I made no objection. I pointed out that while there was a provision for teaching French there is no provision for teaching English.

Hon. Sir OLIVER MOWAT—My hon. friend knows that the schools are English schools; the school laws are based on the assumption that the people are English people. We were not providing for the English people nor for the people who were non-Catholics. We were providing some additional guarantee for the French population, and some additional guarantee for the Roman Catholic population. That tenth clause expressly shows that English was to be taught. My hon. friend suggested that that clause only provided that those speaking either French or some other language than English should be taugh English. Would it not be ridiculous to suppose that they were the only class to be taught English? Could any court put such a construction on the statute? I do not think my hon. friend would say so, and I am quite sure no lawyer could. None of us who are responsible for that settlement and had to do with the negotiations say that the settlement is the best possible. None of us say that. Each of us, from our own standpoint, might prefer an agreement containing other provisions, and perhaps not containing some of the present provisions. But we say it was the best settlement obtainable, considering public feeling in Manitoba, and it is far better that this settlement should be accepted than that it should be rejected; that it was best for the country; and best for the Roman Catholics themselves; best for those who are dissatisfied with the settlement in its present form, because it is hoped and confidently believed, that the working of the system will be managed in such a way as the experience in Ontario and the experience in the maritime provinces justify us in believing. If that settlement is effected I have no doubt that there will be no further strife throughout the country. I have no doubt both parties will find the advantages of it, and that the cause of education in Manitoba will be greatly advanced. It is impossible, in dealing with this question, not to keep in mind that the Catholic population in Manitoba is a very small one. There are but 20,000 Roman Catholics, including women and children, scattered over a country larger than England and Wales. How could it be expected that so small a population could maintain, except in two or three cases perhaps, efficient schools for their children? It could not be done. The whole population is so small and so scattered over the whole country that it is difficult, even in large places, to maintain separate schools. All these things have to be taken into

account; and we considered the settlement was one which, as it was the best that could be obtained, the country should sanction ; and so far as the country has had an opportunity of expressing an opinion, the country has sanctioned it. It is to be remembered too that even from a Catholic standpoint the settlement is far in advance of the condition of the public schools in the Dominion and in the United States, which are attended by multitudes of Roman Catholic children, with the approval of their spiritual advisers, where there are no separate schools. There is no doubt, so far as I have read, that there is no doctrine of the Roman Catholic Church which says that their children must never attend a public school, that they must attend a separate school or go to none. Of course they must attend separate schools when they can, but when there are no separate schools they will take advantage of the public schools. This settlement provides for religious teaching in all public schools, and it provides for it in a definite and practical way. There is no such provision for the public schools of my own province. I wish there was. I think it would be an advantage if there was. I do not see why it is not practicable. But the fact is that there is no such provision there, and therefore from a Roman Catholic standpoint this condition of public schools is far in advance of the condition of public schools in Ontario where notwithstanding Roman Catholics attend the common schools in the absence of other schools. It is also far in advance of the provisions of the law in the maritime provinces, speaking still from a Roman Catholic standpoint. The law there does not provide for religious teaching, and yet Roman Catholic children attend the public schools there, and for many years there has been no agitation in those provinces to establish separate schools. The condition of the public schools there renders separate schools unnecessary. We know that in every state in the United States, no provision is made for religious teaching in public schools. It is not practicable there, and the provisions of this settlement are far in advance of the United States system, from the same standpoint. In view of these and other considerations which if it were desirable to take up your time I could point out, it seemed to us plain that this was a settlement such as the people of Canada should accept, as an advantage both to the country and to our Roman Catholic fellow brothers. Roman Catholics also constitute a large proportion of our population and it is important that they should be educated, and also that they should be contented, and that peace and harmony should exist between them and the rest of the population, and we believe that this settlement, in view of the circumstances I have mentioned, is what we all desire. My hon. friend next took up the subject of the tariff. My hon. friend says that we have ceased to be free traders. My hon. friend's notion of free traders is that they must either cease to be free traders, or must take into account nothing whatever that would justify duties. Now any free traders who take a view of that sort would be very unpractical men, and the free traders of Canada have never taken any such absurd position. Why, if we are to proceed upon the ground that my hon. friend says we are bound to proceed on, if we are free traders at all, we could not even have a revenue tariff.

Hon. Sir MACKENZIE BOWELL—Hear, hear!

Hon. Sir OLIVER MOWAT—A revenue tariff involves a tax upon imports and therefore gives necessarily a certain amount of protection.

Hon. Sir MACKENZIE BOWELL—It does not involve protection now.

Hon. Sir OLIVER MOWAT—A revenue tariff involves some protection.

Hon. Sir MACKENZIE BOWELL—Not at all.

Hon. Sir OLIVER MOWAT—A revenue tariff gives protection and sometimes it is quite sufficient protection.

Hon. Sir MACKENZIE BOWELL—It may be.

Hon. Sir OLIVER MOWAT—And then it would not be statesmanlike of free traders, or any other set of men, to disregard changed circumstances and changed conditions. Things were possible 18 years ago which are not possible now. The changes have been so great we need an immensely greater revenue than we needed then. That is to be taken into account ; and then we are just now met with a policy on the part of the United States which few of us thought they

would ever adopt, and which it is only recently they could be got to adopt. It looks now certainly as if the policy of the politicians who at present have the confidence of that country, is to exclude Canadian products from the United States altogether. It would be unstatesmanlike for Canadian politicians to ignore that fact. It is no doubt our duty to bear in mind the actual conditions, and to take whatever course which is thought best for the country after the very fullest consideration. I do not suggest at all retaliation, but retaliation is one thing and our own safety is quite another. I think it was while discussing this subject that my hon. friend interrupted himself a little for the purpose of saying flattering things about the hon. member from Bothwell. I am glad that my hon. friend appreciates my hon. friend from Bothwell. If he had appreciated him in the past more fully than he has done, if he had appreciated the results of that thought and study which my hon. friend from Bothwell gives to these questions, my hon. friend would not be occupying the position he is now, or his party would not be in the position they are in now, for they would be doing good to the country instead of harm. My hon. friend next referred to the subject of the coal duty. My hon. friend speaks of an announcement which the Minister of Finance made in Montreal as being a very improper thing. My hon. friend says that the object of that announcement was to affect the elections in Nova Scotia. My hon. friend is entirely wrong about that.

Hon. Sir MACKENZIE BOWELL—You are confounding what was said in the lower House. I never referred at all to the elections.

Hon. Sir OLIVER MOWAT—You never referred to the coal duties?

Hon. Sir MACKENZIE BOWELL—Yes, but not to the elections. That was said in the lower House.

Hon. Sir OLIVER MOWAT—I thought my hon. friend also did say that.

Hon. Sir MACKENZIE BOWELL—I did not say it, but I meant it.

Hon. Sir OLIVER MOWAT—My honourable friend has said it now. He was ashamed to say it a little while ago, but he says it now. Since my honourable friend was ashamed to say it a little while ago, I should be ashamed to have to reply to it. An objection to the announcement to a change in the tariff arises if the communication is made privately, or to some particular person or persons. An announcement which everybody hears, which is published from one end of the country to the other, is not subject to that objection. It may be deliberately made, it may be made in the interests of the country, it may be made for a great public purpose. Just before that announcement was made it had been announced that a bill was to be introduced in the United States Congress, with every expectation of its being carried, by which the heavy duty of 75 cents should be put on our coal, and while our coal goes into some parts of their country, and their coal into some parts of our country, it would not do to allow their coal to come in free while our coal was heavily taxed, almost to prohibition, in their country, and Mr. Fielding therefore made an announcement which he was authorized to make, having reference, not to bituminous coal only, which was the only coal we exported to the United States, but also to anthracite which we import into Canada. My honourable friend will not find it laid down anywhere that an announcement of that kind for a definite purpose, called for by a circumstance which was important to the country, and which we had to deal with, was such an announcement as a government has no right to make. My honourable friend rather insinuates that communications were made to certain persons of other changes contemplated, in consequence of which mills at Kingston have recommenced operations, and some whisky friends of the honourable member—

Hon. Sir MACKENZIE BOWELL—No, they are no whisky friends; they are not in trade at all.

Hon. Sir OLIVER MOWAT—Well, some friends.

Hon. Sir MACKENZIE BOWELL—No, they are friends of my hon. friend; they are Grits.

Hon. Sir OLIVER MOWAT—If they are my friends, I should rather they made their living in some other way than by the whisky transaction which he mentioned, but my hon.

friend is quite mistaken in ascribing any information that they had to the government or any member of it. I am quite satisfied that no member of the government has communicated anything of the kind, and in fact I might go further than that, though it is difficult to speak at large in the matter, lest I should say more than I am authorized at the moment to state, from what they have done must have been from their own conjecture as to what was likely, the newspapers have been saying and what has been said in public discussions. Any one who reads the public newspapers knows how frequently some of them tell what is going to happen. They do not know but they guess, judging from what seems probable; and very often their guesses are right and sometimes they are wrong. Well if the guesses of speculators in regard to cotton duties and whisky duties are right, this shows their wisdom and good fortune in guessing right. If it was not their own guessing, it may have been the guessing of friends. But I am not saying now that they guessed right. Newspapers guess wrong often, as well as right, and whether this is one of the wrong guesses or the right guesses I am not going to say.

Hon. Mr. MACDONALD (B.C.)—Almost right I should think.

Hon. Sir OLIVER MOWAT—The hon. member next, I think, referred to the subject of the franchise and took the opportunity of expressing a strong opinion that there should be separate voters' lists for the Dominion, and that we should not adopt the local voters' lists under the local franchise. I think my hon. friend on that question is in opposition to his whole party. In every constituency in this country, those Conservatives that have to do with preparing and settling the voters' lists recognize the enormous expense of the Dominion voters' lists, where they are fair men and have no bad purpose to serve; they feel the enormous expense of getting out these lists, and they are very anxious to get rid of the expense, and they hail the adoption of the provincial lists as a reform of a very great grievance. My hon. friend seems to treat the two franchises as if they were wholly different, as if one set of people are voting under the one, and another set are voting under the other. But there is really very little difference. There is a small percentage only in regard to whom there is any difference—a small percentage only that can vote at provincial and not at Dominion elections, or that can vote at Dominion and not at provincial elections, and the difference is not worth taking into account, in view of the immense gain there will be by the adoption of one list of voters. These are some of the reasons why we should adopt the provincial franchise. But then another and very serious reason—and which one should and does commend itself to every fair man—is that the Dominion franchise is in the hands of the government of the day, and that the provincial franchise is not in the hands of the government of the day at all. I know more about my own province than I do about other provinces, though I have been studying them too, but in my own province the provincial government has nothing whatever to do with the preparation of the voters' list. It is all done outside of them and outside of their jurisdiction. They are prepared by the municipal authorities, some are Conservatives and some are Liberals. Any appeal is to a county court judge not appointed by the provinces and for the last 18 years appointed by the party in opposition to the provincial government of Ontario. It is entirely different as we all know, in regard to the Dominion system. The Dominion government appoint the revisers, and they may appoint and they did appoint great partizans, men who had been actively engaged in party politics up to the last moment. That is a bad system, and no fair man will say that it is a system which should stand. I expect to find the great majority of the representatives of the people of all parties in the other House and the whole of this House, supporting the principle of the Franchise Bill when it is introduced. My hon. friend then attacked us because the Speech alluded to the cold storage matter and to the enlargement of the St. Lawrence Canals and yet had not originated those things. We do not say that we originated those things. It would be absurd for us to say that we originated them. The hon. gentlemen opposite and his party did not originate them. The statements in the Speech were merely informing parliament and public, what had been done in regard to a great many things where there is no pretense whatever of any credit being claimed, so far as origination is concerned;

but we are doing more for cold storage than ever was done before. We are giving it an amount of practical attention never given before, and great good has resulted from it and will result from it. So with regard to the canals. We have no doubt that great good will arise from the enlargement of the canals in the way we propose. I think the last subject the hon. gentleman attacked was the plebiscite. There may be a difference of opinion as to the propriety of submitting this question, or any other, to the determination of the electors by a direct vote, but it is not without precedent. The Scott Act provided for a plebiscite. It can only be brought into force by a plebiscite; and while the Liberal party were the authors of the Scott Act our opponents were in power 18 years and never proposed to repeal that Act. They had a large majority at their back, but as they never proposed its repeal, it is plain that they did not think the plebiscite was a bad thing. The plebiscite has been acted on in municipal matters also; and the mere fact that it has not been acted on in England is no answer.

Hon. Mr. MILLER—The Scott Act is a dead letter in Canada—at least it is in Ontario to-day.

Hon. Sir OLIVER MOWAT—My hon. friend is wrong. On the contrary I am not aware that any province is wholly without the Scott Act. It was largely adopted at one time; but that has nothing to do with what I am dealing with now. I am merely referring to the Scott Act as a precedent for which our opponents are responsible as well as ourselves, because although they had the power to repeal it, they made no proposition to exercise their power of repeal. With regard to the Scott Act not being in general use now, the temperance people declare that they find it unavailing because if you have the Scott Act in one municipality and the municipalities all around it have not the Scott Act, you get no benefit from the Act, but rather evil. Just one word more on that: we all recognize the immense evils of intemperance and those of us who are not members of temperance societies must recognize the immense amount of good the temperance societies have accomplished by the literature they have sent abroad, by the addresses they have delivered to the public, by the zeal with which they have prosecuted reforms of all kinds in this matter. They constitute a large portion of our people and a very respectable portion. Now it is the desire of the temperance people that this question shall be submitted to the vote of the people. They have found in Dominion, provincial and municipal elections, they could not get voters to proceed on the sole ground of this man being a temperance man and his opponent not a temperance man. Other things always came into view and were acted upon, so that while the vote of a township, for instance, under a Scott Act, might be very largely in favour of prohibition, but often could not elect a majority of municipal councillors holding that view, thereby interfering very much with the enforcement of the act in that locality. In view of these and other considerations, temperance people desire a plebiscite, and considering the importance of the subject, considering the importance of that part of our population, I hold that the demand is one which it is a right thing for us to grant. A demand to ascertain the proportion of sentiment on this subject, at the instance of these people, was a demand which it would have been wrong to refuse, and I hope the Parliament of Canada at this session will show that they take the same view.

My hon. friend is anxious to know what the policy of the government is on several points not touched on in the speech. It is not usual, in a discussion on the answer to Her Majesty's speech in the old country or His Excellency's speech in this land, to make any announcement of policy which it is not thought fit to make in the speech from the Throne. I will not make such an announcement now, but before the close of the session I probably shall. Before prorogation all the subjects my hon. friend refers to which are not touched in the speech will be brought up, and I hope the government policy will be found satisfactory to the people of this country. My hon. friend referred at the close of his speech to a subject that the mover and seconder of the address referred to in theirs—the loyalty of the people of this country to Her Majesty, and the joy we feel at her long reign and that she is still with us. It is my intention to ask the House shortly to join in an address of congratulation to Her Majesty fitting this great occasion, and while there are not many subjects on which we think the same,

I feel this is one on which every senator will unite with the greatest possible satisfaction.

Hon. Mr. FERGUSON—In rising to offer a few observations on the subjects contained in the speech from the Throne, I feel it my duty, as others have done, to compliment the honourable gentlemen who have been put in the position on this occasion of moving and seconding the answer to the speech from the Throne. These gentlemen have performed their duty very well indeed, and it is a pleasure to this House to find that, in exercising the prerogative of calling members to seats in this House, though there has been a change of government, there is no danger, so far as we have yet seen, that the honour and dignity of the Senate will be lowered by the appointment of new members. The government have, with commendable promptness, filled the vacancies in this House, and filled them, as I have already stated, to the satisfaction of members of the Senate, as far as the gentlemen selected are concerned. While this is the case with regard to the Senate, I am sorry to say that I cannot express the same pleasure with the action of the government in filling the vacancies in the other House, and it is on this point, as well as on a great many others, that we have to gravely censure the members of Her Majesty's Government for going so strangely back on their professions when they were in opposition. If there was any one position which these gentlemen took more strongly than another during the long years they were in opposition, it was that the government of the day had shamefully abused their powers when they brought on by-elections piece-meal instead of bringing them on simultaneously, or at least in regular order as vacancies occurred. The Prime Minister speaking on this subject used very strong language to condemn the action of the late government, because he complained, and complained with some reason too, that they they had not brought on the by-elections simultaneously, where it was possible so to bring them on, and had not brought them on in the regular order in which the vacancies occurred, but had ordered them to suit their own political purposes. His language is so strong that I think it will bear reproduction. This is what the hon. gentleman said during the session of 1896 in his opening speech:

> On the very first day of the opening of this parliament you informed the House that you had issued your warrants. * * Sir, have these hon. gentlemen, these sticklers for the constitution, honoured the warrant of the speaker? They should have issued the writs. They did not do so. They have it in their power to block the warrant of the Speaker, to block the constitution of the country, to deprive the people of their rights because there is in the Act an unfortunate paragraph whereby the nomination of the returning officer belongs to them, the fixing of the date of the election belongs to them, and until they fix a date for the election, until they have appointed a returning officer the Clerk of the Crown in Chancery is altogether powerless to act * * * * We find that to-day two constituencies are disfranchised by these sticklers for the constitution. Some forty thousand of Her Majesty's subjects have not a voice on the floor of parliament. * * * * *
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> Very well, they (the government) are welcome to all means, to all tactics which can be defended under the law, but I submit to them that these tactics are base, are cowardly, are criminal, which violate, systematically, wickedly and designedly the very letter of the statute and the most sacred rights of the people.

Will it be believed that the hon. gentleman who uttered this language, who described only a little more than a year ago the conduct of the late government in the manner I have quoted, pursued the very course that he had condemned in this strong language? What do we find? The county of Champlain has been open for three or four months and the election has not yet been held. The writ is now out, and the election is to take place early in the following month. The vacancy which occurred long after in the neighbouring county of Wright was filled with amazing promptitude, while Champlain is still unrepresented in the House of Commons. The premier styled such conduct as base, cowardly and criminal. We have another county, Colchester, which has been open for nearly three months, and in which the election will not take place until some time next month. Why was the election brought on in Bonaventure almost immediately after the death of the late member, while Champlain is still unrepresented? The explanation has been given that Bonaventure is a fishing community and fishermen must soon leave their homes to proceed to the fisheries, while Champlain is a lumbering county and the voters are not yet back from the woods. Now, I know something about Bonaventure, and I know that it is also largely a lumbering county. When I inquired of a member of the government why they undertook to operate the Bay Chaleur railway in the winter without the sanction of

law nor the authority of the legislature, the answer was that it was to carry the lumber of the people of the county of Bonaventure to market. The excuse given for different practice in different counties will not hold water. It is not consistent with the facts. The government thought they had a better chance of carrying Bonaventure and Wright than of carrying Colchester and Champlain, and they took those two counties first. They threw all their forces there—what they called the Boodle Brigade when they spoke of the Conservatives sending their friends to help their candidates. They threw all their strength into Bonaventure and Wright, and now that the elections in those two counties are over, they can send the brigade to Champlain and later on to Colchester. The premier condemned such conduct in the language I have quoted and while we have reason to congratulate the government on the manner in which they filled the vacancies in this House, we feel it our duty to censure them for not only going back on their solemn pre-election principles but for having followed a course which cannot be fairly justified no matter by whom it is pursued. The first clause of the address is one upon which under ordinary circumstance, there would not be very much difference of opinion. It refers to the loyal feeling which pervades all parts of the empire and which animates all Her Majesty's subjects in every part of the globe on the occasion of the glorious jubilee year in which we now live, and in the celebration of which the people of Canada through their premier and probably through other representatives will take a part during the present year. It is no doubt a joyful occasion, and will do not a little, I hope, to strengthen the bonds which bind the empire together. In discussing this question the seconder of the address took occasion to rebuke the opposition—I suppose he meant the opposition when he said "certain people who have been in the habit of imputing or had in the past imputed disloyal sentiments to those who were opposed to them"—and he went so far as to say that no party could gain by such tactics. I was aware that my hon. friend had reference in these observations to the Conservatives, and the view which we took of the action of the Liberal party through their leading men and through the policies they had proposed within the last few years on public questions. I do not feel at all disposed to allow that rebuke to pass unchallenged, I am inclined to remind my hon. friend that these charges were not only made but that grave cause existed for them. I regret that I do not see my hon. friend in the House this evening. He cannot forget that when he occupied a seat in another place, one of his colleagues from New Brunswick had openly advocated through his newspaper, the St. John *Globe*, the severance of Canada from the empire to which we belong and its union with the United States. Conservatives felt it their duty, as loyal subjects of the Queen, to enter their protest against such a course of conduct, and I am very sorry for the reputation of the people of Canada for loyalty and attachment to the great empire to which we belong, that this same gentleman, Mr. Ellis, has since that time been accepted as a candidate by the Liberal party, and elected not by a majority of the people of St. John, but by a plurality vote, and now represents them in the House of Commons. I hope we are going to have a better record in the future. It used to be said in England that a Whig in office and a Whig out of office was a different man altogether. We begin to hope already that before our Liberal friends are a very long time in power they will be transformed and will become a very different class of people. I cannot, however, in this connection omit a reference to the fact that a prominent member of the administration, no less a personage than the Finance Minister in the government of the day, led an agitation in Nova Scotia for the severance of that province from the Dominion. The breaking up of this confederation was what he aimed at, by the withdrawal of his province—the breaking up of all the pleasant and advantageous ties which have grown up between the different provinces. Mr. Fielding, the present Finance Minister, was not content with advocating that, but he passed a series of resolutions which he transformed into an election address—dissolved the local legislature and appealed to the people of Nova Scotia on the question of secession. It may be that he was not very sincere about it—indeed the facts seem to indicate that he was not, for although he carried the province by a large majority, we have never heard anything more officially about secession. No official act of his has ever been put on record from that time to the present to carry out the plat-

form on which he appealed to the electors of Nova Scotia. However, I do not think any hon. gentleman in this House will be inclined to lessen the censure, or feel less indignation over the attitude of Mr. Fielding in Nova Scotia on the plea that he was not sincere in fact, it would only make the matter worse. But that is not all: a gentleman who has been honoured very much by the present administration—who took the place of the leader of the opposition on the Cable Conference, once demanded that the British flag be pulled down on Citadel Hill, Halifax. But it is in regard to a more recent matter—the unrestricted reciprocity or commercial union cry that Conservatives honestly and fairly, as I believe, charged their opponents with disloyalty in the years gone by. We know that question was put forward as a platform by the party. I believe my hon. friend who leads this House never identified himself with that movement. He was too wise, too shrewd and too loyal to do so, and notwithstanding the censure of my hon. friend, the seconder of the address, the public were justified in drawing the inference, from the position of the Liberal party on the question of commercial union, that they were drifting into disloyal positions. I refer also to the remarkable speech made by the present premier in Boston in 1891. He was tendered a banquet in Boston and he made a very remarkable speech there. He was reported in the Boston newspapers and the reports referred to were quoted in the House of Commons afterwards.

Hon. Mr. SCOTT—And Mr. Laurier denied them.

Hon. Mr. FERGUSON—Mr. Laurier denied the correctness of the American reports, but he said the Toronto *Globe* contained a fair report of what he had said no that occasion. Mr. Kenny of Halifax, charged him with the utterance as quoted in the United States newspapers. Mr. Laurier replied "I did not see those reports, but the Toronto *Globe* contains a report for which I am responsible." I shall now read an extract from the report in the *Globe*. It is as follows:

In my opinion the conduct of England, of Canada towards the United States during the war was a disgrace to the civilization of England, of Canada. The American people could fight their own battles, they required no help, but when they were engaged in the supreme struggle for the life or death of this great nation, when they were fighting for a cause as great, as holy, as ever engaged the devotion of mens when they had reason to expect the outspoken sympathy of those nearest to them, it was galling that Southern privateers could be manned, built and equipped in England with the tacit connivance of the British government to destroy American commerce on the high seas. It was galling that rebel refugees could find shelter in Canada, and there with impunity and without provoking condemnation plot abominable crimes against secession.

I have no hesitation in saying that it was a very improper speech for the leader of a great party, a Canadian statesman, to make in a foreign country. I remember very well myself—I was old enough to take a very great interest in the questions which arose during the civil war in the United States—that in Canada, although we had many sympathisers for the Southern states who were the weaker party, and for whom the hearts of many of the Canadian people went out as they naturally did to the weaker party in the struggle—but nevertheless the fact remained and was undeniable that the great majority of the Canadian people rather sympathized with the north than with the south in that struggle. I am able to sustain my recollection by the language of a very eminent man who knew the feeling of Canada well on that occasion, and who spoke shortly after the close of the war at Detroit—I refer to the Hon. Mr. Howe, perhaps the most distinguished man that Nova Scotia has ever produced. On that occasion he said:

It is something to be able to say that during the four long disastrous years of war, just ended, not a single act of which complaint could be made has been committed by a Canadian. Notwithstanding the false reports that were circulated, I do not believe there was a single intelligent citizen of my province at least, who did not believe that the capture of the Chesapeake off the coast of Maine by rebellious citizens of the United States was nothing less or more than an act of piracy. And so of the St. Albans raid. The government of Canada acted most promptly and nobly in connection with that affair, and has repaid the money which rebellious citizens of the United States had carried into their territory from the States banks. As to their harbouring the rebels and of extending to them the right of asylum, is there a single American here who would have his government surrender that right! There was not an Englishman nor an Irishman nor a Scotchman nor an American who would not fight three wars rather than give up that sacred right.

At six o'clock the debate was adjourned.

The Senate then adjourned.

THE SENATE.

Ottawa, Wednesday, 31st March, 1897.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THE ADDRESS.

THE DEBATE CONTINUED.

The Order of the Day having been called:—

Resuming the further adjourned Debate on the consideration of His Excellency the Governor General's Speech, on the opening of the Second Session of the Eighth Parliament.

Hon. Mr. FERGUSON said:—When the House adjourned yesterday afternoon, I was dealing with some observations which had been made by the hon. seconder of the Address in reproof of the Conservative party and their organs for charging their opponents with disloyalty, and in answer to that reproof of the hon. gentleman I had pointed out to the House that there was ample justification for these charges, and had instanced among others the extraordinary speech made in Boston in 1891 by the present Premier of Canada. In that speech, part of which I read to the House, the people of Boston were told that Great Britain and Canada had acted shamefully towards them in the war of the rebellion, that they had harboured privateers and encouraged rebels to concoct vile and abominable treasons against the United States government. In answer to that I had given the statements of the Hon. Joseph Howe in his Detroit speech in 1865, immediately after the close of the war, made in the presence of hundreds of leading men of the United States who knew the truth of what he said, and on that occasion he told them that the Canadians had not taken part in those treasonable schemes but, on the contrary, the government of Canada had punished the St. Albans raiders and had not connived at the seizure of the Chesapeake. I think the Hon. Mr. Laurier's conduct on the occasion to which I have alluded deserved grave censure, and when he becomes premier of Canada we have no right to forget that on such an important occasion as that to which I have referred, when he was called upon to speak before a meeting of United States citizens, he delivered a speech which was calculated to stir up a strong feeling of unfriendliness in the United States against the people of Canada. His statements on that occasion were unjust to this country, and I have given the evidence of the Hon. Joseph Howe to contradict what was stated by the Hon. Mr. Laurier. Nearly 30 years had then elapsed from the close of the war, and the people of the United States themselves had learned to cease shaking the bloody shirt at each other and bringing up reminiscences of that unfortunate struggle. It was unbecoming in the leader of a great Canadian party to go to Boston, among United States citizens, and help them to shake the bloody shirt of the war of rebellion against his own countrymen. But there are more recent events than that, which we have a right to canvass in connection with this question of loyalty. Two members of this government visited the capital of the United States during the present winter—Sir Richard Cartwright and the Hon. Mr. Davies. They had interviews with the President and with other prominent men in Washington, and were interviewed by the United Associated Press reporters, and here is a statement made on that occasion by the Hon. Mr. Davies, the Minister of Marine and Fisheries in the government of Mr. Laurier. He was asked "What would be the result if the American government declines to make a reciprocity treaty such as you desire?"

It will result "said Mr. Davies" in an enlargement of our trade with Great Britain. We must trade somewhere and shall naturally trade where we can make the best bargain. We have in Canada to-day a large element whose influence is thrown in the direction of a more extended trade with the mother country as against the United States. We Canadians believe that our trade should flow through natural channels, and the natural channel incline to this country. If we can't trade with America we shall be compelled to trade with Great Britain, and once these intimate relations are established with the mother country it will be difficult to break them.

He evidently implied, in fact, expressed, that it would be a bad thing to establish these intimate relations with the mother country, and told the Americans that if these intimate relations were established, it would be very difficult to break them. He goes a little further and said:

The effect of Canadian competition can only be felt immediately along your northern border, while on the other hand the manufacturers of the United States will secure a greatly enlarged market.

I notice that the closing paragraph of the interview rather dashes to the ground the extravagant statement that has been dinned into our ears for many years about this great market of 60,000,000. Mr. Davies, speaking in the county of Wright about that market, put it at 75,000,000, but talking to the Americans he said "the Canadian trade will only be felt in the very fringe of your American border," so this large market for Canadians of 75,000,000 has no existence except in that gentleman's imagination. But not only Mr. Davies, but another prominent gentleman was in Washington last summer and was interviewed, and his interview was published in the press. I refer to Mr. John Charlton, and I will read a paragraph from the published report of that interview :

Mr. Charlton states he is not here in an official capacity. In an interview to-day with a reporter of the United Associated presses Mr. Charlton in discussing the question of the desirability of more liberal trade relations between the United States and Canada, stated that the recent change of government in Canada had brought the question of reciprocity to the front. The Liberal party of Canada had always favoured more intimate trade relations with the United States. The Conservative party, on the contrary, had uniformly been adverse to reciprocity except upon unattainable conditions. Now Canada was governed by broader-minded and more liberal men. Hon. Wilfred Laurier, the premier of Canada, is a man of broad views. He is a Liberal of Liberals. His knowledge of American affairs is accurate and extended, and he ardently hopes for intimate and friendly business and social relations between the two countries.

"Canada," said Mr. Charlton, "will unquestionably attempt in the near future to obtain a treaty of reciprocity in trade with the United States; a treaty that will admit to freedom of mutual interchange all natural products, and will cover, in addition, as wide a list of manufactured articles as the establishment of a just equilibrium of mutual interests shall require. When the conditions of trade between the two countries are carefully analyzed," said Mr. Charlton, "it will be found that the advantages to be arrived from a free interchange of natural products are not entirely upon the side of Canada. The removal of the Canadian duty on Indian corn would lead to an enormous consumption of that grain in Canada for stock feeding and other purposes. American pork would be largely used by Canadian lumbermen if admitted free, and the repeal of the Canadian duty on flour and meal would enable the United States to supply Nova Scotia, New Brunswick and Prince Edward Island with breadstuffs, to the exclusion of the Ontario and Manitoba wheat. Fresh beef from Chicago packing houses would find extensive sale in Canadian cities and towns and the repeal of the duty of sixty cents on bituminous coal would crowd out the use of Nova Scotia coal in all of Canada west of and including Montreal."

PARTING OF THE WAYS.

One statement, which Mr. Charlton emphasized, seems to possess significance. He represents Canada as now standing at the parting of the ways. On the one hand, are friendly business and social relations with the United States and the gradual closing of the gap which has been widened since 1886. On the other hand, are Imperial confederation, Empire consolidation, a distinctive British system, embracing the Motherland and all her colonies, improved steamships and cable services; differential duties in England in favour of the colonies and in the colonies in favour of England, colonial representation in the Imperial parliament, and a movement all along the line for the consolidation and unification of all the scattered outposts of Britain's Imperial world-wide domain. When Canada shall present her overtures to the government of the United States for more extended trade relations, the latter will decide upon which of these ways she will enter.

Here Mr. Charlton distinctly states to the people of the United States that they have the destiny of Canada in their hands and that whenever Mr. Laurier presented his proposition, it was for the United States to decide whether Canada should be allowed to go on and work a consolidation within the lines of this great empire of ours, or whether he should fall commercially into the hands of the great republic to the south of us. I have always felt that this course of conduct pursued by Liberal leaders when the Conservative party were in power, of going to Washington and interviewing the government at Washington behind the backs of the government of Canada, has been most reprehensible. I would like to know when any such course was known to be pursued in any European country—a member of the opposition going to a government, a friendly government, perhaps, and dinning into their ears that the ruling party were unfriendly to them, but that when the other party came into power, they would do what was fair and right with them. That course has been followed by several members of the present government when they were in opposition. They stepped between the government of the day and the government of the United States, and barred the government of Canada from settling some of the difficulties that existed between Canada and the United States by saying that the Canadian government were unfriendly to the United States. It was unpatriotic and disloyal to Canada, and borders, in some instances, on the limits of treason. I refer to the conduct of Mr. Charlton when the Wilson Bill

was before Congress. The Wilson Bill contained a provision which I may as well read, in order that it may go on the record :—

Provided that any of the articles mentioned in paragraphs 672 to 683 inclusive when imported from any county which lays an export duty on the same or any of them shall be subject to the duties existing prior to the passage of the Act.

This was the Wilson Bill as it was then agreed by the Senate Committee of the United States. Mr. Charlton memorialized the Senate over his own signature as follows :—

But the proviso contained in that will not reach the purpose intended, but if the interpretation of your memoralist is correct will result in the imposition of American duties upon the articles only, that Canadian export duties are imposed upon, thereby supplementing the Canadian export duty and furthering the purposes of the Canadian government.

It is respectfully submitted that this proviso should read as follows :—

Provided that if any export duty be laid by any foreign country upon any of the articles mentioned in paragraphs Nos. 672 to 683 inclusive then all said articles imported from said county shall be subjected to the duties existing prior to the passage of this Act.

The United States proposed in the Wilson Bill that if an export duty were placed by Canada on any of the articles in the lumber schedule, it should be met with the duty imposed under the McKinley Bill on the same article. Mr. Charlton pointed out that that would not be a sufficiently severe blow to the government of Canada, and suggested that in the event of Canada imposing an export duty on any one article in the lumber schedule the McKinley rates should apply to the whole schedule. They seized the suggestions and put it in the Wilson Bill, and it prevented Canada from putting an export duty on saw-logs, because the moment Canada imposed an export duty on saw-logs the whole of the provisions of the McKinley Bill were revived against Canada as far as the lumber schedule was concerned. I have no hesitation in saying that the conduct of that gentleman on that occasion, going to the United States and securing such a drastic measure as that against Canada, was unpatriotic and that it bordered on the very verge of treason. I dare say that one remark which I made yesterday afternoon may be challenged by some hon. member in reply, because I heard a similar statement challenged before now. I charged the Liberal party, with a few honourable exceptions, with having committed themselves to the policy of commercial union and unrestricted reciprocity with the United States and I said that the policy was disloyal to Canada and to the empire to which we belong. I am aware that many of these gentlemen have denied that any recognized member of the Liberal party ever advocated commercial union with the United States. In answer to that I shall just read a few words from a speech delivered by Mr. Davies at Cape Traverse, Prince Edward Island, on the 23rd of August, 1887. I am quoting from the *Patriot* newspaper report, and I may say the *Patriot* is Mr. Davies's own organ. He said on that occasion :

The difference between commercial union and reciprocity is that the former would do away with all custom houses between the two countries, and they would have a uniform tariff against the rest of the world. * * * The key note should be struck in the lower province. Commercial union means a uniform tariff from the north pole to the Gulf of Mexico. The Reciprocity Treaty of 1856 he was prepared to accept, but he was afraid the Americans were not willing to concede. As commercial union seemed to be more easily attainable he was prepared to support it because he believed it would secure to us wealth, peace and happiness.

Hon. Mr. POWER—I should like to ask, as a matter of curiosity, what particular paragraph of the Speech the hon. gentleman is now dealing with.

Hon. Mr. FERGUSON—I am dealing with the question of loyalty, which was referred to by the hon. gentleman from King's, N.B., who undertook in his speech to reprove the Conservative party for accusing their opponents of disloyalty.

Hon. Mr. POWER—The only reference in the Address to loyalty is the Diamond Jubilee, and I do not see what the hon. gentleman's remarks have to do with the Diamond Jubilee.

Hon. Mr. FERGUSON—My hon. friend seems to be anxious to limit discussion on this subject. I notice that he did not detect any departure from the rules of debate until I touched the question of reciprocity with the United States. The question of reciprocity is not in the Speech and because it is not there he thinks we should not speak about it, but I feel when we discuss the Speech from the Throne we have a right to point out what important public questions

are left out of that Speech as well as those which it contains, and if there is one question more than another upon which this great Liberal government should have spoken, on the occasion of what we may call their first regular session, to the people of this country through its parliament, it was the question of reciprocity with the United States. They had sent two gentlemen to Washington in the early part of the present winter and surely it is due to this House and to the people of this country to know what progress these gentlemen made, whether they were well received, whether a measure based on the conferences which they had with the United States government was in contemplation. In my province, year after year, in all elections which have been held since the Conservative party were in power, we had the distinct statement that no sooner would the Liberal party get into office than they would commence negotiations with the government at Washington for the purpose of securing a reciprocity treaty, and the Hon. Mr. Davies on one occasion, in 1887, pledged himself that if his party were returned to power they would have a measure of reciprocity secured within six weeks from the date of their triumph at the polls. Now we find that, although a reasonable time has elapsed since the elections, and although they have sent deputations to Washington, there is no statement in the Speech from the Throne explaining why that deputation was sent, or what it accomplished, or what the government intend to do on this great question of reciprocity with the United States. We have no utterance whatever, and when questioned by my hon. friend the Leader of the Opposition in this House, the Minister of Justice declines to give a statement of the government's policy with regard to matters not referred to in the speech from the Throne. I am not at all surprised that my hon. friend, the senior member for Halifax who, as far as this government and party are concerned, assumed the position of defender of the faith, should at once interpose his objections when he finds a reference made to the question of reciprocity. I can tell my hon. friend that the very fact that it has not been referred to in the speech makes it a legitimate subject of comment, a subject for censuring the government for not having stated what they hoped to do on that question. Though they have not told us what their policy is, we are not left altogether in the dark. The mover and the seconder of the Address told us that we are called upon to adopt a course with regard to our own tariff, different from what the party had advocated before, because the United States were not friendly because they were not disposed to give us a fair reciprocity treaty. We have, then, information coming from the mover and seconder of the Address, information which the leader of the House does not condescend to give us; nevertheless we feel we have a right to discuss this question and elicit all the information we can upon it, although it does not seem that we are going to get very much. The hon. gentleman who moved the Address said, among other things, that he trusted the government and the parliament of this country would never mind what had taken place, never mind what had been said in campaign speeches and campaign literature, but go to work as reasonable men and frame a tariff based on the present circumstances of the country. In one respect the advice is very good, but I can hardly think the other part of the advice, that is that the members of the government should pay no attention to their campaign speeches was very moral and I am sure such advice was not needed because, short a time as this government has been in power, they show that they need no mentor at their shoulder to remind them that they should pay no attention to their previous promises and pledges. They are amply able to perform that service of violating their pledges without any prompting from him. But while so much stress is laid upon the fact that the McKinley tariff is being revived in the United States as a circumstance which should alter the views of the government and the attitude of the parliament of this country towards the United States, have we forgotten that it is not the first time we have had to encounter the McKinley tariff? We had a McKinley tariff in operation before, and the Conservative party had to face that tariff and strengthen its national policy tariff in view of the action of the United States Congress. It was under the influence of the McKinley tariff that we strengthened our agricultural duties against the United States, duties that have proved to be greatly to the advantage of the farmers of Canada. The Conservative government of Canada,

did precisely what these gentlemen say they feel themselves impelled to do now, that is, they strengthened their hands against the United States in dealing with that country, on account of the passage of the McKinley Bill when it was first enacted. What did our opponents say then? Did Mr. Laurier and the gentlemen now associated with him say that the Conservative government did right? No, they said we had been the cause of the enactment of the McKinley tariff and that we were riveting that tariff on Canada by pursuing a retaliatory course. They said we should do nothing of the kind. I heard Mr. Laurier in a speech at Charlottetown tell the fable of the sun and the north wind endeavouring to compel the traveller to take off his coat. It was the same fable he has told so often with regard to the Manitoba school question. It served his purpose with regard to the trade question and our dealings with the United States, and latterly it has served his purpose in discussing the Manitoba school question. He has been following the sunny ways of patriotism. That was the course which he said should be pursued then and which was to be pursued should his party attain to power, and now we find inklings from the speech of the hon. leader of this House, and ample evidence in the speeches of the gentlemen who spoke for the government in moving and seconding the Address, and we have abundant evidence in the press that they are going to find a pretext for going back on their pre-election pledges on the trade question, from the reintroduction of the McKinley tariff in the United States—although that tariff, as far as it relates to Canada, was just as hostile under President Harrison as it now proposes to be under President McKinley. One little difference is all that my attention has been called to, as being more severe against us. There is an increased duty on white pine, and that is about the only difference between the McKinley tariff as it previously existed and as it appears now before Congress; yet hon. gentlemen opposite condemned our government because we stiffened our tariff to meet the hostile tariff of the United States. Now they ask us to excuse them when they propose to go back on their pre-election pledges, because, forsooth, they have to meet this same McKinley tariff. The hon. leader of the House in gently letting himself down from former positions and in reply, I think to an interruption, or in reply to my hon. friend the Leader of the Opposition, stated that it would be impossible to have even a revenue tariff without protection, therefore, he is going to find some justification for adopting a protective tariff, because a revenue tariff there, may possible give incidental protection. I know that my hon. friend and his colleagues, before election, talked about a revenue tariff, but the only public intimation that has been made of what their tariff is to be is in the matter of bituminous coal, and my hon. friend will not pretend to say that the duty on bituminous coal in Canada is intended for revenue only. If that is his object, I wish him joy of the increased revenue he is going to get out of that duty. He will get very little revenue from it. Its object is simply protection and nothing else, and my hon. friend is evidently preparing to excuse himself for departing from his position as the exponent of the principle of a tariff for revenue only, because it is possible some incidental protection may be given by a revenue tariff.

Hon. Mr. BOULTON—Ontario pays a million dollars revenue on bituminous coal.

Hon. Mr. FERGUSON—And anthracite coal is free. If the duty is retained upon coal, the main effect of it is protection.

Hon. Mr. SCOTT—Oh, no.

Hon. Mr. FERGUSON—It has been one of the strongest points of objection on the part of the Liberal party in the upper provinces that the Conservative government imposed this duty for protective purposes, and although it may be true that some bituminous coal had been imported into the province of Ontario and a duty paid upon it, still the general trend of the duty on bituminous coal is for protection and not for revenue purposes. With regard to the pre-election policy and the course of the Liberal party on this question, I would just read two or three words from the Ottawa platform, which my hon. friend the leader of the government in this House did a good deal towards framing. Here are the words:

> We denounce the principle of protection as radically unsound and unjust to the masses of the people, and we declare our conviction that any tariff changes based on that principle must fail to afford any substantial relief from the burdens under which the country labours. This issue we unhesitatingly accept, and upon it we await with

the fullest confidence the verdict of the electors of Canada.

Here is the platform of the party, and in amplifying and explaining that platform a gentleman with whose utterances I am more familiar than with those of any other member of the government—the Hon. Mr. Davies—when speaking in Middleton, N.S., in fall of 1893, said that the policy of the Liberal party was to eliminate every vestige of protection from the tariff. He said the great historical battle between free trade and protection was now opening in Canada, and this is the declaration with which I was familiar and with which my friends in the lower provinces have been familiar for some years. This declaration has always been emphatic, and was just as emphatic after the announcement of the Ottawa platform as before. Now we come to the extraordinary course pursued by the government with regard to this question. Speaking in Montreal, in one of the closing days of 1895, the Hon. Mr. Laurier, as was quoted in this House the other day, said it would be the policy of the government to make raw material free, and he indicated that coal and iron, as the raw material for the manufacturers, would be admitted free under the tariff which it was proposed the Liberal party should put in force in Canada. He secured the votes of many manufacturers in Montreal and elsewhere by that statement, yet in the face of that statement of the hon. the leader of the government, and the public had a right to believe that he spoke for his party, we have the Finance Minister going to Montreal and receiving a deputation of coal men and telling them that the coal duties were to be retained in view of the change of circumstances in the United States. Here we have an extreme divergence between the statements of the leader of the government when speaking to the people, as leader of the Opposition and the statement of his Finance Minister. It is a most extraordinary spectacle to find two prominent men, the Premier and his Finance Minister, putting such diametrically opposite views before the country, and it remains to be seen within the next few weeks which of them has been speaking more correctly. Notwithstanding the fact that Mr. Fielding's statement is the later one, I am inclined to think that after all Mr. Laurier's statement is correct, and my reason for that is the extraordinary action of the Liberal party in Nova Scotia at the present moment. Mr. Fielding makes this important declaration—and I will speak later about the propriety of his making such a declaration at all. I am now speaking of the declaration itself. We find that immediately following that declaration Mr. Murray, the gentleman that followed him in the leadership of his party in Nova Scotia, dissolved the House and issued a manifesto to the electors declaring that the object in dissolving the House before it would naturally die by efflux of time was the desire of the government to elicit a strong expression from the people of Nova Scotia in favour of the retention of the coal duty. It is a most extraordinary thing that Mr. Murray should feel it necessary to bring such strong influence to bear on the Dominion government if he believed the statement of Mr. Fielding. He will try to secure votes in Nova Scotia on the strength of Mr. Fielding's declaration, but the very fact that he finds it necessary to prematurely dissolve the House and try to snatch a verdict from the people before the government here passes on the tariff question—all indicate to me plainly that in his inner heart Mr. Murray believes it is not the intention of the Government to retain the coal duty, but simply an attempet to secure the votes of the people of Nova Scotia before the facts with regard to the tariff come to be known. It looks extremely like it, and I may say I regard the action of Mr. Fielding in making such an announcement as he has made as being very extraordinary conduct on the part of a Cabinet Minister. I understood the leader of the House to say yesterday that Mr. Fielding was authorized to make that statement. Did I understand the hon. gentleman correctly?

Hon. Sir MACKENZIE BOWELL—That is what he said.

Hon. Mr. FERGUSON—I presume by the hon. gentleman's silence now that I heard him correctly and that Mr. Fielding was authorized to make that statement.

Hon. Sir OLIVER MOWAT—The government were quite aware that that statement was to be made.

Hon. Sir MACKENZIE BOWELL—That implies that they discussed it in the Cabinet?

Hon. Mr. FERGUSON—I think we have had so much of that kind of thing that we have to go further than to censure Mr. Fielding. The indecency of making this declaration when any intelligent man in the country will understand the object of it was to influence the coming elections in Nova Scotia——

Hon. Mr. SCOTT—I never thought of it.

Hon Mr. FERGUSON—There could be no other object. My hon. friend says he never thought of it. He is the most innocent man in the world. No such thought ever comes into his innocent heart. He may never have thought of it. Perhaps he did not, but there were men around him who thought of it without any doubt, and if this was not the object in making the statement with regard to the coal duty why were there not advance statements made with regard to other industries which have just as good a right to be informed as to the policy of the government as the coal industry has. Is there any reason that can be shown why the coal interest was suffering from uncertainty as to the tariff more than any other interest?

Hon. Mr. SCOTT—Yes.

Hon. Mr. FERGUSON—I would like to take my seat if the hon. gentleman will tell me what that reason is.

Hon. Mr. SCOTT—The announcement by the United States of a duty of 75 cents on Nova Scotia coal imported into the republic.

Hon. Mr. FERGUSON—What has that to do with it?

Hon. Mr. SCOTT—Everything.

Hon. Sir MACKENZIE BOWELL—Your policy is free trade. What has the policy of the United States government to do with the coal duty in Canada?

Hon. Mr. FERGUSON—That is not the only product of Canada on which there has been an announcement of an advance in the American duty. If that were the case there might be some reason in the statement of my hon. friend, but we know that it is not the only one. There are numerous articles on which the duty will be increased in the United States as well as coal, and the people of the country have to look ahead in making their arrangements in other matters just as much as in the coal industry, and perhaps more. Take pork packing for instance. There is a certain season of the year when pork packers buy their stock, when the farmers put it in the market, and these men have been buying pork all winter, protected as the market was with 2 cents a pound duty, aud they did not know and have not been able to learn, unless some special friends of the government have been advised by some one in the cabinet, what the change in the tariff is to be. The pork packer has no means of knowing whether the duty of 2 cents is to remain as a protection to that industry until the time arrives for him to sell his stock. Pork has to be purchased some months before the packer can dispose of it. Farmers in my province were bringing pork to market in the months of January, February and March which they sold at a loss on account of the uncertainty. The packers were buying and had not the means of sending it away during the winter and did not know but by the time their pork would reach the lumbermen's camp or the market where it was sold that the duty might be abolished. Why were not the pork packers and farmers informed of the intention of the government, as well as the coal miners? Mr. Laurier made a declaration at St. Johns, P. Q., during the election of Mr. Tarte, last summer, announcing that an inquiry was going to be made—that Mr. Fielding was going to travel over the country to investigate the working of the tariff. I felt in my heart then that the government intended to recede from their pre-election promises on the trade question to a great extent and were trying to get a good excuse for doing it. And that was long before the renewal of McKinley tariff was threatened by the United States Congress. My reason for that opinion I stated briefly in this House on that occasion. It was that if they intended to adhere to their pre-election pledges and give us a tariff for revenue only it was not necessary to go about the country consulting the manufacturers at all. The productiveness of the tax, the revenue requirements of the country and such considerations as these, were all they had a right to consider, but the moment they went around with their caps in the hands asking how this industry and that industry was going to be

affected by the increase or reduction of the tax, it was at once apparent that they contemplated receeding from the position they had taken before the elections, and what has occurred since then amply justifies the opinion I entertained with regard to their course. I feel there has been a vast amount of damage done to the commercial and agricultural interests of this country, and to our people generally, by this long delay and by the uncertain sound which the government have been making with regard to their tariff policy. This session has been unduly delayed. We have met at a time of the year which they were never tired of condemning when the Conservatives no matter what reason they had to give, called a late session, and now when there are grave reasons for an early session and an early announcement of the policy, they have pursued a course very different from that which they said was the proper course to be pursued when they were in opposition. My hon. friends on the other side of the House, the mover and seconder of the Address and the leader of the government himself, expressed in their speeches very great satisfaction that the Manitoba school question had been amicably settled. I have been reading the newspapers and watching the current of events, and I fail to find any evidence of a settlement at all. It is true that some conference has taken place between the government of Canada and the government of Manitoba. We have been told of that in the Speech from the Throne, and certain terms have been laid on the table of this House and a bill is passing through the legislature of Manitoba on the question. The idea when a great controversy existed between the minority and majority in Manitoba that a settlementhas been reached without consulting or trying to satisfy the minority at all, is a contradiction in terms. I fail to see that there has been a settlement of that question and evidence is abundant on the other hand, that the question is still unsettled. It is a troubler of Israel as much now as it ever was. I feel that the mover and the seconder of the Address had very small ground when they congratulated the leader of the House on what they called the settlement of this Manitoba school question. The seconder of the Address said that this settlement or agreement was approved of by the electorate of Canada. What evidence have we of that? I have no doubt some hon. gentlemen will say, as I have heard it stated in another place, that two elections which have been recently held, one in the county of Wright and the other in the county of Bonaventure, in the province of Quebec in which the government were successful by large majorities, is evidence that the Manitoba school question is settled to the satisfaction at least of the province of Quebec. But what is the evidence that is coming in from day to day with regard even to the carrying of these very counties? We find that the gentlemen who contested these elections and their friends, and even members of the government themselves, declined to say to the people of Quebec at those elections that there was a complete and perfect and final settlement of the question. On the contrary, they said—the premier himself said in Montreal not long ago—that it was only the first instalment, and Mr. Guité who was elected the other day for Bonaventure, told the people that he would work hard to get greater advantage for the minority in Manitoba. He led the people there to believe that the matter was not settled yet, but that the good work would still go on. If that is so, in place of these elections being a verdict in favour of the so-called settlement they are rather a verdict to the contrary, and prove that the government are still holding out hopes to those who sympathize with the minority in Manitoba that still further concessions will be made to their friends in that province. The only election that is really important with regard to this question was the local election in St. Boniface, Manitoba, which was brought about by the resignation of Mr. Prendergast, one of the sunny ways of the government was to provide a judgeship for Mr. Prendergast who had been one of the strong advocates, in the local legislature, of the rights of the minority. An appropriation was put in the estimates last year which it was surmised, when it passed through the House, was to provide a judgeship and a salary for that gentleman with the hope that he would advise the acceptance of anything that Mr. Laurier would provide for the minority, and in that way they applied the sunny ways of patriotism to settling that question. There was a settlement in Mr. Prendergast's case no doubt. There was a settlement even in the case of

Mr. Donohoe, who appeared before the Privy Council against his co-religionists. He has been provided for, but it does not appear that the parties affected by this settlement are at all satisfied with its terms, and until the rights and privileges for which they contend are restored to them, it is unlikely that they will be satisfied, and the hon. gentleman opposite need not lay the flattering unction to their souls that the question can be settled until they have made peace with the minority of Manitoba. We were told when the Conservative government had to deal with this question that the facts were not ascertained, that it was foolish on the part of the government of Canada to attempt to deal with this question without ascertaining the facts. How could they know what the exact difficulties of the situation in Manitoba were until they had taken evidence on that point, and they said that as soon as they came into power, they were going to appoint a royal commission for the purpose of going to Manitoba and visiting these schools and meeting the people who were interested and examining them on their oath and taking the necessary evidence, in order to find out what the exact nature of the remedy should be. Mr. Laurier went so far as to say that on the very day he got into power he would appoint two commissions, one to go to the United States, and the other to Manitoba, and that the leader of this House Sir Oliver Mowat, would be chairman of the commission to be appointed to visit Manitoba and take evidence on this school question. The whole thing was outlined. My hon. friend had achieved some credit among the Catholics of Ontario for standing up for them, as it was believed he had done, in connection with the separate schools. His name was used with the Catholic people, and they were told that this man, who was their friend, would be chairman of the commission, and they could rest assured that what he had done for the Catholics of Ontario he would do for their friends in Manitoba. I do not know why this plan did not materialize. I do not know why my hon. friend was not placed at the head of a commission of that kind to take evidence in Manitoba on this question. But we know that such a commission was not appointed, Whether it was my hon. friend felt that he was unequal to the task and that the sunny ways of patriotism were more effectual than cold facts that he could elicit by going up there, he was not appointed, and Mr. Tarte, another member of the government, went up there instead. I think Mr. Tarte did visit one school up there in which there was some little trouble on the question of the commissariat between the teacher and himself. I believe the inquiry he made on that occasion was his only inquiry with regard to the state of the schools in Manitoba. The promises which had been made with regard to the appointment of a commission and the making of an inquiry have all been cast to the wind. Mr. Tarte went up there and made some reports to his colleagues ; Mr. Greenway came down here and the result is this paragraph or two providing that there may be religious instruction between half past three and four o'clock in certain schools. That is what it all ends in. These people contended that by the constitution they had some privileges, which privileges they claim have been taken away. The Lords of the Privy Council of England found that their contention was right ; promises were made by the hon. gentleman's leader, the Hon. Mr. Laurier, that he would restore the rights of the minority in Manitoba. He was not going to do it by coercion, but he would do it more fully than the late government proposed to do it by the remedial bill. Instead of that, here we have this paltry provision which I am told by parties who have more experience in such matters than I have myself will be found perfectly useless and calculated, if put into effect at all, to create in the minds of the children a repugnance against religion altogether, because they will be kept in half an hour longer than other children. It will create a distaste for religion, and instead of being a help, as it should be it will be a detriment. The leader of this House yesterday denied that there was any understanding between the government of Canada and the government of Manitoba with regard to the initiation of this troublesome question. He does not dispute the fact that the government of Manitoba threw this apple of discord into the politics of this country by passing the School Act of 1890, but he denies that there was any understanding between themselves and the Federal government at any time during the course of the events. With regard to that subject I will take the word of my hon. friend as speaking for himself. He only came into federal politics

at a comparatively recent date, but before he came in there were no doubts in my mind that there were parties acting in collusion. I need only point to the fact that after the remedial order was passed and Mr. Montague accepted office in the government of Sir Mackenzie Bowell, Mr. Sifton, the Attorney General of Manitoba, came down and entered into the campaign in Haldimand against Mr. Montague. If they were not acting in concert that would not have occurred, we would not have Mr. Sifton interfering in an election in favour of the Liberal parti and against the Hon. Mr. Montague, a member of the government who was seeking re-election. But we have stronger evidence than that. In December, 1895, just before the legislature of Manitoba was dissolved, the same gentleman (Mr. Sifton) came down to Montreal and had a consultation with Mr Laurier. He went back, and immediately afterwards the legislature of Manitoba was dissolved and a general election was brought on. That general election had a most embarrassing effect on any settlement of that question between the government of Canada and the government of Manitoba. It was natural to expect that the Premier of Manitoba, in going to his constituents at that time with that question a burning and live issue would commit himself very solidly against any reasonable legislation towards meeting the views of the Federal government, and it was evident that an appeal was made to the people in order to furnish an answer which could not be overcome on the part of anybody that the government of Manitoba could not meet the views of the Federal government in restoring separate schools in that province. It was evident from the fact that that step was not taken until Mr. Sifton came down to Montreal and had a consultation with Mr. Laurier, and that step, the most important one in the whole history of the question, was taken immediately afterwards and at the time the opposition here were pressing the war with all the vigour they could against the Sir Mackenzie Bowell's government. That action was taken after consultation between the Attorney General of Manitoba and the leader of the opposition party of that day and the effect of it was most disastrous against securing a settlement of the question in the interest of the minority of the people in Manitoba. My hon. friend speaking for the government of Manitoba, says he believes they acted in good faith, in passing that Act of 1890. He thinks they passed that Act believing it to be *ultra vires* and because they felt that it was the best measure for education that they could possibly pass for that province. This was the substance of what my hon. friend said yesterday. I have rather a different opinion to present to the House with regard to that point. I do not want to throw any apple of discord between gentlemen who sit so closely together in this House and in the government of the country, but it is only right that the leader of the House should be put on his guard, because when he makes a statement of that kind, we can turn up statements of his colleagues in an altogether opposite direction. He says that the government of Manitoba acted in good faith, that they passed this bill not for the purpose of creating discord, but for the purpose of passing the very best measure they thought they could provide in the interest of their province. Speaking in this House in 1894, the hon. Secretary of State, who sits beside his leader now, used these words :—

> The parties who passed the law, I am quite satisfied, felt sure it was *ultra vires*. It was done evidently by a trick, as pointed out by the hon. member from St. Boniface, not done after an agitation by the press or the people. It was done by political tricksters (no one else would have sown all this discord) just to meet their own political purposes.

Hon. Mr. SCOTT—Quite correct.

Hon. Sir OLIVER MOWAT—What mistake did my hon. friend make?

Hon. Mr. FERGUSON—It is the hon. Minister of Quebec himself who has made the mistake. I call attention to the very great harmony which seems to prevail in the views of hon. gentlemen in the government. The leader says they acted in good faith; the Secretary of State says they were tricksters who passed it.

Hon. Mr. SCOTT—I think so now.

Hon. Mr. FERGUSON—I wonder how the hon. gentleman can sit in a cabinet with one of those political tricksters. Mr. Sifton, his colleague, is one of those political tricksters.

Hon. Mr. SCOTT—He has repented since.

Hon. Mr. FERGUSON—We have no evidence of that. It must be a delightful

condition of affairs in that cabinet. We have a gentleman in the cabinet who is regarded, by one of his colleagues at least, as a political trickster.

Hon. Mr. MILLS—I do not think he was in the Manitoba government at the time Mr. Martin was in.

Hon. Mr. FERGUSON—He was a member of the Manitoba legislature and assisted in passing the Act of 1890. The sunny ways of patriotism were practised on Mr. Sifton, too. My hon. friend the leader of the House said yesterday that the remedial order as it was passed by the late government attempted to force upon the province of Manitoba a restoration of the separate school as they had existed.

Hon. Sir OLIVER MOWAT—Substantially, I said.

Hon. Mr. FERGUSON—Not even with this modification is the statement correct. The principle of separate schools was to be recognized, that the people of Manitoba had under the Act of 1870,—that the Privy Council had declared they had a right to have. That was the important privilege that had been taken away. That was the privilege that it was intended should be restored to them. All that was clear enough, but the remedial order did not profess to restore the separate schools, either as they were or substantially as they were—that is in regard to the state of efficiency in which they were. There is a good deal of dispute on the point as to the efficiency of those schools.

Hon. Mr. BERNIER—They were efficient.

Hon. Mr. FERGUSON—I do not think it affects the argument in the slightest respect whether they were efficient or not. It was the duty of the parliament of Manitoba to make them efficient. It was in their power to deal with them, and if they were inefficient in any respect, it was their duty to make them efficient. That was what the government of Sir Mackenzie Bowell aimed at when they introduced the Remedial Bill, to restore the right which had been taken away from them, to restore separate schools, to restore them in a state of complete efficiency, as far as it was in the power of the Federal government to do so. They could not do everything. There were some things which it was not possible for them to accomplish, but as far as it was in the power of the government of Canada to restore the schools and put them in an efficient state, they endeavoured to do so. My hon. friend says that the agreement which has been entered into between the province of Manitoba and the Federal government will, after a while, give satisfaction, and that the same happy results will follow from it as have resulted in the maritime provinces, where there was some trouble in the beginning over the schools, and where happily in the most of the provinces at least compromises have been agreed upon, and substantial advantages have been given to the Catholic minorities in matters of education. My hon. friend says he hopes and trusts and believes that the same results will follow the action of his government in Manitoba. My hon. friend must, however, bear in mind that there is a very important difference in the case of the schools in the maritime provinces and the case of the Manitoba schools. In all three of the maritime provinces, the minority had no right, by law or practice, before confederation to separate schools. No separate schools were established in fulfilment of the bargain of confederation, or in any other way. They never had a system of separate schools and the minority have no constitutional right to them, although they tried to get their views carried out. When they were fairly defeated at the polls, and found that they could not carry their point, they submitted and made the best they could of the situation, and in a great many cases, though not in all cases, they found a majority, not bound by any constitutional guarantee, ready to give them any advantages they desired and disposed to meet them in a fair and generous spirit. That is the state of things in the lower provinces, but the case of Manitoba is entirely different. The case of Manitoba is as strong as that of Ontario or Quebec, where the minorities have constitutional rights and privileges, and they feel that they have a right to stand out for them and there is a feeling in the mind of every man who respects the institutions under which we live that they should be treated fairly and no deduction should be drawn from the cases of the maritime provinces where there was no such constitutional guarantee to prevent them from having their rights restored. But in addition to sunny ways

of patriotism which the leader of the government and his friends have been adopting, they have taken another and a most remarkable mode of dealing with the matter. An appeal has been made to Rome. I notice that when some such statement as that was made in the House of Commons the other day the premier became very indignant and requested that notice should be given as he wished to have an opportunity to give an answer on that question which would show what were the facts of the case. He was indignant that an insinuation should be made on the floor of parliament that an emissary had been sent to Rome for the purpose of securing influence on behalf of the settlement his government had made. Notwithstanding the apparent indignation of the hon. premier on that occasion—notwithstanding the apparent reluctance on the part of the members of the government in discussing this question, we cannot ignore the fact that is known to every inhabitant of this Dominion that there have been frequent pilgrimages to Rome on this question. Abbé Proulx, Chevalier Drolet, Mr. Russell, the law agent of the government of Canada, and a member of the government itself, Mr. Fitzpatrick, was there.

Hon. Mr. POWER—And Senator Landry was there too.

Hon. Mr. FERGUSON—My hon. friend may have been there too for all I know, but I seriously doubt if the hon. gentleman went there for the purpose of invoking the influence of the Sovereign Pontiff in favour of the settlement made by my hon. friend on the school question. I very much doubt whether he went there for that purpose or for the purpose of soliciting the intervention of the Sovereign Pontiff in the political affairs of Canada. I have serious doubt whether he went there for the one purpose or the other. Whether he went there or not I do not know; but the gentlemen I have mentioned went there, and it appears that a representative of the Sovereign Pontiff is now in this country who has been brought from Rome at the solicitation of members of the government—I suppose not in their capacity as members of the government. I do not suppose they signed their names to the memorial with their cabinet designations following, but it is nevertheless apparent and clear that this gentleman is here at the solicitation of members of the government with a view if possible to bring the great influence which he wields to bear in favour of their policy on this school question. It would really seem from the newspaper reports that have been published within the last two or three days —they may not be correct, but in the end such statements with regard to gentlemen in this government, that have been denied have been found to be correct so often that we are inclined to attach some importance to the intimations we have of double dealing in connection with this question—that we have not yet heard all the facts in connection with the gentleman's visit to Canada. The charge of double dealing is made on the tariff question and on the Manitoba school question and many other questions, and it is now being hinted in the press that there has been double dealing on this subject also and that the ablegate who is now in Canada, was brought here with the impression in his mind and probably in the mind of His Holiness as well, that his visit to Canada was to be undertaken with a view to taking part in the settlement of the school question, because he expressed his regret that the bill had been passed in the Manitoba legislature before he entered upon his work. It is very evident from that—it is extremely likely at all events—that there has been double dealing and that the ablegate was led to believe if he came here that the government of Canada would be guided very largely by his advice in the matter and that even the government of Manitoba, who have been officially notified of his arrival in this country—even the government of Mr. Greenway would be very glad to listen to his representations and do justice to the minority. It would almost seem that this ablegate has been brought into this country with the prospect held out to him and probably to the distinguished Pontiff who had accredited him that he would play a very different part in this question from what he will find he will be able to do. It further appears that this gentleman has been brought to Canada for the purpose of censuring or approving of the acts of the Roman Catholic clergy of Canada in political matters. It would seem that he will indicate the lines they should pursue, and that he has been brought out by politicians for that purpose. I am not a Roman

Catholic. I am a Protestant, and have very little concern in matters between the Roman Catholic Pontiff and his clergy, or between the clergy and their people. They are a large and intelligent body in this country, a great church organization which all of us, no matter how much we may differ from them, have to respect. We know that they are eminently able to manage their own affairs without any interference on the part of parliament or governments, and I feel bound to say that I would feel my interests as a Protestant and the interest of the Protestants of this country just as safe in the hands of the Roman Catholic clergy, as far as their influence goes, as I would in the hands of the gentleman who has been brought into this country to influence the settlement of this question. The Roman Catholic clergy of Canada and bishops of of Canada are Canadian citizens. They were born and brought up amongst us. They have our feelings and sympathies. They understand us and they are very much more likely to form a correct judgment on this school question than a stranger from Rome. We must not forget that in all the trying days of Canada from the breaking out of the American war up to the present time the Roman Catholic hierarchy and clergy of Canada stood nobly by the institutions of the country. During the war of the American revolution their influences was steadily exerted to keep the French Canadian people in the British Empire and to prevent them from joining the rebels. Notwithstanding the great military glory that France achieved in the wars of Napoleon glory enough to inspire the sons of France although they were so far away from their motherland, yet, during all this time the French of Canada were kept steady in their allegiance to the British Empire and principally through the influence of the clergy. We know that the rebellion of 1837, as far as the province of Quebec was concerned, would have assumed very different proportions if it had not been for want of sympathy on the part of the Roman Catholic clergy who adhered loyally to the government during that period. It is no concern of mine what this gentleman who has been brought into Canada may do on this question, but I feel as a Protestant and as Canadian that I am quite as safe and the interests of Protestants and Catholics are quite as safe as regards the influence which the Roman Catholic hierarchy and clergy exert as they would be under such influence as the government appears to have invoked on this question. I wish to read four very distinct opinions upon this Manitoba school question to the House before drawing my remarks to a close. I wish to quote authorities which I think hon. gentlemen sitting opposite me will not be inclined to treat with disrespect. I feel assured that each and every one of the words I am going to read will be entitled to a great deal of respect. The first opinion which I quote is that of the Hon. Mr. Laurier himself. He said in April, 1893 :—

> I affirm this at the outset, as I read the constitution of this country, as I read the British North America Act, and the Manitoba School Act, I say that there is within the provisions of the constitution an appeal given to the minority of Manitoba wherever they feel oppressed by local legislation in the matter of education.

This is a positive opinion by Mr. Laurier, that there was an appeal, that they had a right of redress. Then, I quote from the Hon. Mr. Davies in the debate in Parliament last session. He is a gentleman for whose opinion I am sure the leader of this House has great respect. He said :

> I have not heard any lawyer who valued his reputation, any lawyer of standing or any constitutional authority ever express the doubt that there is a power constitutionally vested in the government of Canada to hear an appeal, and that after they have heard and allowed the appeal there is power on the part of this parliament to intervene and enact a remedial order, if it chose.

This is what Mr. McCarthy said when pleading the case before the Privy Council :

> The Superior Court held that the separate school law of 1871, being a matter which the legislature had the right to pass, they had the right to repeal it. That was held in the Barrett case, but it was also held nevertheless by the Privy Council, that the taking away, in 1890, of the rights given in 1871, did constitute a grievance which gave the minority the right to seek redress in the way that they are now doing.

This is Mr. McCarthy's admission. Following on in logical sequence we have the opinion of my hon. friend from Bothwell, in a speech delivered in parliament last year, and contains the ablest constitutional discussion of that question which it has been my pleasure to read. The first half of the speech was devoted to a constitutional discussion of the question, and an admirable

argument it is, and I commend it to everyone who has not read it. I am sorry I cannot compliment him with the closing part of the speech, which is very illogical, erratic and inconsistent with the early part of it.

It is also a well settled rule that where there is a right by law in the supplant to seek for relief there is a corresponding duty to hear his complaint, and if a substantial right or privilege be injuriously affected or destroyed to redress the grievance and restore the privilege taken away. This legal and constitutional obligation rests upon every state functionary from the sovereign down to the humblest officer to whom any portion of state authority is entrusted.

Here was the declaration of the hon. gentleman, with which I fully agree. When all these things were established, as they have been by Mr. Laurier and Mr. Davies and Mr. McCarthy in the extracts I have already read, then he says an obligation rested upon every state functionary, from the sovereign down to the humblest officer, to fulfil the duty and restore the privilege which had been taken away. I say, in view of this law, so ably expounded by the hon. member from Bothwell, endorsed by the declarations of the other gentlemen I have read, that it was the duty of the parliament of Canada to restore the provision of the old Act of Manitoba, to restore the separate schools and make them thoroughly efficient, and until that duty is performed there will be trouble in this country. That is my own honest, candid opinion. It may be very difficult to accomplish. The difficulties have been amazingly increased within the last year, but when my hon. friend, the leader of this House, Sir Mackenzie Bowell, staked his political reputation upon settling that question upon the lines of the constitution, when he brought down his Remedial Order when the Bill was presented to parliament, and ably presented to parliament by Sir Charles Tupper and supported by the large body of Conservative Protestants and Catholics in that House, if Mr. Laurier had risen in his seat and manfully given it his support, the trouble would have ended. But we have the trouble continued amongst us because Mr. Laurier was more anxious for office than to do what was fair for his weak, struggling co-religionists in the province of Manitoba. My hon. friend the seconder of the Address spoke of the electorate having spoken on this question, referring to recent by-elections. I have here a statement that I must read to the House. It appears that during the election at Bonaventure double dealing was practised. There were two manifestos issued there, one to the Protestants and one to the Roman Catholics in favour of Mr. Guité. Here is an extract from the Protestant manifesto:—

All honour to Mr. Guité! In our country independent men like Mr. Guité are rare and we ought to give him our confidence and our votes. If Mr. Guité had been willing to sign the ultimatum of the Bishop of Rimouski, he would have been elected by acclamation. He prefers to fight rather than to become a slave and lose his independence. All honour to him. By signing that declaration Mr. Guité would have ignored the fact that in Bonaventure more than one-third of the electors are Protestants who cling to liberty of conscience and wish to put an end to the racial struggles which are running the province and the Dominion.

This was the language addressed to the Protestants of Bonaventure, who form one-third of the population. Here is the circular issued to the Roman Catholics:—

The Manitoba school question has reached its present phase through the criminal negligence of the Conservative party, which by a word or a stroke of the pen, could have prevented the Greenway government from putting into force the law of 1890, which abolished separate schools, by disallowing the bill in accordance with the power conferred upon the Federal government by the Constitution. The Conservative party has shamefully deceived, insulted and humiliated our revered Episcopate by refusing their just demands for the disallowance of the bill so as to wipe the Greenway school legistion out of existence.

This same Conservative party caused the death, through disappointment and chagrin, of the venerable Bishop of St. Boniface, Mgr. Taché, to whom it had given a promise to re-establish separate schools.

In its hatred of the French and the Catholics, this same Conservative party, in spite of the opposition of Messrs. Laurier and Blake, incorporated the Orange Order, that sect of fanatics which works for the destruction of our religion.

The Liberal party, on the other hand, under the Hon. Mr. Mercier, was the first to install as the deputy minister of a department a priest of our religion, Mgr. Labelle, with a salary of $3,000 a year.

It was the Liberal party which, after years of vain promises on the part of the Conservatives, paid $400,000 to the Jesuits as indemnity for the property of which they had been unjustly robbed by the English government.

It was the Hon. Mr. Laurier, who on the floor of the House of Commons and in the presence of the Orangemen at Toronto protested with all his might and the energy of his superb eloquence against the miserable attempt to disallow the Jesuit Estates Act.

It was again Mr. Laurier who on the floor of parliament denounced the execution of Riel by the

Tory party. In this instance, again, the voice of the episcopate had asked for executive clemency to spare the life of the Metis leader. Once more the clergy and the episcopate were treated as pariahs, with scorn and disdain, and Riel was hanged.

The church has not pronounced against Mr. Laurier. The august voice of the Pope has not made itself heard, and when the illustrious father speaks, he will render unto Cæsar the things that are Cæsar's and unto Mr. Laurier the things that are Mr. Laurier's.

These counter blasts, one intended to excite and to prejudice the minds of the Catholics and the other intended to excite and to prejudice the minds of the Protestants, were issued in Bonaventure and it appears they succeeded. Also in the county of St. Boniface, in the local election, a similar attempt was made to secure votes for the Greenway candidate on the ground that he was opposed to the settlement, and it is believed that most of the few votes of the Catholic minority which were given to him were given on the strength of the statement that he would oppose the settlement. My hon. friend the Secretary of State and the hon. premier of this country, since he has become the premier, have censured the government of Sir John Macdonald and Sir John Thompson for the present state of the Manitoba school question, inasmuch as they did not disallow the Act of 1890. In a document, from the pen of the hon. premier, he introduced the old argument to us that the Conservatives were responsible because they did not disallow this Act.

The hon. gentleman appeared to think this parliament has a short memory. We have not forgotten that it was Mr. Blake who introduced the famous resolution in 1890 which tied the hands of the government in regard to disallowance and he introduced it after having declared and declared repeatedly during the progress of his speech, that he brought in that resolution at that time and was desirous it should receive consideration and be disposed of in view of what was happening then in Manitoba in the passage of this very Act. It is true Sir John accepted Mr. Blake's suggestion on that occasion, but it is equally true that the Hon. Mr. Laurier was in the House and perhaps my hon. friend from Bothwell was in the House, but I did not search the journals to find out whether he was there that day or not, but I know Mr. Laurier was there when that resolution was passed unanimously.

Hon Sir MACKENZIE BOWELL—He seconded it.

Hon. Mr. FERGUSON—Then that is still stronger. The Hon. Mr. Laurier, seconded Mr. Blake's resolution, and still that same gentleman has gone round this country, and his colleagues have gone round the country, censuring the government of Sir John Macdonald because they did not disallow the Act of 1890. I never knew the case was so strong as it is. I knew he was in the House and silently acquiesced in the resolution, but now, I am told, he seconded it, and he himself was a prime mover in the act of Parliament that put the power of disallowance out of the hands of the government. We know in 1891, when the Blake bill was introduced in parliament, Mr. Laurier was present and he took part in the discussion on that occasion. Hon. gentlemen who will take the trouble to look at *Hansard* will find that Mr. Laurier was under the impression that the action parliament was taking was to take away the power of disallowance and to have these educational questions altogether and completely settled by the Privy Council: that the ministerial responsibility was going, and he approved of that, but where he thought the bill was faulty was that it did not go that far in regard to other measures as well as in educational questions. I will just read what he says, and it will more clearly bring out the state of his mind when he made his speech:

> As I understand the wording of this bill it is proposed that on all questions arising out of the appellate jurisdiction given to the government and to parliament where the provisions regarding schools in the provinces is concerned on all such questions which may be referred to the Supreme Court the decision of the court is to be final and binding on the government. That is whatever the legislation referred may be under such circumstances if it is pronounced by the Supreme Court to be legal or not legal, or within the powers of the province that decision shall be binding on the government and that shall be an end of the question. "I submit it to the Minister of Justice that whenever the constitutionality of an act has been proposed to the court for decision its decision should be binding and final, not only on the appellant jurisdiction of the government on matters of education but on all other matters as well."

He was anxious that the appeal should not only be final and binding on the government, on educational questions, but in all other matters as well that the same effect should take place. So, the premier of Canada,

who has so often condemned the government of Canada for not disallowing the Act, was himself a party to the introduction of the Blake resolutions and bill. He seconded the Blake resolutions, and expressed himself in the way I have read to the House when finally under consideration and adopted by the House, showing that the hon. gentleman was fully committed to the settling of this question in the courts, and that he fully believed that the decision of the court was to be final and binding on the government of the country and everybody else, when he supported it. Therefore, it does not lie in the mouth of Mr. Laurier or any of his friends to allege, as they have been alleging up to the present time, that the government of Sir John Macdonald is wholly to blame because they did not disallow the Manitoba School Act of 1890.

Hon. Mr. MILLS.—I suppose the government had some reason for acquiescing in that motion.

Hon. Mr. FERGUSON.—Yes, and they have never gone back on that. The Conservative party believe that action was well taken, and the process of sending that question for solution to the courts was the right and proper way to deal with it. The Blake Bill made it the legal way to deal with it, and they saw no reason to change their minds and they have submitted to the decisions of the Privy Council, first when they were favourable to the government of Manitoba and in the second place when they were in favour of the minority. They are lovers and respecters of the constitution of Canada, bound to yield respect and deference to the decisions of its legal tribunals and they have done so. But the Hon. Mr. Laurier and his friends, after being as fully committed to the Blake bill and resolution as were Sir John and his friends, had gone about the country misrepresenting the facts and alleging that Sir John Macdonald's government was entirely responsible for the non-disallowance of the Manitoba School Act, and that that was done because they had no sincere regard for the rights of the Roman Catholic minority. Before leaving this question, I wish to make just one other observation. Our friends in the opposition have never failed to allege that the act of the parliament was a coercive act, and that it was a very disagreeable and offensive act on the part of the government of Canada to pass a law which they said would coerce the province of Manitoba. I feel assured it is not necessary for me to point out to my hon. friend from Bothwell that that is a very erroneous view indeed, that all the talk we have heard in this country about a royal commission to ascertain the fact and all the talk about coercion and the offensiveness of it, have only been merely political talk for the sake of agitating the minds of the people. I do not think it will be necessary to argue that point very strongly with the hon. member from Bothwell, because I find he is on record on this subject, and his views are entitled, in my judgment, to very great respect. He discussed the Manitoba situation in parliament last year, and compared it with the position of Quebec at the time of confederation. Sir A. T. Galt and some others had taken the point that the Protestant minority in Quebec were not safeguarded in the matter of education as effectually as the Catholic minority in Ontario, and a clause was inserted in the British North America Act to meet the case. It is subsection 2 of section 93, and is as follows:—

> That all the powers, privileges and duties, at the union by law conferred and imposed in Upper Canada on separate schools and school trustees of the Queen's Roman Catholic subjects, shall be, and the same are hereby extended to the dissentient schools of the Queen's Roman Catholic subjects in Quebec.

My hon. friend from Bothwell discussed that question in the House of Commons last year and pointed out very truly and very conclusively that if the legislature of the province of Quebec had not immediately after confederation carried out the provisions of that clause and made the amendments necessary in the legislature of the province of Quebec in order to give the Protestant minority there the same rights and privileges as the Catholic minority in Ontario possessed, it would have become the duty of the parliament of Canada to step in and enact those provisions itself, and he did not see that there would be any coercion in it or that it was necessary to appoint a commission to ascertain the facts. He says:

> Had the legislature failed to give effect to this provision under the constitution, there would have arisen a grievance which would have given to the

Protestant minority, under subsection 3, the right of appeal to the Governor General in Council, whose duty it would have been to have heard that appeal and to have decided in favour of action, if it was unable to secure local legislation, and to have ultimately ordered action in conformity with the facts, and, if that order was not carried out by the legislature of Quebec, upon the fact being reported here, it would have imposed upon parliament the duty of legislation in kind and in degree exactly the same as that which, in the first place, rested solely on the legislature of Quebec. To have discovered what it was the duty of the Quebec legislature to do. Parliament would have been obliged to have looked to the law of Upper Canada, as it would have been called upon to force upon the people of Quebec, against the will of its legislature, the school system of another province. The duty of parliament would have been, not simply to restore a right or privilege taken away, but, under the compact, to have created for the first time the right under the authority of the words for the due execution of the provisions of this section.

Here is the opinion of the hon. gentleman from Bothwell, no doubt his matured opinion. Every word and line of that argument bears on it evidence of the closest thought and careful consideration and here he says that no commission was necessary, that it was only necessary for the parliament of Canada to look at the legislation of Ontario and find what the sections were which provided for the education of the Catholic minority in Ontario, and to look at the section of the law as it stood in Quebec and find out what was deficient, and then it would have been their duty to make an order and if the legislature of the province of Quebec had not passed the necessary legislation to follow that order by a bill—not a bill to restore rights which had been taken away, but a bill to create rights that were provided for by the compact at confederation, should the majority of the province of Quebec have refused to put them on the statute-book themselves. That, it strikes me, is a most powerful argument. It would have been the proper course where no right or privilege was taken away, but in case the province of Quebec had failed to carry out the compact, then the powers of the Federal parliament would have come in. I repeat, before leaving this question, that the responsibility for leaving this unfortunate question in the position where it stands to-day rests with the hon. gentleman's leader, the premier of Canada. It was in his power to have aided the passing of the Remedial Bill a year ago. Whatever would have been the fate of parties the effect of it would have been that the legislature of Manitoba would have found that they lost the support of the other provinces and of the general government of this country. They would have known, as they did know, that there was a large minority of the Protestants in the province of Manitoba who believed that the minority were badly used and would help them, and the Greenway faction who had kept this question alive for years would have wilted out of existence and a good system of schools would have flourished in Manitoba, giving all children a good education according to their conscientious convictions. What Sir John Thompson said on this question in 1893 was in line with Conservative doctrine, he said :

> I want simply to impress upon you this, that candidly and honestly we intend to be guided in that matter simply by the constitution as it will be expounded by the highest authorities that can be got to expound it.

That was the only safe doctrine. Any other course may gain temporary advantages, may sweep a party into power to-day but it is as likely to sweep it out of power to-morrow. Any other course may lead to temporary political triumph, but in the end it will result in discomfiture and disgrace to the party that practises it. There are just two or three other paragraphs in the speech that I feel I should say a word or two upon and they will be very few, for I have spoken much longer already than I intended to speak. We are told in the speech that a Franchise Bill will be submitted. I believe the measure has been already brought down in the House of Commons but I have not seen it yet. We are told in the speech that the principle of the bill will be to repeal the present Franchise Act and to adopt the franchises of the provincial legislatures and use these as the franchises for the general parliament of Canada. I am very sorry that any such proposition as that should be made. I feel that it is very dangerous and that it should not be entertained. Hon. gentlemen may say, on this question of the franchise, that it is a matter which relates more particularly to the popular branch of parliament, and that it is a question with which it should be left to deal almost entirely. I do not think that is altogether a correct constitutional doctrine, because the Commons have a good deal to say at

times on the constitution of the Senate and we do not feel that they are travelling outside of their jurisdiction when they express opinions on the subject, and if it was open for them to legislate, I would not have any fault to find with them for dealing with the question of the constitution of the Senate. But I go this far and say that if the representatives of the people in the House of Commons mature a franchise bill, if they come to the conclusion that the present law is too expensive and cumbrous and otherwise not the best law that could be enacted, and if they agree upon a well considered measure providing for the registration of voters and declaring what the qualification of voters shall be, which shall be an improvement of the present Franchise Act, and send it to this House, we would certainly have a right to scan its provisions carefully and offer any suggestions we could to make the measure as good as possible, but we would be straining our rights a little too far to throw it out. It might be so extremely bad that that duty would be imposed upon us, but it would have to be very bad before I would advise such an extreme step. But if it is proposed that the parliament of Canada is to delegate the power and authority it has, under our constitution, to declare what the franchise shall be of the men who shall vote for members in our representative chamber, to provinces, municipalities or other authorities, and permit them to make up the lists, I say the members of this Senate have a perfect right to stand up and say: "No, we will not agree to that; hold the matter in your hands, have respect for yourselves, see that the franchise is a good and proper one, but do not hand over the power of dealing with the rights of citizens to vote for members of parliament, to bodies over which you have no control. Keep a tight grasp upon the franchise."

Hon. Mr. MILLS—What do you say to Sir John Thompson's bill?

Hon. Mr. FERGUSON—Sir John Thompson's bill did not propose to hand over the making of the lists to the provinces.

Hon. Mr. SCOTT—Yes, it did.

Hon. Mr. MILLS—He admitted the franchises of the provinces.

Hon. Sir MACKENZIE BOWELL—No. He used them as the basis.

Hon. Mr. FERGUSON—I think that Sir John Thompson's bill merely provided that the provincial lists should be taken as the basis and there should be revisions of them, but it did not contemplate the handing over of the power of revising the lists and expunging or adding names.

Hon. Mr. MILLS.—It declares the qualification of voters for members of the Commons shall be the qualifications in existence in the provinces.

Hon. Mr. FERGUSON—That they should be taken as a basis. He was willing to go that far, but I do not think Sir John Thompson or any member of the Conservative party was willing to go so far as to hand over the correction of the lists and the making of the final disposition of the lists to the provinces or to municipalities or any local organizations. However, that might be, it would not alter my opinion on the matter even if my hon. friend and the Secretary of State should be right. I have had too much experience. I have been watching too closely the conduct of some provincial governments of Canada to be willing to entrust the great and important matter of framing our franchises and our voting lists to them. I have seen the so-called Liberal government of my own province disfranchise all the Dominion officials in the provinces even down to day labourers, because a majority of them had been appointed by the Conservative party and were believed to have Conservative leanings. I have seen in various other provinces a tinkering and tampering with the franchise on the part of the provincial governments which warns me that it would be extremely unsafe and wrong on the part of this parliament to delegate the power and right which it undoubtedly possesses to make the lists for itself and declaring by the lists what the qualifications of voters shall be, and create a judicial power which shall decide whose names shall be on the lists, to unscrupulous parish politicians. It is something for which I am not prepared to vote. I am willing to yield to the popular branch the right to deal with this franchise question so long as they deal with it themselves and deal with it wisely, but they shall not, as far as my consent goes, hand over that power which we have something to say about as well as they. I will say a few words before I close on the subject of cold storage. I do

not know that I have said many complimentary things about the government: from my point of view it is hard to find anything very complimentary to say about them, but inasmuch as they have followed with almost slavish exactness the policy of the late government in the matter of cold storage, and inasmuch as they have kept the matter in motion up to the present time, I am inclined to give them a word of commendation.

Hon. Mr. MILLS—That is the hon. gentleman's compliment.

Hon. Mr. FERGUSON—They are following in regard to cold storage the footsteps of their illustrious predecessors. They are fair imitators, as far as that is concerned. I do not know that there is any question that we are discussing which is of more importance to the people of this country than that matter of cold storage, thrown as we are upon British trade and meeting active competitors in that trade, competitors who are ahead of us in cold storage, although they have a longer sea voyage to overcome. From our nearness to the British market, there is no reason why we should not put all the perishable commodities of our country, fruit, butter, eggs, &c., on the British market in just as good a state of preservation as in our own daily market. It can be done by a complete and efficient system of cold storage, and I am delighted to find that the government are following the lines laid down for them by their predecessors on that question, and I believe great good will result to the people of Canada if they continue in that course.

Hon. Mr. BOULTON—We have listened to a very interesting speech from the hon gentleman from Prince Edward Island, and there is a great deal of the subject matter of that speech with which I agree and I congratulate him upon the manner in which he has presented it. We are called upon to discuss some very important subjects in the Speech from the Throne. One of the most important that has been included in the programme of subjects presented by His Excellency, is that which refers to the Diamond Jubilee of Her Majesty the Queen. It is one of those memorable occasions, one of those marked periods in the history of the world which only comes at rare intervals. The Canadian government takes cognizance of the unity with the other parts of the British empire which causes us to celebrate the Diamond Jubilee of the Queen's reign, and to bear tribute to the worthy sovereign who has been permitted by the Almighty to reign so well for sixty years over the British empire. I think there is no more important point could be inserted in the Speech from the Throne than that reference to Her Majesty. The liberality of the British government in providing the expenses to enable the members of the British empire to accept an invitation to take part in that jubilee is, I think, without precedent. The prosperity of Great Britain for such a number of years is so great, her coffers overflowing with revenue, enables her to take that proud position in the world in the maintenance of her forces both naval and military, in commanding that political influence and physical power which gain her respect throughout the world, and which is now joined in by the rest of the British empire which extends to the four corners of the earth. I feel perfectly sure that all will agree with me when I say that I believe the present premier of Canada will do justice to the occasion and represent our country in the most worthy manner, supported as he will be by a semblance of the forces that we maintain here for the maintenance of law and order and the defence of our own country, and by the staff that I have no doubt will accompany him on that auspicious occasion. Canada is the leading colony of the empire, both in extent and in importance. It is so because we are in advance of nearly all other portions of the British empire in so far as we have become a federated nationality. Australia is making an effort to put on record the same federation this jubilee year, but I think that when Canada goes there with her premier as the political head of the union which extends from the Atlantic to the Pacific, occupying a territory on this continent that is second to none in the world in healthiness of climate and latent resources, it is a very proud position that Canada is going to take at the celebration of that jubilee commemoration which, though cosmopolitan in its character, is loyal in its sentiment and design. The next paragraph in the speech deals with the Manitoba school question. That subject has been discussed for a great number

of years. It is one which has been getting warmer and warmer in the discussion as the years go on and loses nothing of its interest as time passes. So far as my views are concerned, coming from the province of Manitoba, I consider that my mouth is closed for any practical purpose, because the legislature and government of Manitoba which are responsible to the people, have passed legislation dealing with this question which I consider is a settlement of it so far as the province of Manitoba is concerned. The settlement of that question has been effected by negotiations between the Dominion government and the government of the province of Manitoba. The result of those negotiations is contained in the settlement which has been laid on the Table and which has been I have no doubt, at the request of the Dominion government, passed by the provincial legislature before this parliament met. That is to my mind virtually a settlement of the question. That settlement cannot now be altered, but has to be carried not by the parliament of Canada at the instigation of the dominant party in power in Canada. Those who disagree with it of course may not consider themselves bound to pass it, but the dominant party in power having entered into the agreement and it having been signed and sealed by one of the parties—I was going to say at the dictation of the government, because the first words in the settlement are that the province of Manitoba shall legislate in accordance with this agreement—therefore to that extent I consider that any arguments I might bring forward are futile so far as altering the position of matters in regard to that question. There are, however, constitutional points involved in the discussion which I do not think it is wise for me to pass over without referring to them. The Senate should not only be clear upon, but guard the constitution referring to any part of Canada. Constitutional liberty is one of the greatest prizes that any nation can possibly possess. Anything that restricts constitutional liberty is a detriment to the population—it is what you call a retrograde movement in the life of the nation, and therefore I think that any discussion upon constitutional matters is a subject that is worthy of dwelling upon. I do not agree with the leader of this House in the statement he mentioned yesterday that the province of Manitoba had no power to alter the laws of the province in regard to education—that, the second judgment of the Privy Council showed they had no legal right to alter the law of the province in the matter under discussion. I must take exception to that statement. The facts of the case are these. The province of Manitoba in 1890 changed the policy that they had had in regard to education, and I wish to say that when I argue this matter from a constitutional standpoint, I do not in any way desire it to be understood that I wish to restrict the privileges of our Roman Catholic fellow-countrymen or our French Canadian fellow-countrymen in any way. I desire that they shall have all the privileges that they conscientiously believe is their right and the constitution allows; I claim the same liberty. I believe the more liberty we have the better. We will have a contented people and a better government. At the same time, when you appeal to the law, you must be judged by the law, and therefore it is absolutely necessary that we should understand what the principles of our constitution are in order that we may not go beyond its power and in order that we may not restrict the liberty of the various provinces of Canada, or subordinate our own constitutional liberty in any way in the carrying out of our national life. Now hon. gentlemen the province of Manitoba changed its law in 1890. In consequence, there was an appeal made to the Privy Council to ask whether that law was constitutional or not; whether under the restricting clauses of the Manitoba Act the province of Manitoba had a right to pass that law. The answer of the Privy Council was that there was nothing in so far as any rights that were acquired prior to the union that prevented the province of Manitoba passing that law. That it was *intra vires* of the provincial constitution. That, I think, was the reponse to the first judgment. Then the minority submitted another case and that was whether there was anything in that law that constituted a grievance within the meaning of the Act of the province of Manitoba. You see the first judgment allowed that the law was constitutional and, therefore, that the province of Manitoba had the right to pass that law. I am not now arguing as to whether it was a wise law, or whether it was a just law, but whether they had the right to pass that law. There was no doubt about that they had the right to pass that law, and

therefore if they had the right to pass that law their constitutional liberty in dealing with matters of education was intact, and I think it is very desirable that position should be retained that they should have the power within their constitutional liberties, that they should exclusively have the right to pass laws in matters of education, subject to the constitutional restrictions laid down hereafter. What are the restrictions? The restrictions are if there is a grievance to the minority in an Educational Act, the Dominion parliament have certain powers to hear an appeal and to act upon that appeal. That is the position in which I consider this question stands. Now the minority made an appeal and they made out before the judicial committee of the Privy Council that a grievance did exist and that they had a right under that grievance to appeal to parliament. Now, they appealed to parliament and the question is now before parliament.

Hon. Mr. BERNIER—The appeal is not to parliament but to the Governor General in Council, which makes a great differencce.

Hon. Mr. BOULTON—The appeal is to the Governor General in Council, but it is for parliament to justify any act the Governor General in Council may take in the matter, because the Governor General in Council only exists by the will of parliament, and therefore the Governor General in Council has no power to deal with it without being responsible to parliament, the judicial committee was precise on the point that the question was political, not judicial. The appeal has been made. Now the question that I say we should realize in our own minds is this, should the law be altered, should that grievance be removed by the influence of this parliament or government exercising itself upon the provincial legislature of Manitoba, or should that grievance be removed by this parliament itself? Should it be removed by the influence of this parliament acting upon the government or legislature of Manitoba? The opposition to the late government always contended that there was coercion under the Remedial Act. Well, there was coercion; there was legislative coercion under the Remedial Act, but so far as coercion is concerned, I think that that coercion has been used, though in a different way, in order to secure this settlement. There has been political pressure used in procuring this settlement while the other was legislative coercion. It is almost a distinction without a difference. I was opposed to the Remedial Bill that was brought up by the late government for this reason: not that it has not got the perfect right to pass the Remedial Act, but the Act had no right to interfere with the laws of Manitoba. That Remedial Act of last year provided that the pecuniary means in order to give effect and in order to make the Act worth anything, was to be provided by the municipalities of Manitoba. Now the government of Manitoba under the law of 1890, which was a constitutional and legal law, said the municipalities should do one thing and this Remedial Act said they should do another. Very well, that was unconstitutional, and I think would be held unconstitutional in anybody's mind. The Dominion parliament have a perfect right to pass a remedial measure or any other measure and provide the means to put that in effect without any aid from Manitoba or any one else. But the very moment they pass an act which requires another authority to carry it out, then there is immediately a constitutional difficulty which prevents it being carried out. That was the position last year. This year a settlement has been effected by negotiations between the two governments. The portfolio of the Interior was withheld from a member of the provincial cabinet until he was able to announce that the provincial government was prepared to settle upon this basis. That is what I call political pressure being used in gaining the settlement and is only another form of coercion. Hon. gentlemen know the position I have always taken on this matter and when I speak of it, I speak as one who knows something about it, having been acquainted with that country for some years. The ground I have taken was always that the Dominion parliament had a right to remedy the grievance. The grievance had to be ascertained and when it was ascertained, if the province of Manitoba did not voluntarily meet the minority and satisfy them in regard to the matter then the Dominion parliament could act. The grievance, to my mind, has always been limited to the old province of Manitoba, constituting the Selkirk settlement which was erected into a province by the Act of 1870. Beyond that there is no grievance

because there was no population. There was not a soul west of the old Selkirk settlement at the time the Manitoba Act was passed. It was a prairie that was part of the North-west Territory. The province of Manitoba as constituted when the Act was passed, was only for the existing Selkirk settlements and it is only in them where the population of 1869 was contained, that the grievance could exist. The province has been enlarged once or twice since that act was passed. When anybody comes to settle in that country and take up a free homestead on the unoccupied prairie he comes in under the laws of Manitoba as they exist. That is to say those laws may be changed, as all constitutional laws are liable to be changed, surely no one is going to restrict constitutional liberty and say they can never be expunged. I do not think that would be a sound position in any way.

Hon. Mr. MACDONALD (B.C.)—It depends on the constitution what rights you have.

Hon. Mr. BOULTON—No, Manitoba has perfect constitutional liberty within its bounds the same as this parliament has, the prerogatives of the Crown as represented by the Imperial parliament only restricting this parliament, and the provinces work with freedom within the specified limits of the British North America Act under the restricting influence of the Governor General in Council representing the sovereign.

Hon. Mr. MACDONALD (B C)—Then there is a limit?

Hon. Mr. BOULTON—The limit is more in name than in fact. The restricting influence in this case is specially provided for where there is a grievance an appeal may be made and the Governor General in Council may hear that appeal and may adjudicate upon it and apply the remedy if the province itself does not of its own will and accord negotiate with the minority and rectify the grievance themselves of their own will and accord. The educational clauses in the act itself implies that in so far as they cast a doubt upon the province doing it. If a province does not do it, then, and only then, and only as far as the grievance exists, has the Dominion parliament power to pass a Remedial Act. You see the power of the Imperial parliament is limited to the settlement of the grievance and only as far as the circumstances require—those are the words used, I think—only as far as circumstances require, has the parliament of Canada any jurisdiction in the matter at all and the Act itself implies that there can be no compulsion used by this parliament upon the provincial government or legislature, because the wording of the Act says if the provincial authorities do not make the necessary changes in order to remove the grievance, then and only as far as this grievance exists has the Dominion parliament power to interfere. Taking it from a constitutional standpoint, seeking honestly to try and preserve the constitutional liberties of the various component parts of this great country, I think that while the Remedial Bill of the last session was not satisfactory because it was defective; so far as the constitutional liberties of the province clashed with the powers contained in it, in the same way this settlement is defective in so far as it was obtained from the legislature by political pressure rather than any voluntary movement on the part of the province itself, and to that extent there has been a straining of the constitution. It is not a grievance removed, but a change of policy on the part of the province of Manitoba is the result. Unfortunately, that change of policy does not appear to settle the question in so far as the minority are concerned. It settles it in so far as this parliament and the province are concerned. That is to say, the appeal ceases and the appeal is satisfied when this parliament, which is the judge of the matter, tacitly or otherwise accepts that settlement as full satisfaction of the grievances of the minority. There is no legal power that you can use or go to beyond that. You can bring pressure to bear, you can bring your influence to bear upon this parliament to pass any measure you wish in regard to assisting that minority to obtain schools in which to teach their religion—to have separate schools or anything else you like out of the revenues of the Dominion, but so far as the law itself is concerned this appeal is now closed.

Hon. Mr. BERNIER—Oh, no.

Hon. Mr. BOULTON—Any power that this parliament has under this appeal will be closed when parliament has accepted that settlement.

Hon. Mr. BERNIER—No.

Hon. Mr. BOULTON—That settlement has now been put on the statute-book of Manitoba at the instance of this parliament. It is used in that dictatorial form that they shall pass that legislation and in accordance with that mandate they have passed it, and this parliament is not only bound after they have been a party to the treaty—unless they consider themselves in the position that the United States Senate assume in the arbitration treaty now before them—that they can reject a treaty if they chose or accept it. The only difference is that this treaty was negotiated with the representatives of this parliament, while the arbitration treaty of the United States was negotiated by the executive of the nation which is subordinate to the Senate in its treaty making power. But this treaty was negotiated by the representatives of this parliament and the representatives of the province of Manitoba in accordance with the terms that were arranged, and now this parliament, so far as the present government has the power to dominate it, must accept that treaty.

Hon. Mr. MACDONALD (B.C.)—It does not come before parliament at all. Parliament has nothing to do with it.

Hon. Mr. BOULTON—When parliament acting as a judge between the minority and the province of Manitoba are satisfied that is a proper settlement between the two, then there is no further action upon the appeal. That is the constitutional position in which the province is placed and the constitutional position in which this parliament is placed. This parliament has a right to pass any legislation it pleases giving the minority a right to their separate schools, but they have to provide the means to enable them to do it. They cannot deal with the question as under that appeal any longer, and I wish to emphasize also at the same time that the province of Manitoba had a perfect right according to the judgment of the Privy Council, to pass that law of 1890 and they have a perfect right under the constitution to amend that law. Whether they have the right to amend that law now, under this agreement I have doubt, because it is an agreement made with the national government representing this parliament and cannot be undone without the sanction of this parliament, without a fresh appeal being in order, but up to that point so far as their constitutional liberty to amend any educational act they chooose to pass, it was quite within their bounds. That is the position in which, according to my mind, the question rests that so far as any Remedial Bill is concerned the question is settled. There can be no further action, no further legal action taken except the pressure that influence may bring upon the Dominion parliament in order to deal with it in some other way, but under the appeal authorized by the educational clauses in the Manitoba Act the matter is settled.

Hon. Mr. BERNIER—It is as open as ever.

Hon. Mr. DEVER—What we would like to know is this: Are you, as a citizen of Manitoba and the North-west, any better satisfied with the recent settlement than you would be by an Act of coercion passed by this parliament compelling you to do it?

Hon. Mr. BERNIER.—That is not a constitutional question.

Hon. Mr. BOULTON—I take this ground that this Parliament has no right to pass an Act of coercion. But this parliament if it passed a remedial measure that in no way conflicted with the laws of Manitoba that would not be an act of coercion or to pass an act giving the population in the Selkirk settlements where their schools erected prior to 1869, where by virtue of that the minority now affected were enabled to establish a grievance by taking away the rights that they were enjoying at that time, the right of paying for their own schools but without being called upon to pay for any other. That established the grievance in the minds of the judicial committee of the Privy Council, but those schools were limited to the population of 1869, no grievance can be established, in those districts of Manitoba (the bounds of which have been enlarged and which was unoccupied open prairie) by reason of provincial laws passed since the Manitoba Act gave local autonomy. This parliament cannot force the provincial government to make any change in its laws but this parliament can pass an Act remedying the grievance but it has to provide the means in some way or other to give effect to that law. It has not the power to

direct that the municipalities of Manitoba shall raise the funds which is the metho l in which all school matters are dealt with. This parliament has no right or power to direct the municipality to do so because the provincial Act of 1890 is diametrically opposed to it.

Hon. Sir MACKENZIE BOWELL—You misunderstand the proposition altogether. There never was any proposition made by the Remedial Bill to give power through the municipalities to tax the people. It only gave the power to those people to tax if they thought proper.

Hon. Mr. BOULTON—The hon. member has forgotten the terms of the Remedial Bill, it directed the municipalities of the province of Manitoba that they shall not levy any rates for public school purposes upon the Roman Catholics.

Hon. Sir MACKENZIE BOWELL—We had the right to do that.

Hon. Mr. BOULTON—And that upon the application of Roman Catholics to establish their schools that they the municipalities, shall levy rates on Roman Catholics in order to do that. The provincial law of Manitoba directs that all the ratepayers in the municipality of Manitoba shall levy for public school purposes upon the property of all within that municipality. You will have to get the province of Manitoba to change that law to be in accord with the Act of the Dominion parliament before you could give effect to the remedial legislation and to that extent the Remedial Bill of last year failed, but a Remedial Bill of the Dominion parliament that did not clash with provincial laws was quite in order provided the province of Manitoba had not made this settlement, but the province of Manitoba having made this settlement at the solicitation or dictation whichever you like, of the present government, any further legal proceedings under the appeal of the minority must naturally cease, any redress or any further redress of that grievance must be an act of this parliament quite irrespective of that appeal. I think I have stated what I conceive to be the constitutional position in which the matter is placed as clearly as I understand it, and it is a question of very great importance to understand it correctly that our constitutional powers may not be misdirected. The settlement is now concluded and any discussion that may take place will be merely to sift the constitutional points which must be our guide to legislation for the future. I think an unfortunate precedent has been established and that it would have been better to have withheld the political pressure and allowed the provincial government to have met the minority voluntarily and failing their doing so then this government could do so and remove the grievance. The minority I know are not satisfied and in that way the settlement I have no doubt will not be satisfactory, but what steps will be taken or what will follow after all, it will be impossible for any one to tell, but I feel strongly impressed with the fact that the constitutional position is that the appeal is now at an end.

Hon. Mr. BERNIER—The power of this parliament can not be at an end unless the Remedial Order is satisfied, and it is not.

Hon. Mr. BOULTON—You are quite right, but it all depends whether the minority is able to command the influence of this government to say that it is not satisfied.

Hon. Mr. BERNIER—That is quite a different thing. One is a constitutional question and the other a question of physical force. That is all.

Hon. Mr. BOULTON—You will acknowledge that if this government has a sufficient majority to say that settlement is satisfactory, then the question rests, but if the parliament should say they are not satisfied with what the government has done, then that is another matter altogether. Then I presume the settlement would be turned up and the question would revert back to its old position. It is natural to assume that as the present government has negotiated the settlement and has a majority in parliament that they will be able to give effect to the settlement they themselves have created if anv further action by this parliament is considered necessary. I move the adjournment of the debate.

The motion was agreed to.

The Senate then adjourned.

THE SENATE.

Ottawa, Thursday, 1st April, 1897.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

A QUESTION OF PRIVILEGE.

Hon. Sir MACKENZIE BOWELL—Before the Orders of the Day are proceeded with, I would like to call the attention of the leader of the government to an interview published in a government organ last night with one of his colleagues, the Minister of Militia, in New York, in which that hon. gentleman makes some very important statements. I think the country should know whether they were made upon the authority of the cabinet, as was the case, as I understood it, with the Finance Minister in reference to his statement about the coal duty. I find in the *Free Press* of last night a published interview, portions of which I shall read. The interview is said to have been held by a reporter with Dr. Borden, the Minister of Militia and Defence, at the Everett House, New York, in which the hon. gentleman said, among other things, referring to the tariff:

> You have enough territory already, and, therefore, I do not see just why this bill should be framed to exclude trade relations between two friendly countries. We do not wish any advantage whatever in our trade relations. We want to give dollar for dollar, and to deal on a fair and square basis. The Liberals of Canada believe in commercial reciprocity and they are not afraid to say so. But they do not believe in annexation, and they never expect to see it. Why is it then that the Dingley bill completely ignores the reciprocal commercial relations that have existed in the past between the two countries? We, of course, will retaliate and raise our duties.

This is one portion of the interview to which I desire to call the hon. gentleman's attention:—"We, of course," continued Dr. Borden, "will retaliate and raise our duty. At present we do not discriminate in our tariff duties between this country and England. They are on the same basis commercially." Then he goes on to say in reference to export duties:

> All of the wood pulp will have to come from Canada, and we certainly will place a duty on it. Then, we have white pine and spruce, all of which is used extensively in the United States.

The points to which I desire to call the attention of the leader of the government, are, in the first place, the announcement that we will retaliate, in the second place, that we will raise our duties, and, in the third place, that we intend to put an export duty on pulp wood and other woods exported from this country to the United States. I wish the hon. gentleman to understand distinctly that I am not finding fault with the principle of an export duty. On the contrary, if the question comes up, I shall be very glad to give it my support; but what I desire to know is this, whether the people of Canada are to ascertain the policy of the government through individual members of the cabinet telling strangers and the commercial community in different sections of the country what the government intend to do. I also desire to call his attention to a paragraph among the editorial items of the Toronto *Globe* of yesterday, in which we have information furnished which the hon. gentleman has not yet vouchsafed to give to this House, nor has the leader of the government or any of the members of the government given to the House of Commons. I omitted in my speech on the address to refer to the intimation that it is the intention of the government to extend the Intercolonial Railway from Point Lévis, or as the leader of the government designated it in an interview that he had with some parties a short time ago, "a field in Lower Canada"—is Point Lévis to be considered the field, or did the hon. gentleman refer to the Chaudière Junction? However, the *Globe* tells its readers:

> The government has granted three hundred thousand dollars to the Grand Trunk Railway for the improvement of Victoria bridge, the conditions being that the Intercolonial is to have running powers over the road from Lévis to Montreal.

Now, is it possible that while parliament is in session, information of this important character both as to the raising of duty on imports, the imposition of duties on exports, and what is to be done with reference to the extension of the Intercolonial Railway, is to be obtained only from the individual members of the government in different sections of the Dominion and in a foreign country?

Hon. Mr. MACDONALD (B.C.)—Hear, hear.

Hon. Sir MACKENZIE BOWELL—And through a newspaper which represent

the government? I go further than that. I conceive it a gross violation of the duty of any cabinet minister to make any such statement, even if it be true, that the government intend to pursue a course of that kind. Perhaps it is unfair that I should, at the present moment, do more than call the attention of the hon. gentleman to it, and to obtain such information from him as he is prepared to give, in order that those who take an interest in the tariff, both in the imposition of duties upon imports and exports, and the policy of the government upon the question of the extension of the Intercolonial Railway and a grant of $300,000 to a company, before it has been laid before this House or the other House either by message from His Excellency or in any other way.

Hon. Sir OLIVER MOWAT—I should be sorry to be responsible for all that New York newspaper men publish in their newspapers with reference to interviews. I know in my own case long interviews have been reported as having taken place when not a word passed such as the newspapers stated. In fact I have had a long interview reported when there had been no interview at all. I do not happen to have seen the article that my hon. friend has read.

Hon. Sir MACKENZIE BOWELL—Here it is if you wish to see it.

Hon. Sir OLIVER MOWAT—I am not doubting it is there, but I did not happen to see it. All I know about it is what my hon. friend states. What the policy of the government will be on the tariff will be very shortly stated officially by the Finance Minister in his place in the other House, and the country will be put in possession of what that policy is. Though my hon. friend has put his question to me, of course he does not expect that I should give the information here. He does not consider that I should be justified in giving it here. My hon. friend is an old politician with a great deal of experience and excellent judgment, and he has no notion that the policy of the government on the tariff should be stated here and now because of a newspaper paragraph giving an alleged interview with a member of the government who happened to be in New York at the time this occurred. It is well known that Dr. Borden is very ill just now. He is not in his place in parliament, and I do not know when he will be. I suppose he was on his way to Boston at the time he was in New York, to consult medical men there in regard to his condition. Then, with reference to what my hon. friend finds in a paragraph in the *Globe*, my hon. friend has had the advantage of me there too. I quite see that he reads Reform papers much more extensively and much more closely than I can find time to do. I hope it will be of service to him to do so. I am sure the more he studies Reform literature the better member of this House will he be and the more efficient.

Hon. Sir MACKENZIE BOWELL—The better acquainted will I be with the iniquities of the party.

Hon. Sir OLIVER MOWAT—If there had been any iniquities, but there are none to be acquainted with, and therefore my hon. friend could not become acquainted with the iniquities of the Reform party. If there was any arrangement made for the use of the Victoria bridge or for the enlargement of it, and as to the other matters referred to in the paragraph which my hon. friend has quoted, it will be announced in due course. No such arrangement as the paragraph speaks of would be practicable unless it has the sanction of parliament, and negotiations are necessarily subject to that; but when there are negotiations with regard to any transaction, such as is mentioned in that paragraph, of course there are two parties to those negotiations, and though the government may say nothing about them, the other party may. We have no control over the parties negotiated with. And then the newspaper may have misapprehended what occurred. All those matters will be brought before the public in proper form when the right time comes. I am not able to give my hon. friend the information he asks for to-day.

Hon. Sir MACKENZIE BOWELL—The House will be gratified at the lucid explanation the hon. gentleman has given on this question, after which I have only to draw his attention to a character in Dickens—in Oliver Twist—I have no doubt he knows the character very well. I would not compare my hon. friend with that character, but the one to which I refer is the Artful Dodger.

Hon. Sir OLIVER MOWAT—Is the hon. gentleman describing his own case when he makes use of that reference?

Hon. Sir MACKENZIE BOWELL—I leave it to my hon. friend to make the application.

THE ADDRESS.

THE 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 second session of the Eighth Parliament.

Hon. Mr. BOULTON—On resuming the debate on the Address which I moved the adjournment of yesterday afternoon, I take up the next question in the speech which is stated as follows:—

A measure will be submitted to you for the revision of the tariff, which it is believed will provide the necessary revenue and while having due regard to industrial interests, will make our fiscal system more satisfactory to the masses of the people.

Hon. gentlemen in this House know perfectly well the interest I have taken for the past five years in the discussion of questions relating to the tariff and trade and commerce. They know the stand I have always argued from—that has been from the standpoint of free trade. In using the term "free trade," it seems difficult to get any one to accede to the proposition of free trade and to many it is a bugbear because people in Canada take so many views of the subject. Many regard free trade as only free trade with the United States; others, as free trade with Great Britain, and they put different interpretations upon it. Some regard free trade as an absolute abolition of everything connected with our customs duties. That is, of course the extreme of free trade, but what we understand and the world understands generally by free trade is that most advanced position taken by any nation in regard to the question, and that is the policy pursued by the people of Great Britain. The mother country is always called a free trade country, but it derives $100,000,000 of its revenue from the imposition of certain customs duties. To that extent it is not an absolute free trade country, but we are now coming to what I call a crisis in the history of Canada. For past eighteen years the Liberal-Conservative party have been working under what was called a national policy but is really a protective policy. Up to 1878 the tariff was gradually increased, first of all starting at 12½ per cent and then increased slightly, and when the Liberal party came into power they increased it to 17½ per cent. When the Liberal-Conservative party came into power in 1878, they increased the tariff again, and in 1888 when the iron duties were put on it became an absolutely protective tariff. We have now had an experience of eighteen years working under a policy of protection. The very moment the thin edge of the wedge of protection was inserted, which was only designed by the late Right Hon. Sir John A. Macdonald to be merely a readjustment of the tariff to provide for certain contingencies which had occurred during the United States panic between 1873 and 1878, protection solely became the policy and it has grown until now the country is working under a protective tariff, not so high a tariff as that of our neighbours or the tariffs of some continental countries of Europe, but still a very high tariff. Now, if the Liberal party, according to some, have no intention of making an advance towards free trade and that the Conservative party remains very stiff in their old position, it may be said that any one who argues free trade will stand alone. I am not prepared to accede to that proposition, because we all know that there are circumstances which will drive individuals to follow a course to which they had formerly been opposed. There are certain circumstances which will drive a nation to make a change of its policy. It is unavoidable when a man finds his health or prosperity failing that a change must necessarily take place. It is forced upon him unless he continues to swim on the top of a wave and trusts to Providence to land him somewhere or other. I do not think that is a wise policy for a nation to prefer. Providence helps those who help themselves, and to drift on the top of the wave is dangerous. According to the trade and navigation returns for the past three years our exports have exceeded our imports. They have exceeded the imports in 1895, and in 1896, and during the eight months up to the 1st March last, the exports exceeded the imports by $20,000,000. The exports were $93,000,000 while the imports were only $73,000,000. Now, almost every gentleman

that I meet is of the opinion that that is a healthy commercial condition for a nation to be in, that the more we export and the less we import the better off the country is. It is well known to those who hold sound economic views derived from experience, and from those who have written works upon political economy, that that condition of excessive exports over imports is an unhealthy condition of the commercial life of any country and we have arrived at that stage when the country is working at a loss. We are very much in the position of a labourer who works for a sub-contractor and does not get his pay. As I have stated before on the floor of this House imports must be paid for by exports—that the only pay you receive for what you export from the bounds of your country, is the imports that come back to the bounds of that country—that there is no balance of any kind or description drawn from any source that will make up the deficiency between those two. As a very distinguished banker, in an address last night, which I had the pleasure to hear, said, there was no money changing between nations. This is the utterance of Mr. Hague, who has been for fifty years connected with banking. He said there is no money changes hands between nations, and London is the great clearing house of the world—that that is the place where heavy balances are worked off by an exchange between nations. For instance, we export to the people of Great Britain more than 50 per cent beyond what we import. We import from the United States a great deal more than we export to them. A great many people would think, perhaps, we would give the balance to the United States in the shape of gold or something of that kind, or rather that we would be sending gold to the people of the United States to pay for the imports that we have made in excess of our exports; but it is not the case. London is the clearing house of the world. The people of the United States sell a great deal more produce to the people of Great Britain and export a great deal more than they import, and therefore the exchange is purchased in London by us to remit to the United States. That is the way trade is conducted between nations, and therefore we have come down to a condition, after eighteen years of this commercial policy, that in eight months' time we are exporting $20,000,000 more than we are importing, the country must be going to the bad.

Hon. Mr. MACDONALD (B.C.)—It is just the other way.

Hon. Mr. BOULTON—The hon. gentleman laughs, but it is necessary to apply your mind to it if you have any regard for the necessity of the country, because what I am stating is an absolute fact. It is the first time since confederation was established that that has occurred with the exception of the year 1880, I think.

Hon. Mr. MACDONALD (B.C.)—Would you stop all exports?

Hon. Mr. BOULTON—Certainly not. You cannot stop exports or you come to grief at once, because you have certain indebtedness to settle abroad and the way we pay our indebtedness is by exports and if we do not export we fail to pay our debts. But what I wanted to emphasize more particularly is the fact that in the twenty-eight years that we have been under confederation this is the first time with the exception of the year 1880 that this has occurred. It is very easy to account for that condition of affairs in 1880, because it was the first year after re-adjustment of the tariff when high duties were put suddenly on the country, and of course it stopped importation, and importations then fell to $3,000,000 below our exports. But between 1880 and 1894 the imports have been exceeding the exports. If hon. gentlemen will look at the trade and navigations returns they will be able to verify the statements I have made. You cannot obtain light on any subject without taking pains to inquire as to the accuracy of the statements that anybody may make with regard to it. What I am stating to you is a fact, and the reason that our imports exceeded our exports between those years is very largely due to the borrowings we have made in order to construct the Pacific Railway and other public works. You have only to take the years 1881 to 1890, and just in proportion to the magnitude of the public works and loans that were undertaken, to that extent the imports exceeded our exports, because the very moment we go home and sell our bonds in England to build a railway or any public enterprise, or raise a government loan for a public enter-

prise, the proceeds of that loan does not come over in gold, it is remitted by exchange, which is regulated by the importation of necessaries we require to purchase to conduct those operations, and you can go down and take the exports and imports from the year of confederation to the present day and can almost see how it is that they exceeded in some instances and now how it is that we have come down to the condition that our exports so largely exceed our imports. If we set to work and construct public works and borrow largely to build them, you will immediately resuscitate the imports and you will resuscitate the revenue, because these imports are paying duty under our present policy, but hon. gentlemen will realize that the effort on the part of an individual to borrow himself rich, or on the part of a nation to borrow itself rich has a finality, and cannot go on for ever. There should be profit enough made out of the resources of the country to meet the expenditures and the liabilities necessary to carry on the public works without having to borrow in that way in order to maintain the revenue and that profit can only be realized by taking the tax off of labour and industry. There is one point that I desire to call the attention of the House to, as a reason why the exports exceed the imports. I am not clear myself as to the reason but the reason which I adduce from it is this, that having ceased to borrow from abroad to construct public works on public capital, we are now working within ourselves. We are working all through the country on what we are able to earn, and when we come down to that and are thrown back on our own resources we find that condition that we are exporting $20,000,000 more than we are importing. These exports are absorbed by the public indebtedness that we have incurred through our railway bonds and government loans and all that kind of thing. But there is another position that I would desire to point out to this House in order to try and convince hon. gentlemen who are yet skeptical on the principles I advocate—that is that we export to Great Britain $60,000,000 worth of the produce of the people of Canada and that we only import from Great Britain fifty per cent of that. Our exports during the seven months past have increased sixteen per cent to Great Britain. Our imports from Great Britain have only increased one per cent. What I argue is this, that if we send $60,000,000 exports to Great Britain, which they purchase at free trade prices, charging us nothing for entering them there, they give us full value. If we send a steer over there, that is well fattened, weighing 1,500 lbs., we would get $110 for it, while we could not get over $50 for it here. That steer, or any other cargo that is sent across, is paid for by imports, but when the imports arrive at our boundary they are met with a duty of thirty-two per cent—in other words the people of Great Britain who have bought that $60,000,000 of the products of our labour and industry, only send back sixty-six per cent. That is all the country is receiving, and that is very largely, in the absence of any borrowing or extraneous condition of affairs, very largely due to the fact that the people of Great Britain can only send us back sixty-six per cent of the products of their labour to pay for the one hundred per cent that we send over to them. The purchasing power of the people of Canada is reduced by the thirty-two per cent that the government tack on to the price of the goods imported and I do not think that that position can be combated. That seems to be a self evident proposition as to why, in the absence of borrowing of any kind or description, that we are only able to import from the world at large, and Great Britain in particular who admits our goods free of duty, and only receive back some 66 per cent of the value of the goods that we have sent to them. Now, somebody looses that. I do not say that the city of Montreal looses it or that the city of Toronto looses it, but I say that somebody in the country is loosing it. The people who are loosing it primarily are those who have produced the goods which have been sent across there, secondarily those who are hampered in their industrial employment by the increased cost of necessaries through the protective tax, and the consequent throwing out of employment such a large proportion of the industrial class. The condition that I want to point out is that it impairs the prosperity of the country, from the fact that those who produce from the raw material or the raw products of the country are the ones who produce the real wealth of the country, and to the extent that they are prevented in the distribution of their labour by a tax of 32 per cent, to that extent they are unable to distribute the whole of the

products of their industry in their various localities and are impoverished to that extent. It is upon that element of the community the great tax which supports the country is laid and it has now become a question, or should become a question with hon. gentlemen and with this government, and with the people generally to say, is it fair or wise in the commercial and financial interests of the country that those who produce from the raw material of the Dominion should be impoverished by a tax of 32 per cent upon the goods that come back to pay them for the product of their labour—not only the 32 per cent upon the mere imports, but these imports are protected—they are imposed for protective purposes in order to increase the value of certain home industries which are not natural to the country and which produces the same effect in our internal trade that is now exposed in the returns affecting our foreign trade.

Hon. Mr. MACDONALD (B.C.)—Supposing the hon. gentleman proceeds to Great Britain with a cargo of fat cattle, all marketable, or a cargo of butter or cheese, can he not get gold for it in Great Britain? Can he not bring back the proceeds in sovereigns in his pocket or in the shape of a bill of exchange, less the amount of the exchange? He need not take cotton or iron or any thing else for it but the hard gold, and if it can be done in the case of one individual it can be done in the case of the whole country.

Hon. Mr. BOULTON—I can very well answer the hon. gentleman. He cannot do it. It would be impossible for each individual to conduct his own foreign trade.

Hon. Mr. COCHRANE—I have exported many hundreds of thousands of dollars worth of cattle to Great Britain and I always get the cash.

Hon. Mr. BOULTON—You get it in Canadian currency?

Hon. Mr. COCHRANE—I get exchange for it.

Hon. Mr. BOULTON—Yes, but the hon. gentleman is wrong. It would be utterly impossible to send over a cargo of cattle at a profit and bring back on a ship the amount which it represents, in gold because those cattle would not only have to pay the freight of the vessel going across but they would have to pay the freight of the vessel coming this way and in order to conduct such an operation on a profitable basis, you must have a return cargo. It is that want of a return cargo that is driving so much of our trade to American seaports.

Hon. Mr. MACDONALD (B.C.)—You pay the vessel to carry your stock across to the market and you have done with it when you have paid your freight over.

Hon. Mr. BOULTON—All you have to do is to examine the trade returns of Canada and of the United States and Great Britain and other nations of the world and you will see that there is no such thing as trade in gold. It is not a theory I am pointing out, it is a condition. I can give the hon. gentleman a practical illustration of what I mean, in our home life. My boys wanted to get some lumber to roof their stable and make some improvements. In Russell, our town, lumber is $18 per thousand and oats were only selling for 10 cents. There was, however, 35 miles away, a small mill working in the woods sawing ties. They wanted oats and paid 25 cents for them in lumber at $10 per thousand. It was a long distance to haul green lumber in the cold weather, but the improvements could not be made by selling oats for 10 cents and buying lumber at $18, so they went to the mill and freighted their oats there, and brought back a return freight of lumber, and by doing so they traded 300 bushels of oats for 7,500 feet of lumber. To have obtained the same lumber in Russell would have taken 1,400 bushels of oats. That is what I call a practical example of free trade in the necessaries of life. Now, sir, suppose the municipal council was to say, look here, we cannot allow that, we must protect our lumber merchants, you must pay a tax on that lumber of 30 per cent, not only a tax on the $10, its first cost but its cost with the value of the freight added, making it $15. If they were to do so it would stop the trade, because we could not find the $5 per thousand tax by selling oats at 10 cents a bushel. That is on a small scale what we are doing here on a large scale.

There is not gold enough in the country to conduct the trade as the hon. gentleman suggests. The large international commerce of Great Britain is carried on by

an interchange of about 6 per cent gold, the trade of Canada by an interchange of coin to the extent of about 5 or 6 per cent and you have to take the condition of affairs as they exist. There is no such thing as bringing back a lump of gold for a cargo of cattle or lumber. It would be an utter impossibility, so you have to accept the position that in all international trade, it is imports that pay for the exports and not gold. My hon. friend from Compton sends lots of cattle and when he does so he draws on England and the pay for those cattle comes back to the country in goods.

Hon. Mr. COCHRANE—It comes back to me in cash.

Hon. Mr. BOULTON—You purchase the exchange on England which is to buy a draft on the merchant in Canada who imports the goods. Any one who understands how business is conducted will say that is the way it is carried on.

Hon. Mr. MACDONALD (B.C.)—What do you do with the profit on the goods that come in?

Hon. Mr. BOULTON—The profit is swept away. We send out of the country $93,000,000 worth, and we bring back $73,000,000 worth.

Hon. Mr. McCALLUM—Where does the balance go?

Hon. Mr. BOULTON—It goes to pay the interest on our national and other foreign indebtedness.

Hon. Mr. McCALLUM—We are paying something with it.

Hon. Mr. BOULTON—Certainly, but it is an evidence that we are working at a loss. It is worth while paying attention to it because the subject is of the gravest consideration to the House and to the country generally. The condition in the United States is exactly the same. There is a protective country. They export $150,000,000 more than they import and you can see what the financial condition of the United States is to-day. You can see the effort that the new government in that country is making to resuscitate the revenue and improve the commercial condition, but in my opinion they are not going the right way about it. Mr. Dingley, the chairman of the Ways and Means Committee, says: "We have to raise the revenue. We have lost one hundred and fifty-five millions of dollars in the last four years in deficits. We have to replace that, and the only way to replace it is by increasing the duties upon the imports." That is contrary to all economic principles, because it has been proved by the experience of Great Britain that if you want to raise your revenue that is dependent upon customs duties you must lower your custom duties. The increasing of your tariff only increases the difficulties under which you are labouring. I should like to read what the Hon. Mr. Lyman Gage said on the subject. He is a gentleman who was president of the First National Bank of Chicago and is now Secretary in the President's Cabinet. He enters that cabinet with these views, which I take from a late issue of the *Review of Reviews*:

> If a country has trade and commerce beyond its own boundaries and desires to establish and extend such trade, then its interests require the use of that money which is current in the market where its foreign trade is settled. At the present time the market is Great Britain. If the United States of America is to take that position in the world's progress which we confidently hope for, it must be by the extension of its trade and commerce with other parts of the world. Whatever favours this favours our nation's development; whatever hinders this hampers and restricts our progress.

Those are the utterances of a member of Mr. McKinley's Cabinet though they were uttered in connection with the currency they are just applicable to the principles of protection. You have only got to change the first paragraph and make it read "If a country has trade and commerce beyond its own boundaries and desires to establish and extend such trade then its interests require to assimilate its tariff or commercial policy to the market where the foreign trade is settled. At the present time the market is Great Britain. Such are the liberal principles of that gentleman that according to public report Mr. Gage was invited by President Cleveland five years ago to take a seat in his cabinet, and to-day he is invited by President McKinley to take a seat in the Republican cabinet. Mr. Gage is a Republican and although he was expressing democratic views on the trade question, he preferred to carry the reforms that he desired to see effected into his own party, rather than join the other party, but it

shows the sentiments with which a member of the present protectionist cabinet is imbued. Those are the sentiments which I wish to express here—if we want to extend our foreign trade we have to pursue a different policy from that which we are following to-day because the tariff as it exists is bound to draw more and more every year upon the profits of our industry, and the only way to resuscitate it is to move in the direction of free trade. Some bankers who have bolstered up our smaller manufacturing industries fear from the condition they are in that serious difficulties may soon appear. That wrench is to come some day or other, and the sooner it is brought about the easier it will be on the people of the country and our financial interests. A great many people think that the abolition of the tariff in Great Britain was affected by the sliding scale, but that is a mistake. Sir Robert Peel on the 26th of June after a century or more of protection, brought the Corn Laws down from eighteen shillings to four shillings, and in four years' time 75 per cent of that four shillings was to be knocked off and in 1869 the one shilling remaining was knocked off. They were not afraid of a wrench. The policy of free trade was commenced in 1843, and absolute in 1846, and hon. gentlemen can see for themselves by the great prosperity of the people of Great Britain what has been effected in consequence of the abolition of those duties. It is to come down to a condition of that kind that I hope the present government is contemplating. Many people say the present government do not contemplate anything of the kind. We hear of retaliation, of carrying on a commercial and industrial war with the people of the United States. I must say there is a great deal one hears that causes those who desire to see an extension of our foreign brought about to be suspicious from the present attitude of the government, but as the hon. leader of the opposition said they might be after all only artful dodgers, and while keeping their own counsel they are really intending to act honestly by the people. The utterance of the hon. gentleman who moved the address and who, I have no doubt to a certain extent is in the confidence of the government, gave one indication of free trade tendencies in so far as he said it was desirable to extend our trade in that direction where our trade was admitted free. If the government will only make that first step I say that they will make a very important step. I am prepared to say that under present conditions in the United States by their refusal to consider us as a next door neighbour, we are bound only to consider our own interests, but for the present while I hope that retaliation will not be instituted, while I hope we will show no temper of any kind or description because any person or nation gets the worst of it by losing temper, while I do not advocate retaliation, I would advocate a waiting policy in any changes of tariff with our neighbours except in those articles we may find it to our own interest to foster, to see what their tariff will develop into. I see that the tariff is to be passed in the House of Representatives in Washington to-day and is to go before the Senate. We are in a position now that we need not be afraid to show a preference to Great Britain as against the United States. The action of United States should cast that fear aside from every Canadian's mind. We are simply putting our hands across the ocean to the mother country and offering to trade with them on the same terms as they trade with us. The state of Massachusetts and the state of Minnesota and California though separated by enormous distances being part of the same union trade freely with each other across the continent, and we should adopt the same principle and have free trade with the mother country, but we are not going to close our doors to any nation that gives us most favoured nation treatment and enters into a treaty with us. That is not discrimination, all that the people of the United States have to do is to accord to us what we are quite willing to accord to them. The fallacy that a market of seventy million of people is of more value than a market of five million of people must be apparent. Everybody knows that the selling power of five million of people can not be greater than their purchasing power. We cannot sell a dollar more to the seventy millions than we are able to purchase from them and therefore there should be nothing in that. We have this condition of things opened to us to-day. There has been a change of government. The Conservative party had been in power for 18 years, working under a protective policy. I was a supporter of the national policy for years and I do not regret it because it has accomplished a certain benefit to the country. It has enabled us to do a great deal that prob-

ably we would not have been able to accomplish as rapidly as it was done, and shown us the weakness of protection. Having performed it so rapidly, it has been naturally more expensive, and as soon as I began to realize to myself what the commercial condition of the country was after 15 years of that policy I came to the conclusion that a change was desirable and the change which every loyal and patriotic Canadian desires is to see closer trade relations with the mother country.

Hon. Mr. MACDONALD (B.C.)—Why change a good thing?

Hon. Mr. BOULTON—It may be very good to you. I acknowledge it is to some, but where it is very good for one, it is bad for one hundred, and it is for the hundred that I am speaking and not for the one. When you see commercial restrictions upon the necessaries of life creating an artificially high price you know that the comfort of the hundred must be reduced, and a complete submergence of the unemployed. When prices are raised by any artificial means, there is a submergence of a portion of the industrial classes to the extent those prices are artificially increased and by the enforced idleness of a portion of the population by the over production of manufactured articles, and a decrease of purchasing power in a limited market the national and commercial interests suffer. When I see financial distress emanating as it is undoubtedly emanating when a nation parts with ninety-three millions of dollars exports and only gets seventy-three millions of dollars back for it, I say it is bound to get serious. The Liberal government are in power to-day on the strength of their policy to abolish protection and to adopt free trade. For 18 years they have been denouncing the viciousness of protection. For 18 years the country has been educated so far as they were prepared to receive that education, to acknowledging the claims of the broad principles of free trade, and the country expects the Liberal party to deal with the tariff, not in a half-hearted way, but with honesty of purpose and to carry out principles they have so long advocated. So far as I know the views of the people of Canada, they expect the Liberal party to carry out this policy and if they fail to do so they will be denounced as dishonest politicians and will lose the votes not merely of their opponents but of their friends as well. I am only pointing this out in a friendly way to the government. I know the difficulties they have to contend with, I know the pressure that is brought to bear on them by large and very powerful interests, but there is only one way of coming before the people of Canada and that is in an honest and upright way and to carry out the principles that they have advocated. If the Conservative party are true to their traditions, if they are loyal to the British empire and patriotic to Canada, honest in opposing the Liberal party only in faults of administration, they will assist them by every means in their power to bring about closer trade relations with Great Britain and promote the unity of the British empire. Now is the time, in the Jubilee year of Her Majesty, when the Conservative party have an opportunity to sink political differences and unite in assisting the Liberal party to carry out that policy and send the premier home with a resolution in his pocket offering the practical loyalty of Canadians to British policy. It is not always the duty of an opposition to oppose what may prove to be a good practicable policy. Where a broad policy is brought down, if it is thought desirable that the proposed change should be made, then it is the duty of the opposition to help to carry that out and confine their opposition to legitimate subjects for the sake of securing good government for the country. I hope that the discussion which is likely to take place on the tariff will prepare the feeling that it is going to draw Canada into closer commercial relations with the British empire by trading freely with one another in the same way that the United Kingdom trades with the rest of the world, and pursuing a policy which has given them such prosperity, such physical power and political influence. If we cast our eye on the map of the world and look at the British Isles we cannot fail to realize that they occupy about the same space upon the surface of the world as the brain does in the human body and exercising the same influence. The reason of that is that their people have opened their minds to enlighten men and civilization upon the highest plane yet developed, and they are gradually distributing that enlightenment and civilization through the force of their commercial policy. If we allow ourselves to realize its force and

cast in our lot with them, not in a carping spirit of protection, we will have an honourable share in that political influence and that physical power which extends throughout the four corners of the world. Now is the time to show that patriotism and loyalty to the empire by assisting the Liberal party in carrying out that policy. Of course, if the Conservative party are going to refuse to shake hands commercially with the British Isles, then the Liberal party will not go one bit further than the Conservative party will permit them, because their motto is business is business. I know that the people in the country want such a policy. I have come down sixteen hundred miles through the country, and have met Conservatives and Liberals, and all have united in saying, "Let us have free trade with Britain, but keep up the tariff against the United States, until a treaty of friendship and commerce can be obtained." I would say to my hon. friends from Montreal, no doubt they will feel that they will be more or less affected by the lowering of the tariff, so far as their manufacturing industries are concerned, but I am perfectly confident that the generality of manufacturers will not be injured at all, that there will be, comparatively speaking, very little loss under any circumstances to any established industry, because the working of free trade will sustain them, if not exactly in the same position, in another position. The experience of the world is that, wherever a sea port is made a free trade port, the country for five or six hundred miles in its vicinity is benefited and its trade concentrated there. If we adopt the policy which I have advocated, you will at once make the port of Montreal and the port of Quebec the most flourishing ports on this continent. The same may be said of Halifax, St. John and all ports accessible to water carriage. What is more, I believe the people along the northern boundary of the United Sates will begin to realize at once from the activity of the commerce and trade that will be developed under such conditions the benefit of the free trade policy and they will use their influence with their own government to follow a similar course. I suppose every one in Canada will admit that if the people of the United States will take down their tariff and trade on an entirely free trade basis such as Great Britain there will be no desire on the part of any one to keep up a tariff against them. We can in the meantime institute a policy such as I have been advocating, such as is mentioned in a great many public newspapers, and which has been intimated by the honourable mover of the address. Always the question is argued, where will we get a revenue—there will be $7,000,000 lost on articles imported from Great Britain. I say put a higher duty on spirits and tobacco.

Hon. Mr. PROWSE—We will have prohibition.

Hon. Mr. BOULTON—We have not prohibition yet. All the Australian colonies have $3.50 on spirits.

Hon. Mr. DEVER—You have that on spirits now.

Hon. Mr. BOULTON—No, we have only $1.70 excise.

Hon. Mr. DEVER—You have $3.40.

Hon. Mr. BOULTON—The Australian colonies have $3.50 a gallon on spirits, and if we were to put $3.50 a gallon on spirits and increase the excise on tobacco, we would easily raise the $7,000,000.

An Hon. MEMBER—You would have smuggling.

Hon. Mr. BOULTON—We have got to deal with smuggling. There are seven millions to go upon to put down smuggling. It is merely a matter of money, and honesty of purpose on the part of the employees of the government whether smuggling can be put down or not. But there is the revenue which can be provided at once. Now, is it better to put the collection of that $7,000,000 of revenue on those who drink liquors and smoke tobacco or put it on the farmer and the miner and the lumberman and those engaged in producing from our natural resources and our industry generally and collect it from them on the necessaries of life. That is what you have got to consider. It is not a question of direct taxation at all, because direct taxation is not necessary, but you have got to satisfy your mind on whether you will impose taxation in that way or impose it upon the industries of the country. So far as the question of revenue is concerned it is out of the question altogether. You can put a portion of the revenue on tea, but it is not necessary to touch teas, in my opinion. I would like to say some-

thing about retaliation. Of course, a great deal has been said about a retaliatory policy. Hon. gentlemen have read the interview with the hon. Minister of Militia and we saw what the hon. Finance Minister is reported to have said, that he will not only put a duty on soft coal but on anthracite also, if the American people do not consider us at all in the matter of lumber or coal duty, but what they are looking to is the great competition springing up on the Pacific sea board. China is delivering coal at San Francisco, and underselling anything that goes in there by three or four dollars a ton. It is that fact that is helping to attract the attention of the Americans in the framing of their tariff on coal. Then with regard to the duty on lumber, it will be a tremendous injury to the northern lumbermen along the borders of Michigan, having that duty of $2 a thousand. They do not want it. It is put on in the interest of the southern lumbermen who desire to shove their lumber to the north and enter into competition with the lumber which comes from Canada, and they propose to do that by taxing our lumber that goes into the American market. I am astonished to see in the trade and navigation returns that there is only cognizance taken in our exports of 157,000 logs, and they are valued at a million dollars. I am not overstating the case when I say that there are 300,000,000 feet of Canadian logs taken across Lake Huron from Canada to the mills of Michigan and there is no cognizance whatever taken of that in our export returns. What would that show in our export returns if it was published I do not suppose there is a single custom-house or barrier erected on the north shore of Lake Huron to prevent the American lumbermen from taking their whole plant and outfit into the woods from the state of Michigan and taking back saw-logs, and all that is left in the country is merely the duty Ontario has collected upon those logs. I might refer also to Lake Superior where the same thing applies in the matter of pulp wood. What I wish to point out is that fact that there is as large export of our most valuable raw product going on without any knowledge on the part of the people of Canada or government. I suppose information could be obtained from the province of Ontario. If the province of Ontario, when they sold those limits—and it is worth while drawing the attention of the government to the fact—had provided that these saw-logs should be manufactured in Canada it would have simplified matters so far as the international difficulty is concerned, because it becomes an international difficulty when we undertake to put an export duty on anything going into a country that is in the habit of using it and Ontario would get just as good a price. I think there is more profit to Ontario in a trade of 300,000,000 feet lumber than in a trade of 300,000,000 feet logs and certainly a great deal more in the general trade of the country. However, that is beside the question. What I wish to say is that when the people of the United States undertake to put $2 a thousand duty upon the lumber that goes into their country from Canada and increased the duty upon wood pulp and the American lumbermen and Canadian lumbermen are working side by side, the Canadians are cut out—the ground is cut out from under their feet entirely by the fact that American lumbermen can be so much better off by not having to pay the duty on pulp wood and saw-logs that it is impossible for us to allow such a condition of affairs to continue if we have any self respect and any interest in our own welfare and in the dignity of the country. Lumber is not like wheat or fish which can be reproduced from year to year, because timber limits are perishable. It takes fifty years to grow a merchantable pine tree, consequently we are parting with something that we cannot replace at any rate under fifty years, and it is very doubtful if the wealth will come back again that we are now cutting off at the enormous rate of 300,000,000 feet per year. Now, so far as retaliation is concerned, I think it would be wiser for the country to confine any retaliation to that. So far as retaliation upon coal or anything else is concerned, that is foreign to the principles of any one who advocate free trade, and if the hon. minister is intent upon carrying out what he says in the interests of his province, then, of course, he ceases to advocate the principles of the Liberal party that we have heard advocated for so many years. The manner in which the government has been formed, out of men who have been unknown to the Canadian public at large is somewhat peculiar. For instance the Finance Minister is not known except by name to the great masses of the people, and the Minister of Railways and Canals is not known to the

great masses of the people, while the hon. Minister of Interior is only known to the great mass of the people by his connection with the school question. None of these gentlemen are pledged to carrying out the policy that those members of the Liberal party were pledged to by virtue of their public utterances for the last 15 years. We know exactly what the policy of the Minister of Trade and Commerce has been and what it is to-day and we know the utterances of Mr. Laurier, and the country can hold them responsible for their utterances and the policy they have advocated; but when it comes to other Ministers who have not been before the Canadian public until they became members of the present government, they are not responsible to the country at all and feel more at liberty to advocate the interests of their own particular locality than they are to advocate the principles which should guide the government in conducting the affairs of a large country such as Canada. With regard to iron, I would like to say a few words, because it is a very important subject. We put a duty of $4 a ton on iron, I think in 1888. We put it on for the purpose of developing the production of pig iron. But the iron production in the country is decreasing and has been decreasing from the past five years, showing that that duty has not effected the purpose for which it was imposed. I can give hon. gentlemen the exact figures:

Importations of pig iron.

	Tons.
1891	81,000
1892	69,000
1893	56,000
1894	42,000
1895	31,000
1896	36,000

So that hon. gentlemen will see that it fell from 81,000 tons in 1891 to 31,000 tons in 1895. There was a reason for that, because protection was increasing the amount of production. Then, as to the production of iron and iron ore in the Dominion it is as follows:

	Pig iron.		Iron ore.	
1891	23,000	tons	69,000	tons.
1892	42,000	"	103,000	"
1893	55,000	"	124,000	"
1894	49,000	"	109,000	"
1895	49,000	"	102,000	"
1896	40,000	"	88,000	"

We exported of iron ore in:

	Tons.
1873	47,000
1880	50,000
1885	54,000
1890	14,000
1895	2,300

In 1891 there was an importation of 81,000 tons and a production of 23,000 tons, a total of 104,000 tons consumed in the country. In 1896 we produced 40,000 tons and we imported 36,000 tons so that there has been a falling off of 30,000 tons in the production and importation of iron, nearly 30 per cent less iron consumed in the manufacturing industry in Canada. That is the result only in a short space of five years. Our mineral return here shows that in the past year there has been a decrease between 1895 and 1896 of 14,191 tons of iron ore, which makes a decrease of about 7,000 tons of pig iron, then see how our export of iron ore has fallen off. If the imposition of $4 a ton duty upon the production of iron in Canada produces that result in five years, in one of the most important materials that enters into the industries of the country, what is the use of keeping a duty of $4 a ton on it, because when you impose $4 a ton duty to ensure the production of 36,000 tons of pig iron you in consequence of that compel the government while that duty is maintained, to put an enormously high protective tariff upon the whole $12,000,000 worth of iron manufactures that has been imported in the country. We imported $12,000,000 worth of materials made from iron. Now, when you put on $4 a ton duty on that 36,000 tons of iron you are taxing the people not only upon the $12,000,000 worth of material, of which iron is the principal component, but you also tax them upon every particle of iron that is manufactured in the country out of the importation of pig iron and the production of pig iron artificially increased in price, so that you will see what an enormous tax you are putting on the industries of the country in the shape of the cost of tools, machinery and everything that iron enters into the manufacture of iron and what for? To induce the production in Nova Scotia of 36,000 tons of native iron! There is the broad fact that you have got to study out, and if there has been a falling off in consumption of 30,000 tons of pig iron since 1891, is it not evidence that

there is less iron being consumed or less manufacture being maintained in the matter of iron and less employment of labour? I do not think hon. gentlemen can for one moment come to any other conclusion, and if you put all that I have told you with regard to this alongside of the fact that with our exports during the past eight months far exceeding our imports by $20,000,000 and just taking up this one article of iron—though I might take up many other articles of industry and probably show the same result, you will see more clearly that we are impoverishing ourselves by a greater exportation than importation, and it is further evidence that the country is poorer by the fact that we are not able to consume the amount of iron now that we were previously doing. I think I have said upon that portion of the address as much as the patience of the House will permit. The next subject submitted to us is the Franchise Act. I am not prepared to deal with that question further than to express the hope that when the government does come to thrash out the Franchise Act they will carry out the spirit of our Canadian nationality and make it a national franchise. The adoption of the provincial franchise for Dominion elections is not a sound principle. If we want to make a homogeneous people and maintain the integrity of this national government I say this parliament must not in any shape or form put itself under the control of the provincial governments. We have to keep this parliament free from the control of the provincial governments. The disposition of provincial governments is, I may say, rather to impoverish the national government. The government is asked for national aid for enterprises in every province which increases the value of provincial assets. Provincial governments lay hands violently—I will not say violently, because they are no doubt acting within their constitutional rights—upon this tax and that tax, and expect the Dominion government to be carried on and the country to be governed from the Atlantic to the Pacific without the resources on which it is depending for its financial strength and without which the large responsibilities devolving upon this government cannot be maintained. We must not, therefore, put ourselves under the control of the provincial governments, otherwise the usefulness, strength and dignity of this government might be impaired.

We can use the provincial lists or municipal lists as a basis to ensure the largest number entitled to vote exercising their franchise, but the voters' list should be compiled under federal authority and simple machinery established to secure an up-to-date list. It is easier to lower the franchise when there is a strong public demand for it, than to withdraw the power conferred by manhood suffrage, the franchise is practically manhood suffrage for the industrial classes, a step lower would weaken sound principles of government under existing circumstances. The national government has incurred a heavy debt to bind the provinces together in a national life with a national spirit, and to make internal trade not only possible but practicable. We have reached the end of our tether in revenue under protection, unless more borrowing is resorted to. When therefore an enterprise that is going to develop provincial resources seeks the strengthening aid of the national credit, the national government should receive an asset from the provincial government, if the national credit is to be maintained, and is to be utilized for the development of our country. Therefore the national government should not receive its inspiration through the interests of provincial governments but through an independent expression of the national will of the people through their federal franchise.

We are engaged in an honourable and great effort to govern as large a territory as Russia, one might say, upon the principles of self-government. Our people have been educated in political life under the Liberal ægis of the British constitution, and, while there is still room for a great deal of improvement, they are developing a self-reliance and a knowledge of political life that is enabling them to succeed admirably well; but if we are going to assist the British empire by the national strength developed within ourselves, we must maintain the strength of the national government, and the dignified position due to a nation. Therefore, I hope that when the Franchise Bill is thrashed out, it will be thrashed out on that principle. It is quite possible it may not be brought forward this session, but it may be introduced to be considered and discussed during the recess. With regard to the canals, I think the action that the government has taken in regard to them is worthy of every commendation. There

are one or two canals that require to be deepened in order to give effect to the expenditure we have already incurred, and to give us fourteen feet of navigation clear to the ocean, and that is all in accordance with the development of foreign trade. What we want is to have our water communication to reach as far inland as it possibly can, because it is the cheapest mode of transport, and it aids the people to enlarge their foreign trade. With regard to the Intercolonial Railway system, I shall not refer to it, although that is, of course, intimately connected with the duty on coal. The rates on the Intercolonial Railway are made so low that it is unprofitable to the country as far as freight is concerned, but it is done for the purpose of driving Nova Scotia coal as far west as possible, and with that and a duty of 60 cents a ton it is endeavouring to bolster up our coal industry. I think it is a poor way to bolster it up; without it we should succeed as well as they do in Great Britain under free trade, and make the coal and iron mines of Nova Scotia contribute to the workshops of the world. So far as cold storage and accommodation for creameries are concerned, the government deserve every credit for the laudable efforts they are putting forth in that direction. It is a matter of importance to the people of western Canada, who have some sixteen or eighteen hundred miles of land carriage, and who could not possibly export their perishable produce without the cold storage system, and I am quite satisfied that under the able guidance of Professor Robertson, the government will be able to develop a system that will increase the exports of dairy and other perishable produce to a very great degree. There is another question that I feel I could not pass without remark and that is the question of prohibition. I take strong ground upon that question and the question of a plebiscite. For my part I do not think the plebiscite is a constitutional way of dealing with a question of that kind, or in fact a question of any kind.

Hon. Sir MACKENZIE BOWELL—Hear, hear.

Hon. Mr. BOULTON—I think it is unconstitutional in this way, that it has no effect whatever. The speech says: "It is desirable that the mind of the people of Canada should be clearly ascertained on the subject of prohibition." Now, it is impossible to ascertain clearly "the mind of the people of Canada" by means of a plebiscite, because the only people which will vote on a plebiscite will be those who are anxious to see the law enacted, and those who do not care to see such a law invoked will not turn out to vote. It only shows the earnestness of those who will turn out to vote for it. That is the only effect. The plebiscite in the province of Ontario has been unproductive of anything useful and in the province of Manitoba it is the same way. All the votes taken there only showed the earnestness of a certain class of the population. So it will be with this proposed Dominion plebiscite; the only effect it will have is to show a very large vote in its favour in Canada, and what is the government going to do when they get the vote? Are they going to say this vote does not represent a majority of the people of Canada? There are so many votes polled at general elections and you may only get 30 or 40 per cent of the vote in this plebiscite. Do you expect under such circumstances the government is going to bring in a bill with a backing of only 30 or 40 per cent of the electors to enforce upon the country a sumptuary law which many well-wishers of the temperance cause and advanced thinkers amongst temperance worker do not regard as a sound principle of legislation?

It is useless to pass a law which the majority of the people are opposed to. We are told that if the government increase the duty on liquors it will induce the people to smuggle. There is this to be said, if you raise the duty on liquors and tobacco and get a revenue of seven or eight millions of dollars additional from it, you have got some money with which to stop smuggling, but under prohibition you collect no revenue from the manufacture of liquor and you have no financial means to stop the illegal and illicit manufacture and sale of it. So far as I am concerned, I applaud the efforts that the temperance people are putting forth. I admire their persistence and I like their example, but they have got to use discretion and judgment in forcing upon the country extreme views which are not sound. We are surrounded on all sides with material out of which we can make alcohol. You can go into your garden, or into the woods or into the vineyards, the wheat fields, the

barley field or the corn field and on every hand you will find the utmost profusion of material out of which you can manufacture alcohol for yourself.

Hon. Mr. CLEMOW—That will be free trade in liquor.

Hon. Mr. BOULTON—Yes, without any revenue. What I say is, that if you reduce the country to that condition and make it illegal to manufacture or sell liquor, you simply drive into dark places the vice arising from the abuse of liquor which is now being controlled by the government and which is brought alongside of a better class of people, and to the extent that vice meets righteousness face to face to that extent is vice going to be suppressed. But if you drive vice into dark places it will be carried on secretly and young people will be drawn towards it because you must recollect it is going to be very profitable without an excise law to manufacture liquor, and when you have the manufacture going on the men who produce it will go into dark places to find customers. The statistics the temperance press furnishes placing liquor at the head of the cost of consumptial articles is misleading. If all the goods enumerated alongside of it had a heavy excise added to the original cost, liquor would not occupy the leading place assigned to it. The abuse of liquor we must all deplore. In the consumption of it is a very large proportion of waste. It is not waste when taken for heathful purposes or in moderation, but when it is taken in excess it is waste. What does the government do? They go round and collect this waste and bring it into the revenue. It would be all waste if we had prohibition, but a revenue is created out of that waste for the support of the country. I fail to see in the Scriptures, that should be our guide in national life, any law or instruction by which the public sale of liquor is prohibited, we can see plenty of instances where the abuse of it will be punished, but none where prohibition is required or called for. The removal of temptation is not one of the principles of Scriptures ; it is self control that we are in duty bound to exercise over ourselves in order to restrict the abuses and the excesses to which we are tempted, and also as an example to our neighbour. That is what is enjoined upon us and not the total prohibition of liquor. I feel quite confident that if the country was drawn into any act that would lead to prohibition, it would be a great mistake. The Scott Act which was promoted by my hon. friend the Secretary of State was brought about by a plebiscite and what is the result? It is, I think, practically a dead letter. It is the law still, but the people do not use it for their self protection, and as the Scriptures say: "The last stage of that man is worse than the first." If we adopt a prohibitory law and it failed to receive the support and the respect of the majority of the people, when we relapse we relapse into a worse condition, and it would be better for the temperance people not to force the hand of the government at the present moment but wait patiently to see what the effect of their example is before trying to rush this question on the country. The calamity which has befallen our fellow subjects in India has evoked widespread sympathy in this country, and this clause of the speech has been adopted in view of the efforts put forth by the people of Canada, and I would refer particularly to the Montreal *Star*, and also to the efforts of their Excellencies the Governor General and Lady Aberdeen have put forth and the efforts of the lieutenant-governors of the various provinces, all of whom have been the mediums of liberal subscriptions from the people. It is a magnificent offering and it has been taken advantage of by the Canadian people not only to relieve the suffering people of India, but also to call forth the charitable impulses of the people. We all understand that it is more blessed to give than to receive and when the charitable instincts of the people are called forth on public occasions of this kind it is an admirable incentive to a higher national character. There is one other subject I desire to take up though it is not referred to in the address—it is the subject of the Canadian Pacific Railway and its connection with the Crow's Nest Pass Railway. It is a subject which has created a great deal of interest throughout the country and especially in the west—our railway communications and the development of our resources. The Toronto *Globe*, no doubt speaking on behalf of the Canadian Pacific Railway Company, has been full of articles advocating a bonus or other assistance to their railway for the construction of the Crow's Nest Pass Railway. Some newspapers have controverted that position, feeling that the

Canadian Pacific Railway should have no further strengthening, but rather the reverse, and that the government should themselves undertake the construction of that road. The position laid down by the Toronto *Globe* is that the Dominion government, having entered into an agreement with the Canadian Pacific Railway Company by which the latter were to earn ten per cent on their capital before there was to be any interference with their rights to levy freight rates to suit themselves, the government should take advantage of the present position and offer a bonus to the Canadian Pacific Railway Company, making it a condition that they should forego this advantage they possessed under that agreement. While I am desirous of assisting the Canadian Pacific Railway Company in every way that I can so far as to strengthen its position in the country and enable it to carry on the trade of the country and maintain the credit of the Dominion, I do not agree with the suggestion of the *Globe*. In the first place, I do not allow that that ten per cent which the *Globe* claims the railway is allowed to earn, is worth anything. The agreement between the Dominion government and the Canadian Pacific Railway Company was that upon the capital which was invested in the construction of the main line between Callendar Station and the Pacific Ocean, they should be entitled to receive ten per cent before any reduction of rates could be called for by the government. My interpretation of that is this, that if the Canadian Pacific Railway Company claimed that as a bond, they should be reminded of the story of the Merchant of Venice, where the celebrated case was before the court and Portia said "the law gives you the bond but not one drop of blood." That is the position we have to hold the Canadian Pacific Railway Company in. If the company put forward a claim to ten per cent, then the government should value the line from Callendar Station to the Pacific Ocean, and deduct from that the cost of the roads given to the company, the money bonuses given to the company and the value of the land grants and upon the difference the company is entitled to ten per cent. That is the extent of the privilege that can be claimed properly or justly under the Dominion agreement not upon an indefinite increase of capital account raised at the will of the directors. Therefore when that is put forward as a reason why the country should pay three millions of dollars towards constructing the Crow's Nest Pass Railway, I say it is no argument at all. If the Canadian Pacific Railway Company is to be assisted at all, it must be on the merits of the project and the requirements of the company. The earnings of the Canadian Pacific Railway this past year have been $8,000,000 over and above the expenses and the fact that the largest profits earned are in those months in which our wheat and cattle and heavy products are being carried to market, are an evidence that the farming community hears the brunt of the revenue of the railway.

That $8,000,000 is the net profit which goes to the payments of the dividends. The fixed charges have very nearly reached $7,000,000. The common stock amounts to $65,000,000, and on that 2½ per cent was paid last year. As these fixed charges creep up, naturally the common stock must fall back, unless increased earnings or assets strengthen it, because the company cannot go on increasing the fixed charges and maintain an interest on this common stock. Three million was added to the fixed charges during the last year by a sale of preference shares amounting to about $3,000,000 and the fixed charges are creeping up gradually. I am a friend of the Canadian Pacific Railway Company (though perhaps too candid a friend), and I wish to help that work as a national work all that I possibly can, but it is necessary for the public to keep a check upon large corporations, otherwise they will bring ruin, not only upon the country but upon themselves in time. The directors are able business men and so far as railway men are concerned they are second to none on this continent, but large corporations which are virtually monopolies must not forget that the public are partners with them. The public furnish the traffic that enables them to pay their way and meet their dividends. It is their interest in preventing, if it is possible to do so by legislation the Canadian Pacific Railway Company or any other corporation getting into the position which the United States railway corporations have reached—that is extracting the last drop of blood which they can take from the people, and which the Toronto *Globe* says is the natural outcome of all corporations, but which ultimately brings unavoidable destruction to vested interests when established upon an unsound basis. If this is the spirit in which corporations

act, the public must take the reverse position and check the growth of capital on the part of the companies. The earning power of the people is limited in their ability to meet undue drafts upon it. I wish to see the Canadian Pacific Railway maintained in its present superior state for the benefit of the country and for its own credit. When through our legislation, innocent purchasers become creditors, we are bound in honour to sustain them, but when we see that the condition of affairs is growing and increasing by the increased capital account beyond the legitimate earning power of the country, then I say we have to raise a warning voice. The Canadian Pacific Railway runs for 7,250 miles in Canada and nearly 9,000 miles in Canada and the United States jointly. It is a huge enterprise so far as railway construction and management are concerned, but we who are living in the interior of the country and have to pay on an average for 2,000 miles of land transportation will demand an inquiry into the rates of the Canadian Pacific Railway, so as to try and reduce them without impairing the credit of the company, in such a manner that the prosperity of the country and of the people who are producing the raw material from which the wealth of the country is derived, can be maintained. Every soul in Manitoba and the North-west Territories is supported by what comes from the soil directly or indirectly and to the extent that the tariff reduces their earning power or the rates of the railway reduce their profit, to that extent is every man, woman and child in that country impoverished. Mr. Hague of the Merchants Bank, who said last night in his lecture the banks have lost millions in the North-west justifies my warning. To the extent that the Canadian Pacific Railway Company reduces its rates on our products and leaves a larger margin of profit to the farmers, to that extent are the farmers benefited, immigration attracted, and the profits now drawn off are distributed through the country. To the extent that they prosper, will the country be attractive to immigrants and it is that view that the Canadian Pacific Railway Company should take. The west supports 4,000 miles of that railway with much heavier rates than the 3,000 miles in the eastern sections have to pay. When the directors of that company meet they simply concentrate their ideas upon the earning power of the road and the possibility of extracting dividends and discounting future profits. They do not realize the way in which large sections and large communities are impoverished by high rates. They reduced their rates upon the Edmonton road and for the farmers at the foot of the Rocky Mountains to enable them to get their produce into the mines but it was only the competition of the American railways induced that. To the extent that they reduce the rates, they support the farmers and to that extent are they able to attract their friends to that section of the country. The Crow's Nest Pass Railway is a project of importance, not only for the development of resources which show great power of development, but also for the purpose of turning those resources on to the main line of the Canadian Pacific Railway. The more we enrich the Canadian Pacific Railway by finding traffic for it, the lower the rates can be reduced. The more we allow foreign lines to take that trade away from the Canadian Pacific Railway the more will the railway weaken and the further off we will be from getting any reduction of rates. What I say—and hon. gentlemen have heard me argue this question in the House before—is not to give a penny to the Canadian Pacific Railway but to guarantee the bonds of the railway. The credit of the Canadian government is good and the bonds will sell at par at 3 per cent, and the fact of the Canadian Pacific Railway being able to raise ten or twelve thousand dollars a mile on the government guarantee at 3 per cent is a big bonus to them. That is what I advocate. I further advocate that we should stop the idea of bonussing railways in the way we have been doing. The districts through which the railway passes should maintain it, bear the charge of its construction through the traffic. Where a province is having its resources developed on the assistance of the federal government by a railway, there should always be a land grant as a basis of credit to strengthen the bands of the federal government in assisting. Cash assets to the company are no benefit to subsequent traffic. Where you have a large field of virgin prairie, of course you put a railway through that because it will bring farmers and they will produce wealth and trade. In that case a portion of the guaranteed bonds should be set aside to meet the first four or five years' interest, but in the case of the Crow's Nest

traffic awaits and demands the railway. The Crow's Nest route possesses coal in abundance, freights carried into the mines from the east or the west cannot bring back a return cargo as one of the chief productions is gold and the company can fill their empties with coal and distribute cheaply along their line to the advantage of their railway and the people.

In the Rocky Mountains the resources exist to support the railway fully from the start, but there is just this to be said; if the government should not give them any assistance, then they raise money by the sale of their own bonds at five or six per cent interest. A bond of the Canadian Pacific Railway Company at six per cent interest will not fetch as much in the markets of the world as a guaranteed bond at three per cent. To the extent that the district is impoverished by having to pay a dividend of six per cent on those bonds and reduced capital, to that extent will the freight have to bear a burden. To the extent that the interest is diminished by the government guarantee on three per cent bonds, to that extent is the district assisted and the Canadian Pacific Railway Company assisted, and the development of the country will go on. The Dominion government should have security for that guarantee by getting the first mortgage on the railway. They should get also certain grants from the provincial government as a basis. All the provinces except Manitoba and the North-west Territories have their own resources, and for the Dominion government to go on and develop those resources while enriching the province in that way, without any co-operation on the part of the province, is a mistake. The province, by so doing, is assisting itself in the development of its own resources and should assist. That assistance should go to the Dominion government and not to the railway. The railway gets the assistance of the guarantee on its three per cent bonds. We had an illustration of that in the railway to the Lake Dauphin district. The Dominion government gave first of all a land grant of six thousand four hundred acres a mile for one hundred and fifty miles. The project hung fire and did not go on. Then the Dominion government entered into a contract with them for carrying the mails, &c., which amounted to a bonus, I think, of two thousand dollars a mile; they did not accomplish anything with that. Then the province of Manitoba guaranteed their bonds to the extent of $8,000 a mile, guaranteed at 4 per cent interest, 30 years to run and abolition of taxation on their franchise. What did that railway company get? Eight thousand dollars a mile under a guarantee from the provincial government, and they were entitled to issue bonds to the extent of twenty thousand dollars a mile. Eight thousand dollars of this were first mortgaged to the present government as a security for repayment. The provincial government only took security on the railway itself. The subsidy of two thousand dollars a mile and the land grant of 6,400 acres a mile went into the pockets of the promoters. That road did not cost over eight thousand dollars a mile to build. There is not a road in prairie country which under existing conditions cost over eight thousand or ten thousand a mile to build. The provincial government gave them a guarantee of eight thousand dollars a mile and, in addition the railway had two thousand dollars a mile and six thousand four hundred acres a mile, and presumably they sold their second mortgage bonds for twelve thousand dollars a mile. This is a waste of public resources which goes into the pockets of a few individuals, and the provincial government should have appropriated all the assets, which were valueless without its guarantee and which under assistance rendered by the guarantee of the federal government would not have been essential to the construction of the railway. That condition of things should be stopped. We should proceed on a different basis. We should regard the Canadian Pacific Railway as a national line worthy of assistance on legitimate grounds. We should watch with care and jealously the increase of their capital account, because the increase goes on, and the habit of United States railways has been to discount the future profits that are to be derived by the growth of the population. What we want is that the growth of future population should assist, assist not to unduly increase the capital account of the company, and thereby the wealth of the Canadian Pacific Railway, but it should go to enriching the prosperity of the country, which is due entirely to the industry of the people themselves. Those are the views that I hold with regard to this question. I hope that the government will assist the Canadian Pacific Railway Company to build the Crow's Nest

Pass Railway upon that basis. It will be an advantage to the country and an advantage in the development of those natural resources. The opposition to it to-day I think would probably die out if it were put on some such basis as that. They, no doubt, have in their minds the monopoly of the Southern Pacific in California and the forcible way in which it salted every commercial interest. There is no private company that could approach that line so well or build it so cheaply. It is out of the question the government building it, because it would cost the government a large sum of money, and it is an expenditure that the government are not prepared to enter upon unless there was a proposition to bring all our railroads under one national management, which we are not prepared for now. Therefore, under the circumstances there is no company that can build the road so well, or manage it so cheaply, as the Canadian Pacific Railway Company. All the country is bound to do is to assist it and give it that assistance by the Dominion guarantee of its bonds. A principle which if wisely administered will ensure development without incurring national debt. In connection with the consideration of our railway management, the Toronto *Globe* has been advocating the appointment of a commission on the lines of the interstate commerce commission. It is worth while considering carefully before applying this machinery to our system of government. We have a railway committee of the Privy Council and if it powers were enlarged it would have all the force of the interstate commerce commission of the United States, and be more elastic in its action. Under the United States system we are relegating powers of government and there have been complaints that this commission frequently fell under the influence of the railway companies in its working in the United States. The railway committee of the Privy Council is under the direct influence of the people guided by the General Railway Act which can be amended at any time. The system of the United States is a great network of railways rapidly approaching I think 100,000 miles, covering a large area not only east and west but north and south, while our system as yet is comprised in two great systems, the Grand Trunk and Canadian Pacific Railway systems, the Intercolonial being a government railway and in that respect there is a difference in requirements. The subject is worthy of most careful consideration before parliament assigns its present control over railway management to a fixed commission.

Hon. Mr. MACDONALD (B.C.)—In addressing a few words to the House on the speech of His Excellency the Governor General at the opening of parliament, I will first offer my congratulations to the gentlemen who have been called to the Senate and I congratulate the House also on the addition to its ranks of men of experience and ability in commerce, finance and parliamentary affairs. The hon. Minister of Justice passed an eloquent eulogy on some of those gentlemen—no doubt deservedly so—but it struck me it was a fortunate thing he was not within hearing of John Charlton, M.P., or he would have been arraigned on the charge of seduction. Such speeches are very seductive. Not only this House, but the people at large will heartily concur in the first paragraph of the speech on the subject of loyalty, and the desire to celebrate in a fitting manner the long and illustrious reign of Her Most Gracious Majesty, Queen Victoria. The Minister of Justice spoke of an address of congratulation to Her Majesty on this unique occasion. I think there should be more than that—such as a public celebration at the capital in connection with the municipal celebration. Something for the enjoyment of the masses on such an occasion should be done, so that there should be a real demonstration of loyalty.

The next paragraph refers to the so-called settlement of the Manitoba school question. In speaking on this question at the last session of parliament, I pointed out the political immorality there would be in giving a member of the Manitoba government the bribe of a Dominion portfolio for a settlement of the school question. It is well known that the portfolio of the interior was kept dangling for months before the hungry government of Manitoba. It is well known that the Attorney General of that province, Mr. Sifton, was a strong advocate of public, non-sectarian schools, and that he stumped Ontario in support of those views. It is well known that he defended the right of Manitoba to have one common school system in all the courts of the empire. But now we find a change come over the spirit of his dream—he is willing to modify his once

strong opinions, and give the Catholics a shadow and only a shadow of their rights. It is known that for that change of opinion he is renumerated with office and a salary of $7,000—a transaction by which he betrayed his constituents, and sacrificed his convictions. Such a man is not qualified, in my opinion, to hold any important portfolio. I fully agree with Sir Mackenzie Bowell on the important constitutional question involved in this so-called settlement, The parliament of Canada conferred on Manitoba certain powers and privileges within certain bound and with certain limitations. The provincial legislature oversteps those bounds, and the Dominion becomes a party to such a breach of an Act of parliament, "The Manitoba Act," without the sanction of parliament. If that province can break through its constitution in one instance, what is to prevent it doing so in another, and following liberal tendencies from which I exempt the ministers on the floor of this House—it may declare for annexation next. Therefore, setting aside the religions questions, the constitutional one is important and may hereafter cause very serious complications. Reverse the condition of things—let a Protestant minority be deprived of a right secured to it by the unanimous sanction of parliament, and enjoyed in peace for twenty years after which those rights are torn from it. Under such conditions, I would like to ask the Minister of Justice what he would do. Would he surrender Protestant rights, and accept an emasculated deformity like that now offered the Catholics?

Hon. Mr. SCOTT—He would not allow it to go for six years. He would stop it within a very few months. It ought to have been stopped the first year—the School Act of 1890 ought to have been disallowed.

Hon. Sir MACKENZIE BOWELL—Would not Manitoba have followed the example of Ontario and re-enacted the bill the following session?

Hon. Mr. MACDONALD (B.C.)—The experience of disallowing Acts is this: they have been passed year after year by the local assemblies. When Australia passed an Act to tax the Chinese, it was vetoed twice, and when it was passed the third time it was allowed to become law. In the case of the Manitoba School Act, it was referred to the courts of justice. That was the proper course to pursue. I remember speaking to Sir John Macdonald on the subject and he said that was the wisest plan. "It will be settled for ever," he said, "but if it was left to be settled by parliament, it will be always cropping up." I ask if the case were reversed, if a Protestant minority were in the position of the Roman Catholic population of Manitoba, would the Minister of Justice submit to such a violation of rights guaranteed by the constitution? No, hon. gentlemen, he would be the last man to accept anything of the kind. Then why should the Catholics accept an unjust settlement? Is he a true son of the church who accepts such a settlement? I know that were I a Catholic I would fight for my rights to the last.

The next paragraph refers to the tariff about which I will say little, until the commercial and fiscal policy of the government is before parliament in crystallized form. I will say this much, that I am in full accord with the opinion expressed on the subject by the hon. mover of the address, and a gentleman of such ripe and extensive experience knows whereof he speaks. I congratulate him in having the courage of his convictions—a virtue not possessed by all of us. A gentleman like the mover of the address, who has been in close touch with the financial pulse of the country from 1874 to 1879, must have noticed with surprise and gratification the restoration of confidence and business activity, the liberation and investment of millions of capital, and the elevation of the country from a slough of despond to a condition of buoyancy and prosperity under the national policy. We will look for the new tariff with interest. The next paragraph refers to the abolition of the Franchise Act and the adoption of the provincial franchises. So far as my own province is concerned, I object strongly to this being done. In British Columbia we have manhood suffrage, every male person, being a British subject of full age, who has resided one year in the province, is entitled to vote. Such a franchise is highly unfair to the thrifty citizen and taxpayer. Why should worthless idle characters have the privilege of voting for our law makers, and have a voice in placing taxes on the shoulders of others which they do not bear themselves? At the same time, I admit that the present law is too cumbersome and expen-

sive in its operation, and might be amended with advantage.

The continuation of the former policy to deepen the canals is to be commended, and so is the intention to give improved cold storage facilities to our farmers.

The programme referring to railways is meagre and unsatisfactory. Instead of announcing the opening up of undeveloped parts of the country, which should be done, we are told that the Intercolonial Railway is to be extended to Montreal. Is it proper or fair in the government to parallel the lines of two companies, and enter into competition with them, backed up by the revenue of the country? These companies now are not in a very prosperous condition, and this opposition by the government will still further lessen their business and profit, whilst a loss to the government matters not, the country bears it.

With regard to taking the opinion of the country on the question of prohibition, I would ask—What is the use of putting the country to such an expense on a matter which is impracticable? I am in favour of temperance, but not in favour of a demoralizing comedy on temperance. How is a frontier line of 4,000 miles, and a seaboard of 7,000 miles to be guarded? It is an impossibility, and should a Prohibition Act ever pass, the largest field in the world will be opened for smuggling. Then the question of compensation for the destruction of vested rights will have to be considered, which means millions of dollars.

In trying experiments with trade conditions of long standing the government must exercise all its wisdom, and remember that in "rooting out the tares, they root not the wheat also."

Hon. Sir WILLIAM HINGSTON—I listened with a great deal of interest to the able speech from the hon. gentleman on this side, who was so severely logical, however, that I found it difficult to follow him in some of his arguments, and in one in particular: that the more we exported and the less we imported, the worse for the country. I was under the impression that the more our exports exceeded our imports, the greater the wealth of the country; in other words, that the more we earn and the less we spend, the richer we become Whenever I have leisure, I shall be glad to sit at the feet of my hon. friend, and learn those lessons in political economy which, at present, are new to me. With regard to the address, so much has been said that I shall simply go over the ground hurriedly. The enlargement of the St. Lawrence canals recommends itself to us all; and the Intercolonial Railway terminating in Montreal is a wise measure, which I think should have the support of this House. As head of ocean navigation Montreal is, geographically speaking, a city that cannot be overlooked in any wise legislation. The same with regard to cold storage on steamers; but here let me remark that hitherto there has been more cold storage provided on steamers than has been availed of. One shipowner in Montreal told me that he constructed storage arrangements at an expense of I forget how many thousands of pounds upon fast vessels, and he had yet to receive his first contract and with it his first dollar to carry provisions across to the other side of the Atlantic. With regard to the Behring Sea claims, we approve of any measure between the United States and Great Britain, with a view to a fair and amicable settlement; but it is for the United States and Great Britain to settle that question, and not for us, however interested we may be. As to the Indian famine fund I am proud, as a Canadian, that we have done our fair share, and are still doing it to come to the relief of those who differ from us in language and in colour, but who are subjects of Her Gracious Majesty and our fellow beings. The allusion to the Queen and the Diamond Jubilee is well thought of. Our feeling towards Her Majesty is one not only of loyalty, but of devotion and admiration of—nay—I might say almost of adoration, one of the noblest and best sovereigns any country has ever had. And so soon as our good Queen shall have passed away—and may it not be in the near future—I think that Justin McCarthy's words will be realized that Great Britain has had the greatest monarch probably that ever occupied a throne. A measure we are told will be submitted for the revision of the tariff which proposes to make our fiscal system more satisfactory to the masses. Of course any improvement in that respect will receive my support. Then the next subject referred to is the school question. It is called a settlement. Do the advisers of the Crown who have put the word into His Excellency's mouth know its meaning? A settlement is supposed to be something final. It

means an adjustment of differences; a reconciliation in which both parties to the adjustment or reconciliation are agreed and are content. Yet by members of the government in both Houses, we are told it is not final. Arrangement is the word I should have preferred or *modus vivendi* or a *modus patiendi*, rather. An arrangement has been come to between the representatives of a distant province and ourselves and the government of this country. Well, hon. gentlemen, the less a question is understood the more is said about it, and the greater is the confusion in our ideas regarding it. I find nothing in the natural world more resembling this question than one of those optical illusions that occur so frequently in the west, and nowhere more markedly than in Manitoba itself where, in a particular condition of the atmosphere, the sun's rays falling at a certain angle upon a sometimes distant scene gives the appearance of terrestrial objects in the heavens, the size and shape of which depend upon the position of the observer. The man at one place sees them clearly; and the man a few thousand yards away does not see them as clearly, or perhaps does not see them at all. If he sees something, it is not like what others see. And so on this question, a question of conscience, which only those who take a conscientious view of the question can begin to understand or to realize. What is the position of this subject of investigation? The situation is simply this: from one end of this country to the other, we have been promised a settlement. That means, of course, a settlement that will be satisfactory to all, and especially to those chiefly interested. Let me ask you, from the opinions that have been expressed in pulpits, at public meetings and in assemblies and in social life, let me ask you if the settlement that has been reached is a satisfactory one? Has it been a satisfactory one to those who are most deeply interested?

Several hon. MEMBERS—No, no.

Hon. Sir WILLIAM HINGSTON—You answer no, and you answer rightly. You might as well put a worm on a hook and ask, is it satisfied because it ceases to wriggle? No, it is not satisfactory, and here I am sorry I cannot agree with the speech from the Throne when it says: "I confidently hope that this *settlement* will put an end to the agitation which has marred the harmony and impeded the development of our country." What a grim savagery is there in the word *settlement* in this connection! There is no man in this community who would not wish to see this question disappear for ever and for ever; but it cannot be carried away upon the shoulders of injustice. The settlement, I say emphatically, is not satisfactory to those most interested, and to those who love the good name of our beloved country, and her respect for established privileges and rights, and I think it is our duty to say so. And here I shall take the liberty to read some words that fell from the hon. the leader of the opposition, and I hope they were duly recorded. When he was twitted about the change that had taken place in the feelings of the people of the province of Quebec—how they were misled, or bamboozled, I should say—what were his words? He did not care how the people of the province of Quebec had voted; it was not a question upon which the people had a right to vote. It is not for the people of the province to say that an injustice had or had not been done when the highest tribunal in the world, the court of last appeal, had said an injustice has been done. Now, what is the defence set up? 1st. That it is all that can be granted; 2nd. That it is all that is necessary; and 3rd. That it is all that the minority had a right to expect. Now, to the first, I should say: what was the intention of the Privy Council's later decision? Nothing is clearer than that it was intended to mean the re-establishment of schools such as existed, or something to that effect, that would bring justice, relief and satisfaction to a section of our people. To the second, I would say that it is not at all sufficient; that the time devoted to religious instruction—one half hour in the afternoon—is illusory; it is not satisfactory, and, worse than that, it is deceptive. It cannot be made satisfactory, and why? I am not talking now of the religion of any particular sect. I am speaking of the question of education as proposed as one from which religion has been excluded or of any form of religious belief making it non-religious rather than irreligious. It is impossible to carry out a measure of that kind and give to the people of Manitoba the religious instruction to which they have been accustomed for many years. 3rdly. We are told the French Canadian population of Manitoba is numeri-

cally weak ; there are but a few thousand, and why have so much trouble ? Well, hon. gentlemen, if fifty, or one thousand French Canadians in that district are zeros, how many times would you require to multiply those figures to make them anything more than zeros ? Ten zeros, after all, are but zeros ; and a hundred zeros are simply zeros. And now that I have asserted that an injustice has been done to a minority, that is not a zero in the eye of the law—nor in the eye of God, and with your permission I shall lay before you a very short statement of my appreciation of the case. First of all there are constitutional reasons, and there are reasons of conscience. The British North America Act guaranteed provincial rights, and among those rights were separate schools and schools for minorities. The protection of minorities is a necessary corollary. Any contravention or abolishment can be appealed to the federal government which has the power to annul such legislation, and that is what we desire. Now, the minority in Manitoba claims that its rights were abolished. They had schools from the very beginning, from the very earliest days. The first missionaries were sent from the archdiocese of Quebec by Bishop Plessis, whose episcopal jurisdiction at that time extended from the Atlantic to the Pacific. Did the missionaries go uninvited? No, they were invited. Missionaries of the stamp of Mons. Provencher and Mons. Dumoulin do not often wait to be invited, but the highest authority at the time, Lord Selkirk, on behalf of the Hudson Bay Co., invites them to come and establish churches and schools and they respond, and when Bishop Plessis, the bishop of Quebec, sent his missionaries, what were his instructions? Instruct those Indians, and before he sends them he sends his instructions to the governor who says "C'est sage," "It is wise." They go, and what are they told to do? You will build churches. You will raise schools. What schools do you suppose they would have? They were long there in undisturbed possession, and the Hudson Bay Co., to show its appreciation of them, gives them land to build upon, and money to help them to build, endows their schools and continues to give them money every year. The Episcopalians wished their rights recognized, and the Hudson Bay Co. gave them land; and by-and-by the Presbyterians got some 15 per cent of what the others received. Thus it was recognized that the schools were separate and distinct, the Presbyterians teaching according to their views, the Episcopalians in their way and the Catholics in theirs. Where a school was built the missionaries had simply to ask the government of the Hudson Bay Co. for a piece of land and it was given, and when they asked for money it was furnished. The Hudson Bay Co. recognized that the missionaries were there for the good of the country, to teach the Indians to forget their savagery and become Christians. The missionaries taught them economy and to be true and loyal to the Throne. One of the commissions to Messrs. Provencher and Dumoulin reads thus :

Les missionaires feront connaître aux peuples l'avantage qu'ils ont de vivre sous le gouvernement de Sa Majesté Britannique, leur enseignant, de parole, et d'example, le respect et la fidélité qu'ils doivent au souverain, les accoutumant à adresser à Dieu de ferventes prières pour la prospérité de Sa Très Gracieuse Majesté, de son auguste famille et de son empire.

When this matter was alluded to in the House of Commons, one of the gentlemen said there, "What business had they with that ? That is a political question." So far for constitutional reasons. But there are reasons of faith and conscience. While listening to the discussion of the tariff and cold storage and the rest, I recognized their importance, but they sink into utter insignificance compared with the question of conscience involved in this controversy, because upon the decision depends whether we shall have a good, loyal, honest and contented people, or leave them to drift as they will, a soured and discontented people. They should come to appreciate what religious education means, and to recognize God in every step of life, to recognize Him everywhere, and not put Him in the background as a deposed statue or heathen god is set aside when fashions change. Now, it is apparent, that when men situated as the minority in Manitoba undertake what they have undertaken ; go to the expense of such costly appeals ; and at present when they remain despoiled of their schools, refuse to accept the conditions of the government, and in the face of every difficulty, at the greatest of personal and financial sacrifices, begin the opening of private schools while paying for the maintenance of public schools, it is very apparent that some intense conviction, some grand underlying principle,

must be at stake, must be the motive of such heroic endeavours. The answer is plain. It is their right, and their duty not less than their right, to bring up their children according to their conscience. Religion must be in the heart; it must be taught. Who teaches the child? The parent. The parent never relinquishes his right over the child. He educates the child, but supposing he himself is not educated and has not the time, then he does it by deputy, he gets those who will teach the child. It is therefore a question of conscience—a very serious question to interfere with, and when interfered with, imposing serious responsibility upon him or upon them who deprive them of that right. It is the sacred right and the duty of parents to bring up their children. You have not the advantage that I have of being in a French Canadian community, where the Bon Dieu is everywhere; everything in the house of the French Canadian is intended to remind them of God, and everything in their books and teachings is of the wisdom and mercy and unbounded love of God. Is it an advantage or not to have children educated in that way? Now, the school, as I say, is simply a fire-side, an extension of the domestic fire-side, so to speak. I may be competent to teach my child but if I have not the time, I send him to school, and what do I say now? Perhaps it may not be quite the thing, but having given to my children the best education this country could afford, if I were asked to choose between the religious instruction they have received and their mathematical and classical instruction, I would say, if choose I must, then classics and mathematics must disappear. I would not weigh them in the balance any more than I should weigh the matters of time against those of eternity. That is the feeling which animates that minority, that poor distressed minority, at the present moment, and when I am told in the address that this abortion—this would be enforced "settlement"—is to put an end to the heartache of that simple and religious, but too confiding people, I say no, it will not. They will not rise up against it. No, but what will they do? As good loyal subjects, they will conform to the law and will pay to the government what is asked for public schools, but at the same time they will work, and if needs be, beg and raise funds for their own schools as well. I had the sweet satisfaction recently to put my hand in my pocket and to give according to my means in order that the dissatisfied might be instructed according to their consciences. When I first learned that the present leader of the Senate had consented — reluctantly, it seemed at the time—to accept the portfolio of Justice, I must say it was with great satisfaction. I thought: "Here is a troublesome question coming up and there is no man whose abilities as a jurist better fit him to unravel it. He ruled the destinies of Ontario for many years with great ability, and on many occasions he carried her legal cases across the Atlantic and generally with success. All that is necessary for a man of that great legal mind is to exercise his abilities in the direction which is its wont and all injustice to the minority in Manitoba will disappear." I must say I do not recognize the work either of his head, or of his hand, or of his heart, in the so styled "settlement" which is before us. Now, what are public schools? They are schools where there are all religions among the pupils, and not necessarily much of any religion in the teacher, and none, none whatever in the matters taught, for religion must of necessity be eliminated from a non-religious school? This kind of school is the very reverse of the home, and yet it should be the mere extension of the home and of its sweet and healthful influences. Hon. gentlemen have noticed the struggle that is going on in Germany and France, and no one would wish to see our people in Canada reduced to the condition of the people in France where God is banished from their schools and too often from their hearts. In Germany forty years ago, where I was at the time studying, I rarely or never met a young professional man who believed in Divine revelation. I recollect being in a group of thirty young physicians and not one of them believed in God. The atheists would deny the existence of God, not aggressively but sullenly, but the agnostics, who pretended to know nothing about it, acted and spoke and argued as though they knew everything about it and that was the difference between them. And what was the result? I shall not offend the susceptibilities of any one present by stating it, but all thoughtful men were of opinion that it was an unhappy day when religion was banished from the schools. And we have

the same state of affairs in France. Is France to-day what it was a hundred years ago! It is as much below it as the earth is below the heavens. Some time ago I read what occurred in a French court of justice. A young man was brought up for murder and the evidence was clear and positive against him. The lawyer, instead of pleading that he was innocent said, "I plead guilty, but in whose behalf do I plead guilty? Not the prisoner's is the guilt but your's gentlemen of the jury, every one of you, and your's most learned judge upon the bench, for you have dismissed and put aside every emblem of religion and all knowledge of Christ, and how can this young man learn his duty with religion entirely ignored. The commandments of God have been kept from him and he cannot learn it by studying division or the multiplication table." The young man was condemned and executed and the jury went upon their way forgetting, if they could, that they had a share in bringing about this result. We, loyal British subjects, are accustomed to look to Great Britain, and I hope the time will never come when we will cease to look in that direction for example, and I hope we will have the manliness to follow that example. There we find able, serious, thoughtful men moving in the direction of religious schools at the present time? Take Gladstone and Salisbury and Balfour and Morley—all agreeing in the absolute necessity of giving to the people religious education. Speaking of non-religious schools, I am reminded of a professional visit I paid some time ago to one of the northern states of the adjoining union. It was to one of the most distinguished academies in the state. I had a long conversation with the principal, and I put a question or two to him and got answers which amazed me. I asked as to the condition of the pupils, and the principal thought I referred to their moral condition, which I had not intended, and being seated near me he grasped me by the arm and said: "Doctor, it is a hot bed of vice, and God help me, I don't know how to remedy it. I have done all that I can, but evidently there is a something which I cannot reach and cannot control and how it is to be remedied I do not know." "Well, what is your system of instruction?" "We teach physiology and all the other ologies, but nothing of theology. God is kept in the background, and we have very apt scholars." This is what the good, conscientious Episcopalian clergyman said to me and he said it with great emotion. "My wife," he added, "has tried all she can and without avail. It is to be remedied," he said, "only in one way, but it is useless for me to speak. The Saviour must be brought back to the schools, and, I hope, it will be ere it is too late." Let us not blame the pastors when they try to keep out of this country a system which has been so disastrous in France and in the United States. Depriving a child of the knowledge of Divine things when the parent desires that knowledge to be imparted is an injustice, and to whom? It is an injustice to God; it is an injustice to parents: it is an injustice to the children, and it is an injustice to civil society. I am told that separate schools are not efficient in the province of Quebec, and we are asked why give them such schools in Manitoba as those in Quebec. They who make that statement are profoundly ignorant of what obtains in Quebec. I dare say I should surprise some,—not many, because we are too well informed not to admit the correctness of what I state—that in no part of the Dominion of Canada is education at a higher standard; and that in no part of Canada are there more educated people in proportion to the population than in Quebec. Look at the proceedings of the Royal Society, and one will find more litterateurs in the city of Quebec alone than in any other city of the Dominion. There are too many educated men there. The professions are overstocked all over the province, and one gets an education in Quebec at a less figure than in any other of the provinces of the Dominion. One may receive board and education for £21 or $84 a year and if that could not be given $70, or $50 would be accepted and in some cases colleges take pupils for nothing. If they see a young man who promises well they will endeavour to fit him for a position and will educate him. I know some of the most brilliant lawyers, some learned physicians, and many zealous priests whose classical education cost them nothing! If one goes into Montreal he may at any time hear French gentlemen speak most classic English. We have distinguished men going to plead cases in Great Britain from our province and the one who overshadowed the whole of them was Vallières, I may say we have never since had his equal. He was a Frenchman and spoke English, when before the Privy Coun-

cil, in London better, it was remarked, than the other lawyers. I do not know whether, if one went to the English speaking provinces of the Dominion one could find quite so many who are able to speak French, and yet the French Canadians are as familiar with Latin and Greek as we are, so that we are not losing in Quebec. I say the schools which can produce these results in Quebec are good and worthy schools, and it would not be prejudicial to the interests of any portion of the Dominion were they to be copied. The people in Manitoba had their schools modelled after those of Quebec, and enjoyed them for nearly eighty years without disturbance; and now having been ruthlessly deprived of them by violence, there will never be peace and harmony until they are restored. But you may ask how, after what has taken place at the hustings in the province of Quebec? Again I say with the leader of the opposition in this honourable House, what difference does it make? Does that touch the question of the rights of the Manitoba majority? But let me give you a word of explanation with regard to Quebec, and I do not think you will have the harsh feelings against the French Canadian Conservatives you otherwise most naturally might have. The question of the Manitoba schools hung fire so long that people began to be uneasy, and to doubt the earnestness, indeed the honesty, of the leaders; and then I will say here—I am sorry to be obliged to say it—something which occurred at Ottawa in the month of January, 1896, had much to do with disturbing the peoples' thoughts, and they were told, "What! are you going to entrust your interests to? To whom? Men not of our race, nor of our religion," and they would quote speeches of the hon. member for Simcoe and of the former Controller of Customs and others who evinced in their speeches no love for them, and they would say "are you safer with these men or with us, the men of your own religion, your own flesh and blood?" But, there is an awakening, a very serious awakening, and before long, I think, in the province of Quebec, and if it has an opportunity, will show that it is not less intelligent than it should be. I go a great deal through the country and while I never speak on politics when on professional business, I hear men who worked for the present Prime Minister, thinking, that because he promised, and promised solemnly, that he would give more than his opponents would give; when, I say I find these people now muttering condemnations of the settlement, I am convinced that if an election were to take place in the province of Quebec to-morrow, except in certain districts, where party spirit is above everything else and crushes out conscience and the duties and dictates of conscience, there would be a most material change. But we are asked what is the use of all this religion? I hear, at all hours of the day, that science is the thing to teach. I would ask any hon. gentleman in this room what branch of science he would wish his child to learn and to pin his faith to? That would puzzle him. I am tired of those sciences which are as changeful as the figures in a kaleidoscope—nothing stable, nothing permanent, but bold and bald assertions. I have found that what was laid down as fundamental principles years ago is as nothing to-day. I find in certain departments of science that there have been complete changes three or four times in the course of as many decades. Take the very structure of the earth, take ourselves for instance. Those of us who have put aside revealed religion have taken to evolution; but that is not sufficient now. Evolution is not the last vagary of the German mind. It is old. The new, the bran new is this: that the whole universe is one elastic ethereal mass, and in that there are countless particles of precise size which are impenetrable, and which have in addition the property of inertia and these are supposed to conglomerate together and arrange themselves in such wise as to form noble man, with all his courage and manliness, or woman with all her gentleness and beauty, or the tiger with all its ferocity, and all from this combination or selection of spherical particles of precise size inhabiting this elastic fluid—and such is creation, and in such wise are we created! A creation so independent of an Almighty is at the will and wickedness of all—and, as a result, the relative fruition and natural increase of a people give evidences of where these views receive the less or the more general credence.

Hon. Mr. MACDONALD (B.C.).—Is that what they make governments of?

Hon. Sir WILLIAM HINGSTON.—I do not know what governments are made of—but this is the way that men are made which make the governments. While on my visit to one of the northern states to which I have already alluded and speaking to my good college friend, the Episcopalian minister, I saw some books for the use of the student. This was a school from which religion was excluded. The first book was Diderot in French, another was Voltaire and a third Jean Jacques Rousseau. But, as generally happens where no religion prevails in a school, something more negatively good is sure to enter. Hon. gentlemen, if you would send your sons to an accademy of learning of that non religious character and they should learn to talk French, they would be sent to a French master, and he would put into their hands Diderot and Voltaire, and if these were not spicy enough, they would have Balzac introduced. If you send your son there would he be a better boy when he returns than he was when he left his mother's care, and where he had learned the only true consoling and imperishable truths he had ever learned? It is far better to deprive children of the ability to acquire that kind of knowledge than to deprive them of the ability to acquire religious instruction. In the province of Quebec what have we? We have a Protestant board of education and a Catholic board of education, and yet another over-riding both. This supervising board interferes only when called upon by the Catholic board on the one side or the Protestant on the other. How often does the supervising board meet? I do not know that it has met once in twenty years. Things have gone on so smoothly; the Catholics attending to their affairs, and the Protestants to theirs, that the general board is not called upon. And such men as Sir William Dawson; the Rev. Dr. Shaw; Professor Robins and hosts of others have again and again borne testimony to the liberal Christian spirit with which the minority is treated, and such is the condition of things I hope we will have some day in Manitoba and throughout this country of ours when the proposed "settlement" will have been numbered with the things which were not to be.

Hon. Mr. POWER moved the adjournment of the debate.

The Senate then adjourned.

THE SENATE.

Ottawa, Friday, 2nd April, 1897.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

BILL INTRODUCED.

Bill (C) "An Act to commemorate the reign of Her Majesty Queen Victoria by making her birthday a holiday for ever." (Hon. Mr. Macdonald, B.C.)

THE ADDRESS.

DEBATE RESUMED.

The Order of the Day having been called

Resuming the adjourned Debate on the consideration of His Excellency the Governor General's Speech, on the opening of the Second Session of the Eighth Parliament.

Hon. Mr. POWER said:—It has been my privilege since the last meeting of parliament, on more than one occasion of a festive character to respond for this House, and I told my hearers certain things that were complimentary to the Senate. I spoke of the moderation that this House had shown during the time of Mr. Mackenzie's administration, and I intimated that probably the Senate would show a similar moderation under the Liberal government of to-day. I said there had not been a great deal heard from the Upper House for several years, but that was because the senators felt that the right men were at the helm and that the Senate could afford, in a certain sense, to go to sleep, feeling that everything was in proper hands and that there was no danger of any mishap; but I took the liberty of telling them that now, that the Liberal administration had come into power, we should hear a good deal more of the Senate—that the Senate would be a much more active body and a much more important factor in constitutional work than it had been.

Hon. Mr. BOULTON—A good thing for the Senate.

Hon. Mr. POWER—It would be a good thing for the reputation of the Senate if the Liberals were in power for a long time. While I said this, I must be honest and confess that I did not think the discussion of

the address in reply to the Governor General's speech would occupy a week in this House. I am not finding fault with the fact. I simply state that I did not anticipate it. The hon. leader of the opposition has discussed His Excellency's speech at considerable length. I do not undertake to say that the hon. gentleman has discussed it at too great length; but I feel that the hon. gentleman is above all things a man who is true to his party, and that whatever his feelings may be as to the present leadership of the party, he does not allow that fact to influence him; and I even fancy that he was perhaps a little more energetic and little longer in discussing His Excellency's speech than he might have been under other circumstances. There is not in the hon. gentleman any of the material out of which "nests of traitors" are made. With respect to the hon. gentleman who sits on the right hand of the hon. leader of the opposition, when I heard him thundering away for nearly three hours, resurrecting exploded Tory legends which have not done duty except before remote and only partially informed audiences for the last 10 or 15 years, and when I heard him misrepresent his opponents and find them guilty of serious political sins upon evidence which reminded one very forcibly of Pickwick's "chops and tomato sauce," I realized, more forcibly than I had ever done before, the truth of the saying I heard from the gentleman who formerly represented South Wentworth in the other chamber, to the effect that a she-bear, robbed of her cubs, was mild compared to the Liberal Conservative politician thirsting for office. The first paragraph of His Excellency's speech deals with the celebration of the Diamond Jubilee of Her Majesty and refers to the loyalty of Canadians. One would have thought that that paragraph might, on the present occasion, have been allowed to pass.

Hon. Mr. MACDONALD (B. C.)—It has not been objected to.

Hon. Mr. POWER.—It has not, but we have been treated to a repetition of exploded slanders on Liberal leaders, and on gentlemen who are no longer Liberal leaders. I shall not go into the charges against Liberal leaders generally, but one or two of them may be referred to. One was the old story about Mr. Jones of Halifax, and the flag. The incident which was referred to took place in 1869. Mr. Jones is out of Dominion politics at the present time, and I presume is not very likely to re-enter them. Considering the fact that he is out of politics and that this event took place so long ago, it may be regarded as barred.

Hon. Mr. FERGUSON—He was on the cable conference.

Hon. Mr. POWER—I was not aware that the cable conference was a political body. I am not aware that Mr. Fleming, who was a member of the conference, is a politician. That was a slander with respect to Mr. Jones, and that slander was dealt with fully in the other chamber in the session of 1878. This charge which the hon. gentleman from Prince Edward Island has brought up here, was brought up by his present leader, the gentleman who now leads the Conservative party, and was effectually disposed of by Mr. Jones in 1878. I happen myself to be in a position to state that the charge has no foundation whatever in fact. I was not only present at the meeting where this language is supposed to have been used, but I was the secretary of the meeting. It was a public meeting, and Mr. Jones never used the language attributed to him, and used no language that the most loyal man might not have used. Then there was something said about the action taken by the present Minister of Finance in 1886. It was told us as being a very disloyal act on his part, that he went to the electors of his province in 1886, on the question of repeal. That is a fact, but it was not proposed that that repeal was to be got by violent means. The proposal was that if the people signified by a large majority that they were anxious to retire from the confederation, an address was to be sent to Her Majesty, with a view of legislation being passed in the Imperial Parliament allowing Nova Scotia to withdraw from the confederation. I fail to see that there was anything disloyal to Her Majesty in that. It may have been, in a certain sense, disloyal to Canada, but it was not disloyal to Her Majesty. Then the hon. gentleman went on to say that, having got into power on this cry, the present Minister of Finance acted in a fraudulent way, and never pushed the matter any further. The explanation of the inaction of that gentleman

is not difficult. There was a Dominion election before the Nova Scotia legislature was in a position to deal with the matter, and at that Dominion election a majority of members were returned by the province of Nova Scotia to support the government of Sir John Macdonald; and under those circumstances a mission asking for repeal could not have succeeded. There could have been no hope of success; and the leader of the local government consequently did not push the matter. We heard a good deal about a speech delivered in Boston some four or five years ago by the hon. gentleman who now leads the government. I am not going to discuss that. It appears that the leader of the government in this country is loyal enough for Her Majesty. He is so loyal that Her Majesty's government are anxious that he shall be present to celebrate Her Majesty's Diamond Jubilee; and, as long as he is loyal enough for Her Majesty's government, we ought to be satisfied with that—at least ordinary people should be satisfied with that. I do not intend to say that the hon. gentleman from Marshfield, who is so super-loyal — more loyal than Her Majesty's government—need be satisfied. But if we go into ancient history in this way, and discuss the past of gentlemen who are prominent in public life, the leaders of the Liberal party should not have a monopoly of the thing. I think the Conservative leaders should also contribute a little of the history.

Hon. Sir MACKENZIE BOWELL—The old story.

Hon. Mr. POWER—The hon. leader of the opposition says "the old story." Well, what are those stories that we have been discussing but very old stories? I am going to give the hon. gentleman some old stories, one of them with which he is not familiar perhaps, though it is not so very old. There is the story of 1849. That is 20 years older than the story about Mr. Jones. The story about Mr. Jones is nearly 30 years old and the other is 20 years older. The difference between the two is that one story is true and the other is not true. There is no question about the annexation manifesto and the names of the Conservatives which were appended thereto. I am not going to deal with this 1849 business; but the present leader of the opposition has a record on this question. We know that he is nearly as loyal sometimes as the hon. gentlemen from Marshfield, but he is loyal like a good many Conservatives, when it suits him to be loyal. When the representative of Her Majesty crosses his path, then it is a very different thing. I propose to read to the House a couple of extracts from a letter which the present leader of the opposition addressed to the Duke of Newcastle when he was Secretary for the Colonies. There was an election in Nova Scotia in 1859, and the Conservative government, which had been in power, were defeated in that election as happened in the election which took place in 1896. The government did not accept their defeat, but called upon the representative of Her Majesty, Lord Mulgrave, to forthwith dissolve the House which had just been elected. They found that they were in a minority of four, and they claimed that there had been certain irregularities in the elections of some members and asked that the House should be dissolved. The Lieutenant-Governor of Nova Scotia very naturally and properly declined to do that. He said that that was not his business—that the trial of those elections was a matter for the House and its committees. This happened in the beginning of the year 1860—this refusal to dissolve. The House met in 1860 and the government were defeated and as the governor would not give them a dissolution they had to resign. They resigned I think, about January, or February, 1860, and they sent a very strong memorial to the Duke of Newcastle in connection with the Lieutenant-Governor's conduct. The action of the Lieutenant-Governor met with the cordial endorsation of the Duke of Newcastle; and after all this had taken place, on the 29th October, 1860, months after the whole thing had been disposed of by the Duke of Newcastle, the gentleman who now leads the opposition in the House of Commons addressed a long letter to that nobleman from which I propose to quote to the House two or three extracts. Speaking of the refusal of Lord Mulgrave to dissolve, this gentleman said to the Duke of Newcastle:

> A decision has been made which cannot fail to induce, in these colonies, the impression that what has been supposed to be self government, is but a delusion and a snare.

A little further on he said:

> The people of this province have been content, my lord, to pay a salary of fifteen thousand dollars a year to a governor sent from England, besides a large additional sum to keep up his establishment;

while the state of Maine, with twice our population, has the privilege of electing that officer from among her people, and pay him but fifteen hundred dollars.

Can such a condition of things be expected to give satisfaction, with the evidence forced upon us that we have no rights worthy of a moment's consideration, when weighed against the interest or convenience of a gentleman who has been useful to the Imperial cabinet before coming here?

Destitute of representation in the Parliament of Britain, with our most eminent men systematically excluded from the highest position in their own country, and for which their colonial experience and training eminently fit them, it is impossible that the free spirit of the inhabitants of British North America, can fail soon to be aroused to the necessity of asserting their undoubted right to have their country governed in accordance with the well understood wishes of the people. * * * *

In conclusion, Your Grace will allow me to add, that should it prove true that the colonial office has determined to sustain the Lieutenant-Governor, in the unconstitutional course pursued by him, it will become necessary to lay the subject before the Imperial Parliament, and this country will then learn whether the time has arrived, when important constitutional changes have become indispensable for the acquisition of British institutions, as enjoyed in the parent state.

I have the honour to be,
Your Grace's, most obedient servant,
CHARLES TUPPER, M.P.P.

That was pretty strong language, all because the government had not chosen to dissolve a newly elected assembly.

Hon. Mr. FERGUSON—All pointing to federation as a remedy!

Hon. Mr. POWER—There was not a word said about federation, and nothing thought about federation. It rather pointed to independence, or annexation, so that we could elect our own governors, and pay them only $1,500. That is rather ancient history; still the leopard does not change his spots; and a few months ago, in the summer of 1896, this same gentleman was the leader of a government which appealed to the country and which was defeated upon that appeal; and the language which he used in another place towards the representative of Her Majesty, was nearly as strong as the language contained in that document of 1860.

Hon. Mr. PROWSE—Not a whit too strong.

Hon. Mr. POWER—Our Conservative friends are loyal when it suits them; but when loyalty crosses the path of the Conservative party it is a bad thing for loyalty. We remember that the organ of that party said some few years ago that if British connection and the national policy (the 35 per cent loyalty) did not harmonize, then so much the worse for British connection. That is the story always. I do not believe in talking about loyalty. I think it may be taken for granted that most Canadians are loyal. I am not aware that there are fifty annexationists in the whole country. I say further that the election of 1891 was the last election won in Canada by the false cry of loyalty, and the last that will ever be won by sham loyalty, as it was also the last election to be won by protection.

The next paragraph speaks of the Manitoba school question; and before undertaking to deal with that paragraph, I may be allowed to make a few observations on what some hon. gentlemen have said on the subject. We all listened with the utmost pleasure to the eloquent address of the hon. gentleman from Victoria division who spoke yesterday afternoon. That hon. gentleman appeared to think that the question we had to consider was whether separate schools were or were not a good thing. That is not in any sense the question before parliament. All Liberals and Conservatives alike who belong to the faith to which that hon. gentleman belongs agree that religious education should go hand in hand with secular education. I do not in the slightest degree question the entire sincerity of the hon. gentleman; but I am not so well satisfied as to the sincerity of some other hon. gentlemen. I happened to go into the gallery of the other chamber the other evening, and I heard an hon. gentleman who belongs to the same church to which I belong—a gentleman from the province of Quebec, who was speaking in almost as strong terms as the hon. gentleman from Victoria division spoke in last night. He spoke of the blessings of religious education and the iniquity of purely secular instruction, and how necessary it was that children of parents belonging to our church should be instructed in their religion at school. I might, under ordinary circumstances, have been considerably affected by the eloquent speech which that hon. gentleman was delivering; but I happened to be aware of the fact that he had sent his own two sons to board at a school belonging to a different denomination altogether; so that the intense interest in the welfare of Catholic children which is exhibited by poli-

ticians of the Catholic and of other denominations must be discounted somewhat. With respect to the hon. gentleman who leads the Opposition in this House, I must say that I have never from the beginning of this agitation questioned his entire honesty in the matter. I cannot say that I have the same feeling with respect to his leader. Going back to ancient history again; the present school system, which makes no provision for religious instruction at all or for anything in the nature of separate schools, was introduced in the province of Nova Scotia by the gentleman who now leads the opposition in the House of Commons; and in the year 1865, when his measure was before the legislature and an amendment in favour of separate schools was introduced by Mr. Levisconte, and was supported by the hon. gentlemen from Richmond who now sits in this House and ten other gentlemen, I have forgotten now whether it was a bill or a resolution, the hon. gentleman who now leads the opposition in the House of Commons and who then led the government in Nova Scotia, declared that no such amendment would be accepted, as it would utterly destroy the school law. At the time of the union conference it was well understood in Nova Scotia that he maintained the same position. I have very grave doubt as to whether there is any sincerity in his expression of a desire that separate schools should exist in the province of Manitoba. I do not think the manner in which he handled the question in the House of Commons last session was calculated to make one believe that there was very much sincerity in his statements. Now, the question before parliament, placed before us by His Excellency, is not whether separate schools are a good thing or a bad thing; it is not whether the record of the present leader of the government or the present leader of the opposition is all that it might be; the sole point for consideration is whether this settlement, made a few months ago, is "the best obtainable under the existing conditions of this disturbing question," to quote His Excellency's language. This is the sole question; and I have no hesitation in saying that, whatever else it may be, the settlement is certainly better than anything we could have obtained from the passing of the Remedial Bill. I am free to confess that when this question first came before parliament I was in favour of vigorous and drastic measures with the province of Manitoba. I was in favour of vigorous action on the part of the federal government and parliament. Further consideration and a careful examination afterwards of the Remedial Bill led me to the conclusion that that bill would be of little or no value, and that comparatively small concessions made by the province would be better for Catholics not only in Manitoba but throughout the whole country than the passing of that bill, and better for other denominations also. It is too late, perhaps it is hardly worth while to go on to apportion blame for the appearance of this unfortunate Manitoba school question in our politics; but I cannot help making a reference to one circumstance which has been referred to already in the course of this debate, and which has been mentioned in such a way as would be calculated to mislead —that is the subject of disallowance. The primary responsibility for this difficulty rests with the government who failed to disallow the Acts of 1890. The hon. gentleman from Marshfield took the ground that the government of the day were estopped from disallowing the Manitoba Acts of 1890 by the action of Mr. Blake.

Hon. Mr. ALMON—Hear, hear.

Hon. Mr. POWER.—My junior colleague says "hear, hear." It often happens that my junior colleague is wrong, and he is on this occasion. What are the facts of the case? In the session of 1890 Mr. Blake had introduced a resolution in favour of referring important constitutional questions to the decision of the higher courts, but that resolution had not become law. The Act which turned that resolution into a law was passed only in the session of 1891, a long time after the year during which it was possible to disallow the Manitoba Acts of 1890, had expired. In order to show that it was not understood that Mr. Blake's resolution was to exclude any action of the government of a different character, we find that in the debates at the time he is reported as saying this:—

> It is nevertheless, and I think with sound reason, contended, that circumstances of great general inconvenience or prejudice from a Dominion standpoint, and involving difficulty, delay or the impossibility of a resort to law, may justify the policy of disallowance.

This was just a case where all these things did exist. General inconvenience and great

prejudice from a Dominion standpoint arose from allowing this law to go into operation, because if the law had not been allowed to go into operation—if the Acts had been disallowed—then a new system of schools would not have been established in Manitoba. The law having been allowed to go into operation, and operated for some years while the litigation took place, the setting aside of that law would naturally cause a great deal of difficulty and confusion in the educational machinery of the province of Manitoba. Not only did Mr. Blake feel that there were exceptions to the rule which he was laying down, but Sir John Macdonald in accepting the resolution, declared that it should not be considered as taking away the responsibility and discretion of the Dominion government and he used this language :

> The government may dissent from that decision (of the court to which the reference is made), and it may be their duty to do so if they differ from the conclusion to which the court has come.

I think it is worthy of note, in connection with the observations which have been made with respect to this matter, that two bills which were passed by the Manitoba legislature during that same session of 1890 were disallowed by the Dominion government of that day. One of them was, "An Act to authorize Companies, Institutions or Corporations incorporated outside of this province to transact business therein," and the other "An Act respecting the Diseases of Animals." Another circumstance which we are likely to forget in dealing with this Manitoba question is that both parties in Manitoba were agreed with respect to this school question. There was a provincial general election in July, 1892, and the opposition of that day in their platform, went further than the government of the day did, because they urged in their platform that if, under the terms of the constitution, separate schools must exist, then the Imperial Act should be altered so as to provide that those separate schools need not exist. Hon. gentlemen have said here and said elsewhere that the decision of the Privy Council was to the effect that the old system should be re-established. That was not what the judicial committee of the Privy Council said in their judgment. They said this :

> It is certainly not essential that the statutes repealed by the Act of 1890 should be re-enacted, or that the precise provisions of these statutes should again be made law. The system of education embodied in the Acts of 1890, no doubt, commends itself to, and adequately supplies the wants of the great majority of the inhabitants of the province. All legitimate grounds of complaint would be removed if that system were supplemented by provisions which would remove the grievance upon which the appeal is founded, and were modified so far as might be necessary to give effect to these provisions.

I suppose hon. gentlemen have seen recently, an opinion delivered by Mr. Blake who acted as counsel for the Catholic minority in the last case before the Privy Council, an opinion concurred in by Mr. Walton, a very distinguished English lawyer. That opinion is decidedly to the effect that the decision of the Privy Council was not intended to insist upon the re-establishment of such schools as had existed before.

Hon. Sir MACKENZIE BOWELL—Don't you think you are expressing it too strongly ? I do not think Mr. Blake said it was not intended : what he said was that it did not declare that there should be a re-establishment of such schools.

Hon. Mr. POWER—He went on to say that in his opinion, it would be a mistake. The decision did not mean what some gentlemen appear to think it did.

Hon. Sir MACKENZIE BOWELL—I do not think any one who has been advocating remedial legislation disputes the position that Mr. Blake took on that question.

Hon. Mr. POWER—I have heard statements of that kind, and I think in this House. The hon. leader of the opposition in this House, speaking of the course of the late government with respect to this matter, stated the other day that there had been no want of courtesy to Manitoba and no undue haste in the action of his government with respect to this matter. The hon. gentleman's memory must have been a little at fault. I find that the judgment of the Judicial Committee of the Privy Council in England was delivered on the 29th of January, 1895. A despatch from Downing street to His Excellency the Governor General transmitting the decision, bears date the 19th of February ; and we find that on the 26th of February the Privy Council of Canada had met to hear counsel on both sides on this appeal case, and from the language of the gentleman who was then First Minister it was apparent that the Privy Council here had met before. At that

time, the despatch from England conveying the copy of the judgment had not been received. It must be admitted that was rather rapid work. I do not think that was the most judicious way in which to approach the government of Manitoba. I think it would have been wiser to have sent a copy of the judgment of the Judicial Committee of the Privy Council to the Manitoba government with a friendly request that they should deal with the matter at their earliest convenience, and, if possible, take such steps as to render action by the Dominion government unnecessary.

Hon. Sir MACKENZIE BOWELL—I am quite sure the hon. gentleman does not wish to misrepresent me or the late government. The government of Canada took no action with reference to the remedial order until a certified copy of the judgment of the law lords of the Privy Council was received by the government.

Hon. Mr. POWER—I have just stated the facts.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman said we acted before a copy of the decision had arrived here.

Hon. Mr. POWER—The despatch from Downing street bore date the 19th of February, and we find that seven days afterwards the Privy Council here had met to hear counsel for the parties. Clearly there must be some mistake there. I think the probabilities are that while the official despatch was sent at that comparatively late day, the government may have had a certified copy of the judgment; because I find that the judgment of the Privy Council was delivered on the 29th of January. Still it would be well to have waited for the official despatch. However, that is not a matter of very serious consequence. The calling on Manitoba in this summary sort of way to do something and the almost immediate issuing of the Remedial Order, were calculated to irritate the province and put the government of the province and the legislature in a frame of mind in which they were not likely to negotiate in the best temper. The truth is, it was a sort of open secret, that at that time the Dominion government had almost made up their minds to dissolve; and the idea was to dissolve on the Remedial Order. It may not have been the case, but that was the talk of the whole country, and that would explain the vigour of the action which led to the Remedial Order, compared with the slowness and want of resolution in the government's subsequent action. If, at that date, the Remedial Order had not been passed, and if the subject had been approached in a gentle manner—if a committee of the Ottawa cabinet had met a committee of the provincial executive, probably some arrangement might have been made which would have been satisfactory. It would have been better than the course which was adopted. With respect to the Remedial Bill I do not propose to discuss it here at any length; but I wish to say about it that it would have effected very little of a beneficial character, if it had been passed. It proposed to give, and did, I presume, give the Catholic minority of Manitoba the power to build and maintain their own schools and to assess themselves for that purpose. I do not think that is a very valuable privilege. It did not need any Remedial Bill to enable them to build schools and pay for them themselves.

Hon. Mr. BERNIER—That was something, however.

Hon. Mr. POWER—That is a very small thing. It does not need legislation to enable people to raise money and put up buildings themselves.

Hon. Sir MACKENZIE BOWELL—But it requires legislation to exempt them from taxation for a system which they do not approve.

Hon. Mr. POWER—The Remedial Bill undertook to do three things. It did one, I think, which was of no consequence and no value. There were two others. Those are the things that the Remedial Order set forth. The next one was the right to share proportionately in any grant made out of public funds for the purpose of education. Now, this the Remedial Bill did not attempt to do at all, and that was the most important item. There was only one clause in the bill which dealt with this vital question of the provincial grant, and that clause reads in this way:

The right to share proportionately, in any grant made out of public funds for the purposes of education having been decided to be and being now one of the rights and privileges of the said Roman Catholic minority of Her Majesty's sub-

jects in the province of Manitoba, any sum granted by the legislature of Manitoba and appropriated for the separate schools, shall be placed to the credit of the board of education in accounts to be opened in the books of the Treasury Department and in the audit office.

Was the province of Manitoba, which was opposed to those separate schools going to grant money to them? Certainly not; and this clause does not even say that it shall be the duty of Manitoba to make the grant; and there is nothing in the bill to compel the province to make a grant, and no provision for any substitute for that grant, and I do not think any one will pretend that the Remedial Bill would have had any effect in that direction. That disposes of two of the points. The other was:

The right of exemption of such Roman Catholics as contribute to Roman Catholic schools from all payment or contribution to the support of any other schools.

That is an important privilege and there was an attempt made in the bill to secure it. I am not going to trouble the House with the correspondence; but any hon. gentleman who reads the correspondence will see that the legislature and the government of Manitoba were prepared to fight that undertaking of the Dominion or the undertaking embodied in that portion of the Remedial Bill—to fight it to the death; and there would have been without any question a very long litigation, and the result of the litigation no one could tell. While that litigation was going on the whole country would have been disturbed and people set by the ears not only in Manitoba, but all through the Dominion, in a manner which would certainly have been very injurious to the country and very injurious to the Catholic minority throughout the Dominion. Hon. gentlemen must remember, and I think that gentlemen who are the friends of the minority of Manitoba should bear it in mind, that while there are some five or six thousand Catholic children in the province of Manitoba, there are about 40,000 in Ontario and probably about 50,000 in the lower provinces; and if this agitation were continued those 40,000 Catholic children in Ontario and 50,000 in the lower provinces would lose infinitely more than the minority in Manitoba would gain, if they got all that they were striving for; and the whole country would have been kept in a state of agitation besides. Some Conservative gentlemen at present profess to prefer Dominion to provincial legislation. They seem to think that the Remedial Bill was a perfect bill, or that it was nearly perfect, and that unless the provincial legislation came quite up to that it should not be accepted. But that was not the tone which was adopted in 1896, and that is not very long ago. The government of the hon. gentleman opposite sent three commissioners out to Manitoba about a year ago. The report of the commissioners bears date just twelve months ago—"Winnipeg, 2nd April, 1896." What do these commissioners propose? This document is headed "Suggestions for settlement of Manitoba school question from the Dominion commissioners for Manitoba government," and this is the first suggestion:

Legislation shall be passed at the present session of the Manitoba legislature to provide that in towns and villages where there are resident, say, twenty-five Roman Catholic children of school age, and in cities where there are, say, fifty of such children, the board of trustees shall arrange that such children shall have a school house or school room for their own use, where they may be taught by a Roman Catholic teacher.

Then it goes on to say:

Provision shall be made by this legislation that schools wherein the majority of children are Catholics should be exempted from the requirements of the regulations as to religious exercises.

That text-books be permitted in Catholic schools such as will not offend the religious views of the minority, and which, from an educational standpoint, shall be satisfactory to the advisory board.

And this is the important paragraph:

In all other respects the schools at which Catholics attend to be public schools and subject to every provision of the Education Acts for the time being in force in Manitoba.

Now, gentlemen of the Conservative faith are claiming that nothing but separate schools will do. Here are the commissioners sent out by the Conservative government; and this is the way in which they speak of those schools, that in all other respects except those mentioned, the schools shall be public schools and subject to all the provisions of the Education Acts for the time being in force in Manitoba. I wish to draw attention to the fact that this provision with respect to the number of children is very like the provision which has become law in Manitoba under the recent agreement, only that instead of fifty children the recent agreement says forty. The commissioners who were sent out were anxious that the province should deal with the question and

they were willing to take less than they asked.

The province offered that:—

If authorized by resolution of the trustees, such resolution to be assented to by a majority, religious exercises and teaching to be held in any public school between 3.30 and 4 o'clock in the afternoon. Such religious exeercises and teaching to be conducted by any christian clergyman whose charge includes any portion of the school districts, or by any person satisfactory to a majority of the trustees who may be authorized by said clergyman to act in his stead.

The agreement actually made by the present Dominion government with the province of Manitoba is different. The matter is not left in the discretion of the majority of the trustees, but it is provided absolutely that the parents can insist on having religious instruction for their children. In order to show hon. gentlemen that these commissioners who went out were not disposed to exact all that they had asked in the first instance, I may quote their second communication to the Manitoba commissioners:

A few words are necessary as to the character of our memorandum. It was put in general terms as a suggested basis upon which our future discussions might proceed with a view to a possible agreement of all parties interested. It is therefore open to some of the objections raised by you, inasmuch as it does not deal with details, and professes only to lay down broad lines upon which legislation might be drawn.

The problem presented in the school question is to secure to them their just and lawful privileges under the constitution in such a manner as to cause the minimum of interference with the public school system of Manitoba, and in that view we think our suggestion has merits.

Further on they say:

In reply to your third objection, we beg to urge upon you that the changes we suggest are much less than what we understand to be involved ordinarily by the establishment of separate schools. We do not insist upon normal schools. As to text-books, and representation on the boards, as a matter of practice and administration we find that you raise in point of fact no objection. We do not ask that the Roman Catholics have a separate right to elect trustees or otherwise to have any special representation on the board of trustees, being content with the protection afforded by an appeal to your own Department of Education, and in this respect our proposals very materially limit what is always considered the privileges essential in connection with a separate school system. The proposed schools would be controlled by trustees elected by the whole body of ratepayers under the provisions of your school law. There does not seem to be any adequate foundation for your remark that the carrying into effect your suggestion would involve a modification of school organization greater than usual, in cases of separate schools. We desire to minimize such modification, and think that to some extent we succeeded.

On the same page they go on to say:

Considering the question of efficiency alone we think it cannot be denied that the state of affairs under the system we suggest would be very much better for the community than that which would obtain under existing conditions or under the Remedial Bill if it became law. And if this be so, even the argument from efficiency is all upon the side of bringing the Roman Catholics amicably within the public school system by some method as we suggest.

Further on they say:

Your argument on this head loses weight when it is considered that we propose that there should be in towns and villages twenty-five, and in cities fifty, Roman Catholic children before they could ask for a separate room or building, while under the old law, before 1890, under the Remedial Bill, and even under your own existing law, the presence of ten children only is necessary to the establishment of a school district. We must again direct your attention to the evident advantages in point of economy of the system we propose over the old system, over schools under the Remedial Bill, and particularly over the existing state of affairs where an important section of the public has to pay school taxes, and in addition feels compelled from conscientious motives to educate their children at their own expense. There would be no expenses of organization either general or local.

It is perfectly clear that the commissioners who went out to Winnipeg were not insisting on separate schools or separate organization at all; and I am satisfied, without going into the thing any further—at least I think it highly probable—that, if Manitoba had been approached in the beginning in that sort of way instead of by a remedial order some fairly satisfactory settlement might have been made then. The hon. leader of the opposition took up the agreement to which our attention is called by His Excellency the Governor General and discussed it at some length and could not find that there was anything in it that was of any value. I do not think the hon gentleman had his eyes as wide open as he usually has, when he read this paper. I find there is a provision in it for religious teaching which I consider on the whole satisfactory. It is provided, first, that there shall be religious instruction from half past three to four o'clock in the afternoon, if authorized by resolution passed by a majority of the school trustees. That was what was offered to the hon. gentleman's own commissioners:

Or if a petition be presented to the board of school trustees asking for religious teaching and

signed by the parents or guardians of at least ten children attending the school in the case of a rural district, or by the parents or guardians of at least twenty-five children attending the school in a city, town or village.

I think that is a reasonable limit, ten in a rural district and twenty-five in a city, town or village. I should like it better if there were twenty instead of twenty-five; but it will be noticed that the hon. gentleman's own commissioners in dealing with this school question, proposed that there should be Catholic teachers where there were twenty-five or fifty children in rural districts and cities and towns respectively; and you have to draw the line somewhere. It is not to be expected that if there be one Catholic child a room should be set apart and religious instruction given to that child by himself. The next provision is that the instruction is to be given between 3.30 and 4 o'clock in the afternoon by any Christian clergyman whose charge includes any portion of the school district, or by a person duly authorized by such clergyman, or by a teacher when so authorized. The offer to the former government did not go so far as that. It said that the instruction was to be given by a clergyman or by some person authorized by him and satisfactory to the trustees. The next paragraph is that where so specified in such resolution of the trustees or where so required by a petition of the parents or guardians, religious teaching during the prescribed period may take place on specified days of the week instead of on every teaching day. I can understand that would apply where there was only one teacher and only one department in the school, and where the pupils were of various denominations. You could not occupy the single school-room for religious instruction every afternoon. An arrangement would have to be made under which the Roman Catholic children would take half the days and the other children the other half. The fifth provision of this agreement is that:

In any school in towns and cities where the average attendance of Roman Catholic children is forty or upwards, and in villages and rural districts where the average attendance of such children is twenty-five or upwards, the trustees shall, if required by the petition of the parents or guardians of such number of Roman Catholic children respectively, employ at least one duly certificated Roman Catholic teacher in such school.

I think that is a very important provision indeed. It provides that in rural districts where the average attendance is 25 there must be, when the parents wish it, a Catholic teacher. I am not very familiar with the distribution of population in Manitoba; but unless I am mistaken, the result would be that through the rural districts of Manitoba you would have, under that provision, practically separate schools with Catholic teachers—I mean separate so far as religious instruction is concerned.

Hon. Mr. McMILLAN—Twenty-five means a large proportion of Catholic children in a school section.

Hon. Mr. POWER—I do not think so. I know that a clergyman in Ontario has published some letters in which he elaborates that plea. I have been struck with some figures given by the reverend gentleman. His figures go to show that, in a county in Ontario with which he is familiar, the average attendance at the separate schools was not more than one-third of the registered attendance. In the province of Nova Scotia, we should look upon that as a very low average attendance indeed. In the city of Halifax, the average attendance is much nearer two-thirds. I do not think there is as much force in that objection as the hon. gentleman from Glengarry and his clerical friend seem to think. This agreement does not say that there shall be only one Catholic teacher. Suppose the government agreed—as they probably would if the Archbishop of St. Boniface concurred in the agreement—to take over the Catholic schools in Winnipeg. There would be no difficulty in arranging that. I suppose there are a couple of hundred pupils, and they would have Roman Catholic teachers. I presume there would be no difficulty in taking over the schools, and continuing them as Catholic schools so far as the teachers and religious teaching are concerned. I am able to testify that, in the city of Halifax, where the condition of things is not so very different from that in Winnipeg, the Catholic schools were taken over more than thirty years ago, and they are now conducted, as far as the denomination of the teachers is concerned, in the same way. We have not any law for it. A resolution of the school commissioners could upset the arrangement any day; and I am satisfied, once the present feeling passes away in Manitoba, the Catholics will be dealt with just as generously by their

neighbours there as they have been dealt with in Nova Scotia and the other maritime provinces. Mind, I do not say that we are satisfied with the condition of things in the lower provinces, because it is not a desirable thing to hold one's privileges by the sufferance of one's neighbours. It is much better to hold those privileges by law, and that is just one of the features about this agreement with Manitoba, that certain very important concessions are made law, and all you want is to have that law administered in a generous spirit, as I believe it would be, and our people would have no reason whatever to complain. The provision that the parents of ten French speaking children may insist on the teaching of their language is very important. Few English teachers are qualified to teach French and therefore the teachers would usually be French and presumably Catholic. I do not say, I am not claiming, that this agreement is all that one could wish. Certainly not, but can we expect that? There has been a contest going on now for seven years—it is just about seven years since the conflict began,—and the majority have made concessions. It is not reasonable to suppose that they would concede everything, but they have conceded a great deal, and the question now is whether as His Excellency puts it, this is the best arrangement obtainable under the present conditions of this disturbing question. No one has shown that there was any better settlement possible. Our experience in the maritime provinces has shown that it is possible to get along with much fewer concessions than are made here, and I feel, for myself at any rate, that I can echo His Excellency's sentiments. I confidently hope "that this settlement will put an end to the agitation which is marring the harmony and impeding the development of our country and will prove the beginning of a new era to be characterized by generous treatment of one another, mutual concessions and reciprocal good-will."

The next paragraph in the address speaks of the tariff. Considering that this House is not supposed to have anything to do with the tariff, it would have been just as well that this particular paragraph should not have been discussed very much, more particularly as we are to have the tariff announced in a few days. I wish to say a few words with respect to some animadversions on the statement made by the Finance Minister to certain coal owners in Montreal a few days before parliament met. It was contended that that was a most discreditable performance. I should like some hon. gentleman to say in what way it was discreditable—how it hurt anybody—how it gave any man a chance to take advantage of his neighbour? I could understand if it was proposed to put a heavy duty on some article and the Finance Minister had told one of his political friends that it was the intention of the government to do that, so that that particular friend would have an opportunity to make a large sum of money at the expense of his neighbours, that would be a highly discreditable thing, but that the Finance Minister should make a statement publicly, a statement amounting practically to the fact that if the United States persisted in carrying out their proposals with respect to the coal duties, this country was not going to take the duty off coal——

Hon. Mr. BOULTON—How would it affect the revenue, announcing what revenues you are going to take off or put on?

Hon. Mr. POWER—I do not see how a statement that the duty on coal is going to remain as it is, can affect the revenue. Will the hon. gentleman intimate how it can? It has been charged that this was done with a view to the local elections in Nova Scotia. Certain high toned gentlemen around me say that it is. There are certain gentlemen in this House who seem to attribute the lowest and smallest motives to their opponents. I am not in the confidence of the Minister of Finance, but I am perfectly satisfied he was not thinking at all of the local election. There was something which was of more consequence, and it is just possible that as the result of the speech of the Finance Minister the United States Senate may amend the Tariff Bill in such a way that it will not be necessary to raise our duty on coal.

Hon. Mr. DEVER—It was just as well to warn them any way.

Hon. Mr. POWER—There is a paragraph with respect to the Franchise Bill, and I was rather surprised to gather from the observations made by one hon. gentleman that this House might undertake to refuse to repeal the Franchise Act. In one sense that would

be rather an advantage to the Liberal party, as the government would then have the appointing of those who prepare the electoral lists. If I were a member of the opposition, I do not think I should be anxious that that condition of things should exist. That is one point on which there has been almost complete unanimity of sentiment throughout the country; that the Franchise Act should be repealed. Everybody understands that this is a matter with which the Senate practically has nothing to do; it is a domestic matter of the House of Commons. The paragraph with respect to the canals is important. I cannot say, speaking for myself alone, that if we had to begin to spend money on the canals I should be in favour of it, but having spent millions of dollars to deepen the Welland canal to a depth of 14 feet, it is absolutely necessary that the St. Lawrence canals should be deepened too, so that we can have 14 feet of water all the way from Montreal to the Upper Lakes. Then, there is a proposal to extend the Intercolonial Railway to Montreal. Speaking as a citizen of Halifax, I cannot say that that inspires me with very much pleasure, but speaking from a broader standpoint, speaking as a friend of the Intercolonial Railway, I think that there is no doubt that this extension of the Intercolonial Railway to Montreal—that is, if it is made in the proper way—will be of very great advantage to the road, that the road will do very much more business and at much greater advantage than it has been doing it. As it is now, everybody knows that the freight business of the Intercolonial Railway is controlled by the Grand Trunk Railway and by the Canadian Pacific Railway. If the Intercolonial Railway gets into Montreal, to the great distributing centre, it will be quite independent of the other two companies and that it is a matter of very great consequence to the road. There is a paragraph dealing with the question of cold storage. I was rather impressed by the claim made by the leader of the opposition that in this matter the government were only following in the footsteps of their predecessors. Their predecessors only talked about cold storage, because the hon. gentleman's leader in his manifesto said his government had taken steps to establish buildings for the purpose, but after the change of government took place, when inquiry was made, no one was able to find that any of these arrangements had been made. These arrangements were like many of the achievements of that distinguished gentleman, they were all talk. I am glad to find that even in this House every one is prepared to admit that the present Minister of Agriculture has been doing all that could be expected of him in the way of providing for cold storage, and that it is likely to cut a considerable figure in the business of our agriculturists for the future. With respect to the other paragraphs of the speech I do not propose to say much. Every one must feel gratified that Canada has not been recreant to her duty in assisting our fellow subjects in India. Not knowing the character of the bills to amend the Superannuation Act and the Civil Service Act I cannot, of course, express any opinion about them. I understand that one provision of the new legislation will be that the widows and families of civil servants will receive something at the death of the civil servants. I think that is a very desirable thing. What the character of the Civil Service Act is I do not know, but I trust that one provision of the new bill will be to bring back again the practice of having third-class clerks instead of having clerks who are appointed just at the option of the government.

Hon. Mr. PRIMROSE—I confess to quite a feeling of disappointment that no one on the government side of the House has as yet seen fit to reply to the able, masterful and interesting speech of my hon. friend the member for Marshfield. It may be that in some retired nook of classic shade, some government Goliah has been diligently masticating the tid-bits of mental food which abound in that speech and it may be too that although the process of mastication may be found detrimental to the health of the governmental dentals, that when mastication and deglutition have both had their perfect work, the House may have the benefit of the operation. I leave it to the House to say whether in the speech of the hon. senior member from Halifax this has been realized. The hon. gentleman in his opening remarks, when the "divine afflatus" sat upon him, said he ventured the prophecy that the country would be likely to hear more now from the Senate since the Liberal government is in power. Well, I am not at all surprised that that prophecy has received, in a measure at least, its fulfilment, because if

ever there was a text we have had it in the extraordinary conduct of the government of the country in their wavering and vacillation, one thing to-day and another to-morrow —never certain of the course they are to follow. I think that is a text which could be considerably enlarged upon and which we are likely to hear a good deal more about. The hon. gentleman says that he heard the leader of the opposition in this House misrepresent and slander his opponents.

Hon. Mr. POWER—I said nothing of the kind. My reference was to the hon. gentleman from Marshfield.

Hon. Mr. PRIMROSE—In that case I made a mistake as to the individual referred to, but the statement is otherwise correct. Now I presume that the hon. gentleman is enough of a lawyer to know what constitutes a genuine slander—that if a charge is made which can be proved to be true there is no room for calling it a slander. I can cite an instance in which a charge against the Liberal leader was made, and there are plenty of them. I cite only one, and that is the remarkable declaration of the premier in Montreal, about coal and iron which he said came under the category of raw materials and all raw materials ought to be free. Now comes the corollary. When Mr. E. M. Macdonald, the Liberal candidate in the late general election in Pictou county, from which I come, found that the attitude of the government in regard to the duty on coal was inimical to his prospects for election, he telegraphed in a great hurry to the premier of Canada to see what the actual course that he proposed to pursue was. He received this very Delphic oracle-like declaration, "the coal interests will be carefully guarded." He used that for all it was worth in the election, and when the question was propounded on the floor of the other House as to what the premier meant by the coal interests being carefully guarded, the House received the very interesting and satisfactory reply that it meant that the coal interest would be guarded carefully. That may be Liberal statesmanship, but I think it will hardly be considered common sense. Now, as to the cry of repeal, I do not wish to use strong adjectives, but if ever there was a disreputable cry raised in any province to serve a political purpose, it is the cry of repeal in the province of Nova Scotia. That cry was raised for a special purpose, and this special purpose was to maintain in power Mr. Fielding and his Liberal coadjutors. They educated them up, so to speak—if that is not a prostitution of the term—they educated up the people of Nova Scotia to such an extent in regard to this matter of repeal that they returned him to power, and when they returned him to power repeal was dropped like a hot potato, in common parlance. It was told to go and not to "stand upon the order of its going." The reference of my hon. friend to the leopard changing his spots is a most unfortunate illustration for him. He should give the whole quotation. It runs this way:—

> Can the Ethiopian change his skin or the leopard his spots?

Now I make no affirmation in regard to the cuticle of the Ethiopian but I have been told that the leopard can change his spots and if the illustration of the leopard is used in regard to the Liberal government we have often seen the facility with which the members of that government can change from one spot to another. The hon. gentleman should have completed his quotation, although the government's chance of illustrating it would indeed be small, "then may ye who are accustomed to do evil, learn to do well." Then, with regard to the duty on coal, the government are anything and everything as time and circumstances require. When Mr. Fielding wishes to curry favour with the manufacturers of Ontario and the upper provinces, he uses language like this in regard to coal:

> It is well known that the tendency of the policy of the present government has been towards a reduction of the duty rather than an increase.

That will not operate very well down in Nova Scotia among the miners, but he had not them in view when he spoke. He was rather thinking of conciliating and coquetting with the manufacturers of Ontario and he goes on to say:

> We still desire to move in that direction unless events on the other side of the line make it impossible for us to do so. If, however, it turns out that the United States duty is raised to a high figure, then we shall claim and exercise the right to revise our views respecting the Canadian duty, and we shall feel bound to impose a duty not only on bituminous coal, but also on anthracite coal. We should much prefer, however, to move in the

other direction, and we shall still hope that nothing shall occur at Washington to prevent our carrying our desire.

That was very nice for the manufacturers, but it does not suit the miners and others in Nova Scotia. Notwithstanding the statement made from the government side of the House that there is not much in the speech to provoke discussion; it opens up many debateable subjects. It is a large text giving much room for anxious thought. There is the immense importance to the country of having the provisions of the tariff known and that at the earliest possible moment. The business of the country from Halifax to Vancouver is completely blocked. Men do not know what to do. The merchants are anxious and do not know what steps to take in the conduct of their business. They cannot tell what the tariff is to be. If they were to order largely it might involve them in utter ruin. Still these gentlemen do not see that there is any necessity to bring the tariff down.

Hon. Mr. POWER—There is a great deal of exporting going on.

Hon. Mr. PRIMROSE—The proof of the statement I am making is to be found in the immense falling off of receipts from the customs. Why is there any delay in bringing down the tariff? It cannot be for want of knowledge of what that tariff should be to suit the country, because after the peregrinations from one end of the land to the other of that remarkable commission that passed throughout this country it surely cannot be ignorance that is pleaded. It would be rather an uncomfortable plea to make in view of the declarations that were made in the time of the late administration, when those gentlemen professed that they knew all about the tariff and could fix it up in short order if they were in power. I have said something should be done. The tariff should be brought down to relieve the country from the stress and strain under which it is now labouring. In proof that this stress and strain is very severe and very generally felt, I read an extract from the *Monetary Times* trade review and *Insurance Chronicle* which any gentleman who knows anything about business at all will at once acknowledge is a very reliable index to the pulse of the business and commerce of this country.

The universal cry that comes up from business circles in all directions, in almost all places, is of continued and most monotonous dullness. This condition of things settled down upon the country months ago and has continued ever since with blighting effects upon trade and industry, until the condition has become almost unbearable.

The banks are experiencing the full effect of all this and loudly complain of stagnation, want of enterprise, want of active demand for money and diminished profits. The only thing which has not diminished is the liability to losses. This continues and exhibits no sign of abating. Failures are constantly occurring, many of them where they were least expected, and amongst those who were thought to be prosperous and doing well. The year upon which we have entered has so far been not at all an improvement upon previous years, and if it goes on as it has begun will earn for itself a very unenviable name among the years of depression in Canada. Our readers are well aware of the main cause of this wretched state of things, viz., the uncertainty as to tariff legislation.

And I draw particular attention to the statement that the uncertainty as to tariff legislation is the cause of all these things. Notwithstanding what has fallen from the hon. senior member for Halifax, I maintain that there is a method in this madness of holding back the tariff. These gentlemen know perfectly well that there is an election pending in Nova Scotia, and they know just as well that it would not do for them to bring down a tariff which would contain provisions prejudicial to the interests of Nova Scotia, and, therefore, they withhold it. I feel persuaded that whatever be the ostensible reason assigned by the government, this is the real reason for the delay. If so, is there any language in the English vocabulary strong enough to characterize such dastardly conduct on the part of men to whom "the accident of an accident" has entrusted for the moment the safe guarding of the commercial and business interests of this great country. They have given the introduction of the tariff the go by, and given precedence to a measure for the revision of the Franchise Act, a measure which is not immediately required, and even if passed could not go into operation for months or perhaps years to come, and when a question twice propounded, was put to the Finance Minister as to whether the government intended to bring down the tariff prior to the 13th April (nomination day in the Nova Scotia elections), only a semi-contemptuous and evasive reply was elicited, and I predict now, that if the tariff is brought down before that date it will only be because their hand has been forced and the lookout on the government ship has given voice to the warning cry

"breakers ahead." Then as to the Franchise Act, it is said to be expensive. I daresay that in many regards that is quite true, but would it not be infinitely better to try to curtail these expenses than to expose the country to the wretched results that would accrue from having the franchise of this Dominion under the control of the provincial governments.

Hon. Mr. MILLS—It was for eighteen years under the control of the local governments.

Hon. Mr. PRIMROSE—That may be, but I think the circumstances will be found to be different at present.

Hon. Mr. SCOTT—No, it was only in 1885.

Hon. Mr. PRIMROSE—And then again is it not derogatory to the dignity of the Dominion parliament to have their members holding their seats on a lot of different franchises, instead of one common franchise. I think it is. I wish to say just here that the Hon. Mr. Fielding, the present Finance Minister, holds his position in the Dominion cabinet, I am sorry to say, largely through the assistance of Liberal-Conservative men in Nova Scotia, but these men have received a rude awakening in the presence of so many Liberal provincial premises in the cabinet. The history that is going on now in the local elections in Nova Scotia will prove that what I say is correct, and they will not be caught napping again. I was a little amused at the disclaimer of the hon. leader of the House that the franchise was not under the control of the government but of municipalities. I will give you a little of local provincial county history with regard to that. We Liberal-Conservatives in Pictou county have, I was going to say, from time immemorial, almost sent Liberal-Conservative candidates to the Dominion parliament, and we have been in the habit—I am not including myself—but other Liberal-Conservatives have been in the habit of belittling the local elections and saying it is a small affair, so long as we secure our candidate in the Dominion elections, we will let the others go. Some have supported by their vote and influence the Liberal candidates. There has been a systematic course of procedure on the part of the Liberal party and their followers, and I will give you a short history of it. They made up their minds to obtain a majority, beginning at the root of matters, so to speak, in the civic councils of the towns. To illustrate what I mean, I may just say that in the last civic election held in Pictou for the mayoralty, the Liberals of the town at that time said "this is a matter of merely local interest, let us put in the best man who has the best qualification for the position, irrespective of politics whatever," and yet the outcome proved that they brought to bear all their ingenuity and resources to secure the election of this Liberal mayor, and when it was secured no time was lost to telegraph to the *Chronicle*, the organ of the Liberals, in Halifax "this is the first time the Liberals have secured a victory in the town council." Then the municipal councils were managed in the same way; put in the best men who would do most for the county—the most intelligent: what do we care for politics and so on. They filled the municipal councils with their men and *par conséquence* and as a sequitur, the civic councils and the municipal councils played into the hands of the local government and the local government into the hands of the federal government, despite the denial of the Minister of Finance, the late provincial secretary of Nova Scotia, when he proclaimed *ore rotundo* from the platform that it was entirely outside the functions and sphere of local governments to interfere in Dominion politics—look how well they did it. From one end of the country to the other, they had their organizations, and they carried it this time; but I think it will be a long time before they carry it again. As I said, he proclaimed from the platforms everywhere that it was outside the functions of the local government to interfere in federal elections; but a change came over the spirit of his dream, and he has become like Baalam the son of Beor, "the man whose eyes are opened." As to any consistency in their action in regard to tariff, franchise, or any other measure, the present government, in its corporate capacity, so to speak, constitutes, to my mind, a unique specimen for a national anatomical museum, as a body possessed of a patent, accommodating, elastic thorax, capable of providing free passage way for any bolus however big, and grasping with vice-like pressure and tenacity any pill however small. And while in this connection I may say that, notwithstanding the disclaimers of the hon. the leader of this

House, it really is rather amusing to note the way in which the government, in the speech from the throne in regard to improvements which it states are to be made, seem to arrogate to themselves all the credit of the initiation of these measures. I know that has been mentioned before, but I wish to reiterate it. I think any stranger picking up that speech, who was entirely unfamiliar with the circumstances, could not come to any other conclusion, with due respect to his intellect. They took all the credit of the initiation of these measures, while they were only carrying out, so far as anything good or praiseworthy is concerned, measures inaugurated by their predecessors and in so far are simply putting in a dress parade in borrowed plumage. In regard to prohibition, the speech states that it is desirable that the mind of the people of Canada should be clearly ascertained on the subject. Will the result of any plebiscite that can be obtained really attain the object referred to in that speech? I do not think so, and the reason why I do not think so is this, that an experiment was tried in this direction some time ago and the result of that experiment proved that the votes that were recorded bore no proportion whatever to the whole number of electors, and therefore, you cannot really get at the mind of the people of Canada in regard to this important matter. I must tell you candidly my own impression. I do not believe in prohibition. I realize to as great an extent as any hon. gentleman in this House, or anywhere else can realize the terrible evils that flow from the liquor traffic and the abuse of the use of spirituous liquors, but I do not think that a prohibitory law is ever going to compel people to keep sober. If you cannot persuade a man to respect his manhood to have a proper estimate of his duty to his God and of his duty to his fellows except by law, I think it will be a failure. You must induce him to do it from a higher motive. And in my estimation that motive is to have him feel his responsibility to God and his fellows and to act from the impulses of a renewed heart, then it will have a better result than any prohibitory law. I have in my own mind another system which I think will be much more effective, but I do not intend to detail it now. Then again, supposing the prohibitory law is inefficient, has it not the effect of bringing all law into disrepute? I think it has. I must tell you a little experience of a friend of mine in the state of Maine, an educated man, a school inspector, he was aware, as almost any one who knows anything of the history of that remarkable state in the temperance line, knows that it has been for over forty years a prohibitory state. Notwithstanding that, the fact remains—I do not think I am astray in my figures: I may not have them very accurately, but I believe there are at least 1,200 places in Maine where you can get liquor if you want it. My friend was travelling by rail. He is an intelligent man and he thought he would try for himself how this matter really stood. So at the first station at which they stopped he went up to a fellow as if he had been to the manor born and said "Where can I get a drink?" The native replied "Over there." He went "over there" to the place indicated and asked, "Where is the bar?" and was answered "in there" He went "in there" and he found he could have got all the liquor he wanted. That was repeated time and again at every station. That is a commentary upon prohibitive legislation. The experience of a state which has been so long under the prohibitory liquor law as that state has been should count for something. There is as has been already remarked by speakers who have preceded me, at least one paragraph in the speech from the throne, on which we all, whatever be our political convictions, can find common standing ground, where we shall be most heartily at one, and that is contained in the opening sentence in which His Excellency gives expression to the gratification which he feels, at the evidences which prevail throughout the Dominion of the loyalty and affection entertained by the Canadian people for Her Majesty the Queen, and of the desire to join with their fellow subjects in all parts of the empire in celebrating the diamond jubilee in a manner worthy the joyous event. Although many members of this honourable House may well take, and do take exception to other statements contained in the speech, this one cannot but receive our most hearty approval and endorsement.

A touching incident is recorded of the experience of a French soldier, who being well nigh done to death in battle, and having received a very serious wound in the region of the heart, when under the knife, looked up into the operating surgeon's face, and with what

little reserve of strength was left to him faintly said, "a little deeper and you will find the emperor"—even so—down—deep down, in the Canadian heart—in its penetralia—in its innermost Holy of Holies, will be found enshrined, the image of that beloved woman, whose splendid qualities of head and heart, whose magnificently noble character and life, have compelled the regard, admiration and love of all her subjects, throughout the whole area of her well nigh boundless realm, and who for nearly sixty years has sat upon the throne, Queen regnant of the mightiest empire which our world has ever known, whose sceptre holds sway over lands and over seas, "from the rising of the sun unto the going down of the same," and whose meteor flag, in whatever quarter of the world the breezes of heaven kiss its glorious folds, is the emblem and forerunner of christianity, civilization, enlightenment and commerce, the very palladium of civil and religious liberty.

Well may Canada as the foremost colony of such an empire, join with her fellow-subjects in all lands in celebrating right royally the diamond jubilee of such a Queen, who, from the time at which she ascended the throne, down through the lapse of long years, has never for one moment lost her hold upon the hearts and the homage of her people, but on the contrary by her virtues, her noble life, and beneficent reign, has drawn closer and closer the bonds of affection and love about her person and her throne; and from amid the glad acclaim and the exultant paeans of the grand celebration of the Diamond Jubilee Day, will go up, wafted on wings of love, from many a Canadian heart and home, emphasized and endorsed by "the sound of a great amen" from fellow subjects the world over, into the ear of the Eternal, the King of kings and the Lord of lords, the earnest fervent prayer, "God save our Gracious Queen."

Hon. Mr. BERNIER moved the adjournment of the debate.

The motion was agreed to.

The Senate then adjourned.

THE SENATE.

Ottawa, Monday, April 5, 1897.

The SPEAKER took the chair at Three o'clock.

Prayers and routine proceedings.

THE ADDRESS.

THE 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 second session of the eighth parliament.

Hon. Mr. BERNIER said—In welcoming our presence here at the opening of the session His Excellency the Governor General has been pleased to express his gratification at the evidences which prevail through the Dominion of the loyalty and affection entertained by the Canadian people for Her Majesty. It will be my duty, in the course of my remarks, to question the accuracy of some other statements contained in the Speech from the Throne, as well as the wisdom of the course taken by the government in connection with certain matters. But in so far as this expression of gratification is concerned, no one in this Dominion concurs more sincerely than I do in such gratification. The loyalty of the Canadian people for Her Majesty, irrespective of creed, origin or class, is as strong and as full of affection as that of the people living along the shores of the Thames. And the celebration of the Diamond Jubilee of our Gracious Queen is a suitable occasion for her loyal subjects to give expression to their feelings of joy and pride, and also to the good wishes they are all so happy to send across the ocean to Her Majesty and to the royal family. Her Majesty has adorned the Throne for the last sixty years. During her long and glorious reign the possessions of the British empire have been enlarged to a remarkable extent; civil liberty and self government have steadily grown all over the immense domain over which she rules; the colonies have been brought more in touch with the heart of the empire. It is under this eventful reign that Canada has reached its present area, its prominent position in the world and its prosperity. The illustrious events of Her Majesty's reign are the glory of our own

country, and we heartily join with His Excellency and his government in the congratulations which such a commemoration as the Diamond Jubilee must prompt in every hamlet of this Dominion. There are, however, some clouds travelling across that otherwise bright sky. In a distant part of the empire physical suffering in its most woeful form has befallen thousands and thousands of our fellow subjects, and a widespread sympathy has responded to the appeals of these unfortunate people whose distress is so lamentable. But closer to us, and even within our own borders, there is also a large portion of the loyal subjects of Her Majesty who are now enduring civil and moral disabilities of the gravest nature. And while the sympathies of the government rightfully go to the former, they do not seem to have, I regret to say, the slightest regard for the latter. While the sun of liberty is shining all over the rest of the empire, religious liberty—which is placed on the top of all the liberties which our modern times claim to have conquered—religious liberty is denied to the Catholic minority in Manitoba. Indeed, there is no religious liberty when the parents are forced to educate their children contrary to their own religious views. This contention is put forth by others as well as by Catholics. Sir A. T. Galt, one of the fathers of our constitution said one day :

> There could be no greater injustice to a population than to compel them to have their children educated contrary to their own religious belief.

Mr. Gladstone has said also :

> In my opinion an undenominational system of religion framed by or under the authority of the state is a monster.

Lord Salisbury expressed himself in the following way :

> Numbers of persons have invented what I call a patent compressible religion which can be forced into all consciences with a little squeezing, and they wish to insist that this should be the only religion taught throughout the schools of the nation. * * * * There is only one sound principle in religious education to which you should cling, which you should relentlessly enforce against all the conveniences and experiences of official men, and that is that a parent, unless he has forfeited the right by criminal acts, has the inalienable right to determine the teaching the child shall receive upon the holiest and most momentous of subjects.

I need not furnish any other quotations to show that the Catholics are not alone in their contention. It is shared by most illustrious statesmen of different creeds, and hence any charge made against the Catholics for holding such views, must fall alike upon these statesmen who stand amongst the greatest of modern times. In support of the opposite views, some advocate the right of a state to educate the people. On this point also I shall quote an authority which is not a Catholic one, but which, however, coincides with the Catholic doctrine. John Stuart Mill, an advanced Liberal, says in his Essay on Liberty :

> That the whole or any large part of the education of the people should be in state hands I go as far as any one in deprecating. It is not endurable that a government should, either in law or in fact, have complete control over the education of the people.

Then on this point also the Catholic views are shared by distinguished thinkers, and the minority cannot be accused of holding views entirely at variance with those of modern times. What has been the policy pursued in England? From the year 1870 onward school legislation has been on the basis of denominational schools, and this year that legislation has been further amended in a way which brings it more fully within these lines, and pledges are given that in the near future denominational schools will be given the same privileges as the board schools. I have not the presumption to suppose that I can convince everybody that my views are better than theirs ; but I may say this—in the presence of the opinions I have quoted, in the presence of the policy of the successive governments which have held power in England for the last forty years, are not those who differ in opinion from me disposed to concede at least that after all the Catholic views, shared as they are by the most illustrious statesmen and thinkers in Protestant England, are not to be looked upon as quite unreasonable ? And if so, are not those views entitled to some consideration, particularly when those views are placed under the guarantee of the constitution ? If I could bring my fellow citizens to that point, I am sure that justice would soon prevail ; because their good sense, their fairness, their generosity, would then mediate and advise them, for the sake of peace and harmony, to accept a condition of things, which looked at as a pure matter of policy, commends itself to such men as

Gladstone, Lord Salisbury and others, while it is demanded by their Catholic fellow-citizens in Canada as a matter of conscience. It must be remembered here at once that religious belief cannot be decided by yeas and nays, that it is not a matter in which the law of give and take can work. We are in this Canada of ours in round numbers, five millions of people, of whom two millions are Catholics and three millions belonging to other denominations. The two millions cannot surely dominate the three millions, but on the other hand the three millions would certainly be in the most serious error if they believed that they might finally drive out the two millions. We are bound to live close together in this land; this is a hard fact. What are we to do then? Is it not our respective duty to live in peace and work hand in hand for the development of our resources and the prosperity of our country?

Hon. Mr. BOULTON—I do not think anybody wants to drive out the two millions.

Hon. Mr. MASSON—We must take the consequences of any act we do and abide by it and the hon. gentleman has just stated the consequences of the act.

Hon. Mr. PERLEY—That act was supported by a large number of the hon. gentleman's own friends.

Hon. Mr. BERNIER—But this patriotic aim cannot be attained so long as a section of the population is abused in the way the Catholic minority has been abused in Manitoba. In matters where uniformity of views cannot be expected on account of what is most sacred in man, on account of his religious belief, we must agree to disagree. In antiquity Solon gave a lesson to all subsequent legislators. One day he was asked whether he had given the Athenians the best laws that he could conceive. His answer was that he had given to his people the best laws that could be applied to them. Here in Canada, in a mixed community such as ours, there are certain matters upon which we do not agree, upon which we can never agree, because it affects our religious belief and conscientious views. It may be that your views are better than mine; it may be that mine are better than yours. But that must remain outside of our political parliamentary discussions. Since the stream which divides us cannot be bridged in any other way than by mutual regard, let us have that regard for each other. A common law might be the better law, but since that common law is impossible of application to all alike, let us do as Solon did, let us make the best law that can be applied to our Canadian people. The people is not made after all for the legislators, but the legislators do exist for every section of the people, whose wants, whose feelings and whose honest and concientious views must be considered. This is, it seems to me, not only justice but pure common sense, and, moreover, the expression of an honest belief, that unless those principles are acted upon by those whose duty it is to legislate in that school matter, peace and harmony will never be restored. The fathers of confederation acted upon those principles. It is a fundamental principle in the constitution that the minorities should be protected in matters of education. It was understood that in a community like ours, honest religious belief had to be recognized. Sir Alexander Mackenzie, a strong supporter of what is called public schools, had at last to admit the utter impossibility of the working in our communities of the system. One of the essential reasons of such views was given by Sir A. T. Galt, in the words which I have already quoted but which cannot be quoted too often. He said:

> There could be no greater injustice to a population than to compel them to have their children educated contrary to their own religious belief.

Sir A. T. Galt was then concerned about his co-religionists in Quebec. At the risk of being called an extremist, I cannot see by what sort of reasoning we can arrive at the conclusion that what would be an injustice to the Protestants of Quebec could be the right thing for the Catholics of Manitoba. But, perhaps, Sir A. T. Galt was himself an extremist. Before proceeding further, it may be well to state, for the information of the new members of this House, what I have had occasion to state before, that the Catholic minority do not ask for church or parochial schools. Whether church schools are better than state schools I am not discussing at present; the question does not arise here. I am only stating the important fact that church or parochial schools have not been in existence in Manitoba since it became a province. I am merely stating also this other fact, that we have never

asked for, and do not ask now, for church or parochial schools. What we had were parental schools aided by the state, and we are now simply asking for the restoration of those parental schools. By the law of nature, it is the duty and, consequently, the right of parents to control the education of their children. On account of the very great interest that the state has in the diffusion of knowledge amongst all classes, it may consider it a duty to help the parents in their work and in the fulfilment of their duties and obligations in that respect, but it must not take their place. While the state extends to the parents its protection and its financial aid it has a right to see that the school grants are not misapplied, it has a right to exact full compensation in the form of knowledge for the money they hand over to the parents. The Catholic parents do not object to that, but what they object to is that any disability be placed upon them on account of their religious belief. To use the words of the Lords of the Judicial Committee of the Privy Council :

> The objection of the Roman Catholics to schools such as alone receive state aid under the Act of 1890, is conscientiously and deeply rooted.

It was for the protection of such conscientious and deeply rooted belief that clause 22 of the Manitoba Act was inserted therein, In the judgment just referred to, their lordships declared that this clause is "a parliamentary compact" which cannot be overlooked, either by the provincial legislature or by this parliament. They have declared that the appeal of the Catholics under subsection 2 of that clause "is admissible on the grounds set forth in their memorials and petitions." Further on the same judgment says that the appeal on such grounds "is well founded." Even if we had only these words to rely upon for the support of our claims, they would be conclusive. It would be only necessary to ascertain what these claims are, and what sort of remedy should be given us to remove all "legitimate grounds of complaint," and to get at that information it would only be necessary to refer to the petitions of the minority. There we would find the whole thing. These petitions and memorials state the grounds of complaint of the minority, and the redress to which they contend they are entitled.

They are as follows :

> (3.) That it may be declared that the said last mentioned Acts do affect the rights and privileges of the Roman Catholic minority of the Queen's subjects in relation to education.
>
> (4.) That it may be declared that to Your Excellency the Governor General in Council, it seems requisite that the provisions of the statutes in force in the province of Manitoba prior to the passage of the said Acts, should be re-enacted in so far at least as may be necessary to secure to the Roman Catholics in the said province the right to build, maintain, equip, manage, conduct and support these schools in the manner provided for by the said statutes to secure to them their proportionate share of any grant made out of the public funds for the purposes of education and to relieve such members of the Roman Catholic church as contribute to such Roman Catholic schools from all payment or contribution to the support of any other schools, or that the said Acts of 1890 should be so modified or amended as to effect such purposes.

These are the grounds of complaint and the remedy prayed for. When the Privy Council decided that the appeal of the minority, on the grounds set forth in their memorials, is well founded, they decided at the same time that the rights and privileges enumerated in those petitions were rights and privileges which should be restored, according to their demands, as stated in such memorials. This is as clear as daylight. Any one is at liberty to designate those privileges and those rights by whatever name he may choose, but these very rights and privileges must be restored, if any respect is to be paid to the findings of the highest tribunal of the empire. However, their lordships have thought proper to say more, or rather, to say the same thing in a different way, and to expressly mention that the denominational school system must be restored. Their lordships say in their judgment that "subsection 2 of section 22 of the Manitoba Act is the governing enactment." In another place they say that this second subsection "is a substantive enactment and not designed merely as a means of enforcing the provision which precedes it." And they go on to say :

> The question then arises, does the subsection extend to rights and privileges acquired by legislation subsequent to the union. It extends in terms to "any" right or privileges of the minority affected by an Act passed by the legislature, and would therefore seem to embrace all rights and privileges existing at the time when such Act was passed. Their lordships see no justification for putting a limitation on language thus unlimited. There is nothing in the surrounding circumstances, or in

the apparent intention of the legislature, to warrant any such limitation. Quite the contrary.

According to this opinion, then, not only some of the rights and privileges existing at the time the laws of 1890 were passed have been affected, but every one of them; and it is useless to say that all affected rights must be restored. It is a simple matter of common sense, a matter of course. Then their lordships proceed to enumerate those rights. They do so when contrasting the position of the Roman Catholics prior and subsequent to the Acts from which there is an appeal. Their words are as follows:

> The sole question to be determined is whether a right or privilege which the Roman Catholic minority previously enjoyed has been effected by the legislation of 1890. Their lordships are unable to see how this question can receive any but an affirmative answer. Contrast the position of the Roman Catholics prior and subsequent to the Acts from which they appeal. Before these passed into law there existed *denominational* schools, of which the control and management were in the hands of Roman Catholics, who could select the books to be used and determine the character of the religious teaching. These schools received their proportionate share of the money contributed for school purposes out of the general taxation of the province, and the money raised for these purposes by local assessment was, so far as it fell upon Catholics, applied only towards the support of the Catholic schools. What is the position of the Roman Catholic minority under the Acts of 1890? Schools of their own denomination, conducted according to their views, will receive no aid from the state. They must depend entirely for their support upon the contributions of the Roman Catholic community, while the taxes out of which state aid is granted to the schools provided for by the statute fall alike on Catholics and Protestants. Moreover, while the Catholic inhabitants remain liable to local assessment for school purposes, the proceeds of that assessment are no longer destined to any extent for the support of Catholic schools, but afford the means of maintaining schools which they regard as no more suitable for the education of Catholic children than if they were distinctively Protestant in their character.
>
> In view of this comparison, it does not seem possible to say that the rights and privileges of the Roman Catholic minority in relation to education, which existed prior to 1890, have not been affected.

This paragraph of the last judgment in appeal states in effect:—

1. That there existed, by law, prior to 1890, Catholic denominational schools.

2. That these denominational schools were under the control and management of the Roman Catholics (this includes the formation, the examination and the certification of teachers, and also the inspection of schools by inspectors regularly appointed according to the law in force for the time being.)

3. That the Roman Catholics had the right to select the books to be used in schools.

4. That the Roman Catholics had the right to determine the character of the religious teaching in the same schools.

5. That the Roman Catholics had the right to levy and collect taxes for the support of their denominational schools.

6. That they were exempt from paying taxes for the support of non-Catholic schools.

7. That they had the right to have their proportionate share of the money contributed for school purposes out of the general funds of the province.

Now, say their lordships, those denominational schools have been deprived of their legal status by the Acts of 1890 and have ceased to share in the financial advantages which are accorded to the other schools, "In view of this comparison," these are the words of the Privy Council:

> In view of this comparison, it does not seem possible to say that the rights and privileges of the Roman Catholic minority in relation to education, which existed prior to 1890, have not been affected.

Now, hon. gentlemen, since such were the rights of the Roman Catholics in 1890; since those rights and privileges, and every one of them, have been affected by the legislation of 1890; since subsection 2 of section 22 of the Manitoba Act assures to the Roman Catholics the existence of all those rights and privileges; since no limitation can be put upon that subsection of the law; since the appeal, claiming the restoration of such rights and privileges is well founded, then it follows from that judgment, that the very same rights and privileges which have been affected, must be restored, or else the legitimate grounds of complaint are not removed. And since those rights and privileges are known as the denominational school system, and in fact, constitute the denominational school system, it is that system which must be restored, and not any other one. There is no suggestion of a compromise in that decision of the Privy Council. Let us put that in a different way. We cannot insist too much on that point. We are here face to face with a very simple and conclusive agreement. Since the rights of the Catholic minority have been affected by the fact of the denominational schools

having been deprived of the advantages which they enjoyed before 1890, as enumerated in their lordships' remarks, it is that fact which constitutes their grievance. Then, such grievance cannot evidently be removed, except by the restoration of the same denominational schools to their former legal status with all the privileges which were attached to them. In other words, the judgment plainly orders that the Catholic denominational schools must be restored, with such privileges as are detailed in the above quotation. So long as they are not, so long will the "legitimate grounds of complaint" remain, so long will the grievances remain, and so long will that judgment stand unsatisfied, against the command of Her Majesty, as embodied in the following paragraph, page 14:

Her Majesty having taken the said report into consideration, was pleased, by and with the advice of Her Privy Council, to approve thereof and to order as it is hereby ordered that the recommendations and directions therein contained be punctually observed, obeyed, and carried into effect in each and every particular. Whereof the Governor General of the Dominion of Canada for the time being, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

No man, whatever may be his standing at the bar, will be able to convince the minority that the restoration of its denominational schools is not ordered by this judgment. Any other view would have the effect indeed of placing their lordships in a very unenviable position, a position of contradiction with themselves. In one breath, they would have said: the Roman Catholics were enjoying at a certain period certain advantages, which we define here to be so and so; these advantages have been taken away from them; thereby their rights, as protected by subsection 2 of clause 22 of the Manitoba Act which is "a parliamentary compact," have been affected so as to constitute a well founded grievance; the constitution provides machinery for the redress of that grievance, and, in conformity with the provisions of that machinery you must remove all legitimate grounds of complaint. And yet, in the next breath, they would have said: do not remove that grievance, do not make use of the machinery to which we have referred, let the Roman Catholics strive under the disabilities which the legislation of 1890 have inflicted upon them; you are the majority, you may do what you like notwithstanding our judgment. In other words, they would take back with one hand what they would have given with the other. I say that this position is not a reasonable one. It is a misconstruction of a very clear law, and almost an insult to the highest tribunal in the empire. But some one may object—have not their lordships said that it is not essential to re-enact the old statutes? Certainly they have said so and they were right in saying so. Any one reading closely and accurately that part of the judgment, will not find one single hint in contradiction of the position I take. Let us read that paragraph—I beg my hon. colleagues to pay attention to the wording of that paragraph:

It is certainly not essential that the statutes repealed by the Act of 1890 should be re-enacted, or that the precise provisions of these statutes should again be made law. The system of education embodied in the Acts of 1890 no doubt commends itself to, and adequately supplies the wants of the great majority of the inhabitants of the province. All legitimate grounds of complaint would be removed if that system were supplemented by provisions which would remove the grievance upon which the appeal is founded, and were modified so far as might be necessary to give effect to these provisions.

First of all, let us observe that the affirmation of the fact that it is not essential that one thing be done, is at the same time an affirmation that at least something must be done. And what is the thing that is to be done? It cannot be anything else than the removal of what their lordships have just defined to be the grievance of the Roman Catholics; in other words, the restoration of the denominational schools with their privileges. In the second place, in reading closely that paragraph, one will see at once that it does not say that the denominational school system itself shall not be restored, but only that it is not essential for such restoration, that the precise provisions of the statutes under which they previously existed, should be re-enacted. That paragraph alludes only to certain provisions of the former statutes, to the external arrangements of the system, to the exterior vestments, as it were, in which was clad a certain body known as the denominational schools, which body may indulge in a moderate change of dress, but should not be strangled. It does not allude to the system, to the thing itself which existed under those statutes.

That system was, in the main, the existence of the denominational schools with certain privileges. This must be restored, although you may do as their lordships say: You may, in restoring those denominational schools, depart somewhat as to details from the precise provisions of the statutes repealed by the Act of 1890. That is all that is said here. There is nothing strange about this, it is only a repetition of our memorials. Let us read a part of such memorials:

(3.) That it may be declared that the said last mentioned Acts do affect the rights and privileges of the Roman Catholic minority of the Queen's subjects in relation to education.

(4.) That it may be declared that to Your Excellency the Governor General in Council, it seems requisite that the provisions of the statutes in force in the province of Manitoba prior to the passage of the said Acts, should be re-enacted *in so far at least as may be necessary to secure to the Roman Catholics in the said province the right* to build, maintain, equip, manage, conduct and support these schools in the manner provided for by the said statutes, to secure to them their proportionate share of any grant made out of the public funds for the purposes of education and to relieve such members of the Roman Catholic church as contribute to such Roman Catholic schools from all payment or contribution to the support of any other schools, or that the *said Acts of* 1890 *should be so modified or amended* as to effect such purposes.

This petition does not ask for the repeal of the Acts of 1890; it does not ask for the re-enactment of the statutes repealed by the Act of 1890; it does not ask for the re-enactment of the precise provisions of those statutes. We did not ask for any such things in our petitions, nor are we asking for anything of the kind now. We are only asking for some amendments to the Acts of 1890, such as may be necessary to secure our rights, as it is stated in our memorials. With their lordships we say:

The system of education embodied in the Acts of 1890 no doubt commends itself to and adequately supplies the wants of the great majority of the inhabitants of the province.

But supplement these Acts by provisions which would remove the grievance and all legitimate grounds of complaint. To attain that object, it is not essential to re-enact the statutes repealed in 1890, nor the precise provisions of the same. By the Acts repealed in 1890, there was a general board of education composed of Protestants and Catholics. It is not essential for the removing of our grievances that such board be restored. It is not essential that the formation and modification of the school districts be regulated in the same way as they were by the old statutes. It is not essential that the school rate be levied in the same way. It is not essential that any of the precise provisions of the old statutes be re-enacted. I go further. We do not ask for the re-enactment of the old statutes. We are quite ready to accept the Acts of 1890, provided they are supplemented by such provisions as would remove all legitimate grounds of complaint. Ten or twelve provisions would answer the purpose. It would be hardly the work of four or five hours for an expert in law to make in good faith these modifications. This, assuredly, shows that that paragraph of their lordships' judgment can be construed so as to be consistent with the rest of the judgment, and so as to leave this parliament free to legislate in the right direction and adequately. As to the power of this parliament to legislate, as I have just said, it is affirmed in almost every paragraph of the judgment. In one place, it says:

Bearing in mind the circumstances which existed in 1870, it does not appear to their lordships an extravagant notion that in creating a legislature for the province with limited powers it should have been thought expedient, in case either Catholics or Protestants became preponderant, and rights which had come into existence under different circumstances were interfered with, to give the Dominion parliament power to legislate upon matters of education so far as was necessary to protect the Protestant or Catholic minority, as the case might be.

In another place it says that the precise steps to be taken in the matter are defined by subsection 3 of section 22 of the Manitoba Act. Let us see then by reading that sub-clause, what steps are referred to:

(3.) In case any such provincial law, as from time to time seems to the Governor General in Council requisite for the due execution of the provisions of this section is not made, or in case any decision of the Governor General in Council on any appeal under this section is not duly executed by the proper provincial authority in that behalf, then, and in every such case and as far only as the circumstances of each case require, the parliament of Canada may make remedial laws for the due execution of the provisions of this section, and of any decision of the Governor General in Council under this section.

Hon. Mr. BOULTON—There is a limit there to the power of the Governor in Council to interfere.

Hon. Mr. BERNIER—Yes, as far as circumstances require. That is what we ask.

We do not ask for anything more. The power given by this clause to parliament, of making the remedial laws, surely carries with it to the fullest extent the power of legislating adequately, and this power being the supreme power, its legislation would of necessity supersede the legislation or the action of the inferior power in case some clashing should occur. Moreover, the power given to this parliament creates a corresponding duty for parliament to legislate whenever it has been advised by the proper authority that such legislation is requisite. And which is the proper authority in this matter? The Governor General in Council and no other, not even the Canadian parliament, and here I would read again that 3rd sub-clause, but I suppose it is not necessary.

So the Governor General in Council alone has the right to say whether a law is requisite or not, and their decision in such matter is final on each appeal. It partakes of the character of a judicial act, and cannot be withdrawn or modified: it belongs to all the parties interested in the case, and without the consent of all it must remain, so long as there has been no compliance with the same by the provincial authorities. Now what has the Governor General in Council decided in the matter? Acting within their constitutional powers, they have determined that it was "requisite" that the system of education embodied in the two Acts of 1890 should be supplemented by a provincial act or acts which would restore to the Roman Catholic minority their rights.

And His Excellency the Governor General in Council was further pleased to declare and decide, and it is hereby declared that it seems requisite that the system of education embodied in the two Acts of 1890, aforesaid, shall be supplemented by a provincial Act or Acts which will restore to the Roman Catholic minority the said rights and privileges of which such minority has been so deprived as aforesaid, and which will modify the said Acts of 1890, so far and so far only as may be necessary to give effect to the provisions restoring the rights and privileges in paragraphs (*a*), (*b*), (*c*), hereinbefore mentioned.

And here are the provisions, paragraphs (*a*), (*b*) and (*c*):

(*a.*) The right to build, maintain, equip, manage, conduct and support Roman Catholic schools, in the manner provided for by the statutes which were repealed by the two Acts of 1890, aforesaid.

(*b.*) The right to share proportionately in any grant made out of the public funds for the purposes of education.

(*c.*) The right of exemption of such Roman Catholics as contribute to Roman Catholic schools from all payment or contribution to the support of any other schools.

This is the governing enactment—so much so that even if the judgment of the Privy Council did not exist, that decision of the Governor General in Council would be binding on all parties and on this parliament. Surely parliament cannot be forced to vote a remedial law, or any law, any more than an individual member of parliament can be forced to vote in any particular way. No physical force can be used in such cases, no mandamus could be issued, but as an individual member would be derelict to his duty if persistently and without sufficient reason he should abstain from voting, though present in the building, so would parliament be in refusing to carry out the decision of the Governor in Council in this school matter. As a matter of fact, the present attitude of the government constitutes the most flagrant denial of justice that has ever occurred in our parliamentary history. Although vested with the duty of causing the legitimate grounds of complaint of the minority to be removed, according to the constitution, the present government has been an accomplice of the men, and of the methods of the men, who for the last seven years have trampled under their feet the civil and religious liberties of the pioneers of education and civilization in western Canada. Last year, speaking on the same subject, I said the minority would maintain towards the new administration the same attitude of dignity and moderation that we had maintained under the previous administration, urging no undue claims, throwing no obstacles in the way of an equitable solution of the existing difficulties, virtually extending a friendly hand to the administration. What treatment have we received in return? I am sorry to say that even the simplest courtesy has not been extended to us. Although we were the parties most interested in the matter, we have not been in the least consulted. More than that, we have been insulted at our own doors and in the most undignified and unjustifiable manner by a minister of the crown. The sweetness of the voice of the hon. leader of the government in this House will not atone for the harshness of the treatment. This government has followed the same course as the government of Manitoba. When the Manitoba government decided to sweep away the Catholic schools, not a word of information was offered to us. It has been said

that the policy of the provincial government was prompted by the alleged defective character of our schools. As a matter of fact, those gentlemen did not know the exact condition of our schools; they had never taken the trouble of investigating their condition. Never a hint had come to us from those quarters that any improvement in our teaching, or in the management of our schools, was desired. On the contrary, again and again we had been praised for our work in the important matter of the education of the youth, by every one, high and low, who had come in contact with our institutions, and those praises were merited; because notwithstanding what has been said, our schools were in as good a condition as their rivals, the Protestant schools. That fact I established in this House in 1895. And yet, the government of Manitoba, adding insult to injury, swept away our schools in such a manner that the Hon. Hugh J. Macdonald had to qualify the action of that government as a brutal one. They had no regard for our feelings, no regard for our rights, no regard for the parliamentary compact entered into by the province with this Dominion. More than that, they had no regard for their own pledges. Because it must be remembered that the party whose leader Mr. Greenway was, the government whose head Mr. Greenway was, had repeatedly pledged themselves to the electors, and more especially to the minority itself, to maintain in their integrity the rights and privileges of said minority. However, they went back on their own pledges. They had made the promises for party advantages, as was said in the legislature itself by one who was the president of the Liberal Association at the time the promises were made, and they violated those pledges also for party advantages. When I recall those circumstances I cannot agree with the hon. leader of this House when he says that the government of Manitoba have acted in good faith. He himself must have his doubts about that, and surely his colleague, the hon. Secretary of State, has. The Minister of Public Works has himself styled Mr. Greenway as a vulgar politician without any scruple or patriotism. Now, I am sorry to say, this government is pursuing the same course as the government of Manitoba. They are acting in this matter without any regard for our legitimate grounds of complaint, without any regard for the judgment of the highest tribunal of the empire, without any regard for their own pledges. And in doing so, they open the doors wide to the accusation that like the government of Manitoba, what they are seeking is not justice, but mere party advantage. Any settlement which falls short of the requirements of the judgment of the Privy Council and of the Remedial order, cannot be a solution of the difficulties without our consent. In this case our consent has not been given and the government has, nevertheless, passed us over and entered into an agreement which they knew was not acceptable to us. It is treatment which is accorded only to helots. But we are weak and weakness is apparently no more entitled to consideration with this Liberal federal government than it was with the Liberal provincial government. That will not, however, affect the determination of the minority to insist upon their rights. Shall I remind the government of their pledges? They are fresh in every memory and cannot be repudiated. It cannot be denied that Mr. Laurier did promise, in the House of Commons and during the electoral campaign, that he would give full justice to the minority, and that he alone could do it. The pledges of his candidates to the same effect cannot be denied. They are so many and so well known that I need not take your time in reading them. And yet, these pledges are disregarded as was the case with Mr. Greenway! And we are called upon to accept again mere promises, to rely on the good-will of Mr. Greenway and of his friends. We have been too often betrayed to consent to that. The minority will adhere to its policy of claiming its privileges as a matter of right, and not simply as a matter of mere courtesy on the part of a hostile government. In doing so we may be stigmatized as extremists, because there are some who, unable to find good grounds to support the so-called settlement, like to resort to that word as a stigma against the friends of the good cause that the minority is fighting. But mere words are nothing but wind, and such wind will not uproot the tree of our claims, and of the constitution. The mover and seconder of the address did use that expression. Had they pondered a little more upon it perhaps they would not have done so, because, after all, they were stigmatizing their own leaders. These indeed are extremists also, since they admit that their so-called settlement is not all that we are entitled

to. Such an admission is contained even in the Speech from the Throne, where it is said that it is the best arrangement that could be obtained, implying thereby that something more is due. On the other hand, I must confess that there is also in that part of the Speech from the Throne more than is necessary to convince the mover and seconder of the address, and I may say the whole Dominion, that the government does not intend practically to become an extremist. The good-will or the ill-will of the Manitoba government is their rule. That is a policy which does not indeed require any great exertion. It is a policy of surrender. Before the election a policy of sunny ways was announced, but it turns out that the beams of the sun are all for the Manitoba government, and that we are left in cold and darkness; and the government here insinuates, and the Manitoba government openly declares, that we must be satisfied with that lot. We think, however, that as British subjects, we are entitled to all the blessings that are to be derived from British citizenship, and we confidently expect that one day or other the sun will shine over our plains as it does over all the other portions of the empire. In the meantime, we will maintain our position like free men, and we will show that we are not unworthy of sitting at the board where British institutions are conceived and framed, and given to the people, not as an instrument of despondency or treachery, but as a generator of freedom and justice, and as a guarantee of good faith. The government and their organs are taking great credit to themselves for that so-called settlement. They triumphantly direct our attention to the fact that it has taken them only six months to effect that settlement, while the other government had not been able to do anything during the six previous years. Some reasons may be found for that, however. We have noticed that every time the late administration made a move towards an equitable solution, they had to face, not only the Manitoba government which was unfriendly to them, but the political party now in power, the men who, sitting at the time on the opposition benches in this parliament, were continually obstructing their policy, which action forms a marked contrast with the present opposition which has declared its willingness to help the hon. gentlemen on the treasury benches now if they were willing to introduce adequate remedial measures. The previous government wanted to give us something, while the present administration does not care to give us anything, but is satisfied with what their friends in our distant province are disposed to grant, however trifling it may be. In fact, this so called settlement does not give us anything; it is a complete surrender on the part of this government, and it did not require six months to accomplish such a feat. It could have been done in a month. It was very easy work, where there was no fight, no danger, and no credit. As we say in French,—"*à vaincre sans péril, on triomphe sans gloire.*" That this settlement does not fully remove our grievances, it is useless to argue, because it is admitted by the government itself. It may be well, however, to mention some details to show how far this so-called settlement ignores the former position of the minority. Under the old law we had the right—I say the right, and not a mere possibility—of being represented on the general board of education. We had in that general board of education a Catholic section empowered to manage the Catholic schools. We had a Catholic superintendent of education. We had Catholic inspectors. We had Catholic normal schools. We had Catholic examiners. We had Catholic teachers. We had Catholic school districts and Catholic trustees. We had the selection of text books. We had the right to levy taxes on our properties for the support of our schools. We were exempt from taxation for the support of non-Catholic schools. We had our share of the legislative school grant, and all these have been held by the Privy Council to be rights and privileges that should not be taken away from us, but which had been affected by the school legislation of 1890. Now, the so-called settlement gives away each and all of those privileges. The mere reading of the law now passed by the legislature of Manitoba, and which is nothing but the settlement reduced into law, is a sufficient evidence of that assertion. Here it is:

AN ACT TO AMEND "THE PUBLIC SCHOOL ACT."

Her Majesty, by and with the advice and consent of the legislative assembly of the province of Manitoba enacts as follows:—

1. Religious teaching, to be conducted as hereinafter provided, shall take place in any public school in Manitoba;

(a) If authorized by a resolution passed by the majority of the school trustees of the district in which the school is carried on, or,

(b) If a petition be presented to said school trustees asking for religious teaching and signed by the parents or guardians of at least ten children attending the school in the case of a rural school district, or by the parents or guardians of at least twenty-five children attending the school in the case of a city, town or village school.

2. Such religious teaching shall take place between the hours of 3:30 and four o'clock in the afternoon, and shall be conducted by any Christian clergyman whose charge includes any portion of the school district, or by any person duly authorized by such clergyman, or by a teacher when so authorized.

3. Where so specified in such resolution of trustees, or where so required by a petition of parents or guardians, religious teaching during the prescribed period may take place only on certain specified days of the week instead of on every teaching day.

4. In any school in towns and cities, where the average attendance of Roman Catholic children is forty or upwards, and in villages and rural districts where the average attendance of such children is twenty-five or upwards, the trustees shall, if required by a petition of parents or guardians of such number of Roman Catholic children, respectively, employ at least one duly certificated Roman Catholic teacher in such school. In any school in towns and cities where the average attendance of non-Roman Catholic children is forty or upwards, and in villages and rural districts where the average attendance of such children is twenty-five or upwards, the trustees shall, if required by the petition of parents or guardians of such children, employ at least one duly certificated non-Roman Catholic teacher.

5. Where religious teaching is required to be carried on in any school in pursuance of the foregoing provisions and there are Roman Catholic and non-Roman Catholic children attending the school, and the school-room accommodation does not permit of the pupils being placed in separate rooms for the purpose of religious teaching, provision shall be made by the regulations of the Department of Education (which regulations the board of school trustees shall observe), whereby the time allotted for religious teaching shall be divided in such a way that the religious teaching of Roman Catholic children shall be carried on during the prescribed period on one-half of the teaching days in each month, and the religious teaching of the non-Roman Catholic children shall be carried on during the prescribed period on one-half of the teaching days of each month.

6. The Department of Education shall have the power to make regulations not inconsistent with the principles of this Act, for carrying into effect the provisions of this Act.

7. No separation of pupils by religious denominations shall take place during the secular school work.

8. Where the school-room accommodation at the disposal of the trustees permits, instead of allotting different days of the week to different denominations for the purpose of religious teaching, the pupils may be separated when the hour for religious teaching arrives, and placed in separate rooms.

9. No pupil shall be permitted to be present at any religious teaching unless the parents or guardians of such pupil desire it. In case the parents or guardians do not desire the attendance of pupils during such religious teaching, then such pupils shall be dismissed before the religious exercises are begun, or shall remain in another room.

10. When ten of the pupils in any school speak the French language, or any language other than English, as their native language, the teaching of such pupils shall be conducted in French, or such other language and English upon the bi-lingual system.

11. All the provisions of "The Public Schools Act" and amendments and of "The Education Department Act" inconsistent with the provisions of this Act, are hereby repealed.

12. This Act shall come into force on the day of A.D. 1897.

As Mr. Cameron said, in moving the second reading of that bill, this law is the triumph of the Manitoba government and of the legislature. There is in that law not the slightest vestige left of our rights. Is it more in conformity with the judgment of the Privy Council? It cannot be, because that judgment is substantially a recognition of the rights we had under the old law, and which I have already enumerated. But let us contrast more closely the two documents. The grievance of the minority says the judgment is in the fact that "denominational schools, of which they had the management," and for which "they could select the books to be used and determine the character of the religious teaching," have been deprived of their legal status, of their share of the legislative school grant, of their right to levy taxes for the support of such schools, and of the exemption they enjoyed as to the support of the other schools:

> They are, on the contrary, obliged to maintain "schools which they regard as no more suitable for the education of their children than if they were distinctively Protestant in their character."

Thereby, their lordships say, the rights of the Catholics have been affected—hence "their legitimate grounds of complaint." Does the settlement remove in any way the grievance? No; on the contrary, it affirms the position of the local government, and has the pretension of burying for ever those rights, the spoliation of which, according to the judgment of the Privy Council, constitutes the grievance. In support of this contention allow me to read from the speech of the Attorney General, Mr. Cameron, when intro-

ducing the measure into the local legislature :

He (Mr. Cameron) regarded the terms of the settlement arrived at as a distinct triumph on the part of the legislature and government.

And further on he proceeds to point out that the settlement and the bill based upon it are :

Precisely in accordance with the declarations of the legislature and the government ever since the question arose.

Now, what were in substance these declarations ? That they would never restore to the minority its rights and privileges. And this government has agreed to that. Let nobody be deceived by that clause which allows half an hour of religious teaching after the school hours. This is not a concession at all. We were not in need of the interference of this government, we were not in need of any amendment to the law of 1890, to use the school premises for that purpose after school hours. It might have been after four o'clock instead of half-past three, but this is immaterial. Whether it is after four or after half past three, does not change the principle. It is after school hours, and the trustees, by virtue of their corporate powers, had the right to authorize, by resolution or by simple permission, any sort of meetings in the school premises, whether these meetings be, in their nature, industrial, political, or religious. The school trustees had even the right, by virtue of their corporate powers, to authorize in the school-house, the celebration of mass one day, and the next day to authorize any other denomination to have therein its religious service, and so on, in succession with every one of them. And to prevent it, the legislature would have had to pass a law. Having that power, the trustees had surely also the power of authorizing half an hour of catechism after the school hours. I repeat it, that clause is merely, in another form, the repetition of powers which the trustees have always had, that is, the lending of the school premises for any legitimate object, outside of the school hours, which power they already possessed by virtue of their being a corporate body and the custodians of those premises. As a matter of fact, it is perfectly known that in the rural parts of the country, the school-house is generally the meeting place for the people. And, in case the school trustees would have been disposed to refuse such authorization, there is not a Catholic family in Manitoba which would not have gladly thrown wide open the doors of its home to the children to afford them an opportunity to receive that same religious instruction for half an hour. Then, in so far as this aspect of the case is concerned, the provision as to the half hour does not better our position. Does it alter the nature of the schools as a teaching institution ? Mr. Cameron, in the words I have already quoted, positively answers in the negative. Let me state my own views. The settlement provides that from nine o'clock in the morning until half past three in the afternoon there will be no reference to any religious matter. In going into the class-room teachers and children alike will have to hang up their Christianity, and God himself, in the hall with their hats and overcoats, and leave them there until the hand of the clock has marked the time when that stranger, who, however, gave His life to save ours, when that Saviour of our souls will have the option of making his humble ingress amongst those children, and there, with the kind permission of certain gentlemen and under certain regulations, of which we know nothing at present, have some conversation for half an hour or so. Will that half hour of religious instruction given to the children—as a sort of punishment to some of them—have the effect of christianizing that part of the day during which God has been expelled ? Not in the least. From nine o'clock until half-past three, the school will simply be an unchristian school, a school of infidelity, to be succeeded at sunset by another kind of teaching, if, perchance, there is such teaching. Because, it is provided that religious teaching may not take place every day in certain cases, but only on every alternate day, and even less frequently. There is even a possibility of having none at all. We were told the other day by our distinguished colleague from Rougemont that a friend of his, a Presbyterian minister, had told him with emotion that the schools in the United States were hotbeds of vice. I may quote a similar authority, the New York *Methodist*, in which it has been said that those United States schools were "hotbeds of infidelity."

That kind of schools comes within the remarks of the Privy Council, that is to say,

"a school which they (the Catholics) regard as no more suitable for the education of Catholic children than if they were distinctively Protestant in their character." A fact which, in the opinion of the Privy Council, constitutes "a legitimate ground of complaint" for the Catholics. Their lordships even go so far as to give an answer to those who maintain "that there should not be any conscientious objections on the part of the Roman Catholics to attend such schools.. if adequate means be provided elsewhere of giving such moral and religious training as may be desired." To that objection their lordships say that "all this is not to the purpose" in view of the law, in view of the "parliamentary compact" entered into by the interested parties.

True, in certain cases a Catholic teacher may get into the class-room. But this also is of no consequence, because that Catholic teacher will be bound by the law to have no religion during the school hours. His mouth will be closed as to his faith. His silence, I dare say, would be in many cases, perhaps more damaging than the silence of a Protestant teacher, because the children, who are not in a position at such an age to have a clear understanding of the law or of the circumstances surrounding them, would construe that silence in a suspicious way, and might receive from it impressions of the most unfortunate character. Be that as it may, sure it is that the teacher will have to behave himself as a pagan teacher, and consequently his presence in the school-house, although he may be a Catholic, does not change the pagan nature of the institution, does not give any advantage or guarantee to Catholic parents, if that teacher faithfully observes the provisions of the law. If he does not, then he breaks the law. As he goes one way or the other, he performs the part of a hypocrite, or of a violator of the law. In the former case he forfeits his rights to the confidence of the parents; in the latter case, he forfeits his rights to his teacher's certificate. In both cases he forfeits his rights as an educator. As far then as this second aspect of the case is concerned, the arrangement that we are offered, does not recognize any of our rights, does not remove any of our grievances, does not improve our condition; consequently it is quite unacceptable. There is another clause which is made use of amongst our own countrymen to bring them to accept the so-called settlement; it is the 10th clause relating to the use of the bilingual textbooks. It is said that by that clause the teaching of the French language is provided for. There was never a more erroneous assertion. That clause has been conceived only as a better method to teach English. And let me say at the outset that in so far as the teaching of the English language is concerned, I have no objection to such a teaching. As a loyal British subject, I quite admit the propriety of all of us learning the language of our metropolis; as a Canadian I admit, in a general way, the great usefulness of the English language in business, and in social life; as a member of this body, I regret to be unable to address you in a better form in the language of the majority. For all these reasons, and for many others, it is my sincere desire that the English language be taught in all our schools. It has been taught in the past. I never learned English elsewhere than in the Catholic schools. It was taught in the Catholic denominational schools in Manitoba before 1890; it is taught at present in our Catholic schools, notwithstanding the spoliation we have been and we are daily the object of from an unfair majority. It will be taught in the Catholic denominational schools whenever their rights and privileges are restored. I do not raise my voice against the teaching of the English language. That teaching is quite reconcilable with the love of my own language and with my desire that it should also be taught properly and thoroughly, as a matter of propriety, of national pride, and of practical usefulness. But I do raise my voice against the disingenuous contention that such a clause is a concession made to the French part of the population. There is no such concession in that, and so Mr. Cameron, the Attorney General of Manitoba, said in the speech to which I have already referred. He put it right then, and it is a direct contradiction of the contention of this government. He said:

> Section 10 provides that when ten pupils in a school speak French or any other language other than English as their native language, the teaching of such school shall be conducted in French or such other language and English, upon the bilingual system. It is absolutely necessary that in French, and German Mennonite settlements, the pupils should learn English by the best methods, and experience has shown that there is no method so good as the bi-lingual.

Remark the high propriety suggested here by Mr. Cameron, that the pioneers of the country, that those whose rights and privileges have been specially guaranteed by the constitution, should be placed on the same footing as the new comers. However, we have it from Mr. Cameron, a party to the arrangement and a friend of this government, that the real intention of the clause is not for the purpose of teaching French, but to facilitate the learning of the English language. I repeat it here, my objection does not bear upon the fact that English is to be taught. In so far as that is concerned, well and good. But let not this government tell us again that they are making a concession to the French population. They are simply trying to throw dust in the eyes of the people by reducing to a written law what was before the practice, and what is an absolute necessity in practice, from a pedagogical point of view. From this standpoint, it is perfect nonsense to try to teach a language foreign to the language of the child without making use, at least at the beginning, of the language of that child. That was done before, and that is done now in every institution where English and French are taught. Whether one book written in the both languages is used, or whether one book in French and one book in English are used simultaneously, or whether there is only one book in one of the languages, the teacher supplementing the missing book by his own knowledge of the other language, it is always the bi-lingual system that is followed. That is the only reasonable system, and if Mr. Cameron has only discovered that lately, as his language would seem to indicate, he must admit that the French schools, so despised by him and his colleagues, have been long and much in advance of his public schools, for, when I began to learn English, some forty years ago, I began under that system, and that was in a French school. Evidently, everything is not so bad in those humble French or Catholic schools.

One remark more on this subject to show the utter disingenuousness of that clause: who ever heard that to teach French we should use English books. This simple remark is a conclusive argument against that settlement in so far as it pretends to be a concession to the French population, and to the teaching of its language.

I have demonstrated, I believe that on principle, that settlement does not offer the slightest redress to the minority. But let us suppose for a moment and for the sake of argument, that it does to a certain extent. In practice, that settlement would be unworkable. Let us take the city of Winnipeg as an example. We must take the population as it is and where it is. If we were to go on and make a trial of that settlement, the first thing that would confront us is the fact that our children scattered in all the wards of the city of Winnipeg, and consequently, in all the schools, would be short of the required average attendance for the working of that law. Consequently, while the law would stand in the statute-book, we would not be placed in a position to take advantage of it. We would not have the right to engage a Catholic teacher, nor to avail ourselves of the half hour for religious instruction, nor to make use of the bi-lingual system. In fact the law would of necessity be a dead letter. That is to say, the settlement takes away with one hand what it pretends to give with the other. It is a cruel mockery. It is not only an injury but it is an insult to the intelligence of the people and to the high notions that legislators, leaders of the nation, must have of their functions. From a constitutional point of view there are some two or three remarks which I want to make. The constitution says, and the judgment of the Privy Council affirms, that rights and privileges which belonged to the minority have been affected. Consequently redress must be given to the minority--to the whole minority, not to a portion of it only. Now, this so-called settlement, even in case it should be all it pretends to be, does not give redress to the minority as a whole, but to certain individuals of it only, and it gives that redress to those individuals provided only they are placed under certain circumstances, and provided they are in sufficient number at one place. That condition of number, as embodied in the settlement, is not contemplated by the constitution. For instance, an average attendance of at least 40 children in towns and cities is required to authorize the engagement of a Catholic teacher. If that average happens to be only 39, then the law is not applicable. Apart from the manifest injury which is done here to these 39 children, apart from the illogical aspect of such a provision, there is, from a constitutional standpoint, a breach of the

law, because the Manitoba Act does not provide that certain individuals of the minority shall be picked up here and there and certain privileges be given to some 40 children, and the same privileges be refused elsewhere to 39 children, but it directs that the minority, whether its number be 10, 20, 25, 50 or more, shall enjoy certain rights, unconditionally in so far as number is concerned. In this regard, then, the settlement is insufficient, both in fact and in law. The settlement is deficient in another way. There is no permanent character about it. The minority has grievances, it has been so declared by the Judicial Committee of the Privy Council. A grievance arises necessarily from a right of which the party aggrieved has been deprived. Now, the idea of right implies the idea of permanency. To be, then, an acceptable measure of justice, the settlement, even if it were an improvement on our present condition, should be, for all that it contains at least, of a permanent character. Such is not the case with the present settlement, in so far as it does not guarantee that in the future, the would-be advantages which it pretends to concede, shall not be swept away. It must be borne in mind that this arrangement is not acceded to by the local government as being the outcome of a vested right in the minority, but merely as an evidence of the would-be generosity of the provincial legislature and executive. Coupled with this settlement is the assertion on the part of the local government that the power of the provincial legislature has no limitation in matters of education. Mr. Cameron said, in moving the second reading of his bill:

> A matter of very considerable importance was they had here preserved the principle of provincial autonomy in matters of education.... the principal of federal interference in our provincial education is for ever abandoned; it can never happen that any political party will endeavour to force on the province educational legislation which the province does not want.

Now, if it is true that henceforth the federal authorities could in no case exercise the powers conferred upon them by the constitution, and recognized by the Privy Council as a legitimate jurisdiction, for the protection of the minorities, it follows that the local authorities may do what they like, go as far as they like in the way of oppression, and there would be no remedy for the victims of such ill-treatment. A good deal has been said about the good faith and the fairness of the Manitoba government. I have my own opinion about all that. If those who speak in that way knew the men and the situation I venture to say that they would not insist on that subject. But for the present, there is no object in discussing that. Granted that the present government is well disposed. Who can say that the next legislature, feeling that no check can be put upon their action, feeling that the federal authorities have no disposition to interfere, who can say that it will not go back even further than the laws of 1890 went, and wipe out every vestige of christianity from the schools, injuring thereby Protestants and Catholics alike? Taking into account the prejudices that have been so unwisely raised by the Liberal government of Manitoba, taking into account the tendencies which those prejudices have created and strengthened, the probabilities are that within ten years from now, if we accepted this settlement, our province, and perhaps other provinces of this Dominion, would have a school system entirely outside of all religious influences. Where would the settlement be then, where would the Roman Catholics be, where would Christian Canada be? The want of permanency which characterizes this so-called settlement is a capital deficiency which makes it objectionable in every way, and more particularly, in this, that it does not bring the same within the requirements of the constitution as construed by the Privy Council. The constitution gives to the minority a guarantee for a minimum of rights and privileges, and any settlement must not only embody that minimum of rights, but must assure its permanency. Such a feature is entirely wanting in this so-called settlement.

I must also question the action of the government for the powers they seem to have arrogated to themselves in this matter. It is said in the speech from the throne that "a settlement was reached between the two governments." Now, this statement is of a most serious character. It proclaims that the government has not acted within the scope of its functions. Let us read the constitution. Subsections 2 and 3 of section 22 of the Manitoba Act read as follow:

> (2.) An appeal shall lie to the Governor General in Council from any Act or decision of the legislature of the province, or of any provincial authority, affecting any right or privilege of the Protestant

or Roman Catholic minority of the Queen's subjects in relation to education.

(3.) In case such provincial law, as from time to time seems to the Governor General in Council requisite for the due execution of the provisions of this section is not made, or in case any decision of the Governor General in Council on any appeal under this section is not duly executed by the proper provincial authority in that behalf, then and in every such case and as far only as the circumstances of each case require, the parliament of Canada may make remedial laws for the due execution of the provisions of this section, and of any decision of the Governor General in Council under this section.

In these clauses where is the power of the government to make any settlement without the consent of the minority? It is nowhere. The functions assigned to the government here are very distinct. They are empowered to hear an appeal, and to adjudicate upon the same. They are a special tribunal, but they are not parties to the controversy, and not being parties, they have no qualification to make a settlement. They may use their good offices to bring to a settlement the interested parties, namely: the minority and the local authorities. If the government had done that, no one would have grudged their interference. But when they take upon themselves to make a settlement without the consent of the most interested parties, then they go beyond the powers assigned to them by the constitution, and beyond also all propriety. In fact, one has only to make an appeal to his reason, without referring to the law, to see the error of such an attitude. No settlement can be made except as between the interested parties. This is quite evident. There is a marked difference between the action of the late administration and the administration of the day in this connection. The late government sent a delegation to Manitoba, but with the positive instruction not of making a settlement themselves, but of bringing together the minority and the local government, in the hope that a settlement might take place between the two interested parties. That was legitimate, but the action of the present government is not. If the settlement were not deficient, however, I would not mind that excess of jurisdiction. We would gladly accept the settlement without quarelling with the administration of the day. But the settlement being deficient, it is not possible not to take notice of the manner in which it has been brought about. Because that action of the government is resulting in wrong conclusions being arrived at by the public at large. The mere fact of that arrangement being given out as a settlement agreed upon by the two governments, is taken as putting an end to the jurisdiction of parliament, as shutting the door to any further action on our part based upon our former appeal, as being practically the death blow to our claims. If I am not mistaken, that is substantially the position taken by my hon. friend from Marquette. I must take the strongest objection against such an interpretation of the effect of the settlement, and to support my views, I was bound to show at the outset the unconstitutionality of the powers which the government has assumed in this respect. For, the moment we come to the conclusion that in reaching that settlement the government has exceeded its jurisdiction, it follows that the power of parliament, the force of the remedial order, and our claims, remain as alive as ever. An act done in excess of a jurisdiction is null and void, and the nullity of said act prevents the rights and privileges which were intended to be overruled, from being affected. Such is the importance of the point that I have just now raised. But apart from that, there are other arguments to be opposed to the theory raised by my hon. colleague from Marquette.

He says that "the appeal ceases and is satisfied when this parliament, which is the judge of the matter, tacitly or otherwise, accepts that settlement as full satisfaction of the grievances of the minority," and the hon. gentleman adds that the question is settled "in so far as this parliament and the province are concerned.' In other words the proposition of the hon. gentleman is that, as the matter stands at present, the jurisdiction of parliament has ceased and no further action can be taken on the appeal.

First of all, it must be observed that the negotiations have taken place between the government of Canada and the province of Manitoba, and not between the latter and this parliament. So far, this parliament has taken no action, and consequently parliament cannot be said now to have impaired its own jurisdiction. And nobody else can.

In the second place, in assuming the right to make such a settlement, this government has exceeded its jurisdiction and capacity, as I have already shown. Then this settlement, the issue of an unconstitutional transaction, cannot be a bar to the jurisdiction

of parliament. But, moreover, this so-called settlement cannot be a bar to our jurisdiction because it does not comply with the remedial order. That the settlement does not comply with the remedial order is a fact which cannot be disputed. Here is the remedial order:

It is hereby declared that it seems requisite that the system of education embodied in the two Acts of 1890, aforesaid, shall be supplemented by a provincial Act or Acts which will restore to the Roman Catholic minority the said rights and privileges of which such minority has been so deprived as aforesaid, and which will modify the said Acts of 1890, so far and so far only as may be necessary to give effect to the provisions restoring the rights and privileges in paragraphs *(a)*, *(b)*, *(c)*, hereinbefore mentioned.

Said paragraphs *(a)*, *(b)* and *(c)* are as follows:

(a.) The right to build, maintain, equip, manage, conduct and support Roman Catholic schools, in the manner provided for by the said statutes which were repealed by the two Acts of 1890, aforesaid.

(b.) The right to share proportionately in any grant made out of the public funds for the purposes of education.

(c.) The right of exemption of such Roman Catholics as contribute to Roman Catholic schools from all payment or contribution to the support of any other schools.

It is not necessary to recite here the settlement. It is in the mind of every hon. gentleman in this House; and in contrasting the two documents their opinion cannot be at variance with mine as to the fact of the settlement falling short of the requirements of the remedial order. Now, the remedial order is a judgment to all intents and purposes; it is final, and cannot be withdrawn or merely altered in any way, shape or manner. That judgment belongs to the minority as well as to the other parties to the controversy, as does any judgment in any contested case. By the constitution, the refusal of the local authorities to comply with that judgment opens the door to the jurisdiction of parliament. And so long as the judgment stands (and it will stand for ever); so long as the refusal of the local authorities to comply with that judgment stands (and it does stand at the present moment); so long stands the jurisdiction of this parliament. There is no authority on this side of the Atlantic to alter that situation. My contention is that the settlement does not comply with the remedial order in any particular. But for the sake of argument, let us suppose that it does comply in some way; it is at the utmost but a partial compliance. In law, in equity, as well as in common sense, a partial compliance is equivalent to no compliance at all, when it has to be taken into consideration as to whether a legal or parliamentary jurisdiction has been affected. So, the jurisdiction of parliament remains the same. We are told that parliament accepts the settlement as a solution of the question. Supposing that this assertion be true, it is merely a fact which has no bearing on the right or on the law. Parliament, I know, has the physical power of refusing to act in the matter, and practically the immediate result of that inaction is to leave us in the same position as we would be placed in had the jurisdiction of parliament really ceased. But, I repeat, the exercise of that physical power does not affect the legal and moral aspect of the question. A highway man may rob or kill a passerby; that shows that he has physical power enough to rob or to kill; it does not prove that he had the right to do so. A man owing a sum of money may refuse to pay; he may be imprisoned, and still refuse to pay; there is no possibility of getting the cash from his pocket; but that stubborn refusal is a physical fact which does not take away from that man his obligation to pay, and does not affect the right of his creditor of being paid. And so with the parliament of Canada in this instance. Parliament has the physical power to refuse to vote for an equitable remedial law, but that refusal is not a repeal of the remedial order, does not change the nature of the refusal of the provincial authorities to act in compliance with the requisition served upon them, and is not a repeal of the jurisdiction of parliament, which remains, along with the rights of the minority, standing in all its entirety. The constitution has assigned certain powers to the Governor General in Council and to parliament; it has conferred on them the power of protecting minorities in matters of education. There is for them a corresponding duty to use their legal powers when appealed to. It cannot be optional for them to fulfil or not fulfil that duty; otherwise, there would be no guarantee for the minorities and the constitution would be mere waste paper; in other words, it would be a fraud perpetrated upon the people. This supposition would be an insult to the fathers of confederation and to the various parliaments which went into that

parliamentary compact. True, the word "may" is used in reference to the exercise of such powers. But in this instance the word "may" is not merely an enabling word, but is imperative. I beg to be permitted to quote here some arguments and quotations which I find in the speech of our distinguished colleague from Bothwell, on the consideration of the Remedial Bill. The hon. gentleman then said:

> Words of compulsion are never applied either to the sovereign, or to a sovereign body .... our constitution, like that of England, imputes the intention both to the sovereign and to parliament, to keep faith and to perform all the duties falling within their respective jurisdictions....It has again and again been decided that mere enabling words do impose a duty in certain cases.

And the hon. gentleman quotes Chief Justice Jarvis who says:

> The general rule derived from the cases is that where the statute confers the authority to do a judicial act in a certain case, it is imperative upon those so authorized to exercise the authority when the case arises, and when its exercise is duly applied for by the party interested, and having the right to make the application.

That the minority has a right of appeal is clear from these words of the constitution. "An appeal shall lie."

> Here a right is given, says Mr. Mills, to a dissatisfied party, and there is an implied duty imposed upon the executive authority to make that bearing effective.

A question arises here: which is the judge, which is the executive? The judge is not parliament, but the Governor General in Council. An "appeal shall lie" not to parliament, but to the Governor General in Council, says the constitution. And again, the constitution says that the Governor General in Council shall adjudicate upon the appeal and determine what is requisite. There is not a word in the constitution ascribing to parliament similar or concurrent powers. But when that appeal has been finally adjudicated upon by the Governor General in Council, then the constitution goes on to provide, that on the refusal of the province to comply with the requisitions of the Governor General in Council, parliament shall take the matter into its hands as an executive, and make remedial laws to redress the grievances in so far as circumstances require. If, however, it is still contended that parliament is the judge, then I say this judge must adjudicate according to law, as any other tribunal is bound to do; and the law in this instance is the remedial order, expounding the constitution as construed by the highest tribunal of the empire.

I am perfectly aware that all these arguments can be traversed by the proposition that after all the majority must rule in a parliamentary country. But I say that the majorities themselves are bound to rule according to the constitution. The constitution is the supreme authority, not the majorities. If it was not so, we would have arbitrary government and not constitutional government. It can be said also that parliament is supreme, and that under our political institutions we cannot help it. Yes, I say, parliament is supreme within its jurisdiction. If they choose to commit a denial of justice, they have the physical power to do so, and no *mandamus* can be taken against them. Parents also can deprive their children of the necessities of life, because they are the supreme authority within the family circle. But both parliament and the parents in doing so are ignoring their most sacred duties, in law and in equity, and in doing so they trespass upon the law of nature which must obtain amongst the nations as well as amongst individuals. Some others assert that the result of the elections is a decided blow against the claims of the minority. On several grounds I take the strongest exception against that theory.

The majority of the present government came mostly from the province of Quebec. Now, you have heard what the hon. senator from Rougemont has said about that. He certifies that the elections there went in favour of Mr. Laurier because he and his candidates had pledged themselves to a larger measure of justice to the minority than the Remedial Bill afforded. I am myself a witness to the same pledge. I was in the province of Quebec at the time of the election and I know that the electorate in voting the way they did intended to vote for the restoration of our schools. In view of the pledges referred to, there is no doubt that the verdict of the people in Quebec is in favour of the settlement of our claims according to our wishes and not in favour of a settlement such as the present one.

In the second place, the people is not the tribunal to which such questions are to be referred. It was never contemplated by the framers of the constitution that such questions should be at the mercy of prejudices, of partisanship, or of a misled public

opinion. These matters were wisely committed to a calmer tribunal. It was referred to the Governor General in Council, whose decision must be executed by parliament. See subsections 2 and 3 of section 22, Manitoba Act. What would be the result if the electorate was to decide as to such fundamental questions? The result would be that under certain circumstances, the constitution would be torn to pieces, the people would in fact reject the constitution that has been given us by the Imperial parliament, and frame one of its own against the authority and the dignity of the Crown. Substantially and practically the school legislation of 1890, and the stand subsequently taken by the local government, are the striking out of the limitations imposed upon them in relation to education; it is an encroachment upon the rights of others, it is really an amendment to the constitution, an amendment to an Imperial Act. Provincial legislatures and this parliament have not the right of so amending the constitution, and in assuming such right, they practically declare that they do not want to be bound by the authority of the Imperial parliament, that they do not want to receive their constitution from England, but that they want to be free from such fetters. What is this if not disloyalty in disguise? We must be reminded that England can make such alterations to its constitution as she may choose through parliament, because she is an independent power; but a colony, whose parliament, and still more the local legislatures, which have but a delegated power, cannot constitutionally evolve in the same way. They must obey in every particular the constitution that they have received from the Imperial parliament, or else they put themselves in antagonism with the metropolitan power. That would be in the end the result of the interference of the electorate in such matters, that is, the substitution of another constitution of their own make for the constitution that we have received from England. The rights of the minority exist by virtue of the constitution independently of the views of the electorate, and as it has been said with so much force, so justly and so generously by the leader of the opposition in this House, were the whole of the country to cast their votes against us, that would not change in the least our claims before the Dominion. Right is right, and none but the Imperial parliament can, in our case, impair that right. And it is well to remind here that whatever may be our respective views as to the merit or demerit of the denominational school system, the question is not here whether, as a matter of expediency, we must adhere to it or not, but whether the constitution is to be maintained or not.

We have heard a good deal about the advisability of making a trial of the present settlement. In fact, it seems to be almost the only argument now offered by this government in its favour. In response to such an invitation we must say at the outset, that no trial can be made of a negative enactment. We consider that this settlement does not improve our position, very far from it. It is the re-enactment of the law of 1890, in different words. Under certain circumstances, a trial may be given to something having an existence, but no trial can be given to an imaginary situation.

In the next place, to make a trial of the so-called settlement would be an expression of belief in it. To believe in it would mean an adherence to it, and to adhere to it would be a consent on our part to all the principles it involves, and an abandonment of all the rights it rejects.

Our adherence to that settlement, even for the sake of a trial, would be an admission on our part that from the beginning we have not been sincere in our fight.

It would be an admission that such an important question can be settled without our consent, and against our wishes; that we must have in fact no voice in the matter.

It would be an admission that our rights and privileges can be encroached upon at the will and pleasure of a majority whose hostility is so manifest.

It would be an admission that the constitution can be abused, and that the parties thus abusing the constitution cannot be checked by the proper authorities.

It would be an admission of the unconstitutional doctrine that the federal authorities must not interfere to protect the minorities in matters of education, a doctrine which Mr. Cameron has set forth in the local house as arising precisely out of the negotiations held between the two governments, and of the result of these negotiations. Here are his words:

A matter of very considerable importance was they had preserved the principle of provincial auto-

nomy in matters of education * * * The principle of federal interference in our provincial education is for ever abandoned; it can never again happen that any political party will endeavour to force on the province educational legislation which it does not want.

This doctrine is unsound, unconstitutional, and opens the door to all sorts of injustice, leaving to those whose rights might be injured, no possibility of redress. Our adherence to that settlement would be an admission that the youth should be educated in unchristian schools. That would be a moral sacrifice that we have not the right to make.

It would be a withdrawal from the position we hold now. We have made an appeal; we have succeeded in getting a judgment from the Privy Council which says that our appeal is well founded; we have succeeded in getting a remedial order from the Governor General in Council which upholds our rights; the matter has been brought up to that point where the jurisdiction of this parliament cannot be questioned. All this would be lost to us. Our consent to make a trial of the settlement would carry us back to the position we were in at the commencement of all these contentions. We would lose the benefit of our past struggles and sacrifices, we would lose the legal position we are holding at present. These are some of the consequences that would ensue from our consent to give a trial to that settlement. There are some others. It would more specially cut the ground from under our feet in view of any other course that we might think proper to adopt at some future time; it would shut the door to our appeal to some as yet untried jurisdiction. It would do so even if we were to give that trial under protest. To recede from an unassailable position in such matters is always an error, and a cause of future weakness. Now that the battle is fairly engaged, it is better for all parties that it should go on; we intend to make our way onward, and let no fetters such as that settlement to impair our energy. We will not give our hands to a settlement which is nothing but a complete lamentable and disgraceful surrender. We will not consent to the substitution of mere tolerance for right. The responsibility which rests upon our shoulders, does not allow us to do so.

It is all very well to talk of Mr. Greenway's good dispositions. Mr. Greenway made pledges to us in former days, pledges of the most solemn and important character in connection with these very matters. He has violated all his pledges. He has no more right to our confidence, and nobody has a right to ask the minority to place itself at the mercy of the present government of Manitoba. We will treat you with justice, say they to us. Before confiding ourselves to that promise, we must ascertain what the word "justice" means in their mind and in their heart. "Justice" for them is that they have a right to dispossess the Catholic population of Manitoba of their well-earned properties and of their vested rights, that we should have no objection to let our children be educated outside the pale of our Catholic belief; that they have a right to ignore all the advantages conferred upon us by the constitution. That is what they have contended during the last seven years; that is what they proclaim still to be justice. In that kind of justice we do not believe. But let us suppose that the present government, harrassed by the past seven years of agitation, would in fact carry on this agreement in a liberal and generous way, we cannot foretell what a subsequent administration would do; or, rather we can do it. It is as clear as daylight that at a not very distant day a new agitation would make it hot for us anew. It would be argued with great force that, after all, that half hour of religious instruction does not amount to much, that it would be just as well to do away with it, and have purely and simply secular or neutral schools all over the province. We would try to have our voice heard again, but in vain. Again that appeal to peace and harmony, which is made to us to-day, would resound all through the land. We would be told that since, in 1897, we were willing to forfeit much more important rights, we should again give way and let the last vestige of such privileges vanish entirely In dealing with that question one cannot refrain from taking a view of the progressive movement of public opinion and of the weariness by which the latter is finally overcome. In such crises public opinion generally gets accustomed to the existing situation. It becomes impossible to move it up once it has gone down. Weariness sets in, there is a want of adequate energy to get back to an old situation, even if it is admittedly better than the existing one. That is what would take place in Manitoba before long, the Catholic minority would be sacrificed, and the remainder of its rights buried for

ever. This disposes of the suggestion sometimes made that with time we might improve the settlement itself. That disposes also of the argument that this settlement is only an instalment on what we have a right to get. Mr. Cameron, the Attorney General for Manitoba, has conclusively set this matter clearly before the provincial legislature. He said in explanation of section 7 of the settlement :

> That rejects the system of separate schools, and shows that the intention of the settlement is to discard it for ever.

Surely, that is clear enough. We have nothing more to expect in the future, and we have everything to apprehend. I have heard some say that we were ready to accept the propositions stated in the memorials of the delegates sent a year ago to Winnipeg by the late government—and it is added that the present settlement does not substantially differ from those propositions. In reply I say, 1st, that the propositions of the commissioners were intended only to be a basis for subsequent negotiations between the minority and the parties interested ; 2nd, that the minority has never accepted those propositions ; and 3rd, that they differ materially from the present settlement. In support of this third assertion I have only to quote the words of Mr. Cameron in this regard :

> It has been charged that the government (of Manitoba) has acted perfidiously inasmuch as the terms of the settlement are substantially the offer made by the Dominion commissioners a year ago. Such is, however, very far indeed from being the case. * * *
>
> The charge was precisely the opposite of the truth ; there was not the slightest resemblance between the commissioners' offer and the offer of to-day.

In fact, the government of Manitoba rejected the offer of last year, as they call it, as giving, in their opinion, to the minority their separate schools ; they accept the offer of this year because it rejects for ever the separate schools. The offer of last year recognized our rights ; the offer of this year is practically a burial of those rights.

There is one great difference between the position taken by the late administration and the position taken by the present government. It is this : that the commissioners last year were positively instructed not to make any settlement which would not be satisfactory to the minority. This year the government makes a final settlement without any regard for the satisfaction or dissatisfaction of the minority.

Now, as to the minority having expressed their willingness to accept as a basis of settlement the propositions laid down in the memorial of the commissioners of last year, there is not the slightest ground for the assertion. His Grace the Archbishop of Saint Boniface declared his disapproval of them. I have also expressed my own dissent from a settlement upon the lines of those propositions. I beg permission to read to this House a letter which I addressed to the Prime Minister, as soon as an official statement could be had in connection with that mission :

> I claim full justice for the minority, and the proposals of the commissioners do not extend to us that full justice. Consequently it is my duty to mark my dissent from such proposals as being inadequate to the requirements of the case. It is useless to add that I still further dissent from the proposals of the Manitoba government. It is my request that this my dissent be brought to the knowledge of the cabinet."

This makes our position in this regard unassailable. Let us refer briefly to the Remedial Bill of last year. That bill gave us :

1. A Catholic board of education.
2. A Catholic superintendent of education
3. Catholic school inspectors.
4. Catholic school teachers everywhere and independent of the number of children.
5. Catholic school trustees.
6. Catholic examiners.
7. Catholic normal school.
8. The selection of the text books.
9. The right of levying taxes for the support of our own schools.
10. Exemption from taxes for the support of other schools.
11. It affirmed our rights to share proportionately in the legislative grant for educational purposes.

Now, the present settlement does not grant us any of the above privileges. It does not even recognize our right to any of them, and yet it is tried to make us believe that it is preferable. It is a wonder to me that any one should persist in such an attempt to misrepresent the situation. I will not insist upon that, however, because it seems to me that the mere mention of the facts is sufficient to do away with all misapprehensions in this regard. But I want

to insist on one of the features of that bill. It was an undoubted sanction of the rights of the Catholic minority of Manitoba, and, above all, it was a sanction of the principles upon which the constitution is founded with regard to such matters; it declared that minorities could depend on the federal powers for their protection; and the recognition of those principles by the final adoption of the law, would have resulted in peace and harmony all through the Dominion, because, with the triumph of that policy, any future desire in any of the provinces to encroach upon the rights of minorities would have been discouraged and quieted for ever. This was sufficient to enlist in favour of the bill the sympathies of every sincere champion of the constitution. But it is said that our position might have been made uncomfortable by litigation. When the minority gave its approval to the Remedial Bill, it knew that litigation was ahead; but we knew, at the same time, that, with the judgment of the Privy Council behind us, with the remedial order behind us, with the remedial legislation behind us, with the Imperial guarantees behind us, with the "parliamentary compact" behind us, we were in a position to enter into new contests with a reasonable expectation of coming off from the same with flying colours. We were ready then to go into litigation, while if we accepted the present settlement we could not even have the idea of going into litigation at all. All grounds of success would be cut from under our feet. Our cause would be crippled for ever.

Make a compromise, suggest others; let the process of give and take operate. But, hon. gentlemen, what shall we give? We have had a genuine jewel stolen, and it is proposed to let the thief go provided he gives back a false stone. This is no compromise. It is all gain on one side, and all loss on the other. But, hon. gentlemen there are some reasons of a higher order to be advanced against a compromise. The education of their children is to the minority a matter of conscience, and in such matters, as I have already pointed out, the yeas and nays do not obtain, and although the hon. leader of this House has ventured to say that in his opinion our conscientious views had been fairly met by the settlement, we must decline, with all due deference, his teaching in such matters. He is not a judge as to what my religious belief exacts from me, any more than I could be a judge for him in like matters. I am surprised at the suggestion coming from certain gentlemen. For instance, the hon. senior member for Halifax, is one of the most uncompromising men in this House. Even on trifling things he holds steadfast to his views. But, strange enough, when it comes to the sacred interests of the souls of our children, he advocates a compromise. This, I cannot conceive. But I must take the fact as it is, and tell my hon. colleague that the Catholic minority in Manitoba begs leave not to act upon his advice.

The hon. premier, Mr. Laurier, said some time ago, that the minority, through their solicitor, had not asked for a restoration of their denominational schools, and the hon. leader of this House has repeated, in substance, the same assertion. I must take exception to such a statement. What the minority asked for is a matter that can very easily be ascertained. We have only to refer to its memorials and petitions. Our demands are couched therein in the following words:

(3.) That it may be declared that the said last mentioned Acts do affect the rights and privileges of the Roman Catholic minority of the Queen's subjects in relation to education.

(4.) That it may be declared that to Your Excellency the Governor General in Council, it seems requisite that the provisions of the statutes in force in the province of Manitoba prior to the passage of the said Acts, should be re-enacted in so far at least as may be necessary to secure to the Roman Catholics in the said province the right to build, maintain, equip, manage, conduct and support these schools in the manner provided for by the said statutes, to secure to them their proportionate share of any grant made out of the public funds for the purposes of education and to relieve such members of the Roman Catholic church as contribute to such Roman Catholic schools from all payment or contribution to the support of any other schools or that the said Acts of 1890 should be so modified or amended as to effect such purposes.

That is what Mr. Ewart was requested to ask as the minimum of our rights—that is what he prayed for, and the best evidence that he never asked for less is the fact that both the Privy Council and the Governor General in Council have granted the whole of our demands, as contained in our petitions. No tribunal ever grants more than what is prayed for.

Mr. Ewart has cheerfully espoused our cause, he has fulfilled his duties with science and devotedness, and it was due to him as

well as to ourselves that the statement made here and elsewhere should be at least contradicted.

There are many other things which have been mentioned and to which it would be expedient to give an answer. But I must not trespass too long on your indulgence. I will only refer briefly to a few other matters.

The speech from the throne says that the agreement is "the best arrangement that was obtainable under the existing conditions of this disturbing question.

In answer to that I may say that when the matter was taken into their hands by the late government, if the then opposition had generously offered their co-operation for the settlement of the question, as the present opposition is ready to do, every right and privilege to which we are entitled would have been restored to us, the question would have been settled long ago, and removed from the political arena.

I must not forget to mention before closing my remarks the fact that the minority in Manitoba has protested against this settlement. Resolutions of complete dissatisfaction have been adopted in each locality where there is a Catholic settlement. That dissatisfaction has been emphasized more particularly in the late election of Saint Boniface where the Greenway candidate himself, in order to save his deposit, had himself to disapprove that settlement.

To justify their former attitude and their present course the government allege that the Remedial Bill was not an efficient remedy. If their solicitude for our interests is so great, why do they not bring a better measure? They have legal lights in their ranks. Let them frame a bill that will give us all that we are entitled and that will defy litigation. The present opposition will support them.

And even if there were difficulties ahead there is no statesmanship in avoiding them by a weak surrender. The government of a country has no right to give way before the assailants of the constitution; they must uphold the rights of every section of the people.

Appeal is made to peace. Let me remind the House that we had peace before 1890, we are not the parties who disturbed that peace. Let the guilty parties make the constitutional and equitable concessions they have been commanded to do, and peace and harmony will be restored as before. We need peace and harmony in that distant part of the Dominion, for the development of our immense resources.

I hope the House will pardon me for keeping the floor so long. As one of the sufferers, as one coming from the province where the trouble arose, as one of the representatives of the minority, I am in duty bound to raise my voice here to uphold our claims and to vindicate the constitution. Do not believe that we demand to have for our church special privileges, do not believe that we want to put ourselves out of reach of the government action; do not believe that we intend to raise a generation of hostile citizens to the British institutions. Our loyalty to our church does not impair our loyalty to the Crown. As was plainly said last night by the illustrious representative of the still more illustrious Pontiff Leo XIII., our loyalty to the Crown and to the British institutions goes hand in hand with our loyalty to our church. True, our grievances are the occasion of this battle, but we feel at the same time that we are not fighting for ourselves only. Surely we are fighting for the soul of our children, but we are fighting also for the constitutional privileges of every province in this Dominion, we are fighting for the preservation of Christian rule in our country. The present crisis has more than a local importance. It seems to me that we are on the verge of a decided step in the social movement in this Canada of ours. Shall Christianity be the rule in this country or not? It shall not be the rule unless positive Christianity is taught in the schools. If it is not taught, we will follow the decline in that respect which all right thinkers observe in the country south of us where fully one-third of the population are in the deep sea of infidelity. Such were the fears of the Duke of Argyll when speaking on Australian matters in the House of Lords in 1891, he paid to the Roman Catholics this glorious compliment, though himself a Presbyterian:

> The Catholics had the high honour of standing alone and refusing to pull down in their schools the everlasting standard of conscience. This resistance on the part of the Roman Catholics, I believe, may be the germ of a strong reaction against the pure secularism, against which I venture to call pure paganism, of the education of the colony.

Half an hour of religious instruction in the class-room, after school hours will not

answer that purpose. It will rather emphasize, for the present, the pure secularism, or pure paganism of the school system, and lead in the future to the entire removal from the school premises, and from the mind of generations to come, all vestige of Christianity.

What the Catholics want is not only instruction, but they want true education.

To educate a child is not only to adorn his intellect, but it is also to form his character, to cultivate the aspirations of his heart and of his soul. This cannot be done unless the atmosphere of the school is permeated with Christian thoughts. It does not follow, as is so often said with respect to Catholic schools, that nothing but religious instruction must be given in schools. But, for Catholics, it means that the school work must be opened and closed with Catholic prayers. It means that the teacher may, during the school hours, and in a Catholic sense, refer to the Saints and the Blessed Virgin Mary. It means that in teaching how to read, the teacher must be allowed to tell the young child, that at all times, in his old days as in is younger days, he must not sully his soul by immoral readings. It means that the teacher when teaching grammar must have the right to tell the child that the language which he is learning must be used at all times for the defence of the truth. It means that in teaching arithmetic the teacher must be allowed to tell the child that God has created everything with number, weight and measure. It means that in teaching geography the teacher must be allowed at least to tell the child that the first missionaries in Manitoba were Catholic priests, who went there at the request of Lord Selkirk, and who did good work for the christianization of that country. It means that in teaching history, the teacher must be allowed to point out to his children the action of God in human events; and so on with all the branches of knowledge. It means also that when disciplinarian measures have to be resorted to, the teacher must be allowed to appeal to the Christian sentiments of the child rather than to brute force, civil law, or the law of nature only. Catholic education is an education where, while teaching all secular subjects, the thought of God is allowed to penetrate all the inner parts of the child's mind, as pure beams of the sun, so that he may learn everything with a view of becoming a good citizen and a good Christian. This does not occasion any undue waste of time on the part of the teacher or of the child. A mere look sometimes upon the walls of the schoolhouse, where are appended Christian emblems, is all that is required. That is briefly the Catholic conception of a school. There is nothing in that to which objection can be taken, even from a pure human or civic point of view. In fighting for that conception we are but fighting for our rights, for the constitution, for our country, for the Crown, for Christianity, and with the grace of God I hope the minority of Manitoba will never fail in this sacred duty.

Hon. Mr. DEVER. I wish to say a word or so expressive of my regard and veneration for the Queen.

On the death of William the Fourth, who was son of George the Third, the Crown of England had to go to the young Princess Victoria, who was the daughter of the Duke of Kent, a brother of the dead king, the dead king not having any children of his own.

Hence, on hearing of the king's death, the Archbishop of Canterbury and other gentlemen high up in the affairs of state went immediately to make it known to the Princess Victoria, who was staying at Kensington Palace at the time.

Lord Melbourne was sent for. He was then Prime Minister, and a meeting of the Privy Council was held and the Princess was sworn in Queen of England.

I remember well her marriage to Prince Albert and her children being born; the Crimean war, 1854-55, and its difficulties; the death of Prince Albert, 1861, &c., &c.

I remember, too, her affliction as a widow, and the sympathy of her children for her. But now, hon. gentlemen, nearly all is over with the Queen—age is coming fast upon her, and her venerable picture at present looks very little like her bright young face when I saw her portrait first.

Such is life, even with queens!

But to her people her reign has given great strides of advancement.

Knowledge has gone abroad; history has been thrown open.

Bigotry and ignorance are dying out, and theologians and tories of all creeds had better pay attention to the "handwriting on the wall."

It has been said that the school question has not been settled satisfactorily, and that half an hour is not sufficient for religious instruction each day. Well, hon. gentlemen, those who are making their living by theology are very numerous; and, if they are so anxious about the religious training of the children, I really think they can find means, and ample time, to gratify their deep interest in the spiritual welfare of these children if they so choose to occupy themselves.

But I fear there are other considerations in this school cry than great regard for the well-being of the children, and some Catholic thinkers would prefer to see theologians confine themselves to their speculations on divinity, and leave politics severely alone, to the laity, who can look after them very well. Spiritual theories are very good in their place; but practical use of mother earth is what we are after in this age of competition. Theologians by this time ought to be satisfied that the government of nations progresses the wrong way in their hands; at all events, we think so. If I were to draw my conclusions from some of the speeches that I have heard on this question, I would feel that the people might begin to look through their fingers, and ask themselves the question, Is Christianity a fact or an invention? What have they to fear about the foundation of Christianity? I was under the impression that it was a historical fact, but apparently these gentlemen think otherwise. They seem to think it is only secure when impressed on the plastic minds of children, there to be believed, whether true or false, like Mohammedanism or Judaism. Christianity may well exclaim, "Save me from such friends!"

Some hon. gentleman, spoke in this debate, very scornfully, of science, especially science in the United States, and how confused the people were in that country, I presume the hon. gentleman meant also, the science of theology; if not, I would like the hon. gentleman to explain the great confusion in this science, which exists in the several schools of theology all over the world. Some gentlemen look with contempt on all science only the one they are schooled in.

This hon. gentleman was also very severe on M. de Voltaire. He called him "an atheist," and other unkind names. I know many people very prone to denounce Voltaire who have never read any of his writings, but the following little bit of information does not go to show that Voltaire was an atheist, or that he was quite as bad as his enemies would like to make him out.

In looking up and praying to his God, Voltaire said:

Oh, God; misunderstood whom all proclaims,
Hear the last word my humble mouth now frames,
If I mistook 'twas while thy law I sought,
I may have err'd, but thou wast in each thought,
Fearless, I look beyond the opening grave,
And cannot think the God who being gave,
The God whose favours made my bliss o'erflow,
Has doomed me after death to endless woe.

Of course he was very severe in his writings, on certain theologians, and when we come to look back, on the many errors, committed by extreme men, who can wonder, at Voltaire, denouncing crime, in high places. Who can smile, on the accusers and tormentors of Galileo; who can love the murderers of Joan of Arc! Who can stand idly by, and see a government, for the people, and by the people, taken from them! But, hon. gentlemen, let me leave this unpleasant subject, and see what we can say about the tariff. I have no doubt whatever, but that the tariff will be satisfactory, this time. The men, at the head of affairs are able, and honest men, Of course the evil policy of the past cannot be wholly changed in its "spots," at once, but it will, I believe, in a very short time, and to the entire satisfaction of a large majority of the people, of this Dominion. There are many other points in the address I would like to touch upon, but this must suffice, for the present.

Hon. Mr. SCOTT moved the adjournment of the debate.

The motion was agreed to.

The Senate then adjourned.

THE SENATE.

Ottawa, Tuesday, 6th April, 1897.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

A QUESTION OF PRIVILEGE.

Hon. Mr. McKEEN—Before the Orders of the Day are called, I wish to rise to a

question of privilege. My attention has recently been directed to a newspaper article which has been copied by the *Evening Journal* of Ottawa from the Ottawa *Weekly Tribune*. This item, to my mind, is scurrilous and insulting to some members of this Senate, at least I regard it so, and I ask for the indulgence of the House while I read it:

STRONG BUT ——?

Ottawa Weekly Tribune.

Those senators who buncoed the public treasury by drawing double mileage should be prosecuted for obtaining money under false pretenses. A senator should have no further immunity than any other man when it comes to a question of theft. It was not enough for those fellows to sit in the Commons and vote with the promise of senatorships in their pocket, but they must descend to the paltry theft of a double mileage.

It is unnecessary to comment on the character of the item, but I think it is due to myself that I should make some explanation, as I am one of the parties referred to here. These criticisms are due to some correspondence which took place last year between the Auditor General and the Clerk of this House. The Auditor General took some exception to mileage that had been paid senators who had been brought into this House during the latter part of the first session of 1896. For my part, I resigned my seat in the House of Commons about the middle of January—speaking from memory, about the 16th of January. I did so in order to provide a seat for the present leader of the opposition in the House of Commons. In doing so, I was not without precedents, and certainly since then my example has been followed by others who now occupy seats in this House. I was called to the Senate, I think, about the latter end of February. In the interval, I had been home. I think I was sworn as a member of the Senate about the 5th of March, which made the time between my resignation in the House of Commons and my entrance into the Senate about seven weeks. When the statement of my indemnity was sent me, I agreed to it, and drew my pay. The question of mileage, as far as I know, was never raised. In my mind, I felt I was as much entitled to travelling fees coming here, as I had ever been when coming to the House of Commons. I had been six weeks at home, and in the interval had been to the States and elsewhere. During the subsequent session, in the autumn, my attention was called by some of my brother senators to the fact that the Auditor General had taken exception to mileages being paid: he had styled them "double mileages." I went down to see him and explained the situation as I understood it. I told him that to my mind it was perfectly right, that I could not conceive of any other way by which the mileage could be paid. I added, and I am prepared to affirm what I said, "If there is any idea in your mind or the mind of any person connected with your department—that this is not right, I am willing to hand back the money: I should much rather do it than that there should be any difficulty in regard to it." He agreed with my explanation and said he had no fault to find. He showed that there could be no question as to my right to being paid my travelling expenses, and I find that after some correspondence with the Clerk of this House, he writes as follows to the Clerk:

AUDIT OFFICE, OTTAWA, 8th Oct., 1896.

SIR,—In further reference to my letter of 28th September calling your attention to the indemnity and mileage paid to certain senators for the first session of 1896, I beg to state that when that letter was written I was under the impression that Senator McKeen was receiving the full indemnity for that portion of the session of which he was a senator less eight dollars a day for all absent days over twelve during that period, and over-looked the fact that he was not appointed from the Commons to the Senate. Senator McKeen has reminded me that such is not the case, that a considerable period elapsed from the date of his resignation in the Commons to his appointment as senator. I would therefore correct my letter of 28th September as regards his case.

I am sir, your obedient servant,

J. L. McDOUGALL, *A.G.*

The Clerk of the Senate.

He went on to take exception, which I need not go into, about the days I was here. As far as I am concerned, I have only to say that my attendance in parliament was checked by the accountant, or clerk, or proper authority in this House. I never paid any attention to it myself. I have no doubt, and as far as I know, the account was correct; the explanation of the clerk in a subsequent letter proves it. At all events I was paid only on the same basis as other members of the Senate. I am sorry to be obliged to allude to this, but the press having criticised my conduct in reference to the statement made by the Auditor General I

am in duty bound to notice it. In regard to the charge that members of the House of Commons were sitting and voting with appointments in their pockets, as far as I am concerned, that is entirely untrue. I resigned my position in the House of Commons without any promise directly or indirectly, and up to the day I had the honour of receiving a telegram from the present leader of the opposition in this House that he had been pleased to recommend me to a seat in the Senate, I had no promise from any member of the government or of the party that I should receive such an appointment. I can appeal to any member of the government in or out of office whether I am not correct in this statement. I am sorry to have to take up the time of the House with matters of this sort, but it was due to myself, in view of the criticisms and charges that have been made all over the country, more particularly in my own province in regard to this matter.

Hon. Mr. SCOTT—I think the hon. gentleman's explanation is entirely satisfactory to every one within his hearing. It is quite clear from the statement he makes that he ceased to be a member of the House of Commons, had returned home and had been absent from Ottawa six or seven weeks and was then summoned to the Senate. The case is perfectly clear and no exception can be taken to it. With reference to the days of his attendance in this House or the other House they were subject to the rules of parliament, and I think the hon. gentleman is free from any further responsibility on that score.

Hon. Sir MACKENZIE BOWELL—I might add, as far as the statement made by the hon. gentleman from Queen's, in reference to any promise of an appointment, he never had any promise from me, nor did Sir Charles Tupper ever directly or indirectly intimate to me that he desired the hon. gentleman to be called to the Senate until some time after the election. Then when the matter was discussed I said it would give me great pleasure, and I think I telegraphed to the hon. gentleman to that effect, that it gave me great pleasure to recommend him to the Senate. He had no promise whatever from the head of the government or any one else, so far as I know.

TRIAL BY JURY IN THE N. W. T'S. BILL.

FIRST READING.

Hon. Sir OLIVER MOWAT introduced Bill (D), "An Act respecting trial by jury in certain cases in the North-west Territories."

Hon. Sir MACKENZIE BOWELL—It has been the practice, and I think a very good one, if the hon. gentleman would only follow it—although there is no rule to that effect—that when a bill of an important nature is introduced by the government, a short explanation is given to the House of what its purport is, in order to draw the attention of members of the Senate to its contents.

Hon. Sir OLIVER MOWAT—The object of the bill is this: The Assembly of the North-west Territories has passed an Act to provide for trial by jury in certain cases for which there was no provision in the North-west Territories Act of Canada; but it is doubtful whether that legislation by the assembly is constitutional or not. The cases in which they have given these trials by jury are recited here, and the object of the bill is merely to confirm their Act. It is a matter for their discretion to determine, and what they have done seems quite reasonable; but I propose that parliament should confirm it to remove any doubt there may be as to the jurisdiction of the Act they have passed.

Hon. Sir MACKENZIE BOWELL—And to give them power in the future to continue such trials?

Hon. Sir OLIVER MOWAT—I have not said anything about that. I have left the jurisdiction as it was, and the larger question as to whether their jurisdiction should be extended; at all events, in this particular, I propose to confirm what they have done.

The bill was read the first time.

THE ADDRESS.

THE DEBATE—CONTINUED.

The Order of the Day having been called:

Resuming the adjourned debate on the consideration of His Excellency the Governor General's speech on the opening of the second session of the eighth parliament.

Hon. Mr. SCOTT said: Before the debate closes, I desire to offer a few comments on the observations that have fallen from hon. gentlemen who have spoken in reference to the various paragraphs in the speech His Excellency delivered on the opening of parliament. Before doing so, I wish to express, on behalf of the leader of the government in this House and myself, my recognition of the moderation which has marked the utterances of various speakers on the subject. I am afraid, however, I shall have to except from those complimentary terms my hon. friend from Queen's.

Hon. Mr. FERGUSON—All right.

Hon. Mr. SCOTT—The hon. gentleman is always rather caustic in his remarks, particularly when he speaks with the feeling he did on the occasion of his address to this House. My hon. friend from Pictou also, I will not say committed any breach of the decorum of the House, but he certainly did not by his remarks elevate the tone of the discussion on the address. I think when he sees his words in print, if they have not been revised he will rather regret that he has made the comments he has with reference to the individual members of the cabinet and the comparisons he drew as to their ability and their position as members of the government.

The first paragraph of the address is one that naturally evoked an echo, not only in this chamber but from the whole Dominion of Canada. In no part of the Queen's broad empire is there a stronger feeling of loyalty and devotion to the throne than prevails throughout Canada. It is a matter of history that those nations which from time to time had to stand up for their rights and liberties have always been the most loyal to the Crown or the authority of the country. On two memorable occasions the people of Canada had to stand up for their rights and liberties, once in a contest that prevailed in the last century and once in the early part of the present century; but apart from that there are reasons why the Canadian people should entertain a more than an ordinary respect and devotion for Her Majesty the Queen. Probably in no part of the world has the same growth and development prevailed, so far as material progress or civil liberty are concerned, as we have experienced in Canada during the present reign. If we recall the period of 1837 when the Princess Alexandrina Victoria, ascended the British throne on the decease of her uncle, and compare the primitive condition of the country and of the government with the status of to-day, we will find that the progress and development of Canada has been in a much greater ratio than has been experienced in other countries. To give hon. gentlemen and the present generation one illustration of what I am adverting to in the development of the country, at that time, in 1837, the journey from Montreal to Kingston took from two to three days, and it was made up of six or seven different changes by stage and boat. To-day we traverse the distance comfortably in a few hours. At that time to reach Kingston from Montreal, we had to take a stage from the city of Montreal to Lachine, a boat to the Cedars, a stage to Coteau, a boat from Coteau to Cornwall, a stage from Cornwall to Dickenson's Landing, and a very primitive sort of flat boat with a stern wheel, such as one sees now in pictures of boats that are to be found in shallow streams in Africa, carried the passengers to Prescott where a boat of larger proportions brought him to Kingston. In reference to progress of government, Upper and Lower Canada were governed by a Governor or Lieutenant-Governor and Executive Council. It is quite true we had our legislative assembly and legislative council, but they were largely filled with office holders. They had not sufficient independence to resist the executive authority, and it is notorious that time and again the government was carried on against the direct will even of a subservient majority in the House of Assembly. To-day we rejoice in having probably the most perfect system of government that prevails in any country of the world. There is no part of the world where home rule is so thoroughly understood, enjoyed and appreciated as it is in Canada. We may have our differences of opinion in regard to minor questions—the tariff, details of expenditure, the franchise, and various other matters connected with our system of government, yet it must be acknowledged that, taking it all in all, there is no system of government that can be pronounced superior to that which exists in Canada. It answers quicker and more responsively to the will of the people than the government of any other land. It has broader principles of democracy than exist even in the United States, where, as

we all know, even in that body that years ago attained to such eminence, the Senate of the United States, the country is ruled by, I will not say faction, but at all events by cliques who dominate over every principle of right and justice. The reign of Queen Victoria will be in the future, also, one of very great importance. All admit that the tone in the court since Queen Victoria assumed the throne, has been raised high above the plane that marked the lives of those of her predecessors. The example that she has set will, in future years, compel her successors to assume a tone of equal character and respect in the eyes of the people. The British people have become exacting in the reign of Victoria from the noble life that Her Majesty has led. I think, therefore, that, speaking for ourselves in Canada, there will be no part of the world where the Queen's Diamond Jubilee will be celebrated with a keener sense of appreciation and respect and love for Her Majesty than in the Dominion of Canada. Now, coming to some of the details in the speech, a good many comments were made upon the Franchise Act. The language of the speech was that it was expensive and unsatisfactory and I was surprised to hear hon. gentlemen rather find fault with the language of the speech and to express the belief that the system in force since 1884 or 1885 was better because of its uniformity than the proposed adoption of the provincial franchise. They seem to have forgotten the opinion expressed by Sir John Thompson in 1894 when he introduced a bill to abolish the franchise that had been in force for years. I will just read an extract from his speech delivered in June, 1894, when introducing the Franchise Bill. He said :

> The change is also proposed in this bill which I indicated a few days ago, that the questions upon which so much difference has arisen in the past as to the basis of the franchise, shall be adjusted by adopting the franchises of the several provinces. While I admit that this is a new departure, I deny what has been so widely asserted, that it is in any important or practical degree a surrender of any principle that we have contended for in times past. The number of differences which exist between the provincial franchises and the Dominion franchise as established by our own Act are so few as not to be worth the contest and the expense which are involved in keeping them up, and the adoption of a general system which will apply both to the local and Dominion legislatures has recommendations as regards simplicity and facilities for economy which cannot exist under a dual system such as we have been keeping up for the past few years.

That language is very decided, as showing that, at all events in the opinion of Sir John Thompson, it was not worth preserving the franchise under the federal principle that had prevailed for the preceding ten years.

The completion of the canals is a subject that has evoked general approval throughout Canada. The business men of this country appreciate the importance of having the canals finished at an early day. It has been the design of the preceding government, as well as this government, that the canals of this country should be enlarged. Our predecessors had proceeded with the construction of a portion of the works. Why all should not have been undertaken together, I do not understand, because the capital expended in deepening the Welland canal is practically lost; it yields no return and can yield no return until the whole system is deepened to 14 feet in depth. We hope at least in the course of two years that the canals will be deepened to 14 feet throughout, and then vessels can take grain and products of the west from Fort William, Chicago and Duluth to the point of export at Montreal or Quebec.

The proposal to bring the Intercolonial Railway to Montreal has already evoked some opposition. As hon. gentlemen know, the Intercolonial Railway has not been a paying enterprise from a commercial standpoint, and, it is believed, and believed I think with some degree of confidence, that the extension of it to the city of Montreal, which is an important business centre, will enable it to compete with the other railways. Its terminus will be at the head of tide water, and it will be able there to avail itself of those advantages that a long railway, such as it is, will enjoy by reaching so important a centre as the city of Montreal. It will be found in after years that the project was a wise and prudent one.

The hon. senator from Queen's, in his observations, twitted the present government with their omission to place a reciprocity clause in the speech from the Throne. It would have been only deceiving the people of Canada if we had introduced a proposal that we knew was wholly without avail at the present time and under present conditions. Both political parties in this country have been committed to the principle of reciprocity. It is on record that in 1878, when the Conservative party advocated a

change of government by the adoption of the national policy, reciprocity with the United States was one of their planks. The cry was reciprocity in trade or reciprocity in tariffs. The announcement was made by Sir Charles Tupper and other leading statesmen of the day on the Conservative side that if they were returned to power, reciprocity was sure to follow in two years. Probably my hon. friend from Prince Edward Island will remember some of the speeches made by Sir Charles Tupper at that time, in which he pointed out that the return of the Conservative party and their resumption of power would necessarily bring reciprocity with the United States. Speaking at Charlottetown on September 3rd, 1878, he said:

> All that you have to do is to support the national policy of Sir John A. Macdonald in order to obtain reciprocity with the United States within two years. Liberal-Conservatives propose to bring about a renewal of reciprocity with the United States, under which the country prospered in so eminent a degree, &c.

That was the language of the Conservative party. Subsequently, as years went on, from time to time it was also enunciated that they were in hopes of securing a reciprocity treaty. We must recollect, because it is of comparatively recent date, that parliament was dissolved in 1891 on the distinct assurance to the people of Canada that a treaty was about to be established with the United States and that it was necessary to have a new parliament in order to confirm the terms of it. I have in my hands the official announcement made by the government at that time, and that was the plea on which the parliament preceding the present one was dissolved in 1891. We know that several members of the government went to Washington and that they had a conversation with Mr. Blaine, then secretary. We know, moreover, that without authority from him they divulged the overtures that were made in confidence, and that were not to be spoken of, in order to serve their purposes in the election that followed. We know also that apologies were demanded and given for that breach of confidence, so that so far as the record of the Conservative party is concerned they have not very much to boast of on the subject of reciprocity. The leaders of the Liberal party have always advocated reciprocity and have always been in favour of it. They recognize that during the last eighteen years the government of the day were largely responsible for the feelings that grew up in the United States during that period, and if to-day the present government have found it impossible to practically secure any treaty it is largely due to the irritation and the grievances that grew up during the time.

Hon. GENTLEMEN—Oh! oh!

Hon. Mr. SCOTT—Hon. gentlemen smile—I have the record, and can read it, and it will not be disputed. They will recognize there is some truth in the observations I make. I say when the United States refused to ratify the Fisheries Treaty in 1886 and 1887 the course adopted by the then government in enforcing the treaty of 1818, was the substantial cause of the irritation in the United States.

Hon. Mr. MACDONALD (B.C.)—It was the $5,000,000 they were obliged to pay under the Halifax award that caused the irritation.

Hon. Mr. SCOTT—No, it was the seizure of vessels and the enforcement of a treaty that was not adapted to modern times, a treaty that had not been enforced for twenty-five years, because it was not in force during the Reciprocity Treaty of 1854, nor subsequently, under the Treaty of Washington. It is notorious that in carrying out that treaty one vessel was seized because being short of hands, she had put into port in order to ship a seaman. It is very well known that they were not allowed to trade or to purchase anything. It is on record that a steamer put in for water, having had her barrels swept off the deck, and she was told "Yes, you have a right to procure water under the terms of the treaty, but you cannot purchase barrels—you are not allowed under the treaty to buy barrels." It was cases of that kind that caused largely the aggressive attitude assumed by the United States. I do not mean to say that the United States was not aggressive on its part, that there have not been year by year acts committed by them which were censurable in as high a degree. There has been on both sides an absence of that proper feeling that ought to exist and the desire to cultivate friendly relations that should always prevail between two countries situated as Canada and the United States are.

Hon. Sir MACKENZIE BOWELL—Does the hon. gentleman desire the Senate to understand that the government of the day should have allowed the treaty of 1818 to be a nullity?

Hon. Mr. SCOTT—Not a nullity, but it was carried out to an extreme degree. We have had that question debated in this chamber before now—probably before my hon. friend from Belleville came into it—and it was admitted by every one who has followed the circumstances under which that treaty was passed, that it was wholly unsuited for the present time.

Hon. Mr. MILLER—I never heard it admitted in this House, and when the subject was under discussion I always took part in it. The very contrary was contended for and when my hon. friend uttered sentiments on one occasion before, such as he has uttered now, they met with general condemnation on both sides of the House.

Hon. Mr. SCOTT—I am aware that my hon. friend always took the opposite view. I speak for myself and I think there were many gentlemen on the Conservative side of the House who took that view. I will read Sir Charles Tupper's view of it, expressed in a speech which he delivered in the House of Commons. In addition to that enforcement of the treaty, discriminating dues were levied on United States bottoms passing through the Welland canal. That was kept up for several years, until the United States declared that they would put a corresponding duty on vessels passing through the Sault Ste. Marie canal.

Hon. Sir MACKENZIE BOWELL—I do not like to interrupt the hon. gentleman, but I deny in the most distinct and emphatic manner that there was any discrimination against United States vessels.

Hon. Mr. SCOTT—The hon. gentleman surely remembers that the dues were levied and were only removed when the United States imposed dues on Canadian vessels passing through the Sault Ste. Marie canal.

Hon. Sir MACKENZIE BOWELL—The government of Canada gave them privileges that they were never entitled to.

Hon. Mr. SCOTT—Did not the government impose a duty of 20 cents a ton on United States vessels passing through the canal?

Hon. Sir MACKENZIE BOWELL—The duty that was imposed upon United States vessels was imposed upon Canadian vessels under similar circumstances; the duty was levied on all vessels passing through the Welland canal, not going through to Montreal. They had to pay the full dues, whether they discharged the cargo at Montreal or at United States ports west of it.

Hon. Mr. SCOTT—My hon. friend knows very well that 99 per cent of the Canadian vessels went to Montreal, while United States vessels went to Ogdensburg.

Hon. Sir MACKENZIE BOWELL—What difference does that make?

Hon. Mr. SCOTT—Hear what Sir Charles Tupper said when introducing the fisheries question on the 10th April, 1888, in the House of Commons:

> We stood face to face with an enactment which had been put on the statute-book by a unanimous vote of Congress, ratified by the President, providing for non-intercourse between the United States and Canada. I need not tell you that that bill meant commercial war, that it meant not only the ordinary suspension of friendly feeling and intercourse between two countries, but that it involved more than that. If that bill had been brought into operation by the proclamation of the President of the United States, I have no hesitation in saying that we stood in the relation to that great country of commercial war, and the line is very narrow which separates a commercial war between two countries from an actual war. Speaking a year ago, I pointed out in my remarks, with a view to prevent the possibility of such an act going into force, all the advantages that in our present position we could avail ourselves of to protect ourselves against such an unfriendly act on the part of the United States. I said then that it would be a mad act. I say so now. No man who knows anything of the intimate commercial relations which exist between Canada and the United States could contemplate such an act going into operation without feeling that it would tear up from the foundation those intimate social and commercial relations which exist between these two countries, which, in friendly commercial rivalry, are making rapid progress which has attracted the attention of the civilized world.

Hon. Mr. MILLER—How does that sustain your contention?

Hon. Mr. SCOTT—The *modus vivendi* was introduced for the purpose of getting rid of this friction between Canada and the United States. The difficulty was avoided in that way. The hon. gentleman must

recognize that that treaty could never have been enforced had it gone on for a year or two longer.

Hon. Mr. MILLER—It will have to be enforced very shortly now.

Hon. Mr. SCOTT—The treaty was passed at a period when the United States was humbled, properly humbled, while Great Britain was at war in Europe, but it was a treaty that was dictated by a strong power against a weak power. It is not a treaty that Great Britain would to-day make with the United States. No one pretends that, nor do I believe that the British government would to-day approve of the Canadian people enforcing the letter of that treaty.

Hon. Sir MACKENZIE BOWELL—They have.

Hon. Mr. SCOTT—I do not propose to say anything on the question of the tariff. The policy of the government is enunciated in the speech from the Throne.

Hon. Mr. McCALLUM—That is the question that we want to know about.

Hon. Mr. SCOTT—My hon. friend will hear it in due time from the Finance Minister of this country. Some strictures were made upon what was considered an improper announcement. I think it was charged to be a disloyal act, in fact, trenching on treason. I refer to the announcement that the Finance Minister made in the city of Montreal in reference to the question of the coal duties.

Hon. Mr. FERGUSON—I think I said it was an indecency.

Hon. Sir MACKENZIE BOWELL—I go further than that.

Hon. Mr. SCOTT—At all events, the statement was made openly to all the world. It was made under conditions that I think the majority of the people of this country would entirely approve of the statement. Those conditions were that on the Atlantic coast and on the Pacific coast the United States had been in the habit of making large purchases of coal from the Canadian people. The eastern cities buy their coal largely from Nova Scotia and Cape Breton. In the west, California and the Pacific States purchase coal largely in British Columbia. The people in the central portions of the Dominion bought their coal from the central portions of the United States. It was an advantage to both countries. It was just as much an advantage to the United States as it was to Canada. The recent tariff introduced in Congress proposes to levy a duty on coal going into the United States that is practically prohibitory. Does the hon. gentleman say that when Canada was smitten on one cheek that we should adopt the Christian principle and turn the other cheek to be smitten also without making any announcement of what it might be necessary for us to do? I think the responsive utterances that have emanated from the Canadian press are an ample justification of the course taken by the government. We do not believe in the principle of retaliation, but it is necessary in times like the present, when a great country like the United States proposes to strike down an important industry in this country—an industry that I understand has fifteen or sixteen millions of dollars invested in it in the east and a good many millions invested in it in the west and employs thousands of men—it was necessary that some announcement should be made of what might be possible if the United States were to persevere in the line of policy that they had marked out for themselves in reference to the duty on coal.

Hon. Mr. MACDONALD (B.C.)—What about the "sunny ways?"

Hon. Mr. SCOTT—The sunny ways come in. They will have their effect, no doubt, in years to come. We have to raise our revenue largely on imports, and every one knows if you want to favour trade with one country and decrease it with another the tariff is a very important factor in diverting trade from one country to another. Trade will flow in those lines where there is the least obstruction or impediment in the way, and surely if we have to tax ourselves—and it is quite immaterial whether the tax is paid by the consumer or the importer—the general principle applies as we have to raise a revenue. The feeling in Canada at the present time is that we should not, at all events, make it bear more lightly on the United States than on the mother country.

Hon. Mr. McCALLUM—Hear, hear.

Hon. Sir MACKENZIE BOWELL—How is it going to benefit trade with the mother country retaining a duty on coal?

Hon. Mr. SCOTT—I am speaking now on the general lines that the sentiment of Canada proposes that this government shall adopt. I do not propose to follow the remarks made by my hon. friend from Queen's in the charges of disloyalty that he made against the members of the government, but I wish to remind him that in attacking the Minister of Finance as a disloyal man, and he mentioned several instances in which he thought his conduct verged on the realm of treason—he ought to remember that Mr. Fielding has been premier of his province for the last ten or twelve years; he has been an honoured representative, and any reflection cast upon him is a reflection upon the people who placed him in the position he has occupied and enjoyed during that long period.

Hon. Mr. FERGUSON—No.

Hon. Mr. SCOTT—He has left the premiership of that province of his own accord to take a position in the federal government at Ottawa and I think, therefore, the charge of disloyalty under such circumstances, need not require any refutation on my part. Coming now to what might be called the *pièce de résistance* of the speech which has embraced a good deal more of the time of the House than any other question—I mean the Manitoba school question, I may say at the outset my opinions on that subject are very well known. This subject has been frequently before the House, and I have not hesitated at all times to express myself fully as to the opinion I had formed in reference to the rights of the minority in Manitoba. I may add that no fair-minded person who looks into the history of this question from 1870—and we need not go to the Bill of Rights or anything antecedent to that—but taking it from the time of its introduction into the parliament of Canada in 1871, the representatives of the people of Canada then decided that the separate school system as it existed in Ontario should be introduced into Manitoba, and to their credit be it spoken, excluding all the Catholic members who voted on the proposition to expunge the educational powers, there was a majority of the Protestant representative men of this country in favour of granting to Manitoba the right of separate schools. There can be no manner of doubt as to what parliament intended, because the subject was debated and an amendment was made to strike out the clause providing for separate schools and it was contended that if the clause was allowed to remain in, it meant that Manitoba could not at any future time disturb that legislation. That amendment was defeated, and the legislation was confirmed and approved by the Imperial authorities. The law was accepted by Manitoba, and acted upon for some 18 or 19 years, so that so far as the constitution is concerned, it must be conceded that the minority in Manitoba was guaranteed the right to establish and maintain separate schools. My hon. friend who sits opposite, and who has always taken a fair and honourable course in this House, voted against the separate schools clause. It was carried against his will but he accepted the situation and has always expressed himself as convinced that the intention of the parliament of Canada was to grant to the minority in Manitoba the right that they sought. In my judgment it was part of the constitution, and it may seem rather paradoxical, if I say that I do not regard it any longer as part of the constitution. That may be considered a very extreme announcement under the circumstances.

When the bill abolishing separate schools in 1890 came up for consideration, my opinion was then and is now, that the Act should have been disallowed; that it was no doubt *ultra vires*. My hon. friend smiles. He, I have no doubt, assumes that Mr. Blake's and Mr. Laurier's motion had to do with the government's omission to take any action in reference to it. Now, had they followed the lines laid down by Mr. Blake and Mr. Laurier in moving the resolution that an act of that character—because it was within a month after the Manitoba Legislature had passed the act—had they followed the course laid down by Mr. Blake, supported by Mr. Laurier, we would not to-day be discussing the Manitoba school question. As hon. gentlemen know, clause 37 of the Supreme Court of Canada states that the "Governor in Council may refer to the Supreme Court for hearing or consideration" any matter which he thinks fit to refer, and the court shall consider the same and certify their opinion thereon to the Governor in Council, &c." Now, Mr. Blake,

following the words in that clause, moved this resolution on the 29th April, 1890, about one month after the act had passed the Manitoba legislature. It was moved on going into supply :

That it is expedient to provide means whereby on a solemn occasion touching the exercise of the power of disallowance or of the appellate power as to educational legislation, important questions of law or fact may be referred by the executive to a high judicial tribunal for hearing and consideration in such mode that the authorities and parties interested may be represented and that a reasoned opinion may be obtained for the information of the executive.

Sir John Macdonald accepted that resolution, and I shall read an extract from his speech on that occasion :

Of course my hon. friend, Mr. Blake, in his resolution has guarded against the position that such a decision is binding on the executive. It is expressly stated and that is one of the instances which shows that his resolution has been most carefully prepared, that such a decision is only for the information of the government. The executive is not relieved from any responsibility because of any power being given by the tribunal. If the executive were to be relieved of any such responsibility I should consider that a fatal block to the proposition of my hon. friend. I believe in responsible government. I believe in the responsibility of the executive, and the answer of the tribunal will be simply for the information of the government. The government may dissent from that decision and it may be their duty to do so if they differ from the conclusion to which the court has come.

Following the suggestion of Mr. Blake and the acceptance of it by Sir John Macdonald, had the question then gone to the Supreme Court of Canada we know what the judgment would have been. When it came up in the ordinary way that court was unanimous in their opinion that the Act was *ultra vires*. At that time, the year 1890, there was no appeal from the Supreme Court on a question of this kind. It was only in the following year that the law was changed which allowed an appeal, that such questions as might be referred to the Supreme Court could be appealed to the Judicial Committee of the Privy Council.

Hon. Mr. MACDONALD (B.C.)—That would not confine Manitoba in any way?

Hon. Mr. SCOTT—Yes, it would.

Hon. Sir MACKENZIE BOWELL—How?

Hon. Mr. SCOTT—If the government disallowed the Act on the advice of the Supreme Court do you suppose Manitoba would have appealed against it?

Hon. Sir MACKENZIE BOWELL—Certainly.

Hon. Mr. SCOTT—There could be no appeal. We have disallowed other Acts from time to time and when it was made perfectly clear that the Act was *ultra vires* Manitoba would have acquiesced.

Hon. Mr. MACDONALD (B.C.)—They would have re-enacted it.

Hon. Mr. SCOTT—Not if declared *ultra vires*. The introduction of the bill abolishing the separate schools of Manitoba was a rash act. It was not a well considered or well thought out proposition that emanated from the great body of the people. The man who was principally responsible for it was Mr. Martin, who afterwards represented Winnipeg in the House of Commons.

Hon. Mr. BERNIER—Is it not a fact that the law under which the reference could be made to the Supreme Court did not exist in 1890? Was it not passed in 1891?

Hon. Mr. SCOTT—No, it was passed some years before that. I am reading from the Revised Statutes of Canada, 1886. There is no doubt about that.

Hon. Mr. BERNIER—I beg the hon. gentleman's pardon. I think the law allowing the government to refer to the Supreme Court such questions as that raised by the Educational Act of Manitoba was only passed in 1891. I may be mistaken.

Hon. Sir MACKENZIE BOWELL—Yes, in 1891.

Hon. Mr. SCOTT—I am reading from the statute of 1886 :—

The Governor in Council may refer to the Supreme Court for hearing or consideration, any matter which he thinks fit to refer, and the court shall thereupon hear and consider the same and certify their opinion thereon to the Governor in Council.

There is no doubt about that fact at all. My hon. friend is entirely mistaken.

Hon. Mr. FERGUSON—It was only the Act of 1891 that provided for the reasoned opinion being given.

Hon. Mr. SCOTT—No, for an appeal to the Privy Council. There was the law as it

stood, and the words of Mr. Blake's resolution followed the words in the clause I have read, "for hearing and consideration." That is the language he used.

Hon. Mr. FERGUSON—But Mr. Blake points out in that very speech that the state of the law then did not render an appeal to the Supreme Court at all effective.

Hon. Mr. SCOTT—Under Mr. Blake's resolution it was competent to refer this case to the Supreme Court, and we had been in the habit of referring cases to the Supreme Court.

Hon. Mr. FERGUSON—No; you are mistaken.

Hon. Mr. SCOTT—There is the fact. I have read the Supreme Court Act and the resolution and Sir John's opinion of it.

Hon. Mr. FERGUSON—If the law, as it then stood, afforded a perfect channel or means of appeal, what was Mr. Blake's resolution for? He points out that the law was not adequate.

Hon. Mr. SCOTT—Mr. Blake's resolution speaks for itself, and I have read it. He follows the words of the 37th clause in the Supreme Court Act and Sir John Macdonald states it, and he states further, that such opinion is only for the advice of the government, that they were not bound by it, that they were bound to use their own discretion and judgment if they did not acquiesce in that opinion; therefore, I say that in so delicate a question as this, affecting as it did the interests of the minority, it was unwise and unsafe for the government to have allowed it to pass away from their control and authority. We know what the consequences have been. They have been most deplorable. That was the first mistake that was made. We know when the case went to the Supreme Court there was not a shadow of doubt in the minds of any of the judges that the law was *ultra vires*, but when it was appealed to the Privy Council, unfortunately, a judgment was given that was not in accordance at all events with the understanding that was arrived at by the parliament of Canada and by the Imperial parliament. What I say is that that first judgment cut the ground completely away. The first judgment was positive. It was as dogmatic as it was possible to be. It took up the very words "rights and privileges" that are referred to in the Manitoba Act and declared that there were none existing—that there were no rights and privileges. What I contend is this, that in the interpretation of a constitutional question some wider and more liberal interpretation should be put upon the Act than the narrow one that has been given to it by the Judicial Committee. The clause under which the judgment was given reads in this way:

> Nothing in any such law shall prejudicially affect any right or privilege with respect to denominational schools which any persons had by law or practice at the time of union.

Hon. Mr. BERNIER—If the law of 1886 that you are quoting from was sufficient, what was the use of passing this one in 1891?

Hon. Mr. SCOTT—If the hon. gentleman will resume his seat I will explain to him as I explained before. Under the Supreme Court Act as it stood in 1890 there was no appeal from it. In 1891, after the year had expired and when the power to disallow had passed away from the central authority, that Act was passed which allowed an appeal to the Judicial Committee. There was no appeal from the decision of the Supreme Court of Canada as the law stood in 1890.

Hon. Sir MACKENZIE BOWELL—Do I understand the hon. gentleman to say that there ever was a period since the passage of the Act establishing the Supreme Court that either the defendant or plaintiff could not appeal to the Privy Council?

Hon. Mr. SCOTT—No, I think not.

Hon. Sir MACKENZIE BOWELL—There has never been a period since the passage of that Act in which a litigant had not the right to appeal against the decision of any court to the Privy Council. I have a distinct recollection of a motion having been made by Mr. Irving, who was then member for Hamilton, to prevent an appeal to the Privy Council, and Sir John Macdonald laid down the principle that no action of the parliament of Canada could deprive Her Majesty's subjects of the right of appealing to the foot of the Throne for redress.

Hon. Mr. SCOTT—Yes, I will explain what the hon gentleman has reference to. He has reference to cases which come before

the court in the ordinary way—ordinary litigants. This was a different matter. The parliament of Canada and the Governor in Council had the right under the Supreme Court Act to refer to that court any questions on which they desired advice. That has been done time and again. I say that up to the year 1891, when the law was changed, there was no appeal from any conclusion that the Supreme Court came to, or any special case submitted by the Governor in Council or the parliament of Canada. We have referred private bills to the court to ascertain the views of the court as to whether they properly belonged to the provincial or federal authorities, and various questions of that kind have been, from time to time, referred to the Supreme Court. The decisions were not subject to appeal. A reference of a constitutional question was not subject to appeal until the Act of 1891 was passed.

Hon. Mr. BOULTON—Do I understand the hon. gentleman to say that if the Supreme Court expressed the opinion that that Act was *ultra vires*, that then Manitoba would have no right afterwards to appeal to the Committee of the Privy Council?

Hon. Mr. SCOTT—In that year any reference to the Supreme Court of a special case was final.

Hon. Mr. BOULTON—It was cut off from any appeal?

Hon. Mr. SCOTT—Yes. A case in litigation arising between two parties was subject to an appeal and that is what the hon. gentleman refers to—where there are two parties to a case—an ordinary case in court. The hon. gentleman is quite right in saying that either party could appeal if the court considered it a proper case to appeal to the Judicial Committee; but what I said was that a special case, if referred to the Supreme Court during the year after the Manitoba Act was passed, was not subject to appeal and had we had at that time a judgment of the Supreme Court on the Manitoba Act and the government of Canada had thought proper to disallow the Act, I venture to say it never would have gone any further.

Hon. Sir MACKENZIE BOWELL—What necessity was there for disallowance if the hon. gentleman's statement be correct and the Supreme Court had declared the Act to be *ultra vires?* Why should the government interfere beyond that by disallowing? They could not do so if the year had passed?

Hon. Mr. SCOTT—The Supreme Court would have done it only by way of advice to the government. Under the statute a case is submitted for the information of the government, and the Supreme Court if it came to the opinion they did subsequently—we know what their opinion was. We got it afterwards—that it was beyond the purview of the legislature of Manitoba to pass that Act, the government was then amply protected as to any charge of interference with provincial rights. They would have been amply justified, and nobody could have called their act in question, because they would have been supported in the line of policy they adopted by the highest court in Canada.

Hon. Mr. BERNIER—What is the clause in the statute?

Hon. Mr. SCOTT—Clause 37 of the Supreme Court Act. The hon. gentleman will find it in the Revised Statutes of Canada. I think that is perfectly clear. I do not think it is susceptible of any question whatever that there is ample justification for any government to disallow an Act when advised by the Supreme Court of Canada. Now, we come unfortunately to the judgment of the Privy Council which, as I said before, was a very clear-cut judgment—very positive, very absolute and to my mind entailing a terrible failure of justice. The clause of the Manitoba Act which I have just read to the House is quoted in the judgment given by the Judicial Committee, but they are very specific about it. They recognize the position taken by the Supreme Court. They say they cannot concur in that. They say:

> Their lordships have to determine whether that Act (of 1890) prejudicially affects any right or privilege with respect to denominational schools which any class of persons had by law or practice in the province at the time of the union.

They quote the very language of the Manitoba Act and they say:

> Notwithstanding the Public Schools Act, 1890, Roman Catholics and members of every other religious body in Manitoba are free to establish schools throughout the province; they are free to maintain their schools by school fees or voluntary subscriptions; they are free to conduct their

schools according to their own religious tenets without molestation or interference.

No child is compelled to attend a public school. No special advantage other than that advantage of a free education in schools conducted under public management is held out to those who do attend.

The privileges thus spoken of are privileges that the Manitoba minority can enjoy to-day. The minority in any country, I presume, if they choose to pay for their own schools, can enjoy the privilege, but they completely cut out the possibility of any right or any privilege having been guaranteed to the minority. They go on to say:

What right or privilege is violated or prejudicially affected by law?

It is not the law that is in fault. It is owing to religious convictions which everybody must respect, and to the teaching of their church, that Roman Catholics and members of the Church of England find themselves unable to partake of advantages which the law offers to all alike.

Their lordships are sensible of the weight which must attach to the unanimous decision of the Supreme Court.

They have anxiously considered the able and elaborate judgments by which that decision has been supported.

But they are unable to agree with the opinion which the learned judges of the Supreme Court have expressed as to the rights and privileges of Roman Catholics in Manitoba at the time of the union.

I say when they gave that judgment, they cut the right to separate schools clearly out of the constitution. The next clause on which the second judgment was given depends entirely on the preceding one. If there were no rights or privileges taken away from the Roman Catholic minority, what rights are there to restore? In the British North America Act there is a clause which states that if in any province the legislature, after the province comes into the union, passes an Act giving special privileges to the minority, they cannot afterwards withdraw that privilege. If that subsection had been in the Manitoba Act there would have been a groundwork of justification for the second judgment. That clause is not in the Manitoba Act and the Privy Council, strange to say, decided that it had no bearing on the Manitoba Act —so that the only clause which really gave them a foundation for their second judgment they cut out from under their feet so to speak. Any hon. gentleman—it does not require a lawyer—any layman reading the clauses in the Manitoba Act, and reading the clauses in the British North America Act side by side, will say that the whole case depends on whether there were any rights or privileges granted to the minority in Manitoba at the time of the union.

Hon. Mr. DEBOUCHERVILLE—The Act passed by the Manitoba legislature in 1870 or 1871 gave them privileges.

Hon. Mr. SCOTT—In the British North America Act, any province, such as Manitoba, for instance, passing an Act giving privileges to the minority, cannot afterwards withdraw those privileges, but the Privy Council held that that clause of the British North America Act did not apply to Manitoba, and therefore, I say, the only foundation they had for the second judgment they took away by deciding that the British North America Act did not apply. The only words used in the Manitoba Act are "rights and privileges" in the second clause. The clause is:

2. An appeal shall lie to the Governor General in Council from any Act or decision of the legislature of the province, or of any provincial authority, affecting any right or privilege of the Protestant or Roman Catholic minority of the Queen's subjects in relation to education.

If they had no rights or privileges, as the Privy Council decided in the first judgment, what was there to take away? They say in the first judgment the minority were at liberty to establish their own schools and to pay for them, but they could not be relieved from the public school tax. In my mind both judgments were expediency judgments. In the first judgment, the Judicial Committee had this fact before them, that the minority was a mere fraction in Manitoba, that immigrants were going in from various countries professing various faiths, and probably considered it was better, as was represented by counsel before them, that national schools should exist in that country, and there is no doubt they adopted the expediency view that it was better in the future that all classes should be educated in national schools. Subsequently, they, no doubt, discovered that a mistake had been made.

Hon. Mr. MACDONALD (B.C.)—They threw the law to one side.

Hon. Mr. SCOTT—I cannot understand any other interpretation, because the judgment in the Supreme Court was so clear and the language of the Act was so clear, that any one who comprehends the English language could not mistake it. The judicial com-

mittee even discussed this word "practice" and they say "practice" was not wide enough to cover the denominational schools in force before Manitoba came into the union. The committee say if the word "custom" had been used, it would have been susceptible of a larger interpretation than "practice" Did any one ever hear of such hair splitting on a constitutional question? The word "practice" was put in designedly, because it occurred in the debate on the New Brunswick school question.

Hon. Mr. BERNIER—Do I understand the hon. gentleman to say that the first clause of the Manitoba School Act is the only one on which the Catholics can claim redress?

Hon. Mr. SCOTT—Yes.

Hon. Mr. BERNIER—The lords of the Privy Council say that the second subsection is a substantive enactment and not designed as a means of enforcing the clause which precedes it. It is intended to protect the rights of the minority, not the rights that we had before the union or at the time of the union, but rights granted to us by the province itself since the union.

Hon. Mr. SCOTT—I have already explained that. The first clause provides that the province shall not pass any law to prejudicially affect any right or privilege with regard to schools which existed at the time of the union. The second clause says when the rights and privileges are affected, there is an appeal.

Hon. Mr. BERNIER—The Privy Council does not say so. The Privy Council says that the second clause is an enactment by itself and has no reference to the first clause —that it by itself is intended to protect the rights granted since the union by the provincial legislature; and I maintain that the two judgments are perfectly consistent—that the first judgment had relation only to the rights we had at the time of the union, while the second applies to rights acquired since the union.

Hon. Mr. SCOTT—The hon. gentleman has made his speech already. We have gone very fully into that point. Had the first judgment been the other way, then if the province at any time passed legislation or adopted any administrative action that affected the rights of the minority, there should be an appeal to the Governor in Council, but the second clause was not intended to apply where it is decided that there were no rights or privileges existing at all.

Hon. Mr. BERNIER—It was intended to apply to the rights and privileges of the minority——

Hon. Mr. WARK—I must call the hon. gentleman to order. He made a speech yesterday that occupied over two hours, and no one interrupted him, and now he rises to make speech after speech while another member has the floor.

Hon. Mr. SCOTT—As I explained on a former occasion, that the question of appeal to a superior authority was probably taken from the Separate Schools Act of Ontario, where there was an appeal to the Governor in Council from any decision that affected prejudicially the rights of the minority. Of course the hon. gentleman is entitled to his opinion—I wish very much that the people of Manitoba were of his opinion and that the people of Canada concurred in that view, but one cannot ignore the fact that a very wide-spread opinion prevails that he is not correct in the conclusions which he has reached.

Hon. Mr. BELLEROSE—Is not the second judgment just the reverse of the first as to these privileges, and, if so, is not the second judgment of the Privy Council to be carried out and not the first one, and if it be carried out, it is acknowledged that the rights and privileges which were taken away from the minority should be restored by the parliament of Canada?

Hon. Mr. SCOTT—What I hold and what I have held all along is that the second subsection has no applicability if you take away the first. The hon. gentleman says it is a constitutional right which is guaranteed. Surely if there is a guarantee in so solemn a matter as an Act of parliament, there must be some way of enforcing it. In what position is the minority if the majority say, very well, you have your constitutional rights, enforce them? You cannot go into a court of law and enforce those rights and privileges, and if that is the fact, it cannot be contended that the privileges guaranteed to the minority have now any value. The right to separate schools has been eliminated from the Manitoba Act. Our constitution

is a written constitution, an Act of Parliament, and it is subject to the decisions of the courts. The courts alone are the proper mediums by which laws can be enforced. Will you name any other part of the constitution where there is a violation of it that the parties who violate it cannot be brought to book for it? It is not so with the second judgment. The Judicial Committee in effect say if the majority of parliament at any time choose to adopt legislation in that direction, we think that can be done; we do not point out how it can be done. They guard themselves most carefully. They say "the particular course to be pursued must be determined by the authorities to whom it has been committed by the statute; it is not for this tribunal to intimate the precise steps to be taken." Can an involved conclusion like that extract be called a judgment? If it were a judgment it could be executed, but it is only an opinion. The Judicial Committee adheres to views expressed in the first judgment. They do not even qualify the opinions expressed in the first judgment—which decided that the Act of 1890, establishing separate schools, was within the powers of the legislature of Manitoba—that the goods of Dr. Barrett could be seized for payment of the public school rate, though he was a supporter of the separate schools. Now, as the Parliament of Canada cannot alter or repeal the Provincial Act of 1890, nor can Parliament enact a law practically altering the Provincial Act, is it not apparent that the subject is at least full of doubt and embarrassment. The legislature of Manitoba have declared, by a majority of 31 to 7, that the Remedial Bill was "an unjustifiable attack upon the constitutional rights of the legislature and people of Manitoba, and, indirectly, upon the constitutional rights of the legislature and people of every province of the Dominion, and a violation of the principle of provincial autonomy which is without precedent in the history in the Dominion."

In view of the hostile attitude assumed by Manitoba, it would be hopeless to enforce remedial legislation, even if it could be passed, apart from the important question of the constitutionality of such an Act.

Hon. Mr. BOULTON—And they may not do so if they see fit.

Hon. Mr. McMILLAN—Surely the hon. gentleman does not think it is permissive?

Hon. Mr. SCOTT—Yes, permissive. Put it in operation if you can.

Hon. Mr. McMILLAN—We tried it once and you would not consent to it.

Hon. Mr. SCOTT—The Remedial Bill could not be enforced. It never was intended to be passed. It is an entirely novel proceeding in Canada. Are we going to administer a separate school system for Manitoba? Can this parliament, year by year, and from time to time, make amendments as required; it is clear we cannot. When you take action once, your power is for ever gone. There may be an appeal once, We know in so intricate a subject as the separate school system amendments are necessary from time to time, and it is utterly impossible that the central power here could exercise jurisdiction over the schools. Every hon. gentleman must recognize that, and I say, therefore, it is now no longer a part of the constitution, that it just depends on the good-will of the majority of the people and our representatives in parliament whether those rights and privileges shall be continued or restored to the minority.

Hon. Mr. BELLEROSE—Is the second judgment binding? That judgment declared that rights and privileges of the minority have been taken away and should be restored. If that is binding can it not be enforced? The Privy Council have decided there was an appeal and the minority did appeal to the Privy Council of Canada, and the Privy Council, acting in a judicial capacity, decided that the minority had rights taken away from them and that those rights should be restored. I say the present government are bound by the decision of the Privy Council.

Hon. Mr. SCOTT—If the Privy Council had rendered a judgment, that might be so. A judgment means something that can be enforced. Now, the decision of the Privy Council cannot be enforced. To enforce it to-day you must get a majority of the representatives of the people to make a new law. That is practically what you ask.

Hon. Mr. BELLEROSE—Under the constitution.

Hon. Mr. SCOTT—You must make a new law. The representatives of the people

may say "no, we do not propose to make a new law."

Hon. Mr. BELLEROSE—The hon. gentleman knows perfectly well that the Constitutional Act says positively that the local authorities shall make that law and that in case the local authorities do not give justice the federal authorities will interfere and make a law to render justice.

Hon. Mr. SCOTT—Practically what the judgment of the Judicial Committee of the Privy Council amounts to is this: It is advice to the federal authorities to request the provincial authorities to restore to the minority their rights. But how can you enforce the advice? The minority cannot enforce it, and it depends entirely on the will of the majority.

Hon. Mr. BELLEROSE—No; on the federal authorities.

Hon. Mr. SCOTT—You must pass an Act to do it, or you must get the provincial legislature to pass an Act.

Hon. Mr. BELLEROSE—The Canadian parliament can do it.

Hon. Mr. SCOTT—One or the other. It is a delusion to talk of the second opinion as a judgment. A judgment is something you can enforce. What the Judicial Committee of the Privy Council did in the second case was to answer a series of questions submitted to them on this subject, and, strange to say, the Supreme Court of Canada, governed by the views I have just given utterance to, that the ground had been completely taken away by the first judgment, decided against the rights of the minority. They decided against the views that they had expressed a couple of years before. No one will accuse Mr. Justice Taschereau of being other than most friendly to the minority. He is a French Catholic, whose feelings and sentiments are in favour naturally of separate schools. He gave a very clear judgment on the first occasion. Read his language and it bears out what I have said.

Hon. Mr. BERNIER—That judgment has been reversed.

Hon. Mr. SCOTT—The hon. gentleman talks about a judgment—there is no second judgment.

Hon. Mr. BERNIER—The opinion, I mean.

Hon. Mr. SCOTT—This country is not governed by opinions. This country is governed by laws.

Hon. Mr. MASSON—You say we cannot make our opinions law?

Hon. Mr. SCOTT—Parliament can pass an Act in that direction. I do not think they can make that Act effective where it conflicts with the provincial and municipal authorities. The school system of the province is so intimately interwoven with the provincial and municipal system that unless it has the aid of both the municipal and provincial powers, it cannot be enforced.

Hon. Mr. MASSON—What then becomes of the law that says that in case such a thing is not done, parliament will have the right to make a remedial order? You answered me last year that there was no right to make a remedial order. If that is the case, why did Mr. Laurier promise a remedial law?

Hon. Mr. SCOTT—I am not here to defend any statements that have been made before this government assumed the responsibility of office. The cabinet is governed by the laws of the country. They have to take the responsibility of administering the law according to the constitution of Canada.

Hon. Mr. MASSON—You carried the election on that promise.

Hon. Mr. SCOTT—The hon. gentleman says we carried the election; we did because we did not propose to the people to deceive them by a fraud. The Remedial Bill was a fraud—it never was intended to pass and it never could have been effective. I have it here under my hand and if the time were sufficient I could show hon. gentlemen by an analysis of it that it was wholly unworkable, unless you had the assistance of the provincial authorities.

Hon. Mr. BELLEROSE—If I understand the argument of the Secretary of State, he means to say that this clause of the British North America Act is just a humbug—that it is a clause which can have no effect.

Hon. Mr. SCOTT—I said that the clause sub-section 2, was intended to be operative

while the clause preceding it was in force. The second clause refers to the rights and privileges mentioned in the preceding section. If there are no rights and privileges as set forth in the preceding clause, you cut away entirely the right of appeal, because there is nothing to appeal from.

Hon. Mr. BELLEROSE—That is under the first opinion, but under the second?

Hon. Mr. SCOTT—The second, as I have explained, was an attempt to recover lost ground, to throw on the parliament of Canada the duty of removing the difficulty. They do not point out how it can be done, they say it must be left to the parliament of Canada to remove it. I should like to draw attention to Justice Taschereau's judgment on the second reference. Certainly he understood the question. Judge Taschereau, after going fully into it, says:

> With all these, and kindred considerations, we, here, in answering this consultation, are not concerned. The law has authoritatively been declared to be so, and with its consequences we have nothing to do. Dura lex, sed lex.

That is alluding to the first judgment of the Privy Council, he says this court does not make the laws, they simply interpret them according to the decisions which guide them. They had to be guided by the judgment of the Privy Council which declared that there were no rights taken from the minority.

> The Manitoba legislation is constitutional therefore it has not affected any of the rights or privileges of the minority, therefore, the minority has no appeal to the federal authority. The Manitoba legislature had the right and power to pass that legislation.

That cannot be disputed now, because the Act is in force. They can assess the minority for public schools under that Act. Try a test case. I suppose a test case can at any time be called up. Let the minority appeal against the imposition of a tax for the public schools and carry it up to the Privy Council and what will be their judgment? They would say "We have already held that the Act of 1890 is constitutional. We cannot get away from that unless we reverse our judgment." That is the position of it.

> The Manitoba legislature had the right and power to pass that legislation, therefore, any interference with that legislation with the federal authority would be *ultra vires* and unconstitutional.

That is Judge Taschereau's opinion.

Hon. Mr. FERGUSON—That was overruled by the Privy Council.

Hon. Mr. SCOTT—It clearly was overruled. The Privy Council recognized that they had made a mistake in the first judgment, and they wanted to correct it, and they wanted to use the parliament of Canada as the channel through which they might correct it. I think the parliament of Canada, if it had the opportunity and the facilities for doing so, ought to correct a great wrong that has been perpetrated, but I do not consider the parliament of Canada has the machinery for doing it, and what I further believe is that it could not pass any statute that could be worked when both the provincial and municipal authorities were opposed to it.

Hon. Mr. BELLEROSE—Suppose the federal authorities were to pass a Remedial Bill and it came into operation, what would be the result? No doubt Mr. Greenway would sue those who would not submit to the local legislation of 1890. That would be appealed to England. Could not the Privy Council of England decide against their second opinion? The men who sit in the Privy Council would reverse their second opinion if the federal parliament were to take that stand.

Hon. Mr. SCOTT—I have the Remedial Bill in my hand and any one taking up its clauses will recognize, if they have any familiarity with the working of the municipal system as it prevails in Manitoba, which is somewhat similar to that of Ontario, that such a bill could not be enforced. There are so many questions that arise under it, in my judgment it would be absolutely worthless.

Hon. Mr. MASSON—I offer my thanks to the hon. gentleman for the information he has given us. We have interrupted him very frequently, and I recognize the kindness and patience with which he has answered us.

Hon. Mr. SCOTT—I quite appreciate that, probably no one appreciates it more than I do because I have taken the warmest and the deepest interest in the subject for years. It is forty years since I first entered public life. At that time there was a burning question prevailing in the

province of Ontario. There was a minority demanding what they thought would be right and fair in support of denominational schools. I was selected soon after to champion that cause in Ontario. After many years; it was not accomplished in one or two, but after many years of agitation I succeeded in carrying through in the year 1863 a measure which, for the time, at all events, satisfied the minority and removed for many years a burning question that had excited the people of Ontario. Since that time improvements in the system in Ontario have from time to time kept pace with the public school system. Changes have been made in the direction of larger privileges and greater concessions, and to-day the minority in the province of Ontario are amply satisfied with the administration of the law, and peace prevails between the various denominations. Wherever they are able to establish two schools, one a Catholic and another a public school, they are established side by side, and the people get on amicably. Where they cannot support two schools they both unite and support one, and make the best of the circumstances; and although this privilege of establishing separate schools exists throughout the province, there are many parts of Ontario to-day where they do not exist for the reason that the Roman Catholics live among a tolerant population who recognize their rights and privileges and at all events the system has been carried on without any friction for many years, and I predict that the time will come in Manitoba when the same condition of things will prevail, that the people will grant, through a conciliatory spirit, these privileges and rights that the minority have been deprived of under the unfortunate judgment of the court. I believe to-day that if there was no interference with the people, more than one-half of the Catholic schools of Manitoba could be carried on as public schools with all the advantages of separate schools. I state that as a fact. I have under my hand here a public return that was brought down in 1895, to the House of Commons, in which a list of Catholic and French schools is given that had accepted the Public School Act.

Hon. Mr. DEBOUCHERVILLE—For what year?

Hon. Mr. SCOTT—For the year 1894. Those schools were in sections where they (the population) were all Catholics. In one section they were Scotch Catholics, but the majority were French. They had Catholic trustees and they had Catholic teachers, and they managed the schools as they pleased. It is quite true that their teachers had to obtain a certificate from the public school board, which was quite right and proper. They had to submit to periodical inspections, which did not come very often, probably once in two or three months; I do not know how often; but certainly not in a way to interfere with the administration of the schools. I say in a case of that kind it would be infinitely better to advise peace and harmony, that those schools should be allowed to continue, and, if that were done, as years went by, what has happened in Ontario, and what has happened in Prince Edward Island, and in New Brunswick, and in Nova Scotia, would occur there, that the tolerant spirit which prevails all over this Dominion, I am happy to say, would recognize that the minority should be gratified in their wish to have denominational schools, subject, of course, to the proper inspection of the government, as they would be drawing government money, and the government would see that they rendered value in the secular teaching that they gave for the contribution they received from the revenue. I was myself a member of a government twenty years ago when I had to deal with the question. The Catholics in Prince Edward Island, before it came into confederation, enjoyed in a larger degree all the advantages that were enjoyed in Manitoba. But after that province came into confederation unfortunately one of those waves of public sentiment which occasionally sweep over a country caused by reasons we need not now analyse, swept away that system and introduced a very arbitrary public school system compelling Catholics to give up their denominational schools. An appeal was made to Ottawa just as the appeal was made from Manitoba. I was one of those who was consulted, but unfortunately the law would not allow us to help them as no provision was made for separate schools in Prince Edward Island when it came into the union. The law there was similar to the law in New Brunswick, and the Privy Council had already decided under the British North America Act that unless separate schools existed by law before the province came into confederation that

they had no *locus standi* and consequently we had no power to interfere. The bishop of Charlottetown came up and remained here for a month, having frequent interviews with the Minister of Justice and myself, and the whole subject was then threshed out. We were powerless and we regretted it. We had simply to say, "Live it down. You have got to submit now. There will be a revulsion of feeling, and you will get what you want through the toleration of your neighbours." That time came sooner than they expected. I do not know when it came, but if I am correctly informed there is now no friction under the method in which the school system is administered in that island. The minority there are nearly equal to the majority, and it has been managed in a friendly way. In Manitoba there were no less than 36 schools reported to be running as public schools, St. Jean Baptiste, St. Leo Village, and several others, one of them is in Glengarry, another in Inglesides. I think it would have been very much better that those schools should have been allowed to continue under the name of public schools. They were getting all the benefit of separate schools, and, rather than to have broken them up and decline to accept the olive branch that was extended, it would have been better to accept the conditions thrust upon them, and in years to come, I have no doubt, a good understanding would have been arrived at. Hon. gentlemen must understand that the late government fully recognized that the Remedial Bill was a very doubtful remedy, and they sent commissioners to Winnipeg for the purpose of obtaining some agreement, and terms of settlement were offered. In offering the terms, the whole question was debated as to what was best for the minority. Was it best to have a Remedial Bill or to have a very qualified and restrictive provincial bill? I will read from one of the letters written by Mr. Dickey, Sir Donald Smith and Mr. Desjardins, dated Manitoba Hotel, Winnipeg, 31st March. In arguing that some proposal ought to be accepted with a view to peace, they say:

> In addition to this, we must premise that sufficient weight is not given by you to the undoubted legal position of the Roman Catholics.

The Manitoba committee were disposed to take the first judgment of the Privy Council as disposing of the whole thing. That was the standpoint they took—

> Under the judgment of the Judicial Committee of the Privy Council and the Remedial Order they certainly have important rights in connection with separate schools, and while the Dominion parliament may have jurisdiction to enforce some or all of those rights.

You see they do not claim the Dominion Government could enforce the rights, because they are most guarded. They say:

> And while the Dominion parliament may have jurisdiction to enforce some or all of those rights, it is universally acknowledged that this could be done with more advantage to all parties by the local legislature, and for this reason we are holding this conference.

That is the spirit which prevails through this correspondence, and they offer terms that simply differ from our terms in degree. Our terms are better in some particulars and theirs are better in other particulars. At all events it is simply a question of degree. At that time, in March, 1896, recognizing that the government of the day were doing all they could from their standpoint to obtain the settlement with Manitoba, had a settlement been arrived at by the commissioners, I have no doubt it would have been acquiesced in, and therefore one must acknowledge that probably after all a good deal of politics have entered into this unfortunate question. In closing the letter I have quoted, the commissioners say:

> We once more appeal to you in the interests of the whole population of the province, indeed of the Dominion, as well as in the interests of the minority, to reconsider the decision at which you have arrived, and to make some proposal that we could regard as affording a chance of the settlement which we so earnestly desire.

Does not that language show clearly that the Minister of Justice, who was there, and Mr. Desjardins who represented an important element, at least felt that it was very doubtful indeed whether the parliament of Canada could accomplish anything that would be of value.

Hon. Mr. MASSON—Oh, no.

Hon. Mr. SCOTT—I have read the language. The parliament of Canada may be able to, but they do not say positively they have the absolute power; they do not take that ground at all, and they very properly urge that there should be some disposition on the part of the committee from Manitoba to yield some of the points which they were debating.

Hon. Mr. BOULTON—Will the hon. gentleman inform the House what is the difference between the two settlements?

Hon. Mr. SCOTT—I can give you a short analysis of the two documents. The terms of the late government were that in towns, cities and villages it required 50 children to establish a school, and they were entitled to a separate room in the school or building and entitled to a Catholic teacher. The present agreement provides that in villages and rural districts where there is an average attendance of 25, or in towns and cities where there is an attendance of 40, they are entitled to a Catholic teacher. The proposals made by the present government go further in some particulars. Provision is made that in all schools, public or otherwise, wherever there were ten Catholic children in a rural district, or 25 in a city or town, that they should be entitled to at least one-half hour religious teaching. That clause was not in the terms offered by the late government. The French language was not an element either in the first agreement. As to the matter of text books there was no difference in the first or second. The Manitoba government agreed that text books should be made acceptable. The question of the normal school was not pressed by the first delegation or the second. The schools, under the proposal made by Mr. Dickey and Mr. Desjardins and Sir Donald Smith, were not in any sense to be separate schools and the trustees were to be public school trustees. They say:

> We do not insist upon normal schools. As to text-books, and representation on the boards, as a matter of practice and administration we find that you raise, in point of fact, no objection. We do not ask that the Roman Catholics have a separate right to elect trustees or otherwise to have any special representation on the board of trustees, being content with the protection afforded by an appeal to your Department of Education, and in this respect our proposals very materially limit what is always considered the privileges essential in connection with a separate school system.

So it will be observed that they did not insist upon the separate school system in any sense.

> The proposed schools would be controlled by trustees elected by the whole body of ratepayers under the provisions of your school law.

Hon. Mr. BOULTON—Was the proposal of the late government so limited in its operation at all?

Hon. Mr. SCOTT—You mean as far as the area was concerned?

Hon. Mr. BOULTON—Yes.

Hon. Mr. SCOTT—No. I should like to read an extract from the remarks of Mr. Blake, who argued the second case for the minority, who had in all his public life advocated separate schools, who supported them whenever the question of their being engrafted in the constitution came up since his advent into public life in Canada. Whenever the question came up he advocated the establishment of separate schools, because he thought from the experience he had in Ontario that it was conducive to the peace and welfare of the people. Recently in England the question was submitted to him as to whether it were better for the minority to accept what was offered in the terms prepared by the present government, or to hope for some legislation through the federal parliament that would in any way restore to them privileges they had lost. Mr. Blake after discussing the whole question, says:

> All sides seem to have practically agreed that the complete restoration by the parliament of Canada (of separate schools) was impossible in view of the overwhelming difficulties to which I have referred.

That is the difficulty that I have myself adverted to where you had provincial and municipal bodies opposed to the introduction of such a system. He goes on to say:

> As to the appropriation of public funds I believe no thinking man who knows Canada and the provinces can doubt that there would be the greatest practical difficulty in forcing on an unwilling province many other provisions of the Remedial Bill, and that in the attempt the interests of the Roman Catholic minority in Manitoba and six other provinces would be but too likely to suffer. In this state of things the limitation of power as to money and the dictates of policy alike seems to me to have pointed clearly to an adjustment whereby the province should agree to substantial concessions, and having considered the provisions of the settlement now under discussion, I think them infinitely more advantageous to the Roman Catholic minority than any Remedial Bill which it is in the power of the parliament of Canada to force upon the province of Manitoba.
>
> (Signed) EDWARD BLAKE.

Hon. Mr. MASSON—That is not a legal opinion. I would just as soon take your opinion as that.

Hon. Mr. SCOTT—He is asked for an opinion on the subject, and the whole sub-

ject is submitted to him to ascertain what he thinks is best to be done. He was known to be a friend of the minority, who had argued their case before the Privy Council. He certainly was in the best position to know. As a constitutional lawyer he does not stand second to any man in Canada, and I think no higher authority than Mr. Blake could be quoted in support of the views I have presented to the House.

Hon. Mr. MASSON—He has given very bad opinions sometimes.

Hon. Sir MACKENZIE BOWELL—Hear, hear.

Hon. Mr. SCOTT.—No man regrets the violation of the constitution more than I do. I recognize that no greater blot or dishonour could attach to any province than will attach to Manitoba for breaking faith with the people of Canada, because it is a clear breach of faith. There was no misunderstanding and no one could deplore it more than I do. But let us take a common sense view of it. What is the use of trying to hide it? Why conceal the facts of the case? Is it not better to speak out one's views rather than to conceal them? If I saw there was any remedy by law, I would be very glad to adopt it. Nothing would give me greater pleasure. Nothing would give me greater gratification if I felt it was within the bounds of possibility itself, but it is because I regard it as impossible, that I am forced to come to the conclusion that I have this day stated to you, that I no longer regard it as part of the constitution of the country. The Privy Council have swept away every chance that the minority had of enforcing the constitution, and if a constitution cannot be enforced it cannot be said to exist. A constitution certainly cannot depend upon the accidental whim of a majority of the representatives of a country. A constitution means that every one under it is protected in his rights and privileges. It means that there are courts of law to enforce the constitution. Ours is a written constitution. It is not like the constitution of England, which is unwritten. In Canada it is nothing more than a statute, which is interpreted from day to day in courts of justice, and it is on that we have to depend. In Mr. Blake's opinion the parliament of Canada does not possess the machinery or the power, if it had the will, and I doubt very much, under all the phases that this question has assumed, whether any government that attempted to pass remedial legislation could obtain the approval of the majority of the people. This question has got beyond the control of governments. The great body of the people have been seized of this question. It is not a question whether the minority have been deprived of their rights in Manitoba, it is an abstract question, "Are separate schools best for the people or are national schools best for the people?" That is the question that the great body of the people understand. They do not take in the refinements of the judgment of the Privy Council. They do not take in all the intricacies which exist through the interpretation of the constitution of Manitoba. They look at the broad question, and say it is a question of separate schools or not—"We believe in national schools and do not propose to give separate schools." That is the feeling today, but there will be a change; as years go by the public will begin to recognize the fact that a wrong has been committed and I believe when a wrong has been perpetrated and the people of Canada have been appealed to after angry feelings have passed away, that those privileges will be restored. I believe that time alone can remove this trouble, if it were not discussed in the public press, party feelings would soon subside. How has it been in the province of Ontario? There were years when it would have been impossible to get any amendment to the separate school law, and years would come when amendments would be made to the separate school law in Ontario, supported by all parties without a dissenting voice. The legislature would unanimously vote for additional facilities and concessions for the separate schools. They were not lashed into angry prejudices; it was done quietly and calmly when there was no feeling existing, and time alone can remove the difficulty in Manitoba. We cannot force the people, because you know very well the people there do not all take the same view. The minority are, perhaps, one-seventh, and probably in point of wealth and influence, they are not one seventh of the population, and this disproportion is, year by year, increasing. So you have to judge of the question as it exists there, and take a practical commonsense view of what is best to be done under the circumstances, and the advice I give is

to let time heal this breach, as I believe it will. I have pointed to what time has done in other provinces where the feeling was just as strong and bitter and determined as it is to day in Manitoba, yet after a few years the people, under happier conditions, under kindlier moods, were willing to concede to their Catholic neighbours what in conscience their Catholic neighbours believe they ought to possess in a free country. No one was injured by it. The existence of separate schools in Ontario does not impair the public school system. I think our system of schools in Ontario is as perfect as it is in any part of the world, and there is a spirit of tolerance. The majority of the Catholic children of Ontario to-day go to public schools. The very knowledge that Catholics have the right under the law to establish their own separateschools is a palladium under which they are protected, because their neighbours know if anything like intolerance is exhibited the Catholics have the right to secede and that of course is a protection In Ontario, we have large numbers of Catholics, but the number of Catholic children attending the separate schools in Manitoba in 1890, was really less than the number of Catholic children attending separate schools here in the city of Ottawa. The whole separate school population was 3,300 and the whole number attending the schools, being actually instructed, was only two thousand two hundred. I say that it is unwise, and it is not right, to advise the minority of Manitoba to refuse the offer of the olive branch that is handed out to them, not at all events to accept it in those sections where they are all Catholic, where they can have trustees and an inspector, and where nobody interferes with them and nobody disturbs them, where the priest is permitted to visit all the schools within his parish and jurisdiction. The clergy are free at any time of day to attend; they are invited to attend when the examinations are going on. They are allowed to address the children, and every latitude is extended to them. Why should we therefore say "we are entitled to certain rights and if we do not get them all we shall take none?" Is that not very foolish and unwise? It is not in harmony with the way we accomplish important matters when we are really sincere and anxious to bring them about.

Hon. Mr. MASSON—Supposing in the province of Quebec we wished to discontinue our policy with reference to the Protestant schools and to be unjust and unfair to the minority, then according to the hon. gentleman's argument there would be no relief from the federal parliament. If the argument applies to Manitoba it would also apply to Quebec. The hon. gentleman would advise the minority in Quebec, which is so well treated, to give away what they think their legal and constitutional right and trust to the generosity of the minority. Of course, they could do it in lower Canada because they know the generosity of the majority there. But you would give no relief if the Protestants were badly treated there. You would repeat your argument and say "trust to the will of the people. You cannot trust parliament." I heard a gentleman say the other day, speaking with reference to that question, "before doing that we trust our muskets."

Hon. Mr. SCOTT—The Protestants in this country are 3,000,000 people. They are the influential class. I do not think there is a possibility of any question arising which will injuriously affect denominational schools in Quebec. I think they can take care of themselves. At all events the British North America Act is so clear on that point, that I do not think the Privy Council could go wrong. Allow me to read what the law is on that:

> All powers and privileges and duties at the union by law conferred and imposed on Upper Canada, on the separate schools and school trustees of the Queen's Roman Catholic subjects, shall be and the same are hereby extended to the dissentient schools of the Queen's Protestant and Roman Catholic subjects in Quebec.

Hon. Mr. MASSON—If we do not vote the money you are in the same position as Manitoba. You cannot force the province of Manitoba to vote money any more than you could the province of Quebec. Of course, in Quebec we are disposed to extend privileges to the minority rather than to curtail them.

Hon. Mr. BOULTON—Does the hon. Secretary of State think this parliament has no power to pass a law and appropriate its own revenue to carry out and enforce that law?

Hon. Mr. SCOTT—Under the British North America Act the provinces are given

exclusive control of education, subject only to the provisions referred to. They have exclusive control. And, except in those cases which have been provided for in Manitoba and in Quebec, parliament could not interfere.

Hon. Mr. BOULTON—They could not assist voluntary schools or anything of that kind.

Hon. Mr. SCOTT—I presume this parliament could vote funds if it pleased to support schools in Manitoba or in any other part of the Dominion. I do not think they could adopt any provisions affecting the educational question in a province, other than in accordance with the power given them in the British North America Act.

Hon. Mr. MASSON—You have the money in your pocket.

Hon Mr. SCOTT—This parliament is supreme. If it chooses to vote money to the majority or minority in any province it can do so.

Hon. Mr. MASSON—But the land grant which was set aside when Manitoba came in was granted to the schools of that country as they existed at that time. Denominational schools had been established in Manitoba and consequently you could take a part of the money which you have in your pocket and help the denominational schools in Manitoba.

Hon. Mr. SCOTT—We are the trustees for the fund arising from the sale of the school lands. My recollection of it is this. We are bound to hand it over to the government of Manitoba. We could not hand it over to the schools. The last time I looked at it, that was the conclusion I drew.

Hon. Sir MACKENZIE BOWELL—There is nothing to prevent the parliament of Canada from amending an Act that they passed themselves.

Hon. Mr. SCOTT—As the law stands, we would have to hand the money over to the government of Manitoba to distribute it. We could not distribute it ourselves.

Hon. Mr. MASSON—But you admit the intention of the legislature at the time was to give a share of that money to Catholic schools?

Hon. Mr. SCOTT—Certainly.

Hon. Mr. MASSON—If that is right, parliament cannot object to it.

Hon. Mr. SCOTT—Unfortunately we cannot always accomplish what is right. This is a very prolific subject, and I have only partially touched upon it. I have very frankly given the House my views. I dare say they will not meet with approval, but I cannot help that. It is better that I should be frank and candid. I have had some 40 years' experience of these school questions and I think I know something about the temper of the people of this country and I have a right to say what I think is the best line of action to take.

Hon. Mr. BELLEROSE—As an adviser of the government, does the hon gentleman believe it is prudent to establish such a precedent as this? Here is a province almost in revolt against the law, and you say in order to make things easy we should sacrifice our rights and allow that province to be victorious. As an adviser of the Crown, I ask the hon. gentleman is it not a bad precedent to establish? Other provinces may, under other circumstances, do the same thing. If the parliament of Canada must abandon its position the British North America Act will not be worth much.

Hon. Mr. SCOTT—I think I may speak for future governments. They will never get into such a muddle as the late government permitted this question to reach—

Hon. Mr. MASSON—It should have been settled within six weeks. If such a case had arisen in Quebec, it would have been settled within six weeks.

Hon. Mr. SCOTT—No doubt about that, but when a question of this kind, which so much touches the sectarian sentiments of the people, is allowed to brew and develop for six or seven long years, and is discussed in the press, and from pulpits, it is a very difficult matter to settle. You drag in vast numbers of people who would have quietly acquiesced in any reasonable line of action, but who, having once formed opinions on it, will not afterwards sacrifice these opinions until a change comes over

their feelings. That was the position in which we found the question. Had we the opportunity to deal with this matter in 1890, I do not think it would have gone very far. I am quite sure it never would have got into the condition in which it is to-day.

Hon. Mr. BERNIER—The hon. gentleman has been speaking exclusively of the right of the legislature to legislate on the subject of education. The second judgment of their lordships says:

> Their right to legislate is not, indeed, properly speaking, exclusive, for in the case specified in subsection 3, the parliament of Canada is authorized to legislate on the same subject.

Hon. Mr. MILLER—I desire to make a correction in connection with the remarks of the hon. Secretary of State on the subject of the Franchise Act. In alluding to the franchise he quoted from a speech of the late Sir John Thompson. The impression the hon. gentleman desired to make on the House—and a similar attempt has been made to leave a like impression through the government press and by remarks in another place, on the country—was that Sir John Thompson intended to change the franchise in such a way as to give the power to the local legislatures to enact a franchise for the Dominion. Now, I think that that impression is entirely incorrect, that Sir John Thompson never intended to do anything of the kind, but was diametrically opposed to doing so. In the very speech from which my hon. friend read Sir John Thompson gives an emphatic contradiction to any such intention. The House is well aware that Sir John Thompson had strong views on two branches of the Franchise Act, that is with regard to the expense of compiling the lists and as to the power which should control the franchise of the Dominion. He was speaking on the question of saving expense when he argued for the wisdom of adopting the provincial franchise as a basis for the franchise of the Dominion, but what was the language of the then Minister of Justice with regard to this parliament parting with the parliamentary franchise upon which its House of Commons is elected? He said:

> We uphold the feature, which I regard as the principal feature of the Franchise Act of 1885, and that is that the revision shall take place by officers under the control of this parliament and of the federal government. The great principle which underlay the Franchise Act of 1885, was the control of this parliament over matters connected with the franchise. It was contended that control should exist in two branches; in the first place, as regards the laying down of the franchise itself, and in the second place, as regards the administration of the law by which the franchise was carried out. We have arrived, after the experience of eight or nine years, at the conclusion which I have stated, that it is not worth the effort to keep up the divergencies that exist between the two sets of franchise, the franchise as we have it now, and the franchise as it exists in the various provinces; but we adhere to the second branch of the principle of control, namely, that this House and the electors who return members to this House ought not to be under the control as regards the exercise of their franchise of the officers of any other government or legislature whatever in the country. And therefore we intend to ask the House to adhere to that principle of federal control over the federal franchise. With these remarks, I ask the first reading of the bill.

I think the impression my hon. friend would have left by his remarks on the House had I not made this correction, would be an impression that Sir John Thompson favoured the franchise which the present government has submitted to the House of Commons. No impression could be more erroneous, or unjustified by the facts and those uttered sentiments of Sir John Thompson, than the impression which my hon. friend intended to convey.

Hon. Mr. SCOTT—What I endeavoured to show the House was that the speech bore out the language of the address; that it is expensive and unsatisfactory as it is now. The extract I read from Sir John Thompson's speech fully confirmed that view that he adopted the franchises of the provinces. It was of course to be under federal control.

Hon. Mr. MILLS—I think that bill was introduced by Sir John Thompson at my suggestion, and after the bill was read in parliament a second time and after that speech was made, I called the attention of the clerk, Mr. Bourinot, to the fact that it did not carry out the understanding at which we had arrived. He spoke to Sir John Thompson on the subject, and afterwards Sir John Thompson came to me and we took the bill and went into his room and I think we spent some two or three hours revising it and preparing a number of clauses for the purpose of carrying out what was his intention and what was mine on the subject. I had suggested to him that the voters' list and the franchise law of each

province should be unconditionally accepted as the franchise law of the Dominion. He said he could not agree to that, his friends could not accept it, that he wished to reserve the privilege to any party of voting wherever he had a qualification. He was not willing to adopt the principle of one man one vote. In the bill as it was introduced in the first place, as hon. gentlemen will see on looking at it, there was a provision for the revision of the lists. I had suggested to him that it would be very much better and very much less costly not to revise the whole of the lists but to accept the lists of the local legislatures and to add to them each year any names such as those which I have indicated, and to that he agreed. The only point then in which there was a departure from the local list was with reference to the principle of one man one vote. He subsequently came to me and stated it was so late in the session, and some of his friends objecting to the measure, that he could not press it through that session but that he would certainly introduce it the next session as it had been amended between us in his room. I make this statement because I think the statement of the hon. member from Richmond otherwise might mislead with regard to the views which Sir John Thompson actually held on the subject. The important thing in his mind was that the expense of preparing a wholly independent list should be got rid of, and that the primary preparation should rest with the municipal bodies wherever they were entrusted with that power by the local legislature.

Hon. Mr. MILLER—I have no doubt what is stated by the hon. gentleman is perfectly correct, and it does not at all interfere with the explanation and the correction which I desire to make to the House. What my hon. friend the Secretary of State desired to convey to the House was this, that Sir John Thompson was in favour of the Franchise Bill now before the House of Commons. That is the bill which would withdraw the revision of the lists from the Dominion officers and from the control of this parliament. With regard to any details in the framing of the list, I have no doubt Sir John Thompson may have intended to make changes which may have been discussed with my hon. friend from Bothwell, but it does not touch what we are dealing with here. The great change in the scope of the present contemplated Franchise Act is the withdrawal from all control of this parliament of the Dominion franchise.

Hon. Sir MACKENZIE BOWELL—At what period of the session did this conversation with Sir John Thompson take place? Was it after the introduction of the bill?

Hon. Mr. MILLS—Immediately after the second reading. Dr. Bourinot has a distinct recollection of the matter.

Hon. Sir MACKENZIE BOWELL—I do not doubt the statement of my hon. friend; but one thing I can assure him, the government never did consent under any circumstances to surrender control of the franchise just as laid down in the remarks of Sir John Thompson, which have been read by the hon. gentleman from Richmond.

Hon. Mr. BELLEROSE moved the adjournment of the debate.

The motion was agreed to.

The Senate then adjourned.

THE SENATE.

Ottawa, Wednesday, 7th April, 1897.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THE SENATE RESTAURANT.

Hon. Mr. PERLEY—Before the Orders of the Day are called, I should like to bring to the notice of this House the fact that during the last session of parliament the House of Commons passed an order prohibiting the use or sale of intoxicating liquors in the basement of their part of the building. I had occasion to-day to go down stairs, and I find that across the corridor, near the approach to the other House, there is a nice little red door, and I also noticed an opening through to the other part of this big building that never had been there before. I understand that that is all for the purpose of allowing members to come from

the other House to the Senate to get refreshments of a stimulating character. I understand it is entirely contrary to the order that was made in this House last session to allow members of the other House to come here and get liquor, or to bring other visitors with them. I have seen members myself come through to the basement, and I have seen a number of other persons coming with them, contrary to the arrangements made in this House last session. Besides that, I think it is hardly fair to the other House to permit such a thing, because they are desirous of stopping the use of intoxicating liquors, and for us to encourage it by allowing a passage way to be made, which members of the Commons could use to get liquor, is really foiling the efforts they are making. It is detrimental to the character and standing of the Senate to allow such a thing. I thought I would bring this matter to the notice of the Senate so that we should see whether such a course is in accordance with our rules respecting the matter or not.

Hon. Mr. OGILVIE—If the hon. member had inquired a little further he would have found out that the rules of the House of Commons have not lasted very long. I have not been over there myself, but I understand you can go to the House of Commons side and get all you want of any kind of stimulant every day, so they do not need to come here to get refreshments.

Hon. Mr. ALMON—I think it is very un charitable for my hon. friend to refer to the passage way down stairs as a short cut to the bar. It is simply a much shorter way of getting to the Senate chamber than going round through the corridors, and it would be better not to hastily attribute bad motives.

Hon. Mr. MACDONALD (B.C.)—The reason for that door being open between the House of Commons restaurant and ours is this : one man is caterer for both places and he must have communication that way for his waiters to go back and forward, and if members come that way we cannot prevent them. So far as the sale of wines is concerned, I do not know anything about that. There is no bar down there. No committee has yet been appointed to look after it, and I suppose when the committee is appointed it will take up that matter and deal with it as it should be dealt with.

THE ADDRESS.

THE DEBATE CONTINUED.

The Order of the Day having been called :

Resuming the adjourned debate on the consideration of His Excellency the Governor General's speech on the opening of the second session of the eighth parliament.

Hon. Mr. BELLEROSE said—I cannot let the address pass without expressing the views I hold on one of its paragraphs, the second, in relation to the grievances arising out of the Manitoba legislation of 1890 on education. I felt strongly on this question in 1872 and feel no less to-day when I have lived long enough to see that I was then right and that my predictions as to the trouble and the agitation that this question, not being then settled equitably, would produce for years to come.

Holding such views I remained silent during the last twenty-five years for fear I might be wrong and prejudice the case and be told later that I was responsible for this mischief which I then predicted, should it be realized. But now that this question of the rights of the Catholic minority in Manitoba seems to be a ruin—and that the present government have unjustly decided that nothing more shall be done for that minority, I may give expressions to my views without danger to this very important question which it seems is now a question of the past.

No doubt some of my expressions, some of my attacks or charges will be unpleasant to some of the members of this House. Let them allow me to ask of them to bear me with for a few moments.

Before I am done, I will put before them pretty strong evidence of the soundness of all such charges as I am about to make. Nay, I will even put before the House the very words which I made use of when I protested in 1872 against the course followed by Sir John A. Macdonald's government in the case of the New Brunswick school difficulty. If so, I surely have a right to make to-day such charges when I have kept to myself for over twenty years my reason for refusing from 1872 to 1896 to follow the leaders of the so-called Conservative party and waited until time would tell whether my utterances in 1872 on this question of education in New Brunswick were sound and proper, or whether they were illogical and wrong.

Let me add, hon. gentlemen, that on this occasion, as I have always done in all others in the forty-two sessions during which I had a seat in the councils of Canada, both before or since confederation, that I will follow the strictly independent course which I have followed in the past, that I will express my views conscientiously as experience has impressed them upon my mind, and as my Conservative principles show them to me to be, without regard to the leader of one or the other party, but with strict and due regard to the importance of this question, which to Catholics is unmistakably a religious question, and I am happy to add even to very many Protestants. Believing, as I do, that both parties are responsible for the trouble and agitation which is now our lot, I will express my views as to the amount of responsibility which, to my mind, rests on each party.

Such important remarks I would rather make in my own mother tongue, in French, but I feel that it would be more courteous towards hon. members of the Senate if I venture to make my remarks in the language of the majority of this House, in English. This I am ready to do if your honours will only allow me to use freely my notes when necessary.

The course followed by the Tory, or so-called Conservative leaders during the last six years in relation to the question of education in the North-west Territories and more particularly in the province of Manitoba, has the effect of recalling to my mind the circumstances which preceded, accompanied and following the passing in the legislature of New Brunswick of the School Act of 1871 and the troubles and agitation which that legislation caused. The cause of all those difficulties, as I established at the time in a speech which I intend to refer to later on to-day, was the violation by Sir John A. Macdonald and some of his brother delegates in England in 1867 of a solemn promise made by them, when abroad, to a high dignitary of the Church of Rome in Nova Scotia. I propose showing to-day that the difficulties we meet to-day in relation to the schools of the Western Territories and of Manitoba are the fruits of those misdeeds of some twenty-five years ago. So sure was I that such would be the consequence of the perfidious conduct of Sir John A. Macdonald and of his refusal to settle this question of the New Brunswick schools in 1872, that I said so from my seat in the Commons at the time, and so convinced was I then that such would be the case that, though remaining a staunch Conservative, I separated from Sir John and party, telling him that I would never go back to him. Twelve months after this, Sir George Cartier having died, Sir John came to me and asked me to join his government. "No," said I, "the New Brunswick school question, the amnesty promised to His Grace Archbishop Taché, and the grave charges which have been made against you and some of your colleagues (the Pacific scandal) will always be a barrier between you and me." So that I kept my word and never went back to him, neither did I go back to his successors, until Sir Mackenzie Bowell having become premier, and he having seriously taken the Manitoba school question in hand, it became my duty to give him my help. Indeed, how could I have gone back to the old chieftain when I had been discovering every day his foul-play at the time of confederation and which he later on made use of against my co-religionists and my fellow-countrymen. Since those days, I have made up my mind as to what kind of a politician the old man was. It gave me satisfaction, later on, to find that his best friends had no better opinion of him than I had myself. Who could have known him better than his colleague Sir George E. Cartier, and what was this noble baronet's opinion given before going to his last rest? In a solemn declaration made by a great friend and life supporter of Sir John A. Macdonald and Sir George E. Cartier, the Honourable Louis Archambault, who had been a member of the Commons as well as a legislative councillor in Quebec and a member of the Chauveau cabinet in that same province, says:

I declare that during the session held at Ottawa, 1872, Sir George E. Cartier, having requested me to take a seat by his side, at his place in the House, told me and he repeated to me at different times during that session that he had had a good deal to complain of with regard to the conduct of Sir John A. Macdonald towards himself and towards Lower Canada, when they were endeavouring to have the Imperial Act passed in England, establishing the confederation. . . . . On arriving in England, Sir John did not want a confederation . . . . but simply a legislative union . . . . . Sir John persisted nearly a month in this pretension—Cartier and Langevin found themselves alone for the province of Quebec, resisting such a pretension, for Galt, Cartier told me, was of the same opinion as Sir John A. Mac-

donald. Cartier told me that he was indignant at the conduct of the latter whom he had placed in power and who could not have maintained power since but by the favour of the legislators from Lower Canada, for the majority of the members from Upper Canada were hostile to him—This was on his part a task of sincerity and loyalty towards Lower Canada and would have caused the destruction of himself, Cartier, politically speaking, and the placing of the province of Quebec at the mercy and under the control of other provinces. . . . . In fact, Sir John wished in playing this treacherous game, to annihilate the province of Quebec. . . .

Cartier told me, seeing the bad faith of Sir John, he wrote at once to Sir N. F. Belleau, who fortunately was then Prime Minister, to inform him of the trouble and embarrassment stirred up by Sir John and told that if he received a telegram from him to that effect, he should resign immediately. . . . . At last, after a month of efforts to bend Sir George E. Cartier to his opinion, Sir John put anew the question, Shall we have a legislative union? Cartier . . . . replied by a "no" short enough to give Sir John A. Macdonald to understand that he must not push the matter further. . . . . Cartier told me that from that time he had lost all confidence in Sir John, that he had never forgiven him this act of treason and that he could never pardon him, so much so, that he had dissuaded McKenzie, then leader of the opposition from imitating George Brown who . . . . had vilified and slandered the civil and religious institutions of Lower Canada . . . . giving Mackenzie to understand that he might possibly find a means of co-operating with him. . . . . This declaration I am prepared, if need me, to confirm under oath. I may add here, the evening on the day before the departure of Cartier for England, whither he was going for his health, I saw him at his residence in Montreal—there, he told me . . . that he was ill and was going to England and that he thought he should never return to Canada. . . . . He begged me to remember what he told me during the preceding session with regard to Sir John Macdonald and added, distrust him, he does not like the French Canadians—he detests them—I give you this advice in order that you may be guided by it.

Hon. gentlemen, please do not lose sight of the important fact that all those hon. gentlemen named by Sir George E. Cartier and publicly invited, nay publicly challenged, by the Hon. Mr. Archambault to deny his statements and his charges, never did, though this declaration was published through the public press so far back as more than ten years ago. Every one of those gentlemen, Sir N. F. Belleau, Sir A. Galt, Sir H. Langevin, were there in full life. Yet not one of them contradicted those important facts nor the grave charges made. Even Sir A. Galt, who was charged with nothing less than an act of perfidy, never contradicted the charge. Sir N. F. Belleau, an old friend of Sir John Macdonald, was bound in honour to deny such grave charges against his late colleagues, if the reference made to him by Mr. Archambault was not true. Did he ever deny? No, never.

Sir Hector Langevin is still living, did he ever say a word of contradiction? Never. Will he do so now? No, he cannot. Should he do so he would have to contradict those facts under oath.

Then, hon. gentlemen, we have good evidence of this perfidious act of St. John, insisting, while in England on a legislative union, in lieu of a confederation of the provinces. Before I go on with this subject of the solemn declaration of the Hon. L. Archambault, I beg to call the attention of your honours to the fact that according to the statement of Sir George E. Cartier, the difficulties about a legislative union, were stirred up by Sir John, when he met his three colleagues of the Quebec cabinet and not in a general session of all the delegates. Indeed, it could hardly have been otherwise. Had he not to agree with his co-delegates and colleagues, before he could venture to put the question for discussion before the whole delegation?

This I call the first act of treason of Sir John since confederation. We have also in this declaration good evidence of the fact that the late chieftain entertained in his heart an unmerciful hatred both for Catholics and for French Canadians, which explains perfectly the course he followed, and which I will allude to in a moment. Who knows not how ingenious such a mean passion is when it has entered into the heart of a man desirous of attaining the end he aims at. History is full of examples showing what a curse this passion is and what mischief it has worked.

So far as I am concerned, I may say that for over twenty-five years past, it has been my conviction and I often said so, that in due course of time, now and then, when the people of Canada would have to consult the past, traces of such a grudge and aversion would be discovered in this man's political acts. Was this a rash suspicion on my part? Certainly not. When you go over the list of his misdeeds towards the minority, you find the thing to be so and you have to acknowledge the soundness of the judgment passed on his colleague by the late Sir George E. Cartier, dying and making as it were his political will as a guide to his countrymen after he had gone.

Let us put aside all the political sins

which Sir John A. Macdonald may have been guilty of before confederation. Let us even refuse to advert to the act of indemnity of 1849, as well as to the burning of Ste. Anne's market, and let us confine our researches to some of his acts since the confederation of the British American provinces began to be seriously agitated in 1865.

I may state here *en passant* that from the passing of the resolutions which were to be the basis of the Confederation Act, up to the day when the last act came into force, Sir John A. Macdonald was in a position to be answerable for the acts which I shall presently recount. Having crossed to England he was senior member of the Canadian government on the other side of the sea and so acted as premier, as far as old Canada was concerned. Add to this that he was president or chairman of the delegates.

Having done with those incidental remarks, I will now go on with my subject.

During the discussion on the resolutions adopted by the delegates of the different provinces to be united (1865) which resolutions were to be the basis of the confederation Act, Sir John A. Macdonald had made the most solemn promises and engagements from his seat in the then Canadian assembly, and had pledged his honour, to his working for a confederation strictly in accord with the resolutions which he said, in moving them, could in no way be amended. As an evidence of this statement of mine, the House will allow me to quote his own words which I find in the official report of the *Debates* on confederation in 1865. He said :

> I have the honour of being charged, on behalf of the government, to submit a scheme for the confederation of all the British North America provinces. While there may be occasionally, here and there, expressions of dissent from some of the details, yet the scheme as a whole met with almost universal approval and the government has the greatest satisfaction in presenting it to this House. The government desired to say that the present scheme as a whole, and would exert all the influence they could bring to bear in the way of argument to induce the House to adopt the scheme without alteration, for the simple reason that the scheme . . . was in the nature of a treaty settled between the different colonies . . . These resolutions on their face bore evidence of compromise . . . These resolutions were in the nature of a treaty, and if not adopted in their entirety, the proceedings would have to be commenced *de novo* . . .

This was not the first time that Sir John had decided in favour of a confederation. So far back as 1858 the Cartier-Macdonald administration had determined to take up the question, so that it cannot be said that Sir John was this time taken by surprise ; nevertheless look at what he did.

Having reached England with Messrs. Cartier, Galt and Langevin, Sir John would have no confederation, but a legislative union. If this is not treason, I must admit that I know not what treason is.

The proof of this charge I have already put before your honours. It is a part of the solemn declaration of the Hon. Louis Archambault, which declaration has never been contradicted either by those whom it accused of having acted treacherously, such as Sir Alex. Galt and Sir John A. Macdonald, by their colleagues, Sir Narcisse A. Belleau and Sir Hector Langevin.

But this is not the only evidence which I could bring in support of my charges. Should I feel inclined to refer to his ability as far as the mounting of the Protestant horse is concerned, would I not have much more to say !

Why, if I decided to follow this up I would not have done to-day. Every day you discover something new. Only a few months ago an old colleague of his, and one of the fathers of confederation, the Hon. P. Mitchell, in a letter published in the *Evening Sun*, accused him of being crafty, deceitful, &c.

I now come to another charge, the third. During the same discussion on the confederation resolutions, most serious objections were made by Catholic members of the House, to some of those resolutions, but especially to the 29th, subsection 31st, relating to "Marriage and Divorce." Day after day questions were put to the government and answers given, but members were not satisfied. At last the government decided to put in writing the meaning which would be given to the word marriage in the Act. Sir Hector Langevin was charged by his colleagues with reading this declaration from his seat in the House and give all explanations desired. I quote from the official report of the *Debates* on confederation in 1865 the very words of Sir Hector. Sir Hector said :

> Civil rights form part of those which, by article 43, paragraph 15 of the resolutions, are guaranteed to Lower Canada. This paragraph reads thus :—
>
> 15. Property and civil, excepting those portions thereof assigned to the general parliament.

Well, amongst those rights are all civil laws of Lower Canada, and among these latter those which relates to marriage..... With the view of being more explicit, I now propose to read how the word marriage is proposed to be understood.

The word marriage has been placed in this draft of the proposed constitution to invest the federal parliament with the right of declaring what marriages shall be held and deemed to be valid throughout the whole extent of the confederacy, without, however, interfering in any particular with the doctrines or rites of the religious creeds to which the contracting parties may belong.

This is a question of great importance, and the French Canadian members ought to rejoice to see that their fellow countrymen in the government have not failed in their duty . . .

A few days after Sir Hector had made those statements, objections having been made, Sir Hector rose and spoke in the following way, which I also quote from the official report above mentioned :

I made the other day, in the name of the government, the declaration now alluded to . . . relative to the question of marriage. The explanation then given by me exactly accords with that which was affixed to it at the Quebec conference . . . I can assure . . . that the Imperial Act relating to it will be drawn up in accordance with the interpretation I put upon it . . . In order that I may be better understood . . . I will read the written declaration which I communicated to the House the other evening. This declaration reads thus :—

The word marriage has been placed in the draft of the proposed constitution to invest the federal parliament with the right of declaring what marriages shall be held and deemed to be valid throughout the whole extent of the confederacy, without, however, interfering in any particular with the doctrines or rites of the religious creeds to which the contracting parties may belong.

In order, added Sir Hector Langevin, that no doubt may exist respecting it (the declaration) I have given to the reporters the very text of the declaration.

No doubt, hon. gentlemen, you are satisfied that this solemn promise was honourably carried out and that the British North America Act is in accord with this promise. You are quite in error. The Imperial Act enacts the very reverse of what was so solemnly promised. In order to make good this statement of mine, let me tell you that in 1882 a bill to allow a man to marry his deceased wife's sister having come up before the Senate, I at once took exception to the federal parliament dealing with such a measure. I referred the government leader in the Senate to the promises which he and his colleagues had made when discussing the confederation resolutions.

Sir Alexander Campbell answered that such was the law. That parliament had not to deal then with promises but with the law as it stood on the statute-book. His own words, which I find in the official report of the debates for 1882, are as follows :

All that I need say is that the time at which these expressions of belief were uttered has gone by, and we are now to deal, not with what was then expected, but with what has since taken place.

During the discussion on this same bill in the House of Commons on the 22nd March, 1882, Sir Hector Langevin is reported, in the official report of the debates, to have said :

Those declarations were made in precisely the same sense as the declarations which I made in parliament fifteen years ago (1865.) We did not consider then that in placing the words "marriage" and "divorce" among the attributes of the legistion of the federal parliament, we were giving that parliament the right to determine what were to be the conditions of celebration of marriage, any more than the other conditions mentioned in the debate which took place at the time, but we were of opinion and it was the intention of the then government and parliament as well as that of the legislators and others busying themselves with the question in London, that the word "marriage" should be inserted merely to determine that a marriage contracted in a province according to its laws, should be considered as valid in other parts of the country. Such was the only qualification we gave the word marriage.

I wonder if any other word but treason can be found to characterize such a treacherous act ?

It is the second treason and third charge which I have made good against the old man, and the third charge I have proven.

I now come to another act for which Sir John A. Macdonald is answerable. This being a more vital question than the three others I have put before the House, and it being of such a nature that it may and will probably create for years to come agitation and trouble in our country, as it has done for the last twenty-five years, I propose to deal with it at more length. In fact, I propose to give a full history of it with some evidence going to justify my remarks.

To this I propose to add a short history of what was done by our predecessors at the time of the union of Upper and Lower Canada and what we have been doing since. Comparing the two epochs will enable me to draw my conclusions. To fulfil this programme I have, in the first place, to go back to the year 1864, when both political parties in old Canada were about equally strong. Neither of the two then existing parties could accept the responsibility of forming

an administration. Our head men on both sides came to the conclusion that the time had come when it was necessary to consider the question of uniting together the whole of the British colonies in North America. It was then known that delegates from the provinces of Nova Scotia, New Brunswick and Prince Edward Island were to meet shortly at Charlottetown with a view to a union of those provinces. Delegates from our province were sent to meet those gentlemen at their conference. Our delegates having been graciously admitted, they proposed a confederation of all the provinces. The question was taken into consideration by the conference, and it was decided that the conference should adjourn and meet again in Quebec on the 10th of October of the same year. The day fixed having arrived, the delegates were all present and the conference took place. A confederation of the provinces was decided upon. Resolutions which were to the basis of the Union Act were adopted, and it was agreed that those resolutions should first be submitted to the legislature of each province. In 1865 this project was accordingly submitted to the provincial legislatures. When submitting the resolutions in the Canadian assembly Sir John A. Macdonald, the leader of the House, gave a full explanation of this project of confederation, insisting on the necessity of adopting the resolutions without in any way amending them, as I have already shown, by quoting his own words from the official report of the *Debates* on confederation in 1865.

Please, hon. gentlemen, bear in mind this important fact, to which I will have to refer your honours to shortly. The project having been adopted by the provinces of Nova Scotia, New Brunswick and old Canada, delegates from those provinces left for England to get Imperial legislation based on those resolutions. The Act was passed at the beginning of 1867. So soon as the delegates had left for England, the Archbishop of Halifax left also. His Grace, having met them there, insisted on the right the minorities in the maritime provinces had to an extension of the purport of the 6th subsection of the 43rd resolution, granting certain privileges, relative to education, to the minorities in Upper and Lower Canada. Promise was made that the purport of the resolution above mentioned, should certainly be extended to those provinces as asked for.

Relying on those solemn promises, the Archbishop left for home. The delegates set to work. A bill uniting the provinces was prepared. In conformity with the promise made to the Archbishop of Halifax, the purport of the resolution relative to education (the 43rd) was extended to the maritime provinces, and became the 93rd clause of the British North America Act. So far, things were right; but this was too honest a course for the old man to pursue. After he had extended the purport of the clause to the maritime province, he added two words (by law) to change the sense of the clause, and made the clause so extended of no use to the maritime provinces.

The 43rd resolution reads thus:

> The local legislature shall have power to make laws respecting the following subjects:
>
> 6. Education, saving the rights and privileges which the Protestant and Catholic minority in both Canadas may possess as to their denominational schools at the time when the union goes into operation.

In introducing this resolution in the British North America Act the sense was altogether changed in order to prevent the effect of its extension to the maritime provinces. Your honours will remark that in the resolution all rights and privileges possessed by minorities at the time of the union will be safe, while in the British North America Act only rights and privileges guaranteed by law may claim to be safe. The addition of the words "by law" in the Act renders the extension of the clause to the maritime provinces of no effect, they having at the time no such laws. The clause in the British North America Act reads thus:

> 93. In and for the provinces the legislatures may exclusively make laws in relation to education, subject and according to the following provisions:
>
> 1. Nothing in any such law shall prejudicially affect any right or privilege with respect to denominational schools which any class of persons have by law in the provinces of the union.

The British North America Act came into force on the 1st of July, 1867. The whole population of the Dominion, relying on the honour of their leaders, had no reasons to even suspect that they had been deceived. So it came into the head of no man to scrutinize the deeds or acts of their delegates on the new constitution. Satisfaction existed on all sides. Both deceivers and dupes seemed to enjoy the new state of things. This explains how it was that in

1870, when the people of the North-west, having risen in arms, sent their delegates to Ottawa with their bill of rights to negotiate their entry into the confederation, their delegates had no objection to have the 93rd clause of the British North America Act, with a small addition made to it, inserted in the Act creating the new province of Manitoba. The bill of rights of the people of the North-west having been accepted at Ottawa, the delegates left for home, hurrying to give their people the good news of their successful mission. Arms were laid down. The territories were delivered to the federal authorities, and the province of Manitoba began its existence, an existence which, it seems, will not be a very peaceful one.

A few months later, in 1871, the legislature of New Brunswick passed a law, the effect of which was to abolish the privileges as to separate schools which the Catholic minority then practically enjoyed. Petitions poured in from all parts of the Dominion, asking that such an unjust law be disallowed by His Excellency the Governor General in Council. This could not be done unless the conclusion of the petitions had been recommended by the Minister of Justice to His Excellency in Council. Sir John A. Macdonald, then Minister of Justice, reported in the following words:

> The undersigned does not, on examination, find that any statute of the province exists establishing such special schools. Under the circumstances he is, therefore, of opinion that no other course is open to the Governor General than to allow the Act to go into operation.

The Act was not disallowed, but went into force.

No doubt your honours perceive where the act of perfidy rests. In England, when preparing the ninety-third clause of the British North America Act, on education, the delegates had to extend the purport of the forty-third resolution, relative to education, to the maritime provinces, as promised to His Grace Archbishop Connolly. So they did; but they added the words "by law," in order to neutralize the effect of such extension to the maritime provinces, where practically separate schools existed, and where Catholics had their fair share of the school fund, but where such schools were not recognized by any law. Later on, when Sir John had to report on the petition asking the disallowance of the Act, he could audaciously state that the Act was quite constitutional, New Brunswick having "no law" as to separate schools at the time of confederation.

Such is, hon. gentlemen, in a very few words, the history of this important question of the schools in New Brunswick. Having been foremost in the Commons in 1872 in entering my protest against the course followed in England by Sir John and his colleagues, I thought it my duty, more than that of any other member, to take occasion of the great present agitation which has been produced by somewhat similar legislation in Manitoba and in the North-west Territories to bring the whole facts before this parliament. I cannot be told, as many others could be, that I waited until Sir John was dead to attack him on this subject, since I did so at the time, face to face with him, when I nailed him to his seat as I will presently show.

During the session of 1872, the member for Victoria, N.B., Mr. Costigan, gave notice that he would move a resolution asking that the School Act of New Brunswick (1871) should be disallowed. I at once decided to take advantage of this motion to denounce Sir John and his colleagues for the course they had followed in England in the matter of the schools in New Brunswick. But before doing so I thought I was in duty bound, as a matter of courtesy to the man who had so long been my leader, to go to him and tell him what I had determined to do. So I did. I was very well received by the premier. I told him that having decided to attack him on Mr. Costigan's motion, I thought I ought to let him know. What is the matter, said he: Have you any blame to throw upon me, what is it? I replied, I have not come to you to discuss the matter, but the moment Mr. Costigan's motion will have been put before the House, I will let you know the whole of my story. I bowed to him and retired. On the same day, or possibly on the next day, the speaker having called upon Mr. Costigan to make his motion, the premier rose in his place and asked the member for Victoria (Mr. Costigan) to let his motion stand for a few days. On the 20th May, 1872, the motion was put, accompanied by a beautiful speech of Mr. Costigan. I was convinced that with the information I had given him, Sir John would speak after the member for Victoria in order to prepare his friend for my attack and des-

troy any effect which my words might have. I knew also what the tactics of the premier were when he had determined to follow the member then speaking. In such circumstances it was customary with him to pass near the speaker of the House whispering to him, or to send a page telling him that he desired to follow the member then speaking. The speaker would then keep his eyes in the direction of the premier so that whatever number of members should rise to take the floor, the speaker could always honestly declare that "his eyes had caught the premier first." The trick was perfect and Sir John had the floor.

I thought over the matter, trying to find some means of baffling such a trick, if it was ever resorted to. I sat quietly in my place, doing my best to let members of the House believe that I was in no way anxious to follow Mr. Costigan, but when I saw that this hon. member was uttering his last sentence, I moved up, addressing the Chair, "Mr. Speaker," said I. "Order," called out the Speaker. I did not resume my seat, so as to force the Speaker to look at me. A few moments later, I was again called to order, but stood up, and the member for Victoria having sat down, Sir John rose up. Sir George E. Cartier and Sir Hector Langevin, turning their eyes towards me, cried out, "Give way! Give way!" "No, gentlemen, I will not give way," said I; "the Speaker has to say whether his eyes caught the premier first, or whether it was my humble individuality." The Speaker rose and announced that I had the floor, and Sir John sat down.

I then read my speech, written in pretty bad English, as your honours may judge for yourselves. I hold in my hands the same manuscript which I then held and read verbatim in the Commons—there was then no official report of the *Debates*—so that, convinced as I was that Sir John being responsible for this mischief I am now dealing with, many others would, no doubt, be discovered in due course of time. I thought I was bound to keep this manuscript, which I could at all times swear to, and which I had written with my own hand and read from my seat in the Commons, Sir John A. Macdonald being present in his seat.

I solemnly declare from my seat in this Senate that the manuscript which I hold in my hands and which I will now read before the Senate, is the same manuscript which I wrote and which I read verbatim in the Commons on the 20th May, 1872. After having addressed myself, as it is the practice in the Commons, to Mr. Speaker, I read as follows:—

Relying on the indulgence of the House, I propose to say a few words in English in this important circumstance, though I must say I am but little conversant with that language. But I believe it my duty not to let pass this motion without putting before this House the views I hold on this important question. Not, sir, that I intend to say a single word on the constitutionality of the School Act in question, as it seems admitted on both sides that the decision of hon. Minister of Justice on that point is strictly in accordance to law. But the motion which the hon. member for Victoria has placed into your hands, aiming to quite another object the exercise of the right of veto, which the British America Act gives to the Governor General, I will confine my remarks to the consideration of this view of the question.

True it is that the hon. Minister of Justice has stated that it was the policy of his government not to use this right except in two cases.

1. If the act was constitutional and there has been excess of jurisdiction.

2. If it was injurious to the interest of the whole Dominion—and the hon. gentleman added that the school bill in question fell in neither categories. Sir, the hon. premier is quite mistaken if he thinks that such a tyrannical law is not calculated to destroy that perfect harmony which he himself had in view to maintain when he and his colleagues settled the difficulty with Nova Scotia in 1869. Certainly such an arbitrary legislation may prove the cause of disastrous results to the peace and prosperity of the whole Dominion. And, sir, I am sorry to add that hon. members occupying treasury benches, who sat in the Quebec conference and were delegates to England, are responsible for that state of things.

Had the promises made by hon. members to the four first united provinces been kept. At the seventy-two Quebec resolutions, which it was then affirmed were to be considered as a treaty. Had they been the basis of the Imperial Union Act. and had not the words (by law) been added to the forty-third resolution after the words (rights and privileges) at the passing of this Act, sir, the minority in New Brunswick would be in a quite different position, the privileges was then indulging would be safe And this House would not have to-day the painful spectacle of the government admitting that the School Act of New Brunswick of 1871 may work disadvantageously to the minority, but that at the time the union was consumated, the privileges which that minority was then enjoying were not guaranteed by law. True it is that the forty-third Quebec resolution on education applied to the provinces of Quebec and Ontario only and that its purport was extended to the maritime provinces at the request of His Grace the Archbishop of Halifax, but, sir, I state here from my place in this House that His Lordship in asking you that extension never intended to have this resolution amended contrary to the understanding I have alluded to.

Does the hon. premier, does the government be-

lieve that when this important portion of our community, the Catholics of the Dominion, when they will recall to their minds all those facts and all that has been done since confederation in favour of Nova Scotia, whose case was in direct opposition to the law, will readily submit to such an injustice, when they themselves so heartily helped the government in changing the position in which the Union Act had placed the province of Nova Scotia.

Does hon. gentlemen believe that the minority in any one of the united provinces will at any time submit to such an arbitrary legislation and to such an abuse of power. To-day, the minority suffering is a Catholic minority. To-morrow it may be a Protestant one.

Mr. Speaker, it is in the recollection of hon. members of this House that at the beginning of the present parliament, the hon. member for Hants, now the honourable Secretary of State for the provinces, with the whole but one, of the representatives of Nova Scotia were on the opposition side of this House and were daily complaining that a great injustice had been done to this province and that its rights had been disregarded in the Union Act. To such a complaint what was the answer given to them by hon. gentlemen on the treasury benches? Was it that such was the law, the written law, and that it could not be helped? That there were no remedy. No, sir, the matter was taken into consideration by the government, and it was found that though that the Union Act stated positively that "certain specified grants should be in full settlement of all future demand, etc., an additional subsidy of $1,000,000 should be granted to Nova Scotia and the government asked this House for the same. What did this House do? This House, sir, concurred in the views of the government. This House decided that though the law was against that province, equity and justice demanded better terms for that province, and it was so enacted by the great majority of hon. members that Nova Scotia, numbering but one-twelfth of the whole population of this Dominion should not complain in vain, that she should receive justice at our hands and that an annual subsidy of $100,000 during ten years should be granted to her.

On the other side, we have to-day other complaints of the most serious character. We have one-third of the population of New Brunswick who having been ill-treated by the majority of that province, have made an appeal to the government of Canada, asking for redress, which redress they did not get for reasons which I have already alluded to. We have in addition the admission of the hon. Minister of Justice "that the Act in question may operate unfavourably on the Catholics or on other religious denominations."

In such circumstances, is it not the duty of the government to use all possible and constitutional means to protect that minority, and the government failing to do so, I say, sir, that it is the duty of Catholic members of this House, representing one third of the whole population of this Dominion to make an appeal to gentlemen on both sides of this House whether Protestants or whether Catholics, in favour of their co-religionists so unjustly dealt with.

Sir, the motion of this honourable member for Victoria, is not only the voice of 300,000 individuals as in the case of Nova Scotia, but it is the voice of one-fourth of the population of this Dominion, asking for the relief of their countrymen, not in a way opposed or contrary to the law of the land, but in a way which the constitution of this country as provided for in view of exceptional cases, of cases of extraordinary nature. It is the voice of over a million of Catholics of this country praying that this School Act of New Brunswick (1871) be disallowed, that the constitutional right of veto be exercised by His Excellency as an exceptional case, as a case better than that of Nova Scotia, as a case to no one second if the subject to which it relates is considered. The Nova Scotia case being a money matter, the present case, the New Brunswick a denial of religious liberty.

Now, sir, may I ask hon. members of this House, to view this case not as a case between Catholics and Protestants, but as a case of public good, as a case of general interest to the whole population of this country, as a case of justice and equity towards minorities as in the case of Nova Scotia.

Sir, let hon. members pause before they decide. Let them reflect and say what would be their feelings if the minority in the present case were Protestants. Would they not think that in such circumstances the minority should be protected if the constitution furnished a mode to do so?

Having said so much, I have nothing more to add except to express my hope that hon. gentlemen, having helped so far in the case of Nova Scotia, a case it was then stated should not be considered a precedent but an exceptional case, the House had now to consider whether it should not have justice rendered to so great a proportion of the people of New Brunswick in a matter of far greater importance than that of Nova Scotia, and which must evidently be considered as an exceptional case for reasons which I have already detailed and which I need not repeat.

Such were the remarks, or, if hon. gentlemen will allow me to call it so, such was the speech which I made in the Commons on the 20th May, 1872, Sir John A. Macdonald being present, on Mr. Costigan's motion to have the School Act of New Brunswick of 1871 disallowed. Having concluded my charges I resumed my seat, anxious to hear what answer Sir John, who had been so quick to rise in order to speak after Mr. Costigan's speech, would make. In vain did I wait; in vain did the House wait; Sir John had lost his energy. The speech he had prepared to deliver before I had made my charges was then useless. It was a serious case to deny my accusations when I had given him good evidence that I knew something of what had passed in England. The most prudent course for him to follow was to hold his tongue, and he did so. Mr. Masson (now the hon. Senator Masson) then rose and spoke in favour of the motion, and sat down. A perfect silence prevailed in the Commons chamber. On both sides of the

House members were anxious to hear what the leader had to answer to such serious charges, but in vain did they wait. Sir John had lost that eagerness which he had shown before I had spoken. A motion to adjourn the debate for two days was carried, and the House rose. The day appointed to continue the discussion having come, the debate was continued, but Sir John had not yet recovered He had not a word to answer, and to the day of his death, for over twenty years, he never made up his mind to contradict my statements. Hon. gentlemen may not forget that Bishop Connolly was then living, and it was, no doubt, owing to this fact that Sir John thought that the safest thing for him to do was to keep silent, for fear a denial of his or an attempt to explain might make things worse; and he maintained a prudent silence. This is the fourth charge and the third treacherous act which I have made good against the late chieftain.

What effect had those treacherous acts of Sir John A. Macdonald upon our people? What effect had such a course so detrimental to our national and religious interests? Very little indeed I am bound to admit—so little that I might fairly add, none, none whatever. Party spirit had blinded our most sincere politicians. Personal interest retained others, while corruption did the rest and secured such a majority to the veteran that he was kept in office for years and years, and could from time to time use his influence to destroy our institution slowly but surely. Had he done us an injury our people would have risen in arms, a storm would have followed. Sir John would laugh and call all this *un feu de paille*, and in order to bring us back to the flock would show himself quite magnanimous towards us for some time. A few days later the storm had abated, and the whole party had fallen into line and so on year after year up to the scaffold of Regina and from that memorable date to the death of the old man in 1891.

From this last date to the present day I heard more than I ever did before, I heard my compatriots complaining of the course followed by the different Conservative administrations which succeeded Sir John's government in connection with the rights and privileges of the French minority and of the Catholics. Is it at all extraordinary to find the two administrations of Sir John Abbott and Sir John Thompson following the path traced for them by their old leader and continuing the work of depriving us of those rights and privileges which the heroic courage of our ancestors had gained for us—indeed it is quite natural that it should be so—it is the natural consequence of our submission to the wrong of our leaders for some twenty-five years past. How different it would be if we had followed the examples given to us by our predecessors at the time of the union of Upper and Lower Canada, at a time when our position as French and Catholics was far more desperate than it is now or than it has ever been since. Long ago as it was I can not help giving here a summary of the political history of United Canada during the twelve or fifteen years which followed the arrival of Lord Durham as governor of Canada.

It is well known that Lord Durham was sent to Canada, after the troubles of 1837, as Governor General and Queen's High Commissioner to adjust the affairs of our province and report to the Imperial authorities his opinion as to what was best to be done. He had he been in Canada some few months when he came to the conclusion that the French population had to be put in a minority, in order that the English speaking majority might become supreme. In consequence, he inclined towards a confederation of all the British possessions in North America, but he felt at the same time that it was too soon yet to unite under one government such a large territory, and he recommended for the present the union of Upper and Lower Canada under one government, and gave his reasons for such recommendations. They are as follows: I quote from his report:

Report of Lord Durham, dated at London, England, on the 31st January, 1839, to Her Majesty the Queen.

A plan by which it is proposed to ensure the tranquil government of Lower Canada, must include in itself the means of putting an end to the agitation of national disputes in the legislature, by settling at once, and for ever, the national character of the province. I entertain no doubts as to the national character which must be given to Lower Canada, it must be that of the British Empire; that of the majority of the population of British America; that of the great race which must in the lapse of no long period of time, be predominant over the whole North American continent. Without effecting the change so rapidly or so roughly as to shock the feelings and trample on the welfare of the existing generation, it must henceforth be the first and steady purpose of the British government to establish an English population, with English

laws and language, in the province and to trust its government to none but a decidedly English legislature.

In any plan which may be adopted for the future management of Lower Canada, the first ought to be that of making it an English province; and that, with this end in view, the ascendancy should never again be placed in any hands but those of an English population.

Lower Canada must be governed now, as it must be hereafter, by an English population, and thus the policy, which the necessities of the moment force on us, is in accordance with that suggested by a comprehensive view of the future and permanent improvement of the province.

If the population of Upper Canada is rightly estimated, at 400,000, the English inhabitants of Lower Canada at 150,000, and the French at 450,000, the union of the two provinces would not only give a clear English majority, but one which would be increased every year, by the influence of English emigration, and I have little doubt that the French, when once placed, by the legitimate course of events and the working of natural causes, in a minority, would abandon their vain hopes of nationality.

The union of the two provinces would secure to Upper Canada the present great objects of its desires. All disputes as to the division or amount of the revenue would cease. The surplus revenue of Lower Canada would supply the deficiency of that part of the upper province; and the province thus placed beyond the possibility of locally jobbing the surplus revenue, which it cannot reduce, would, I think, give as much, by the arrangement as the province, which would thus find a means of paying the interest of its debt.

No time should be lost in proposing to parliament a bill restoring the union of the Canadas under one legislature, and reconstituting them as one province.

Those recommendations were accepted in England, and an "Act to unite Upper and Lower Canada" was presented to parliament during the session of 1839. This Act provided for an equal number of representatives from each of the two sections, 42 for Upper Canada and 42 for Lower Canada, though the population of Lower Canada was 650,000 souls, while that of Upper Canada was only 450,000. The upper province had an enormous debt of nearly $6,000,000. The Union Act provided that it should become a debt of both sections, that is to say, a debt of the new province. The Act also provided that English alone should be the official language of the united provinces.

The Union Act was not adopted during that session, but was postponed in order to consult the Canadian people. The Honourable Poulett Thompson was appointed Governor General of Canada, he being considered the best man for the occasion having himself prepared, with the help of Sir James Stuart, Chief Justice of Lower Canada, the bill for the union of Upper and Lower Canada. He took the reins of power on the 23rd October, 1839, and soon succeeded (an English author says) in influencing the governing bodies, the special council of Lower Canada, and the legislative council and assembly of Upper Canada to concur in the plan of the union. I beg to remark that the people of Upper Canada were consulted through their lawful representatives in parliament assembled, while in Lower Canada the constitution having been suspended since the troubles of 1837-38, no legislature existed at the time except a special council composed of some twenty gentlemen chosen by the governor himself to help in the administration of the affairs of the province.

In 1840 the Union Act was adopted by an almost unanimous vote in the Commons, but serious opposition was made to it in the House of Lords.

The Union Act was sanctioned by Her Majesty the Queen, on the 23rd July, 1840.

Hon. gentlemen, I will not take up the time of this honourable House, in giving you my opinion of that Act of union, and of the course followed for its adoption. My opinion would evidently be considered an interested one. I prefer giving you the opinions expressed at the time of the passage of this law in the English parliament by gentlemen who, or at least a majority of whom, knew Canada or the Canadians only by what they had heard or read of them—and consequently who must be considered as having appreciated the Union Act as a matter of principle, as a question of right or wrong, of justice or injustice.

Mr. O'CONNELL—The avowed intention is nothing less than the annihilation of the French Canadians as a party, who have already been treated shamefully by the British government. They have been described as the most excellent and amicable people in existence, and yet they have been visited as if they were the most ferocious and wicked. Now, after all they have suffered, it is proposed to legislate for them in the most flippant and harsh manner. It is proposed that they shall be sacrificed to what is called the British party, and what is that but an outrage. . . . .

Sir, against such a precipitate mode of dealing with a grave question; against the infliction of injustice as the remedy of injustice, I enter my most solemn protest. There can be no real union of the Canadas unless the French Canadians are put upon a footing of exact equality with the other inhabitants. If we do not make the proposed union in that way, there are examples to show that the passing of a mere act of union is no corrective to long-existing evils.

Mr. O'CONNELL— . . . I have seen, with regret in the otherwise admirable report of Lord Durham, a recommendation amounting to this that political privileges of the French Canadians shall be annihilated. What have they done to deserve this? They are distinguished by almost every humane virtue. They are mild, benevolent, charitable and exemplary in their conduct towards their families, and yet they are to be annihilated as a people. . . . . The way to deal with Canada is to deal with her generously, to ameliorate her institutions, and above all, to act upon the principle recommended by Lord Durham, of making the government depend on the confidence of the people. Conciliation is doubtful, perhaps, even in that way, but it certainly is not to be accomplished by annihilating the French Canadians as particular people who are only accused of being defective in point of education. That defect can be remedied by making the means of instruction more attainable and aiding the diffusion of knowledge. In other respects, they do not suffer by a comparison with the British servants.

Mr. HUME—I do object to any principle not founded upon the basis of population, and which was proposed with a view of giving the British population a preponderating influence. I cannot but regret to see a people so amiable as the French Canadians treated with so little justice or consideration . . . I, therefore, feel bound to protest against the plan of the noble lord, which I consider as nothing more than a continuance of the same system which has already proved so disasterous.

Mr. C. BULLER—The vacillation, not of this government particularly, but of the British government for the last ten years has brought the Canadians into their present state. . . .

Mr. LEADER— . . . If the proposed union were effected the French Canadians would be completely crushed. The hon. gentleman (Mr. Bulmer) says they must adopt the language, laws, institutions and religion to, I suppose, of the governing few . . . It may be right, perhaps, according to the view of the hon. and learned gentleman, that the few English Protestants of Lower Canada should give laws to the many French Roman Catholics there, but then upon that principle, all that the British legislature has been doing in favour of the Irish Roman Catholics must be erroneous. It would be absurd to argue that the Roman Catholics of Ireland, forming the majority there, should be in possession of rights as British subjects, and that the Roman Catholics of Canada, also forming the majority, should be denied those rights only because they are in Canada. . . . It would be the greatest tyrany to make them English in language, laws and religion against their own feelings and wishes. The hon. and learned member for Liskeard seems to think that there is nothing offensive to the French Canadian in Lord Burham's report. . . . Why, one of the chapters of that report is headed "Acknowledged inferiority of the French Canadians." . . .

Such arguments as these may be borne out by the practice of former ages, and of barbarous nations; but I maintain that it would be a lasting disgrace to the British nation, if by any legislative acts for depriving the French Canadians of the due exercise of their electorial rights, we gave additional power to the strong to crush and oppress the weak. I trust that in any future discussion on the question of the union, the French Canadians will have the powerful advocacy of the hon. and learned member for Dublin against that proposal, or against any plan which, by uniting the two provinces would sweep their language and their religion from that part of the world. The bill now before the House is, truly, a bill to enlarge the powers given under the coercion bill passed last session to an already despotic authority . . . I cannot but complain of the manner in which I have been treated by the government. I presented two petitions, one from Mr. Lafontaine and another individual, and I was told by the government, that as the whole question would be discussed, the proper time to bring forward the complaints contained in those petitions would be when that discussion took place. No such opportunity has, however, been afforded me, the government are afraid of meeting the question, and here the end of the session.

Sir C. GREY—When it is considered that the Roman Catholic religion was the religion of Canada before that territory was acquired by England, and that Canada then possessed abundance of Catholic institutions, I cannot think of trying to rob that religion in Canada of its just influence.

The hon. member for Liskeard has stated, without reserve, that one of his first steps would be, to compel the French to renounce their language—not their religion—(of course, such an intention could not be for a moment entertained)—but to compel them to adopt the English language in all public proceedings, and to renounce their present tenure of land and to submit to the breaking up and alteration of their whole social system. . . . When the hon. member for Liskeard propounded his plan he should have embodied in it an ample compensation to the Roman Catholic clergy, for the tithes to be abolished by the abolition of those tenures of land. We are bound to preserve there ecclesiastical endowments. We could not, if we would, we ought not, if we could abolish them. There are many other considerations which would operate as powerful obstacles to the proposed union, amongst others, the difference in the productiveness of the revenue of the two provinces, that of Lower Canada exhibiting a surplus of £100,000 per annum; that of Upper Canada, no surplus at all . . .

The first thing that I would urge on the attention of the House, is the absolute necessity of doing nothing contrary to the principles of liberty and of the British constitution. I would next urge the necessity of holding the principles of property sacred in Canada.

Sir ROBERT PEEL—We have two races speaking different languages, of totally different customs, living under different laws, and it will be necessary to ascertain what security would be given to the interests of the minority, when their union shall have been effected. I know that some gentlemen have implicit confidence in the wisdom and judgment of a majority. I have not implicit confidence in a majority, and immediately after the suppression of an insurrection, I have still less.

I must be well assured, in considering any measure for uniting the two provinces and introducing British laws for the maintenance of British supremacy, that the measure will not have the

effect of exposing to injustice those who now form the majority of one province, but who would be the minority in case of a union. Who can deny that we are bound to fulfil the treaty under which the Canadas were acquired. The religion of the people of Lower Canada is Roman Catholic, whose securities we must continue.

Mr. C. BULLER—I cannot understand how any one can cast his mind over the recent history of our colonies, or advert to their deplorable state in everything that respects their government, without coming to the conclusion that, in our whole colonial system, there is some radical vice requiring vigorous and searching correction. The system of governing colonies from home has had a long trial in the North American provinces, and going on this principle of combining an irresponsible executive with a representative legislature, now as it is practically worked in all of them. I say in all, for in truth, the evils to which we have now to apply a remedy are not to be found in the Canadas alone. In every British colony in North America there is the same collision between the assembly and the executive. I merely refer to it (the working of the present system) in order to remind the House that the contest of races in Lower Canada is but one of the many causes operating to produce the present calamitous state of our provinces.

Mr. HUME—I would ask if he (the under secretary for the colonies, Mr. Labouchere) does not know that for many years, the special council of Lower Canada has laughed to scorn the whole Canadian people? If we are to have a despotism in Canada, I say again, let us have a pure and single despotism, with sole and undivided responsibility.

The Earl OF GOSFORD—Much do I regret that Her Majesty's ministers have not brought forward some system of legislation of a more permanent character than the one now on your lordship's table. The delay, pregnent as it is with evil, has, however, in my eyes, one redeeming quality, it has led to the suspension of the proposition for uniting the two Canadas; and I trust that it will, ultimately lead to the abandonment of that project. . . In my opinion, such a union, if carried, would produce results far different from those anticipated by its advocates. The French Canadians, who are estimated at more than two-thirds of the population of Lower Canada, and nearly one-half of that of both the Canadas, are, to a man, opposed to it. Do your lordships expect that any measure, having to encounter such a maze of hostility, can work well, or even fall short of alienating the affections of the French Canadians from the government of this country. I must here beg to reach to your lordship's recollection what occurred in 1822, when a similar proposal was unsuccessfully urged, and gave rise to the greatest excitement in the colony, and I believe that, in the exertions then made by Mr. Papineau to give effect to the general opposition; may be traced the origin of that person's subsequent popularity and influence over a large portion of his countrymen, an influence that, however, patriotically it might at first have been used, was, I regret to add, ultimately exerted in the furtherance of designs decidedly at variance with the real interests of his country. I am aware, my lord, of the existence of great alarm in Canada, which indeed does not surprise me. Arising, as it must do, so far as the French Canadians are concerned—from an apprehension of a violent ultra Tory British party, whose object is, to monopolize as much as possible of the power and patronage of the colony, and to assume an ascendency over all who do not participate in their arbitrary views. The whole conduct of this party, and the violence of the language made use of by many of those who belong to it, are quite enough to exasperate the French population, and produce among them the alarm I have alluded to. Every means that ingenuity could devise has been resorted to, in order to mislead this country (England) as to the real state of affairs in Canada. The French Canadians (I can speak from experience) are, as a body, a most loyal, amiable people. A few, and but a few, have been, unfortunately, misled by designing persons—but when I left the province, in the end of February, 1822, everything was in a state of perfect tranquility. I say, my lord, let this country discountenance, equally, the violent on each side—persue a steady and impartial course, extending equal rights and equal laws to all, without distinction of race, and you will find but little difficulty in establishing in the colony the most economical, the most lasting, and the most satisfactory of governments—that which is founded on the affections of a people.

Earl FITZWILLIAM—The whole history of the Colonial Office shows that we have treated Canada with injustice.

Mr. HUME—Opposition to the wishes of the people led to the state of things which brought about the recent resolution. It appears to me that a great injustice is about to be perpetrated against the French population of Lower Canada. The bill violates the principle of equal justice promised. It is intended to swamp the French population, by not giving them a fair share in the representation. In the next place the revenues really are put under the control of the home government, and it was a *sine quâ non* with the people of Canada that the revenues should be placed under the absolute control of their representatives.

The Earl of GOSFORD. . . I consider the present measure for re-uniting the Canadas as a most dangerous experiment, and one of a most arbitrary and unjust character. If, as I believe, those who support it do so on the ground that the French population of the lower provinces are in an organized state of resistance to British rule, and British connection, they never acted upon more erroneous, more fallacious grounds. For my own part I do not believe that in any of our colonies, Her Majesty has for the extent of their numbers, a more loyal, better disposed people, or people who, from inclination, as well as interest, are more desirous to keep on terms of friendship and alliance with England. I am aware of the misrepresentations which have been so industriously and insidiously, circulated through this country of an opposite tendency, but I do assert, not without fear of contradiction, but without the smallest fear of any proof being adduced in support of such contradiction that what I have asserted is founded on fact, capable of the fullest confirmation. Much has been extravagently put forth relative to what is vulgarily called the late rebellion and revolution.

These are fine sounding and useful terms for those who have an interest to advance.

There is, and has been, a certain class of British people, to whom every liberal independent people must be hostile, whose acts and conduct have been marked by a domineering spirit towards the whole of the people of French origin and whose aims has been to arrogate to themselves the entire rules and patronage of the country. To this party may be attributed mainly the troubles and animosities which occurred.

Under the conviction of the correctness of what I have stated, I cannot but consider the proposed union of the provinces as a most unjust and tyrannical act, depriving the lower province of its constitution for the acts of a few evil-minded men, and handing them over to be swamped by those who have shown such bitter hatred without cause toward them—for swamped they must be by this bill. Indeed the legality of such a proceeding may be disputed.

I assert that the French population are anxious and eager for British protection as well as British alliance, and that for the great majority of the two Canadas are opposed to the union. My lords, I oppose this measure upon two grounds,—first, because I think it is founded on misrepresentation; and secondly, independent of that, because I think it most unjust.

Lord ELLENBOROUGH—My lords, I entirely agree in every word that has fallen from the noble duke (Earl of Gosford) who had just sat down. It is impossible not to say that the general feeling of the House of Commons is favourable to this measure—we have likewise the approval of this measure by the majority of the assembly of Upper Canada. But then they were told and they saw that the result of this measure would be to make them the Lords of Lower Canada—and they were also told that one of its conditions was that the surplus of the revenues of Lower Canada should go to the payment of their debt—it is not, then, surprising that men, not being practical statesmen, should have been led away by such delusive expectations as these. There may have existed in their minds, as I regret to say there exist but too strongly in the minds of the people of this country—the remains of those feelings of hostility towards the people of Lower Canada which are the growth and consequence of the events of the last few years. I am opposed to this measure on the ground stated by the noble duke (Earl of Gosford). I am opposed to it, because I think it the most imprudent, the most fraudulent and the most unjust measure that has ever been proposed to parliament, and at the same time the most erroneous; seeing that not one of the objects it professes will practically be effected by it. It has, for its objects to exchange for the Governor General and representative of the Queen the government of the majority of the people of Upper Canada and to plunge into eternal disfranchisement a whole people on account of an offense committed two years ago, by a portion of that people. This I consider grossly unjust.

What can be more unjust than to give the people of Upper Canada the power of governing the people of Lower Canada.

The Earl of HARDWICKE—Now, my opinion is, that no union between these two provinces can be founded on justice. I care not for what may be urged as likely to be the effect of an Act of parliament, but I say that, if an Act is to pass to unite the two provinces of Upper and Lower Canada, it can never carry with it the force of justice.

The Earl of WICKLOW—The government are professing to give the French Canadians liberal institutions, while they are really binding them hand and foot. The fact of this bill uniting people who are so different in point of taste, habits, customs, religion and general feelings, at once proves its inaptitude for any good, and in my opinion, it can only have the effect of exerting animosities, ill-will, quarrels, and finally rebellion.

The Earl of GOSFORD—I oppose the measure because it is founded on injustice to the French, whose loyalty I will ever maintain.

Lord ELLENBOROUGH—The object of the bill evidently is to deprive, as far as it is possible to da so by a legislative enactment, the people of Lower Canada, the people who are of French origin, of any share at all in the government of the united provinces. To all that principle I entirely object. The ministers of the Crown have certainly succeeded in getting up a majority in the legislature for the people of British origin, but I bid them beware, lest that majority obtained, as it has been by violence and by legislature and electoral fraud should turn into a majority hostile to the connection with this couuntry, owing, in Lower Canada, to the manner in which we have treated them, and in Upper Canada to causes which it is not necessary for me to specify. It is for these reasons that I hope Her Majesty's ministers will reconsider the state of the representation with the view of doing away with at the least that additional cause of discontent.

Hon. Mr. ALMON—What year was that?

Hon. Mr. BELLEROSE—The hon. gentleman is slow to apprehend. If he will not think I cannot think for him. Such were the views expressed, and the judgment given by some of the best minded men in the English parliament, when this very grave question of the union of Upper and Lower Canada was submitted to them. Those quotations from speeches made by gentlemen who knew very little if anything of Lower Canada and of French Canadians, show that their words were dictated to them by a sense of what was right and what was wrong. This establishes better than any thing else which I might bring in support of my charges, the truthfulness of the complaints so often made at the time by the French population, that they were illtreated to such an extent, that they even were refused their fair share of participation in the affairs of their province, by all new comers who, whenever their right foot had touched Canadian soil, became convinced that the new country was theirs and they alone had a right to have public affairs administered their own way.

Having now, so far, made out my case, I have next to show how the Union Act worked and prove to your honours, the truthfulness of every word which fell from the lips of the non-unionists in the British parliament. While doing this, it will give me occasion also to convince this House of the desperate position made for the French Canadians by the new constitution, as also of the hard struggle, which, under the leadership of their patriotic leaders they had to undertake, with no other hope of success than that always given by the justice of a cause.

To do this, and in order to establish those facts, it will be necessary for me to give here a short resumé of the political history of United Canada, during the first thirteen years and a half of the union, that is to say, from the passing of the Union Act (1840), by the British parliament to the days of Sir Allan McNab, who had given the best evidence of his determination and that of his party to put down all that was French in Canada and make the Canadas an English colony. At last having become convinced that the affairs of Canada could not be properly managed unless the French Canadians had their fair share in their administration, Sir Allan McNab went to the leader of the Lafontaine party (the Hon. N. M. Morin), in 1854, and asked him to form the McNab-Morin administration—I will show later the conditions of this coalition which have now existed for 43 years, let me add, *en passant*, far too long. The Union Act having received the sanction of the Queen (1840), the Governor General, Sir Poulett Thompson, then Lord Sydenham, set to work under the new constitution, to unite the two Canadas and grant responsible government to the new province. On the 5th February, 1841, His Excellency issued his proclamation, making it known that the Union Act would come into force on the 10th of the same month. He then proceeded to organize his cabinet, which he composed of nine members, all of English speaking nationality, and a majority of whom were taken from the upper province. They were for Upper Canada, Messieurs Draper, Sullivan, Dunn, Harrison and Baldwin; and for Lower Canada, Messieurs Ogden Daly, Day and Killaly. Your honours, no doubt, have remarked that not one single member of the great Liberal party or Lafontaine party of Lower Canada had been called in. This was too apparent an admission of the truthfulness of the charges made against the governor and his advisers as to their determination to crush the French minority not to be detected at once by His Excellency. He tried to disguise the evil by sending for Mr. Lafontaine and asking him to enter the cabinet. Mr. Lafontaine positively refused, giving as reasons of his refusal the fact that he considered the cabinet mostly composed of the worst enemies of his province, and that his influence would be null and of no advantage to his friends in an administration wherein the great majority held views quite adverse to his on the important question of carrying on responsible government on sound constitutional principles.

Was not this state of things a hopeless position for both Catholics and French Canadians? No doubt it was, but the leaders of the party thought they ought not to submit, and that their duty was to fight to the bitter end for the rights and privileges of their compatriots and their co-religionists. They thought, no doubt, that, having become aware of the intention of the English population in Lower Canada and of the help given to them to crush the French Canadians, they had an advantage which the Acadians had not when banished from Acadia and dispersed throughout the world, and consequently that they ought to fight for better or for worse. So they did. They called their friends together and prepared an election platform. Mr. Lafontaine issued an address to his electors, assuring them of his determination to fight constitutionally until justice should be done. The elections took place; the results were of the worst character. Mr. Lafontaine was defeated. The governor had identified himself with it. As evidence of this charge I will quote a few lines which I find in a letter published by Mr. Lafontaine himself in one of the newspapers of the time—*Le Canadien* of the 2nd April, 1841:

> A patent fact which no man can deny, and which has been the results of Lord Sydenham's conduct, is the fact that he has identified himself in the struggle, in our district wherein he went so far as to change the polling places, and in the countries wherein he did so the struggle was accompanied with violence, effusion of blood and murder.

The 1st session of the 1st parliament was convened at Kingston for the 14th of June.

The government were sufficiently strong by the number of their supporters. Before

parliament met, Mr. Baldwin resigned and at the beginning of the session he gave reasons for having done so. He said, he could not agree with his colleagues on some of the most important questions; the result of the elections had shown him that the administration had not the confidence of the people. This he had made the governor aware of and had advised His Excellency to remedy the evil by some changes in the cabinet. His advice not having been favourably entertained, he resigned. A certain number of reformers from Upper Canada also expressed their opinions and declared they would always be ready to help the Lower Canadians in their struggle to have their rights and privileges acknowledged. A good many of them were dissatisfied with the refusal of the governor and his advisers, the Draper-Ogden cabinet, to admit their constitutional responsibility to the people whose confidence they had to have. The government were losing ground every day while the opposition were increasing in strength. On one occasion, Mr. Baldwin, speaking on the question of giving responsible government a true interpretation, said:

> Should it happen that I would become convinced that the people of Upper Canada were disposed to unjustly treat Lower Canada, I would be ashamed to be their representative.

Lord Sydenham fell sick, parliament was prorogued on the 18th September, 1841, and the governor died the next day (19th), and was replaced by Sir Charles Bagot, who showed himself at the very beginning to be quite moderate and naturally conciliatory. He repeatedly said that with him there would be no distinction as to races or political parties, and that he would do his utmost to make the whole people happy. Sir Charles Bagot called Parliament together for the 8th September, 1842. The Draper administration had become very weak, Lord Sydenham, who had given it life, being dead. The government were left to their own resources, which amounted to very little. They thought of increasing their strength and made overtures to Messrs. Lafontaine, Morin and Girouard, but without success. A great reaction was taking place in favour of the Liberals of Lower Canada. The Reformers in Upper Canada seemed to incline towards giving justice to the Lower Canadians. Mr. Lafontaine, who had been defeated in his county in Lower Canada by the efforts of Lord Sydenham, as I said before, was elected in Upper Canada in the county of Hastings, whose people elected him to show their sympathies towards the French Canadians. The new governor, convinced that his advisers did not possess the confidence of the French Canadians, called on Mr. Lafontaine to enter the cabinet, allowing two other seats for those of his friends he might desire to join with him. Mr. Lafontaine refused, determined as he was to fight for justice, with Mr. Baldwin and the reformers of Upper Canada, who had already done much service for Lower Canada.

On the address the premier (Draper) gave some explantions as to the offer made to Mr. Lafontaine, and added:

> I am free to admit that when I met for the first time in this House, during last session, the first since the union the honourable members from Lower Canada. I had great prejudices against them. But since I have the advantage of coming in contact with them such prejudices have disappeared.

Mr. Baldwin followed, impeaching the government. Mr. Lafontaine then rose and began speaking in French when Mr. Dunn interrupted him asking him to speak in English. Mr. Lafontaine replied in the following words:

> The hon. member who has interrupted me is one of those who have been repeatedly given to us as a friend of the French population. Would it be that he has forgotten that I belong to that race so unjustly treated by the Union Act. He wishes me to make this my first speech in this House in a language which is not my maternal language. Let me tell him, let me tell the whole House whose fair judgment in the matter I readily rely upon, that even if English was as familiar to me as French is, I would not make this first speech of mine in any other language than that of my French Canadian compatriots, had I for doing so, but one reason, that of protesting against the monstrous injustice contained in the Union Act that of proscribing the language of one-half of the population of Canada. This I owe to those I represent. This I owe to my ownself. The hon. Attorney General (Mr. Draper) admits that peace cannot be restored without the active co-operation of the French Canadians. Let me add it is a necessity. No peace without it. We are ready to grant it, but only under such conditions and terms that will keep our honour and our dignity.
>
> The idea of the framer of the Union Act was to crush down the French population in this provinc. Let me tell him he was mistaken. Such an end he will not reach. There are already sympathies between Upper and Lower Canadians. This will increase day after day. I repeat without the active co-operation of my compatriots the government of this province cannot be carried up in such a way as to re-establish peace and such confidence as is necessary to carry on the government of the country.

We have been placed in such an exceptional position by the Union Act and in such a minority as to the distribution of public patronage, that it may happen that we will be crushed down, but if so it will be only after we have shown that we deserve the respect of our enemies.

In the state of slavery, bondage and subjection under which Lord Sydenham has tried to keep French Canadians, I had, as a Canadian, a duty to perform, that of keeping high the dignity and the honour of my compatriots, to which our enemies have been forced already to give under hommage. This duty, Mr. Speaker, I will fulfil to the end and never fail. . . .

He then attacked the government and gave praise to the new governor, who he said he was sure would deal fairly with the French population. The situation seemed hopeless for the government. The governor called again on Mr. Lafontaine to help them. Mr. Lafontaine gave his conditions, they were accepted and he became premier with Mr. Baldwin. Some of the members of the late administration joined the new, submitting their opinions to those of their new leaders, who were determined to carry on the government on true responsible principles. The House, by an almost unanimous vote, passed an address to the governor, congratulating him on his conduct, and thanking him for having called the French Canadians to administer the affairs of the country. A certain number of members who had supported the former administration, fell in line with their supporters. The whole of the Reformers of Upper Canada gave the government their support. The Tories, headed by Sir Allan McNab and Mr. Moffat, composed the opposition, which was very weak. The session was quite short, not much more that one month. Then began the cry of "French domination" against the government, in which there were only two French-speaking ministers out of eleven, and the assembly, composed of eighty members, had only twenty French members. Such had been the success of Sir Charles Bagot's administration when he was taken very ill, and had to resign in March, 1843. He died on the 19th May, following. Sir Charles Bagot left to posterity a most honourable name and an unblemished reputation. He was one of those few governors who, by their noble conduct and their very great impartiality, have conquered the love of Her Majesty's subjects in Canada, and have been much regretted by the French minority of the then province of Canada.

Sir Charles Metcalfe succeeded Sir Charles Bagot. He arrived in Kingston in March, 1843, and called parliament to meet in September following. The Lafontaine government was strong. The session was prorogued on the 9th December. A difficulty arose between the governor and his advisers. The governor claimed the right to appoint public officers without consulting his ministers. The Lafontaine-Baldwin government entertaining quite opposite views, resigned. When the case came before the House, a majority of twenty-two voters approved of the course followed by the administration. During nine months the governor had only three advisers, but at last in September, 1844, he succeeded in forming a cabinet, the Viger-Draper, and dissolved parliament. Sir Charles Metcalfe, who had already violated the constitution when appointing public officers without consulting his advisers, thought that he might go a step further and that his influence might help the government in the struggle. So he did, and the effect was that, though the Liberals carried the elections in Lower Canada, their allies, the Reformers, were beaten in Upper Canada. Parliament met on the 28th November, 1844. Attorney General Smith moved that Sir Allan McNab be elected Speaker, Colonel Prince moved that Mr. Morin be the Speaker. Sir Allan was elected by a majority of three. On the address the government majority was six. During this session two most important addresses were unanimously voted to Her Majesty, one asking for a general amnesty for all offences committed in 1837 and 1838, and the other for the repeal of the clause of the Union Act prohibiting the use of the French language. Those two unanimous votes of both parties in the House, especially the last mentioned, which was to restore the use of the French language, is conclusive evidence that the bold stand taken since the union by the French speaking population, particularly by their leader, Mr. Lafontaine, had not injured their case, but on the contrary had helped them to receive justice at the hands of all good thinking men, and so it does always. No man is indifferent to pluck, courage, and determination. Your honours, no doubt, still recollect the good words spoken on this occasion by some of the English speaking gentlemen. Amongst others Messieurs Moffatt from Lower Canada and

Dunlop from Upper Canada, admitted their wrong. They withdrew all harsh words they had used on previous occasions when speaking on this question of the French language. They were ready to do all in their power to have French made official as English was. But England was slow in rendering justice. It took three years to restore the French language. It was only in 1848 that French was used in the proceedings of parliament.

Parliament was prorogued on the 29th March, 1845. Sir Charles Metcalfe was made a peer of the United Kingdom at the beginning of this year, and left Canada in November. Lord Cathcart became administrator, and was appointed governor on the 16th March, 1846. On the 20th March he called parliament together. The government was supported on the address by a majority of 16. A long discussion arose in relation to a correspondence which had taken place between the premier, Mr. Draper, and Mr. Caron, one of the Liberal party from Lower Canada, in order to strengthen the government. The government, though not very strong at the beginning of the session, was rather weak at the end. So much so that Mr. Draper had on a few occasions to assemble his supporters and tell them that he would certainly resign if not better supported. Parliament was prorogued on 9th June, 1846.

Lord Elgin was appointed governor on the 16th September, 1846, and took office on the 30th January, 1847. He soon discovered that the cabinet as constituted could not command the confidence of the people at large. He was displeased with the fact that the French element was hardly represented in the cabinet. He called the attention of his advisers to those facts, and following this advice he called on Mr. Morin and Mr. Caron to join the administration. Mr. Morin refused at once, giving, amongst other reasons, the fact that he and the Liberals of Lower Canada had allies, the Reformers from Upper Canada, whom they could not abandon without good cause. Mr. Caron thought it was better, in the interests of his party, to continue the negotiations. So he did, but without success. Both Messrs. Morin and Caron were approved by their party. Some of the members of the cabinet resigned their office. Those were Messrs. Smith and Taschereau. A few weeks after, in May, 1847, Mr. Draper left the premiership to Mr. Henry Sherwood. Mr. John A. Macdonald, known for some years past as Sir John A. Macdonald, joined the cabinet as Receiver General. The Sherwood administration was composed of five members from Upper Canada and four from Lower Canada, of whom only one was of French origin. The governor had in no way meddled with the reconstruction of the cabinet. On the 2nd day of June, 1847, Lord Elgin opened the session. Mr. Baldwin, seconded by Mr. Lafontaine, moved an amendment to the address, congratulating Lord Elgin on his alliance with Lord Durham's family, and acknowledging that the granting of responsible government to Canada by England was due to Lord Durham, and the House of Assembly were confident that His Excellency would carry on the affairs of the province on sound constitutional principles.

Messieurs Alywin, Chauveau, Malcolm Cameron, Merritt, Watts, &c., spoke in favour of the amendment, while Messieurs Cayley, Gowan, John Hilyard Cameron, and John A. Macdonald, spoke against it. The address was carried by a vote of two majority, *id est*, 39 against 37.

Mr. Neilson in the Legislative Council, moved a resolution criticizing the government for their hostility to the French Canadians. The motion was lost by the vote of Speaker McGill.

After parliament had been prorogued, Lord Elgin, alarmed at the state of affairs came to the conclusion that it was his duty to find for his advisers men who would command the confidence of the people at large. He consequently dissolved parliament on the 6th of December, 1847. The Liberals carried the elections in Lower Canada and so did their allies, the Reformers, in Upper Canada. Parliament met on the 25th February, 1848. Mr. Morin was elected Speaker, against Sir Allan McNab, by a vote of 54 against 19. On the address an amendment was moved by Mr. Baldwin, and was carried by a vote of 54 against 20. The Sherwood administration handed in their resignation.

Lord Elgin called on Messieurs Lafontaine and Baldwin. A new cabinet was organized under the leadership of Mr. Lafontaine. It was composed of twelve Liberal members. The six members from Lower Canada were: Messieurs Lafontaine, Leslie, Caron, Taché, Alywin and Viger. The

six for Upper Canada were Messieurs Baldwin, Sullivan, Hincks, Price, Cameron (Malcolm) and Blake. Mr. Lafontaine and Mr. Baldwin were then receiving their reward for the patriotic course they had followed in and since 1843, when, though they had then a majority of some 25 votes, had resigned rather than submit to the unconstitutional pretensions of Lord Metcalfe as to his right to make official appointments without taking advice from his ministers. Their determination to have the government of the country conducted on sound, constitutional principles of responsible government was then a success. It took a somewhat long time to lay the foundation of sound constitutional principles, but when you come to consider the disheartening difficulties in the way, you cannot help admiring the pluck shown by those two great men (Messrs. Lafontaine and Baldwin) during seven years in their struggle against both the governors for the time being (Sir Charles Bagot excepted) and their Tory advisers. They had determined at the very beginning of the union that, responsible government having been granted to Canada, it should be carried out on sound constitutional principles, whatever difficulties they might meet with. They had the courage to follow up their patriotic determination, and they had now the pleasure and satisfaction of reaping the fruits of their good work. Since that day (11th March, 1848) responsible government has been carried out in Canada on sound constitutional principles. The Lafontaine-Baldwin government was strong, having a majority of about three to one. Having to be re-elected, the session was short, parliament was prorogued in March, after the subsidies for the year had been voted. During the recess some changes took place in the cabinet —Mr. Drummond replaced Mr. Aylwin, who was appointed to a judgeship, and Mr. Merritt took Mr. Sullivan's place. On the 18th of January, 1849, parliament met. Lord Elgin was so generous and so courteous as to himself deliver his address in French. In one of the paragraphs of the address His Excellency made known the fact that the French language had been re-established, and in another that the Imperial authorities had granted a general amnesty to all Canadians implicated in the political troubles in 1837 and 1838. The address was voted by a majority of 48 to 18. Most important measures were presented and passed during this session. Amongst those was presented one which caused great trouble, "An Act granting an indemnity to those who had unjustly suffered in Lower Canada during the troubles in 1837-38." A similar indemnity had been paid in Upper Canada. The Tory opposition became mad. Most violent speeches were made against the project in and outside parliament by Sir Allan McNab, Messrs. Gugy, John A. Macdonald, Molson, and others. Sir Allan went so far in a speech outside the House as to advise the crowd not to submit, but to make a show of their strength at the governor's home. He himself would be ready, at a moment's notice, to come down with twenty thousand men to help the loyalists of Montreal. At the grand meeting on the Champ de Mars Mr. Lafontaine's effigy was burnt. Tory newspapers in Montreal and elsewhere were no less violent. Some in Montreal were still more violent. Before they would submit to be ruled in Lower Canada by French Canadians the province would be inundated with blood.

The next day Mr. Blake, from his seat in the assembly, showed the unpatriotic course followed by the Tories. They were acting in direct opposition to the course they had followed when dealing with the same question in Upper Canada.

Mr. Lafontaine took the floor also, and established that his administration was following in the footsteps of the previous Tory government.

Mr. John A. Macdonald spoke with violence against the indemnity.

The measure was carried by a vote of 48 to 23. Twenty-four members speaking the English language voted for the measure. In the Legisla ive Council it passed with a majority of six (20 to 14). The governor drove to the parliament buildings on the 25th April in order to give his sanction to this Act of Indemnity and to some others. When His Excellency gave his assent to the Act of Indemnity the Tories, who were in numbers in the galleries, made a terrible noise, vociferating words of despair. They then went out, insulted the representative of the Queen, throwing stones and rotten eggs at His Excellency and his staff. In the evening a grand meeting took place on the Champ de Mars, Mr. Moffatt presided. Violent speeches were made, after which the crowd went to the parliament buildings where the House was sitting. They began

throwing stones into the hall, forcing members to abandon it, then entering the hall they proceeded to break up everything they could find, and took possession of the mace. One of the leaders of this mob, taking the Speaker's chair, dissolved parliament in the name of the people, and immediately was heard the cry of "fire! fire!" The whole buildings were destroyed, as was also the library. The loss was estimated at $500,000. A part of the properties of Mr. Lafontaine were burnt; so also were the residences of Messrs. Hincks, Holmes, Nelson and Wilson. Two Montreal English newspapers wrote most violent articles. "This was a war of races," they said, "one or the other must perish. Let us exterminate all that bears a French name." The next day the House met in Bonsecours market hall. The first thing the House did was to adopt an address to His Excellency protesting their loyalty to the Queen, giving expression to their indignation at what had occurred, acknowledging the impartiality shown by His Excellency, and offering their help for the maintenance of good order. This address was carried by a vote of 36 to 16. Lord Elgin came to the government house to receive the addresses of both Houses. He was assailed and insulted. He even was struck, so were also some of the members of parliament. The course followed by the governor was approved of by the vast majority of the people in both sections of the united provinces.

Parliament was prorogued on the 30th May, 1849, by Major General Rowan, His Excellency Lord Elgin believing this course better in the interest of peace in Montreal. Having not succeeded in their efforts, the Tories in Montreal and elsewhere in Upper Canada organized an association which they called "The British League of North America;" but its existence was short. It soon disappeared, and was followed by an organization in favour of annexation to the United States. The session of 1850 was opened on the 14th May at Toronto. A long debate took place on the address. Sir Allan McNab, leader of the Tories, was particularly violent, so much so that it disgusted some of his friends. Amongst others, Colonel Gugy left the Tory ranks, and gave his support to the Lafontaine-Baldwin administration, stating that he was induced to do so by the course followed by his political friends. The burning of the temporary parliament buildings, he said, had destroyed all hopes of the Tories ever gaining power. They could not, he added, even form an administration. The address was carried by a vote of 44 to 14. In the legislative council the address was almost unanimously voted. In the assembly the leaders of the Tory opposition were Sir Allan McNab, Messrs. J. A. Macdonald, Sherwood and Cayley, with Mr. Louis Joseph Papineau as leader of some few extreme Liberals from Lower Canada, and Mr. Malcolm Cameron, who, with some discontented extreme Liberals from Upper Canada, had joined the opposition, which then was composed of three classes of politicians: some belonging to the oligarchy, others who had signed the annexation manifesto, and others who were in favour of independence. Sir Allan McNabb tried to bring about a new discussion of the Indemnity Act, which had caused so much trouble during the previous session. He introduced a bill amending the Act; but it was not discussed, and was supported by only 19 members. Sir Allan McNab had now good evidence that the violence used by himself and his friends had ruined the Tory party. From that day he showed himself quite another man; he became moderate. Parliament was opened at Toronto on the 14th May, and was closed on the 10th August, 1850.

The last session of the third parliament was opened at Toronto on the 20th May, 1851. The address was unanimously carried on the same day.

Most important measures were discussed during the session, some of which were passed while others were postponed. Efforts were made by Mr. W. L. McKenzie to abolish the Chancery Court in Upper Canada. Mr. Baldwin opposed and succeeded, but as he was on this question in a minority in his province, he felt humiliated and handed in his resignation as attorney general for Upper Canada. Both sides of the House expressed their deep regret at this determination. Parliament was prorogued on the 31st August, 1851. A few months later, in October, 1851, Mr. Lafontaine also resigned as attorney general for Lower Canada and the premier, Mr. Hincks was called upon by Lord Elgin to form a new cabinet. He accepted and took in Mr. Morin as leader of Lower Canada. This government was a continuation of the Lafontaine-Baldwin administration, having the same prin-

ciples and the same policy. Parliament was dissolved on the 6th November, 1851, its four years' existence having reached its end. Elections took place. The government was sustained by a strong majority, particularly in Lower Canada. The 1st session of the 4th parliament was opened on the 19th August, 1852, at Quebec. Mr. John Sandfield Macdonald was elected Speaker by a vote of 55 to 23. The address was voted by a large majority. The session was adjourned on the 10th November, 1852, to the 14th February, 1853. A measure was introduced by the government to regulate the representation, giving as before an equal number of members to Upper and Lower Canada. It was adopted in spite of Sir Allan McNab and Messieurs John A. Macdonald, George .Brown, Badgley, Robinson, who desired to have representation by population. The session was closed on the 15th June, 1853. During recess some changes took place in the cabinet. The burning of the parliament building in Quebec prevented the calling of parliament before the 13th June, 1854. The address was short, the government intending to have a short session in order to pass an Act for the representation of the people, to vote the estimates and dissolve parliament in order to carry out the new Act of representation. This was not satisfactory to the House, and an amendment to the address in that direction was moved by Mr. Cauchon and was carried by a vote of 42 to 29. In this instance the majority hostile to the government was composed of all classes of politicians, Liberals, Reformers, Tories, Clear-grits. After this vote Lord Elgin had a choice of but two courses to follow, either change his advisers or dissolve parliament. This last course he followed on the ground that it was impossible for the opposition to form a cabinet, there being too great a difference of opinion amongst the leaders of the Opposition. He prorogued parliament on the 20th June and dissolved parliament. A general election took place in the months of July and August. The Liberals carried Lower Canada but the Tories were in a majority in Upper Canada. The first session of the 5th parliament was opened on the 5th September, 1854. The Hincks-Morin administration were defeated on their motion to elect Mr. Cartier Speaker of the House. They were in a minority of three. Mr. Sicotte was elected Speaker on motion of Mr. A. A. Dorion. The government resigned. Lord Elgin called on Sir Allan McNab to form a cabinet.

The Tory party was too weak to form a government, so that Sir Allan had to make a choice amongst the different parties which existed in the House—Clear-grits, Liberal-Democrats, Liberals from Lower Canada who had opposed the Hincks-Morin cabinet on certain questions, and the old Liberal party from Lower Canada who had always followed Messrs. Lafontaine and Morin. Sir Allan called on Mr. Morin to help him and take the leadership for Lower Canada. Mr. Morin refused, giving as his reason the fact that Sir Allan had quite opposite views on certain important questions which he (Mr. Morin) had at heart, such as the settlement of the clergy reserves and the seigniorial tenure which Mr. Morin said, Sir Allan had always opposed. Well, answered Sir Allan, should we make the measures government measures, will you accept? Certainly, replied Mr. Morin, if you come to us, we can't refuse your help. You have my word added Sir Allan. A new cabinet was organized composed of Sir Allan McNab, Messrs. J. A. Macdonald, Cayley, Spencer, J. Ross and Henry Smith for Upper Canada, and of Messrs. A. M. Morin, Drummond, Chauveau, E. P. Taché, Chabot and Dunbar Ross for Lower Canada. The new government was sworn in on the 11th September, 1854. Some of the Tory friends of Sir Allan were greatly dissatisfied, and refused to follow him on account of his change of front on the most important questions. But the government stood strong and were supported by two-thirds of the House. The attorney general for Upper Canada (Mr. John A. Macdonald) who has always opposed the settlement of the clergy reserves, presented a measure to settle the clergy reserves. It was passed. Mr. Drummond, attorney general for Lower Canada, moved an Act for the abolition of the seigniorial tenure. It was adopted by the legislature by a majority of 39 votes in the assembley. Lord Elgin was replaced by Sir Edmund Head on the 19th December, 1854. Mr. Morin who had accepted the leadership of Lower Canada for the sole object of helping Sir Allan McNab in the organizing of a new cabinet and the passing of those measures which he and his followers had at heart, having now accomplished his mission, resigned his seat in the

cabinet and was replaced by Sir E. P. Taché, another of the leaders of the Liberal party, or Lafontaine's party, in Lower Canada.

I beg to remind your honours *en passant* that this coalition of 1854, between Lafontaine's party headed by the Hon. A. M. Morin, and the Tories headed by Sir Allan McNab, under the party name of Conservatives, has been maintained to this day while the Papineau party, now the Laurier party, have always been found opposing it. It is then quite wrong for the Liberals to assert, as they often do, that they and no others, are the successors of Mr. Lafontaine and party, when history tells us that Mr. Lafontaine himself was quite disgusted, even in his time, with the advanced or extreme Liberals or the Democrats, such as Messrs. A. A. Dorion, Dessaules, Laberge, Pepin, Doutre, J. B. E. Dorion, Blanchet, Laflamme, Labrèche-Viger, &c., lead by Mr. Papineau at first, later on by Mr. Viger, still later on by Mr. Dorion and at last by Mr. Laurier the present premier of Canada. Who knows not that Mr. Papineau had hardly been twenty-four months in Canada, after his return from exile, when he was elected for the county of St. Maurice in 1847, and gave his views on the political affairs of the times; and what were those views? Were they not in direct opposition to those of Mr. Lafontaine?

Mr. Lafontaine, had accepted the union of Upper and Lower Canada, declaring at the same time that he would fight to the bitter end for the rights of his countrymen under the new regime—Mr. Papineau comes in seven years after, when Mr. Lafontaine, had so far succeeded and declares that he will not accept the union, but fight for its repeal. Mr. Lafontaine was in favour of equal representation for both Upper and Lower Canada; Mr. Papineau will have nothing but representation by population. Mr. Lafontaine opposes annexation to the United States; Mr. Papineau, favours annexation and so on. In 1848, Mr. Lafontaine having become premier, first adviser of the Crown, Mr. Papineau opposes his government, the government of the man to whom he owed his return from the land of banishment to his native land, in 1845. Every day Mr. Papineau has an attack to make on Mr. Lafontaine and his government, and his criticism is never at an end. Indeed Mr. Papineau's charges are of the worst character, he becomes aggressive. His language is an outrage. At last Mr. Lafontaine rises in his place and in a beautiful speech, shows the absurdity of Mr. Papineau's utterances. I quote from his speech the following sentences:

> If in 1842 we had adopted the system followed by some hon. members, would we have been in a position to solicit and press as we have done, for the return of our exiled compatriots? If we had not accepted a place in the administration in 1842, would we have been in a position to obtain for the hon. member in particular permission to return to his country, permission, for the obtaining of which, I did not hesitate, in order to overcome the reiterated refusal of Sir Charles Metcalfe, to offer my resignation of largely remunerative employment which I then possessed? Behold now the man who, obedient to his old habit of pouring out insult and outrage, dares, in the presence of these facts, to accuse me and also my colleagues, of venality, of love of sordid employment and of servility in the presence of power.

I leave your honours to appreciate those facts and pronounce on the absurdity, if not on the dishonesty, of the Liberal party, asserting as they often do, now and then, that they and no others are the political descendants of Mr. Lafontaine, whom they claim to have been their leader, when he never was after Mr. Papineau had entered the Canadian legislature in 1847. Having now done with those incidental remarks I will go on with my subject.

At six o'clock the Speaker left the chair.

After Recess.

Hon. Mr. BELLEROSE resumed his speech. He said:—

I have now gone over, in as few words as it was possible for me to use, the political history of United Canada as far as the question I am dealing with is concerned, during the fifteen years which followed the arrival of Lord Durham in 1839, as Governor-General and High Commissioner, to inquire into the affairs of Canada and report to Her Majesty, the Queen, what was best to be done. Short as this summary is, it sufficiently shows that this period was one of trouble and agitation, that the French population had to struggle all the time in order to obtain their fair share in the administration of the affairs of the united provinces, as also to prevent their annihilation as a distinct people and preserve their autonomy. They had to force the advisers of the chief executive officer of the country, nay, the governor general

himself, to administer the affairs of the country on sound constitutional principles, and lastly, that a part of the English speaking population were quite adverse to the French Canadians, is conclusively established by their determination to put into practice the recommendations contained in Lord Durham's report, which was to change the national character of Lower Canada, make it English, and to trust its government to none but a decidedly English legislature.

This summary of our history at the time of the union also shows that after fifteen years of the most arduous struggle, the French Canadians conquered their fair share of influence. The French language had been restored to them, and responsible government was carried on on sound constitutional principles, and their worst enemies had been forced to come to them and seek their alliance.

We, their successors, have followed another course, a course quite the reverse of theirs. Our predecessors fought to the bitter end—they refused all alliances which did not give them full justice. We, on the contrary, have submitted to all kinds of injustices and yet with those who were responsible for such wrongs we kept faith.

For some years past, say twenty-five, we have been discovering all kinds of tricks which we were the dupes of. Did those discoveries open our eyes? No, it did not. Such vexatious conduct on the part of our allies towards us did not change our mind. We continued giving them our support—we kept them in power—we stood by them in the most critical moments--we gave them strength which they used to attain slowly but surely the end they aimed at. We also see the results of the course we have followed. Indeed we see them every day : our rights and privileges are discussed in the most hostile manner, some are gone never to return, others are menaced, and still it seems as if we did not realize the danger of our position.

Indeed, we did more than that. Did we not even directly help them in their efforts to annihilate everything which was French? Yes, indeed, we did many times, I mean to say a majority of us of French origin did so. Let me quote one of those instances. If I open the journals of both the Senate and of the Commons for the year 1876, I find that a bill intituled: "An Act respecting the North-west Territories" was submitted to both Houses by the Mackenzie government. In this bill is found a clause making French a constitutional language in the Territories. This bill was passed, sanctioned by the Crown, and became the law of the land until 1891, when the so-called Conservative government of Sir John Thompson asked this parliament of Canada to do away with French in the Western Territories. I opposed such an unpatriotic measure, but a majority in both Houses, even of French-speaking members, gave their assent to such bad legislation.

In the Commons the vote stood in favour of the bill: even amongst the French members, the majority gave it their support.

In the Senate the vote stood, for this measure depriving the French population of their acquired rights, 39, amongst whom were six French senators. Against this bad measure only five voted, all French senators. Their names are: Armand, Bellerose, Girard, Chaffers, and Tassé.

In connection with this vote, I cannot help alluding to certain circumstances which accompanied it.

This last mentioned bill was introduced in the Senate in September, 1891. I immediately gave notice of a motion to amend the 18th clause of this measure, doing away with the French language in the North-west Territories, in order that French might continue to be a constitutional language there. I also advised my hon. friend for Repentigny (Hon Mr. Armand), to prepare for moving that the 18th clause be striken out in amendment to my amendment, and by so doing prevent any other senator from moving to my amendment an amendment of a general character which, if carried, would prevent a square vote on the question of the use of French in the territories.

During the interval between the day when this measure was introduced and the day when those two motions could be made, some of my colleagues came to me expressing their approval of the course I had followed and assuring me that they would vote with me. One of those senators in particular renewed at different times his approval and his determination to support the use of French in the territories.

During this same interval, much work was done outside the Senate room, in the lobbies by both sides in politics in order to have a unanimous vote. For the first time, I may say, during my long political career, I was approached and was solicited to let my mo-

tion drop and follow the leaders on both sides of politics, who, it was then evident to me, would give their votes in favour of the measure, and let the bill pass. This I positively refused to do, adding that even if I should be left alone with my seconder I would have a vote taken and recorded.

At last the day came when I was at liberty to submit the question to the House, and ask a vote, and I did so.

A discussion took place, during which one of our then colleagues, a strong supporter of the government, no more a senator but holding a high position under the Crown, left the Senate room. A few minutes after another strong supporter of the government also went out but immediately re-entered the Senate by another door and went to another senator, this last one the very senator who had repeatedly expressed his approval of my motion and given me his word that he would vote for it. A few words were exchanged between them and both went out. A short time after the three entered the Senate one after the other and resumed their seats.

The discussion having come to an end, the vote was taken with the result which I have made known to this House a moment ago. The French language had lost a vote. The senator who had particularly approved of my motion and promised to give it his support and who had been called outside this hall as I have mentioned before, having made a complete turn about and voted in favour of the measure depriving the French minority in the North-west Territories of their constitutional right to use the French language as before.

Having put those facts before the House, I leave it to your honours to appreciate them each for himself and I will now go on with my subject.

Such has been the course that we, the French minority, have followed during this last quarter of a century. We have submitted to all kinds of injustice. We have shown that we have lost that vigour which did so much for us in Mr. Lafontaine's times. Our people are discouraged at the change they observe in their leaders. Patriotism and the maxim *salus populi* was the motto of our ancestors. This is now all changed ; the watch-word of the politicians of our day is save the party.

Would to God, my compatriots had separated, as I did myself in 1872, from Sir John A. Macdonald and his party, when he refused as leader of the then government to disallow the School Act of New Brunswick of 1871, in violation of the policy of his government, which was "to disallow all local constitutional legislation which could be injurious to the interest of the whole Dominion."

Then was the time to separate from him, when he had given the best evidence of his opposition to separate schools and of his determination to do his utmost to prevent the spread of the system throughout the Dominion. But no, the old man was left alone. He was left to have things his own way and the consequences we have seen, agitation, trouble, dissatisfaction ever since. A quarter of a century has since passed away and yet we have the same difficulties to meet to-day. Will they ever have an end? God knows. For my part, my conviction is that not having settled them on sound principles of justice at the beginning, they will last as long as confederation lasts.

This example of what our predecessors of French origin did at the time of the union of Upper and Lower Canada in 1841, when they had determined to force their enemies to grant them justice, is not an exceptional one. It is the tactics of all those who desire to attain the end they aim at, of all those who are determined to succeed in their efforts. Was it not by following the same tactics that the province of Nova Scotia, with a small population of not much more than 300,000 souls, got redress when believing as her people did that they were not fairly treated in the Confederation Act, they elected as their representatives in the federal parliament, out of twenty members, nineteen to oppose the government until they had received that justice which they considered was due to them. But such tactics as those which we, the French Canadians and the Catholics have followed for some twenty-five years past, lead to ruin and perdition.

Are there not amongst the English speaking population of our days hundreds of men holding sufficiently large views to induce them to come and help a minority whose rights are trampled upon and whose convictions are ignored? Are there not in our days, as there were found in the past, large minded men amongst our friends of other origin and creed who would be ashamed to use such a force as that given by numbers to deprive a minority of their legitimate privileges?

Surely there are. Believing the contrary would be judging that our fellowmen of English, Scotch and Irish origin have greatly degenerated. But such is not the case. There are still amongst them such men as there were in the past. They would have been found in proper time. Had our people begun the fight in 1872, as Lafontaine did in 1841 they would have found Baldwins, Aylwin Blakes of our days who would have come to their help in their struggle for equal justice and religions liberty.

I wonder what reasons those who oppose them can give to justify the course they follow—Protestants as much as Catholics are astray when they do so. Protestants believe in the right of private judgment. Unless they are ready to be taxed with bigotry and be known as fanatics, how can they refuse to recognize, be they Catholic or Protestant, and advocate the principle and follow it up by asking that they may not be forced to send their children to and pay for schools which their conscience tells them are wrong. No doubt Sir Oliver Mowat was actuated by this principle, as well as by the constitutional law of this country, when he opposed as premier of Ontario in 1890 all legislation which interfered with separate schools in his province. The bold stand taken on this important question of education by the Protestant leader of Ontario in the House of Assembly of that province, composed almost exclusively of Protestant members, and on the eve of a general election, regardless of what would be the consequences as far as he and his colleagues in the cabinet were concerned, conclusively shows devotion to the constitution and to the principle of religious liberty which as Protestants they advocate for themselves. Sir Oliver Mowat did what he considered right and equitable and the House supported him, and the vast majority of the people of the province approved the course he had followed, and sent a good majority of his friends to support his government. Had my co-religionists refused to submit in 1872 to the treacherous act perpetrated in England at the passing of the "British North America Act" in the case of the New Brunswick school case—they would have found new allies amongst the English speaking population, they would have been helped by large minded men who would have been happy to grant to their fellow men the enjoyment of those privileges which they had a right to.

My compatriots and co-religionists did not do so. Their representatives in the cabinet had not the courage to resign their office. For one reason or another they preferred retaining their portfolios. What have been the consequences? We have been ill-treated to such an extent, that at last, after twenty-five years of humiliation, we had, last year, *volente* or *nolente*, to go to war. The leaders of Quebec had to do, what ought to have been done a quarter of a century ago, they had to resign their position in the administration, under circumstances a great deal less favourable than they were in 1872, when a crisis, such as that we are now in, would and could not have put in such great danger the great question of separate schools. At this last mentioned time (1872) either Sir John Macdonald would have submitted to the demands of his colleagues from Quebec, or he would not. If he had, the question of separate schools would have been settled for all times to come, a great precedent would have been established, which would have deprived all bigots and fanatics, of all hopes of gaining their points at any later period. If he had not submitted, then the Catholics of the Dominion, helped as they have been in the past by good and honest Protestants, would have turned Sir John out of power and given place, not to Catholic Mr. Laurier, but to Protestant Mr. Alexander Mackenzie. Having become premier, Mr. Mackenzie, no doubt, would have done what he did under other similar circumstances. Did he not, and did not his government submit to both Houses of parliament in 1876, a bill intituled, "An Act respecting the North-west Territories," in which there was a clause granting to the French minority in those Territories the free use of the French language, and was it not the Tory government of Sir John Thompson, as I said before, who asked both the Commons and the Senate, in 1891, to strike out this precious clause? A majority in both Houses, not only of English speaking members, but, sad to say, a majority of even French speaking members gave their support to such bad work, and from that day, English alone is the constitutional language of those Territories.

From all the facts I have pointed out, and from the different circumstances which

I have shown have preceded, accompanied or followed them, I can come to no other logical conclusion than the following, *id est:*

1st. That Sir John A. Macdonald and his friends, the so-called Conservative party, are responsible for the dangerous position which has been made to Catholics, in connection with their rights as to separate schools, and others which I do not intend to deal with to-day.

2nd. That Catholics, and particularly French Canadians, have been brought into the dangerous position they find themselves in, by their own fault, by their too great devotion to the old chieftain and their unlimited confidence in him.

No doubt, objections which I have often heard of, will be made to-day. Such as the following—

The vetoing of the Manitoba legislation, on education, in 1890, could not take place, as the constitutionalty of this Act had been referred to the Governor in Council, by a petition of the Catholic minority in Manitoba, before the expiration of the twelve months given by the British North America Act, to the Federal Government to examine the Act, disallows it or allow it to come into force; also because the Blake resolution adopted by a unanimous vote of parliament prevented the exercise of the vetoing power.

Now those objections on the constitutionality of this law, which might have some force if my proposition was that Sir John A. Macdonald was bound to advise the Governor in Council to disallow the Act on account of its being unconstitutional, have no value in this case, when my proposition is, as I said before, that this Act ought to have been disallowed because it was injurious to the interest of the whole Dominion—and so fell under the second rule laid down by Sir John A. Macdonald and his government after "the British North America Act" had come into force in 1867. Such was my argument in 1872. when I made an attack on Sir John, reminding him that he himself had given as the policy of his government to never use the power of disallowing provincial legislation except in two cases:

"1st. If the Act was unconstitutional and there has been excess of jurisdiction.

"2nd. If it was injurious to the interests of the whole Dominion."

If such is the case, and I have sufficiently shown that it is so, I would like to know, what other authority was bound to decide except the Canadian government? And if, as was the case, the government's decision was wrong, was not the Canadian parliament in duty bound to censure such a course? Such was my opinion in 1872; such also is my opinion now. Who knows not the great difficulties those questions of religion always bring after them, when they are not settled at once, when they are left in suspense. Where is the country where they have not worked mischief when not disposed of at once and in the most equitable manner, and in such a way as to convince all parties that the decision arrived at was of the most conclusive character. But even if my proposition had been that this Act of 1890 ought to have been disallowed, because it was unconstitutional, the objections I have mentioned cannot be considered as having any great weight since they could in no way deprive the Governor in Council of the exercise of their discretion.

But while I unhesitatingly charge the so-called Conservative party, now on the opposition side of this House, with such a dereliction of duty during the time they held the reins of power up to the happy day when Sir Mackenzie Bowell took the leadership of the party, I am happy to state that I am bound to acknowledge the great change which has taken place since then. Why, hon. gentlemen, the Manitoba school question was not only fought for with great energy under Sir Mackenzie Bowell's administration at first, and later under that of Sir Charles Tupper, but it must be said, in justice to to those hon. gentlemen, that the Remedial Act having the approval in the Commons of a majority of 18 members would now have received the sanction of the Crown, making it the law of the land, if the then opposition, headed by Mr. Laurier, relying on the fact that four or five weeks more would bring parliament to a close, as its five years of existence would have passed away—if the opposition, I say, had not set to work, wasting the time, in order that parliament might expire before the Remedial Bill could be finally adopted.

I cannot help congratulating those two premiers and their friends for their good work, by which they have, as much as it was possible for them to do, redeemed the errors of their party in the past. Those two premiers did not succeed; that is quite true, but it was none of their fault. They did all that they humanly could do. They

got the measure sanctioned and adopted at its second reading, in spite of Mr. Laurier and of his party (of whom a majority of Catholic Liberals voted with him) by a majority of eighteen in the Commons. It was after this great success that, in order to prevent the final passing of the Remedial Act, and prevent it from becoming law, the opposition made use of the side issue which I have already mentioned, and which certainly worked quite disadvantageously to the Catholics of Manitoba, but in no way lessened the merits of both premiers, Sir Mackenzie Bowell and Sir Charles Tupper. Honour to those two gentlemen. Mr. Laurier and his friends are alone responsible for the great injustice done, with no excuse whatsoever except it be party triumph or ignorance.

I must say I have always found the course followed by the opposition a most irrational one, one of the most ridiculous character under the circumstances, one best calculated to shorten the time they might rule over this country. Indeed I never think over this conduct of theirs without at the same time thinking of the maxim, *Quem vult perdere Deus prius dementat*, as if I was impressed with the fact that they were blind stricken. For my part, it has always been my conviction that Mr. Laurier and the other Catholic leaders of the Liberal party knew not what responsibility this school question left on their shoulders. During last session I said so from my seat in this House. I am reported to have said so on the 1st of September, 1896.

I am still convinced that Mr. Laurier knew not what was the doctrine of the church he belongs to, and that he did wrong, because he knew no better. But such ignorance does not excuse him, except it be insurmountable. But it is not, it was easy for him to overcome it, he was often put on his guard. He knew where he had to go to to get information in the matter. He was in duty bound to do so. If, as some people say, Mr. Laurier knew what he was about and knew the teachings of his church on this question, then I am sorry to say that he was quite wrong and according to sound logical principles, that he gave away his church and her doctrines, not for a dish of lentils, but for power or the leadership of his party or something of the kind.

Be that as it may be, the hon. premier has lost all right to the support of all true Catholics and of all faithful Protestants.

Catholics cannot follow him, when he his turning his back to their common mother church, abandoning her doctrines, and condemning her teachings.

Protestants cannot give him their support as far as this question of education is concerned. If they did, would they not violate with their leader the very fundamental Protestant principle of liberty of judgment? Would not he and they, by human law, force Catholics to do what they believe Divine law forbids them to do? Would that be in accord with liberty of judgment? Have Protestants any right more than others to have two weights and two measures?

I will now refer your honours to the last part of the second paragraph of His Excellency's address, at the opening of this session; wherein I read the following words.

> . . . a settlement was reached between the two governments, which was the best arrangement obtainable under the existing conditions of this disturbing question. I confidently hope that this settlement will put an end to the agitation which has marred the harmony and impeded the development of our country, and will prove the beginning of a new era to be characterized by generous treatment of one another, mutual concessions and reciprocal good-will.

If it be so—and I believe it is so—that those difficulties arising out of the school question in Manitoba have impeded the development of our country, who is responsible for the delay during the last year? Is it not Mr. Laurier and his friends, who, by using a side issue in April a year ago, prevented a settlement of those difficulties? and, consequently, is it not Mr. Laurier and his friends who have been the cause of the great agitation which has marked the last twelve months, and prevented the beginning of the new era which the premier seems to desire now, in order, no doubt, to enjoy the position he now holds, and which cost him no less than an act of treason towards his church and his nationality, whether he knew, or whether he knew not, as I said before, the doctrine of his church on such a question.

Again, how can Mr. Laurier confidently hope that this settlement of the school question will put an end to the present agitation, when he knows—or, if he knows not, when he ought to know—that no Catholic who has any respect for his church, and who is anxious to remain one of her members, can in any way accept such a

settlement, except if circumstances become such that, after due consideration, it should become evident that, in the interest of the whole community at large, and in the interest of the question itself, it was better to tolerate and submit *pro tem* to such an iniquitous settlement, having, before doing so, protested against it; for it can never be forgotten that no true and faithful Catholic can ever endorse it or accept it. The Laurier government, by the mouth of His Excellency, also assures parliament that "this settlement was the best arrangement obtainable under existing conditions." If circumstances are such, whose fault is it? Are not Mr. Laurier and his friends alone responsible for this sad position? They had to kill time in April, 1896, in order to prevent the Remedial Bill, accepted by the Catholic community, and by a good majority of the lower House, from becoming law, and thus defeat the remedy for the injustice done in 1890 to the Catholic minority in Manitoba; and, now that they have done the mischief, they come and ask for peace. "Let us treat one another generously," they say; "let us make mutual concessions and show our good-will." In other words, let Catholics give up their rights as asked for by such Protestants as those who will allow all sects to exist in this country, but will not consent to allow Catholics to have their own, and follow the dictates of their consciences.

The Secretary of State said yesterday that the Remedial Bill could not have been put in force, as the federal government had not the machinery necessary to do so.

Is not this objection a most extraordinary one? Have not our municipalities and our school commissioners to find out such machinery as will enforce their by-laws and their assessment rolls? It is only a few months ago that one of the municipalities in the district of Ottawa had to find out such machinery. They found it and collected their money.

In 1870, when Canada had bought the North-western Territories and appointed the Honourable Mr. McDougall as lieutenant governor of those territories, the population of those territories—true, it was the French population—rose up, formed a government *de facto* and made preparations to defend their rights. What did the Canadian government do? Did they not send an army? Only before any mischief was done, the Canadian government thought they might be wrong—and so they were—and they asked the provisional government of the west to send delegates to Ottawa and arrange for the entry of the territories into the confederation. Indeed, how many times, in certain provinces of the Dominion, had not the government to have recourse to armed force in order to compel people to abide by the law? But above all, is not the government quite wrong in setting such an example and creating such a bad precedent?

The hon. Secretary of State said also that this Act of 1890 ought to have been disallowed, and in this I entirely concur with him. Common sense recommended this course to be followed. But this would have brought trouble and perhaps made some enemies for Sir John's government, while in refusing to do so there was a probability that the Privy Council in England would declare the Act *intra vires*, and so put down the Catholic minority in Manitoba. And so it was with the first opinion given by their lordships.

But even in this last case this Act of 1890 ought to have been disallowed on the ground that it was injurious to the best interests of Canada, and so fell under the second rule laid down by Sir John A. Macdonald's government after confederation, as to how the right of vetoing provincial legislation would be used by his government.

Having said so much I have now to draw my conclusions as to the course which the Liberal party now in power have followed as far as this school question is concerned. My conclusions are:

1. That the Liberal government of the day have trampled the constitution under their feet.

2. That they have scorned the decision of Her Majesty's Privy Council.

3. That they alone are presently responsible for the trouble and agitation which, as His Excellency said in his speech at the opening of the present session, "has marred the harmony and impeded the development of our country."

They having protracted the debate on the question of the Remedial Bill in March and April last (1896) in order that this legislation accepted by Catholics, clergy and laity, and by the House of Commons by a majority of 18, should not become law before the 25th of April last when parliament had expired.

4. That they have unjustly refused to car-

ry on the decision of their predecessors in office (Sir Charles Tupper's and Sir Mackenzie Bowell's cabinet) whose decision was binding upon them as this decision on the appeal of the Catholic of Manitoba was not an administrative but a judicial act of their predecessors in office the Bowell cabinet. As to the degree of responsibility which now rests on each party at the present time, I should think that the Liberal party, having in 1896, defeated the Remedial Bill which Catholics, clergy and laity, were satisfied with—and which Sir Charles Tupper's government had asked parliament to adopt, but which the Liberals, led by Mr. Laurier, opposed and succeeded by a side issue of the worst character to defeat—I consider now that the Liberals having come into power, it is their bounden duty, an imperative duty too it is, to give better terms to the Catholic minority in Manitoba. Failing to do so, they become answerable alone for the whole mischief which that minority will have to suffer in the future.

Hon. Mr. McMILLAN—I do not intend to detain the House long with the few remarks that I wish to make on this debate. It has already been ably discussed on both sides of the House, particularly by the hon. the leader of the opposition, the hon. gentleman from Marshfield, and those who followed him on that side. Indeed so pertinent were their remarks and so convincing their arguments that the leader of the government in this House and his followers have so far failed in answering them, except by a specious pleading of a hair splitting character, such as was made here yesterday by the hon. the Secretary of State.

I will not, hon gentlemen, follow the already trodden ground on the different paragraphs of the address from the Throne, more than to make a passing remark on two or three of them, before I come to the one which has caused me to get on my feet. I endorse all the loyal and patriotic expressions that have been made in reference to Her Majesty's Jubilee. I can't add more than has already been said. As to the clause in reference to the tariff, I will give the government my heartiest support so far as it proposes to have due regard to the industrial interests, for I take that to mean protection to the farmer, the manufacturer, and the artisan.

On the franchise paragraph, there shall be no uncertain sound from me. My vote shall be recorded against the bill as proposed, if it should ever come to this House. Sir John Thompson's opinions have been quoted to influence hon. gentlemen, but I can tell hon. gentlemen that the feeling with many here, was then opposed to that bill, and the probability was that it would have been then dealt with as it will be now.

To the plebiscite I am opposed. It is un-British. I voted against the one submitted a few years ago in Ontario. I looked upon it as a put-off scheme, and I will vote against this one as I look upon it in the same way.

What impelled me to say a word in this debate was, to record my views with reference to the Manitoba school question. The language put in the Governor General's mouth by the government in reference to it, is that this settlement is "the best arrangement obtainable under the existing conditions." What evidence have we of that? The government were asked to lay on the Tables of this House, all papers in connection with this question. What we have does not show that they asked for more, or made the slightest attempt to get the question settled according to the lines of the judgment of the Privy Council. The judgment said:

> The whole question to be determined is whether a right or privilege which the Roman Catholic minority previously enjoyed has been affected by the legislation of 1890. Their lordships are unable to see how this question can receive any but an affirmative answer. ***Their lordships have decided that the Governor General in Council has jurisdiction, and that the appeal is well founded, but the particular course to be pursued must be determined by the authorities to whom it has been committed by the statute. It is not for this tribunal to intimate the precise steps to be taken. Their general character is sufficiently defined by the 3rd subsection of section 22 of the Manitoba Act.

This can only mean a satisfactory restoration of their school rights to the minority.

For the purpose of giving these rights the Conservative government introduced and tried to get through parliament the Remedial Bill. This was accepted as satisfactory by His Grace the Archbishop of St. Boniface who had authority to speak on behalf of the minority of that province, but it was successfully opposed by the present government and said by them to be not worth the paper it was written on, and then they anxiously offered a more efficient remedy, but this so-called settlement is what we have for their promise. They asked the people of this

country to accept this settlement as the best obtainable, and to draw us off the trail, they say they got us as much as was asked by the Sir Donald Smith, Desjardins and Dickey deputation sent up by the Conservative government, to try to effect a settlement with the Manitoba government, when they saw from the obstruction given to it that it was in danger of not going through the House. I have in my hands the report made to the House by that deputation on their return, they asked for Catholic schools but were refused. Let me read what they asked for :

Suggestions for settlement of Manitoba school question from the Dominion commissioners for Manitoba government.

Legislation shall be passed at the present session of Manitoba legislature to provide that in towns and villages where there are resident, say, twenty-five Roman Catholic children of school age, and in cities where there are, say, fifty of such children, the board of trustees shall arrenge that such children shall have a school-house or a school-room for their own use, where they may be taught by a Roman Catholic teacher; and Roman Catholic parents or guardians, say, ten in number, may appeal to the Department of Education from any decision or neglect of the board in respect of its duties under this clause, and the Board shall observe and carry out all decisions and directions of the department on any such appeal. Provisions shall be made by this legislation that schools wherein the majority of children are Catholics should be exempted from the requirements of the regulations as to religious exercises.

These are the religious exercises authorized by the Manitoba national schools.

That text books be permitted in Catholic schools such as will not offend the religious views of the majority, and which from an educational standpoint shall be satisfactory to the advisory board. Catholics to have representation on the advisory board. Catholics to have representation on the board of examiners appointed to examine teachers for certificates. It is also claimed that Catholics should have assistance in the maintenance of a normal school for the education of their teachers. The existing system of permits to non-qualified teachers in Catholic schools should be continued for, say, two years, to enable them to qualify, and then to be entirely discontinued. In all other respects the schools at which Catholics attend be public schools and subject to every provision of the Education Acts for the time being in force in Manitoba.

The answer they received we read in the same report. It says :

GOVERNMENT BUILDINGS,
WINNIPEG, 30th March, 1896.

To the Honorable
ARTHUR R. DICKEY,
ALPHONSE DESJARDINS,
Sir DONALD SMITH, K.C.M.G.

We regret that we are unable to accede to the terms of the proposition submitted to us. A study of its details reveals the fact that it involves much more than would appear at first sight. The objections are both general, that is to say, as to principles involved, and special, that is to say, as to practical operation.

1. Separate schools under this clause would result in a teacher having under his charge a comparatively small number of pupils of various ages and degrees of proficiency. The school could not therefore be properly graded and could not attain the degree of efficiency reached by public schools in cities, towns and villages. Grading of classes and mutual competition would be destroyed. The separate school would, therefore, of necessity, be inferior. Experience elsewhere will prove the truth of this contention.

2. The organization of the separate school would be compulsory. Neither the Roman Catholic parents nor the school trustees would have any option. The voluntary idea upon which, almost universally, school organization depends, and which rules even in Ontario, where there is a fully developed separate school system, is entirely eliminated. Given the requisite number of Roman Catholic children of school age, and the law would compel the separation without regard to the wishes of the parents or the trustees, and equally without regard to the ability of the district to maintain another school. It is most probable also that in such a case it would be held that the Roman Catholic children had no legal right to attend the public school. Thus we would by law compel Roman Catholics to separate themselves and deprive them of the right to send their children to the public schools. There seems to be no precedent even in separate school legislation for such a provision.

3. In many cases it would be impossible to provide a separate building, and the Roman Catholic children would therefore be assigned a room in the public school. It seems beyond dispute that nothing could be worse than the separation of children into two distinct bodies within daily view of each other.

This answer recognizes that the deputation asked for what was virtually separate schools for the Roman Catholics in Manitoba. Further on, I still quote from the Manitoba government answer :

It will not, therefore, be a matter of surprise to you that we are unable to accede to the proposition made, or any proposition based upon similar principles.

We are prepared, however, to make good the promise to remedy any wellfounded grievance if such exists, and we, therefore, submit a plan of suggested modifications, which we believe to be free from objections upon principle, and which in our opinion will remove any such grievance, and at the same time in no way affect the efficiency of the public school system, or deprive the Roman Catholic children of the privilege of participation in the same educational advantages enjoyed by the rest of the people.

Our proposition is in the form of an alternative :

First : Should it be accepted as a satisfactory measure of relief to the minority and as removing their grievances, we hereby offer to completely secularize the public school system, eliminating religious exercises and teaching of every kind during school hours. We desire it to be under-

stood in connection with this proposition that it is made as a compromise offer, and not as embodying the policy which the government and legislature of the province are themselves desirous of pursuing. We are willing, however, to adopt such a measure in order to attain a settlement of the dispute.

It is unnecessary to say that the deputation knew that the secularization of the schools would not be satisfactory to the minority.

Second: In the alternative we offer to repeal the present provisions of the School Act relating to religious exercises, and to enact in substance the following:—

No religious exercises or teaching to take place in any public school, except as provided in the Act. Such exercises or teaching, when held, to be between half-past three and four o'clock in the afternoon.

If authorized by resolution of the trustees, such resolution to be assented to by a majority, religious exercises and teaching to be held in any public school between 3.30 and 4 o'clock in the afternoon. Such religious exercise and teaching to be conducted by any Christian clergyman whose charge includes any portion of the school district, or by any person satisfactory to a majority of the trustees who may be authorized by said clergyman to act in his stead; the trustees to allot the period fixed for religious exercises or teaching for the different days of the week to the representatives of the different religious denominations to which the pupils may belong in such a way as to proportion the time allotted as nearly as possible to the number of pupils in the school of the respective denominations. Two or more denominations to have the privilege of uniting for the purpose of such religious exercises. If no duly authorized representative of any of the denominations attend, the regular school work to be carried on until four o'clock.

No pupil to be permitted to be present at such religious exercises or teaching if the parents shall object. In such case the pupil to be dismissed at 3.30.

Where the school-room accommodation at the disposal of the trustees permits, instead of allotting different days of the week to different denominations, the trustees to direct that the pupils shall be separated and placed in different rooms for the purpose of religious exercises as may be convenient.

CLIFFORD SIFTON,
J. D. CAMERON.

This, hon. gentlemen, was Manitoba's answer, which of course the Conservative Government could not accept. A further appeal was made by the deputation. It is dated 31st March, and is addressed to those acting for the Manitoba government, Messrs. Sifton and Cameron. I will read an extract or two:

A few words are necessary as to the character of our memorandum. It was put in general terms as a suggested basis upon which our future discussions might proceed with a view to a possible agreement of all parties interested. It is therefore open to some of the objections raised by you, inasmuch as it does not deal with the details, and professes only to lay down broad lines upon which legislation might be drawn.

In addition to this, we must premise that sufficient weight is not given by you to the undoubted legal position of the Roman Catholics. Under the judgment of the Judicial Committee of the Privy Council and the remedial order they certainly have important rights in connection with separate schools, and while the Dominion parliament may have jurisdiction to enforce some or all those rights, it is universally acknowledged that this could be done with more advantage to all parties by the local legislature, and for this reason we are holding this conference.

We must further draw your attention on to the flagrant injustice of the present system which compels Roman Catholics to contribute to schools to which they cannot conscientiously send their children, and we beg to submit that this fact deserves due weight and consideration in this connection. It is to be further stated that the Roman Catholics earnestly desire a complete system of separate schools on which only their own money would be expended, a state of matters which would meet the observation under consideration, but which you decline to grant. One suggestion was to relieve you from the necessity of going as far as this. It is perhaps impossible to devise a system that would be entirely unobjectionable theoretically and in the abstract. We had great hope that what we suggested would commend itself to your judgment as a practicable scheme doing reasonably substantial justice to all classes, and securing that harmony and tranquillity which are perhaps more than anything else to be desired in a young and growing community such as is now engaged in the task of developing the resources of Manitoba.

We once mere appeal to you in the interests of the whole population of the province, indeed of the Dominion as well as in the interests of the minority to reconsider the decision at which you have arrived and to make some proposal that we could regard as affording a chance of the settlement which we so earnestly desire.

This provoked a further reply from the Manitoba government dated the 1st April. I will give you the most pertinent extracts from their reply:

GOVERNMENT BUILDINGS,
WINNIPEG, 1st April, 1896.

To the Honourable
ARTHUR R. DICKEY,
ALPHONSE DESJARDINS,
Sir DONALD A. SMITH, K.C.M.G.

We understand that, by Order in Council, your authority is limited to making a settlement satisfactory to the minority, and that as a matter of fact the minority will accept nothing short of statutory recognition of the right of separation. We regard ourselves as precluded by our declaration of policy preceding our last election from assenting to such statutory recognition.

We entered upon the task of seeking a settlement of the question at issue in the face of grave and obvious difficulties.

In the first place, so far as the re-establishment of separate schools is concerned, the question has for years been considered settled so far as the people of this province, to whom we are responsible, are concerned.

In the next place we have hitherto believed that a state aided separate school system, and that only, would be accepted by the minority. This view we have repeatedly stated, and we have not yet been authoritatively informed to the contrary.

It appears also that any settlement between the government of the Dominion and that of Manitoba must, by the very terms of your instructions, be subject to the sanction of a third party, and while all the members of both governments might approve of our proposition, or any other submitted as containing everything that in reason and in equity ought to be conceded, nevertheless that approval would be worthless without the sanction of the representatives of the minority.

In a word we are absolutely debarred from conceding a system of Roman Catholic and state aided separate schools, while the representatives of the minority, and, as a consequence, the federal government will accept nothing else.

In conclusion we have the honour to state that, notwithstanding the failure of the present negotiations, the government of the province will always be prepared to receive and discuss any suggestions which may be made with a view to removing any inequalities that may be shown to exist in the present law.

CLIFFORD SIFTON,
J. D. CAMERON.

You will notice that one of the extracts I have just quoted states, that as a third party is to be consulted any proposition they, the government of Manitoba, might make would be worthless. They did not want to consult the minority and evidently our government have accepted that stand and went on with the settlement without consulting them.

Let us examine the proposed agreement, it asks for exactly what was offered by the Manitoba government to the Sir Donald deputation with an additional clause or two which are worthless. I will read it in full so as to have this precious document on record:

Terms of the agreement made by the government of Canada and the government of Manitoba, for the settlement of the school question (presented to the House in session at Ottawa, 29th March, 1897).

1. Legislation shall be introduced and passed at the next regular session of the legislature of Manitoba embodying the provisions hereinafter set forth in amendment to the "Public Schools Act," for the purpose of settling the educational questions that have been in dispute in that province.

2. Religious teaching to be conducted as hereinafter provided:

1. If authorized by a resolution passed by a majority of the school trustees, or,

2. If a petition be presented to the board of school trustees asking for religious teaching and signed by the parents or guardians of at least ten children attending the school in the case of a rural district, or by the parents or guardians of at least twenty-five children attending the school in a city, town or village.

3. Such religious teaching to take place between the hours of 3.30 and 4.00 o'clock in the afternoon, and to be conducted by any Christian clergyman, whose charge includes any portion of the school district, or by a person duly authorized by such clergyman, or by a teacher when so authorized.

4. Where so specified in such resolution of the trustees or where so required by the petition of the parents or guardians, religious teaching during the prescribed period may take place only on certain specified days of the week instead of every teaching day.

5. In any school in towns and cities where the average attendance of Roman Catholic children is forty or upwards, and in villages and rural districts where the average attendance of such children is 25 or upwards the trustees shall, if required by the petition of the parents or guardians of such number of Roman Catholic children respectively, employ at least one duly certificated Roman Catholic teacher in such school.

In any school in towns and cities where the average attendance of non-Roman Catholic children is forty or upwards and in village and rural districts where the average attendance of such children is twenty-five or upwards the trustees shall, if required by the petition of the parents or guardians of such children, employ at least one duly certificated non-Roman Catholic teacher.

6. Where religious teaching is required to be carried on in any school in pursuance of the foregoing provisions and there are Roman Catholic children and non-Roman Catholic children attending such school, and the school-room accommodation does not permit of the pupils being placed in separate schools for the purpose of religious teaching, provisions shall be made by regulations of the department of education (which regulations the board of school trustees shall observe) whereby the time allotted for religious teaching shall be divided in such a way that religious teaching of the Roman Catholic children shall be carried on during the prescribed period of one-half of the teaching days in each month and the religious teaching of the non-Roman Catholic children may be carried on during the prescribed period on one-half of the teaching days in each month.

7. The department of education shall have the power to make regulations not inconsistent with the principles of this Act for the carrying into effect the provisions of this Act.

8. No separation of the pupils by religious denominations shall take place during the secular work.

9. Where the school-room accommodation at the disposal of the trustees permits, instead of allotting different days of the week to the different denominations for the purpose of religious teaching, the pupils may be separated when the hour for religious teaching arrives, and placed in separate rooms.

10. Where ten of the pupils in any school speak the French language (or any language other than English as their native language the teaching of such pupils shall be conducted in French or such

other language) and English upon the bi-lingual system.

11. No pupils to be permitted to be present at any religious teaching unless the parents or guardians of such pupils desire it. In case the parents or guardians do not desire the attendance of the pupils at such religious teaching, then the pupils shall be dismissed before the exercises or shall remain in another room.

Do we get a substitute for separate schools in this proposed settlement? No, the only privilege we get in the whole settlement is to teach religion for a half an hour after half-past three o'clock, and in school sections of a mixed population, half an hour every alternate teaching day. This is the whole bill and all we get for the former separate schools.

The additional clauses given, which the Manitoba government did not offer to the Sir Donald deputation, permits, where there are 25 of an average attendance in rural districts, and 40 in towns and cities, that they can employ, if asked for, a Roman Catholic teacher. What a concession! He is not to mention, however, the word religion till half-past three. It is, therefore, difficult to see where his usefulness comes in. Let us examine this sop a little which is given to try to make the bill palatable. A Roman Catholic teacher can be employed. How many school sections in Ontario would ask what a man's religion is, so long as he is competent to teach reading, writing, arithmetic, grammar, geography, &c.? But few, but here it is a privilege, a great privilege, indeed! Moreover, there is another matter in this clause which renders it nugatory in rural districts. The average attendance must be 25; this means, even in Ontario, which is more thickly settled, a school population of Roman Catholic children of 75 to 80 in every school section, and in the more sparsely settled sections as they must have in Manitoba. This average cannot be supplied.

Hon. Mr. SCOTT—Oh, no, you are wrong.

Hon. Mr. McMILLAN—Beg pardon, I am right.

Hon. Mr. SCOTT—The whole number of children on the roll in Manitoba is about 3,300; the number attending the schools in 1890, was 2,200.

Hon. Mr. FERGUSON—Of Catholics?

Hon. Mr. SCOTT—Yes.

Hon. Mr. McMILLAN—That does not settle the question.

Hon. Mr. SCOTT—Yes, the number on the rolls was 3,000 odd, and those in attendance at the schools was 2,200.

Hon. Mr. McINNES (B.C.)—What date was that?

Hon. Mr. SCOTT—The last report.

Hon. Mr. McMILLAN—But I mean that in rural districts where there must be 25 in attendance, that would mean a population of Roman Catholic children to the extent of 75 or 80 in that district in order to make up that attendance, and that certainly is as near the figures as we can get it, even in the province of Ontario.

Hon. Mr. SCOTT—You are entirely wrong.

Hon. Mr. McMILLAN—The same argument applies to the average attendance of 40 in towns and cities. This clause, therefore, is of no avail. There is another sop clause in this settlement. It permits the teaching of French under certain conditions. I respect the French and felt annoyed when the Manitoba government deprived them of their language there, and I would like to see that language restored, but I do not want to see it given as a substitute for separate school as a means to conciliate the minority, and I am sure the French people themselves will not accept it in the manner intended.

It is amusing to see the fast friends that this so-called settlement has made. Mr. Clark Wallace says it is fairly satisfactory, Mr. Dalton McCarthy has no objection to the settlement, the Hon. Mr. Sifton accepts it, it is his own offer virtually to the Sir Donald deputation, the hon. member for North Bruce thinks it an excellent settlement, and the three Toronto members also are satisfied to leave it where it is. All these gentlemen of course, voted against the Remedial Bill. On the other hand we have also agreeing to this settlement the Reform Catholic members of Quebec. It will please them if accepted as a good settlement in the hope that they can square their consciences with their pre-election promises and let them out of a fulfilment of their solemn pledges.

The hon. the senior gentleman for Halifax in this House the other day reiterated the statement made by the hon. the Minister of

Public Works in the other House that over fifty thousand Roman Catholic children in Ontario are attending public schools. He went even further, he told us an hon. member in the other House who made a strong speech in favour of the restoration of the Manitoba separate schools was sending his own children to a public school. The hon. gentleman must be hard up to bolster a bad cause when he would use this, it is no argument against separate schools. Let him come to my county and I can tell him (knowing whereof I speak) that he will find in Alexandria a separate school second to none, separate or public in Ontario, I will tell him further that I can name him a number of school sections in that county where there are not over one or two Protestant families and yet for the accommodation of these they have public schools. This is not an argument against separate schools, it is an argument in favour of separate schools, these people know they can have separate schools if they wish them, but they want to be tolerant which is always an outcome of a spirit of liberality and justice.

The school question, hon. gentlemen, is not settled, it never can be settled until the right of the minority in Manitoba is restored, which was, as the hon. the Secretary of State said in his admirable speech two years ago, when then in opposition. He said that, "It was done, evidently, by a trick, as pointed out by the hon. member from St. Boniface, not done after an agitation by the press or by the people; it was done by political tricksters (no one else would have sown all this discord) just to meet their own political purposes. I care not whether they were Grit or Tory." He further said, "They were deprived of those rights by foul play, not British fair play."

The settlement, hon. gentlemen, is not satisfactory, and until it is, the agitation for British fair play is certain to be kept up.

Hon. Mr. McINNES (B.C.)—It was not my intention to take any part in the discussion on the address in reply to the Speech from the Throne, until a paragraph appeared in the Ottawa *Citizen* setting forth certain remarks made on the floor of this House by my hon. colleague from Victoria, and if those views attributed to him are correct I am bound to say a few words on the subject, as I hold diametrically opposite views. It appears from the report that I refer to, that while discussing the paragraph of the speech relating to the extension of the Intercolonial Railway from Quebec to Montreal he referred to the proposed Crow's Nest Railway from Lethbridge to the coast and warned the government not to build that road as it would be an expensive undertaking and an unnecessary drain upon the resources of the country. Am I right or not?

Hon. Mr. MACDONALD (B. C.)—No, I never mentioned the Crow's Nest Railway at all. I spoke against the government building the Intercolonial Railway as a government work, competing with private lines. That is all I said about railways.

Hon. Mr. McINNES (B. C.)—I was not present when the hon. gentleman made his speech. The paragraph I allude to appeared in the *Citizen* of April 2nd, and is as follows:

> He warned the government that if they build Crow's Nest Pass Railway with public money, there would be no end to the expense. The road should be constructed by private enterprise.

Hon. Mr. MACDONALD (B. C.)—If the hon. gentleman would like it, I shall give my opinion on that matter. I am opposed to the government building any railway as a government work through the Crow's Nest Pass, or anywhere else.

Hon. Mr. McINNES (B.C.)—I believe firmly, and have for many years believed in the nationalization of every railway and every telegraph line in this country. There is a difference of opinion as to that policy, but I believe the day is near at hand when the government control of such works will be an accomplished fact I hope to live to see the day when that will be the case. I have seen, and hon. gentlemen present have nearly all seen, the abolition of toll gates on gravel roads, macademized roads and plank roads, and I believe that we, in the most advanced portions of the Dominion, will a few years hence look back and wonder how we submitted so long to the present improper system of taxation on the travelling, commercial and industrial community. I believe the day is fast approaching when we will look upon the ownership and operation of railways and telegraphs by private corporations, by which millions of dollars of the people's money are paid to shareholders and promoters in dividends, as a thing of the past; that such works will

be operated by the government in the interests of the great masses of the people and not in the interests of corporations. With reference to the Intercolonial Railway, we all know that that road was not constructed as a commercial enterprise. We know that it was built more as a military highway than anything else. It was located away back in the interior of the provinces of Quebec and New Brunswick, through probably the least productive portions of the country in both provinces. But whatever commercial benefits the government could derive from the operation of that road were destroyed a few years ago by the late government subsidizing the Short Line of the Canadian Pacific Railway, not only through our own country, but, I understand, through a portion of the neighbouring republic. I am not at all averse to the government extending the Intercolonial Railway from Quebec to Montreal, if by that means they can secure a larger portion of the commerce of the maritime provinces and put that road on a more substantial commercial basis. I see no reason why we should have any delicacy at all in using the public money in the interests of the country, even should it clash, to a certain extent, with the interest of the Canadian Pacific Railway, or the Grand Trunk Railway, or any other railway corporation. In the past, every public work that was likely to pay anything of a dividend was handed over to private corporations, and it was only those public works which were run at a loss to the country that were retained by the government. Unfortunately, the Intercolonial Railway was one of those public works, and I venture to say that if the Intercolonial Railway paid a dividend on the money invested after paying the expense of operating that road, it would have been handed over long ere this to some large corporation. Most people, when they think of the government building a railway, are confronted with the Intercolonial Railway and asked, "Are you going to build another railway that will cost the country millions of dollars in construction and perhaps hundreds of thousands of dollars of a deficit every year?" That condition cannot by any possibility apply to the proposed railway from Lethbridge to the Pacific Ocean. I have some knowledge of what I speak, and I say that from the day that road is built as a government work it will pay a handsome dividend on the amount of money expended upon it. The Canadian Pacific Railway, for a great portion of its route, passes through an unproductive country, yet the road pays a handsome dividend, but from the time you leave Lethbridge and pass through the Crow's Nest you will enter upon the coal lands which, from reports of competent geologists and others who have examined them, are pronounced to be the richest coal deposits on the globe. The Canadian Pacific Railway Company, a few days ago, issued a report, a copy of which I have here, in which they describe the enormous body of coal which lies just beyond the Crow's Nest Pass in British Columbia. This is what they say:

> A most phenomenal discovery of coal has been made in the Crow's Nest Pass of the Rocky Mountains. Here no fewer than twenty seams are seen to out-crop with a total thickness of 132 feet to 448 feet.

Hon. Mr. MACDONALD (B.C.)—They are the thickest seams of coal in the world.

Hon. Mr. McINNES (B.C.)—Some of those seams I am informed are 30 feet thick, and I understand on the most reliable data that I can get, furnished by our own geologists, that this coal area extends from a quarter to half a million acres. I am also happy to say that from tests made in this country and elsewhere, the coal is declared to be equal to the best Welsh coking coal. Immediately after passing the coal belt, you enter into one of the most highly mineralized countries on the globe, extending from there to within a few miles of the Fraser River, at Hope, a distance of about 600 miles. Rossland is at the present time the centre of the mining interests in West Kootenay, but from developments that have gone on, and are being made west of that for some 300 miles, I believe that Rossland will be of secondary consideration within the next year, or certainly within the next year and a-half. I do believe that every mile of that country from the time you leave the coal belt that I have mentioned, until you get down to Hope, will be pouring in its wealth at stations located every four or five miles. Every mile of that country will contribute, and contribute largely to the support of the road. Therefore I say that, as a commercial enterprise, if on no other ground, the Dominion government ought to take possession of that pass and build the railway from Lethbridge

down to the coast. They will be justified in taking that up and building and operating it.

Hon. Mr. MACDONALD (B.C.)—Is the route not covered by a charter now?

Hon. Mr. McINNES (B.C.)—A portion of it is covered by a charter, but no matter what charter may be given, the parliament is supreme and can build whether a charter exists or not. But why I urge that that road may be built and operated and held for all time as a government road is that we have only four gate-ways through which a railway can be built from the east into British Columbia. Away in the far north you have the Pine Pass, further south the Yellow Head Pass, 150 miles south of that the Kicking Horse Pass, now occupied and controlled by the Canadian Pacific Railway, and about 125 miles further south again we come to the Crow's Nest Pass, the best of all the passes. From information that I have received no later than to-day from gentlemen from Lethbridge and Fort Macleod, I learn that there is room for only one track for miles and miles through that pass. It is a narrow gorge, it is actually a crack in the mountains there, and on each side they tower up 3,000 and 4,000 feet, and in some places 500 or 600 feet perpendicularly. Owing to the fact that we are so situated, that we have only four passes by which you people in the east can gain access to our province by rail, I claim it is the duty of the government, in the interest of the people of this country, to hold for all time those passes. They could build railways through them and give equal running powers to all railways that see fit to connect with them. Were we situated as you are here, in Eastern Canada, it would be entirely different. You can build railways in any direction you please. You have no physical difficulties to encounter such as are met with in penetrating the Rocky Mountains. I say, therefore, as a commercial enterprise, not only in the interest of Manitoba, the North-west Territories and British Columbia, but in the interest of the whole Dominion it is the bounden duty of the government to build and control that road. I have no hesitation in saying, from the developments that have taken place in British Columbia from one end to the other, extending over an area of 400,000 square miles, that there is scarcely 10 square miles in that province but contains gold bearing and silver bearing quartz, copper, lead, iron and other metals in immense bodies. The output of our mines, during the last year, was not up to the expectations of a great number of us, but it can be very easily explained. In British Columbia, as in all other gold-bearing countries where they first discover gold in the sand and in the gravel beds of extinct river channels, gold could be got out very easily and returns were obtained almost in a few days or a few months work. Like California, Nevada, Australia and South Africa we have been in a transition state from the primitive way of mining gold in the gravel benches and in the old streams there. We have at last turned our attention to quartz mining, which is of a permanent character and will go on for generations, but it requires a great deal of time and capital to develop those quartz mines. Quartz ledges have to be followed down 15, 20 or perhaps 100 feet in some instances, before a sufficient bed of paying ore is reached, and as a general thing the further down they are driven the richer the lodes become. A great deal of the ore is refractory. The precious metal is found in combination with iron, lead and copper. It is not free milling ore. Smelters have to be erected at a very great cost, and I am happy to say that, while most of our ores are not free milling, they carry such a large percentage of copper and lead that it pays for the mining and smelting and other expenses connected with it, and the miners have the gold free for their profit. That is why I say that as large a return has not been made as many of us expected during the past year from the amount of development and the amount of attention that has been called to that portion of the Dominion. I hold in my hand here the report brought down by the Minister of Mines in the province of British Columbia. It gives one an idea of the enormous strides that are being made in the mining of precious metals in that province. The returns are for the years 1895 and 1896. In gold placer mining, in 1895 there was $481,633 worth of gold produced; last year the production had increased to $544,026. In quartz mining, in 1895 we produced $785,271 worth, and last year the output had increased to $1,244,180. In silver the output in 1895 was $977,229, last year it was $2,100,000. In copper in 1895 the output was $47,542, last year the output was $190,926.

Hon. Mr. MACDONALD (B.C.)—What is the total return for one year.

Hon. Mr. McINNES—Our total output for last year was within a few dollars of $5,000,000. in gold, silver, copper and lead, and that is merely the beginning of an enormous output in the near future. I would draw the attention of the House to a peculiar fact: you rarely hear anything about our rich silver mines. It is all about our gold mines. Up to the present time, during the last two years, from $2 to $3 worth of silver has been produced in that province for every dollar that has been produced in gold. People are bewitched by gold. Demonstrate to investors that you can make $100 per day for 20 years in a silver mine, and take a gold mine and demonstrate with equal certainty that you can make $50 per day, and you will find that 19 out of 20 will take the gold proposition in preference to the silver one. What I wish to call attention to with reference to silver mining is that the lead mined in connection with it last year amounted to $748,000. Our silver bearing ore is argentiferous galena. Nearly one-third of the total value of our silver ores is in the lead they carry.

Hon. Mr. MACDONALD (B.C.)—Tell us where they find a market for these metals?

Hon. Mr. McINNES (B.C.)—In the past nearly all the silver ore has been shipped to the United States.

Hon. Mr. MACDONALD (B.C.)—Is there a duty on the ore?

Hon. Mr. McINNES (B. C.)—The duty on the lead was $\frac{3}{4}$ of a cent per pound and I am sorry to see the proposed amendment to the tariff in the United States will raise it to one and a half cents a pound.

Hon. Mr. BOULTON—Is that on the ore?

Hon. Mr. McINNES—It is on the amount of lead the ore contains. Notwithstanding that, I believe our silver mines are so rich that they can afford to pay that extraordinary duty. I am satisfied also that the raising of the duty on our lead will result in inducing British capitalists to go in there and establish smelters to do all the smelting in our own country. A few years ago, when advocating the establishment of a Dominion mint here, I remember making a statement, and I think hon. gentlemen will find it recorded in the official report: I then predicted then that within five or six years, in all probability, the province that I have the honour to represent would be producing probably four or five million dollars in gold and silver. I remember distinctly that my hon. friend the Secretary of State, now in front of me, thought that that was a very bold statement; those are the very words he made use of. He thought, doubtless, that I was drawing on my imagination, but I am happy to say that that prediction has been more than realized, and I know there is no hon. gentleman in this chamber better pleased with the result than my hon. friend is. That progress has taken place in the last few years; sufficient development has gone on there within the last year or two, and English capital has poured in there, to develop our mines, and I predict that inside of five years the province of British Columbia alone will be pouring into the markets of the world from thirty to fifty millions a year. You talk of Africa; you talk of Australia, but I believe that they will not be in the race in the next ten years with our province. We have everything there in our favour. We have ten times the area of mineralized rock, bearing gold and silver and copper and lead, that they have in Australia or in Africa. And the conditions are favourable to us in British Columbia—more favourable, I believe, than in any other portion of the globe. We have one of the healthiest climates in the world. In Australia one of the great drawbacks is the want of the prime necessity of life, water. In British Columbia we are supplied from the eternally snow-capped mountains the whole year round. Timber can only be got at an enormous cost in Australia and Africa. In British Columbia you find, right over those mines, as fine timber as can be had in any market of the world. And taking that into consideration, and the favourable climate where men can work full time the year round, the outlook could not be better.

Hon. Mr. MACDONALD (B.C.)—Australia produced $37,000,000 of gold last year.

Hon. Mr. McINNES (B.C.)—Therefore I say, the outlook in that province is brighter

to-day than in any portion of the British Empire. In the past, until a year or a year and a half ago, from the fact that our ores were not free milling ores, we could not get an English capitalist to invest one dollar. He would invest his capital in Central America, and South America, in every two-penny-half-penny country, but not in British Columbia. But when one or two of our mines were developed by British Columbia and United States capitalists, they then took hold of it, and that stream of gold that was pouring into Australia in the past, and to Africa later for the development of their quartz mines, is now pouring into our country and I believe such development will take place in the near future as will place us in the high and proud position of being one of the greatest, if not the greatest, gold and silver producing country in the world. I am not drawing upon my imagination. The developments that have taken place warrant every statement I have made on the floor of this House. I therefore say that I believe it is the bounden duty of the government to build that railway. It is not, as I said before, in the interest of British Columbia merely, but in the interest of the whole Dominion, and instead of being a drain on the resources of the country and on the tax-payers of Canada, it will be the means, even directly, of easing them of a great deal of the burden they are now bearing. What position will we be placed in if that road is built? The people from the east here will be able to take advantage of their railways. They will have the benefit of the Canadian Pacific Railway that will connect with the new line and goes now to Lethbridge. Before the road is completed from Lethbridge to the coast, the Northern Pacific and Great Northern will be in there and will cheapen transportation of every kind, thereby not only conferring an immense advantage on the Pacific province and the Territories, but on the most remote eastern province in this Dominion. I, therefore, trust that in the true interest of all concerned, the government will see that that road is built and controlled and operated by themselves. I quite agree with the statements made by some hon. gentlemen, that if it was built on the same extravagant scale that the Intercolonial Railway was built, and if it was operated in the same way, I would not be so sanguine of the good result that would accrue or flow therefrom. But my idea is simply this, that that road ought to be built and that it, and the Intercolonial Railway as well, should be placed under the control of commissioners, men disconnected and dissociated every way from politics, that it cannot be used as a lever for any party or any government that may be in power. It is a terrible commentary upon our people if we are not sufficiently honest to build a railway and operate it as well as a private company. I will refer to my hon. friend, the leader of the opposition in this House: he has visited Australia and I draw his attention to this fact, that nearly all the railways in the Australian colonies have been built by the respective governments and more than half of the entire revenue of those colonies is derived from railways. Many of those colonies had borrowed money at a very high rate of interest in England, and not only have they paid the interest on the money they borrowed, but in some instances they have had a handsome surplus. If they can do that in Australia, it is a sad commentary on the people of Canada if we cannot do as well as they have done. It may not be known to many hon. gentlemen here, but it is a fact, that, owing to sectional jealousies and rivalry between the colonies of Australia, they have different gauges for their railways. The result is that freight cannot be carried from one colony to the other without being transhipped. Notwithstanding all that, the railway lines pay over and above running expenses, in many instances, more than the interest on the money borrowed. If for no other reason than to see a better railway system prevailing in Australia, I should be glad to see the Australian colonies federated as we are in Canada. I may add, in Cape Colony the railway lines are owned and managed by the government. Let me call the attention of hon. gentlemen to the condition of affairs in England. Less than twenty years ago the British government took possession of every telegraph line in the United Kingdom, and the result is that you can send a message of twenty words for the same price that we have to pay here for ten words. Not only that, but nearly every post office in Great Britain is a telegraph office. They quadrupled the number of telegraph offices when they took possession of the telegraph lines, and the income from

the telegraphs there pays a handsome dividend on the amount of money that the government spent in buying out the old companies. On the continent of Europe, the governments in many instances control the railway lines. It is so in Italy, where they have one of the finest railway systems in the world. Many lines in France and Germany are owned and controlled by the governments of those countries. If they can build railways in those old countries of Europe, I see no reason why we cannot do the same here. If it is to their advantage to build and operate the roads in the interest of the people, I ask, in the name of common sense, is it not equally in the interest of the great masses of the people of Canada, in the new portions of this Dominion, that the railways should be built and operated by the government for the development of that great western portion of Canada. I have been all over the Dominion and I am familiar with its resources and the conditions prevailing from Prince Edward Island and Cape Breton to Vancouver Island, and I unhesitatingly say that the future hope and glory of this country is in that far western Pacific province. I predict that there will be a larger immigration into that province—probably ten or twenty for every one that will go into the rest of the Dominion—for the next five or ten years.

Hon. Mr. BOULTON—What about food for the people?

Hon. Mr. McINNES (B.C.)—We are in close proximity to the illimitable plains of the North-west Territories and Manitoba, the finest wheat growing country in the world. We find now that it is very much cheaper to buy wheat and flour in Manitoba and the Territories than to raise it ourselves. The progress and prosperity of British Columbia will be of inestimable value to the North-west Territories and Manitoba.

Hon. Mr. AIKINS—What is the distance from Lethbridge to the coast?

Hon. Mr. McINNES (B.C.)—The distance is in the neighbourhood of 700 miles, and according to the estimates made by engineers who have gone over the different proposed routes, the total cost of constructing the line will not exceed fifteen millions of dollars. As a further justification for asking that the government undertake the construction of that road, I may say that I have returns from the departments here showing that for the last ten years, per capita, our province has paid no less than $8,422,000, more than an equal number of people in any of the other provinces

Hon. Mr. BOULTON—How do you arrive at that?

Hon. Mr. McINNES (B.C.)—I arrive at that from the returns I have received from the departments here. These are official figures. I take the responsibility of giving them, and if hon. gentlemen dispute them I am prepared to furnish details.

Hon. Mr. BOULTON—How do you arrive at the figures for Manitoba?

Hon. Mr. McINNES (B.C.)—From the returns.

Hon. Mr. BOULTON—But the returns do not show all that Manitoba contributes to the revenue.

Hon. Mr. McINNES (B.C.)—I can show that the figures which I give and the deductions that I draw from them are perfectly correct. Taking the annual grant that we get from the Dominion government for the support of the local legislature, and including our share of interest on the national debt, the salaries of judges and officials, every dollar that can be charged against our province in any form or shape, we have, in the last ten years, contributed to the Dominion treasury no less than $5,440,633 more than we have received from the Dominion.

Hon. Mr. MACDONALD (B.C.)—What has been the total revenue for those ten years that you have mentioned?

Hon. Mr. McINNES (B.C.)—It amounts for the last ten years to $15,249,986—an average of over a million and a half annually.

Hon. Mr. MILLS—Does my hon. friend include in that calculation the interest on the cost of the Canadian Pacific Railway in British Columbia?

Hon. Mr. McINNES (B.C.)—I include in that estimate our proportion of the interest on the national debt, of which the Canadian Pacific Railway represents about one-third, and we all know that of the sum paid on that account we in British Columbia

are paying our portion, and a great deal more. It has often been stated that the Canadian Pacific Railway was built for the benefit of British Columbia. That statement I emphatically deny. It was one of the conditions on which we entered confederation. Why was the Intercolonial Railway built at a cost of over fifty million dollars to this country? Was it not one of the conditions of confederation? It would be just as reasonable to charge the cost of the Intercolonial Railway to the maritime provinces as to charge the Canadian Pacific Railway to British Columbia. Without the Canadian Pacific Railway British Columbia would not be a portion of the Dominion to-day, and Canada would have been the loser. I am not disputing that the union has been a benefit to British Columbia, but what I say is this, I take the national debt and give an estimate of our population furnished me by the Statistician. He puts it at 140,000, though I think we have a little more than that. Allowing for our share of the interest on the national debt, and every charge that can be made against the province, we are losers by $5,440,633 during the last ten years.

Hon. Mr. BOULTON—Give us the details.

Hon. Mr. McINNES (B.C.)—I can give them to you.

Hon. Mr. POWER—Dispense! dispense!

Hon. Mr. McINNES (B.C.)—The details are as follows, and they are official:—

STATEMENT SHOWING REVENUE CONTRIBUTED BY PROVINCES—FROM CHIEF SOURCES—IN AMOUNTS AND PER CAPITA IN 1896.

Province.	Population.	Customs Revenue.	Per Capita.	Inland Revenue.	Per Capita.	Public Works Revenue.	Per Capita.
		$	$ cts.	$	$ cts.	$	$ cts.
Ontario	2,219,909	7,806,367	3 54	3,553,438	1 60	28,710	0 01
Quebec	1,561,408	7,738,548	4 95	3,088,972	1 97	58,550	0 03
Nova Scotia	455,647	1,442,927	3 16	301,068	0 66	1,0 6	0 002
New Brunswick	321,279	1,086,804	3 38	287,738	0 89	602	0 001
Manitoba	195,779	615,218	3 14	252, 21	1 28	.....	.....
Prince Edward Island	109,177	127,609	1 16	44,829	0 41	.....	.....
North-west Territories	121,472	40,828	0 33	189,739	1 34	1,381	0 01
British Columbia	140,765	1,306,738	9 28	295,299	2 09	11,739	0 08

Province.	Postal Revenue.	Per Capita.	Marine and Fisheries Revenue.	Per Capita.	Land Sales, &c., (Interior) Revenue.	Per Capita.	Total Revenue per Capita.
	$	$ cts.	$	$ cts.	$	$ cts.	$ cts.
Ontario	1,997,872	0 90	35,681	0 01	13,892	0 007	6 06
Quebec	836,073	0 53	8,160	0.005	2,983	0 002	7 48
Nova Scotia	297,916	0 65	6,180	0 01	42	0 0001	4 44
New Brunswick	202,224	0 62	10,696	0 03	930	0 003	4 92
Manitoba	190,805	0 96	1,670	0 009	84,434	0 43	5 81
Prince Edward Island	41,961	0 38	2,161	0 02	.....	.....	1 97
North-west Territories	106,061	0 87	586	0 004	93,207	0 77	3 32
British Columbia	156,882	1 11	26,410	0 18	49,052	0 34	13 08

Revenue per capita contributed by British Columbia		$	13 08
do	do	balance of Canada	6 02
Excess	do	British Columbia	7 06
do	in amount calculated on estimated population		993,800 90

STATEMENT showing federal taxation in British Columbia and in the balance of Canada, with amount of excessive taxation in British Columbia.

YEAR.	Federal Taxation per cap. in B.C.	Federal Taxation per cap. in balance of Canada.	Excess per cap. paid by B.C.	Population of B.C.	Amount of over-taxation paid by B.C.
	$ cts.	$ cts.	$ cts.		$
1887.....	13 98	6 91	7 07	75,950	621,806
1888.....	13 09	6 96	6 13	81,339	498,608
1889.....	14 39	7 13	7 26	87,110	632,418
1890.....	14 88	7 24	7 64	93,294	712,766
1891.....	17 72	6 88	10 84	99,914	1,083,067
1892.....	17 79	6 41	11 38	107,004	1,217,705
1893.....	15 46	6 62	8 84	114,597	1,013,037
1894.....	13 70	6 18	7 52	122,729	902,922
1895.....	11 56	5 73	5 83	131,438	766,283
1896.....	13 08	6 02	7 06	140,765	993,800
Total amount of over-taxation....					$8,442,412

STATEMENT showing Amount paid into and received from the Dominion Treasury by British Columbia during last ten years.

Year.	Amount paid in.	Amount paid out.	Surplus paid in.
	$	$	$
1887	1,061,771	666,218	395,553
1888	1,064,127	716,807	347,920
1889	1,253,512	738,283	515,239
1890	1,388,214	814,595	573,719
1891	1,770,476	911,804	858,672
1892	1,903,601	1,104,361	799,240
1893	1,771,669	1,096,528	675,141
1894	1,681,387	1,310,181	371,206
1895	1,513,423	1,261,864	251,559
1896	1,841,206	1,188,812	652,394
Total surplus.			5,440,633

That is another reason why I say that the Dominion government ought to build that road, and that hon. gentlemen in both Houses should support them in doing so. We are entitled to it from what we have done, and from what we are absolutely certain to do in the near future. While my hon. friend from Victoria and myself generally agree on most subjects, that is one matter on which we will have to disagree. Owing to the reasons I have given, more particularly that we have only four passes through the Rocky Mountains through which railways can be built, I believe the work should be constructed by the government.

Although the Manitoba school question has been a live issue here for a number of years, I have never expressed myself on the subject on the floor of this House.

Hon. Mr. MACDONALD (B.C.)—Wise man.

Hon. Mr. McINNES (B.C.)—Perhaps I was, but as this is likely to be the last time it will ever come up before parliament in an acute form, I may be allowed to express a few ideas on the subject. I have stated that I am a thorough believer in the nationalization of railways and telegraphs: so I am a firm believer in public non-sectarian schools. I believe that nothing in the shape of religion should ever be taught in the schools of this country, composed as our population is, of different nationalities and creeds.

Hon. Mr. BOULTON—Would you exclude the Bible?

Hon. Mr. McINNES (B.C.)—Yes, I would exclude the Bible. I may be considered a Godless man, but a great many of those who are spoken of as God-fearing men, show by their actions how little sincerity there is in their professions. We have in British Columbia non-sectarian schools, and in no portion of the Dominion can you find such unity and brotherly love as prevail in that province. You can live in a community there for years and never know what creed your neighbours profess. There is no quarrelling or disagreeing on these subjects in that province. Our public schools are attended by all denominations, and, instead of being brought up in different camps, entertaining prejudices against each other, they are brought up to regard each other as fellow citizens. They estimate each other by their worth, and appreciate the merits of each other. I was sorry to read in a newspaper the other day that an eminent gentleman, Sir William Hingston, who is looked up to as a model man in many respects, decried the public schools because religion was not taught in them to a greater extent, and stated that he would prefer that his children should go without the rudiments of

a common education rather than send them to what he calls Godless schools. It was my fortune or misfortune, whichever way you please to look at it, to be brought up in schools where the Bible was a text book, and my experience warrants me in saying that that condition of things should not be perpetuated. I honour and revere the man who worships his God in his own way, whether he is a Hindoo, a Roman Catholic, or a Presbyterian. I want every man to follow the dictates of his conscience and the tenets of his church, but I do not want to have to send my children, nor would I want other persons to send their children, to schools where they would receive sectarian instruction. We send our children to the public schools to make them good citizens and to fit them for the duties of citizenship. I would substitute for religious instruction, lessons in patriotism and morality, and I venture to say that the result would be to give us a more patriotic and moral population than by teaching children, parrot-like, any particular form of religion. If you turn to the statistics of this country, or any other country, you will find that the children brought up in separate schools, whether Anglican, Presbyterian or Roman Catholic, furnish a greater percentage of criminals than those who are educated in the public schools. I therefore say, eliminate everything in the shape of religious instruction from the public schools, and leave the teaching of religion to the parents, to the guardians, to the Sunday school teachers, and to the clergy. The instruction given by a sainted mother to a child at her knee, a good sister, or a faithful, religious father, will have a more lasting and enduring effect on the life of a child than all the religion that can be taught in the public schools.

Hon. Mr. BOULTON—But if the child has neither a saintly mother, nor a religious father, what then?

Hon. Mr. McINNES (B.C.) — No mother can be so lost to her duty to her offspring as not to inculcate religious ideas in the minds of her children, and besides, you have the Sunday schools and the clergy. No doubt most of us have been brought up in schools where more or less religious instruction has been given, and we know how it has been received. The children have learned it in a parrot like manner, and probably while the prayers where being read, were perpetrating some mischief on each other. We have all been boys and we know how it has been with ourselves. I say, leave the religious instruction to the parents, the Sunday school teachers and the clergy. But with respect to Manitoba I have only this to say; I have lived in that western country now nearly a quarter of century, and the men who have gone there have been men, as a general rule, who have had very good early advantages, men possessed of pluck and any amount of indomitable perseverence. They were men who acted and thought for themselves, as nearly all pioneers to a new country do, and I can assure this House solemnly, that if this government or any other government attempted to impose upon the vast majority of the people in the west any thing like what was proposed in the Remedial Bill, what they regard as a relic of mediævalism, the beginning of the end of confederation would have been near at hand. I believe, as firmly as I believe that I have an existence, that the Manitoba government have gone as far as they ever will go, and I believe if you want to force them any further, that the minority, instead of getting the benefits that have been voluntarily given them, will find themselves with fewer privileges than they now possess. My hon. friend from Saint Boniface referred to the year 1870, when that portion of the Hudson Bay territory was taken into confederation. At that time, I am fully aware, the population was about equally divided between Protestants and Roman Catholics. If that condition of affairs had continued to exist, if there was as large a population of Roman Catholics in Manitoba to-day as Protestants, or anything like the same ratio, I can understand then that they might insist upon retaining rights and privileges that they had been accustomed to before the union. But, instead of that, there is only one-tenth of the population of Manitoba that belongs to the Roman Catholic Church, and allow me to say this, that when Manitoba became a portion of this Dominion, the majority—I think my hon. friend will bear me out in that—of the people of the Roman Catholic religion were half-breeds. I ask is it right that we should be bound by any agreement entered into by a handful of such people?

Hon. Mr. BERNIER—Why not?

Hon. Mr. McINNES (B.C.)—No, it is unreasonable; we would be as non-progressive as the Chinese if we did that. It is a happy state of affairs that the people of Canada always accommodated themselves to circumstances. We must keep in line with the progress our country is making.

Hon. Mr. MACDONALD (B.C.)—It is an agreement ratified by the parliament of Canada.

Hon. Mr. McINNES (B.C.)—Precisely; and the parliament of Canada, if it has the power of enacting a law, has the power of repealing it or amending it.

Hon. Mr. MACDONALD (B.C.)—It has not done so.

Hon. Mr. McINNES (B.C.)—Here is the sum and substance of the matter in a nut shell, so far as I am able to conceive it: When that appeal was made, when a case was formulated, when it went through the Manitoba courts and came up to the Supreme Court and finally to the last tribunal, the Judicial Committee of the Privy Council, and when they declared that the Manitoba legislature had acted within its jurisdiction, that the Act was *intra vires* and not *ultra vires*, I believe then and there that that question should have ended. I say again, in the interest of the minority there and throughout the west and the Dominion of Canada, that the people should let this question of separate schools be buried so deep that it will never have a resurrection.

Hon. Mr. BERNIER—No, no.

Hon. Mr. McINNES (B.C.)—I know what I am speaking of when I say that the more you stir it up the greater antagonism will be created in the west, and instead of getting more, the chances are that the last state of the minority will be worse than the first.

Hon. Mr. BERNIER—We cannot have less than we have got.

Hon. Mr. McINNES (B.C.)—They are not willing to accept what I believe to be a most honourable and liberal concession arranged between the Dominion government, headed by Mr. Laurier, and the Manitoba government. And I believe if Mr. Laurier, the Prime Minister, is never credited with anything else except the settlement of this question, his name will be handed down to posterity as a true patriot and son of Canada.

Hon. Mr. BERNIER—There is nothing in that settlement—no settlement at all.

Hon. Mr. MACDONALD (B.C.)—What concession has there been?

Hon. Mr. McINNES (B.C.)—Are they not satisfied with half an hour's religious instruction in school every day? They seem to want all religion and nothing else. In that case you have no right to send them to a public school; send them to your private or denominational schools. I am perfectly willing that every denomination should have all the religious teaching that their parents and guardians wish to give them in their private seminaries and parochial schools. But I am dealing with public schools where every man, no matter what his nationality or religious faith may be, has to contribute towards the support of those schools, and as I said before, my conception of a public school is a place to prepare the young of both sexes for the battle of life, to make them good and useful citizens and to advance civilization.

Hon. Mr. BERNIER—May I remind the hon. gentleman that the question here is not whether we like or dislike the public schools; but whether our contributions to them are to be maintained?

Hon. Mr. McINNES (B.C.)—I do not for one moment wish to interfere with the opinions of any person; but as I said before, when the Judicial Committee of the Privy Council of England, declared that the Manitoba government had acted within its jurisdiction, that it was within the purview of the legislature to pass the Act they did abolishing state aid to the separate schools, I say that the question ought to have ended.

Hon. Mr. BERNIER—The first judgment decided that the Act of 1890 was *intra vires* in so far as the rights of the Catholics existing at the time of the union were concerned. This part of the judgment of the Privy Council says so:

> In Barrett's case the sole question raised was whether the Public Act of 1890, prejudicially affected any right or privilege which the Roman Catholics by law or practice had in the province at the union.

That was the only point raised then and that point was based on the first subsection of section 22. This was decided against us. Then the Catholics raised another point on the second subsection of section 22, which is a substantive enactment itself, and we claimed then the privileges arising from provincial legislation after the union. The first were anterior rights, and the second posterior rights, and the two cases are completely separate, completely different, based on two different sections of the Act and claiming different rights. So the judgments are perfectly consistent with each other.

Hon. Mr. SCOTT—I would like to ask the hon. gentleman whether the whole statute was not before the Privy Council on the first judgment. Barrett's goods were seized for taxes payable to the public schools. Barrett said: "No, I will not pay; I am a supporter of separate schools." The question to be decided was whether a supporter of the separate schools was liable to pay taxes in support of the public schools. That was the whole case. The Privy Council decided that the Catholic supporters of separate schools were liable to pay their taxes to public schools. The whole law was before the Privy Council. You do not mean to say they limited themselves to one clause of the Act. No court acts so idiotically as that.

Hon. Mr. BERNIER—The hon. gentleman knows, being a member of the bar, that any case is adjudicated upon by the tribunal on the materials of the case—not on something else.

Hon. Mr. SCOTT—I know very well that every case before the court is decided on the law as it stands on the statute-book. The whole statute was before every court, the court in Manitoba, the Supreme Court and the Judicial Committee of the Privy Council, and the effect of the decision was that Catholic supporters of separate schools must pay taxes to the public schools. Unless the Privy Council reverses that decision, Catholic supporters of separate schools must, for all time, pay their taxes to public schools unless the legislature relieves them.

Hon. Mr. BERNIER—That is the opinion of the hon. gentleman and I cannot give any better answer than the words of the Privy Council:

> The sole question raised was whether the Public Schools Act of 1890 prejudicially affected any right or privilege which the Roman Catholics by law or practice had in the province at the union.

Hon. Mr. SCOTT—That Act is still in force unless it is repealed.

Hon. Mr. McINNES (B.C.)—I am not a lawyer and I will not attempt to discuss this from a constitutional standpoint, but I hope I have conceived enough of this question to discuss it from a practical and common sense standpoint. The statement I made in the first place was that when the matter was appealed to the Privy Council in England, they declared that the legislature had a perfect right to pass the bill.

Hon. Mr. SCOTT—Taxing everybody for public schools.

Hon. Mr. McINNES (B.C.)—Subsequently, in the next case, they declared there was a grievance, and that an appeal lay to the Dominion parliament. No person for a moment disputes that; but they did not give any instructions as to what the Dominion government should do. They were too wise and patriotic to do anything of the kind. It was an optional thing for the Dominion parliament to exercise its authority, or to let it alone; and I think it would have been very much better if it had never been brought into the arena of Dominion politics. I am happy that it has now been taken out of Dominion politics, and I believe from this time forward it will gradually recede until it becomes a matter of the past. The arrangement entered into is one that is fair and just—fairer and juster than the Remedial Bill, if it had become law, for this reason, that the Remedial Bill could never have been enforced. I do not believe there is any power in Canada that could enforce that Remedial Bill if it had become law. But here is a voluntary act on the part of the Manitoba legislature. They say, "We will do so and so." Not only have they pledged themselves to do that, but they have crystallized it into an Act of parliament. And, that having been done, I believe the minority in Manitoba will receive a great deal more consideration at the hand of the majority than they possibly could have got if the other had become law, because that remedial legislation would have been a dead letter, and it would have antagonized the feeling of the vast majority of the people of Manitoba. I say again

that I am delighted that the present government, led by Mr. Laurier, has arrived at a settlement with the government of Manitoba, that will quiet the matter once and for ever. I am perfectly satisfied that we have unreasonable and bigoted Protestants of different denominations, as well as Roman Catholics, that it will not satisfy. There are some Protestants, and Baptists, that are dissatisfied, and will Episcopalians, Presbyterians, Methodists say, "Oh no, you have given a great deal too much." And I know there are a few—but I am happy to say that that number is very limited indeed—among the Roman Catholics, that take the other extreme view. The hon. gentleman from Richelieu told us that a reaction had set in in the province of Quebec; that the elections there were carried by fraud and misrepresentation, and he stated that if there was an election there to-morrow, Mr. Laurier would be hurled from power. What justification had he for saying that? Has not every election that has taken place in Roman Catholic Quebec been favourable to the government? I know there is one that took place to-day in which the opposition candidate has been elected, but I tell you that the reduced majority of the successful candidate is as great a victory as the carrying of the other constituencies. Champlain has never returned a Liberal since confederation; it is a constituency that rolled up a majority of nearly four hundred last June, and what is the majority to-day? Somewhere in the neighbourhood of 160. Is not that an evidence that the trend of public opinion among the Roman Catholics of Quebec and of other provinces is in favour of the government? I consider that it was a moral victory. Let us accept the situation. If the agreement is not carried out according to the Act placed on the statute-book of Manitoba, we will have just reason to complain; but if the compact entered into between the Dominion government and the government of Manitoba is carried out, any fair minded man must agree to it and say, Amen.

Hon. Mr. WOOD—I desire to say a few words on this subject before the debate closes. I am sure we all listened with a great deal of pleasure to the remarks of the hon. gentleman who has just resumed his seat, especially to his glowing description of the resources of the province from which he came, and of the wonderful development and progress which he anticipates for that province in the future. I may say that I do not think his remarks upon this point have been extravagant, and I have no doubt that his expectations will be fully realized. I cannot say that I endorse fully the remarks which he made in reference to the government undertaking to build railways in that section of the Dominion. I should rather concur with the view expressed by my hon. friend who sits on this side of the House, that it is better to leave those undertakings to private enterprise. I do not propose, however, to argue that question at the present time. In the few remarks I make I desire to refer to some of the subjects which have been mentioned in the Speech from the Throne which is now under consideration. I shall confine my remarks to two or three clauses in the speech, and particularly those which have been referred to by the other speakers who have addressed the House. The clause which has received the greatest amount of attention, and to which the greater part of the time of this debate has been given, is the one relating to this vexed Manitoba school question. Very much that has been said has related to the past history of that question, the law bearing upon the case and the proper interpretation of the different statutes and of the constitution under which we are living. This branch of the subject can, no doubt, be more ably discussed by others than it can by myself. Very much of it, however, is only interesting as matter of history and does not bear upon the real practical issue which is at this time before the country. The main facts in connection with this question appear to be really beyond controversy. They have been set at rest by the decision which has been given by the Judicial Committee of the Privy Council. There is no question that the minority in Manitoba have a real and substantial grievance. The rights and privileges which they enjoyed with regard to education from the time that province came into confederation until the year 1890 were entirely swept away in that year, by the local legislature of the province. The minority appealed, as they had a perfect right to do, to the Governor in Council and to this parliament for redress. The Governor in Council heard

their appeal, and issued a remedial order, the provisions of which the provincial government did not choose to comply with, and it now remains for this parliament to exercise the power which is vested in it by the constitution, and legislate for the redress of those grievances. It appears to me the practical question before parliament and before the country, is whether that power should be now exercised, or whether it is better to settle this question under some arrangement such as that we are now considering. So far as my opinion goes, it appears to me that under those conditions the right and the power to legislate to redress a grievance, carries with it the duty and the moral obligation to legislate as well. I have listened to the whole discussion, and so far I have not heard anything which appears to me a good and sufficient reason for pursuing any other course. The reason which is given in the Speech from the Throne is that it is the best arrangement obtainable under the existing conditions of this disturbing question, and the hon. leader of the Senate, in addressing the House a few days ago in reply to my hon. friend who leads the opposition, gave the same reason, that it was better to accept this because it was the best settlement obtainable in view of the present state of public opinion in Manitoba. The hon. leader of the House argued that question from his point of view very plausibly, but I think that the sophistry of that course of reasoning will be apparent if we consider it for a moment. What is the state of public opinion in the province of Manitoba? It is simply that the large majority are opposed to this parliament passing remedial legislation. They are opposed to the separate school system. They prefer the school system which they adopted there in 1890. They have elected a parliament which represents their views, and there is no prospect whatever of the local parliament re-establishing the separate school system which existed previous to 1890, or passing any legislation to redress the grievance of the Catholic minority in that province. Remember that it is the very fact that that state of public opinion exists in Manitoba that constitutes the grievance. If it were not that that was the state of public opinion in Manitoba, there would be no grievance; the Catholic minority would have no reason to appeal to the Governor in Council, and this parliament would have neither the right nor the power to legislate, so far as education was concerned. Now the sophistry of the argument is this, that when a certain condition arises in the province of Manitoba which causes a grievance to the minority in that province, and thereby invests this parliament with the power to legislate to redress that grievance, we are told that this parliament should not exercise that power on account of the state of public opinion in Manitoba. The hon. Secretary of State gave us some other reasons why this arrangement was best and should be accepted. I do not know that I can follow that hon. gentleman through all the legal arguments which he addressed to the House. Some of them were, to me at all events, new in their character, and I certainly was not entirely convinced of the soundness of the argument which he advanced. The hon. gentleman referred to the first judgment which was rendered by the Privy Council in England, and as I understood his argument, he considered that that judgment took away the constitutional rights of the minority in the province of Manitoba. I, at all events, have never understood, and do not yet understand, that that first judgment bears the construction which the hon. gentleman put on it when addressing the House the other night, and which I understood him to put on it again when addressing the House during the interruption this evening. That judgment, as I understand it, was simply a declaration that the Acts passed by the local legislature in 1890 were *intra vires*. It was a review of the decision of the Supreme Court of Canada which declared those Acts *ultra vires*, and on appeal to the Judicial Committee of the Privy Council in Great Britain they reversed that decision and declared those Acts *intra vires*. The second case which was taken to the judicial committee of the Privy Council was an entirely different case. They had then to consider the rights and privileges of the Catholic minority in the province of Manitoba as affected by the second subsection of section 22 of the Manitoba Act.

Hon. Mr. SCOTT—The whole statute was before us. It was a question whether a Catholic ratepayer was obliged to pay taxes in support of the public schools.

Hon. Mr. WOOD—I do not understand it in that way. It is true the whole statute

was before them, but we have the judgment of the Privy Council; we have their remarks when they rendered the judgment, and they certainly say that the governing statute was the second clause of section 22 of the Manitoba Act, that that was the clause which affected the case which was submitted then for their consideration. They say that was a substantive enactment, as my hon. friend from St. Boniface has explained to the House, and under that section they decided that the rights and privileges which the Catholic minority enjoyed, and which were established by the statutes of the province after confederation were swept away by the statutes of 1890, that this was a grievance, that they had a right to have that grievance redressed, that they had a right to appeal to the Governor in Council, and that this parliament had the power and right to enact remedial legislation. That is my understanding, at all events, of the judgments of the Privy Council.

Hon. Mr. BOULTON—Or I might say they had the right to say that they did not wish to assume that constitutional position.

Hon. Mr. WOOD—I do not understand the hon. gentleman.

Hon. Mr. BOULTON—What I mean to say is that they were not compelled to enact any legislation by the judgment.

Hon. Mr. WOOD—Decidedly not, but they had the right and power to do it.

Hon. Mr. BOULTON—If they saw fit.

Hon. Mr. WOOD—My contention is that the right and power to enact remedial legislation under those circumstances where a grievance is acknowledged to exist and should be remedied, carries with it the duty and moral obligation to legislate. The hon. Secretary of State, in referring to those judgments described them as judgments of expediency. I feel that we are, as loyal subjects and law respecting citizens, bound to respect the judgments of the highest authority in the empire, and I am not disposed to cast any reflection on them, for so far as I can see, the two judgments are quite consistent with each other. There is no doubt, however, in my mind that the first judgment rendered by the Judicial Committee of the Privy Council was a general surprise. It was a surprise for this reason, that the framers of the Manitoba Act intended under that Act to prevent the local legislature of Manitoba from passing any laws which would deprive the Roman Catholic minority, or any minority in that province of separate schools. That was the intention of the framers of the Act, and more than that they thought that they used language which properly expressed that intention.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. WOOD—I have been handed to-day a copy of a letter which was written by Sir John Macdonald to a member of the local legislature of the province of Manitoba in 1889, which fully confirms that view. In 1889 this agitation first commenced. The laws, as we all know, repealing the Separate School Acts were passed in 1890. Sir John Macdonald writes as follows:

To E. J. Wood, M.P.P.

You asked me for advice as to the course you should take upon the vexed question of separate schools in your province. There is, it seems to me but one course open to you. By the Manitoba Act, the provisions of the British North America Act (section 93) respecting laws passed for the protection of minorities in educational matters are made applicable to Manitoba, and cannot be changed, for, by the Imperial Act confirming the establishment of the new provinces, 34 and 35 Vic., c. 28, sec. 6, it is provided that it shall not be competent for the parliament of Canada to alter the provisions of the Manitoba Act in so far as it relates to the province of Manitoba. Obviously, therefore, a separate school system in Manitoba is beyond the reach of the legislature or of the Dominion parliament.

It was his opinion that the separate schools in the province of Manitoba could not be abolished by the local legislature.

Hon. Mr. SCOTT—Or by the Privy Council's judgment.

Hon. Mr. WOOD—Or by the Dominion parliament.

Hon. Mr. SCOTT—It says that the Manitoba Act could not be altered so far as the minority were concerned. The Privy Council had decided that it could.

Hon. Mr. MACDONALD (B.C.)—A judgment does not alter an Act of Parliament.

Hon. Mr. SCOTT—The thing is clear enough.

Hon. Mr. BOULTON—It does not seem to me that the Manitoba Act is altered in any way. It is merely an interpretation of the clause.

Hon. Mr. WOOD—I do not say that the Manitoba Act is altered. What I say is this, that the intention of the framers of that Act was to use such language as to make it impossible for either the local legislature or the Dominion parliament to abolish separate schools. They thought they did use language which expressed that view, but, unfortunately, in the judgment of the Privy Council of Great Britain the language was not sufficient and they reversed the decision of the Supreme Court of Canada. This view is borne out by the very language used by the Judicial Committee of the Privy Council in the second judgment which they delivered.

Hon. Mr. SCOTT—They knew more about the case then.

Hon. Mr. WOOD—They say it was not doubted that the object of the first subsection of section 22 was to afford protection to denominational schools, but the question which had to be determined was the true construction of the language used. Their lordships say :

> The function of a tribunal is limited to construing the words employed : It is not justified in forcing into them a meaning which they cannot reasonably bear.

That language indicates that the Judicial Committee of the Privy Council entertained this view that it was the intention, when that Act was passed, that it should make perpetual the separate school system in the province of Manitoba and guarantee it to that province for all time to come, but they were bound by the language used, and unfortunately in their opinion, the language used did not clearly express that idea. That is the point which I think this parliament should bear in mind in dealing with this question, that this whole trouble has, in the first place, arisen from the failure of this parliament to make its intention clear in that first subsection of section 22 of the Manitoba Act.

Hon. Mr. BOULTON—Does not the judgment also say that the Parliament of Canada need not do anything?

Hon. Mr. BERNIER—No, it does not say so : it says that it is not essential to do such a thing, but they must do something.

Hon. Mr. WOOD—Leaving that point, for I do not wish to detain the House too long, it has also been contended that legislation passed by this House for the purpose of establishing a separate school system in the province of Manitoba could not be made effective.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. WOOD—I believe the hon. Secretary of State endorses that view?

Hon. Mr. SCOTT—Yes.

Hon. Mr. WOOD—I must beg to differ from him on that point. I must confess that I did not clearly understand the reasons which the hon. gentleman advanced in support of his views. As I said before, I am not a lawyer, and perhaps not in as good a position as he is to discuss these somewhat intricate and involved legal questions, but on that point I will express my own opinion, and it is simply this : I believe that the laws of this country and the constitution under which we live, must at least have some basis in reason and common sense, and in my opinion if this Dominion parliament enacts any law which it has the right and the power to enact, the courts of the country are bound to take cognizance of that Act. I cannot see, although the hon. Secretary of State may be better able to see than I am—at all events I cannot understand why if this parliament passes a law exempting the minority in Manitoba from paying taxes for the support of schools which they do not attend, how those taxes can be collected.

Hon. Mr. SCOTT—The first judgment of the Privy Council declares that they can. Of course, that is the whole point in the first judgment, paying taxes in support of the public schools.

Hon. Mr. MACDONALD (B.C.)—But if this parliament passes an Act saying that they shall not pay them?

Hon. Mr. SCOTT—This parliament has no power to pass such an Act.

Hon. Mr. WOOD—The Privy Council have certainly decided that this parliament has the right and power to enact legislation which will restore to the Catholic minority in Manitoba their separate school system.

Hon. Mr. SCOTT—You have just read the opinion of Sir John Macdonald, that this parliament cannot pass an Act that would repeal the Manitoba Act.

Hon. Mr. WOOD—That opinion, it must be remembered, was given before these cases were taken to the Privy Council, before we had these judgments of the Privy Council. I read that opinion to show that the first judgment of the Privy Council was a surprise and that the framers of that Act had intended to frame it in such a way that if their intention had been properly expressed in the Act itself, the decision of the Supreme Court of Canada in that first case would have been maintained by the Judicial Committee of the Privy Council and that would have been an end of the whole matter. In my opinion, if this parliament has the right and the power to enact a law establishing a separate school system in the province of Manitoba under existing circumstances, as the Judicial Committee of the Privy Council has decided we have, under that law, if it was enacted that the Roman Catholics should not contribute by taxation to the schools which they did not attend, it would be impossible for any power in Manitoba to collect those taxes from them. That is my opinion at all events.

Hon. Mr. MILLS—Supposing an illegal tax is imposed in a municipality in the hon. gentleman's province, the rate is struck and the collector goes round, are the taxpayers in your province at liberty to refuse to pay their tax on the ground that a portion of it is illegal, or are they not obliged to pay the taxes and sue for the recovery of the portion illegally paid?

Hon. Mr. WOOD—I cannot answer that question. In any case it is only a question of legal procedure, I may say I do not think that the case which the hon. gentleman puts is at all an analogous case.

Hon. Mr. MILLS—I just put this because it is strictly applicable: supposing the Manitoba legislature imposes a tax on Roman Catholics and the Roman Catholics refuse to pay it, according to our decisions that tax must be paid. The parties might sue for the recovery of them, but if the local legislature should go a step further and declare that those municipal taxes were Crown revenues it would be a question whether the minority could refuse to pay them.

Hon. Mr. WOOD—The hon. gentleman is certainly raising an intricate question.

Hon. Mr. SCOTT—There are dozens of them.

Hon. Sir MACKENZIE BOWELL—No, I do not consider there is any intricacy about the question.

Hon. Mr. WOOD—I do not think it is applicable. I do not think it is a similar case at all. There is a different principle involved, that this is exceptional legislation specially provided for in the constitution.

Hon. Mr. MACDONALD (B. C.)—That is it.

Hon. Mr. WOOD—That this legislature, under these exceptional circumstances existing in Manitoba to-day, shall have power to legislate to redress the grievance. If they cannot establish the separate schools, they cannot redress the grievance; and if they cannot redress the grievance, this whole part of our constitution which pretends to secure the rights of minorities, is a mere delusion and a farce.

Hon. Mr. MILLS—I am not calling that in question; but, granting the hon. gentleman's contention is true, and the local legislature acted in a contrary direction, I am pointing out this, that the collectors would have to collect the local tax.

Hon. Sir MACKENZIE BOWELL—Then the question arises as to the legality of the law.

Hon. Mr. WOOD—It appears to me ultimately the only question would be, which parliament have the right to legislate. That would be the question.

Hon. Mr. MASSON—It is the same as the revisers' list. You have got to put the name on the revisers' list, but you have to appeal to the court.

Hon. Mr. BERNIER—That would be a matter for the court to decide; but the contention is that, where there is a grievance, whether it arises from one cause or another—from a law relating to schools, or a law relating to municipal organizations—so long as it forms a grievance, this parliament has the

right to legislate to check that law. This parliament is a superior power. Of course, that is a question of law.

Hon. Mr. MILLS—That is not the point I was bringing under your notice.

Hon. Mr. WOOD—I have given my opinion as to the law upon that point, and I understand that the hon. gentleman who interrupted me is to address the House tomorrow, and he will, no doubt, advance his opinion upon that point, but I certainly am driven back to the conclusion that unless this Parliament has the power to enact legislation, such as that I have referred to, establishing the separate school system for the minority in the province of Manitoba, and to create the machinery which is necessary for the purpose of carrying out that law and enabling the minority there to avail themselves of the provisions of the law, then certainly all the provisions in our statutes for the protection of minorities are simply a delusion and a farce. Besides this, I do not believe, as the hon. gentleman who last addressed the House seems to think, that any dangerous consequences would result from the enactment of such legislation. The leader of the government, when addressing the House, referred to the people of Manitoba as a very law-respecting and law-abiding people. He paid them a very just and well merited tribute in that respect, and I fully endorse everything that he said. While it is evident from what has taken place in the province, that there is a strong preference, a strong public feeling, in favour of free, non-sectarian schools, and opposed to the adoption of any separate school system, there is not, so far as I know, the slightest evidence to show that if this parliament, in the exercise of the power vested in it by the constitution, passes a law giving the minority the separate school system to which they are entitled, that there will be any disposition on the part of the majority to resist such legislation or to use any illegal means to prevent the operation of that law. I have confidence, at all events, in the good common sense and the law-abiding principles of the great majority of the people of that province, and I believe that they would respect that law, and that if such a law was passed, as I believe it should have been passed, a year or two ago, it would have gone into operation and this vexed question would have now been settled and this controversy ended. At all events the late government, when they were in power, were willing to assume that responsibility. They heard the appeal of the minority in the province of Manitoba and they granted them a remedial order, and when the legislature of the province refused to comply with the provisions of that order, they introduced a Remedial Bill into the House of Commons. If that bill had received the support of the opposition in the House, as my hon. friend from St. Boniface said, there would have been no difficulty in passing it, and it would have been now upon the statute books. The opposition, however, opposed it and it was defeated as the life of parliament expired. I am not going to discuss the motives of the opposition in opposing that bill. There is no doubt they saw in such a course an opportunity to defeat the Conservative party in this Dominion, and it is admitted that they have effected their purpose, and no doubt they feel now that the end has justified the means. However, that does not affect the position of this question. It does not affect the responsibility of this parliament. The same obligation rests upon parliament now as it did then to exercise its power to legislate upon this question. Indeed, the present parliament is in a much better position to legislate than the last parliament. The leader of the present House of Commons has a majority there supporting him. A very large proportion of those are persons of his own race and religion, the class of people in this Dominion who, above all others, are strongest in their views and sympathies in favour of the minority in the province of Manitoba, and who should be the readiest to redress their grievances and restore their rights. Besides this, the leader in the House of Commons has the assurance of the leader of the opposition in that House that he would have his assistance in passing any remedial measure of this kind. And another important matter which he should consider is, I think, that he has given a pledge to the country which he should feel himself bound to redeem, for he told the people of Canada during the elections that he would rest short of nothing except giving to his co-religionists in the province of Manitoba the very fullest measure of justice. It is true he advocated a conciliatory course, but he promised at the same time if those conciliа-

tory means failed he would exercise the power vested in this parliament under the constitution and restore those rights by legislation. It appears to me a weak policy, an abandonment of his principles, to refuse now to legislate, and to accept an arrangement such as we are now considering, simply because it is the best arrangement they have been able to make with the province of Manitoba. It is simply saying "We decline to exercise the powers which are vested in us under the constitution and accept as a settlement of this question any concessions which the majority in Manitoba choose to give." The address in referring to this settlement expresses the hope that this will be the beginning of a new era to be characterized by generous treatment of one another, mutual concessions and reciprocal good-will. I fear that hope may be delusive. It is certainly a surprising way to introduce an era of generous treatment of one another, mutual concessions and reciprocal good-will by a breach of faith, by a refusal to exercise the powers which this legislature possesses to enact laws to redress the grievances and to restore the rights of a weak and helpless minority in one of the provinces of this Dominion, to fail to respect and carry out the obligations which the highest judicial authority of this empire have declared to be a solemn parliamentary compact. The hon. senior member for Halifax justified the arrangement which had been made and advised the acceptance of this settlement on account of the concessions which he pointed out it contained for the Catholic minority in Manitoba. He referred to some of the concessions which had been gained as matters of great value, particularly the privilege which the minority in Manitoba would have under the law which has recently been passed there confirming this settlement, of teaching religion, having the priest or clergyman giving religious instruction in the schools for half an hour before they closed. I was rather surprised to hear from the hon. gentleman that he regarded that as an important concession. For my own part, I regard it as a concession of no practical value whatever. So far as my observation goes, this is a privilege which no class of persons have sought to avail themselves of in any part of this Dominion. At all events, occasions where this privilege has been taken advantage of, have been very rare. I think, from my knowledge of the school laws of the different provinces, it would be quite competent in any of the provinces of this Dominion, where the majority of the trustees desire and where the parents of the pupils desire it, for a clergyman or a priest to go to the school and giving religious instruction for half an hour before the school closed.

Hon. Mr. SNOWBALL—That is the trouble.

Hon. Mr. WOOD—Perhaps the hon. gentleman will explain what the trouble is.

Hon. Mr. SNOWBALL—The religious instruction in the schools after hours is the trouble in New Brunswick. The hon. gentleman must know it.

Hon. Mr. WOOD—I do not think that is the trouble; I never heard that it was.

Hon. Sir MACKENZIE BOWELL—Not in Ontario.

Hon. Mr. SNOWBALL—In New Brunswick, I say. It has not been up before the courts for years without my hon. friend knowing it.

Hon. Mr. WOOD—I do not think the remark has anything to do with what we are discussing.

Hon. Mr. SNOWBALL—Giving religious instruction after school hours or during school hours.

Hon. Mr. WOOD—During school hours and after school hours are different things. The only point I was making—and I confess I do not see the force of the observation—was that there were very few instances in any province of the Dominion where this privilege had been desired by any class of people, or where it was granted that any class of people had taken advantage of it, and in my opinion it is a privilege to which no importance whatever will be attached by any class of people in any province of this Dominion, and can never, if it is incorporated in our school laws, be of any practical advantage whatever in the operation of any of these laws.

Hon. Mr. PROWSE—Except as a punishment.

Hon. Mr. WOOD—Except as a punishment. Besides that, it does not recognize the principle that the advocates of separate schools contend for. As I understand the position of the advocates of public schools, their desire is not simply to have a priest or clergyman to go to the school and teach religion for half an hour, but it is to have the whole morals of the school under the supervision of the church to which they belong. It is that they may see that the teachers in the schools are Christian men and women, in order that the pupils may be surrounded, while they are receiving their secular education, with religious influences, that they may have before them the example of a God-fearing man or a God fearing woman; that the influences which surround them during their earlier years, while their characters are being formed, are pure and good, and that they may learn to respect and reverence and love the Christian religion, and respect those who profess it and practice it in their lives. That is my view of the principle for which the advocates of separate schools contend, and it is a poor substitute to allow a priest or clergyman to enter a school for half an hour to give instruction in the catechism or in doctrines of the church. The hon. gentleman who last addressed this House emphasized this point, that this was to be the last we were to hear of this question. They take a great deal of comfort, too, from the result of the general elections. They look upon that as a verdict of the people in favour of the course which the present government has pursued. There is a difference of opinion upon this point among those who are in the best position to judge. In the province of Quebec, where the greatest change has taken place, there is a difference of opinion as to what has been the cause of that great change in public opinion. I do not care to express any view upon that point, but I will say this, that so far as my opinion and the results of my observation go, this proposed settlement, or this arrangement which has been entered into, is not at all events meeting with universal satisfaction. First and most important of all, it is not satisfactory to the minority in Manitoba, and if we may judge from the sentiment expressed by my hon. friend from St. Boniface, and others who think with him in this House, they are disposed to denounce this settlement in the very strongest terms. Besides this, there is no evidence to my mind that this settlement is satisfactory to the authorities of the Roman Catholic Church in any portion of the Dominion. It is true that the by-elections would seem to indicate that popular opinion favoured this settlement, that it was accepted by the majority of the people of the country. Possibly that may be so, but, for my own part, I doubt that very much. Indeed, I should be very much surprised if the Roman Catholics of this country are willing to accept this as a final settlement of this vexed question, an arrangement which does not recognize the principle for which they have been contending and which they consider of the most vital importance for the moral training and the moral welfare of their children. I do not believe they will willingly abandon those rights and privileges which the highest judicial authority in the empire has decided they are entitled to under our constitution, especially after they have contended for them at so great a sacrifice during the past seven years.

I intended to say something with regard to the tariff, but considering the lateness of the hour I shall defer my observation which I was to make on that subject except this—to express regret that the government have not dealt more promptly with this matter. It is a subject of great interest and importance to the business people of this country, and the result of the action of the government at the present time is looked forward to with the greatest anxiety. I was rather disappointed the other day when the leader of the House evaded the question put to him by the leader of the Opposition with regard to a statement purported to be made by the hon. Minister of Militia and Defence. That statement referred to the imposition of an export duty on our logs. This is a point upon which I have, for some years, held a strong opinion. I regretted very much when the late government removed the export duty from logs. In this House two years ago I pressed on the attention of the late government the enormous quantity of logs annually taken from our forests and rafted across the lakes to be sawn into lumber in the mills of the United States. I pressed upon the government the importance of introducing some legislation to prevent a continuance of that state of things. However, no action has been taken to the present time, and this country is loosing one of its most valuable

natural resources. The country derives no permanent advantage from that class of business. A number of men come into the country and are employed in the woods through the winter. They are gathered from all parts of the country; no doubt many of them are Canadians and many come from the other side of the line. They work in the woods in the winter time and in the spring they go away with the logs they take out and carry their wages with them. The country gets very little advantage from such operations. If we exclude the profits which some speculators in timber limits and people of that class make out of it. In my opinion the timber of our country is one of the most important and valuable of our natural resources. Such legislation should be adopted that it will be manufactured in this country and be the means of establishing permanent industries and building up settlements, the logs should be converted into lumber in this country and the lumber into articles of commerce. In this way we would build up thriving settlements and give employment to our people, traffic to the railways, and commerce to our sea ports, and furnish a large and profitable market for the farmers of Canada. When the question was asked the other day the leader of the House evaded it by saying that he could not vouch for the newspaper reports. That was equivalent to saying that he did not know whether the Minister of Militia made that statement or not. We were not so much concerned about that as whether, if he did make the statement, he was authorized by the government to make it, and whether that was the policy of the government. I can only say I hope it is, and assure the government that if it is I shall cordially support them in carrying out that policy.

I intended to say a word about the Franchise Bill. I am sorry to say I would not be able to give the government the same assurance of support with regard to that measure, but as the hour is late I thank you, hon. gentlemen, who have remained so late, for the patience with which you have listened to me and I shall not detain you any longer.

Hon. Mr. CLEMOW moved the adjournment of the debate.

The motion was agreed to.

The Senate then adjourned.

THE SENATE.

Ottawa, Thursday, April 8th, 1897.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THE ADDRESS.

THE DEBATE CONCLUDED.

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 second session of the eighth parliament.

Hon. Mr. CLEMOW said: Owing to the late sitting of the House last evening I was unable to make a few observations on this address, and that is the reason why I shall obtrude myself for a few minutes on your consideration. This address differs from very many others, because it contains a number of subjects which are well worthy the consideration of this House and of this country. I am not going to follow the example of gentlemen who were in opposition to the late government in finding fault with every address that is presented because it contains measures of which they did not approve, and did not contain others which they thought should be there. I am thankful for small favours on this occasion, and I trust that the House will always take into consideration measures submitted to them and decide upon them to the best of their judgment.

The first paragraph leaves no room for any difference of opinion. Every one has spoken in high terms of the subject to which it refers; that is, the celebration of the Queen's Jubilee next June. Upon that occasion I have no doubt that every city, town and hamlet in this Dominion will vie with each other in making this celebration as suitable as possible to the occasion, and will convince Her Majesty and the entire empire that there are no more loyal people throughout the empire than the people of this vast Dominion. While saying this, and knowing what will take place on the 22nd of June next, I am sorry that this city, the capital of Canada, is somewhat differently situated from the rest of the Dominion. Under circumstances beyond the control of the city authorities, it has been arranged, I

believe, that a celebration shall take place on the 24th of May, from this I do not dissent, but which, it is said, is rendered necessary on account of the troops not being available for the celebration on the 22nd of June. So far as the city of Ottawa is concerned, the celebration of the 22nd of June will be a blank. While the whole Dominion will be ablaze, celebrating the Queen's Jubilee, the capital of Canada will be unable to join in the demonstrations. This is a deplorable circumstance. The people of the city take it severely and they do not know why, at the seat of government, where the Governor General resides and who is supposed to be present on the occasion, the troops will not be available to make this celebration what it should be. I bring the matter for the consideration of the House and government of the country in order that they may find the means whereby the troops may be had for a celebration on the 22nd of June. It is proposed—a very silly proposition in my mind—that the Queen's Jubilee celebration shall take place on the 24th of May. It is an extraordinary thing to celebrate an event before it occurs and is quite contrary to the wishes and desires of Her Majesty, who has stated that she did not wish any celebration to take place anterior to the date at which it should occur. I hope the government will take this matter in hand, and find whether we can obtain the assistance of the troops on that occasion or not, because I want it to be distinctly understood that the citizens of Ottawa are anxious, and always have been, to celebrate the occasion in a becoming manner on the 22nd of June. I do not know what influenced the authorities to take a different course. We made application and were told that, owing to prior arrangements, it was impossible to obtain the assistance of the troops on that occasion, and we all know that without the assistance of the troops on such an occasion, the celebration will not be worth mentioning. Above all things, at the place which the Queen decided upon as the seat of government, it would be unbecoming of us not to have the celebration carried out in such a manner as will bring conviction to the mind of Her Majesty that the people are not ungrateful for the honour conferred upon them in making Ottawa the capital of the Dominion. I ask the assistance and co-operation of the leader of this House—a gentleman whom I know to be thoroughly patriotic and anxious to do all that he can to promote a loyal sentiment in this country—I ask his assistance and co-operation, in order that we may have the troops here on the occasion referred to. It is reported—I do not know whether it is true or not, for I am not in the secrets of the government—that it is proposed to erect a museum in Ottawa in commemoration of the event of this city being made the seat of government. I think a scheme of that kind, or the erection of some remarkable structure, should be decided upon, in order to show that the people here fully appreciate the action of Her Majesty in selecting Ottawa as the capital. That is a matter that I wish to bring prominently before the members of the Senate and of the government in time, in order that provision may be made for it, if my suggestion is adopted. The next question of importance in the speech is the reference to the Manitoba schools. I do not intend to say very much about it; it is one of those semi-religious questions, very difficult to discuss, and I, for one, am not going to dwell upon it at any length. We have had many discussions of this kind, and yesterday had one of an extraordinary and unprecedented character presented to us by the hon. gentleman from De Lanaudière. I regret, and I believe the majority of this House regret, that the hon. gentleman found it necessary to refer to occurrences of a quarter of a century ago, and unearth serious charges against one of the most illustrious men of the Dominion—the man who has done more to advance the interests of Canada than any one that ever lived or who may live in the future. I am grieved at what the hon. gentleman from De Lanaudière has done, because it is contrary to the practice and traditions of men of his race, and I thought he would be the last man to bring up charges of this kind against one who has done so much for his country, and that he would let the ashes of the dead statesman rest in peace. He seems to have kept copies of all the proceedings to which he has referred and they have been retained in his possession for years; why he should bring them up at the present time, to create further discord among the people, is beyond my comprehension. I hope the hon. gentleman will see that he has committed a fatal error in maligning the character of the late Sir John Macdonald,

whom he has indicted as the worst of criminals. But what are the facts? It is well known to every hon. gentleman in this House that for many years Sir John Macdonald led this country by a majority from Quebec. I believe I am correct in stating that that fact caused such displeasure amongst his own friends in Upper Canada that he was not able to obtain a majority of supporters there, because it was said he was under French domination. But Sir John Macdonald was a great chieftain; he settled difficult questions of race and creed, and his whole policy was to promote peace, prosperity and harmony amongst the people of the Dominion. But now, when he is dead and his bones are resting quietly in Cataraqui cemetery, these scandals are unearthed and brought to the light of day. Surely the public men of Canada have enough to undergo in their lifetime without being followed by enemies to their graves. They are abused on every occasion. There was no day of the year during the life of the departed premier that he was not held up to scorn and ridicule in this country by his opponents. Surely, after undergoing all that, and after accomplishing what he has done in reconciling differences of creed and class, in his desire to make the population of Canada a homogenous people, he deserved something better than the attack that was made upon his memory yesterday. It was not only questions of race and creed that he settled, but great questions of commercial importance, such as the building of railways and canals, the settlement of the North-west —in fact, he was the head and front of all such undertakings. I think it is nothing but right that we should bear testimony to the worth of the man who has done so much for his country, and not malign him now that he is in his grave. I merely refer to the matter now to show that I take exception to the unearthing of matters of this kind at this late date, when Sir John Macdonald is dead and cannot reply. Would the hon. gentleman from De Lanaudière have dared to bring forward his accusations if Sir John Macdonald had been in a position to reply? I doubt very much if he would. The late premier was a man who was well able to defend himself on all occasions. Whatever faults he had, and I suppose he had faults like other men, he did his best for his country. He was the head of the Conservative party—the party of progress in this Dominion, the party to whom the country owes everything; therefore I think his memory should be revered. With respect to the Manitoba school question, it has been discussed from all points of view—legal, theological and otherwise, but there is one matter to which I would refer and that is the constant rubbing into the Protestants of this country by our Roman Catholic friends that we are a Godless people, that we want our schools entirely free from any religious instruction. I tell those hon. gentlemen that such is not the case. There is only one member in this chamber, as far as I know, who came forward and made the bald and bold assertion that, as far as he was concerned, he would certainly have no religion of any kind taught in the public schools of the country. As far as the great majority of the people are concerned, they dissent from that proposition. The church to which I belong is just as strongly in favour of religious instruction in the public schools as the Roman Catholic Church is. We are willing and anxious, upon all occasions, to have a certain amount of religious instruction in the schools. But, hon. gentlemen of the Roman Catholic faith seem to think that they monopolize the whole religious sentiment of the day. I give them all credit for their sincerity in supporting their religion as they think best, and agitating for separate schools as they think best, but they should give Protestants credit for being just as earnest for the spiritual welfare of their children as they are, and being as earnest in promoting the cause of religion. In this city we have both public and separate schools. The separate schools are conducted, I believe, pretty fairly. Of course, difficulties sometimes arise in all systems of scholastic education, but as a general thing I believe the schools of Ottawa get on very well and there is no disagreement between them. In our high school, we open with prayer in the morning and have a certain amount of Scripture read, and I deny that our schools are Godless. I do not think it is right to accuse us of being so Godless as to exclude the Bible and prayers from schools. It will not hurt any child to hear the Lord's Prayer repeated, or a chapter from the Holy Scriptures read, and that is what we have done, are doing and will continue to do, I hope, for all time to come. As far as Manitoba is concerned, I suppose you may consider the question on the verge of settlement in some way. Whether the

present settlement is satisfactory or not remains with two parties to determine. Had the Greenway government exercised forbearance and shown a disposition to meet the representatives of the Bowell government when they went to Winnipeg, the matter would have been settled satisfactorily to all parties, but it was not the intention of Mr. Greenway or Mr. Sifton from the start to settle this question in any other way than through Mr. Laurier.

Hon. Sir MACKENZIE BOWELL—Hear, hear.

Hon. Mr. CLEMOW—They succeeded in that. Now, let them fight it out themselves. It is a matter with which they are principally concerned. I believe the minority have been deprived of certain rights, and when men possess rights they do not like to part with them. I know I would not, but whether the Catholics can be placed in the same position as they occupied originally, is for the parties interested to decide. The hon. gentlemen have heard the decision of the Privy Council read. My hon. friend from Saint Boniface has given you a full account of it, and he can, no doubt, speak by the hour on the question, because he is familiar with every phase of the subject. I am not conversant with it, and talk as a layman about these school matters. I simply want equal justice to all men. I believe in equal justice to all and privileges to none. The rights I demand for myself, I am prepared to extend to others. That is the course I have pursued during my life and will continue to pursue in future. I hope that the difficulties of race and creed in this country will be settled satisfactorily, because we want every man in the Dominion to work harmoniously with his neighbour for the general good of the country. If it is not settled satisfactorily now the blame must rest on the right shoulders. It cannot rest on Sir Mackenzie Bowell, who did what a loyal man should do. He thought he was compelled, as First Minister of the Crown, to obey the mandate from England. He did so to the best of his knowledge and he was beaten. He lost the premiership, and is now a private in the ranks like ourselves. If Sir Mackenzie Bowell had remained in power, matters would have been different, but we must accept the present condition of affairs. We find a state of confusion prevailing; one party states that the difficulty is settled, and others say it is not. Time alone will tell what the result will be. Let us be reasonable and take the best course we can under all the circumstances. We know there is a variety of opinions on the subject. You cannot talk to a man who has a different opinion from your own on this subject because he will not bear with you at all. You must either agree with him or you are nobody. I do not say that the intolerance is confined to any one side. We have extreme Protestants as well as extreme Roman Catholics. I have never said anything on this subject before, and I did not want to say anything about it now, but it is forced on me by the paragraph in the Speech from the Throne, and it is just as well to say once for all that this question is now in the hands of Mr. Laurier and his friends and they must settle it among themselves.

The next paragraph refers to the most important question in the speech, the tariff. I was glad to hear the other day from the gentleman who introduced these resolutions that there was no disposition to interfere seriously with the present tariff, that he wanted to conserve the rights of all parties. He very justly said that an enormous amount of money has been invested in the establishment of manufactories and carrying on business, and that if any great change takes place it will ruin those people. He deplored such a state of things, as any wise man should deplore it. Under the circumstances the national policy, which has done so much for this country in the past, should be continued, and I believe the present government are alive to that fact. We have seen a number of ministers perambulating through the country from one end to the other, taking the opinions of their friends and of the manufacturers and business men of the Dominion. I believe they have come to the conclusion, whatever their opinions may have been when in opposition, that the policy inaugurated and carried out by the Conservative government during the past 18 years, is the best for the country. It is the best vindication that we could have had of the wisdom of the course pursued by the Conservative party. Hon. gentlemen say that altered circumstances have a great deal to do with it. No such thing; we had the same condition of things in the past, the same trouble to overcome, and we met the difficulty by a wise policy. We consulted the people who are inter-

ested, and the Liberals abused us for having done so. They said that the late government had no right to consult the people, and some members of the other House went so far as to say that if such a thing were done by their own friends, when they came into power, they would not support them for a moment. Still, their friends have done it, and they support them; they are better able now to judge of the propriety of carrying out the national policy than they ever were before. I hope they will adhere to the wise policy of their predecessors, and, as this paragraph says, "make no changes which will affect injuriously any vested interests in this country." That is the true course for statesmen to adopt, and if they follow that policy I believe that the majority of this House, and of this country, will sustain them. The question arises whether we are Conservatives or Liberals. I do not know really what I am at the present time. Some people say that every one has gone Liberal; but it looks very much to me as if every one had become Conservative. Our opponents have stolen our clothes and are carrying out the policy which the Conservative government pursued. Their eyes are open now and they see the true state of things. They did not see clearly before, but now they do. The whole country is waiting, in anxious suspense, to be enlightened as to their policy on this all important subject, and I hope that no time will be lost in giving to the public the necessary information on the subject. We hear occasionally that one minister says this and another minister says that, but we are assured that nobody had official authority for making such statements. No minister of the Crown should give information of the kind to anybody until it is submitted to the representatives of the people in parliament. I know the old ministry were as close as oysters on such questions. You could not get the least information from them, but these gentlemen are inclined to give information to the public before it is furnished to the representatives of the people. I feel strongly on this tariff question. I am not a free trader; I have been a protectionist from the word go, and shall continue so as long as the exigencies of the country require it. A time may come when the country will be so rich and prosperous that a change may be desirable, but under present circumstances the national policy is absolutely necessary to meet the necessities of the country. The next clause refers to the Franchise Act. I, with a great many others, take exception to the Franchise Bill as submitted to the other House. I admit that the present Act requires very serious amendment and improvement. It is too cumbersome and expensive, but with some amendments it could be made to work admirably. Some hon. gentlemen say, "It is all very well for you to talk. When you were in power you had the patronage, the power of appointing revising officers." That power is now transferred to the present government; but, after all, what does it amount to? The late government, as a general thing, appointed judges to act, and we know as soon as a man becomes a judge he is no longer a partizan, but fulfils his duties in an impartial way. If there is any advantage in it, the government can appoint their own officers in the future, and I wish them joy of all they can get from that. In my experience we never got anything at all through the revising officers; on the contrary, our experience was the reverse, because they were considered Conservatives and they used to stretch a point sometimes and give decisions adverse to the Conservatives lest their actions might be impugned because of their former political proclivities. I think the franchise should rest with the Dominion, and that this highest legislative body should not be subject to the jurisdiction of inferior bodies. I hope that this part of the speech will be amended, and that, instead of changing the franchise, the present Franchise Act will be amended and improved without disturbing the principle upon which it is based.

The next paragraph refers to the canals. I am, and always have been, a great advocate for the enlargement and improvement of our canals. It has been the policy of the Conservative party from time immemorial, and the government are merely carrying out the policy initiated by their predecessors. The policy is right, and I am only sorry that, while so large an expenditure is to take place on the St. Lawrence canals, no appropriation is to be made for the construction of the Ottawa canal. You can deepen the existing canals and enlarge the locks, but you cannot interfere with nature and shorten the distance. The Ottawa canal has advantages over all other routes; it is the shortest route between the east and the west, and if you can save five or six hundred miles of transportation, the matter is

of such importance that it cannot be overlooked. While I do not find fault with the expenditure on the St. Lawrence canals, I think if an equal amount of money were spent on the Ottawa canal, it could defy competition. We would have had this canal years ago when some money was spent upon a portion of it, but unfortunately thirty or forty years ago the work was suspended under circumstances beyond the control of the government at that time, and no work has since been done upon it. We had not influence enough here to have the work resumed, while other parts of the country had public money expended for their benefit which should have been devoted to opening up this great route. We find that all men, scientific and practical, capable of giving an unbiassed opinion on the subject concur in the belief that this is the only route that can be had that will attain the main object in view—that is, to furnish the shortest route from the North-west to the seaboard. I am told there is a company now willing to subscribe sufficient money to build that canal, and that a proposition has been made to the government to deposit that money with them on certain conditions. Whether the proposition is a practicable one or not, I do not know, but if it is practicable and the government will take up the work, no greater boon could be conferred upon the country, because the construction of the canal would shorten the distance between the North-west and the seaboard. It would cheapen transportation, and at the same time open up an artery through the country that will be of the greatest value in the future. In case of disturbance between this country and the neighbouring republic, we would have an independent route and be free to do our business in our own way, and secure the entire carrying trade of the great North-west.

Another proposition has reference to the extension of the Intercolonial Railway to Montreal. I am not in a position to give any very decided opinion upon this matter, but it occurs to me that so long as a transfer has to be made, it matters very little whether it takes place at Montreal or Quebec. We all know that the Intercolonial Railway has not been a paying concern. Whether this extension will increase its earning power or not, I cannot say, but it seems to me that you can transfer the freight at Quebec as advantageously as at Montreal, and you can get running powers over either the Canadian Pacific Railway or the Grand Trunk Railway at a cheaper rate than you can build a line for yourselves. However, that is a matter which requires great consideration, and I have no doubt, before anything is done, it will receive that consideration at the hands of the government. It is said that an arrangement has already been made to carry out this project. I do not believe any government would be so rash as to enter into an arrangement of the kind without consulting the representatives of the people.

The next paragraph refers to cold storage. Every one knows the advantage of providing cold storage. In addition to that, I should have been glad to see a clause in the speech promising a fast line. That is an important factor in the trade of this country. I want to see Canada stand second to no country in the world, and I want all the communications we have equal to, if not better than, those of our neighbours. We surpass them in our canals and railways, let us surpass them in our Atlantic service also. I am ambitious, but I have seen this country grow from nothing up to its present position. I saw the first line of railway built and opened for traffic, and I see what the railway development of Canada is to-day, and have great faith in the future of the country. No country has progressed in such a satisfactory manner as Canada, under all the circumstances. With reference to prohibition, I take no stock in the plebiscite at all. It is one of those cases where people do not vote honestly. They will vote for prohibition one minute and the next minute go to a bar to drink. There is no honesty about it at all, and I take no stock in the plebiscite. If the government submit it to the people, I believe it will be rejected.

There are some measures promised ; when they come before us we can give an intelligent opinion on them. With respect to the bills dealing with the civil service and superannuation, I hope every care will be taken to make the service efficient, and that no change will be made which will prejudicially affect the gentlemen who have so long assisted the government in carrying on public affairs. The dismissals, since the change of government, have been simply contemptible. Employes have been dismissed for taking part in the elections, and what are the gov-

ernment doing? They are dismissing men for partizanship and filling their places with friends of their own who will be just as partizan, and there will be no change in the complexion of affairs at all. I know the civil servants of the city very well. I believe last year they were a little out of sorts, and a majority of them voted for the Liberals. I do not know that as a fact, but I have reason to believe it. Be that as it may, these civil servants are entitled to every consideration at the hands of the people's representatives. I do not want to see them unfairly dealt with. I want to carry out every agreement with them fairly and honestly. I hope the government will take that view of the matter and consider themselves obliged to treat the civil servants in a fair and just manner.

There is one other matter which has not been referred to by any one that I wish to bring up—that is the recent conflagration in the western block, a most disastrous fire which will entail a loss estimated at from a quarter of a million to a million dollars. I merely sound a note of warning to the government. These public buildings are fire traps. In the eastern block public documents of incalculable value are stored. If they were lost, money could not replace them, yet they are piled up in the upper portion of the eastern block, which is simply a mass of inflammable material. Nobody knows how the fire originated in the western block—there has been no investigation or inquiry. Every year thousands of dollars have been voted to provide apparatus for the protection of these buildings, and yet it is not looked after. When the fire took place in the western block the hose was not in order and no water could be procured. When I first saw that fire two or three pailfuls of water would have put it out, but nobody seemed to have an idea where the fire was or how it could be extinguished. The government ought to take this matter in hand and provide some fire-proof building in which to store these valuable papers. I have brought this matter before the House on other occasions. I have shown where great quantities of lumber are piled within the city limits, and if those piles of lumber were to take fire, nothing could save these buildings from destruction. There is water, but no fire appliance to use it. The people of this city are amazed at the quiet way in which the fire in the western block has been allowed to pass. Look at our valuable library. It was intended to be fire proof, yet there is a wooden casing above the iron work. If that library were destroyed, nothing could replace it. The same may be said of the Geological Museum, which is situated in the worst part of the city, in a building utterly unfit for the purpose. This important matter has been brought to the notice of the government from time to time, but no action has been taken. If that building were to be destroyed by fire, money could not replace the contents of the Museum. It has taken a generation to collect it, and in a few hours a fire might destroy it. The government should be alive to the importance of protecting these public buildings. They should remove all valuable papers and inflammable matter from the eastern block, and make the building fire proof. If a fire were to take place there now, all the valuable documents connected with the North-west, all the deeds of that country would be consumed, and there is no knowing what confusion would result. Nobody seems to have thought it worth while to say anything about this matter. They have simply said "The western block has been burned, and men must be employed to rebuild it." The government hired men from the township of Hull, and in that way influenced votes in favour of their candidate in the county of Wright. All the men from the township of Hull were brought over and given employment. But that is not the point I want to raise at all. I wish the people of this country to know that every possible care is taken of our public buildings, and that the people are alive to the important fact that these buildings shall be taken care of, and no expense spared to protect them from fire. Remove the lumber piles. I tried to have that done years ago and I could not succeed. If those piles should take fire, with a north-west wind blowing, nothing in the world could save the buildings. Probably hon. gentlemen do not know as much about it as I do, but I tell you it is so. Timely warning should be given and I do not believe the government will object to it. Let them take my advice, given years ago, and see that the lumber piles are removed. That will serve the public interest, and we are not to consider the private interests of the mill owners. The duty of the

government is to do everything they can to protect these magnificent buildings. It would be a national calamity of the worst kind if anything should happen to the parliament buildings. We are standing in a very dangerous position, and the sooner we recognize the fact the sooner the government will apply the remedy. I am sorry I have not been able to deal with all the questions I intended to discuss, but on some future occasion, I hope to have an opportunity to give my opinion with reference to certain measures which we are told are to come before us.

Hon. Mr. MILLS—I must begin my observations by expressing my thanks to the leader of the opposition for the kindly and somewhat benevolent manner in which he referred to me as a member of this House. The hon. gentleman informed the House that we had sat for more than a quarter of a century together in the House of Commons, and that during the whole of that period he was not aware that we had ever agreed upon more than two or three important questions. The questions he mentioned were the Jesuits Estates Act and the Dual Language Bill. I think I could add one or two more to that list.

The inference which the hon. gentleman's observations suggested was that on these two or three occasions he thought I was right, and during all the rest of my political career I was in the wrong, and the evidence of that was I was not voting with the hon. gentleman. I say to my hon. friend, the leader of the opposition, that I think on those two questions which he mentioned, he rather came over to my view. The hon. gentleman will, I think, discover that the principle upon which he and I voted on these occasions was a principle perfectly consistent with those general lines upon which I, and the party with whom I had been, during my political career, associated held, and scarcely in accordance with those which he had on earlier occasions held. I congratulate my hon. friend that in his political career he has made progress. His mind has broadened and I do not think he sees things to-day just in the same light in which he saw them at earlier periods. The hon. gentleman reminds me in this regard of a story I heard told of a resident of Griffintown, who had a very great dislike to Frenchmen, and he sought an opportunity of thrashing Frenchmen whenever he got the chance. But on one occasion he found one who was more than a match for him, and when he was worsted a friend said to him, "you did not have the best of it this time," and he replied, "No, them French is improving." I think my hon. friend, in the cases which he mentioned, shows marks of improvement, and upon that improvement I feel it my duty to congratulate him. The hon. gentleman omitted one question on which we voted together and which is of some importance at the present time. I think we voted against putting the separate school clause in the Manitoba Act. I do not know what the reason for his vote was, but I have a very distinct recollection of mine. It was not that I thought the people had not a right in the province to decide for themselves, when their constitution was framed, whether they should have separate schools or not, but I thought with a population of 13,000 there was not a sufficient number to settle a constitution—that the government ought rather to have been a territorial government until there was a larger population within the province. Otherwise there was a possible chance for serious difficulty if there should be a large population of a different way of thinking, and you might maintain on ethical grounds that they ought not to be bound by a constitution framed by so small a population. I am not going to say whether that was a good rule to adopt at that time or not; that was my conviction, and I have seen no reason for altering the opinion which I then formed. There is this common feature, however, throughout the whole of British North America in which we have taken a somewhat different line from our neighbours to the south of us. All the provinces had, in some form or other, in practice or in law—at all events, in all the provinces from Ontario eastward—recognized the right of the Roman Catholics to give religious instruction in the schools in accordance with their faith. We know that in the United States, where this right is denied, and where a different practice prevails, they have in proportion to the Catholic population a larger number in the parochial schools than we have in the province of Ontario in the separate schools, and my opinion is, that in the province of Ontario we have a more efficient education given in those separate schools than they have in the United

States in the voluntary institutions to which I have referred. On the school question my hon. friend said that he and I agreed in our view of the law, but that in voting we differed—that I agreed with him but voted against him. I do not think that is altogether an accurate representation of my view and of his upon the subject. I agreed with him that there was a parliamentary compact in respect to the schools in Manitoba. The Judicial Committee of the Privy Council, in one of their judgments, say so. I agreed with him that the legislation of 1890 broke that compact. I agreed with him in thinking and in holding that if the minority desire to maintain the rights and privileges which had arisen under that compact they had a grievance, but at that point I think the views entertained by my hon. friend and myself, ran in parallel lines, no further. At that point we parted company. The hon. gentleman in dealing with the subject did not disallow the bill as he might have done. The government of which he was a member, and who were responsible, could have disallowed the Act within twelve months after it was passed by the legislature of Manitoba. No doubt the government had some reason for not doing so. It was not, I fancy, that they had doubt as to the construction of the law. Of course, they were obliged to treat with respect the different opinion which the legislature and government of Manitoba held, but my impression is, after all, that the hon. gentleman and his colleagues felt that in the state of public opinion on that question, very serious discontent and dissatisfaction would exist if the government advised the Crown to exercise the power of disallowance, so that the hon. gentleman and his colleagues recognize this fact that though a right exists under the control of an executive or legislative body, it is not always expedient or prudent to exercise that power. These two departments of government stand in that regard in a somewhat different position from the judicial department of the government. The duties of the judge are clearly marked out by the law. He has nothing to do with the question as to whether his views are popular or unpopular—whether they will be received with favour by the public or whether the public will entertain an unfavourable view. But that is not the case with regard to the executive or the legislative departments of government. My hon. friend, Sir Mackenzie Bowell, as Minister of the Crown, and I daresay as a member of parliament, or at all events his colleagues in the other chamber, had some regard for their own political existence, and that is a factor which members of an administration, and members of an elective House, will always take into account, and which you cannot very well censure them for doing Now, my hon. friend referred this question to the Judicial Committee of the Privy Council, and his government obtained a decision upon the interpretation of the first subsection of the Manitoba Act—the one relating to denominational schools. The second decision was had and the provisions of the Manitoba Act relating to another and a different class of schools, the separate schools, were expounded in that second judgment. My hon. friend refers to the answer which the government of Manitoba made to the report which the Committee of the Privy Council here had made, but he seems to have forgotten the fact that the answer of Manitoba was given before the judgment—that Manitoba was acting upon the assumption that she was within her constitutional rights, and that she was not violating any compact in the course which she had taken; but the government of Manitoba, after the judgment had been given in the case of Brophy and the city of Winnipeg.

Hon. Sir MACKENZIE BOWELL—Allow me to correct the hon. gentleman. I was not referring to that. I was referring to the answer that was given to the remedial order which they received.

Hon. Mr. MILLS—I did not so understand the hon. gentleman.

Hon. Sir MACKENZIE BOWELL—I may not have been clear enough, but that is the matter to which I was referring.

Hon. Mr. MILLS—Then it is my duty to accept the hon. gentleman's statement. When the government passed the remedial order and communicated with Manitoba, what did the government of Manitoba say in their despatch? I will read a portion of it:

We deem it proper also to call attention to the fact that it is only a few months since the latest decision upon the subject was given by the Privy Council. Previous to that time the majority of the Legislative Assembly of Manitoba, had, either expressly or impliedly, given pledges to their

constituents which they feel loyally in honour bound to fulfil.

Now, is it not clear to hon. gentlemen that that paragraph shows that the Manitoba government admit that they were acting upon a different construction of the law from that given by the Judicial Committee of the Privy Council? Is it not also clear that they are saying to the government: "in consequence of the pledges which have been given by members to their constituents, and the position taken by the government prior to that judgment, this government is not in a position to act at the present time."

The government could not put itself at once in direct antagonism to the position which it had taken a short time before. Time must be given. Time is asked for in that communication, and if such communication had passed from the government of one civilized state to another independent civilized government, if it had announced that there were difficulties in the way of keeping its treaty obligations, and it could not act immediately—if the government did not desire war, it certainly would make the necessary concession—it would exercise the necessary forbearance—it would wait until a more favourable opportunity occurred. And is not that a necessity under a constitutional provision such as this—under which this country has for so long a period of time been called upon to act? Is it not perfectly obvious that when you place a power of this sort, not under the control of the judicial department of the government, but under the control of the political department of the government, you are obliged to take into consideration all those circumstances that the political department of the government having a duty of this sort resting upon it would be entitled to take into consideration before it undertook to act. I stated in my speech to the House of Commons last year upon the subject, referring to the speech that my hon. friend the leader of the government in this House made then in the local legislature:

> I entirely concur in the observations addressed to the local legislature by Sir Oliver Mowat. There is no right whatever given here without full, frank and earnest effort made to secure legislation from the only body that can effectively deal with the subject—the legislature of Manitoba. The effort has not been made. Those moral and constitutional considerations which alone can give us jurisdiction, are wholly wanting. We have not the necessary information. When you have worked the public mind up into a state of intense religious excitement, and are fast dividing the country into two hostile camps on other lines than those which secular questions may, you have a different condition of things from which at present the evils that are likely to spring from legislation here are far greater than those which are endured by the minority even if everything called for to give you jurisdiction existed.

I think that was a sound rule. Let us look at what was done by the government that was led by my hon. friend the leader of the opposition. When it received that judgment it seems to me its duty was to have communicated it to the local government under the cover of a despatch. It ought to have assumed that that government would honestly, at the earliest practical opportunity, undertake to carry that judgment into effect. They ought to have initiated a discussion of the subject. The correspondence ought to show everything that could be said in favour of the view that Manitoba had taken, if she were disposed to take a different view. The whole of this provision of the law is based upon the theory of negotiation, those rules that prevail between one sovereign state and another. The very object of diplomatic discussion is, by presenting everything that can be said in favour of opposite views, to modify and mollify the public judgment in both countries and to enable the governments of both to reach a fair and reasonable conclusion. Now, there was nothing done to educate the public. There were no despatches written; there was no communication had. The result was that extreme men who were in favour of one view, and other extreme men who were in favour of another view formed public opinion and you had the country divided upon those lines. I do not think that is a favourable condition. Then the hon. gentlemen did more. They appointed a meeting of the Privy Council and summoned the government of Manitoba before them during the period of their legislative session. What right had they to summon the government of Manitoba? For what purpose was that government summoned? There was no work to be done, no object to be secured by what was proposed. The only effect was to exasperate the men upon the one side, and on the other and to make a practical solution of the question more difficult. When we met in 1895, and the government of my hon. friend undertook to deal with the question, after

some consideration, the subject was postponed. Another special session of parliament was called to deal with the subject, and it was assumed that negotiations would take place. The very object of the postponement was for the purpose of negotiation. My hon. friend who was at the head of the government, and now leads the opposition in this House, went to Manitoba and discussed the prospects of the crop and the state of the weather with the premier of Manitoba, I am told, and I think my authority was good—the hon. gentleman will correct me if I am wrong—that no discussion whatever as to the subject of separate schools took place between my hon. friend and Mr. Greenway.

Hon. Sir MACKENZIE BOWELL—I do not understand what the hon. gentleman refers to.

Hon. Mr. MILLS—I refer to the visit made, after the postponement of the subject for another session of parliament, by the hon. gentleman to Manitoba, I think my hon. friend met Mr. Greenway.

Hon. Sir MACKENZIE BOWELL—No, I did not. I never met Mr. Greenway.

Hon. Mr. MILLS—And no member of his government.

Hon. Sir MACKENZIE BOWELL—And no member of his government upon that occasion.

Hon. Mr. MILLS—I did not say upon that occasion I am saying that my hon. friend said nothing upon that question.

Hon. Sir MACKENZIE BOWELL—I never met Mr. Greenway except to bow to him when introduced to him, nor did I meet any of his Cabinet ministers except to be introduced to Mr. Sifton by Lieut.-Governor Schultz, and I have never spoken to him since.

Hon. Mr. MILLS—And as to the other members of the government?

Hon. Sir MACKENZIE BOWELL—Well, I do not know about them. If you asked me what took place officially, I can tell you.

Hon. Mr. MILLS—Of course, I cannot say anything more on the subject, but I think my hon. friend had an opportunity in the North-west and in the city of Winnipeg, between the two sessions to which I refer.

Hon. Sir MACKENZIE BOWELL—I met Mr. Greenway in Mr. Patterson's room, and merely exchanged compliments and went out.

Hon. Mr. MILLS—And not a word was said upon this very important question?

Hon. Sir MACKENZIE BOWELL—Not a single word, good, bad or indifferent.

Hon. Mr. MILLS—I think, after all, the hon. gentleman and I agree as to that. I say the hon. gentleman failed in his duty on that occasion. My hon. friend, I suppose, was under the impression that because of that second judgment of the Privy Council, the government of Manitoba could not do otherwise than conform to the provisions of it.

Hon. Sir MACKENZIE BOWELL—I might explain to the hon. member so that there will be no misunderstanding, that while I had no personal intercourse with any of those gentlemen, I wish it not to be interfered that there had not been official communications between the government of which I was a member, and the party of which I was the head and the government of Manitoba, because we sent a most respectful answer in reply to the petition from the bishop and the minority of Manitoba, asking him, in as courteous language as the Right Honourable Sir John Thompson could put on paper, to take this matter into their consideration and if possible to come to some solution which would allay the excitement that prevailed and grant justice to the minority.

Hon. Mr. MILLS—I have in my hand here a sentence or two from an interview, while the first of those sessions was being held here, between Mr. Ouimet and a reporter of the *Citizen*. Mr. Ouimet said on that occasion, and I suppose the government did not dissent from the views which he expressed:

> All they ask (that is the government) is to be at liberty to add to the secular education required in the public schools such religious teaching as will meet the religious views of the minority. I may say if that had been provided for in the legislation of 1890 we would never have heard of the Manitoba school question.

I am not going into a further discussion of the Manitoba school question, but it seems

to me that the settlement which has been had, if generously carried out—and my impression is that it will be generously carried out—will not differ from that which Mr. Ouimet said they were prepared to accept. Of course, a great deal depends upon the government facilitating the teaching instead of putting impediments in the way. I have no doubt whatever that the government of Mr. Greenway will undertake to furnish every facility, within the terms of the agreement, for the instruction which our Catholic fellow countrymen require that their children should receive in respect to religion. There are several things which I think are lost sight of in Manitoba. The Catholic population are largely settled together. The half-breeds are in districts by themselves. Now, with us, in the province of Ontario, we have in the county of Kent several French settlements. No separate school, as such has ever been established in those settlements, because the whole population are of one way of thinking, and the instruction which is given in a separate school where the population is mixed is given in that school, although it is designated an ordinary public school. Now, what is to prevent, in the province of Manitoba, where you have thirty or forty sections of half-breed population, the children of those people being instructed in their schools under these regulations upon exactly the same lines as they were instructed before? It is quite true that you cannot give religious instruction every half hour, or every hour, but there is half an hour set apart for the subject.

Hon. Mr. LANDRY—After the school hours.

Hon. Mr. MILLS—After half-past three. Four is the hour when the period of school instruction expires. Four is the closing hour throughout the whole province of Ontario. Four is the closing hour in Manitoba, and from half-past three to four is devoted to religious instruction. Now the objection, where the school is mixed, that the Protestant children may be dismissed and be playing outside while the others are receiving religious instruction inside, and of course are more anxious to go outside and play than to stay in and receive religious instruction, seems a very frivolous objection. I heard that point made by my hon. friend, that the children who are receiving religious instruction have so little regard for it, so little interest in it, that they would rather be outside playing.

Hon. Mr. MASSON—A child is only a child, whether Protestant or Catholic.

Hon. Mr. MILLS—My hon. friend reminds me of a story of an old lady who was suffering from rheumatism. She said she wished to be in heaven and her husband said he wished to be in the tavern. She said: "I don't know how it is you always want to be in the best place." If the children think it is better to be outside playing with the other boys than inside receiving religious instruction, they must have just such an impression as the old lady had. Supposing that were true, what possible difference can it make? In the great majority of the cases the children who are dismissed go home—they do not remain around the school-room to play, so those who receive religious instruction are not likely to be disturbed, and if there were no more serious objection than that I do not think it would make very much impression upon the public. I agree with the hon. leader of the House that, in all probability, if the arrangement is given a fair trial, what has happened in Ontario will happen also in Manitoba—the law will be amended by the local legislature from time to time so as to make the schools efficient and satisfactory to the population whose children are receiving instruction within them. Having said this much on the school question, I do not propose discussing it further.

Let me say a word or two with regard to the Franchise Act, which is also mentioned in the Speech from the Throne and referred to by the hon. member from Prince Edward Island and by the hon. member from Glengarry, in a somewhat bellicose tone. The hon. gentlemen intimated that if that measure came to this House, it would be the death of it—it would never go elsewhere. I do not think that that threat is at all consistent with the duties that rest upon hon. gentlemen as members of the second chamber.

Hon. Mr. McMILLAN—Of the first chamber.

Hon. Mr. MILLS—Of the upper chamber—the better place above.

Hon. Sir MACKENZIE BOWELL—Perhaps you prefer the tavern below.

Hon. Mr. MILLS—Let me say this, that since 1832 the rule has been well settled in England, that where the opinion of the country has been definitely taken upon a measure, while the House of Lords may undertake to amend such a measure, they never undertake to delay or defeat it. No rule is better settled than that. This question as to the franchise has been an issue between the friends of my hon. friend opposite and the Liberal party who are now in power. It was an issue in the last election. It was one of the questions on which the country pronounced. There has been an appeal to the political sovereignty of this country on the question, and the electorate have pronounced in favour of the adoption of the principle which the government have promised to submit to us in a bill this session. That being so, it is not open to this House—it would be wholly inconsistent with the dignity of this House—to avail themselves of the opportunity to defeat a measure upon which the public opinion of the country has been taken, and in reference to which the government are obeying a mandate which they received from the country at the last election.

Hon. Mr. BOULTON—Was that the sole question on which parties were divided?

Hon. Mr. MILLS—Certainly it was not the sole question, but it was one of the questions. In the English parliamentary system, you seldom have a single question submitted to the country. You sometimes have half a dozen, but if they are embraced within the policy of the party, if they have been accepted by its leaders, if they have been advocated and promulgated by the leaders of a party, and the country has returned that party to power, then it has also declared its opinion with reference to the measures upon which that party succeeded.

Hon. Mr. FERGUSON—Then we must pass any measure that this government brings in. That is what it amounts to.

Hon. Mr. MILLS—The hon. gentleman says we must pass any measure, not any measure, but a measure upon which the opinion of the country has been taken embracing a principle upon which the voice of the people has been sought and been pronounced. I say it is the duty of this House to acquiesce.

Hon. Mr. FERGUSON—I differ altogether from the hon. gentleman that public opinion has been pronounced upon that question.

Hon. Mr. McMILLAN—I never heard of it in our counties. It is true it was laid down in the platform that the Reformers adopted here, but that is the last we heard of it until now, as being a party question.

Hon. Mr. MILLS—Since 1885, every session of parliament we have taken the opinion of the House on the subject.

Hon. Mr. McCALLUM—I say this in justice to the hon. gentleman, it has been talked of a great deal. The great Liberal party of this country advocated that, the same as they advocated free trade, but it has not been a question before the country. We are not going to be committed to anything before we see the bill. Then we will deal with it, and deal with it liberally. I say, for one, there should be an improvement on the old system, and there is no doubt at all we will get an improvement, but to say that we are going to adopt the franchises of the local legislatures—one place they may have universal suffrage, another place, property qualification—is something of which I cannot approve. I want the members of the House of Commons, when elected, to come to the House under the same franchise.

Hon. Mr. MILLS—I am not going into a discussion of the merits of a measure that we have not before us, but I am stating a principle—a principle that was recognized in this country from 1867 until 1885. I point out to hon. gentlemen that that principle was enunciated, was formally declared as a part of the policy of one of the great parties in the state, that an election was held, and that the country has pronounced upon that as it has pronounced upon every other proposition that the Liberal party had submitted, and just as they pronounced on every other proposition which hon. gentlemen opposite had submitted. That being so, I am content with simply stating that it would be a departure from the recognized functions of an upper chamber to do, what the hon. gentleman from Prince Edward Island and the hon. gentleman from Glengarry have declared it was their intention to do.

Turning away from the subject of the franchise, let me say a few words with

regard to the tariff. I have no doubt whatever that the present government will consider all existing interests. It would be a very strange government indeed that would not do so. There is nothing in the policy of the party, there is nothing in any principle to which it is committed and which it has enunciated, inconsistent with that position. No one ever supposed that in advocating the principles of free trade in this country we were advocating the abolition of customs duties, but we were advocating certain lines or certain principles which have to be kept in view in framing a tariff. But these are not the only ends to be kept in view. There are a great many industrial institutions existing in the country that, perhaps, it would have been advantageous to the country if they had not sprung up. Looking at the question from purely economic grounds, it might have been better if they had no existence, some of them at least, but existing, having been called into existence largely by the protective tariff, a government is bound to consider them, not simply on economic grounds, but it is bound to consider them on social grounds; because you could not uproot an institution and throw out of employment a large number of people connected with it, even though they got immediate employment elsewhere, without serious social disturbances, and that is also a matter which every government is bound to take into consideration. We are also bound to take into consideration our environment. We must not overlook the manner in which others propose to deal with us, and it is our duty to pursue what our own interest calls for. That interest may be based upon economic considerations, or it may be based upon political considerations which are not economic. It may be advantageous to a government and to a country to adopt a policy that economically causes them to suffer a certain amount of loss, if the result is to be that thereby they can modify or change the policy of a neighbour. And I say all these matters we are bound to take into consideration, and all these matters, I have no doubt whatever, the government will take into consideration, and the fact that they do consider them and that their value is estimated and determined in the tariff which is proposed, is not any indication that they have departed from some one principle which it was important to make prominent and to discuss with more than usual fulness. If I were to follow my own inclination I would not be disposed to help those who did not help me, and I would not be disposed to hurt myself for the sake of hurting them. I think that it is possible for us to extend our trade with the mother country. I think it is possible to do so without impairing our revenue, and without subjecting ourselves to any reasonable remonstrance from those to the south of us. I believe that on many grounds it is of consequence to us, to impress on the mother country that we are in the empire and that we are in the empire to stay, that we have no intention of associating ourselves politically with the country to the south of us, that we believe that with British institutions and the system of parliamentary government that exists in this country, we are capable of a moral progress—we are capable of a degree of prosperity arising from moral considerations which can never be obtained under the constitution of our neighbours, and my opinion is that the more clearly we impress upon the mother country that that is our position, the more we will do to secure immigrants from the United Kingdom to Canada, because no one of intelligence who is devoted to his own country, would be disposed to come in our midst and become a citizen, if he thought it was simply a half-way house into the neighbouring republic. We cannot do this country a greater service than to earnestly impress upon the minds of the people of the United Kingdom that in coming to Canada they are coming to a country that is part of the empire, and is likely for all time to come to remain a portion of that empire. I agree with what is said in the Speech from the Throne in reference to Her Majesty's reign. There has been no period in English history to be compared with it. You can point to no century of time—I do not think you can point to any two centuries of time—where there has been the same degree of progress that has marked the sixty years that Her Majesty has been upon the throne of the British empire. Within twelve years the area of the empire has grown from eight and one-half millions to eleven and one-quarter millions of square miles, and its population has increased by 40,000,000. The revenues have enormously increased during that period of time, and I think that the feeling of every considerate man, must be, whether in the Liberal ranks or in the Conservative ranks, that it is in the

interest of this country to remain a portion of that empire, and to do everything in the power of the government of this country to cement Canada durably into the great country of which we form a part.

Hon. Mr. LOUGHEED—So many observations have been made upon the Speech from the Throne during this debate that I hope the House will not weary of the few observations which I may take the opportunity of making upon some of the subjects discussed in it. I have listened with a very great deal of pleasure to much that has been said in regard to many of the questions here debated, and particularly upon the question which has received greater attention than any other subjects which have come under our consideration, namely the Manitoba school question. I cannot refrain from giving expression to a few views which I hold upon this very important subject and which may not possibly be in harmony with the views entertained by many hon. gentlemen in this House. According to my conception of this subject —at least of the stage which it has at present reached— I venture to say that there is a more important phase of the subject than the Remedial Bill or the settlement entered into by the present government, namely, whether the country will view with approbation a great party, such as the Liberal party of this Dominion, appealing to the country upon a public question of this importance and representing beyond all question the attitude which they intend to take upon it, and securing not only the sympathy but the support of the electorate of the country to such an extent as to defeat the late administration and to place them in power, and then, having received that support and having announced a platform most uncompromising in its nature, to immediately disregard the solemn compact into which they had entered with the electors and to adopt a settlement which is absolutely at variance and absolutely in conflict with the professions which they had made. It therefore becomes, to my mind, a matter of consistency on the part of a great political party whether the representations which they may make to the electorate are to be observed in their integrity, or whether they can take advantage of circumstances that may arise to place themselves in a better position and thus sacrifice what I may term public faith. I say that is the position adopted by the Liberal party on this very important question. Before entering upon a discussion of the details which have received the consideration of the House up to the present juncture of this debate, I might ask hon. gentlemen if they could for one moment conceive that, had Mr. Laurier appealed, for instance, to the electors of Quebec upon the settlement which has been laid upon the table of the House, and which has been entered into by the two governments, will any hon. gentleman in this House— no matter how strong a supporter he may be of the present administration— conceive for one moment that the electorate of Quebec would have pronounced the way they did at the general election in June last? I say most positively, without fear of contradiction, that Mr. Laurier could not have received one supporter from the province of Quebec had he announced upon that occasion that his policy on this question was embodied in the settlement which has been laid upon the table of this House, and which to-day he claims credit for, as having settled this most vexed question. I therefore say that the Liberal party hold the reins of power to-day by reason of an utter disregard of the representations which they made to the electorate when they appealed to them in the month of June last. And, therefore, in my humble judgment, the most important question to be considered in this alleged settlement is the fact as to whether the public of this great Dominion will countenance uncertainty, inconsistency, duplicity of the kind which has placed those gentlemen in power. There was a phase, which was discussed at length, of this subject which in the past received a great deal of attention from the hon. Secretary of State, namely the question of disallowance. That hon. gentleman seems to think it necessary to advance some excuse whereby the blame for the hostility and the animosity created upon this question should be saddled upon the late administration, so that the present government may be relieved by reason of their not having granted to the minority the redress which the minority expected, and he formulated, as an excuse for the position taken by the Liberal party in not being able to grant a larger measure of redress, the fact that this difficulty might have been remedied long ago had the government exercised

the power vested in them of disallowance. I have some material here bearing upon this important phase which I will take the liberty of referring to. Hon. gentlemen will remember that it was in 1890 that the Manitoba government repealed the old School Act and passed the legislation at present on the statute book. It was in the spring of that year that the statute was passed repealing the old Manitoba School Act. We find that in the spring of the same year the federal parliament was in session and, at a time when the hon. Secretary of State says that the late administration should have exercised its power of disallowance, we find the Liberal party at once taking the initiative steps to prevent the government of the day from in any way committing itself to so dangerous a ground as I consider it to be, namely, the exercise of the veto which they have in regard to provincial legislation. In 1890 the then leader of the Liberal party brought before parliament a resolution, protesting on very strong grounds against the Governor in Council exercising the right of disallowance of those particular Acts. On the 29th April, 1890, Mr. Blake says:

> Pursuant to the notice which I gave some days ago I rise to move in amendment, to leave out all the words after "that" and insert the following: "It is expedient to provide means whereby on solemn occasions touching the exercise of the power of disallowance or the appellate power as to educational legislation, important questions of law or fact may be referred by the executive to a high judicial tribunal for hearing and consideration in such mode that the authorities and parties interested may be represented, and that a reasoned opinion may be obtained for the information of the executive."

Now, I doubt very much if the Governor in Council at that particular time received official information from the province of Manitoba as to the Acts in question. One is astonished—and yet one should not be astonished when one is familiar with the conflicting attitudes that have been taken by the Secretary of State on public questions—that a member of the present administration should take so strong a position upon a principle which has always been most strongly fought for and advocated and most strongly protested against by the Liberal party, namely, the exercise of the power of disallowance. And we find the hon. gentleman from Bothwell re-echoing practically the same sentiments as those that have been repeated over and over again by the hon. Secretary of State on this important subject, namely, that the power of disallowance should have been exercised, and would have wiped out of existence, so to speak, the Acts of 1890, and would have quieted this question for all time to come. One is struck with the humour of the remark made by the hon. Secretary of State, that the power of disallowance should have been exercised, and thus have quieted for all time to come this question which has created so much public attention, so much hostility, and so much animosity throughout the Dominion, and which has resulted in the defeat of one government and the placing of another in power. My hon. friend says that if it had been disallowed before legislation had been passed by which there could have been an appeal from the Supreme Court to the Judicial Committee of the Privy Council, the Supreme Court would have decided in a particular way; the province of Manitoba not having the right to appeal to the Privy Council, would have at once recognized that they were wrong in the passage of the legislation in question, and hence its quietus. My hon. friend might as well say, in regard to mischievous boys, that they are better killed in their youth, lest when they become men, they become troublesome. My hon. friend seems to overlook the principle of British justice, that a province as well as an individual has the right to seek redress or to have tested by the highest court in the empire, any question which may arise, and particularly questions involving matters of such great importance as that embodied in the legislation in question, the disallowance of which my hon. friend so strongly agitated. My hon. friend is entirely in error in saying that the right of appeal did not exist at the time of the passage of the Manitoba School Act of 1890. I say that my hon. friend is in error, in saying that the right of appeal was embodied in the amendments to the Supreme Court Act of 1891. Any hon. gentleman, by referring to that Act will find that it makes no provision for an appeal to Her Majesty's Privy Council, that the appeal to Her Majesty's Privy Council from a reference to the Governor in Council to the Supreme Court remained very much in the same position at that time as it did at the earlier date when the Supreme Court and Exchequer Court Act was passed, and we find that it was not by virtue of any provision

made in the Act to which my hon. friend refers, and which he says was passed, or which he impliedly says was passed for the purpose of establishing this legislation, because we find in the Brophy case a special application being made to the Privy Council for the purpose of this appeal being heard, and it was under the special leave which was given that the appeal was heard. We also find by reference to the speech made by the hon. gentleman from Bothwell at the last session of parliament, that he himself took very strong grounds on the question of disallowance, a matter on which he seems to have changed his mind recently and which to-day he advocates. If my hon. friend will remember, upon this occasion he expressed himself on the question of disallowance which he says to-day might have been exercised at that particular time which I presume he says the government should have done.

Hon. Mr. MILLS—I did not say that.

Hon. Sir MACKENZIE BOWELL—You said it might have been done.

Hon. Mr. LOUGHEED—You said the government might have exercised the right of disallowance at that particular time.

Hon. Mr. MILLS—I suppose my hon. friend will not deny they might have done so?

Hon. Mr. LOUGHEED—I assume, if the government exercise that power, it would exercise it wisely, it would exercise it presumably when it had a right to do so; but my hon. friend, when in the Commons, took very strong grounds on that question and expressed himself in very strong language on this particular question, and gave evidence of the opinion which he then entertained that the power of disallowance should not have been exercised by the government.

Hon. Mr. MILLS—I did not say anything to the contrary of that to-day.

Hon. Mr. LOUGHEED—The hon. gentleman said:

> We must bear in mind that parliament has no power to interfere with a provincial right. There is no point at which it can come in contact with such a right. The power by which provincial rights may be interfered with is the power of disallowance, but this power rests with the Governor General in Council, and is restrained by the conventions of the constitution. The parliament of Canada can pass no measure invading any provincial right or encroaching upon any provincial privilege.

Hon. Mr. MILLS—That is so; it would be *ultra vires* if it did.

Hon. Mr. LOUGHEED—The opinion then expressed by my hon. friend is the opinion which I certainly hold, and the opinion which was then followed by the government of the day, and which I fancy any public man in Canada must necessarily conclude is the only wise course to follow under such circumstances. But assuming the government had exercised the power of disallowance, does the hon. the Secretary of State think for a moment that the people of Manitoba would have sat meekly down and permitted a provincial right to be invaded, would have permitted the privileges which were their's to be encroached upon by the government of the day and not re-enact the Act in question? Hon. gentlemen who take this position must forget the attitude of that province on the Manitoba Railway Acts when they passed those Acts over and and over again after the Governor in Council had exercised the power of disallowance. And so in this particular, public opinion was then aroused to such an extent upon this question that the province would have sat if necessary from the 1st of January to the 31st of December to assert their rights under the constitution they had, and entirely apart from the merits or demerits of the School Act would certainly have re enacted it until the government of the day became convinced that public opinion was with them upon that particular subject. There is another phase of the matter to which I would take the liberty of referring, and that is the settlement itself. My hon. friend the leader of this House seemed to express himself as holding the opinion that a satisfactory settlement had been arrived at, and that the public of this Dominion was satisfied with the settlement. My hon. friend seems to be more confident upon that particular subject than the Speech from the Throne itself. I trace a little doubt in the Speech from the Throne as to whether this matter has given entire satisfaction to the Dominion. The government put into the mouth of His Excellency the Governor General, in delivering the speech, the very happily expressed sentiment:

> I confidently hope that this settlement will put an end to the agitation which has marred the

harmony and impeded the development of our country, and will prove the beginning of a new era to be characterized by generous treatment of one another, mutual concessions and reciprocal goodwill.

Hon. Mr. MILLS—"Confidently hope" is strong enough.

Hon. Mr. LOUGHEED—Certainly, there are expressions in the English language which in form may be very strong, but which imply a certain amount of weakness, doubt and uncertainty, and I fancy that this particular expression, couched as I say in very choice language, rather indicated a feeling on the part of the government, at the time when they prepared the address, that they were not at all certain, but hoped, and hoped very strongly and very confidently, that the settlement would eventuate in satisfaction to all parties. If the address had complimented the government upon the adroitness and tactical ability which they had displayed in securing this alleged settlement, I would have been entirely in sympathy with the expressions contained in the address, but when it undertakes to say that a settlement has been reached, I certainly must differ entirely from that expression. My hon. friend from New Westminster said last night that this was the last debate which we would hear upon this question. I really hope it will be the last debate. I hope the settlement entered into may prove a settlement of this question. Yet I am inclined to think we have only reached practically the climax of this important question and not the finale.

Hon. Mr. BERNIER—Hear, hear!

Hon. Mr. LOUGHEED—It seems to me that a question which has kept the Greenway government in power since the passage of the School Acts of 1890, that a question which has defeated the government, which has practically created two hostile camps within a great political party, which has placed the Liberal party in power, which has alienated in the province of Quebec the pastor from his flock and the bishop from his laity, and which has shaken Rome to such an extent that we find a legate here to lend his good offices in endeavouring to settle the question—it seems to me that a question which has accomplished what I have mentioned can scarcely reach a finality upon the settlement which has been brought down by the government and which they say in the address they confidently hope may be settled and put an end to the agitation which has impaired and impeded the development of our country. That leads me to ask what is the settlement which has been effected? The Liberal party, the present government, all seem to express themselves with the greatest possible satisfaction at what has been achieved. One not familiar with this question would fancy that the late administration had accomplished nothing in the direction of securing a settlement, but that the settlement secured by the present government is absolutely original in its character, and in no way partakes of the elements which heretofore entered into the discussion that took place respecting the settlement of the question. If hon. gentlemen will look at the proposals submitted by the representatives of the Greenway government to the commissioners of the federal government, and compare those proposals with the so-called settlement which has been entered into between the Greenway government and the present administration, they will find a surprising degree of similarity between the alleged settlement of to-day and the proposals then submitted by the Greenway government. I ask why did not the Liberal party, then in opposition, express their satisfaction with the proposal which was submitted to the House by the commissioners of the federal government upon their return from Winnipeg? Why, hon. gentlemen, they could not find language sufficiently strong to denounce the proposals made by the commissioners of the federal government, let alone to entertain for one solitary moment the proposals made by the Greenway commissioners to the federal commissioners at that time, and if hon. gentlemen will analyse the present School Act of Manitoba, they will find that practically the same results would be obtainable from that Act as are obtainable under the settlement which the present government claims to have carried out and claims a considerable degree of commendation for accomplishing. Take for instance the teaching of religion in the schools. All hon. gentlemen will, I think, conceive that the crucial test as to whether this is a settlement or not is the fact of the element of religion entering into the teaching of the public schools in the province of Manitoba. We do find an element of religion

in this so-called settlement, but it is of so limited a character as to give dissatisfaction to the minority. I do not express an opinion as to whether there is such a degree of teaching of religion entering into this settlement as would be satisfactory to the minority, but I say—and I say it unhesitatingly—that the minority are dissatisfied with that particular element of the settlement. If hon. gentlemen will look at the present Manitoba School Act previous to the late amendments being passed, they will find that under that Act of 1890 it was discretionary with the trustees of any particular public school district to have half an hour's teaching every day if they should so decide. Does this settlement give any more than that? I say undoubtedly not. I say the same element of religious education which entered into the School Act of 1890 finds a repetition in this so-called settlement, and that the concessions, or the alleged concessions, which have been obtained are no greater than those which the minority enjoyed after the passage of that Act in 1890. There was an objection raised at one time that it was entirely discretionary with the trustees whether they should permit religious teaching. We find it so provided in this settlement. It is discretionary with the trustees, and if they do not exercise their discretion in that particular manner, then, on a petition from the parents, they shall introduce religious teaching. Every hon. gentleman here who may be familiar with the conditions of population in the province of Manitoba knows full well that if there are as many Catholic children in a school district as we find mentioned in this settlement, it would result in the appointment of Catholic trustees in that particular district. It is bound to work out in that particular way, and those trustees, if they are appointed by Catholic ratepayers—who must necessarily dominate in a district where we find the number of children which is mentioned in this settlement—such trustees would necessarily reflect the opinions and the sympathies which the people of that particular district might hold on the question of the teaching of religion in the schools; and they having the discretion vested in them, would exercise that discretion in allowing religious education to be imparted during the hours provided in the School Act, and the hours provided in the School Act are identical with the hours provided in this particular settlement, so that there is no question, hon. gentlemen, that upon comparing the Act of 1890 with this particular settlement you will find so close an identity, particularly upon the vexed questions which are at issue, that one is surprised that statesmen would seek to palm off this as a settlement of the question. I think there is no better evidence of the fact that the present administration does not view this as a settlement of the difficulty than the action they have recently taken in appealing to Rome and securing the good offices of the papal ablegate, who is in Canada at the present time, for the purpose of reconciling—I will not say differences between them—but reconciling public opinion in the province of Quebec to what I pronounce to be a sacrifice of the promise made to the electorate of Quebec on this important question rspecting which the people of the province of Quebec expected different treatment. It seems to me that the papal ablegate has entirely superseded the office which was to be occupied by the hon. leader of this House. It was he that was to settle this very important question. My hon. friend was to proceed to Manitoba upon the next train after the general elections to effect a settlement; but I find my hon. friend has not been tendered the pleasure of an excusion to that western country, where we would have been all very glad to have seen him. I find that the offices of the papal ablegate have been secured to perform the very important services which my hon. friend was to have rendered, and which he might have performed with equal satisfaction. There is no question in the minds of hon. gentlemen in this House, nor of the public, that the hon. leader of the government, the Hon. Mr. Laurier, and his Quebec supporters, entered into the most solemn pledges and into a compact as binding as they could possibly make, with the electorate of that province, upon this important question. It is unnecessary for me to point out that not only members of the present cabinet, but the rank and file of the party, considering that they could not sufficiently impress on the electorate of Quebec their sincerity in securing greater privileges for the minority than the late government could, entered into sworn declarations, written pledges, solemn compacts, sworn in some cases before their ecclesiastical authorities, that in no case would they be satisfied with such a settlement as was embodied in the Remedial Bill; nothing less than the pound

of flesh would satisfy them—the restoration of the separate schools in their entirety as as they had existed previous to 1890. Will hon. gentlemen deny that the premier and most of his cabinet, and the majority which he has behind him in parliament, carried the province of Quebec upon pledges of the character I have just mentioned? They admit it. It cannot be denied. It is in black and white; yet in the face of these solemn promises, we find hon. gentlemen seeking for the commendation of the country because they have achieved what could not be effected by the late government, namely, a settlement of this vexed question. Then we find that the ecclesiastical authorities are attacked on the ground of calling into action the penalties of the church for a breach of faith, if I may so term it. Why would not the bishops of Quebec have the right to resent what I term a repudiation and a disregard of the solemn promises that were entered into with them by the leaders of the Liberal party and their supporters previous to the general election in June last? Did these hon. gentlemen expect that the ecclesiastical authorities, after being humbugged in the way they were—after being deceived into giving a certain amount of support to the Liberal party—were calmly to fold their hands and accept the deception practised upon them in the violation of these promises and not resent it? While I do not approve for one moment of the course which they pursued in the suppression of the press, and so on, yet it was only human nature that they should have sought to resent the deliberate violation of that compact by the Liberal party in accepting the settlement. Whoever writes the political history of the school question cannot fail to be struck with the remarkable feats of political equestrianship which have been achieved upon this important question. You have Mr. Greenway posing as the champion of the ultra Protestant majority in the province of Manitoba passing legislation which was characterized by the hon. Secretary of State in the strongest possible language. We find that gentleman shortly after proceeding to the province of Quebec and, at a banquet given to the Hon. Mr. Laurier, speaking to the population of the province of Quebec in the most conciliatory manner and proving to the satisfaction of the Liberal party in that province that he, Mr. Greenway, had always been their champion and friend. We have the leading members of the present government, who were professing to the electors of Quebec their sincerity—not only their sincerity but their intention that under no circumstances would they accept anything less than the restoration of the separate schools in all their integrity—we have these gentlemen performing all the feats of the accomplished equestrian in riding two horses round the ring, both going in opposite directions. I find no one riding more effectually in the province of Quebec the Catholic horse than the present premier, and certainly no one riding the Protestant horse so effectually in Ontario. I have a recollection of seeing some years ago in a humorous paper in Toronto, a cartoon of the leader of this House performing a similar feat of equestrianship, riding round the ring in velvet and spangles, two horses going in opposite directions, to the great satisfaction of the party to which he belonged and with much credit to himself. I recalled that cartoon, when I thought recently of what was achieved by the hon. leader of the Liberal party in the late elections, in which they accomplished a somewhat similar feat. We all have a recollection in our young days of patronizing the circus as it came along, and observing the facility with which certain actors would swallow knives, swords and all kinds of dangerous implements, but we certainly have seen nothing in our earlier days to equal the swallowing facility of the Liberal party in regard to many of these questions of conflict which by a swallowing feat they have had no trouble in disposing of. When the history of the school case comes to be written, the settlement may be possibly pronounced a settlement, but it will be pronounced as the greatest triumph of political machination achieved in Canada in the latter end of the 19th century. My hon. friend from Bothwell made some allusion to the Franchise Act. It struck me as peculiarly inconsistent with the attitude which he will shortly expect us to take upon another equally important matter, that is the tariff. My hon. friend propounded the doctrine, and it is a very salutary principle, I presume, that public opinion must be observed, so far as legislation in this House is concerned, in the consideration of all bills which may come up from the House of Commons. Where the public have pronounced upon a question, it is contended to be obli-

gatory upon this body to accept the legislation which may come from the House of Commons in regard thereto. Of course the hon. gentleman has prepared the way for what will be expected of this honourable House when the Franchise Bill comes from the House of Commons on account of its having been alleged that public opinion has been expressed in favour of the principle to be embodied in that measure which, I understand, has been distributed in the other House. I suppose the hon. leader of the Senate will expect us to observe the same principle with regard to the tariff. I did understand that the Liberal party had appealed to the country on the policy of free trade—free trade, pure and simple—"free trade as it is in England." There, I understand, is to be found the fountain head of all free trade. I presume hon. gentlemen also—at least the hon. leader of the Senate—will say that this was the great and important subject before the country, and, being placed in power upon that particular question, they will expect that this House will carry out public opinion on the tariff and say that only a free trade measure shall be approved of. I point out to my hon. friend the leader of this House the rather inconsistent position which has been taken upon this matter, and if he insists upon urging it in regard to the Franchise Bill, to be consistent he will surely urge the same doctrine in regard to the tariff bill when it comes down. The Speech from the Throne is usually considered as a bill of fare, and I notice in the Liberal papers some very happy cartoons in regard to this particular bill of fare. In the *Globe* newspaper I noticed a cartoon representing a festive board laid out with all the delicacies of the season, which were intended to represent the various items contained in the Speech from the Throne, and most of them were marked "expenditure" for this, "expenditure" for that, and "expenditure" for the other, while parliament was looking on covetously, desirous of securing those dainties so that Mr. Laurier might complete his labours and proceed to England. It struck me at the time that, notwithstanding the fact of it being a bill of fare, it is rather a poorly prepared one. Most of the food is raw. The ingredients of the cooking process have not yet entered into it, and it is difficult to discuss much of the Speech from the Throne on account of the generality in which it is couched and the absence of any particulars or details to which we might make reference. We find some allusion made to the tariff. If His Excellency, in the Speech from the Throne, had congratulated the leader of the government on discovering how to harmonize free trade and protection, we might have joined, without any exception, in such congratulations. It always seemed to me that, so far as political scientists in their writings dealt with the question of free trade and protection, they dealt with them as the antithesis of each other. The one lay at the extreme point from the other, but we find that these hon. gentlemen have at last accomplished the happy feat of assimilating both free trade and protection, so that a free trade supporter may feel himself quite warranted in supporting a protective tariff, and the most ardent protectionist may find himself justified in supporting the so-called free trade doctrines of the government. But, as I say, owing to the absence of any details of this important question, it is utterly impossible to discuss its merits or demerits, and hence we shall have to postpone that for some future time. There is one question which I should like to refer to —that is the allusion which was made by my hon. friend the Secretary of State the other day to the question of the hostile feeling prevailing in the United States against Canada. He attributed the creation of that feeling to the attitude of the late government in connection with its dealings with the United States government. My hon. friend had to formulate some excuse for the purpose of escaping the failure of the representatives of the present government who proceeded to Washington some few weeks ago for the purpose of carrying out that much looked for reciprocity which for the last eighteen years we have heard could only be effected by the Liberal party. My hon. friend referred to the fact that such a feeling of hostility had been created by the animosity of the late government against the United States government, as to prevent negotiations being entered into by the representatives of the government who went to Washington a short time ago. I direct the attention of the House to the fact that since 1866 the United States have absolutely refused to enter into reciprocity with the Dominion of Canada. To listen to the hon. Secretary of State, one would fancy that this was quite a recent occurrence

—that the question of reciprocity had never been entered upon previous to 1888 when the difficulties to which he alluded arose. I would point out to the House that in 1865--66--68--69--71--73--75--78--88--91--92 and 94 proposal after proposal was made by the Canadian government to the United States government that a reciprocity treaty should be effected between the two peoples, without any avail or success. Hence it seems to me that my hon. friend had no ground whatever to make such a statement that this feeling of hostility was created in the manner indicated. There is one matter which I desire to express my regret about that has not been referred to in the address and which I shall not occupy the time of the House in discussing—namely, the question of immigration. No subject was so exploited in the west by the present government in the late election as the vigorous policy which they intended to promulgate at the first session of parliament for the settlement of that great country, and I therefore regret to find that, notwithstanding the many promises which they made, and notwithstanding the fact that it was largely owing to those promises that the west went so solidly for the present government, we find those promises disregarded and no mention whatever made of this important question.

Hon. Mr. PROWSE—They sent Devlin to Ireland.

Hon. Mr. LOUGHEED—There is another question which has been omitted from the address regarding which the west is very anxious to have a pronouncement upon from the government, namely, the building of the Crow's Nest Pass Railway. I express no opinion upon that question at the present time, because it is a matter too important to be disposed of in the two or three minutes left me. But here are two important questions in which that north-west country is deeply interested and upon which the government of the day made during the elections a strong pronouncement in the matter of assisting, to which no allusion has been made in the address, I hope that the silence of the government on these two particular questions may not indicate that at the present session of parliament they do not intend to deal with them.

The motion was agreed to on a division.

THE SESSIONAL COMMITTEES.

MOTION.

Hon. Sir OLIVER MOWAT moved:

That, pursuant to Rule 79, the following senators be appointed a Committee of Selection, to nominate the senators to serve on the several Standing Committees, namely:—The Honourable Messieurs Clemow, Sir Mackenzie Bowell, De-Boucherville, Lougheed, Miller, McInnes (New Westminster), Power, Scott, and the mover; and to report with all convenient speed the names of the senators so nominated.

Hon Sir MACKENZIE BOWELL—I would ask the leader of the government why the name of Mr. Macdonald, Victoria, has been omitted and the name of Mr. McInnes substituted therefor? I see that Mr. Clemow is also substituted for Mr. Allan. That I believe would be in accordance with the wish of Mr. Allan himself, who is not desirous of remaining on the committee. The substitution is a very good one, but the case of Mr. Macdonald is different. He has been one of the most useful members of that committee since I have been a member of this House, and there must be some reason why his name has been left off. If it has been done at his own request I have nothing further to say; if not, unless some very good reason can be given for the substitution of the one for the other, I shall certainly move that Mr. Macdonald be substituted for Mr. McInnes.

Hon. Sir OLIVER MOWAT—My hon. friend from New Westminster expressed a wish to be on this committee. I did not think that Senator Macdonald cared about it, and therefore made the change. There is no other reason for it. I believe that the number is fixed by the rules, so I cannot add to the committee, but I should be very glad if the hon. senator's name were substituted for mine, and I shall move that that change be made.

Hon. Mr. MACDONALD (B.C.)—Mr. McInnes asked me if I would allow my name to go off the committee, and his to take its place. I told him I would rather remain on the committee and help him to get on some other committee, as I had done in former years. I told him to see Mr. Scott and he would help him to get on some other committee after we met. I believe, and have been told since, that a Liberal member of the House of Commons interfered

in this matter—that he wrote a letter to one of the ministers asking him to strike my name off and to put Mr. McInnes's name on. It is no benefit to me to be on that committee, but I do not wish to have my name struck out by a trick, and I want to remain on the committee.

Hon. Mr. SCOTT—I think the hon. gentleman is misinformed. I asked the leader of the House if he received such a letter, and he says he did not. I did not receive any. Mr. McInnes applied to be on the committee, and thinking it would not make much difference, his name was added without any idea or design that it was going to create trouble.

Hon. Sir MACKENZIE BOWELL—We should be pursuing a course which has not been adopted in the past if the leader of the House was not to be on this committee. I know in the House of Commons the leader of the government and the leader of the opposition are never left off the committee, and I, for one, should object to the hon. gentleman's name being omitted. I move that Mr. Macdonald's name be substituted for that of Mr. McInnes.

The motion was agreed to, and the motion as amended was adopted.

The Senate then adjourned.

THE SENATE.

Ottawa, Friday, 9th April, 1897.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THE DIVORCE COMMITTEE.

MOTION.

Hon. Mr. SCOTT, for the committee appointed to select the sessional committees, reported the following list of senators selected by them to serve on the Standing Committee on Divorce:—Hon. Messrs. Baker, Boulton, Gowan, Kirchhoffer, Loughheed, Mills, McKindsey, Primrose and Wood.

The report was adopted.

DISMISSAL OF GOVERNMENT EMPLOYÉS.

MOTION.

Hon. Sir MAKENZIE BOWELL moved:

That an humble address be presented to His Excellency the Governor General, praying that he will cause to be laid on the Table of this House, a return showing:—

1. The number of commissions issued, and the number and names of all commissioners appointed by Order in Council or otherwise, since the 11th July last, to inquire into and report upon charges preferred against any employé of the government, whether permanent or temporary, of offensive partisanship during the last Dominion election, or at any other time.

2. The number of commissions issued, and the number and names of all commissioners appointed to inquire into and report upon charges preferred, or upon the conduct of any officer or other employé of the government, permanent or temporary, other than those mentioned in the preceding paragraph.

3. The number and names of all commissioners appointed to investigate and report upon any claim or claims preferred against the government, and the finding of such commissioner or commissioners thereon.

4. The date of, and copy of each commission issued, and the date of the appointment of each commissioner, his name, residence and designation.

5. The time occupied in each investigation by each commissioner or commissioners.

6. The amount paid or to be paid to each commissioner, in fees, *per diem* allowance, salary, travelling expenses, and incidentals of all kinds.

7. The number of witnesses summoned in each case to appear before the investigating commissioner or commissioners.

8. The amount paid or to be paid to each witness, in fees, *per diem* allowance, travelling expenses, or for any other services rendered.

9. The number of bailiffs and constables employed in each case, and the amount paid or to be paid to each for his services in any capacity.

10. The number and names of all lawyers retained or engaged in any way by the Crown to conduct each case, the amount paid or to be paid to each lawyer or counsel so engaged.

11. The number and names of all lawyers engaged by the defendants in each case, and the amount paid or to be paid to each of such lawyers for services rendered in defending the officer or other party accused, or for any other services rendered in defending such cases.

12. A copy of all reports made to heads of departments, or the His Excellency the Governor General in Council, by any commissioner or commissioners, together with his or their findings in each case; and a statement showing the action taken thereon by any head of a department, or by the Governor General in Council.

13. The name, age, office and salary of any and every person appointed to any office or employment under the government, in the place of, or in consequence of any person's removal or dismissal, as a result of the finding of any commissioner or commissioners.

He said:—It is not my intention to enter into any discussion on the subject matter of this question at present. We can deal better with it when the information is laid before the House. My reason for making a motion of this character is that I think it is unprecedented, in our history at least (and I do not know that history gives any example in the past) that so many commissions and commissioners have been appointed for the purpose of investigating what I think were the most trivial charges that could possibly be conceived of, and which, in some cases I know, have resulted in putting officials to very large expense in employing legal gentlemen to defend them, and in summoning witnesses to prove that the charges which were preferred against them were not true. I have reason to believe that in some cases the commissioners appointed by the government to make these investigations have so reported. I should hope that the government will, in cases of that kind, see that, for example, a postmaster whose salary ranges from $400 to $600 per annum, who was put to all the trouble and expense to which I have referred, will be generously dealt with where the charges have not been proved, and these men have sustained losses. I might say that in one case which arose under the old government, where very serious charges were preferred against a gentleman, it cost him $1,200 to $1,500 to defend himself. It was in the North-west Territories and he had to send all over the country for witnesses. The government thought, under the circumstances, that the charges not having been sustained, he should not be mulct of that amount, and they paid him. I hope that that precedent at least will be followed by the hon. gentlemen opposite.

Hon. Sir OLIVER MOWAT—I have no objection to the motion, so far as it is possible for us to comply with it. There is one paragraph in it that we have no means of informing the House about, and I think that should be struck out. That is the 11th clause which asks for information as to the number and names of all lawyers engaged by the defendant in each case. We cannot know that, and the amount paid we cannot know, and the services rendered we cannot know; but the rest of the information we may obtain, although it will take considerable trouble and will occupy a good deal of time, but we will do it.

Hon. Sir MACKENZIE BOWELL—I am aware of that, but there is no difficulty in obtaining that information by one of the clerks writing to the defendants.

Hon. Sir OLIVER MOWAT—Yes, but I would not be responsible for the answer I might get from defendants.

Hon. Sir MACKENZIE BOWELL—I do not think the government could be held responsible for letters sent by any of those parties. If the government recognize the claim as good, they could easily ascertain through other parties—through the commissioners and through the officers whom they employed as to the correctness of the statement.

Hon. Sir OLIVER MOWAT—It would be quite impossible to do so for the return asked. As a lawyer who has had a good deal of practice, I can say positively that a plaintiff's solicitor can not tell the expenses gone to by the defendant. I understand from what my hon. friend says now, that his object is to get these men to be paid the expenses they have incurred; but you will observe that he asks for this information not merely in regard to those who successfully showed that they were not guilty of any of the charges which the commission investigated, but also those who have been found guilty as well. I really cannot undertake to provide the information asked for in the 11th clause. We have not got it in the department and it is not known to the officials of the department. We cannot possibly get it except in such a way as my hon. friend mentions, and I decline to bring to this House, unsworn statements which the defendants might make as to the costs to which they may have been put. With regard to the repayment of the expenses of those officers who have been charged with offences which have not been made good, I think that may be a reasonable thing; it depends on circumstances. There may be some cases in which it should not be done, but I quite agree with my hon. friend, that as a rule it is a reasonable thing and I would recommend accordingly with regard to any such cases. I hope my hon. friend will not press the 11th clause; with that exception we can comply with the order.

Hon. Sir MACKENZIE BOWELL—For the reasons given by the hon. leader I

ask permission to drop that clause. At the same time I may say I had two objects in view. First the one to which the hon. gentleman has just referred—that is that these parties who have not been found guilty of the charges preferred against them should not lose more than a year's salary in defending themselves; and in the second place I was anxious to ascertain, so that the country would know what these commissions have cost not only to the government but what it has cost those men to defend themselves. I move that the 11th paragraph be struck out and that paragraphs 12 and 13 be numbered 11 and 12 respectively.

The motion was agreed to.

SALARIES OF CIVIL SERVANTS.

MOTION.

Hon. Mr. KIRCHHOFFER moved:

That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will cause to be laid before the Senate, a statement showing for each department of the civil service, the names, ages, offices and salaries of all persons employed either in the inside or outside divisions thereof; and those not in the civil service employed by the government in any department, who, since the 13th July, 1896, and in cases where no commission of investigation was appointed, have been removed from office by dismissal, superannuation or otherwise, specifying in each case the manner of and grounds for such removal, and the length of notice given to the persons removed, and the amount of superannuation or gratuity granted, if any; also, showing the name, age, office and salary or remuneration of any and every person appointed to the civil service in the place of, or as a consequence of, any such removal.

He said:—There is a slight clerical error in punctuation in the fifth line. After the words "thereof," there is a semi-colon where there should be a comma. It alters the sense somewhat, and with that amendment, I beg to put the motion.

Hon. Sir OLIVER MOWAT—To accomplish the object of my hon. friend and to make the motion clear, I think he would require a little further change. I would further suggest this, for the purpose my hon. friend has in view, in making the correction. The fourth line now reads "salaries of all persons." I would propose to make it read "salaries of such persons employed either in the inside or outside divisions thereof and such persons not in the civil service; as, etc."

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

The motion was agreed to.

RAILWAY TICKETS AND INSURANCE POLICIES.

Hon. Mr. BOULTON 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 the number of railway tickets sold by the various railway companies of the Dominion, those under the rate of two cents per mile, and those over the rate of two cents per mile. Also, the number of life insurance policies in force, dividing them as follows:

$ 500.00	and upwards.
1,000.00	"
2,000.00	"
5,000.00	"
10,000.00	"
25,000.00	"
50,000.00	"

And also, the number of infantile insurance and amount.

He said:—In asking for this return my object is to ascertain the number of railway tickets that are sold, annually, in Canada, and one of the objects desired to be attained by that is to compare it with the policy that has been adopted in England, of leaving railway tickets untaxed that carry at a low rate for the benefit of the working classes, and taxing railway tickets sold over a certain rate. The principle which prevails in Great Britain is to lift the burden of taxation entirely off the labour of the country, labour being the foundation of the wealth and prosperity of the nation, and to put it upon the profits of the country. And under that policy a greater distribution of wealth and greater prosperity prevails in the British Isles than with any other nation. One of the methods adopted in carrying out that principle, is the taxation of railway tickets in the manner I have described. In England the penny-a-mile rate was found to be very profitable, and increased passenger receipts; there is no doubt the same results will flow from a two-cent rate in Canada. In the same way with regard to insurance policies, the principle prevails. A stamp duty is imposed in Great Britain upon all life insurance policies, commencing at an excessively low rate on the small amounts, and increasing as the amounts of the policies increase. These are two very fair subjects

for the consideration of parliament and it is merely to draw attention to the principle upon which this is carried out that I have asked for these returns. In regard to life insurance policies it is decidedly advisable that something should be done in order to check, I will not say the growth exactly, but to check the zeal with which the collection of the money for these insurance policies is carried out by way of premiums to agents. The agents go so far now as to invade the kitchens and private premises in order to pick up insurance, and to induce the working classes to insure their lives. We have seen that there is a moral risk entailed now on life insurance in consequence of the criminal fraud which exists to such an extent as to make it desirable that the attention of the government and of the country should be drawn to that phase of the question. It would not be at all a bad thing if the government were to institute to a certain extent a state insurance for small amounts, say from five hundred dollars up to $1,000. By doing so, the working classes who desire to make a small provision for their old age, would not be subjected to and have to pay, the rates charged by life insurance companies necessary to increase their rates in order to cover the moral risk for the moral causes I have already spoken of. The principle that the government have adopted with regard to the issue of bank notes, might be applied to life insurance. The government issue small notes under five dollars, leaving the larger denominations to the banks. If the government were to institute cheap insurance for the poorer classes and those who cannot afford either to pay the risks or to insure for large amounts, they will be conferring a great benefit indeed upon that class. It is merely for the purpose of eliciting the principle that is involved in this that I ask for these papers. I dare say the government may not have them in their possession. If not, they have the power to call on all our public corporations to make such returns as they may deem from time to time advisable for the information of parliament as to the working of our large corporations. I hope, if such information is not available in the departments, the government will see their way to obtaining it so far as in their wisdom it seems proper.

Hon. Sir OLIVER MOWAT—The motion, I think, goes much further than my hon. friend can surely think necessary for his purpose. To require all our railway companies during the whole period they have issued tickets to give such returns as he asks for is out of the question. It would involve a large amount of labour and expense to them which would not be reimbursed, and I do not think there would be any advantage resulting from it. His purpose would be served, I should think, by limiting the time to, say, six months.

Hon. Mr. BOULTON—It was a clerical error not to say annually.

Hon. Sir OLIVER MOWAT—I hope the House will not put such a large expense on the railways. I may say the government have not such information in their possession. I suppose we have power by an Order in Council, to require every railway to make any return that it may be thought in the public interest they should make; but I certainly could not undertake to recommend the Governor in Council to pass an order for such a wide return as my hon. friend seeks to have. If he is content to say for the last six months of last year, or even, perhaps, for the whole of the year 1896, I think that would involve a good deal of trouble and some expense, but the railway companies might be very willing to furnish it.

Hon. Mr. BOULTON—It was not my intention to ask for anything covering such grounds as I see the language of the clause reads. My intention is to get returns for one year to ascertain information to base the argument upon.

Hon. Sir OLIVER MOWAT—Then after the word "sold" introduce the words "during the year 1896."

Hon. Mr. BOULTON—Yes, that will do.

Hon. Sir OLIVER MOWAT—I am afraid my hon. friend is far too sanguine in thinking that the railway tickets would prove a fit subject for taxation. I do not know that any of our roads are paying dividends that would warrant a tax of that kind; certainly most of them are not. Still the information might be valuable and I have no objection to the motion with the change I have suggested. I believe we have

the information with regard to insurance policies and I have no objection to giving it.

The motion was agreed to.

THE POSTMASTER AT WINDSOR.

INQUIRY.

Hon. Mr. CASGRAIN rose to

Inquire from the government, the reason why François Xavier Meloche, deputy postmaster of Windsor, has been dismissed from office?

He said:—Mr. Meloche has been seventeen years postmaster at Windsor. During that time there has never been a charge made against him—he has always been civil, courteous and obliging, yet without any warning he has been dismissed from office, though he has a large family and a wife who has been an invalid for the last five or six years.

Hon. Sir OLIVER MOWAT — My answer is this: Mr. Meloche was not dismissed, but has been placed on the retired list by an Order in Council, and he was retired to promote efficiency and economy.

Hon. Sir MACKENZIE BOWELL—Do I understand that his place has not been filled by the appointment of any other man?

Hon. Sir OLIVER MOWAT—I did not inquire as to that, and I have no personal knowledge of the subject.

Hon. Sir MACKENZIE BOWELL—The reason I ask is, how can economy be effected if somebody has been appointed in his place?

Hon. Sir OLIVER MOWAT—I daresay nobody has been appointed, but I do not know it as a fact.

BILL INTRODUCED.

Bill (E) "An Act for the relief of Adeline Myrtle Tuckett Lawry." (Mr. Clemow.)

The Senate adjourned.

THE SENATE.

Ottawa, Tuesday, April 27, 1897.

The SPEAKER took the chair at Eight o'clock, p.m.

Prayers and routine proceedings.

The Senate adjourned at Nine o'clock, p.m.

THE SENATE.

Ottawa, Wednesday, 28th April, 1897.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THE PRINTING OF PARLIAMENT.

MOTION.

Hon. Mr. SCOTT—Before the Orders of the Day are called, I desire to bring under the notice of the Senate a suggestion which has been made to me by some members of the other House. The Printing Committee of the House of Commons has been struck now nearly three weeks, but cannot organize or order any printing, so that it is a serious inconvenience to them not to have the members of the committee from the Senate named. I would suggest that the House, by unanimous consent, adopt the report of the committee of selection to-day, so far as the Printing Committee is concerned. I therefore move that the following senators be members of the Joint Committee on the Printing of Parliament:

Hon. Messrs. Armand, Arsenault, Bernier, Carling, Sir John, K.C.M.G., Dever, Dobson, Ferguson, MacKeen, Merner, O'Donohoe, Ogilvie, Perley, Power, King, Macdonald (P. E. I.), McKindsey, Primrose, Reid, Sanford, Sullivan, and Wark.—21.

The motion was agreed to.

CRIMINAL CODE AMENDMENT BILL.

SECOND READING POSTPONED.

The Order of the Day being called—

Second reading of Bill (B) "An Act to further amend the Criminal Code, 1892."

Hon. Sir OLIVER MOWAT said: Since this bill was prepared, proposals have been made to amend different parts of the Criminal Code, and the amendments do not all relate to the same subject. Since the introduction of this bill, I have had communications from hon. members and from others, pointing out other additions which could be made, some of which I am prepared to recommend to the Senate for consideration. It would be convenient to the House to have a fresh copy of the bill prepared putting in these various amendments in their proper places, and, further it will save a good deal of trouble and a good deal of time if to such proposed amendments as may be necessary, I should add some explanatory notes, pointing out the objects of the amendments. The form of the schedule to the bill is that article No. 500 should be amended by striking out certain words, and putting in certain other words. That is unintelligible of itself without looking at the original Act, and I know from experience how much trouble there sometimes is in making the comparison in such cases, and how unsatisfactory it is altogether, while a few explanatory words in such cases would make the whole matter clear. With the permission of the House I move that the Order of the Day be discharged.

Hon. Mr. ALLAN—When these notes are put in, is it proposed to give the explanations under each clause that is altered? I see there are explanatory notes here, but they are all on one page.

Hon. Sir OLIVER MOWAT—I had intended, and my manuscript showed, that those explanations should be at the end of each clause. Now that I intend to introduce additional clauses in the bill, I think it is better to put those notes in their proper places and to have the bill reprinted in that form. I am all the more satisfied of this being a good method from what has actually happened. I have had a strong letter from one quarter against a certain clause; if the writer had studied the clause in connection with the note at the end, he would have found that the clause had not the effect that he ascribed to it. The same thing may have happened with others, and I daresay has happened.

Hon. Mr. POWER—I would direct the attention of the hon. Minister of Justice to the necessity of an amendment which does not appear in this bill, that is, an amendment which would render guilty of a criminal offence, any married man who goes from this country to the United States, and there marries again and comes back to live in this country with a woman who is not really his wife. A bill to provide for such cases was introduced some couple of years ago, but it was afterwards abandoned: and I think it is a very serious omission in the law. I presume that the minister, having had his attention directed to it, will see that the case is provided for in the bill.

Hon. Sir OLIVER MOWAT—My attention has been called to the particular point my hon. friend refers to. Some doubt is entertained as to whether the Dominion has jurisdiction to make that a crime which is not committed in Canada, but is committed in another country. The crime is in marrying in the United States in such a case, but I am afraid we have no jurisdiction to pass a law by which we should punish here a person who has done something which was not a crime where it was committed. I daresay my hon. friend knows that if any one leaves this country for such a purpose as he mentions, or in other words with the intention of marrying illegally there, the offence comes within our law, but where it cannot be proved that the offender left here for that express purpose, he cannot be punished under our law. If my hon. friend would draw such a clause as he thinks would meet the evil, I shall be glad to consider it, but having given the matter some attention, I am not prepared, now at all events, to introduce a clause for that purpose.

Hon. Mr. POWER—Perhaps you could not say the man was guilty of bigamy, but there is no reason why we should not make it an offence for a man to come back and live in Canada under those circumstances.

Hon. Mr. BOULTON—Under our laws I presume a man who does that carries the penalty with him.

The motion was agreed to.

SECOND READING.

Bill (E) "An Act for the relief of Adeline Myrtle Tuckett Lawry."—(Mr. Clemow).

The Senate adjourned.

THE SENATE.

Ottawa, Thursday, 29th April, 1897.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THE LATE SENATOR BÉCHARD.

Hon. Mr. SCOTT—Before the Orders of the Day are called, I desire to call the attention of the House to the death of a senator during the Easter recess. Before the recess, hon. gentlemen will remember that the late Mr. Béchard was introduced in this chamber, and sat here for a few days. Although a senator for a very short time, the late Mr. Béchard for many years was a representative man in this country. There were very few whose period of election went back as far as 1867, the year that the first parliament assembled under confederation. Since that time the late Mr. Béchard continued to occupy a seat in the other chamber, having been elected no less than eight different times, and in the great majority of those cases he was elected by acclamation, thus showing the esteem in which he was held by the people of his county. He represented during that long period the county of Iberville. Subsequently, when St. John and Iberville were united, he continued to represent the united counties. Although he rarely spoke in the House of Commons, he was extremely popular with both sides of the House. He was of a comparatively unassuming disposition, and he had always a genial smile for those with whom he was associated, whether politically allied or otherwise. I am sure those gentlemen in this chamber who knew the late Mr. Béchard will deeply sympathize with his family in the unexpected loss of that gentleman.

Hon. Sir MACKENZIE BOWELL—I desire to add a few words to what has already fallen from the hon. member for Ottawa in reference to the deceased senator. I have had the pleasure of his personal acquaintance since confederation. He and I were two of the few who were left who entered parliament at the same time, and I think I may with safety re-echo every word the hon. gentleman has said in reference to the late senator. He never took a very prominent part in the business of the House of Commons, but he was one of those members who always had a smile and a good word for every one. It was my good fortune to be on the most intimate terms with him personally. We never had a disagreement, an unkindly word was never uttered between us, although we always voted—I think nearly always—differently upon political questions which came before the House. He was genial, good-natured, courteous and gentlemanly in every sense of the word. Personally I deeply regret his loss and the benefit which I have no doubt the Senate would have derived had he remained a member of it for any length of time.

STANDING COMMITTEES.

THE MOTION.

Hon. Mr. SCOTT moved that the following committees be appointed :

The Joint Committee on the Library of Parliament :

The Honourable the Speaker, and the Honourable Messieurs Allan, Almon, Baker, Boucherville, de, C.M.G., Drummond, Gowan, C.M.G., Hingston, Sir William, Kt., Landry, Masson, MacInnes (Burlington), Poirier, Power, Reesor, Ross, Scott, and Wark.—17.

The Joint Committee on the Printing of Parliament :

The Honourable Messieurs Armand, Arsenault, Bernier, Carling, Sir John, K.C.M.G., Dever, Dobson, Ferguson, King, Macdonald (P.E.I.), MacKeen, Merner, O'Donohoe, Ogilvie, Perley, Power, Primrose, Reid, Sanford, Sullivan, and Wark.—21.

The Committee on Standing Orders :

The Honourable Messieurs Aikins, Bellerose, Carling, Sir John, K.C.M.G., Macdonald (P.E.I.), Macdonald (Victoria), McDonald (Cape Breton), McKay, Mills, and Prowse.—9.

The Committee on Banking and Commerce :

The Honourable Messieurs Aikins, Allan, Bowell, Sir Mackenzie, K.C.M.G., Casgrain, Clemow, Cochrane, Cox, De Blois, Drummond, Ferguson, Forget, Lewin, MacInnes (Burlington), McMillan, Miller, O'Brien, Primrose, Robitaille, Sanford, Scott, Smith, Sir Frank, Kt , Thibaudeau (De la Vallière), Villeneuve, Wark, and Wood.—25.

The Committee on Miscellaneous Private Bills :

The Honourable Messieurs Adams, Armand, Arsenault, Baird, Bellerose, Bolduc, Boucherville,

de, C.M.G., Dever, Dickey, Dobson, Gowan, C.M.G., Hingston, Sir William, Kt., Lougheed, Macfarlane, McInnes (New Westminster), Merner, Montplaisir, Mowat, Sir Oliver, K.C.M.G., O'Brien, O'Donohoe, Ogilvie, Prowse, Robitaille, Snowball, and Sullivan.—25.

The Committee on Debates and Reporting:

The Honourable Messieurs Baird, Bellerose, Bernier, Boulton, Macdonald (P.E.I.), McCallum, McKay, Perley, and Vidal.—9.

The Committee on the Restaurant:

The Honourable the Speaker, and the Honourable Messieurs Almon, Bolduc, Lougheed, Macdonald (Victoria), MacKeen, and McMillan.—7.

The motion was agreed to.

THE COMMITTEE ON RAILWAYS, TELEGRAPHS AND HARBOURS.

MOTION.

Hon Mr. SCOTT moved that the following members be appointed a Committee on Railways, Telegraphs and Harbours:

The Honourable Messieurs Allan, Almon, Boucherville, de, C.M.G., Boulton, Bowell, Sir Mackenzie, K.C.M.G., Clemow, Cochrane, Cox, Dickey, Kirchhoffer, Landry, Lougheed, Lovitt, Macdonald (Victoria), MacInnes (Burlington), Masson, McCallum, McDonald (Cape Breton), McInnes (New Westminster), McKay, McKindsey, McLaren, McMillan, Miller, Mowat, Sir Oliver, K.C.M.G., O'Donohoe, Owens, Poirier, Power, Ross, Sanford, Scott, Smith, Sir Frank, Kt., Snowball, and Vidal.—35.

Hon. Mr. POWER—I notice that the hon. gentleman from Bothwell appears on only two committees, one of them a comparatively unimportant one, and I think it is desirable that this House should have the benefit of the experience of that hon. gentleman on this committee. I understand the hon. gentleman has been for several sessions on the Committee on Railways and Canals of the House of Commons. The name of the hon. gentleman from Toronto (Mr. O'Donohoe) is on the list which has just been read; that hon. gentleman has not been here this session and he is already on three committees. I therefore move, that the name of the Hon. Mr. Mills be substituted for that of Hon. Mr. O'Donohoe on this committee.

The amendment was agreed to, and the motion as amended was adopted,

CONTINGENT ACCOUNTS AND INTERNAL ECONOMY COMMITTEE.

MOTION.

Hon. Mr. SCOTT—With reference to the Committee on Contingent Accounts and Internal Economy, I would like to let that stand until to-morrow.

Hon. Sir MACKENZIE BOWELL—I was going to suggest that in the formation of this committee it was decided by resolution—although I do not know that I am in order in referring to what has taken place in committee—that it should be an entirely new committee, that all the old members should be left off. While it is true that I supported that resolution, I have grave doubts as to its propriety. I am still further impressed—and I wish it understood that I am not making these remarks in opposition to the suggestion of the hon. gentleman, but merely to throw out the hint—I am strongly of the opinion that some member of the government should be on this committee as it is really a patronage committee. It has been suggested by some friends on this side of the House (and I think the suggestion was a good one) that Mr. Reid of British Columbia having gone home not to return this session, his name might, without creating any feeling, be left off, and one of the hon. gentlemen sitting opposite me substituted therefor—say the leader of the House. It has been the practice in the past always to put the leader of the government on this committee.

Hon. Mr. McCALLUM—It would please me very much if my name were left off that committee, as I have no desire to be on it.

Hon. Mr. SULLIVAN—You are the best man on it.

Hon. Mr. POWER—The hon. leader of the opposition has made a very judicious suggestion, that the name of an hon. gentleman who will not be here during the session should be omitted, and the name of the leader of the House substituted. Although that may be violating the resolution which was adopted by the committee, it will not be violating the spirit of it, because it happens that the hon. leader of the House did not attend a single meeting of that committee last session.

Hon. Mr. PERLEY—I hardly think it a judicious suggestion, because I find it is the custom that all the sections of Canada are represented on this particular committee, but to-day the North-west Territories are not represented at all. Up to the present time the North-west Territories have had two members on that committee. I have always had the honour of being on that committee, and while I do not pretend to be a very efficient member of it, I do the best I can. Last session my hon. colleague was also appointed, giving us full representation on that committee, which I think was hardly fair or in keeping with the constitution of the other committees. But now when we are both struck off, it is something I really cannot understand. I think inasmuch as Mr. Reid has gone home, it would not be improper to appoint my hon. colleague to that committee, and let the leader of the government, if he desires to be appointed from Ontario, take the place of Mr. McCallum, or any other member who desires to resign. That would leave the government with one member from the province of Ontario. I think Mr. Reid's place should be filled by my hon. friend, and we should give every portion of the Dominion a fair representation.

Hon. Sir MACKENZIE BOWELL—Perhaps the hon. gentleman did not understand me or did not hear me. I said the committee came to a decision not to appoint any one on the Contingent Committee this year who was on the committee the previous year. It was not because he was from the West or because I was from Ontario that we were left off. My hon. friend from Monck is desirous of being left off, and we could substitute the leader of the government for him, and Mr. Lougheed could be substituted for Mr. Reid. That would not be strictly in accord with the resolution which we passed, but the House is bound by that resolution.

Hon. Mr. McINNES (B.C.)—Would the hon. gentleman be kind enough to inform the House why the committee came to the conclusion to recommend a new committee altogether? Why was that distinction made with this particular committee, any more than any other committee? It is something I cannot understand. Have they been guilty of some dereliction of duty? Hon. gentlemen may laugh, but it is only a few days ago that the hon. leader of the opposition rose and moved that the name of my hon. colleague from Victoria should be reinstated on the Nominating Committee to keep it intact, as it was last year. I should like to know why all the 25 members composing the committee on Internal Economy for many many years have been passed over. Many of them have been there, to my personal knowledge, for 16 or 17 years, and I think it is only due the House that some explanation should be given why they are left off, and new members substituted. I say—and I am within the mark when I say it—that you cannot find a committee on Internal Economy of this House since confederation without one or more members of the government on it. It is due the House that the hon. leader of the opposition and the hon. gentleman who has moved this resolution should give some explanation why the whole of that committee were summarily dismissed and other gentlemen placed on it.

Hon. Sir MACKENZIE BOWELL—My hon. friend opposite is chairman of the committee. Let him take the responsibility of explaining.

Hon. Mr. SCOTT—I had no more to do with it than to vote against the proposition that the members should be all new. I was in a minority; I thought the committee were not deserving of a vote of want of confidence. No explanation was given other than the determination of the majority of the Striking Committee to sweep the old members by the board. My hon. friend from Wolseley wants to know why the hon. senator from Calgary was left off. I suppose that hon. gentleman is capable of giving an explanation himself, because he was on the committee and acted with the majority. He voted to exclude himself from the committee; probably he may be able to enlighten the House as to the clause.

Hon. Mr. POIRIER—I, for one, have no special objection to the resolution that was passed, but I do not and cannot approve of the principle of putting men on who are all new to the functions of the committee. I am reminded of an historical fact which bears directly on this question. If my recollection is correct, one parliament in France,

before going to the country, passed a similar resolution to this forbidding any one then in parliament from being re-elected. What was the consequence? The new parliament was the parliament of 1793, which brought about the reign of terror. I hope this new committee, which is altogether new, will not repeat in this House anything resembling the enactments that were passed by the members of the parliament of the reign of terror in France.

Hon. Mr. LOUGHEED—My hon. friend, the Secretary of State mentions the fact that he had no sympathy with the motion submitted to the committee to form an absolutely new Committee on Internal Economy. My hon. friend was not very emphatic in his opposition to that proposition, because while I take a rather active interest in the proceedings of the committee I have no recollection of any expression of dissent on his part. My recollection is that no division was taken. Certainly the Yeas and Nays were not called for, and if my hon. friend will ask the clerk of the committee to produce such a list he will not be found among the dissidents. My hon. friend from Acadia has alluded to the reign of terror in France; his allusion reminds me of the fact that the change in the committee might possibly have been prompted by the reign of terror policy of the government on their advent to power in their dismissal of those who served and we may have been inspired by the same zeal which has influenced those hon. gentlemen in office. In regard to the observations made by my hon. friend from Wolseley I may say that when the question came up for consideration as to whether there should be a representative from the North-west Territories on that committee, with unanimity the members of the nominating committee referred to the valuable services rendered by my hon. friend in the past and expressed a regret that owing to the letter of the resolution it would be impossible to place a representative of the territories upon that committee much as they desired to have my hon. friend from Wolseley on the committee occupying a position on the committee as in former years. However, we had to sacrifice any personal feeling we had in the matter, because it was desirable to carry out the resolution not only according to the spirit, but according to the letter. I might say that in previous years the proposition had been submitted to the committee, but it had not received that favourable consideration it met with this year. I cannot say that I was in sympathy with the proposition. If my hon. friend, the Secretary of State, will remember I took very much the same position that he did himself. I certainly did not vote for or against it, but as the majority of the committee deemed in their wisdom that it should be done I submitted with very good grace. I hope the experiment will not result disastrously. Certainly it is worth trying and it is not like the laws of the Medes and Persians. If we find it does not work satisfactorily we can next session depart from the spirit of the resolution and introduce into the committee some of the old members who have had experience, and who, doubtless, can rectify any mistakes that may be made.

Hon. Mr. PRIMROSE—The hon. gentleman from New Westminster stated in his remarks that that committee was largely composed of men who had had an experience of sixteen or seventeen years upon the committee. Perhaps it was out of deference to the prevalence of superannuation that the change was made.

Hon. Mr. PROWSE—It is due to the old members of the committee that some explanation should be given for passing such a resolution and making such a distinction between the Committee on Internal Economy and all other committees. There must have been some cause to justify the committee in coming to such a conclusion. If some explanation is not given it will be on record that, for some unexplained reason, it was not considered desirable to have any member of the old committee reappointed.

Hon. Mr. OGILVIE—Was it for their bad conduct?

Hon. Mr. PROWSE.—If it was advisable to adopt that policy in the case of one committee, why not adopt it in nominating all the other committees? Why make such an invidious distinction? I feel sore on the subject, because I happened in previous years to be a member of that committee. I am not at all anxious to be reappointed to that committee, but I do not want any resolution placed on record that the Senate

has no confidence in one of its committees, unless it is stated definitely and positively what the reasons are for that want of confidence.

Hon. Mr. POWER—It is rather an objectionable practice to discuss what takes place at a sitting of a committee. The hon. Secretary of State was in the chair and, as far as I am aware, did not vote, and I found myself, as far as my memory serves, in a minority of one on the committee. There were some reasons given in the committee for the change but in the absence of the hon. gentleman who gave those reasons before the committee, I do not feel at liberty and I do not think that it would be regular to repeat those reasons now. With respect to the question raised by the hon. gentleman from Wolseley I may say that I deeply regret the fact that he was not to be on the committee this year. The nominating committee put on the hon. gentleman from Brandon to represent Manitoba and the North-west. I do not mean to say that that hon. gentleman will give the business such attention as the hon. gentleman from Wolseley did, but still the committee did the best they could with the material at their disposal. There was a feeling, in the House, I imagine, as well as among some of the members of the nominating committee, that a number of gentlemen had been on this Committee on Internal Economy for a great many years—I have myself been on that committee for 20 years —and there was a not unnatural feeling that it would be better to have a complete change and see if an entirely new broom would not do better work than the old broom had been doing. I do not suppose this session is to last very long or that any very revolutionary change will be made by this new committee, particularly as the action of the committee will be subject to revisal by the House which contains all the members of the old committee, and I think that perhaps we might as well try the experiment for this session.

Hon. Sir OLIVER MOWAT—The work of every committee is subject to revision by this House, and I see no reason why on that account the change should have been made which has been made. It is contrary to all precedent. I do not know what the reasons were—I do not know whether there were any reasons we could recognize. Whatever the reasons were, it is not thought expedient to state them to the House now. Ordinarily it is of great importance that a number of members of a committee should be experienced men. We who have to do with public life know the immense advantage in every important committee that a number of its members should be experienced men, and while it is desirable to have new blood now and then, there is nothing more important in the composition of committees than that you should not exclude experienced men. I have been a good deal in public life, both in the legislature of old Canada and in the legislature of Ontario, and I never heard of such a thing being done in any committee before, and why? Because it is not expedient to do it. It is not in the interests of the committee that it should be done. Certainly, when such an unusual course is taken, something contrary to all precedent, contrary to the reasons which ordinarily govern such matters, we should not be asked to assent to it without having good reasons for taking such a course. The House should refer this part of the report back to the committee for reconsideration. I am quite sure that anybody who speaks here would be disposed to say that experienced men, a considerable number of experienced men, should be on the committee, and if we are to make any discrimination at all, selecting those who were active and who were known to render good service before. On a committee such as this is, it is quite certain that there should be a member of the government. There is no committee on which it is more important that there should be a member of the government than a committee of this kind, the Committee on Internal Economy. Some hon. members have been kind enough to suggest my name to be added in some way to the committee in substitution for that of somebody else, but in consequence of my other duties, I could not possibly attend and therefore it would be a mere nominal thing putting me there. My hon. friend the Secretary of State is on two or three committees already, and if there is any rule which prevents him being appointed to this committee——

Hon. Mr. POWER—There is no such rule.

Hon. Sir OLIVER MOWAT—Then, there is no trouble about it. I would suggest to the House that my hon. friend Sir

Mackenzie Bowell who is a member of the committee, might very fairly and properly move that this part of the report be referred back to the committee on nomination for reconsideration.

Hon. Mr. SULLIVAN – I did not intend to make any remarks on this question, but I think it is very unfair to put such a resolution on record. A committee selected by this House make certain recommendations, and I presume the same confidence which we had in them before we have in them now. I do not think it is right that all the little matters which have arisen in the committee should be ventilated here It is the duty of the House to support the report of that committee. One would think by the remarks made by the leader of the House that the state was in danger—that this committee has to do with things that are weighty and of great moment. As far as I know, its duties are merely the hiring of pages and the engagement of a few people around the House, matters of insignificance, and why should we vote want of confidence in this committee without sufficient reason. If it is necessary that a member of the government should be on it to guard the expenditure, let one be named, but it is entirely unfair to reject the report of the committee. If I were a member of that committee I would have nothing further to do with it if this House resolved to send the report back. I presume the committee gave the subject the fullest consideration. I was on that Committee on Internal Economy before and I rejoice to find that I am not to be a member of it again. I think all the old members find it agreeable to be left off the committee. I hope this House will not stultify itself—pardon me if I use too strong an expression—will not refuse to endorse what the committee have done. I can see valid reasons for the recommendation of the committee. Members have been so annoyed with canvassing and applications from people that they are to a certain extent handicapped, and it is very proper to clear them all out and put new men in who will be free to act in the best interest of the House and of the country.

Hon. Mr. OGILVIE—It is somewhat inconsistent for my hon. friend from Kingston to lecture the House for presuming to offer a motion resembling a want of confidence motion in that committee when, at the same time, that very committee has passed the worst kind of a motion of want of confidence by kicking out the old committee, and then, having done so, refusing to give a reason for it. I do not pretend to say that the committee have done anything that is wrong, but if they are such autocrats that they do as they please without giving a reason for it, there is perfect reason in what the leader of the House has said. I was a member of the Committee on Internal Economy, and I am very glad to be off it, but I think there should be a reason given why the old committee was kicked out bodily. They must have done something wrong. It could not be for having done what was right. Some few years ago, there was grumbling about this committee, when Sir John Abbott was premier, and it was then proposed to reduce the number of the committee to seven, nine or eleven. Had this nominating committee done something of that kind, I could have understood it. I think now, and have always thought, that it would be a very good thing, indeed, to reduce the committee.

Hon. Mr. McINNES (B.C.)—They did reduce the number from 35 to 25.

Hon. Mr. OGILVIE—That was some time ago.

Hon. Mr. McINNES (B.C.)—Some four years ago.

Hon. Mr. OGILVIE—I am aware of that. Had the committee reduced the number from 25 to a small number, I would have said they were quite right in doing so, and in appointing an entirely new committee. I do not often disagree with my hon. friend from Kingston, but I cannot, for the life of me, see why he thinks it would be passing a vote of want of confidence in the nominating committee, when that very committee kicks out a committee of twenty-five members, without giving a reason for it.

Hon. Mr. PERLEY—I did not bring up this matter from any personal feeling, but because I think the section of country which I represent should be represented on that committee. I felt, too, that if for the last couple of sessions it was necessary for our part of the Dominion to have all its representatives on that committee, certainly there is no reason why they should all be put off now. I am quite in accord with the idea

that we should be represented. I do not want to be on it myself; in fact, I would not serve on it. I have never asked to be on a committee, but whatever position I have held I have endeavoured to fill it to the best of my ability. I take exception to the remarks of my hon. friend from Kingston. The year before last I voted against a report of a committee, and was blamed by members of the committee for the course I took. To my mind, we are here to vote according to the best of our judgment. We name a committee to report on certain matters. If that report is in accord with our views, we sustain it; if it is not, we should oppose it, and we should not be lectured for the course we pursue. The committee can report, and we can deal with their report as we think proper. That is what I have done in the past and what I propose to do in the future. I brought up this matter, not in my own interests, because I do not want to serve on the committee, but because I think the territories should be represented on the committee in common with other parts of Canada, and, inasmuch as Mr. Reid, a British Columbia member, has gone home not to return this session, it was fit and right that he should be replaced by a representative from the territories, and I suggested the name of my colleague, who is both able and competent and quite as good as any member of the committee.

Hon. Sir MACKENZIE BOWELL—I do not know why the leader of the government should throw the responsibility on me to move to refer back the report. The hon. gentleman should take the responsibility himself. I am not going to object to it, and I do not know that any hon. member does object. My hon. friend from Halifax is in error when he says that he was in a minority of one on that committee, he was in a majority of one with myself The only reason given for the course taken by the mover who, I regret to say, is not present now, was the fact that it was a patronage committee, nothing more and nothing less, and it was thought it would be better that it should be composed of new members who had not been on the committee in the past. As for any want of confidence in the members of the former committee, I scarcely think that the gentlemen who form the nominating committee acted on that principle. I myself had been on the Committee on Internal Economy ever since I have been in the House; my hon. friend from Halifax, the Hon. Secretary of State, my hon. friend from Calgary, and nearly all the members who struck these committees, have been on the Committee on Internal Economy, so the recommendation was not made with the intention of casting any reflection on any members of the old committee, because had they done so they would have been casting reflections on themselves, but it was for the sole reason that they thought it better that the committee for this session should be composed of new members altogether. The reasons urged by the hon. leader of the government in the House were urged before the committee. I know I am transgressing the parliamentary rules in referring to what took place in the committee; it is not usual; it is not in accordance with the parliamentary practice; but, as it has been done, I may merely state the fact that these reasons were urged, and so evenly divided was the committee that it was only carried by a majority of one, and I for one certainly will not consider it any reflection upon myself as a member of the committee nor do I think the members of the committee will—if the hon. Secretary of State, who was chairman of the committee should move to refer this clause back for reconsideration. I admit there is a great deal of force in what the hon. leader of the government says, that on all important committees, members who have been in parliament for a long time, who have had a good deal of experience, should be put upon these important committees, that is one reason why the hon. member from Bothwell should be put on the committee. His long experience would enable him to take hold of any work which would be allotted to him. That is the only reason that actuated myself in voting in the committee for the course which has been pursued.

Hon. Sir OLIVER MOWAT—It appears evident from what has been said on all sides that the House would like this to be reconsidered, and therefore I move that the report of the striking committee be referred back to the said committee, to reconsider it so far as the same relates to the Committee on Internal Economy and Contingent Accounts.

The motion was agreed to.

The Senate adjourned.

THE SENATE.

Ottawa, Friday, 30th April, 1897.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THE HARROUR OF CAPE TORMENTINE.

MOTION.

Hon. Mr. WOOD 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 copy of regulations respecting the discharging of ballast by vessels arriving at Cape Tormentine, Westmorland County, New Brunswick; and a copy of the instructions given the harbour master, respecting the disposal of such ballast.

He said: I may say, in order that the hon. gentleman who is leading the House may understand the object of this motion, that the harbour at Cape Tormentine was created a separate harbour in 1895 after the completion of the wharf which the government has constructed there, and which was finished in 1893. The object the government had in constructing that wharf was to open a better means of communication at these points, between Cape Tormentine and Cape Traverse, with Prince Edward Island. Owing to the fact that there is no wharf on the island side, this wharf has not been utilized for that purpose, but in the meantime shippers of lumber in that section of the country have found it a very convenient place for shipping their deals, and last year a very considerable quantity of deals was loaded at this harbour from this pier. At first, in 1893-4, very few vessels indeed arrived there, but those that did arrive discharged their ballast in the small space that had been left in the wharf at the time of its construction. That however was soon filled up. Last year there were as many as thirty square rigged vessels loaded with deals there for Great Britain. Outside of the wharf, about a mile or a mile and a half, there is a reef extending from just opposite the wharf to what is called Lighthouse Point on Jourimain Island. Between this reef and the wharf, these vessels lie with comparative safety in ordinary weather in thirty to forty feet of water. It appears that last year, and my attention was only called to the fact in the fall of the year, those vessels were allowed to discharge their ballast while lying at anchor in that part of the harbour. Of course, they like to do so because they get rid of their ballast without any expense, simply hoisting it over the side and throwing it into the water. Some of this may be washed away, but a great deal of it is of very hard material and as anybody must know forms heaps in the bottom of the harbour, and if this practice is continued it will certainly, in a very short time, destroy the anchorage grounds there. I may say in the harbour of Baie Verte adjoining, vessels were allowed some years ago to adopt this practice, and that harbour has been very seriously injured. It is very difficult now to get large vessels to come up into the best part of the bay and lie there at anchor. When my attention was called to this, I spoke to the harbour master about it and called his attention to the fact that it would injure and very soon destroy the harbour if this practice was continued, but he claimed that under the regulations or instructions under which he was acting this was perfectly allowable, that there was nothing to prevent it—that he had no power to prevent vessels from doing this. I spoke to him again this spring, and he says that he intends to endeavour to have them discharge their ballast further out, outside the reef, to which I think there could be no objection; but I consider it a matter of great importance, and my object in bringing it up now is that the attention of the government may be called to it, and that if no regulations have been adopted, regulations should at once be adopted before the evil goes any further.

Hon. Sir OLIVER MOWAT—The present government has made no regulations and given no instructions regarding these matters. I expected to hear, before the motion was made to-day, whether there were any regulations by former governments, but I have not yet learned, and my hon. friend had better repeat the motion on Monday. Of course it will be granted if there are any such instructions or regulations.

The motion was allowed to stand.

APPOINTMENT OF JUDGE ROUTHIER.

INQUIRY.

Hon. Mr. LANDRY rose to inquire:

1. At what date was Judge A. B. Routhier, of the Superior Court for the province of Quebec, appointed?
2. Since that date, how many times has he been granted leave of absence?
3. For how many days on each occasion?
4. Was it at the request of the Government or of any member thereof that the said Judge Routhier came to Ottawa, in the month of April; and for what purpose did he come?
5. Does the Government know whether, at the time of such coming to Ottawa, or since, Judge Routhier has obtained a new leave of absence, and for how long?
6. Has the Government entrusted him with a diplomatic mission, and if so, to whom?

Hon. Sir OLIVER MOWAT—To the first question, my answer is that Judge Routhier was appointed to the judiciary of the province of Quebec on the 9th December, 1889. He had been previously, namely in 1873, appointed to Chicoutimi, To the second question, my answer is that since 1889 he has not once been granted leave of absence. To the third question, as to how many days' leave on each occasion, I have already said that there was no such occasion. In reply to the fourth question, I have to inform the hon. gentleman that it was not at the request of the government nor so far as I know of any member thereof that the judge came to Ottawa in the month of April. As to the purpose of his coming, there is no official record, but I have ascertained otherwise that he came to meet his daughter who was on her way to the old country. In answer to the fifth question, I have to say that Judge Routhier did not obtain a leave of absence at the time referred to or any other time. And to the sixth question, I have to answer that the government has not entrusted him with any diplomatic mission.

QUEEN'S BIRTHDAY BILL.

SECOND READING.

Hon. Mr. MACDONALD (B.C.) moved the second reading of Bill (C) "An Act to commemorate the reign of Her Majesty Queen Victoria by making her birthday a holiday for ever." He said: I am much pleased to think that there are questions and grounds on which both political parties can sometimes meet to agree, and this is one of them. Doing honour to our Queen is a question in which we can all unite with every degree of satisfaction.

In moving the second reading of this bill, I feel it to be my pleasing duty to say a few words to you on the life and reign of Her Most Gracious Majesty Queen Victoria. My motive and sole object has been to do honour to Her Majesty, on the eve of the completion of the sixtieth year of her illustious reign.

Before leaving home in thinking over the different ways of doing honour to Her Majesty on this most interesting occasion it occurred to me that it would be a graceful compliment by the Parliament of this the oldest, most populous and influential colony of the Empire to perpetuate Her Majesty's birthday and name by such an Act as this. I have had resolutions and letters of approval of this bill from different parts of the country. It has come to my notice that this idea of "Victoria Day" was suggested by a gentleman in Milton, Ontario, last October, and by others in England last January. I am glad to know that others thought of this manner of honouring our Queen. I give them full credit for it and hope to be the means of giving practical shape to their ideas and mine. If we look at this measure from the humanitarian point of view, apart from the honour to Her Majesty, we will see that this holiday comes at a time of year when the sun is in the ascendency in our mother country, giving life and light to the varied beauties of nature. "When every prospect pleases," and vernal beauty reigns supreme. What a boon to the toiler, especially the indoor toiler, that he or she can with family, friend and companion, enjoy to the full a long day in the beautiful country by river and meadow. These reasons together with the fact that the 24th May has been a holiday for sixty years should be sufficient grounds for this bill becoming law although not the main ground. I will read with the permission of the House an extract from the Canadian Magazine for April dealing with that day. It is headed "Victoria Day" and is as follows:

The celebration of Her Majesty's diamond jubilee by making the 24th of May a holiday in perpetuity under the name of Victoria Day, was first proposed in "The Canadian Magazine" for October, at the suggestion of the writer, and since then it appears that a somewhat similar suggestion

has been made in England by Sir John Lubbock. The idea has received considerable attention in the newspapers, and seems to be the most feasible and the most fitting from a national point of view, and the most popular of the schemes laid before the public.

Many of the proposals have much merit, but from their philanthropic aspects are adapted rather to private than to national enterprise. Others are impracticable as involving the expenditure of large sums of money on museums and art galleries which would be of benefit rather to those of æsthetic tastes than to the public generally; while others, again, are fanciful, of which the suggestion to have the Canadian Parliament beg Her Majesty to further burden her declining years with the title of Queen of Canada is a fair example.

It is impossible to realize the loss there will be to our athletic and sporting interests generally which the absence of the May holiday will bring about; and the necessity of taking steps for its preservation, when such an excellent opportunity affords, should not be lost sight of.

The present Parliament by legislation on the subject can endear its memory to lads of the twentieth century, and it may yet be known among them as "The Good Parliament."

There is no form of celebration which so appeals to young and old, rich and poor, as a holiday in early summer, and there can be no better method of keeping before posterity the great advances and the enormous progress during Her Majesty's reign than by establishing, as a perpetual holiday in Canada, Victoria Day.

It will be a lasting and pleasing memorial of our close relationship with the mother country, and of our share in the Greater Britain, which has been built in the last sixty years, as well as a tribute to the womanly qualities of her whom it is thus proposed to honour.

While Victoria Day would be as lasting as bronze or marble, it adds nothing to the national expense. It does not add even an extra holiday, until after such time as a new sovereign shall have ascended the throne. No distribution of political patronage or public funds would be entailed by the adoption of the idea by the nation. It would afford our children and ourselves a holiday at the most fitting season of the year for outdoor festivities; it would hand down the name of the greatest Queen-mother that the world has ever seen to a posterity that must be greatly benefited by the good that she has accomplished in her day and generation; and it would mark an age in the world's history which is akin to "the Golden Age," in which science and literature, art and commerce have made a progess too great to be, at present, properly estimated, and in which the doctrine of the brotherhood of man has come most nearly to realization.

I freely confess to being aware of my inadequacy to place before your honours, and before the country, a word picture of the life and reign of Her Most Gracious Majesty Queen Victoria, which will do some small justice to her many virtues and beneficient rule. But I expect, and hope that other hon. gentlemen, with greater powers of eloquence, will produce word pictures far superior to mine. Well, let it be so; let every honour that every tongue and pen can give be given to our Queen, and I will be satisfied to have my picture hang in the shade. I am fully impressed with the knowledge that no panegyric is necessary to add lustre to Her Majesty's life and crown or to induce parliament to do her honour living as she does in the hearts of all of us, living in the affection and esteem of the empire, and in the high estimation of the great nations of the world. The Duke and Duchess of Kent were living quietly in Germany previous to the birth of young Victoria; but in the hope that an heir to the throne of England might be born to them, they took up their residence in England, where Her Majesty first saw the light of day, and where she was carefully reared and trained for the high office she might one day fill. Her father, the Duke of Kent, died when the Princess Victoria was a few days old, casting the care of the royal child entirely on her mother, the duchess, to whom too much praise cannot be awarded for the natural, womanly and godly manner in which she reared the Princess Victoria. Her early training has brought forth fruit in a beautiful life, and reign. The death of King William IV., in June, 1837, and the accession of the lovely young Princess Victoria, who was living quietly with her mother, the Duchess of Kent, at Kensington Palace, her being awakened in the middle of the night by the arrival of Lord Melburne and the Archbishop of Canterbury, to tell her she was Queen of England, the dignified manner in which she received the announcement, and the readiness to transact business next day, are events so well known to hon. gentlemen that I will not dwell on them. The marriage of the young queen in 1840 to her own kinsman, Prince Albert of Saxe-Coburg-Gotha, three years after her accession, again marks her wisdom in the choice she made. The prince was a wise, and prudent consort, and of valuable assistance to the Queen in dealing with national and foreign affairs. This alliance received the approval of the nobles and people at large, and the result fully justified such approval.

Prince Albert in writing to the youthful Queen before their marriage, says:

You are queen of the mightiest land in Europe. In your hand lies the happiness of millions. May

heaven assist and strengthen you in that high and difficult task. May your reign be long, happy and glorious, and may your efforts be rewarded by the thankfulness and love of your subjects.

How accurate was the prince's estimate of the vast British Empire, and how literally and fully his beautiful prayer for Her Majesty has been realized! Quoting a couplet by Theodore Martin and substituting she for he, is most apt:

> Whatever records leap to light
> She never shall be shamed.

We may feel assured that no revelations will hereafter cloud Her Majesty's name and reign. Her Majesty is no accidental sovereign. Descending by undisputed succession from a long line of kings and queens, she has, from the day of her accession to the throne, to this day, exercised the power of a sovereign with the power of a beneficent and constitutional ruler. She has shown great wisdom and firmness. Her life has been one of action, swaying great movements and stamping her impress upon events of far reaching importance. As a woman, tender, considerate, and affectionate, yet remarkable for her firmness, holding for sixty years a masterly grasp on all affairs of state, and taking a deep interest in the often subtle movements and political life of other nations, Her Majesty's clear reason, and well balanced judgment often predominating—yet with so much tact, and her views so systematically moulded, as not to overstep the limits of constitutional parliamentary government. The British throne has not before been occupied by so constitutional a sovereign as Queen Victoria, bending gracefully to the self-governing aspirations of a free people, who live in the freedom and elastic strength of the British constitution. Whilst restraining herself most scrupulously within the lines of responsible government, she has not played a colourless or neutral role.

When the Archbishop of Canterbury came to prepare for the marriage ceremony, it is said he felt perplexed and uncertain how to act, when he came to that part of the service where the wife has to say she will "obey" her husband. How could the queen be asked to obey a man who had just been naturalized as her subject! The matter was referred for Her Majesty's pleasure, and her common sense was again shown. She said "I wish to be married like any other woman."

They were a model husband and wife, model parents, training and bringing up a large family in high culture, virtue and godly fear, and to be useful members of the commonwealth. We find the royal sons serving in the two great branches of the public service, the army and navy, with credit and distinction, and we will long remember with pride and satisfaction their noble and charming daughter, the Princess Louise, whom we had in Canada for five years. Her Majesty and her consort possessed of every enobling quality, and highly gifted intellectually, leavened and elevated the social life of the empire, and were a guiding star to other nations.

We all know how long and how deeply Her Majesty mourned the loss of her wise and excellent consort, Prince Albert, and how in her own affliction she, with her kind heart, tried to sooth the afflictions of other widows in the land. We also know that Her Majesty has from time to time visited military and other hospitals, to cheer and comfort some of her loyal wounded soldiers, and other afflicted persons. On one occasion the Duchess of Sutherland presented a superbly bound copy of the Bible to Her Majesty on behalf of a number of loyal English widows. The Queen replied:

> My dear Duchess—I am deeply touched by the gift of a Bible from many widows and by the very kind and affectionate address which accompanied it. Pray express to all these kind sister widows the deep and heartfelt gratitude of their widowed queen. But what she values more is their appreciation of her adored and perfect husband.

Although Her Majesty's reign is termed a reign of peace, it can only be so considered relatively, but when compared with the condition of the empire even 100 years ago, it will bear that happy term—peace! Hon. gentlemen can look back on many anxious, restless years, and on many great battles fought during Her Majesty's reign, crowned with victory to the British arms. Many of us can remember the Crimean War, entered into to preserve the integrity of that blot on Europe—the Turkish Empire—as a buffer state between the Russian hordes and civilized Europe; also the widespread and horrible mutiny of the native soldiers in India; the Chinese War; the New Zealand War; with various smaller wars in Africa, Afganistan and other parts of India, but upon the whole, when compared with other not very remote epochs, the Victoria era may

well be called one of peace. Although that noble and glorious achievement the abolition of slavery had been practically settled years before, yet during Her Majesty's reign the final settlement was accomplished. After thirty years of agitation on this subject humane ideas prevailed. Vested rights were satisfied by payments by Great Britain amounting to $100,000,000 to British planters, $2,000,000 to Spain, and $1,500,000 to Portugal. Henceforth in these countries the traffic in human beings should cease—and the black man be free for ever.

Other great rulers are remembered in different ways, and for different reasons—some for prowess in the battle-field, some for wisdom in affairs of state, some for folly, cruelty, intrigue and immorality—many of whose reigns are not marked by much progress, freedom, or the upholding and development of constitutional rights. The names of other monarchs may be written in marble, and bronze, but that of Queen Victoria will be engraven in the heart of a loyal nation. The Victorian era will be marked as the most enlightened and progressive in the history of the nation, including that of the numerous colonies. The principles of parliamentary government by the people were in their infancy when Her Majesty came to the throne, and this great Dominion was divided into petty colonies, governed by crown colony governors, or one-man government with no regard for the voice of the people, and the country was torn and kept back by faction and rebellion. The genius of the British people, together with the liberal ideas of Her Majesty, and a clearer understanding by her ministers of the rights of a free people, removed a dark cloud of discontent from this country. With the freedom of self-government the country marched on to progress, culminating in the welding of those separate North American colonies into a united Dominion —stretching from the Atlantic to the Pacific under one stable government, over 5,000,000 of people—proud to call Victoria their queen. The marvellous power and cohesion of the British empire can be seen when we consider that the territories and populations of India, Australia and Canada are large enough to form three great nations, yet so strong is the sentiment of loyalty and content that pervades the inhabitants of those countries, that they rejoice in their allegiance to the sovereign whose throne and emblem of power sits in the small British Isles. Her Majesty has ever been gracious and loyal to this country of ours, bestowing many favours on it, and conferring well earned titles of distinction on our most prominent statesmen, in which we have an honourable and living illustration in four gentlemen on the floor of this House.

It must be great satisfaction to all of us to know that Her Majesty with her increasing years is a sovereign and ruler in fact, and not in name only. We can look with pride, and much satisfaction to the arrangements now being made in London by the British government for the reception of some of the public men of this country, who have been invited to take part in the celebration of Her Majesty's diamond jubilee.

It would take up too much of your time were I to dwell on what all of you realize, as much as I do, that is the growth of population, the progress in educational facilities, the enlightenment of the people, the progress of civilization, the arts and science, the enormous expansion of commerce, our ships, and the British flag to be seen taking the first place on every sea and ocean and in every land and clime—and nearly all this great development during the reign of Her Majesty. Having placed before you a few facts in connection with Her Majesty, I think I may now say a few words about her loyal subjects. We may justly consider Her Majesty most fortunate in ascending the throne of the British Empire in the latter part of the 19th century, when the lust of conquest had ceased, when the lines of demarcation between the great nations of Europe had been firmly settled, and when the old rivals, France and Great Britain, have been found fighting side by side, when the science of constitutional government had fallen into well defined grooves, when art, commerce, science, discoveries in steam and electricity became largely developed, when literature and other intellectual pursuits were more sought after than war and rapine—and when swords could be turned into plough shares. Happy is the queen who rules such a people. Happy is the queen who in this century of progress, rules so many millions of the Anglo-Saxon and Anglo-Norman race, who carry with them to the different quarters of the globe, the elements of civilization, progress and self-government, feeling

secure in the knowledge that the ever vigilant eye and the mighty arm of the ruler of the British empire will shield them in every remote part of the globe should their rights be invaded by any foe. Hon. gentlemen, such a queen, and such a people have made the Victorian era what it is—our pride and the pride of the empire.

The preamble sets forth what the bill means. The Interpretation Act defines all the public holidays in the country, among others the 24th of May, the Queen's birthday, and this Act extends that day perpetually, and here I think an amendment would be very proper, calling the day "Victoria Day" and that amendment could be made in committee of the whole. The other paragraph of the bill refers to the bank holiday. It will be necessary to extend that, the same as the other day is extended.

Hon. Mr. PROWSE—I quite agree with all, or nearly all, that has been said by the hon. gentleman who has moved the second reading of the bill. I do not think the powers of man can fully describe the good traits of Queen Victoria and the benefits and blessings that the British Empire has reaped from the reign of Her Majesty Queen Victoria. I am not going to make a long speech on that point. I believe she has been, and is still, a model woman, a model wife, a model mother and a model sovereign. While I say all that, I am not disposed to give my support to the bill now before the Senate, and in a few words I will try to give the reasons why I am opposed to it. I do not consider that we are justified in imposing upon the people of this country a tax equal to one-third of one per cent of their annual earnings.

Hon. Mr. ALMON—Hear, hear.

Hon. Mr. PROWSE—That is a very heavy tax indeed, and I think if we look forward to the next 50 years and see the great struggle that the labouring classes from this time will experience in making a living for themselves, that they will scarcely be able to look back fifty years and say it was a blessing that the Queen's birthday was made a public holiday. I think her record is such that it requires no act of parliament to embalm her memory in the minds of the present generation, and so long as the English language is written and spoken, her memory will never be forgotten. But, hon. gentlemen, I do not think we are justified in adopting the course suggested or mentioned by a celebrated character who was prepared to sacrifice all his wife's relations for the benefit of his country, and I do not think we are called upon to sacrifice a great deal of the earnings of the poor people of this country to commemorate Queen Victoria's birthday, because I hope that the sovereign who rules Great Britain, when Her Majesty is laid in her grave, will be as good and celebrated a sovereign as Her Majesty is to-day and, as the years roll on, each succeeding sovereign of Great Britain will be a model of purity, honesty and integrity.

Hon. Mr. MILLS—My hon. friend the senator from British Columbia who has submitted to this House the bill now before us, has asked me to second the proposition, and I have great pleasure in doing so. I do not take the same view of the subject which the hon. gentleman has taken who has just addressed this hon. House. The observations which the hon. gentleman has made with regard to the tax on the people of this country on account of having a holiday taken from their ordinary pursuits, does not impress me as much as it impresses the hon. gentleman himself. At the time of the Reformation, a great many reformers held to the view that there was no obligation to observe Sunday and they believed that it was wrong to impose upon the people of England the legal obligation of observing that day as a day of rest, and if the view just expressed by the hon. gentleman were a sound one, there would have been great force, from an economic point of view, in the opinions advocated by those reformers in England who thought it was improper to impose upon the people the obligation to observe Sunday.

Now, in my opinion, a day devoted as a holiday by a nation is not a day taken from the industrial pursuits. On the contrary, we find that the progress of a community in material prosperity largely depends upon their intellectual progress, and upon the moral fibre which they exhibit, and neither the continued industry during the seven days of the week nor devotion to the ordinary pursuits nor both together are enough of themselves to secure the general prosperity of the community and the wealth of the nation at large

There is perhaps an objection to making a holiday a perpetual holiday; but no measure that may be enacted by this parliament is like a law of the Medes and Persians—unalterable. I take it that that provision of the bill is nothing more than the expression of loyalty and good-will on the part of the people of this country towards Her Majesty, and if it were found at some future period during the reign of some other prince inconvenient to continue this as a holiday, it would be no reflection upon the memory of Her Majesty if the Parliament in existence at that time should undertake to repeal the bill. With regard to the holiday, the birthday of Her Majesty, it is an extremely convenient season on which a holiday may be observed, and that being so, I see no objection whatever to the adoption of the 24th of May as a holiday as proposed by the bill of the hon. gentleman now under the consideration of this House. There are many things which have happened during the reign of Her Majesty which makes it appropriate on the part of the people of this country to commemorate Her Majesty's birthday. So far as Canada is concerned the reign has been one of singular interest to us. It has been during Her Majesty's reign that the principle of parliamentary government has been fully recognized. And this subject was brought under the attention of Her Majesty's advisers at an early period of her reign by statesmen of this country. These gentlemen stood at the point where the ways part. They had an opportunity of considering the English system of parliamentary government and the American republican system; and after very full deliberation, statesmen like the Hon. Robt. Baldwin and the Hon. Mr. Lafontaine came to the conclusion that the adoption of the English parliamentary system would be greatly to the advantage of the people of British North America, that it was to be preferred to that system which had been adopted by our neighbours to the south. The United States government has undergone great changes during Her Majesty's reign. It was at the beginning of this reign, as it was at the time of its institution, a republican system. It then became a democracy; and it has now become an ochtarchy. It was a government by the representatives, a government by the public at large; now it is a government by the least qualified section of the republic. Against that system of progress in political descent, we have been largely protected by the wisdom of those statesmen who insisted upon the introduction in this country of the English parliamentary system, and it was during Her Majesty's reign that that good fortune fell in the first instance to the people of Canada and ultimately to the population everywhere of the British Empire. And I may say to hon. gentlemen that it is during Her Majesty's reign that we have here introduced a federal system of government, a system which has reconciled the English parliamentary and representative system with an indefinite extension of territory. Under that union, although we may differ as to the wisdom of many of the measures—either on account of legislation or in spite of legislation—and I care not from which point the matter may be viewed—this country has made very great progress. That being so, I see no impropriety, on the contrary I think it is well, that we should adopt the measure of the hon. gentleman, not with a view of tieing the hands of those who may succeed us in the discharge of public duties after our duty has ceased, but as a present expression of the opinion of the people of this country through those who speak on their behalf, of their appreciation of the great advantages which they have enjoyed, and of the great progress which this country and the empire has made, under the reign of Her Majesty Queen Victoria.

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

The Senate adjourned.

THE SENATE.

Ottawa, Monday, 3rd May, 1897.

THE SPEAKER took the Chair at Three O'clock.

Prayers and routine proceedings.

NEGOTIATIONS FOR RECIPROCITY WITH THE UNITED STATES.

MOTION WITHDRAWN.

The motion being called:

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 copy of the commission and instruction to the ministers who proceeded to Washington, to discuss the question of reciprocal trade between United States and Canada; specifying the commodities in which reciprocity was sought, together with the reply of the United States authorities to the ministers on this subject.

Hon. Mr. MACDONALD (B.C.) said: This notice of motion has been on the paper for some time now, and since it was put there a great many changes have taken place in the trade policy of the neigbouring republic and of Canada as well. I do not intend to go on with the motion to-day—I intend to drop it. My object was to show the government that reciprocity in farm products would be most injurious to British Columbia. We have no surplus to export, while the neighbouring states of Washington and Oregon have a very large surplus, and our province is their only market. As it is now, even with a duty, they invade our market and keep down the prices of our farmers. If free trade in those articles were given, I have no hesitation in saying they would swamp our farmers entirely and ruin them, and we could not carry on farming in our country. That was one of my objects in bringing up this motion; the other is this: knowing that hon. ministers had gone to Washington on the subject of reciprocity, I wished to know how far they were proceeding and what they proposed to offer to the United States in return for free trade between the two countries. I am now satisfied that those gentlemen got no reply of a definite character—in fact, the United States would not, at that time, hear of reciprocal trade in any shape or form. This is a very important question, and it is one that should not be entered into as a hobby by any party or government. It should not be entered into lightly. I know the Liberal government think they have the means of influencing the United States government to giving us a market of 70,000,000 in return for our market of 5,000,000. I never thought they had such means. Our neighbours know their business well, and I do not see how they could possibly give us their market of 70,000,000 in return for our market of 5,000,000. However, reciprocity has now got a set-back and it is more distant than it has been for a number of years before, and, therefore, I wish to say nothing more about it now. Although the whole subject of the preferential tariff would properly come up on my motion, I shall not deal with it now. The most important point in that tariff will be discussed by Great Britain—it will be forced on her by Belgium and Germany, and will be discussed with the government here. I ask permission to withdraw my motion.

Hon. Mr. BOULTON—Why cannot the farmers of British Columbia produce as cheaply as the farmers in the United States?

Hon. Mr. MACDONALD (B.C.)—I take the facts as they are—they do not do so, and we are importing a great deal, even with a duty. Ours is a mining and lumbering country chiefly.

Hon. Mr. BOULTON—Do you want to tax them for the benefit of the farmers?

The motion was withdrawn.

BILL INTRODUCED.

(Bill 26) "An Act respecting the Grand Trunk Railway of Canada.—(Sir Mackenzie Bowell.)

A QUESTION OF PRIVILEGE.

Hon. Mr. McINNES (B.C.)—Before the Orders of the Day are called I desire to direct the attention of the House to a telegram that appeared in this morning's *Citizen* from Victoria, B.C., which I shall read for the benefit of hon. gentlemen. It is as follows:

CHANG MAKES A KICK.

HIS ROYAL NIBS OBJECTS TO THE FUMIGATING PROCESS.

VICTORIA, B. C., May 2.—When the Canadian Pacific steamer "Empress of China" arrived on Tuesday, she went into quarantine at Williams' Head because of two cases of smallpox on board. The incident attracted but little attention. Dr. Watt, the "the line officer," ordered all passengers "lined" for 24 days, because smallpox cases had developed, while the Northern Pacific liner "Victoria" was permitted to proceed before the full time was up a few months ago.

When the "Empress's" steerage passengers were taken ashore they were stripped and disinfected with an odorous bath, and their clothes taken from them and baked. That was all right. When the quarantine officials approached the cabin passengers on Thursday and politely said: "Your turn next," there was wrath and indignation from the Knickerbockered Londoners, who protested against the impudence of daring to offer to bathe them. They even indulged in threats of resistance. There is aboard His Excellency Chang, a special envoy from China, who will represent the Emperor at the diamond jubilee in London. He is accom-

panied by a large suite of gorgeously attired Chinese, who do not understand western ways, and who look with horror on an attempt to put the Emperor of China by proxy, under fumigation.

His Excellency has refused to undergo fumigation, and not only has the Dominion government been appealed to, but Lord Salisbury and the Chinese representative in London have received his protests. Chang says he will go back to China without proceeding to London, though in that case he is likely to lose his head for disobeying the orders from the Emperor. He says, furthermore, if a hand is laid on him, it means trouble between Great Britain and China, as the person of an ambassador is sacred. The officials have suspended operations, and await orders from the authorities at Ottawa.

I desire to know of the government if they have been applied to by the quarantine officer at Williams' Head for instructions as to how they should act with regard to those persons who are characterized as "knickerbocker Londoners" and the Chinese Prince? The gentleman who is in charge of that quarantine station is a man of ability, cool and collected, and possesses all the necessary qualifications to exercise a proper judgment in a matter of that kind, very much better than the minister himself, and if he has so far forgotten himself as to voluntarily apply for instructions here as to how he was to deal with the knickerbockered Englishmen and Mongolian nabobs, I think he was at fault. But, knowing the gentleman as I do, I believe that he has not applied for further instructions from Ottawa until he heard from the Dominion government, or certain representations were made by interested parties to the Dominion government. In all matters of this kind I think it would be very much better to let the quarantine officer exercise his own cool and deliberate judgment there and then on the spot. Unfortunately some few years ago, as my colleague from Victoria knows, smallpox was imported several times from China—once in particular The consequence was that the city of Victoria was actually placed under quarantine for several months. A great number of our citizens died and the city itself was put to a cost of nearly $100,000, all, I may say, owing to the incapacity and criminal neglect of the principal officers. He has gone to his reward, consequently I will say no more about that, but I would impress upon the government that the less they interfere in such matters, the better will the regulations be carried out. If the threat that the Prince has made be true, that he will not land but will return to China rather than submit to fumigation, I would say, and I believe nineteen-twentieths of the people of the province I hail from, and of the Dominion, will also say, "go back and never return; we can get along very well without you." I claim that if the Prince is the man he ought to be, representing a great empire like China, he ought to submit to all rules, regulations and laws of a foreign country when he comes into it. If the published report is true, I strongly object that he and other first-class passengers should be subjected to the same unceremonious manner of fumigation that the coolies in the steerage had to undergo. But if it was done properly—and I know from my own knowledge of Dr. Watt, and those under him, that the greatest delicacy and consideration would be had for their feelings—no objection could be taken to the carrying out of the regulation. I might mention that in the past the government of Canada have been altogether too solicitous for the tender feelings of Chinese in our province. Twenty years ago, a certain gentleman who occupies a seat in this House, happened to be mayor of the city of New Westminster and had to act as police magistrate. The Chinese cases coming before him were so numerous that the jails were crowded, and he ordered in certain cases, where there was not as much cleanliness observed as should be, that the Chinaman's queue should be cut off. The attention of the authorities in Ottawa was called to it and from that day to the present time the laws there discriminate in favour of the Chinese as against our own race and all other races. A Chinaman convicted of an offence and sentenced to a term of three, five, ten or fifteen years in the penitentiary, is allowed to enter that institution and wear his queue the same as if he had not been convicted of a crime, while the white man is shorn to the skull, as close as possible, for various reasons. There was a misapprehension abroad at that time—and I want now to disabuse the minds of the government in reference to it—that it was owing to some religicus belief the Chinese considered it necessary to retain their long hair. There is not a scintilla of truth in that. The reason why the Chinese feel that they are bound and compelled to retain the queue is that it is a badge of loyalty—a badge of subjection to the Emporer of China—if they

once lose their queue they are not allowed to return to the mother country. They are looked upon as outcasts.

But apart from the sanitary point of view, apart from cleanliness altogether, I urge it on a still more important point, and it is this: I believe it would deter the Chinese from committing crime more than any punishment that could possibly be inflicted upon them. I merely mention this so that when the government take, as I believe they will take and must take, a firm stand and place all classes there, no matter what their position or grade may be, on the same footing—that they will not allow them to enter our country and disseminate amongst our population the seeds of that fatal and loathsome disease.

Hon. Mr. MACDONALD (B.C.)—I suppose you want the government to take the cue.

Hon. Mr. McINNES (B.C.)—I am giving the government a cue and I want them to follow it until they root out small-pox and all discrimination in favour of the almond-eyed race.

Hon. Mr. BOULTON.—Would you give his highness the first bath?

Hon. Mr. McINNES (B.C.)—I would give him a bath at any rate. An unwashed Chinese prince is just as likely to disseminate disease germs as an unsoaped coolie. I am sorry that the Minister of Justice is not present to-day, because this is a matter which should come under the jurisdiction of his department. However, the Secretary of State is present and I trust that he will draw the attention of his colleagues to the matter at the earliest possible date.

Hon. Mr. SCOTT—I am not aware that the attention of the government has been called by any of the authorities in British Columbia to the incident that the hon. gentleman has drawn attention to. His remarks will of course appear in the Debates, and I shall call the attention of the Minister of Agriculture to the subject, and I have no doubt he will give it his best attention.

VICTORIA DAY COMMEMORATION BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (C) "An Act to commemorate the reign of Her Majesty Queen Victoria by making her birthday a holiday for ever."

(In committee.)

Hon. Mr. MACDONALD (B. C.) said—It has been suggested to me that a proper name for the holiday will be Victoria Day. I, therefore, move that the following words be added to the first paragraph, "which holiday shall be called Victoria Day."

Hon. Mr. ALMON—In amendment to that, I move that the Chairman do now leave the chair. While I yield to nobody in this House in my loyalty to the Crown, I take no credit for it. It is dyed in the wool and I could not help it if I tried. Both my paternal and maternal grandfathers were natives of the then British States of America, and fought on the British side from the capture of Bunker's Hill from the rebels until the battle of Eutaw Springs, the last battle in the war. Therefore, any remarks that I make in opposition to this bill must not be put down to any disloyal feelings. I give great credit to the hon. gentleman from Victoria, who is moving in this matter, for the exuberance of his loyalty, but in this case I think his loyal sentiment has taken a wrong direction. I object, in the first place, to this measure being introduced in the Senate. If it is to be introduced anywhere, it should originate in the House of Commons, and should be brought in by a member of the ministry. I disapprove likewise of this measure making the Queen's birthday a holiday in perpetuity. Are we able to do that? We may have the legal right to pass such a measure, but can we do it? Think of the number of holidays which have been created by legislation in the past. When I was a boy, the fifth of November was kept as a holiday; how is it now? Very few ever think of it and nobody celebrates it except a few fanatics. The same remarks applies to the anniversary of the martyrdom of Charles I. That was a holiday at one time. I do not think there is a man in this House who knows the date of it. I have no doubt that the bill which made it a holiday passed with a great deal more enthusiasm than was shown in this House last week when the hon. member's measure passed its second reading. Then, is it a compliment to tell Her Gracious Majesty the Queen, who we all hope will live long to

reign over us, what we are going to do after she dies? Would it be right to erect a tombstone to a man who is still alive? It would be a doubtful compliment. I know I should take it as such. I remember when I was driving through Brooklyn cemetery, on one occasion, seeing a magnificent monument there. I asked whose it was, and I was told that it was erected to the memory of Mr. Townsend, a man who manufactured sarsaparilla. I said "dear me is he dead?" I was told "no, but people driving through the cemetery and seeing this beautiful monument would inquire whose it was and on being told that it was the monument of Jacob Townsend, who manufactured sarsaparilla, they would immediately go to the nearest druggist and ask for a bottle of Townsend's Sarsaparilla." That was the practical effect of erecting this monument. The hon. gentleman may tell me that there are precedents for this legislation—that in ancient Rome Romulus was put to death and immediately made a god. That was perhaps a compliment to him, but he had to be killed first. The same happened with the Cæsars including Nero, Claudius and with Caligula and all the brutes that followed after them—they were all made gods likewise. That did not do much harm, because immediately after their deification, they were killed. The way in which they were deified was this: a member of the Senate moved that the Emperor be made a god. That passed unanimously. The reason of that was the senators were afraid that if they voted against it, they would be accused of offensive partisanship and have their heads cut off. That was a serious offence. Nowadays, in this country, if a man differs in opinion from the government of the day, his head is cut off; but it does not do much harm, because he knows that very soon his head will be put on again and in the very near future he will give his executioners their congé. Another reason that I am opposed to this is, not only because it is injudicious, but because it injuriously affects a large element of the population. On whom does the tax fall? It does not fall on the lawyer, the doctor, the clergyman, or the merchant whose ships are at sea, but it falls on the labouring man—the man who delves with the spade and pick. Think of the great strain there is on labour in these days. In the first place we have Thanksgiving Day, which I disapprove of, because Sunday, and other holidays recognized by the churches, furnish opportunities for giving thanks to God for all his great mercies. Then there is Labour Day—I think Idle Day would be a much better name for it,—when tradesmen and mechanics must drop work and lose their $1.25 or $3 a day. They submit to a loss, not of one day only, but of three. The preparations for the day make them lose the day before, and many of them do not recover from the effects of Labour Day for some time after. They are more tired on the day after than on Labour Day. Therefore, they lose three days. One day in seven ought to be enough holiday. In Nova Scotia, there are four months of the year in which the labourer out of doors is not able to do any work. In addition to that, the main portion of the labour is on the wharfs, taking out the fish and drying them. That can only be done on a fine day. When that takes place the labouring man himself, and all his boys from twelve up to twenty years of age, can be employed at wages in lifting fish on to the drying ground. If this bill passes they must not work on the Queen's birthday. Now, how much does a family lose? The hon. gentleman from Victoria does not think the loss is of any consequence, but I am inclined to think that the loss is considerable. Supposing the Imperial parliament fixes some other day to be observed in commemoration of the glorious reign of Queen Victoria what would we do then? Would it not be better for us to wait and see what they are doing in England before we pass a bill of this kind? There are many other things I could say which I shall leave to other hon. gentlemen. There is one other way of commemorating the Queen's Jubilee which does not entirely meet with my approbation, that is, sending young women to the North-west as nurses. However, it may have this good effect: if they come from Nova Scotia they will certainly be good looking, and therefore, as we all know that pity is akin to love, tender feelings will spring up between nurse and patient and matrimony will result, which will produce its natural consequences. If it does, they will have plenty of employment at home. I think that they would make remarkably good wives. They can work in the kitchen and in the byre and at everything to assist their husbands to get on in the world, and they might call their little ones Victoria if they like. I trust when they get to the

latter stage, that they will not be too hard on their husbands—that they will allow them to have a little to say in the government of the house and the dependents connected with it and likewise, while treating their dependents kindly, let them know that the kitchen and the parlour are not necessarily on the same floor.

Hon. Mr. SCOTT—I think it would be extremely unfortunate, after carrying the second reading of the bill in the Senate. if we are to kill it in committee. This country is jubilant now, and very properly so, at the glorious reign of Queen Victoria. It has been most memorable in the annals of British history. We in Canada have a great deal to be thankful for. When Her Majesty ascended the throne the two great provinces of the Dominion were in a state of rebellion and dissatisfaction at the existing order of things. Her Majesty, listening, as she has always done, to the advice of wise counsellors, who were always in touch with the feelings of the age, sent a delegate to this country to consider this subject. I need not go over our past history. Every hon. member is familiar with the introduction of responsible government in Canada and the happy results which flowed from it. I do not propose, therefore, to travel through the events of Her Majesty's reign. Everybody knows that it has been one of the happiest, as far as Canada is concerned—and I think I may speak for the empire also—that history records. The hon. gentleman's first objection is that the bill should originate in the House of Commons. I cannot agree with him. I think it is quite proper that it should originate here, if any hon. member thinks proper to bring it forward. As to making the Queen's birthday a holiday during the lifetime of Her Majesty, it has always been observed as a holiday for the last thirty or forty years.

Hon. Mr. ALMON—It is to making it a holiday after her death that I raise the objection. I am the last person in the world to object to the holiday during Her Majesty's life.

Hon. Mr. SCOTT—The real effect of the bill is to continue the day as a holiday as years go by. I hope that during the lifetime of Her Majesty and for many years longer it will be observed, and if those who come after us in the next reign think proper to depart from the principles we have laid down, it is perfectly easy for them to do so. The birthday of William IV. was not observed in this country, nor was the birthday of George IV., and if such a motion had been made with regard to the birthday of George IV., I do not think it would have been acquiesced in. There was not the personal admiration for either of her uncles which exists for Her Majesty. I remember, and there are other hon. gentlemen who will remember, that the birthday which was observed during the reigns of George IV. and William IV., was the birthday of George III., who was the reigning sovereign before their time. I can remember frequently going out to see the militia parade on the 4th of June. That was the day, and it was kept up, not only during the reign of George IV. and of William IV., but for a long time into the reign of Her Majesty Queen Victoria. The first date that I am able to find when it was proposed that the natal day of Her Majesty Queen Victoria should be observed as a holiday was in the year 1850. Up to that time we had practically been observing the birthday of a sovereign who had been dead since 1819 or 1820. I will refer now to the report of the two Houses, Upper and Lower Canada. Some hon. member called attention to the fact that it was the Queen's birthday and the House decided that it was a very proper thing to adjourn. It was moved by Mr. Allan Macnab and seconded by Mr. Hillyard Cameron, and ordered that the further consideration of the question they were discussing should be postponed until the following Monday. It being the birthday of Her Majesty Queen Victoria, it was moved by Mr. Baldwin and seconded by Mr. Price that the House should adjourn till the Monday following, and the House adjourned accordingly. It will be observed that there was a good Liberal government in office at the time. Since 1850 the day has been observed. In 1855, I think, it was in Upper Canada, the day was selected as a proper day instead of June 4th for the militia to turn out. Under the Militia Act of 1855 I find that in Lower Canada they had been keeping up the 19th of June as the day for calling out the militia, but in Upper Canada it was decided that the Queen's birthday should be selected. It does seem to me that

it would be unwise in this jubilee year to counteract any movement of this kind which all the people seem to acquiesce in so easily. It is a happy compliment, and surely it is a compliment worthy of being paid. The most that can be said about it is that it may not be observed in future years.

Hon. Mr. ALMON—I hope not.

Hon. Mr. SCOTT—As far as we are concerned, the parliament of Canada, by passing this legislation, would be paying a very happy compliment to Her Majesty the Queen. When I first noticed the bill upon the order paper, it was not a matter to which I gave very much thought, but after its being discussed I do not think it would redound to our credit to throw it out. I think we should all regret it if that course were adopted. We should at least send it down to the House of Commons and let that chamber take what action it thinks proper.

Hon. Mr. ALLAN—I have listened with great pleasure to the remarks of the hon. Secretary of State. For my own part, I think no more appropriate compliment could be paid to Her Majesty, and none which could be found to commend itself more generally to the people of this country than the one that is sought to be paid by the passage of this bill. My hon. friend from Halifax objects to the bill because he thinks it is a sort of left handed compliment to pay to Her Majesty to pass a bill that her birthday shall be observed after her death.

Hon. Mr. ALMON—Hear, hear.

Hon. Mr. ALLAN—I believe there are a great many anniversaries observed after the death of the individual whose memory they commemorate. St. George and St. Patrick were gathered to their rest long ago, yet we observe these days to the present time. I do not think that the making of this a holiday for all time to come is open in any way to the objections which the hon. member from Halifax has made with respect to the working classes. The people, if any, who would suffer from such legislation would be much more likely to be merchants or professional men, because although it is declared to be a holiday it does not prevent the labouring men or the farmers from working if they please. For instance, if there is a prospect of bad weather the farmer may gather in his corn or hay as on any other day. I have over and over again seen men working on the Queen's birthday the same as any other day, and wherever the necessity exists for work on such a day, no one would suppose that such an enactment as this would forbid it. There have been a great many objects proposed as commemorative of this long and glorious reign of our sovereign, and most of them have partaken more or less of the nature of charitable or benevolent institutions. I know of no scheme of that kind (differing entirely as I do from the remarks which the hon. gentleman from Halifax has made) which would commend itself more to the nation than the commemoration of the reign of Victoria by the establishment of the Victorian Order of Nurses which has been set on foot by Her Excellency the Countess of Aberdeen. I do not think that the manner in which the hon. gentleman from Halifax alluded to the establishment of this order is right or deserved. Every one knows how much, in these days, the science of nursing has supplemented the science of medicine, and how often it is that the nurse is more necessary and good nursing more effectual than medical treatment, and anybody who has taken the trouble to make the inquiry will find that in the very part of the world to which my hon. friend referred—Manitoba and the North-west—there have been cases over and over again where there has been great suffering and where death has ensued simply because there was no nurse to send to the house of sickness. We know also that even in our own cities and towns there are many people with limited incomes who cannot avail themselves of the services of the professional nurses at the charges which are now paid, and it would be an estimable boon to them if this order of Victoria nurses were established and they could have nursing given to them at rates which are within their means. How far this scheme may be too large a one for the present, I am not prepared to say, but I do say that it is worthy of all support and of anything that can be done to carry out the scheme and make it a perfect success.

Hon. Mr. ALMON—Are those nurses pledged to celibacy when they go up to the North-west? If they are not, I think it is very inappropriate. For my part, I hope they will all get married.

Hon. Mr. ALLAN—The hon. gentleman is hardly serious in asking me to answer questions of that sort. It seems to me this bill is one which is particularly appropriate as a compliment—I should hardly call it by such a name—but as an expression of loyalty and affection for one who has been an example to all the world, as sovereign, as wife, and as mother. It is an expression of feeling on the part of this parliament, as representing the people of Canada as far as we can by legislation in that direction, that for all time it shall be called Victoria Day and serve to keep in the memory of our people the long and glorious reign of our gracious sovereign. It is an expression of our loyal feelings. It would well become this parliament to adopt this bill, and I do hope most sincerely that it will be passed.

Hon. Mr. LOUGHEED—Much as I regret to have to differ from my hon. friend from Victoria in regard to this bill, I consider it my duty to give expression to the view which I hold on the subject. I am only too glad to express my accord with the sentiments so well and so eloquently expressed by him in his speech when he introduced this bill, and to also agree with the very happy and very loyal sentiments which have been to-day expressed by hon. gentlemen. But to my mind this matter does not resolve itself into a question of degree of loyalty but a question as to whether it is expedient in the interests of this Dominion that this particular method should be adopted of commemorating Her Majesty's reign. My hon. friend the Secretary of State, as well as my hon. friend from Bothwell, seemed in their remarks, to recognize the inexpediency of this measure, inasmuch as they both gave expression to the idea that this particular form of commemoration could not very well be observed in perpetuity. My hon. friend from Bothwell made the statement in seconding the bill that there was nothing to preclude this House or the parliament of Canada from at any time repealing the bill, and my hon. friend the Secretary of State re-echoed the statement to-day. That is tantamount to an acknowledgment of the fact that it would be against the best interests of this Dominion that a day should for all time to come be entirely set apart and all business on that day suspended because Her Majesty had reigned so well and successfully for sixty years. I doubt if any member of this House or of the House of Commons would have the boldness at any future time, if this bill did become law, to move that it be repealed. I venture to say that the loyalty of the people of Canada is of so advanced a character that any one who would do so would be taking his political life in his hands. It proves conclusively that we must enter into the consideration of this measure, not as a mere matter of sentiment, but as one involving very considerable interests. It is very well for hon. gentlemen not actively engaged in business pursuits, and who do not come in direct contact with the various ramifications of business life, to move that a day for all time be set apart and that business be tied up for twenty-four hours each year in perpetuity. I should like to point out the far reaching consequence of adopting a holiday of this particular kind. Hon. gentlemen must first take into consideration the fact that it means every government office throughout this whole Dominion shall be closed—that the departmental offices shall be closed and the government officials shall cease for the day to perform their duties. My experience of the departmental business of Canada is of such a character that it is not being done too speedily at the present time, and if a further day is taken away from the discharge of those particular duties, I fancy that the public will not have to complain at any rate of the expedition with which the public business is transacted. The post offices throughout the Dominion will be closed. It is unnecessary to point out the inconveniences to which the community will be subjected by reason of that fact. The custom-houses throughout the whole Dominion will be closed, consequently the business of the country will be subjected to very considerable inconvenience. We must also consider the fact that every court throughout the Dominion from the Atlantic to the Pacific will be closed on that day, and litigants who have been attending at very considerable expense the trial of their cases, will have to kick their heels about the court-houses of the country pending the observance of this day as a holiday. Parliament is usually in session at that period of the year, and parliament will have to be adjourned and the country put to the enormous expense of parliament being detained for another day during the session.

In addition to that, there is the fact that the banks of the country will have to be closed. It is not an ordinary matter for the business of the country to be suspended during a day and the displacement which it necessarily involves to take place. There is the fact to be considered that it affects the maturing of bills and notes, which is a matter to be considered by the business community.

Hon. Mr. SCOTT—It will give one day more grace.

Hon. Mr. LOUGHEED—One day more. I might point out to my hon. friend that that may be all right for the maker of the note, but for the holder of the note it is rather an inconvenient and sometimes a serious matter. In addition to that the manufacturing establishments of the country will be stopped. Every mart of commerce will be closed up. I do not say that every mechanic but a great body of mechanics throughout the Dominion will have to cease work, and on whom does the cost of all this fall? The mechanic cannot well afford, after emerging from a winter during which he must have lost considerable valuable time, to observe this particular day.

Hon. Mr. MILLS—It may save him a doctor's bill.

Hon. Mr. LOUGHEED—I hope so, but it will not help to pay a doctor's bill. I fancy that the doctors who have to rely on the slim wages of the mechanics for the payment of the bill will find this holiday at least an inconvenience in this regard.

Hon. Mr. BOULTON—The mechanic will not be obliged to lose his day.

Hon. Mr. LOUGHEED—I would simply answer my hon. friend in this way, that while the married man may not be compelled to lose his day, the manufacturing establishment will be practically closed by the younger portion of the workers quitting work. My hon. friend from Victoria, in very poetic language, referred to the younger portion of the community wandering over hill and valley picking the daisies, on that particular day, but what about the married men who find it difficult to keep the wolf from the door? The holiday may not be surrounded by so much romance for them. These matters have to be taken into consideration in passing this bill. The hon. Secretary of State gave utterance to very loyal sentiments to-day, and they are peculiarly applicable to the day we are celebrating, namely, the Queen's birthday, just now a statutory holiday, and one that has been a holiday almost since her accession to the throne. It has been celebrated more loyally of late than at the period to which my hon. friend referred, a period which was brimming over with loyalty, but which did not afford such a demonstration of it as to absolutely make it a statutory holiday. For many years past it has been a statutory holiday and is so to-day. What I wish to point out is that this adds an additional statutory holiday to those now on the statute-book. The law is so framed that, immediately the Prince of Wales ascends the Throne, his birthday at once becomes a statutory holiday. Consequently, we add to that particular holiday the one now suggested. My hon. friend from Victoria passed a most glowing eulogy on Her Majesty. I can assure him that I do not yield to any one in my sentiments and feelings of loyalty, and I am satisfied that every member of this House is quite as loyal as those who have expressed a preference for the passage of this bill.

Hon. Mr. ALMON—Hear, hear.

Hon. Mr. LOUGHEED—But I would point out to my hon. friend that while he refers to the fact that this will undoubtedly be a pleasing tribute to Her Majesty, there is probably not to be found among all her subjects throughout all her vast empire any one who has spent such a life of industry and hard work as Her Majesty. That same empire has been built up by the unceasing work and industry of those who established it, and if we desire to pay a tribute to Her Majesty, we cannot follow a more loyal course than to imitate her example, keeping in mind that it has been mainly due to her unceasing vigilance and industry and close attention to the affairs of the empire, that she has reached the high pedestal on which she stands. If we want to pay a tribute to Her Majesty, we cannot do better than on her birthday to exercise our labour and our duty in building up the commercial and industrial life of this Dominion the brightest gem in her crown, and thus add to the aggrandisement of that empire to which we are proud to belong, and over which we hope she may be long spared to reign.

Hon. Mr. DEVER—After the excellent speech of the hon. gentleman from Calgary, it is not necessary that I should say much on this question. He has pointed out clearly that the adoption of this bill will involve a great loss to the working and commercial classes of this country. I rise to say that I do not yield to any man a greater admiration for Her Majesty the Queen than I do. I have studied her private and public life, and I think I know them fairly well. I am also familiar with all the great events, improvements and blessings that have come to her people since she ascended the throne. Peace and charity for suffering humanity have been her ruling character, and I am prepared to say, God save the Queen from all her enemies for all time to come. But, saying this, hon. gentlemen, and much more that I feel for the Queen, I am not prepared to endorse the doctrine propounded by our hon. friend from Bothwell—that it would be no loss to labour to make the day an idle one for ever. Because, if this is sound philosophy, why not make all days idle, and let the toilers at labour have a grand good time doing nothing. Neither am I prepared to accept the desire of the early reformers to abolish Sunday as a day of thanksgiving and prayer, to the origin of all the blessings we enjoy in this mundane home of ours. No, I rather prefer clinging to the injunction in that book of the wisdom of ages which says: "Six days shalt thou labour and do all thy works, and the seventh thou shalt rest and give honour and glory to God." No idle day here. In fact, I look on it as profanity, bordering on idolatry, to place on the statute-book any day set apart for human glory for all time, no matter how much we may admire their many virtues.

We find fault with others for doing this, and yet we commit the same fault ourselves, under other forms of law. I trust this House will show no such weakness in this case. Manly loyalty is one thing, but overdoing it is another, that should be avoided by all people who pride themselves in being governed by that book of books, the Bible. There is a possibility, too, hon. gentlemen, of us becoming fulsome flatterers of kings and queens in this way, and this weakness, I find, is no new thing. It is as old as the hills. We can find a very remarkable case of it recorded in Josephus, where King Herod, being surrounded by his flatterers, "saying thus far, we have looked on thee, to be superior to the nature of mortals. But now we are sure thou art superior." But, turning to his flatterers, Herod said: "I, your king, am just commanded to depart this life, and fate will soon disprove your false flattery. I now must die, and receive my destiny, as it is determined by my God."

Hon. gentlemen, I admire the Queen—not for her greatness, but for her virtues, and deep consideration for the feelings of others, rare qualities to be found under the mantle of power and wealth. These will be the ornaments of her life and reign, and will be a guide to future generations, as well as to that of our own, to follow her example. I would be very sorry to see the Senate help to put so silly a law as this on the statute-book to be repealed shortly, as the hon. member for Bothwell puts it. If that is the best that can be said for it, surely, as sensible men, we should not sit here silently, and make each and every hon. member in this Senate responsible for it, by allowing it to pass unchallenged. I I believe Her Majesty would discountenance such legislation as this, if she had the opportunity. She has always avoided sycophancy and fulsome flattery, and in this, has she shown her great wisdom and superiority, as a woman, and as a Queen.

Hon. Mr. CLEMOW—I am very much surprised at the turn this discussion has taken. When this bill was introduced I believed and hoped that it would pass without dissent, but hon. gentlemen now seem to think that the labouring man is going to be despoiled of a day's work. I am satisfied there is nobody in this whole broad Dominion but will hail with satisfaction the passage of this bill. The people are willing to sacrifice one day, or even more, for the purpose of commemorating the glorious events that have attended the long reign of Her Majesty Queen Victoria. Hon. gentlemen oppose the bill because the labouring classes will lose one day in the year: how many days do they lose now for the commemoration of less important events? No bill that we could pass would be received with greater favour by the people than this measure. When people pass away, no matter how distinguished they may have been, they are soon forgotten, and it is very proper that our people should set apart a day to

commemorate the reign of Queen Victoria. I recognize the fact that every member of this House is loyal to the Crown, notwithstanding the opposition that has been shown to this bill, but some hon. gentlemen are acting under a mistaken idea that they are serving the interest of the poor man. I hope their opposition will be withdrawn, because I should regret exceedingly to see a vote taken on this question, and that it should go abroad that there is the slightest division of opinion in this House on such a subject. There was some disloyalty in this country years ago, but that has all passed away. The reception that this bill has met with in this country shows that there is no disloyalty in Canada. It has met with general approval. We have been told that if we pass this bill parliament will be closed on that day, but that difficulty can be got over by calling parliament to meet the first week in January so that the session can end before May. The 24th of May is a very proper time for a holiday. Throughout the country the seeding is over and the people need a rest. They are now asking for half of every Saturday, and probably by and by they will want the whole of Saturday. Men get just as high wages now as they did formerly, and they can afford to give one day in the year to the celebration of the reign of Queen Victoria. They are not likely to look upon it as a lost day at all, but rather regard it as a great benefit conferred upon them.

Hon. Mr. POIRIER—This is a very serious and delicate matter; but since the motion has been put and a vote has to be taken upon it, I, for one, do not intend to shirk the vote, and I feel in duty bound to explain why I shall vote for the amendment of my hon. friend from Halifax, lest my vote should be misconstrued. If the subject is a delicate one for the majority of the members of this House to vote upon, it is still more so for those of us who are descended from a race who formerly were subjects of another sovereign, but who are now, and have been for over a century, as loyal as any inhabitants or citizens of this Dominion, and who intend to be so in the future. Because what was said of the French population of Canada by a former Governor General, that the last cannon to be fired in defence of British rule in North America will be fired by a French Canadian, may yet prove true. As for myself, I have, with all the rest of you, hon. gentlemen, only the highest admiration and love for our gracious Queen, and I may have greater cause for it, owing to the circumstances which followed her accession to the throne, than some hon. gentlemen here. The year 1837 was the first time in the history of the lower provinces when the Catholic inhabitants of those provinces were given perfect political freedom and liberty. The year of Her Majesty's accession to the throne, the test oath was abolished, and Catholics sat in the House of Assembly in Halifax. The law had been passed some time before, but it was only in 1837 that it was carried out practically, when two French Acadians took their seats in the legislature. The governor at that time issued a commission for them to be sworn without being obliged to take the test oath, and the same law extended to magistrates and others. I may say, on behalf of the Catholics in the provinces, that our perfect civil liberty also dates from the accession to the throne of Queen Victoria. That is one reason for my great admiration and love for the Queen, but that is not the question before us. I ask my hon. friend from Victoria to take my words in the best possible sense. The age when such propositions as this is were possible or were in good form, has passed. Even under an absolute monarchy such a motion would be deemed as one from courtiers to the court and not as one from civilians such as we are. A perpetual festival in honour of any person who has had existence is, according to history, a religious feast. In no case has such an honour been bestowed upon a living person, and it reminds us of the very apt saying of a Pope to whom was proposed something similar to this in reference to a great person still living. "Gentlemen," said that Pope, "never canonize a living man lest he may fall into some error before he dies." Canonization is only for the dead; perpetual feasts are only for the dead. Look back at history from the remotest period; look back to the greatest men who have adorned humanity from the Greeks and you will not find any proposition going to the extent of this. Alexander, the conqueror of so many nations, was, if I remember well, adored as a god, but his feast was not perpetual; nor was that of Pericles, that great man of Athens, who gave his name to his century. But take England before Queen Victoria; it had great

sovereigns. Was ever such a proposition made during the time of Elizabeth, the "virgin Queen," so-called, or of Henry VIII., to whom England, as a Protestant nation, owes so much? No, not even courtiers would have dared to do it, because it would have smacked too much of the act of a courtier. I beg that my words be accepted in their best sense. I have too much respect for my hon. friend from Victoria to utter or even to think anything that would be disrespectful towards him. Look at France: Charlemagne of France and Germany never had any such festival bestowed upon him; nor did Louis XIV., who reigned longer than Queen Victoria; nor did Napoleon the Great; nor did Charles V. of Spain; nor did Washington. You cannot find in history a precedent for this legislation. Hon. gentlemen are establishing a precedent of a very grave and, I am afraid, of a ridiculous nature. True, the Romans did it, but hon. gentlemen must remember that before they established such a feast for a Roman emperor they began by making him a god, and if it be enacted that Queen Victoria be a goddess, then I will vote for this bill. No, I would not even vote for a motion that would make our gracious and beloved Queen a goddess.

Hon. Mr. MACDONALD (B.C.)—There is no intention to do that.

Hon. Mr. POIRIER—Because she would have to die, and I would be very sorry to see her depart, even for a better world. It has been said that this motion should have originated in the House of Commons. I do not see the necessity for its originating there; if it should originate anywhere, I think it should originate in England. Why should we be more loyal than Englishmen? Are we in fact more loyal than Englishmen? If not, then why this expression of ultra loyalty? I do not know that even in England they would do it, nor that the 24th of May is made a legal holiday there. Men in their lifetime have been honoured by such feasts. I think that is proper, because it is nothing but human, but to prolong it to the hereafter is something that does not pertain to man; it is something that pertains to standing or religious institutions, and to make a thing immortal is something that pertains to the divinity. This bill, I hope, will be crushed here, and will be got rid of without too much being said about it. It should be referred back to oblivion from whence it should never have come, in my estimation. If it should go there it would be a very delicate matter for the other House to deal with; and should it pass what of it then? Have we not a 24th of May celebration now? Do we need a double enactment for one day concerning a living person when the birth of Christ has only one? I do not see the sense of it. If it was not already a feast, I would vote for a feast of obligation during the time of Her Majesty's reign; but what will be the consequence of this unheard of precedent in history? By this bill we are doubling the feast and we cannot feast it twice over the same day.

Hon. Mr. MILLS—What about Washington. His birthday is a perpetual holiday in the United States?

Hon. Mr. POIRIER—Is the hon. gentleman absolutely sure of that? Independence Day and our Dominion Day do not give divine honour to individuals. It is a celebration of a standing event. The Jews had it in the celebration of their great victories; but they were memorable facts. Independence Day is not a festival making George Washington something like a God nor is the day of his birth a perpetual holiday. Queen Victoria is not a God and she must die and be judged like the rest of us, with better chances likely up above. When the Prince of Wales succeeds to the throne we shall have two feasts. When he reigns there will be a precedent for establishing the second and so on with his successors. Now the spirit of the age is to diminish those festivities. When the French revolution occurred there were 87 festivities commemorating the birth or death of Christ and his saints. Now those holy days are reduced to a very few in number. They were formerly established for a religious purpose, but also to help or to relieve the working man. The tendency now is to diminish those holidays which come between him and his daily bread. Even in England, after the reformation, after Protestantism was established as the religion of state, the Church of England preserved about thirty religious feasts. How many are there now? The tendency of the age is to diminish them, even to the detriment of the commemoration of the great saints of our religion. Shall we come in now and increase them? In principle I am averse to it. As I said

before, no one here has a greater admiration, respect and love for Her Majesty than I have, but as the principle is something unprecedented in history, I am afraid it might be taken as a reflection upon her. I, therefore, hope the motion of my hon. friend, the senior member for Halifax, will pass, and that we will hear no more about this bill, and that the other House will not have it.

Hon. Mr. VIDAL—If the bill which is now before the committee was a bill originating the observance of the holiday which has been proposed, very much of what has been advanced might be held to be appropriate and opportune, against the observance of the holiday as causing many inconveniences to be suffered by the public in their various capacities, labourers, doctors, merchants and other callings. Now, it occurs to me that if these alleged evils, or inconveniences which result from the observance of a holiday of this kind really exist, we have certainly had them brought fully before us and summed up in his usual clear, precise, and generally convincing way by our hon. friend from Calgary. We have in the arguments which he brought before the House a pretty clear and distinct summary of the loss to working men resulting from the establishment of a holiday of this kind. But it appears to me that to be consistent, if thinking that the observance of the Queen's birthday has been fraught with evils—if it has done so much injury to the country—if it has interfered so much with its business and prosperity, he should years ago in this House have proclaimed these sentiments and boldly moved that the 24th of May be no longer a public holiday.

Hon. Mr. POIRIER—I am in favour of it during her lifetime.

Hon. Mr. VIDAL—For forty years the country has been observing the day with all these evils attached to it, and no petition has ever come to this House to ask for the abrogation of the Queen's birthday as a holiday. Does not that indicate that the country generally is satisfied with it, and does not wish it altered or interfered with? And so we have a clear indication of the public approval of the observance of the holiday whatever inconveniences may attach to it. Did not my hon. friend admit this? Did not he say that if this bill were passed into law no one would dare to rise up and move for its repeal? He gave away the whole argument. He said no man caring at all for his political existence would dare to offer a bill to repeal the observance of the day. Considering that this country for a long term of years cheerfully kept this holiday, and agreeing most fully with the sentiments uttered by the hon. Secretary of State and my hon. friends who have taken that side, I do trust that this House will not hesitate to approve of the bill which has been introduced by my hon. friend from Victoria.

Hon. Mr. PROWSE.—I spoke a few words against the introduction of the bill on the second reading, and the speeches of hon. gentlemen to-day have not convinced me that I took the wrong position. I feel a little stronger on that point than I did when the bill was first introduced. It appears to me the introduction of this bill is the result of a little overflow of loyalty. I will not attempt to say for a moment that the hon. gentleman from Victoria has not been loyal for the last sixty years, as loyal as he is to-day, and I think the remark will apply to my hon. friend from the Rideau Division. He could not have been more loyal than he was this time last year or ten years ago. He is no more loyal to-day than he was then, because I believe that at that time and at the present time he is prepared, if need be, to shed his blood for the Queen of England and for the British Empire. But I think he is a little unfair to the hon. gentleman from Calgary, inasmuch as he interpreted him as applying his remarks to the present observance of the Queen's birthday. I did not understand the hon. gentleman from Calgary in that way. He is perfectly satisfied, and so is everybody else, to observe that day as the Queen's birthday till her death, and if the people who may be alive at that time wish to perpetuate the memory of her great and glorious reign we have no objections to it in the world. But the position we take is that this is not the time for us to declare to future generations for ever that this day shall be a perpetual holiday, because we hope that the coming sovereign, whoever he may be, will be as great a benefactor to this nation as Queen Victoria has been. As the years rolls on and civilization progresses, we have a right

to expect that the Prince of Wales, if he comes to the throne, will exceed, even, the glorious reign of Queen Victoria, and we want at the beginning of his reign to establish his birthday as a public holiday, not for any work or good he has done in the past, but as an incentive to him to reign in imitation and in the glorious succession of his beloved mother. A remark has been made that this bill ought not to have originated in this House, and to some extent I agree with that remark. We know that the House of Commons is supposed to represent the great masses of the people, rich and poor and high and low, but this chamber to some extent is supposed to represent the upper and the richer classess.

Some hon. MEMBERS—No, no.

Hon. Mr. PROWSE—I say yes. Why? Because no man can occupy a seat here unless he is worth $4,000 in real estate, while the members of the House of Commons need not be worth a dollar. I take it if you made every day of the year a public holiday it would not be any sacrifice to the members of this chamber. It would not be a sacrifice of a meal's victuals or an hour's sleep. What effect would it have on the labouring classes of the country? It would mean starvation. There is a fund open now for the establishment of a great institution for the trained nurses of this Dominion, and I would suggest to my hon. friend as a very appropriate way for the overflow of his loyalty to double his subscription to that institution, and if that does not suit, treble it and so on. I think, on the ground that I have already alluded to, the House of Commons would be the most appropriate place for this matter to be introduced, because the House of Commons represents the labouring people whom this bill would affect most. I take the ground also if a measure of this kind is introduced at all, it should be introduced in the motherland, where they have had close intercourse with the Queen. We hear nothing in the newspapers of anything of this kind in the old country, and I think it is time enough for us to follow her example when she takes action. If we would follow her example in this as in other matters we would not be far astray.

Hon. Mr. MACDONALD (B. C.)—I mention the fact that Sir John Glover brought up the subject, but it has not made any progress yet though it has been discussed by some of the papers in the country.

Hon. Mr. PROWSE—It has not made any progress. I take it that the introduction of his bill is nothing but a compliment to Her Majesty the Queen. If I understand her character and noble principles, she would not give her assent to such a bill if she had it in her power, if she felt it was to be a sacrifice of the interests of the labouring classes. She would not want to impose any additional taxes upon the people; she does not wish to burden them in any shape or form whatever for the sake of her memory, and I would say if this bill had to receive the sanction of the Queen and she vetoed it, that it would commemorate her glorious memory more than the passing of such a measure would do. I think the arguments advanced by the hon. gentleman from Calgary are so strong and conclusive that the House would do well to adopt the resolution of the hon. member for Halifax, and I shall certainly support the motion that the committee rise.

Hon. Mr. MILLS—The hon. gentleman who just resumed his seat has informed the committee that this is not the proper House in which to originate legislation of this kind.

Hon. Mr. PROWSE—Not good taste.

Hon. Mr. MILLS—And that if it is introduced at all it should be introduced in the House of Commons, because the Senate did not represent anybody, and if they represented anybody it was the wealthier class of the community and not those who are in less prosperous circumstances. I think the constitution indicates the restrictions which are imposed upon this House in regard to legislation. I am disposed to obey those restrictions in the constitution. I am opposed to introducing measures here that the constitution says shall not be introduced here. I am not prepared to put further restrictions upon the authority of this House by abdicating some of the functions that necessarily belong to us. I think, hon. gentlemen, that our influence is sufficiently restricted as it is without proposing further restraints upon that influence, and if the doctrine laid down by the hon gentleman were acted upon I am not sure that the community would not insist upon the abolition of the House altogether as an unnecessary institution. Then one hon. gentleman said that this was a foolish proposition and that the arguments in

favour of the bill were inconclusive. I may congratulate the hon. gentleman upon his frankness in what he says in regard to the arguments of those who differ from him, although I cannot congratulate him upon the excessive politeness of his observations. Another hon. gentleman has told us that if it were in the interest of the community to have this as a holiday the same line of reasoning would do away with any industrial day and that we should make every day a holiday. I do not see that this inference logically follows, that the establishment of a holiday would work against the industrial interests of the country. I pointed out on the second reading that arguments of this sort were to some extent used as well as arguments of another kind against the obligatory course of Sabbath observance at the period of the reformation, and immediately succeeding it; but no one has maintained that the people of England would have been in a higher state of industrial development and would have enjoyed greater prosperity to-day if no sabbath had been recognized by the law. In my opinion there is a great deal of advantage in rest and in the recuperative advantages derived from a day of rest and from a holiday, which far more than compensate the industries of the country for any loss which they may sustain in consequence of a holiday being taken. By the recognition of Sunday you take away one-seventh of the industrial time from the community; by the recognition of the day provided by this bill you take away $\frac{1}{365}$ portion of the time. Does any hon. gentleman suppose that that would make an appreciable difference so far as the industry of the country is concerned in the industrial progress of the Dominion? I do not think so. My hon. friend from Calgary spoke about the interference with the industries of the country, about the great losses the labouring classes would sustain, about their anxiety to devote themselves to industry. Let me say, Mr. Chairman, that the great majority of those who labour, are men who labour for themselves and not for others, and there is nothing in this bill imposing the slightest restraint upon them, if they are disposed to engage in industrial pursuits. And what is more, we have the day as a holiday at present, and I do not know that the industrial classes of this country have failed to avail themselves of the day to quite as great an extent as any other. In fact, while my hon. friend was making his speech, I wondered what he was in this House for. As far as my experience goes, we do business in this House in a very leisurely way, and I suppose my hon. friend will be so industrious and so anxious to find something to do, he will be like a fish out of water in being a member of the Senate at the present time, and then my hon. friend from Calgary, I think, approved of the observations of the hon. gentleman from Prince Edward Island, that this was not the proper House in which to introduce a measure of this kind.

Hon. Mr. LOUGHEED—I would correct my hon. friend. I hope he will not attach to my observations any inference of that kind—that I take the ground that this is not the proper House to introduce this bill. Dominion Day, as a holiday, originated in the Senate, and we have power to originate such a bill.

Hon. Mr. MILLS—I am glad my hon. friend says so. We have very little to do at the present time, and I thought it would be too bad to reduce our work. I think the hon. gentleman from Acadia spoke on both sides of this question. He said you should not have a holiday while a person was living, and you should not have a holiday while the person was dead. It was improper to canonize the living because the living might go wrong, and it was improper to bear in memory the dead, because you are making gods and goddess of them simply because this had been done with the Roman emperors. The hon. gentleman said also that there was no case of the birthday of a dead statesman being observed. There is the case of Washington whose birthday is observed.

Hon. Mr. ALMON—Was that day to be kept during his lifetime or after his death?

Hon. Mr. MILLS—It is kept after his death.

Hon. Mr. ALMON—Was not the resolution made after his death—and not during his lifetime?

Hon. Mr. MILLS—Let me say for the information of my hon. friend that we are observing the Queen's birthday during her lifetime, and if our friends are at liberty to observe it after her death surely we are at liberty to say so.

Hon. Mr. ALMON—I do not think you are at liberty to quote the case of Washington, which has nothing to do with the question of making Her Majesty's birthday a holiday after her death. Washington's birthday was not made a holiday during his lifetime, and I think the hon. gentleman knows that as well as I do, and perhaps a good deal better.

Hon. Mr. MILLS—I think the hon. gentleman's knowledge is at fault. The Queen's Birthday is now a holiday—Her Majesty is living. This bill continues it after her demise; the people in the United States do as much in the case of Washington. I was addressing myself not so much to the argument which the hon. gentleman from Halifax addressed to this House as I was to the argument which had been addressed to the House by the hon. gentleman from Acadia who objects to canonizing the living by recognizing a holiday while they were alive, and who objected to deifying them after their death by making their birthday a holiday, and so the hon. gentleman's argument was that you should not have a holiday at all. I think there is one feature of this matter which the House has to some extent lost sight of. What is the great object of having what you may call political as distinguished from religious holidays at all? It is the teaching force and value of those days. What was the object of observing certain days amongst the Jews—one of the most distinguished people of the old world, one of the people who contributed as much as any other to the progress of humanity? It was the commemoration of the great deeds achieved, the great works accomplished by their ancestors, and by the establishment of holidays and by recurrence to a discussion of the events of that period to fix these great events in the minds of generations that existed long after the events themselves had occurred. It was one method of impressing the great facts of history upon the people. It was one way of keeping alive and developing a spirit of patriotism amongst that people, and I say to-day, looking at the condition of this country upon the accession of Queen Victoria, looking at the condition of this country to-day, and looking at the great events that have transpired during her reign, there can be in no country a more appropriate day to be observed by its people than the birthday of Her Majesty by the people of Canada. Take the establishment of responsible government, the union of those provinces, the abolition of restrictions upon colonial trade, the abolition of the navigation laws and a hundred other things that have taken place during the reign of Her Majesty that have improved the commerce of this country, and I say that no more appropriate day can be selected for teaching the principles of English parliamentary government to a people, and to induce them to cherish those principles, than by perpetuating the birthday of Her Majesty after she has departed. If the people of this country choose hereafter to abolish this day as a holiday, and I do not think they are likely soon to do so, but if they choose to do so no one pretends to question their right, and if they are free to do so why this extreme effort to protect them in the exercise of a right or privilege which they will enjoy as fully after this measure goes on the statute-book as they will enjoy if we refrain from putting it there. Hon. gentlemen have asseverated their loyalty. I am not questioning the loyalty of any hon. gentleman, but I say the opposition to this bill is a most unfortunate way of exhibiting that loyalty. It makes a very bad impression. I remember standing on the platform at a railway station on one occasion when a party was arguing that he was as much a friend of prohibition as the clergyman to whom he was talking, the party certainly being under the influence of drink at the time. The minister said to him, "you may be so, but, sir, you do not smell like it." And I say to these hon. gentlemen, "you may be just as loyal as we are on this occasion, I am not questioning that, but I say that the manner in which it is exhibited by refraining from a vote on the second reading when that vote could be recorded, and by asking for a division in committee when that vote cannot be recorded, is a most unfortunate way of exhibiting their devotion to Her Majesty and their appreciation of the great and important events in the history of this country that have transpired during Her Majesty's reign.

Hon. Mr. ALMON—I think the hon. gentleman said the navigation laws were repealed under Queen Victoria.

Hon. Mr. MILLS—They were repealed in 1849.

Hon. Mr. ALMON—They were very much altered before that time by Huskinson.

Hon. Mr. BOULTON—I do not consider that the question before us is one of loyalty at all. I do not dispute the loyalty of any man in Canada. No matter what political party or what class he belongs to, the same principles of loyalty influence him. Nor do I believe that it is intended to enshrine Her Gracious Majesty as some have represented, any more than the erection of a monument in India would be an enshrinement, as it was there considered by some of her Indian subjects. None of those arguments move me, at any rate, in supporting the hon. gentleman in bringing forward this bill. It is to commemorate the reign of Our Gracious Sovereign who has been blessed by Providence to reign over the British empire for sixty years, the longest reign, I was going to say, in the history of the world. I do not know whether I am correct in saying that. Not only that, but the blessings of Providence have rested on that reign in so far as the principles of our British civilization have been extended to every corner of the world and upon the foundation laid by the heroes of the past, the great empire has been built up during that sixty years, which to-day stands pre-eminent before the world in unity, loyalty, strength and governed on the principles of Christian civilization. I do not think that the question of the interests of the working classes should weigh in this debate, because it is not compulsory on any man to remain idle on that day. If he is not working in his factory, he may be working in his garden or performing some other industry if he is not enjoying himself with his family on that beautiful spring morning, which has occurred as a holiday for the past sixty years. The commemoration of this jubilee, which is now to be celebrated, is conferring benefits on the industrial population of Canada greater than any loss which they can sustain by withholding the object of this bill. The most charitable instincts have been brought into play. The greatest movements of the age, at the request of the Queen and the Prince and Princess of Wales, are now being prosecuted for the benefit of our industrial population, both in England and here in Canada and elsewhere. The hon. member for Toronto has referred to the efforts that have been put forth by Lord and Lady Aberdeen for the establishment of a system of home nurses, and other methods by which Her Majesty's reign can be commemorated, and by which a new era is being inaugurated of Christian love and Christian charity, an example of which Her Majesty the Queen and the members of her royal family have constantly set. I say they are going to confer upon our industrial population greater benefits by far than anything this bill can take from them by the perpetuation of this holiday. I only hope that the opportunities may, from this time forward, more frequently occur by which those charitable instincts of our people may be brought into play, namely, helping one another so as to confer greater benefits in that direction. In Great Britain the Banking Act provides for seven bank holidays. In Canada we have not yet arrived at seven bank holidays a year, and this is an appropriate occasion to add one at a convenient and pleasant season of the year. Great Britain is one of the greatest industrial populations in the world. I do not think there is any to excel it, and they having thought it advisable and necessary to have seven bank holidays, which are generally observed by the working classes as days of rest and enjoyment from labour, to say nothing about private holidays, we I think need not hesitate on that account. I was struck by the remark made by the honourable member from Bothwell, in so far as in ancient times perpetuation of the memory of individuals was in vogue, for the purpose of commemorating, as far as possible, the deeds they had done in their lifetime. Now, I think that there is a greater reason why Her Majesty's name should not be perpetuated in the way this bill is seeking to-day. We have as an example of what the effect of commemoration of these days has upon the public mind. I would cite the Day of Independence in the United States, the 4th of July. That day was unfortunately ushered into that great country in the midst of war, bloodshed and revolution, and the result of perpetuating that day has produced exactly the opposite effect that we desire to produce by Victoria Day, but it bears out the honourable member's idea. Another thing I consider this bill will effect, and that is that we in Canada are acknowledging to the world that we believe in the sovereign who has reigned over us for sixty years. We believe in the

British constitution that gives us that sovereign. John Burns, the great labour leader, came out to the United States a few years ago, and spent some three or four months in the great republic where he was striving to inculcate the British principles of labour unions, and confer with his fellow workers. When he returned to England, what did he say? He said he preferred to have Albert Edward Limited as the principle of government than the system of government which prevailed in the United States. This bill announces to the world, so far as we are able to announce it, that we respect our sovereign and desire to perpetuate the system of government under which we live, and that the successor to Her Majesty will have the same loyalty from the people of Canada as has been offered to herself. And I think if a jubilee portrait of Her Majesty the Queen was put up in every school in Canada with the words printed in red letters—"In Memory of Good Queen Victoria, her birthday on the 24th May is made a perpetual holiday for the children," succeeding generations of children are not likely to forget her or abolish the holiday.

Hon. Mr. ALMON—As I have been very much misunderstood, and as this House persists in thinking my resolution has reference to the keeping of Her Majesty's birthday during her lifetime, I am afraid that a vote would confirm that opinion, and I beg leave, with the consent of the seconder, to withdraw the motion.

The motion was withdrawn.

Hon. Mr. GOWAN, from the committee, reported the bill with amendments, which was concurred in.

The bill was then read the third time and passed.

The Senate adjourned.

THE SENATE.

Ottawa, Tuesday, 4th May, 1897.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THE COMMITTEE ON CONTINGENT ACCOUNTS.

Hon. Mr. SCOTT, from the committee appointed to nominate the standing committees of the House, presented their third report. He said: I may say that the committee is the same as it was in the first report, with one exception. It was suggested to the committee that one of the main reasons for sending back the report to the committee for reconsideration, was the absence of any member of the government on the committee, and as one of the committee, Mr. Reid, had already left Ottawa, the name of the Secretary of State was substituted. With that exception, the committee stands as reported originally to the House.

DISCHARGING BALLAST IN CAPE TORMENTINE HARBOUR.

MOTION.

Hon. Mr. WOOD 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 copy of regulations respecting the discharging of ballast by vessels arriving at Cape Tormentine, Westmorland County, New Brunswick, and a copy of instructions given the harbour master respecting the disposal of such ballast.

He said: I make the same motion as I made the other day when the premier promised me a reply.

Hon. Mr. SCOTT—I am advised by the Department of Marine and Fisheries that there are no special regulations referring to vessels arriving at Cape Tormentine in Westmorland, N.B. There are, however, rules and regulations that affect all harbours generally, and I shall be very glad to place in the hands of the hon. gentleman the rules of the department, which probably will satisfy him. I find one of them reads as follows:

No ballast, stone, gravel, earth or rubbish of any kind shall be unladen, cast or emptied out of, or thrown overboard from any ship or vessel whatever, in the port or harbour or at the entrance thereof, except at the places set apart for that purpose by the harbour master and under his direction, under a penalty of $50 for each and every offence, to be paid by the owner, master or other person having the charge of such ship or vessel.

I presume there is a harbour master at that port and that if his attention were called to it it would be his duty to see that the rules of the department were enforced. That is all the information that could be obtained, and I suppose, in view of that fact, the hon. gentleman will drop his motion.

Hon. Mr. WOOD—Yes.

The order was discharged.

JUBILEE COMMEMORATION CORPS.

INQUIRY.

Hon. Mr. BOULTON inquired :

If a contingent of four or eight from one or two of the regiments in Manitoba, cannot be included in the Jubilee Commemoration Corps from Canada ?

He said : I understand from the public press that there is no one included from the 90th Battalion of Winnipeg, nor do I understand that there is any one going from Manitoba to take part in the contingent of 200 men who are to be sent to England for the jubilee commemoration. I would ask if the government could not give a share of representation to Manitoba.

Hon. Mr. SCOTT—I am advised than an officer and six men will be sent from Manitoba to be included in the 200.

THE TREATY WITH JAPAN.

INQUIRY.

Hon. Mr. BOULTON rose to

Ask the government if the date upon which notice is required, under the terms of the treaty negotiated between the Imperial government and Japan in July, 1894, and the supplementary convention of July, 1895, has elapsed ?

If not, is it the intention of the government to be included in this most favoured-nation treaty ; and will ask for papers ?

Hon. Mr. SCOTT—The time expires on the 25th of August, 1897. The policy of the government was adopted by an order in Council dated the 30th of October, 1896, and it was decided that it was not expedient for Canada to adhere to the treaty. We have suffered so much from favoured-nations clauses in treaties that we prefer not to be included in them.

Hon. Mr. BOULTON—Since I put this notice on the paper, I have found by reference to the Trade and Commerce Report that my question was answered practically in the manner in which the hon. Secretary of State has answered it, and that report of the Privy Council replied in that manner, but at the same time, I should like to give my reasons why I think that if it is practicable the question should still be reopened. This question of most favoured-nations treatment is one of very great importance. It is not only a policy that has been adopted by Great Britain in her commercial life but it is a policy that we have inaugurated ourselves in the French Treaty that was negotiated in 1894 and 1895. We have adopted it as part of our commercial policy, and in doing so I think we have taken a very wise step indeed. The French Treaty was passed in 1894 and 1895 by a very large majority on both sides of the House.

Hon. Mr. SCOTT—I think not.

Hon. Mr. BOULTON—I was speaking more particularly of the House of Commons and the vote that was given there. Having adopted as our commercial policy the policy of Great Britain, and this treaty with Japan having been negotiated in 1894 that I am about to speak of, I think that it is advisable, if it is possible to do so, to reconsider the determination of the government not to be included in this treaty. Japan is a nation of 38,000,000, living on the western isles of the Pacific Ocean as the British Isles are situated on the eastern shores of the Atlantic. These two nations occupy islands in the two oceans, and both contain enterprising populations. The inhabitants of the British Islands we know for centuries have been so. Japan has sprung into existence and the commercial life of the world of recent years, but in the few years that it has stood before the world, it has shown it possesses great capacity for the extension of foreign trade, for the liberality of the measures it has passed in order to encourage and develop foreign trade. Most favoured-nations treaties are for the purpose of developing foreign trade and extending the trade of a country beyond its own boundaries. This treaty was negotiated in 1894 and the British government has always since 1880 adopted the principle of notifying the colonies that such a treaty has been made and that any colony that does not desire to be included in that treaty can withdraw if they see fit. In 1879 when protection was inaugurated by a readjustment of the tariff, the government of the day expressed the desire to withdraw from favoured-nation treaties, again in 1892 Sir John Abbott by address of both Houses asked the British government that Canada be released from the favoured-nation treaties by denouncing them because protection and reciprocity does not fit in with them. But free trade does. During the

reign of protection the policy has been to withdraw from these treaties. The Japan treaty was negotiated in 1894, but there was a supplemental convention in 1895 of the same treaty and therefore it extended the time for us to elect whether we would be included or not down to August, as the hon. Secretary of State says, of this year, leaving still three months upon which the government, I presume, would be at liberty to change its mind if they saw fit to do so. As I feel that it is a matter of importance to the commerce of Canada, with a view to extending our foreign trade I ask this question for the purpose of giving expression to such views as might lead the government perhaps to reconsider the stand that they have taken. We occupy a peculiar position in regard to these most favoured-nation treaties that have been negotiated by the government of Great Britain in so far as the treaty can be rejected or accepted by the Governor General in Council. But, if we negotiate a treaty ourselves as we did with France in 1894, that treaty has to be brought before parliament. Parliament had to give its sanction to the French Treaty in 1895, but parliament has nothing to say to the acceptance or rejection of the treaty of 1894 negotiated by the government of Great Britain with Japan which is just as important. There are a great many valuable things in this treaty. I will read one or two of them to show exactly the trend of the treaty. It is very much on the lines of all the commercial treaties that the government of Great Britain have made. Article 1 says:

The subjects of each of the two high contracting parties shall have full liberty to enter, travel or reside in any part of the dominions and possessions of the other contracting party, and shall enjoy full and perfect protection for their persons and property.

Article 3 says:

There shall be reciprocal freedom of commerce and navigation between the dominions and possessions of the two high contracting parties, etc., etc.

Article 5 deals with the most favoured-nation treaty:

No other or higher duties shall be imposed on the importation into the dominions and possessions of Her Britannic Majesty of any article, the produce or manufacture of the dominions and possessions of His Majesty the Emperor of Japan, from whatever place arriving; and no other or higher duties shall be imposed on the importation into the dominions and possessions of His Majesty the Emperor of Japan of any article, the produce or manufacture of the dominions and possessions of Her Britannic Majesty from whatever place arriving, than on the like article produced or manufactured in any other foreign country; nor shall any prohibitions be maintained or imposed on the importation of any article, the produce or manufacture of the dominions and possessions of either of the high contracting parties, into the dominions and possessions of the other, from whatever place arriving, which shall not equally extend to the importation of the like article, being the produce or manufacture of any other country. This last provision is not applicable to the sanitary and other prohibitions occasioned by the necessity of protecting the safety of persons, or of cattle, or of plants useful to agriculture.

Article 6 deals in the same way, and is as follows:

No other or higher duties or charges shall be imposed in the dominions and possessions of either of the high contracting parties on the exportation of any article to the dominions and possessions of the other than such as are, or may be payable on the exportation of the like article to any other foreign country; nor shall any prohibition be imposed on the exportation of any article from the dominions and possessions of either of the two contracting parties to the dominions and possessions of the other which shall not equally extend to the exportation of the like article to any other country.

Article 9 deals with tonnage, &c.

No duties of tonnage, harbour, pilotage, lighthouse, quarantine, or other similar or corresponding duties of whatever nature or under whatever denomination, levied in the name or for the profit of the government, public functionaries, private individuals, corporations, or establishment of any kind, shall be imposed in the ports of the dominions and possessions of either country upon the vessels of the other country which shall not equally and under the same conditions be imposed in the like cases on national vessels in general or in vessels of the most favoured nation, such equality of treatment shall apply reciprocally to the respective vessels, from whatever port or place they may arrive, and whatever may be their place of destination.

Articles 15 and 17 are as follows:

The high contracting parties agree that, in all that concerns commerce and navigation, any privilege, favour or immunity which either contracting party has actually granted, or may hereafter grant, to the government, ships, subjects or citizens of any other state, shall be extended immediately and unconditionally to the government, ships, subjects or citizens of the other contracting party, it being their intention that the trade and navigation of each country shall be placed, in all respects, by the other on the footing of the most favoured nation.

The subjects of each of the high contracting parties shall enjoy in the dominions and possessions of the other the same protection as native subjects in regard to patents, trade marks and designs, upon fulfilment of the formalities prescribed by law.

Article nineteen stipulates that the colonies have the option of accepting or rejecting the treaty, provided notice is given within two years of the passing of the convention. Article twenty-one provides that the treaty shall not take effect until five years after its signature so that the treaty does not come in force until 1899, although it was signed in 1894. The idea that prevails in my own mind is that these commercial treaties are exceedingly valuable concessions to both countries which are parties to them. They give Canadians all the rights and privileges that the native Japanese enjoy in their own country—their right to trade and their protection. Every advantage that is enjoyed by a native of Japan is enjoyed by a Canadian if he goes there and trades there. It is the same way with the natives of Japan. We give them the same advantages and terms in our country. I think that to an enterprising nation that is springing into life, very active life, indeed—a great industrial community living within reach of water communication of our western coast, it is a very valuable addition to the commercial freedom of Canadians having that treaty in force. It is only to be in force for twelve years and does not come into operation for two years more, and like all these treaties it can be denounced by giving one year's notice, so that whatever difficulties present themselves in the working of a treaty of that kind, it does not exist for more than twelve years. As I said before these most favoured-nation treaties have been adopted by the Canadian government as part of our commercial policy. We negotiated the French Treaty in 1895. The treaty that passed in 1895 is this, that whatever favoured-nation treatment we give to any other power, we will also give the same to France; therefore, any concession that we make to any other nation we have to give to France under that treaty. The French Treaty is not based upon rights that the Belgium and German treaties are. The Belgium and German treaties were negotiated in 1862, and they give them rights that we accord to Great Britain in any concessions in our tariffs. The peculiarity of that position is that any concession Great Britain gives to us has no effect on these two treaties, but any concessions that are given by us to Great Britain have an effect upon them. The French Treaty came into force in October, 1895. It was passed in the Statutes of 1894. Now we are dealing with a new state of affairs. Under the tariff that has been brought down of late by the government we are dealing very largely with the most favoured-nations treaties, because amongst the resolutions which are part of the tariff brought down by the government—resolutions which I heartily approve of, and which are certainly upon the right line as far as extending the foreign trade of Canada is concerned—amongst the resolutions is found this clause:

> When the customs tariff of any country admits the products of Canada on terms which on the whole, are as favourable to Canada as the terms of the reciprocal tariff herein referred to, are to the countries to which it may apply, articles which are the growth, produce or manufacture of such country, when imported direct therefrom, may then be imported direct into Canada, or taken out of warehouse for consumption therein at the reduced rates of duty provided in the reciprocal tariff set forth in schedule D.

Now, under that clause I contend Japan would be entitled to be admitted to Canada upon the same basis as we are according to any other foreign nation. The only condition is that the terms of their tariff shall be as low and as favourable to Canada as the tariff of Canada is to foreign nations of the world. Now, the Japanese tariff is a very low one. It is practically and virtually a free trade tariff. Ten per cent, I think, is about the highest duty they impose, and, therefore, if these resolutions do contain what in reading them they are supposed to contain, the right of any nation to enter into trade with Canada upon terms that are as favourable as Canada is giving to other nations, then I say that in all justice and honour we are bound to extend to Japan the favourable terms that this resolution accords. If we have to do that, we may as well take advantage of all the benefits that are to be derived from the treaty of commerce that has been negotiated by Great Britain, a treaty that has been negotiated with great care in accordance with old established usages, after the experience of centuries of foreign trade. It is wise for us having introduced a new state of affairs since the government dealt with this particular treaty some few months ago, to consider whether, having introduced this resolution, it is not worth while to take advantage of all the concessions of favoured-nations treaties when we are in honour bound

to give Japan the benefits that this resolution confers. More than that, there is reason under these resolutions. The present attitude of the government on the tariff, a tariff, I presume, taken with great caution, so as to proceed step by step, feeling our way under the new condition of affairs. The government have so far only acknowledged Great Britain in the concessions that are contained in this resolution. Great Britain giving Canada absolute freedom of trade, these resolutions have been framed especially to take advantage of that—I will not say especially to give preference to Great Britain, but to take advantage of that commercial form of life that, where a nation admits our products absolutely free, we are losing in the transaction if we tax the return goods that come back here to pay for those products; and, therefore, when we remove taxation from the products that the people of Great Britain send to Canada in payment of the produce that we send to her people, we are justified in taking this resolution and supporting it from the standpoint of self-interest, quite irrespective of discrimination. The fact that Great Britain admits our products free, and that this phase of the tariff does confer that discrimination upon the mother country, has been hailed with delight from all classes in Great Britain, and by all classes, I think, in Canada, excepting those extreme protectionists who can see no good in any policy that does not protect them; but the masses of the people, who are going to enjoy a totally different phase of commercial life under these resolutions, hail them with delight, and join with the people of the mother country in thinking that the greater extension of trade between the mother country and Canada that is going to take place the greater they, the consumers and masses of the people, are going to enjoy the benefits of it. But the government has seen fit so far, not to acknowledge that those resolutions apply to Germany and Belgium, because those countries by treaties negotiated in 1862 have favoured-nations treatment in Canada under the British treaty of that date. Now, I presume that the object which the government has in view in doing that is to bring prominently to the notice of Great Britain and the nations of the world that that anomaly does exist, that so far as our making a favoured arrangement within the empire, we are precluded from doing so in consequence of those two treaties, which not only give Germany and Belgium the favoured nations treatment under such resolutions as we are passing here, but to all those nations who have the benefit of most favoured-nations treatment on the same basis. In taking that step the government is probably doing wisely in so far as it is a public notice that that disability does exist, and that if the people of Great Britain want to have that preferential trade and want to have it alone, the burden rests with them to denounce those treaties that place them in that position. Whether the government of Great Britain will forego their commercial policy which is interwoven and bound up in these commercial treaties which she has with some 75 foreign nations, remains to be seen. I very much doubt myself whether Great Britain will decide to take any such step as that. But besides that, these resolutions favour Belgium in the same way that I claim Japan will be favoured by these resolutions by virtue of the fact that the tariff of Belgium is much lower than the tariff of Canada. If these resolutions mean anything at all, they mean that the nations having a lower tariff than Canada are to have the benefit of those resolutions and that upon the merits of the question itself, quite apart from any treaty obligations, quite apart from any international law that may be interwoven with those questions the fact that Belgium has a lower tariff than Canada has, upon the merits of that point alone, Belgium is entitled to enter her goods at the minimum tariff and in consequence of Belgium having to enter her goods on the minimum tariff, Germany comes in, quite irrespective of the clauses in the treaties of 1862. For the same reason, France, in consequence of the treaty which we negotiated in 1894, comes in exactly on the same basis. It is wise for us to be clear on those points, because they are matters of very great moment. If we propose to alter our international arrangement by these means, we probably would find we are wading in rather deep water. There is so much interwoven with these treaties that it is a matter of very great difficulty for us to get a clear perception of what it leads to. So far as it leads to Germany, France and Belgium entering Canada in competition with Great Britain under that minimum tariff, I welcome the resolutions because they are in line with what I have been advocating for the last six years.

I am heartily in sympathy with the government to that extent. When the motive can be construed that it is to exclude these foreign nations and to enter into a trade Zollverein with Great Britain and Great Britain only, then it leads to all kinds of difficulties that we cannot perceive the end of. National law is made for the preservation of peace and the good government of the people in any country, so international law is projected for the peace of the world and good government of the nations of the earth. This question of most favoured-nations treatment is at present closely bound up in our international obligations and therefore I would rather see that liberality of idea on the part of the government extended to these nations in consequence, to the lower tariffs that exist in New South Wales, Belgium, Japan and many other nations, which admit them into competition with Great Britain in Canada, under that minimum tariff that has been established. I think the government would act wisely in taking that step, although two tariffs are not wise in principle. High protection, as in France, can be quite as effectively maintained under a maximum and minimum as under a single tariff. So far as the policy of the Conservative party or the policy of the Liberal party is concerned, I do not think there is very much difference between them, so far as they would affect our international obligations. The Conservative policy of preferential trade would produce exactly an identical effect if it was carried out that the policy inaugurated under these resolutions would have. The only difference between them would be that the Conservative party a k the people of Great Britain to pay them something for the privilege of a lower tariff. I never could see that such a policy was a wise one. I always looked upon it as a selfish policy. If the United States to-morrow were to pull down their tariff and say "we will trade free with you" would not Canada gladly do it? If Germany or any other nation were to pull down their tariff and say "we will trade free with you," would we not do it? But when Great Britain gives us all she can, and has no more to give, then we say "You pay something in kind if you want the benefit of trading in Canada's markets." I do not think that is a loyal or patriotic plan to take with a nation that has accorded to us the advantages in trade and commerce, the advantage of the purchasing power which she gives to our produce, and everything else. I think that the statement in these resolutions is far more liberal and enlightened and likely to lead to far better results than the policy of preferential trade leading to imperial protection. The secret of England's great purchasing power for all our produce, is the fact that the competition which exists in those islands gives such an economic force in the prosecution of their foreign trade, that it draws the wealth from every corner of the world to the British islands and the expenditure of that wealth enables them to give such prices in Great Britain to those who trade with them, greater than any other nation of the world can afford. There is no market in the United States equal to the market of Great Britain for our products. There is no market in Germany or in France or anywhere equal to that of Great Britain. That is to say we get the benefit of the very highest prices, and when that state of affairs exists, I think that the purchasing power of the people of Great Britain would be greatly impaired if she were to tax the wheat of all foreign nations—nine-tenths of the wheat that she finds it necessary to import for food in order to give a benefit to the one-tenth the colonies have so far been able to supply. The very fact of her putting even a small margin of protection upon the food she requires would immediately reduce her purchasing power to the extent that the taxation of the necessaries of life would impair the purchasing power of her people and to that extent the market for the products we have to sell would be impaired, especially when we know protection is never satisfied with a little. Therefore on both grounds I think that the policy that is sought for by the Conservative party does not contain the elements of advantage to Canada or to the British Empire which we all have a warm spot for in our hearts, as these resolutions do. Moreover, if we had preferential trade under the Conservative policy Belgium would be admitted just the same and France would be admitted just the same as all the foreign nations who have favoured nation treaties would have admitted under these resolutions. If the Conservative policy were carried out, Belgium and Germany would be admitted exactly on the same terms, unless the British government denounced the treaties. There is another feature which has

only lately cropped up to our knowledge by the discussion in the German parliament and that is the discussion of the most favoured-nation treatment between the United States and Germany. And what do we find there? We find according to Baron Marshall Von Birberstein that most favoured-nation treatment is accorded to Germany in the United States because in 1828 there was a favoured-nation treaty negotiated with the United States by Prussia, one of the states of the German Empire, and because one of the states of the German Empire was accorded favoured-nation treatment in 1828, although the German Empire itself has not got a treaty to that effect in force with the United States, the treaty with the German Empire remains in force through the effect of that treaty of 1828, and Germany is anxious to retain that favoured-nation treatment, although seeking to retaliate upon the United States in some other form in consequence of their high sugar duties against Germany. Now, if we find that the United States has a favoured-nation treaty with Germany, because of the fact that one of the German states negotiated a treaty in 1828, and we were to ask the Imperial government to denounce the treaty with Germany, because we form a state of the British Empire in the same way as Prussia formed a state of the German Empire—if we were to force the government of Great Britain to denounce the treaty with Germany, and the British government acknowledges our freedom where our own interests are concerned—what position would we be placed in so far as competition in the German markets would be concerned with Canada? The United States that have the same products to sell as we have would have favoured-nation treatment; Germany would have favoured-nation treatment in the United States market while we would not. I look upon it that favoured-nation treatment in any market between two countries develops trade between those countries. I am not one of those who think we should restrict trade between nations I think we should expand it, and the more we expand it and are able to hold our own in foreign markets the better we are able to hold our own in our home market. Some people say we would be flooded with German and Belgian goods, and goods from all parts of the world. I do not myself consider that that is an evil at all. That is an advantage to any country. A great many people say that the money goes out of the country. The money does not go out of the country at all. There is a certain amount of currency circulation necessary for the maintenance of whatever commerce we are enjoying ourselves. The greater international trade there is, the greater foreign trade there is, the larger the currency required there will be. We may run our currency up to twenty, thirty or fifty millions, just in proportion to the foreign trade that we develop, because the development of the foreign trade means internal industry. You cannot possibly develop foreign trade unless you have an additional amount of industry in some form or another, whether it is in handling goods that come in or go out, or the manufacture of our natural resources or free imports, or whatever it may be, to the extent that we develop that foreign trade, to that extent we have to increase our currency, and it is only that currency that is handled by the people. If we were to send 1,000 five dollar bills of the Bank of Montreal to London, the same $5,000 would be sent back again to Canada by express. If we were to send 100 dollar bills to Japan, those same 100 dollar bills would come here intact, just as soon as it possibly could. Everybody knows perfectly well that the currency of Canada does not pass in other countries. It is only current for the trade of Canada itself, and forms a very small portion of the value of our total trade, and that ought to dispel the idea that is prejudicial in the minds of a great many people when they approach this question, that when we admit the products of a foreign nation, whether it is manufactures, or products, or anything else, that we are sending money out of the country in order to pay for them, and that we are parting with our money. There never was a greater fallacy, and I think that the hon. gentleman from Peterborough, the president of one of our large banks, will bear me out in saying that there is no such thing as money passing between nations, except what is necessary to regulate our traffic in the great clearing market of the world, London. Therefore, if we import goods from France, Germany or Japan, or any other country, those goods are paid for with the products of the industry of the people of Canada, and we must be working at something or other in order to pay for those goods, and to the ex-

tent that we import, even if these goods are flooded in upon us, which some hon. gentlemen regard as a calamity, there has got to be people in the country in order to consume them and to reproduce the means of paying for them, and those people who are reproducing those means are enjoying the comforts of those imports both in the materials necessary for their industries and for the necessaries of life to the extent they are cheapened to them.

Hon. Mr. MACDONALD (B.C.)—What becomes of the balance between exports and imports if we do not get it in money?

Hon. Mr. BOULTON—Of course if the country is wealthy and had investments abroad or is doing a large portion of the carrying trade or from any extraneous sources whatever outside of our national trade, we will import more than we export in order to be paid for it; on the other hand if we have no investments abroad—if we are not doing our own carrying trade but it is being done by some other nation and we owe money to other nations, our exports have to go out from Canada in order to pay that indebtedness whether it be for railroad bonds or public indebtedness—whether it be private loans or whatever it may be, that money has to be transmitted—not that money but Canadian products have to be transmitted to the nation to whom we owe the money in order to pay the liability we have incurred, that is the way imports exceed exports and exports exceed imports. We have imported for the last 10 or 15 years a great deal more than we have exported, but the reason of that is we have been borrowing largely. We have borrowed during the last 10 or 15 years many millions of dollars and that does not come out in money; it comes out in the goods we require to use. You have only to look at the trade and navigation returns and you will see without any difficulty that there has been very little variation in the import of bullion and export of bullion. It has been just about the same. Whatever we import or whatever we borrow or whatever credit we have brought, that credit is supplied to us and paid for by the product of other nations. But for the last three or four years we have not been borrowing any money beyond borrowing money to supplement our debt liabilities that we have incurred in consequence of deficits and we are now working within our own means. There have been no imports coming from the old country in consequence of any borrowing that we have made for public works or new enterprises or anything of that kind. Consequently the condition has prevailed for the last three or four years that our exports have exceeded our imports, that is, we have parted with so much of the product of our industry and we have received back into the country nothing in return for it. It has been absorbed to pay the interest on our liabilities that had to be paid abroad. Now, that condition of affairs cannot be impressed upon the minds of hon. gentlemen too much because it is one of the conditions upon which it is necessary to dwell in order to convince hon. gentlemen that a successful commercial policy that has been pursued by Great Britain for the past 50 years is the true policy that brings wealth, prosperity, contentment and a fair distribution of wealth to the people of the country generally. I think we have one of the greatest object lessons that can be given to any nation. In Great Britain during the last year, in last year's budget the revenue exceeded the revenue of the year before. There has been an increase in the revenue of 1896 of $12,000,000, a portion of the national debt paid off to the extent of $37,000,000, and an increase of 5 per cent in the foreign trade of the country. Now, when people talk of the poorly paid labour and poverty existing in Great Britain, it must be apparent that that revenue could not be raised if such poverty existed and if such poor wages existed. There has never been such prosperity exhibited by any nation in the world as has been shown by the people of Great Britain year after year, and that prosperity is most noticeable amongst the working classes. The rate of interest returned to the large capital invested in the cotton industry being only two per cent. During the past thirty years there has only been one or two deficits. In thirty years there has never been a surplus beyond $16,000,000, showing how carefully the thing is done—that there is not an excessive amount of taxation taken out of the people one year and a lesser amount of taxation taken out another year. That is the fact I desire to convey. I am very glad to see the stand that has been taken by the government in making an advance toward that position. I think myself that the position the coun-

try stands in at the present moment is rather a dangerous one, because the government is evidently halting between two policies. I do not say halting between two policies, but it has that effect. The tariff is of that character that it is very easy to go back to protection if protection should get the strongest and it is in a position to go forward if those who hope for that policy should be the strongest. My contention is that there is no safe ground between the two policies, one of free trade and one of protection. If you protect, you must protect so that it does protect and confine the trade of the country to its own border. We know what effect that has upon the country. We know that it is not an equal distribution of the wealth of the people and we know that it has brought us into the difficulty the country is in to-day, because no one can say that the country is really in a prosperous condition or that our labouring population are finding employment, Then the other policy is that of free trade such as we have it in Great Britain, which develops the wealth, the strength, the political influence and every advantage any nation should desire to secure—it has been all accomplished under their commercial policy. I say that there is no safe policy between those two. We must make up our minds to go down to the one or come up to the other. I do not think there can be any doubt about that and my anxiety in seeing the position the tariff is in at the present moment, although it has abolished certain evils in connection with our former tariff, yet from the smiling faces we see upon all those who enjoyed protection before, it is quite evident that they are satisfied that they have still a protective tariff and that it is not the revenue tariff that was designed

Hon. Mr. PERLEY—Hear, hear.

Hon. Mr. BOULTON—I am prepared to admit that the stand the Congress of the United States is taking under their new tariff it is impossible for us to lower our tariff to them, although there are some of their products such as iron, coal oil and coal, etc., that we can take advantage of, for our own advancement. It is, however, one thing to let in our neighbours, except on an even keel, along a stretch of 4,000 miles to exploit our country with their manufactures, while erecting prohibitory barriers against us, neighbours from whom we already purchase nearly double what they purchase from us; but because we are obliged in self defence to adopt that policy, it is no reason why we should hesitate in lowering down our tariff in favour of Great Britain who purchases from us nearly double what we purchase from her, until it reaches absolute free interchange of trade in our own interest; and if in pursuing a commercial policy that tends to give us the power to compete in the large markets of the world, we should have to let those foreign nations in with whom we are allied by most favoured-nation treaties, it is not going to check the advantages of that commercial policy, but rather increase them. When our manufactures have attained that strength that the economic force that free trade with Great Britain will impart we can then face any competition no matter what quarter it may come from. It is time enough when foreign nations denounce our commercial treaties, and commercial allies leave us, to draw closer the ties of the British Empire and develop an imperial commercial policy for mutual support and strength. The government have said they must proceed by slow stages, but slow stages are dangerous, as he who hesitates is lost, and if you do not walk right pass the grog shop firm in your determination to stick to your good resolutions you may be tempted to give in and so get back into your old habits. The only way is to go right on and give to the people of the country that inherent strength which free trade with Great Britain will undoubtedly give. Free trade gives an economic force to the people of any country and gives them the power to compete under the most favourable conditions in the markets of the world and it also gives to them the same power to hold their own in the market at home against all comers. I have spoken longer than I intended to to-day, but I confess that it takes a long time to convince hon. gentlemen longer than it does the younger ones on this matter. I think when the government have made up their mind fully and entirely to adopt that policy which they promised to adopt before they came into power, that this Senate will fall in royally and heartily to support them and help them in carrying it out, at any rate if they do not it will not be for the want of hearing good sound political economy from your humble servant which the object lesson of fifty years of unexampled

prosperity in Great Britain in pursuance of that policy justifies.

Hon. Mr. SCOTT—I am afraid I owe the Senate an apology for having asked them to allow the hon. member from Shell River to speak to the question. He availed himself of the opportunity, and certainly has widened his remarks far beyond the legitimate scope of the question upon the paper. I do not propose to follow him, because on a question of this kind it is only fair to the House that notice should be given before a debate upon it, but I rise for the purpose of expressing my dissent from the statement that the policy of this country is to enter into favoured-nations treaties. I think on only one occasion have the people of this country had an opportunity of expressing an opinion on that subject. All the earlier treaties were entered into by Great Britain without consulting Canada The government of the day may have been consulted, but I am not even aware, as far as my own experience goes, that they were consulted in many of the treaties in which the favoured-nations clause has been imported, and it extends far beyond the treaties with Belgium and Germany. There are, I think, some 18 or 20 countries with whom treaties have been made by Great Britain in which the favoured-nations clause is inserted and in which the colonies of Canada have been included, Canada being specially mentioned in some of them, more particularly those with Belgium and Germany. The treaty with France did not receive the approval of this country, but I think we were rather drawn into it by the excessive zeal of our high commissioner, and there was a desire that he should not be placed in an embarrassing position. There was by no means a unanimous consent of this chamber and the other House when the treaty came up for discussion, more particularly in this chamber. When it was submitted first in 1894, the late government were not at all cordial in acceptance of the treaty. I find that the Finance Minister, who had charge of the treaty in the other chamber, speaking on the 17th of July, 1894, on the subject, said :

> Parliament will not be asked to ratify the treaty this year. I think it is also well to state that one of the chief points which the government have to keep in view, is with respect to the favoured-nations clause. Whatever may have been our understanding with respect to all the other clauses of the treaty as to articles which were to be allowed to come in, it is perfectly true that by our telegram of the 12th January we assented to these clauses, whether we fully understand them here or not, and are responsible for them. But with respect to the extensions of the most favoured-nation treatment, that was never contemplated by the government, that was not included in our instructions, and, so far as that is concerned, was entirely beyond the wish of the government.

That shows that, at all events, the late government were not favourable to the extension of this favoured-nations clause, and certainly the present government entirely coincide with the view then formed on the subject that they ought to be left entirely independent.

Hon. Mr. BOULTON. I should like to point out that I think that that remark of the Finance Minister was in reference to France admitting only twenty articles, while we admitted a larger number.

Hon. Mr. SCOTT—The Minister of Finance said while they had no objection to reciprocal trade in the articles named in the schedule, they declined to let the favoured-nations clause be inserted, and it was for that purpose that I rise to express my dissent from the conclusion that the hon. gentleman drew that this country was really committed to the policy of the favoured-nations clause. We found it very embarrassing, and I can assure hon. gentlemen that when the present tariff comes to be discussed, it will no doubt be brought forward as a very embarrassing feature of it. So far as the trade with France is concerned, the entering into that treaty has not developed the trade we had a right to expect, if there was any value attachable to the treaty that was made. We sold to France in

1879	$714,000
1880	812,000
1881	662,000
1882	825,000
1883	617,000

While last year we only sold $588,000 worth, the year before $385,000 worth and the year before $544,000 worth, so that the treaty has not, at all events, benefited us particularly in developing an export trade.

Hon. Mr. BOULTON—That was her high tariff.

Hon. Mr. SCOTT—We do not gain much by the favoured-nations clause so far as France is concerned. The whole aggregate

trade that we have with France is only $3,302,000, while our aggregate trade altogether is $239,000,000, so you will see it is a mere fragment. The trade with Japan is rather better. Of late years we have been developing our trade with Japan, but we consider it would be extremely unwise for us to accept the proposal made by the Imperial authorities to become a party to that treaty. I do not propose to discuss the question that the hon. gentleman has incidentally alluded to, as to what the effect may be of the particular clause of the tariff which gives to any country which adopts a tariff as low as ours a reciprocal right. Of course that will be discussed when the tariff comes up to this chamber. At present our opinion is that it applies only to Great Britain. We may be wrong ; it is quite impossible to lay down any positive decision on that subject, but we consider that the wording of the proposal will not embrace those countries with whom we have the favoured-nations clause.

Hon. Sir MACKENZIE BOWELL—I do not know that under present circumstances it is advisable to discuss this question, particularly as it applies to the tariff, which will come before the Senate in a very short time. At the same sime, I am very glad that the hon. member from Marquette has brought the question under the notice of the House and of the country, because it is of very great importance that the country should know the extent to which the provisions of the tariff are to apply. I claim the indulgence of the House for a few remarks in reference to the position in which the hon. gentleman from Marquette has placed the Conservative party on this question ; and also, if I may be permitted to point out, that the hon. Secretary of State has confined himself to only one portion of the question as it affects the French treaty. Speaking to the latter first, the hon. gentleman pointed to the position taken by the government, as it was announced by the Minister of Finance in 1894. Whatever may have been the opinion of the government at that day, as announced by the Minister of Finance, I think it would have been much better and much more consistent with the information which he desired to give to the country, had the Secretary of State mentioned that, notwithstanding the expressions of the Minister of Finance in 1894, the treaty was ratified by parliament in 1895, and that no matter how many there were in this House, or in the other House, who dissented from the terms of that treaty, it became absolutely the bona fide law of the land, and as such, we have to deal with it. When the question as to its effect upon the trade of the country is put before the House, and we will have an opportunity of discussing it, I may take the opportunity of giving my opinion as to the results, and I may not differ very much from the hon. gentleman. But I take that subject to be apart altogether from the present question before the House. What I desire to know, before going any further, is whether the government has taken any action in reference to the treaty negotiated between England and Japan, and if not, whether it is their intention to ask the Imperial government to relieve Canada from the provisions and obligations which would devolve upon her if she became a party to the treaty. I might state that for a number of years past, particularly since the late government took very strong grounds against the favoured-nations clauses as they exist at the present day, and as they affect Canadian trade, the Imperial government have, upon every occasion, submitted the treaties which they negotiated with other countries to Canada, asking whether she was desirous of becoming a party to those treaties, and in every instance when I was a member of the cabinet, the government decided not to become a party to any treaty which restricted us in the management of our own affairs, or in the levying of a tariff. It is well known that a few years ago, when Sir John Abbott was premier of this country, both Houses passed an address to Her Majesty, asking to be relieved from the provisions of that treaty, for the reasons which I have already indicated. While I was on a visit on behalf of the government, on the question of trade, to the Australian colonies, this question was also discussed. The House will remember the constitution of that country prevented Australia from entering into any preferential arrangement with their fellow colonists or with England, unless they gave the same terms to all foreign countries. Hence, when we pointed out to them that if we made concessions to the Australian colonies in connection with the trade which existed between Canada and Australia, particularly the lumber trade, that we should be then making concessions to them which

would enure to the benefit of the whole lumber trade of the Pacific coast of the United States, from the fact that they were prevented from giving us any concessions that were not given also to all other countries in the world. I pointed out at once, and the government pointed out, that we could not be expected to give a preference while those concessions which we gave would be to the advantage of the United States to a greater extent than to us, unless we could send cargoes of lumber and other articles exported from British Columbia to the Australian colonies, at a cheaper rate than they could be sent from Olympia Sound and the lumber districts of that portion of the United States. That was the position in which we found ourselves, and when the colonial conference was held in Canada, that matter was brought under the notice of the conference in my opening address, I having been honoured with the presidency of that conference, and a strong resolution was moved asking the British government to denounce the provisions of those treaties in order that we might be in a position to enter into preferential arrangements, if we thought proper, with our fellow colonists and also with England. England, however, has declined to denounce those treaties, for reasons which it is unnecessary for me to enter into at present. I wish to point out to the hon. member from Marquette that he has misunderstood the position of the Conservative party and of the late government on this question. We were always in favour, and strongly in favour, of preferential trade with England. We were desirous, if possible, to get a *quid pro quo*, but if that could not be obtained, we were quite willing, if the favoured-nations clauses were repealed, to say to Great Britain, while at the same time having such a tariff as would properly protect our own industries, we will give you an advantage that we do not give to foreign nations. That is the position of the Conservative party to-day, and has been ever since I have known anything of this question, I do not wish to be misunderstood on this question, I am not receding one iota from my principles of protection, which are diametrically opposed to the opinions of the hon. gentleman from Marquette, but if 20 per cent was sufficient to protect an industry in this country and to give employment to our artisans and labourers, then I would say I would make that 20 per cent as the tariff applied to England, but I would add 5 or 10 per cent to that as applied to all foreign countries. I would do so for this reason; being an integral part of the British Empire, receiving so many advantages as we do, our parent country should have advantages that we would not give to foreign countries.

Hon. Mr. BOULTON—That is the policy of France.

Hon. Sir MACKENZIE BOWELL—That is the policy of France, and it is a right policy. I would be prepared to go the length almost that France has gone in her trade policy. She has a minimum and a maximum tariff, and she says to all the world, "if you will come down with your tariff to our minimum rates, you shall have those advantages in our markets." I would go further than that, while I would accept that policy, I would say you shall have advantages in our market if you give us entry into your markets upon equal terms; but I would hold a higher tariff against foreign nations than against England. That has been the Conservative policy in the past and is the Conservative policy to-day, and the only reason why that policy was not initiated and attempted to be put in force long ago, was because Great Britain refused to give us that permission, stating she could not do so under the favoured-nations clauses of her treaties with foreign nations. That is what I desired more particularly to say, because I did not wish it to go to the world that the Conservative party in their trade policy were determined to grant no concessions to Great Britain that they were not prepared to give to others, unless they received something in return.

Hon. Mr. MILLS—I would ask the hon. gentleman whether there has been any application to the British government for the denunciation of those treaties, since that of Sir A. T. Galt in 1893.

Hon. Sir MACKENZIE BOWELL—Oh, yes, the address which was passed by both Houses of Parliament in 1892 was sent to the imperial government, and also the resolutions of the colonial conference which sat in 1894 in this city. We have been met in every instance with a refusal, on the ground that their trade with foreign nations under the favoured-nations clause was so much grea-

ter than it would be by the adoption of what might be called a colonial policy, that they could not denounce those treaties. Hence we have been hampered in this matter. In reference to the present tariff resolutions I must confess that I am somewhat at sea. I should like to ask the hon. gentleman how he can come to the conclusion that the minimum tariff is only applicable to England at present. We all know that since the last election in Australia, New South Wales has adopted an absolutely free trade policy, taxing her lands, imposing a tax on incomes, and adopting other modes by which a revenue is raised, and abolishing altogether the protective principle. How do you come to the conclusion under your tariff resolutions to exclude New South Wales, and particularly as she is part of the empire to which we belong, from the operations of your tariff? Belgium, Switzerland and some other countries are I believe in the same position; you will find by looking at the different tariffs that they are lower than the Canadian tariff; hence, taking the words of the resolution, their tariffs "on the whole" being lower than ours, they must of necessity become a party to this treaty and have all the advantages, so when you talk of a preference to Great Britain, to my mind that is a mere illusion. It is an attempt to introduce a policy of free trade in this country, as the hon. gentleman indicated a few moments ago, under the delusive hope and under the pretense of granting to Great Britain concessions which you are not granting other parts of the world, and the intense feeling of affection and loyalty to Great Britain has so operated upon the minds of the people of this country, that without looking at its ultimate results on the trade of the country, they accept it, because they say "you are going to give preferential trade to Great Britain," and at the same time they are denouncing the Conservative party as being opposed to it. I say here, on behalf of the Conservative party, that there is not one tittle of truth in the charge which is made against them on this question. Hampered as they have been in the past, they have obeyed the mandate of the Colonial Office and refrained from doing that which they desired to do. They knew from the correspondence which had taken place between the Colonial Office and the Canadian government, that if they attempted any such legislation as that, it would be annulled by the British government. The hon. gentleman will keep in mind the question which I have asked him, whether there has been any understanding between the Colonial Office and this government upon this question. I pointed out on a former occasion, when I was addressing this House, that the extraordinary course has been taken by the government of keeping parliament in ignorance of what had taken place, and that we have had to obtain our information from the columns of newpapers and Ottawa correspondents. First we have the declaration of the Minister of Finance in reference to the coal duty, and then we have the declaration of Mr. Borden, the Minister of Militia and Defence, to a New York reporter, as to the retaliatory measures which were to be brought before the House. Now I suppose the correspondence which appeared in yesterday's *Globe* is to be taken as an authoritative declaration as to what has been done and what is to take place in this matter. The correspondent indicates that a conversation and negotiations took place between Mr. Chamberlain, when he was in the United States not long ago visiting his relatives there, and Sir Richard Cartwright, the present Minister of Trade and Commerce, and that there was an understanding come to between these gentlemen as to the course the Imperial government would take in case this present tariff was introduced and adopted by the country. The article winds up in this way:

> It has transpired also that when Mr. Chamberlain was in America last September visiting the parents of his wife at Denvers and was seen by Sir Richard Cartwright, the possibilities of the trade situation were rather freely discussed. While no arrangement was at that time concluded as it could not be, as the form of the present tariff was not then determined, it is probable that the Colonial Secretary learned a good deal about the aspirations and hopes of the Canadian government. In the diplomatic contest that must follow, the refusal of the government to extend the maximum duties upon the new tariff to Germany and Belgian goods, it is believed that Mr. Chamberlain will be found strongly supporting the Dominion authorities.

My hon. friend no doubt will say that this is a mere newspaper report, but we know enough of newspaper reports and of the intercourse which takes place between the leading journals supporting the government and the government itself, that these feelers are generally thrown out in order to ascertain what effect they will have upon the

public, and in order to prepare them for what is to follow. That is a common course, not only in this country, but in all other countries. Are we to accept that declaration as semi-official? Are we to understand that Mr. Chamberlain is to approve of the views and the interpretation given to these clauses, and to decide that they do not come within the meaning of the favoured-nation clause? I for one, if he does so, shall hail it with delight, because I shall consider that one step in the direction of accomplishing that which the late government had been trying for four or five years to accomplish, and the sooner Canada is in that position the better it will be for her, and the better I believe it will be for the people, giving us as it will a wider scope to deal with all questions affecting our trade and commerce. If the hon. gentleman and his government can only succeed in breaking down that barrier which has existed for so many years, and secure freedom of action in matters of trade and commerce, by the denunciation or repeal of those clauses which hamper us at the present moment, he certainly will have my commendation, and I am quite sure he will have the commendation of every member of the Conservative party; but under the present circumstances I have grave doubt, from what has traspired, that the Imperial government or the Colonial Secretary will put the interpretation upon those clauses which has been put upon them by the Minister of Trade and Commerce and those who have addressed the House of Commons upon this subject. If he does not, then all these countries who are parties to the favoured-nation clause will come in and reap all the advantages without our receiving one iota of good in return. I should like to ask him another question: Have they considered the effect that this tariff will have on France under the provisions of the treaty that was adopted by parliament a couple of years ago?

Hon. Mr. McCALLUM—Hear, hear.

Hon. Sir MACKENZIE BOWELL—The language of article 2 is so plain that we cannot misunderstand it:

> Any commercial advantage granted by Canada to any third power, especially in tariff matters, shall be enjoyed fully by France, Algeria and the French colonies.

Hon. Mr. SCOTT—It says third power.

Hon. Sir MACKENZIE BOWELL—I know what my hon. friend means when he says it refers to a third power. If these other countries come in, France will have the benefit of the minimum tariff. I should like to see the government come down in accordance with its pledges and promises with a revenue or free trade tariff pure and simple, as they declared they would; then the country would know precisely the position it was placed in, and act accordingly. They should not bewilder the minds of those who have not studied the question and lead them to a belief that they are granting concessions to England which they are not giving to other people, and thus induce them to submit to a reduction of the tariff.

Hon. Mr. SCOTT—I shall endeavour to answer the hon. gentleman's questions seriatim, although I do not propose to go into a discussion of the whole question, which is a very wide one, at the present moment. In reference to the treaty which was passed, the negotiations were exchanged in July, 1894. It was then supposed that everything would have been completed within two years. I believe that the proposals were submitted to the government of Canada at that time, as at the time of the change of government we found that repeated communications had come from the Colonial Office asking for a final decision as to Canada's intention in regard to the treaty with Japan. They apparently had not been answered. They were left unanswered, and in October last we came to the conclusion to answer them in the negative. They were repeated after the change of government, and we assumed from the policy adopted by our predecessors that that was in the line of their intention as they had not shown their acquiescence. I think that in July, 1896, the Imperial government, with the concurrence of Japan, had the time extended for one year in the hope probably that Canada would become a party to it. In reference to the point as to whether New South Wales comes within the terms of the recent tariff, I am clearly of opinion that it does, and when any exports from New South Wales are entered in Canada, and when the opinion of the Commissioner of Customs, who is the official named in the resolution, is invoked, I have no doubt he will hold that New South Wales comes within the terms of

the tariff, and will be entitled to enter goods at a reduction of one-eighth or one-fourth, as the case may be, according to the time at which the goods are entered. In reference to Belgium, I am quite aware that the tariff of that country is, relatively to the tariffs of Germany and France, a low tariff; but if I correctly understand that treaty, on the whole it is not as favourable as the proposed treaty Canada is offering to the mother country and to New South Wales. Of course, if it can be shown that the treaty with Belgium comes within our conditions, necessarily Belgium will be included. It is a mere matter of fact, which cannot be ascertained without investigation. At the present moment, as I am advised, Belgium does not come within the terms of the tariff. Now, in reference to the general policy of the Conservative party, we can only gather that, as far as the tariffs are concerned, by their acts, and certainly the effect of the tariff of the late administration was that British goods were taxed higher than the goods of any other country—not specifically, but that was the effect.

Hon. Sir MACKENZIE BOWELL—No.

Hon. Mr. SCOTT—My hon. friend has only to look at the figures. You will find in the aggregate of importations the goods coming from Great Britain came relatively at a higher amount; that would be the effect on the whole of the amount imported.

Hon. Sir MACKENZIE BOWELL—I will discuss that when the tariff comes up.

Hon. Mr. SCOTT—It is explained in this way, that the very highest duty was kept up on woollen goods and certain classes of iron goods which are chiefly imported from Great Britain.

Hon. Sir MACKENZIE BOWELL—And liquors and wine.

Hon. Mr. SCOTT—Oh, no, that does not come within the category at all. In reference to the hon. gentleman's question as to whether this government consulted Mr. Chamberlain about the tariff, all I can say is, they did not. The authority the hon. gentleman has read from is one that I do not accept. We acted upon our own judgment and our own view as to what was best for Canada and what was best for the mother country, and we were glad to find that the universal expression of the British press on both sides of politics was in support of the action that we had taken, and there was a general approval by the English people, whatever the opinion of the English government might be, and there was a pretty widely expressed opinion in the British House of Commons, which was a clear indication of the views of the British people on that subject; but so far as our consulting the Imperial authorities is concerned, we did nothing of the kind. No doubt questions will arise as to the views they or we may take on that much discussed question of the favoured-nation treaty, not only with Belgium, Germany and France, but with a number of other countries. It will be time enough to deal with that when we are forced to. In the meantime, we have laid down the principle that we think the lower tariff does not apply to any other country than Great Britain and Ireland and New South Wales.

Hon. Sir MACKENZIE BOWELL—Or in other words the favoured-nation clause does not cover it.

Hon. Mr. SCOTT—It is outside of that. We do not directly give a preference to Great Britain. We offer the same terms to all the world; we do not name Great Britain or any particular country. We say any country whose tariff is, on the whole, as low as the tariff we now submit, may come in and obtain a rebate of an eighth now, and a rebate of a fourth when the second year has gone over on all importations from that country. Any country may adopt towards Canada, if it pleases, our own tariff as a basis and come within it. It is a matter for each country to decide. The offer is open to Germany, Belgium, France and every other country at the present moment. The facts are clear and undoubted.

Hon. Sir MACKENZIE BOWELL—Why did not the hon. gentleman apply that argument to the trade question generally?

Hon. Mr. SCOTT—What is that?

Hon. Sir MACKENZIE BOWELL—The hon. gentleman said the late tariff discriminated against England, owing to the

character of the goods that came from that country. The tariff stands in the same position that your preferential tariff does, and yet you say one discriminates and the other does not.

Hon. Mr. SCOTT—The point I make is that on the amount of goods we imported from Great Britain, on the given amount, the duty collected was larger than the duty collected from the United States or any other country. That is on the amount of the importations.

Hon. Mr. LOUGHEED—If the statement made by my hon. friend from Marquette be correct that the tariff of Japan will not exceed ten per cent on the whole, how does my hon. friend reason that the goods of Japan can be excluded from the preferential schedule of the tariff?

Hon. Mr. SCOTT—I do not reason that at all. Japan is entitled to come in, and the offer is open to any country. Our offer of preferential trade is open to all the world.

Hon. Mr. LOUGHEED—Then the denunciation of the clauses of the Japan treaty will not exclude Japanese trade?

Hon. Mr. SCOTT—No, we had nothing to do with a Japan treaty; we did not denounce it; we simply said we did not want to enter into any treaty with Japan. In the incipient stages we declined to be a party to that treaty. We make our tariff and it is for other countries to come in on our policy. It is free to the United States, Great Britain, France, Germany, Japan and all the world. We make no discrimination whatever, and it is quite improper to say that the tariff is limited to any particular countries, because it is not. It speaks for itself. Its words are clear and intelligible, and it is for any country to so frame its tariff as to justify the preferential tariff being applied to that country.

Hon. Mr. MACDONALD (B.C.)—I call attention to a point not referred to by the hon. member from Hastings. First, the hon. member from Marquette has raised one of the most important questions he has ever brought up in this House; that is the treaty with Japan, and I think I would be derelict in my duty if I did not warn the government not to give preference to the productions of that country in our markets. We all know that no Europeans can compete with the Chinese or the Japanese in manufacturing, and they are entering into that form of industry largely now. The United States, seeing the adaptability of the Chinese and Japanese in this line, are building large factories in Japan and are producing cottons and fabrics of all kinds and probably will produce iron and woollens. I have no hesitation in saying that they could in two or three years close up every factory in this country and in America.

Hon. Mr. MILLS—They give you too much for your money.

Hon. Mr. MACDONALD (B.C.)—Yes, they could swamp all our factories. I was glad to hear the Secretary of State say that they would not be bound by any new treaties made by Great Britain if they did not desire to. Great Britain can make treaties that Canada cannot possibly afford to accept, and why should we be bound hand and foot by foreign countries? I regret that the hon. gentleman from Shell River does not agree with me on the matter, because I think it would be a lamentable thing, and an injury to the country if we allowed Japanese goods to come in under favoured-nation clauses. I hope the government will resist anything of that kind as long as it possibly can, and not allow this country to be bound by any treaty made with China and Japan. The competition of Germany, Belgium and France is nothing compared with the competition that there will be from the people of Japan in a year or two. It is alarming our neighbours to the south of us, and that is one reason they are raising their tariff barrier as high as they can.

Hon. Mr. LOUGHEED—My hon. friend appears to misapprehend the statement made by the hon. Secretary of State, that the reduced schedule will apply to Japan as well as to England.

Hon. Mr. MACDONALD (B.C.)—Suppose they have a ten per cent tariff in Japan, they must receive Canadian products, less the ten per cent, in order to come under our tariff.

DELAYED RETURNS.

INQUIRY.

Hon. Sir MACKENZIE BOWELL—I should like to ask the Secretary of State when I may expect that return for which I moved on the 9th of April last in reference to the appointment of commissioners, &c.

Hon. Mr. SCOTT—I am afraid it is rather an extensive document to get up. I will make inquiries. The information comes from the different offices, and notice was sent to all the offices to prepare the return.

Hon. Sir MACKENZIE BOWELL—It is only the operation of six or seven months, and surely the return cannot be very long for that period.

Hon. Mr. SCOTT—It was necessary to improve the service very materially.

Hon. Mr. McINNES (B.C.)—I hope the leader of the opposition has not forgotten that when he was in power, I moved for returns and had to wait more than two years for them. However, I think it is the duty of the government to bring down returns ordered by the House as soon as possible.

Hon. Sir MACKENZIE BOWELL—There was another return moved for by the hon. gentleman from Brandon in reference to the same subject. Will the hon. gentleman take a note of that also?

THIRD READING.

Bill (E) "An Act for the relief of Adeline Myrtle Tuckett Lawry."—(Mr. Clemow.)

SECOND READING.

Bill (26) "An Act respecting the Grand Trunk Railway Company of Canada."—(Sir Mackenzie Bowell.)

The Senate adjourned.

THE SENATE.

Ottawa, Wednesday, 5th May, 1897.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THE FINANCIAL CLAIMS OF PRINCE EDWARD ISLAND.

MOTION.

Hon. Mr. FERGUSON moved:

That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will cause to be laid on the Table of the Senate all correspondence which has taken place since the 13th July last, between the government of the Dominion and the provincial government of Prince Edward Island regarding certain financial claims of that province upon the federal government.

He said: As this correspondence, if any, covers a very short period of time, we may reasonably expect that it will be brought down very soon, and we can discuss it then.

Hon. Mr. SCOTT—There is no objection to this motion. I think there is a very limited correspondence. The only paper I have been able to find is a single letter and the answer to it.

Hon. Mr. FERGUSON—Then we may expect that the return will be brought down very soon.

Hon. Mr. SCOTT—Yes.

The motion was agreed to.

RAILWAY BRIDGE OVER HILLSBOROUGH RIVER.

INQUIRY.

Hon. Mr. FERGUSON inquired:

Whether the Federal government have agreed to co-operate with the provincial government of Prince Edward Island, in the construction of a railway and passenger bridge over the Hillsborough River, connecting Charlottetown with Southport? If so, what is the estimated cost of the bridge, and what proportion of the cost is intended to be borne by the federal government?

Hon. Mr. SCOTT—No agreement as to co-operation with the provincial government in the construction of the bridge referred to

has been reached, but the question of the construction of such a bridge has been discussed between the provincial premier, the Hon. Mr. Peters, and the Minister of Railways and the Minister of Marine and Fisheries, and a sum of $7,500 has been placed in the estimates for the coming year for the purpose of making a survey of the bridge and arriving at an estimate of its cost. At present there is no estimate of the cost of the bridge.

Hon. Mr. FERGUSON—And there is no arrangement as to what proportion the federal government will pay. The usual amount, I think, is 15 per cent on large bridges of that kind.

Hon. Mr. SCOTT—The ordinary amount contributed for railway bridges in the past, I think, has been 15 per cent of the cost—that is speaking from recollection; but I do not know in this particular case that any arrangement has been made.

Hon. Mr. FERGUSON—Not even 15 per cent.

Hon. Mr. SCOTT—That is the ordinary subsidy, I think, paid by the Dominion for many years on railway bridges, but in reference to this particular bridge, I do not know whether that rule is to apply—whether the amount is to be more or less. It would not be any less, of course, but it might be more.

Hon. Mr. FERGUSON—As it will not be less, we are then to understand that there is to be a grant of 15 per cent. My hon. friend says it will not be less, are we to understand that 15 per cent is guaranteed.

Hon. Mr. SCOTT—The hon. gentleman rather strains the language I made use of. I stated that under the policy of the late government—and I presume that this government does not propose to depart from it, of course it is open to them to do so—the usual contribution in building bridges that are used by railways has been 15 per cent of the cost. I know of no reason why a different rule should prevail in this particular case.

Hon. Sir MACKENZIE BOWELL—Then, I presume, it is implied that the railway is to be built? If it is not the intention of the government to construct the railway, what necessity is there for ascertaining the cost of building the bridge, unless it is for the purpose of enabling them to come to a decision as to the propriety of building that railway, unless we are to understand that the policy of the government is to be extended to bridges other than those which are used for railways.

Hon. Mr. SCOTT—I am not prepared to go so far as that, and I did not state that the government's policy was to build this particular bridge. What I stated was that the sum of $7,500 was put in the estimates for the purpose of making a survey and ascertaining what the cost would be. The mere ascertaining of the cost of a public work, does not involve the construction of it. It might cost more than the government feels justified in contributing. That I am unable to say, and there is no use in discussing questions which may or may not arise.

THE STEAMER "PETREL."

MOTION.

Hon. Mr. FERGUSON moved:

That an humble Address be presented to His Excellency the Governor General; praying that His Excellency will cause to be laid before the Senate, a copy of the contract or charter by which the steamer "Petrel" has been employed for winter navigation between Prince Edward Island and the mainland during the present year, and all correspondence between the Department of Marine and Fisheries, or any officer thereof, and the owners of the said "Petrel" relative to the said contract or charter.

Also, a statement of all expenses incurred by the government of Canada, in the outfit, repair and maintenance of the said steamer, and in the payment of wages to her officers and men, giving the name of each employee, and the amount paid or to be paid each.

Also, a statement showing the number of round trips made by the steamer, between Cape Tormentine and Cape Traverse, or any other port in Prince Edward Island, from the 1st of December, 1896, to the 5th of April of the present year, with the date of such trips.

Also, a statement of the number of passengers, and the quantity of freight carried by the said steamer between the ports aforesaid, and the amount received for carrying such freight and passengers, for the above-mentioned period.

And also, a statement of the number of mails carried by the said steamer, during the same period.

He said: I will ask hon. gentlemen to allow a very slight amendment to this motion. When I put the notice on the paper, it was just a day or two after the 5th of April. Time has intervened since

then, and it will be more complete if this information would extend to the 1st of May, which is the period when the winter navigation entirely ends in the lower provinces, and spring and summer navigation commences, and with the consent of the House I would ask to be allowed to amend the motion by inserting the 1st of May instead of the 5th of April.

Hon. Mr. SCOTT—There is no objection.

Hon. Mr. FERGUSON—I do not intend to make observations at this stage of the motion, further than to say that the employment of this steamer "Petrel" has been a huge blunder from beginning to end. She has been, as I have no doubt when this return comes down, will be seen, a source of large expense to the tax payers of Canada, and she has performed no service whatever. She has been lying idle with an expensive crew on board, at great cost to the country—she has done absolutely nothing. I question if she has made three round trips during the four months, and she has been maintained at the expense of the Dominion. The utter unsuitability of this steamer for the service must have been apparent to everybody from the time it was put there. There was nothing but amazement felt that a boat, utterly unfit for the service, without the first qualification for the service, should be kept there during the whole of last winter.

Hon. Sir MACKENZIE BOWELL—Who owns the boat?

Hon. Mr. FERGUSON—That is what we want to find out. She belonged, I believe, to some company at Collins' Bay. She is a mere tug boat, utterly unfit to grapple with ice. She could not even make an experiment. When the information comes down, as I hope it will soon, it will be apparent that what I have said is true, that the money has been absolutely and entirely thrown away without any benefit whatever, not even in the way of experiment. because she has effected nothing.

Hon. Mr. SCOTT—There is no objection to the address going. I am not familiar with any of the facts. I presume when the papers come down we will be able to ascertain whether the statements made by the hon. senator are correct or not. In the meantime, I have no information whatever on the subject, but I have no objection to bringing down the return.

The motion was agreed to.

SUPERANNUATION OF THE INSPECTOR OF DOMINION CANALS.

INQUIRY.

Hon. Mr. McCALLUM—Before the Orders of the Day are called, I should like to ask if H. B. Witton, Inspector of Dominion Canals, has been superannuated, and if so, what reason has been given for relieving him of his duties.

Hon. Mr. SCOTT—My hon. friend has given no notice of his inquiry, but I will ascertain and advise him to-morrow.

Hon. Mr. McCALLUM—With the consent of the House, I shall read what the Hamilton *Herald* says about it.

Hon. Sir MACKENZIE BOWELL—I would suggest that the hon. gentleman put it as a notice of motion, so as to give the Secretary of State an opportunity to ascertain whether it is a fact or not. In the meantime, I may say that the article which my hon. friend wishes to read is a very good one.

Hon. Mr. SCOTT—We had better wait until we have the facts before us.

Hon. Mr. McCALLUM—There is nothing very wrong in it. The article is as follows:

MR. WITTON'S RETIREMENT.

A report comes from Ottawa that H. B. Witton, of this city, inspector of Dominion canals, has been superannuated. No reason is given for the retirement of Mr. Witton from active service. He is still in vigorous health and capable of fulfilling his duties for some years to come. It may be that the head of the department of railways and canals, in reorganizing the departmental staff, has devised some economical plan of combining duties without impairing the efficiency of the service.

Mr. Witton is known in Hamilton as one of our most cultured and scholarly citizens, a gentleman of vast erudition in many fields of knowledge, and with the ability to make practical use of it. He is known at Ottawa as one of the most efficient officials that the Dominion has in its service. For eighteen years he has filled the post of inspector of canals, and during all these years his work has frequently been the subject of special commendation. Some years ago the writer was told by a friend of Sir John Macdonald that the late Premier had in his hearing remarked that Mr. Witton was one of the

few model public servants, and that there was no departmental official in whose judgment and integrity he placed more reliance than upon those of Mr. Witton. On one occasion the Premier required a special report, and an exhaustive one, respecting the Dominion canals prepared in a short time. The work of preparing it fell to the inspector. When it was presented, Sir John remarked, "I don't remember ever having read a more luminous and complete report from a government official."

While Mr. Witton's numerous friends in Hamilton will regret that he is forced to retire from public service while he is yet able to do good work for the country, it is still pleasant to think that his retirement from active duty means for him more leisure to cultivate the studies in which he delights and which he has so freely used for the benefit of his fellow citizens.

Of course I would be out of order if I should speak of Mr. Witton's character. I believe he is known to most of the people of this country, and there must be some reason given before the people of this country will be satisfied that that is a just act. He is an ex-M. P.; he has been member of parliament for some time, and he is well known. I will not say anything further on the subject, because I may have occasion to put a motion on the paper before the close of the session.

Hon. Mr. SCOTT—I will find out the facts for you to-morrow.

BILLS INTRODUCED.

(Bill 23) "An Act to incorporate the Methodist Trust Fire Insurance Company"—(Mr. Aikins.)

(Bill 27) "An Act to incorporate the Royal Victoria Life Insurance Company"—(Mr. Forget.)

THE COMMITTEE ON CONTINGENCIES.

MOTION.

Hon. Mr. SCOTT moved the adoption of the third report of the committee appointed to nominate the senators to serve on the several standing committees for the present session. He said:—It will be in the recollection of hon. gentlemen that when this committee made their report they were instructed to reconsider that portion of it relating to the Internal Economy and Contingent Accounts Committee, and by order of the House this report was sent back, but without any particular instructions. The committee met in accordance with the order of the House, and it was moved that the name of Mr. Reid be dropped and a member of the government be selected to serve on the committee. The Secretary of State's name was therefore mentioned as the name to be substituted for that of Mr. Reid. With that exception, the committee remains as was reported by the committee of selection.

Hon. Mr. VIDAL — The report now brought under our notice has taken me completely by surprise. When the matter was discussed in the House a few days ago, the very general expression of the opinion of the House was rather against the principle which has been acted upon in the selection made by the committee. It is certainly a new thing to learn that the entire membership of a committee of this House should be completely superseded by new names. There are several objections to such an action. I think those which were enunciated by the hon. Minister of Justice in his place were unanswered. It is exceedingly important that in any committee, and more especially in a committee of the character of the Committee on Contingencies of the Senate, that there should be upon it persons who have had experience in the working of it in former years, but there is not a single member of this committee who was on the committee last year.

Hon. Mr. DICKEY—The Secretary of State is on it, and Mr. Miller.

Hon. Mr. VIDAL—The only change made by the committee is putting on the Secretary of State in place of Mr. Reid. The impression made upon my mind by the discussion that took place in the House was that the Senate did not concur in the view of making an entirely new committee. Although we have no claim to be informed of what took place in the committee, still we were informed that in the committee the matter was decided by one vote. Where the committee was so equally divided, it appears to me a very proper thing that the question should come up in the House so that the matter can be more fully discussed and the vote upon it decisive. I am quite well aware that objections have been made against dealing with the report of a committee in the way in which it is proposed to deal with this—that it is disrespectful to

the committee, and that its members would have cause to feel personally aggrieved and be unwilling to serve if the House ventured to interfere. That is a very poor argument indeed. Our committees are generally appointed for the purpose of going more fully into detail and obtaining information from outside which could not be got in the chamber. Where there are matters of that kind which could be more fully discussed in committee, my own feeling would be to lean towards supporting the action of the committee, but this is not a matter of that nature. It was announced to us clearly and distinctly that the principle upon which the committee had acted was that they would dismiss the former committee and appoint an entirely new committee, and they gave no reason whatever why this should be done. Possibly there was an omission on the part of the House in not giving specific instructions, but I should think, from the views expressed by so many senators, it was unnecessary to give special instructions. It appeared to me that the feeling of the House was decidedly in favour of retaining a number of those who had been on the committee before. So far from thinking that there is any disrespect shown to the committee, I think it would be rather a relief to its members that the responsibility of the appointment should be taken from them and assumed by the House. Holding these views, I desire now to move in amendment to the motion before us, that the third report of the committee of selection be not adopted, but that it be resolved that the Committee on Internal Economy and Contingent Accounts for the present session be composed of the following members—I have a list here of the twenty-five names comprising the committee of the last session, with one or two changes. Mr. Mills is put on in place of Sir Oliver Mowat, as Sir Oliver never attended the meetings of that committee and has other duties interfering with his acting upon it. I need not read the names. It is the re-appointment of the former committee simply with the changes I have mentioned.

Hon. Mr. PERLEY—I take exception to my name being on that committee, for this reason, that the North-west Territories have always had two members on that committee, and we have been told that one is sufficient. I wish now to have my name struck off and the name of my hon. colleague left on the committee.

Hon. Mr. McCALLUM—It appears to me that the nominating committee acted strangely in regard to this matter. They made a clean sweep. We should have men on that committee of some experience, but what have they done? As far as I know, and I believe as far as the members of the House know, the committee always discharged properly and honestly to the best of their ability their duties in the interest of the country. But what have the selecting committee done? They have swept them all off and we have not heard one reason given for it.

Hon. Mr. PROWSE—By a resolution.

Hon. Mr. McCALLUM—Yes; by a resolution of want of confidence. I have no grievance. I do not want to be on that committee. I have been on the Committee of Banking and Commerce first in the House of Commons and then in the Senate for 25 years, and have always tried to do my duty on that committee to the best of my ability, but my name has been struck off, I do not know why. There must be some reason. There must be some clique work about it in some way. I am willing to attend if the House insists, but I say we should have some of the old hands on that committee who know something about the working of it, and not have a clean sweep altogether.

Hon. Mr. MACDONALD (B.C.)—I can affirm here that there was no intention to cast the slightest reflection on the old committee. It was quite the other way. We know what the arduous duties of that committee are. We know how members are button-holed about the corridors for increases of salary, and a member moved in committee that the Internal Economy Committee be entirely new and all the old members be left off. I looked upon that as a relief to the old members, and that new members should take their places and bear a part of the burden that the old committee had been bearing for a number of years. The hon. gentleman from Sarnia has moved an amendment to the motion, but I should like to ask him what is the difference between having members named by the Secretary of State and the members he has named? What difference will it make to the House or the work of the committee? Of course, if the House wish to restore the old committee, I have nothing to say, I shall be

perfectly satisfied. The one committee is just as well qualified to carry on the work as the other.

Hon. Mr. PROWSE—I took a little exception to this report when it was first brought in, and I see no reason to change my mind now. When the report of this committee was first presented to the Senate, the leader of the opposition took exception to the formation of the Striking Committee in the first place, inasmuch as there was a change in it of one individual member of this House, and went so far as to move that the name of the hon. member from New Westminster be struck off, and the name of my hon. friend from Victoria substituted for it. That amendment was carried by the House. If it was necessary to retain the old members of the Nominating Committee, would not the same argument hold good in reference to the Committee on Contingencies, unless there was some sufficient reason given why it should be otherwise? As a member of the old committee last year, I have no objection to my name being left off this year. But when I am told by a member of the Striking Committee that this change was accomplished by a resolution of the committee—a formal resolution passed by the committee, disqualifying every man who was on it last year—then I take exception to the report. If the change had been made in the ordinary way, and every member of the old committee had been left off, and new members put on in their places, we could have no objection to it, but when the committee come to a deliberate decision by resolution, it casts a reflection on every senator who was a member of that committee last year, and before this House sanctions such a resolution we should have a full explanation why it was done. There is a popular quotation, I believe, about "dissembling your love, but why did you kick me down stairs?" That applies to the position taken by the hon. member from Victoria. The resolution proposed by the hon. member from Sarnia is a very proper one, and a very just rebuke to the committee for the course they have taken. I wish to make another remark with reference to the composition of the Striking Committee. It was composed of nine members of this House, and for several years past there has not been a representative of Prince Edward Island amongst them. I think in a committee appointed for the purpose of striking all the committees, every province should be represented. We have as much right to be represented on that committee as any other province. To show the result of not having a member from Prince Edward Island on that committee, I would just call the attention of the House to the singular way in which the committees have been nominated. Prince Edward Island has four members in this House out of a total of 81. In the Joint Committee on the Library of Parliament Prince Edward Island is not represented at all. I do not object to that, because there are only 17 members of this House on that committee. The Joint Committee on the Printing of Parliament is composed of 21 members, and Prince Edward Island is represented there with three out of its four members, an unreasonably large proportion from the island. Then in the Committee on Standing Orders, the island has two out of the nine members, a larger proportion than we have any right to expect there. In the Committee on Banking and Commerce we have one; while in the Committee on Railways, Telegraphs and Harbours, a very important committee, composed of 35 members, on which we have a right to have one member at least, if not two, because it is nearly one-half the Senate, we have no member at all from Prince Edward Island. I think after this, every province should be represented on the Striking Committee to prevent such an anomaly as appears in the case of the Printing Committee, where Prince Edward Island is represented by three out of its four members, and in the case of the Committee on Railways, where Prince Edward Island is not represented at all.

Hon. Mr. CLEMOW—I can assure my hon. friend that as far as the Striking Committee are concerned, they acted from the very best motives. There was a general feeling of dissatisfaction outside respecting the actions of the late committee. Whether that feeling was justified or not I cannot say, but I argued in this way—if such is the case, I do not want to draw any invidious distinction, and the better plan would be to appoint an entirely new committee so as to prevent any feeling that one man was sacrificed for the benefit of another. That was the motive that influenced me. In reply to the hon. member from Prince Edward Island, I may say the intention and the principle laid down was that each member should be on no more

than three committees, and we tried to carry that out as well as we could. Afterwards we found that that was not the feeling of the House. They sent the report back to the committee, and I said "Let us retrace our steps." If we have done wrong, if we have been acting in a manner not agreeable to the House, let us renominate the old committee, I did not want to discriminate. But the majority of the committee said no, let us merely susbtitute a member of the government for Mr. Reid, who is not here, and return the report to the House. The Striking Committee were anxious to do what they considered right and proper, but there was a lurking feeling outside of dissatisfaction with some members of the committee.

Hon. Mr. McINNES (B.C.)—Will the hon. gentleman inform the House what that feeling was?

Hon. Mr. CLEMOW—I do not know. You often hear dissatisfaction expressed in a variety of ways, and if you ask the ground for it, none can be assigned. You often hear charges made against a government, and when you ask why, you can get no reply. So it was with the late committee, and we thought that if such a feeling existed to any extent, the best way was to appoint an entirely new committee. What does it amount to after all? One member is as competent to discharge the duties on that committee as another.

Hon. Mr. PROWSE—Then why pass the resolution?

Hon. Mr. CLEMOW—Because everything is done by resolution.

Hon. Mr. PROWSE—Oh, no.

Hon. Mr. CLEMOW—Yes, a resolution is passed.

Hon. Mr. McCALLUM—Of non-confidence?

Hon Mr. CLEMOW—No, it is not a resolution of non-confidence at all. It was a question whether we should have an entirely new committee, to obviate any ill-feeling existing outside. My proposition was to reappoint the old committee, and the principal argument against that in the committee was that owing to the distribution of members on the other committees it would disturb the whole arrangement. That was the reason why they simply substituted the name of the Secretary of State for that of Mr. Reid. It is a matter of very little consequence, in my opinion, and a great deal too much has been made about it.

Hon. Mr. McKAY—The remarks which have dropped from the hon. member from Ottawa have confirmed a little story that I heard with regard to this. I was told that there were three or four members of the old committee that it was desirable to get rid of, and they had not the courage to put those off, so they nominated an entirely new committee. I was told that I was one of those they wanted off.

Hon. Mr. CLEMOW—I never heard that.

Hon. Mr. McKAY—That does not matter much. My object in rising was to say that I am pleased that I am not on the committee. I have been a member of it for fifteen years. I have an intimate knowledge of the ins and outs of it, and I am quite relieved to think that I shall not be a member of the new committee. To show that I am in earnest about it, I intend to vote against the amendment of the hon. gentleman from Sarnia.

Hon. Mr. ALMON—I am inclined in this case to support the proposition that we concur in the report of the committee. When we appoint our committee we should take them as we do our wives—for better or worse. In the first instance I think they were wrong, but, having reconsidered their report and finding they are right, I am willing to vote for the adoption of the report. There are some hon. gentlemen left off that committee that I should like to see on it, and, if the modesty of the hon. gentleman from Colchester will allow me to say so, I think he was one of the most useful members on the committee. The patient and sympathetic way in which he spoke to widows and orphans, even when he denied their request, was such that they went out with a smile.

Hon. Sir MACKENZIE BOWELL—I do not know that I should have made any remarks on this question had it not been for what has just fallen from the hon. gentleman from Colchester. All I can say is, it was the first intimation I heard of any

objection to him, or that any objection was made either in the committee or out of the committee to any particular member of the old committee. It is new to me, and I should like very much to know as one member of that committee who put a story of that kind into circulation. It never entered my head, and if my hon. friend from Monck says our action is a want of confidence motion, I can only say that it was voting want of confidence in overselves, because I voted with the majority in the committee.

Hon. Mr. McCALLUM—People often do that.

Hon. Sir MACKENZIE BOWELL—Yes, particularly when they know they are unfit for the position they hold, or should know that they are unfit for the position, if they do not. I must differ from the view taken by the hon. gentleman from Prince Edward Island, and also from the view taken by the hon. gentleman from Sarnia on this question. Has it come to this, that a member who is appointed to a committee has to be there as long as he lives? If so, there is no necessity in the future for appointing a committee with any other instructions than that they shall report the old committee, with such alterations as may be necessary to fill vacancies. That is really the principle which has been laid down. My hon. friend from Prince Edward Island says that because I moved for the substitution of the name of the hon. member from Victoria on the nominating committee for that of the hon. member from New Westminster, ergo, I am inconsistent in advocating an entirely new Committee on Contingencies. I cannot see what one has to do with the other. One of the reasons why I moved the motion referred to was because I had good authority for believing that the substitution of the name of the hon. gentleman from New Westminster for that of the hon. gentleman from Victoria was at the instance of a prominent member of the House of Commons, who, I thought, had no right to interfere with the composition of any committee of the Senate. If a member of the House of Commons, as I understood it, a whip of the House of Commons, could come here and interfere in the composition of any committee there must have been some reason for it. Whether that is true or not, I am not prepared to say; my authority was the member for Victoria himself, and consequently I have every reason to believe it. I had no desire to give that as a reason, or to raise any dispute on a question of that kind had I not been accused of inconsistency in the course I have pursued. Supposing I moved to strike out the name of any person and substitute that of another, it would not be inconsistent on my part if I vote that an entirely new Committee on Contingencies be appointed. As I mentioned to the Senate before, in speaking on this subject, the question of non-confidence never entered the minds of any of us nor did I hear an objection made to any member of the old committee. It was urged, as has already been stated, that it was better, as this was really the only patronage committee of the Senate, that some of the new members who had not been on the old committee should have the privilege of exercising their influence to get their friends into whatever small positions there were. I was quite willing, and would much rather be left off the committee. That was the only reason suggested for the course that was adopted. It is a matter of no consequence to me personally whether the report is adopted as presented or not. On a former occasion I made a suggestion, which was acted upon later, that this being a patronage committee some member of the government should be upon it. When the hon. gentleman says there is no one of experience on that committee, I need only point to my hon. friend from Toronto, Mr. Aikins, who was on this committee for years and years; surely he has sufficient experience to know what to do. Then my hon. friend from Bothwell was for many years on the Public Accounts Committee of the House of Commons, and I am sure that his experience is equal to that of any man in this House. There are others whose names I could mention on that committee who were members of the committee years ago. The hon. gentleman from Richmond is a very old member and certainly has had experience enough to conduct a committee of that kind or any other committee, so that so far as the composition of the new committee is concerned they are just as capable of conducting the business as any members of the old committee. I make this explanation because my hon. friend thinks I am inconsistent in the course that I have taken. The course that I took then I shall be prepared to take on any other occasion when

the same reasons present themselves for doing so.

Hon. Mr. McINNES (B.C.)—One word in explanation. Will the hon. gentleman kindly inform the House on what authority he heard that it was at the instigation of a member of the House of Commons that my name was placed on that nominating committee?

Hon. Sir MACKENZIE BOWELL—If the hon. gentleman had had his ears open he would have heard what I said. I stated distinctly my authority was the hon. Senator from Victoria.

Hon. Mr. McINNES (B.C.)—All I have to say is that that statement is incorrect.

Hon. Sir MACKENZIE BOWELL—As far as you know.

Hon. Mr. McINNES (B.C.)—As far as I know, and I think I ought to know it. If a member of the other House came over here and made such a request I would know it. A gentleman did ask me if I would go on the Joint Committee on the Printing of Parliament of both Houses; but the statement with reference to any member of the House of Commons coming over here and asking me to go on that nominating committee as far as I know is incorrect.

Hon. Sir MACKENZIE BOWELL—Then there was an interference on the part of some member of the House of Commons as to the composition of these committees.

Hon. Mr. MACDONALD (B.C.)—I think it is most unfortunate that a question of veracity should arise between members of this House, and I do not wish to pursue the thing at all. I spoke to members of the government on the subject, and I heard that a member of the House of Commons had written to members of the government here as to the matter, and I went to the hon. member for New Westminster, and spoke to him, and he said: "It is quite possible that a member of the other House has done so," indicating a whip of the other House. That is my information.

Hon. Mr. McINNES (B.C.)—I do not know what Mr. Sutherland may have written to a member of the government, but so far as I was individually concerned, I knew nothing of it, but I know that, looking over the names of the members composing the Joint Committee on the Printing of Parliament, he said: "We would like very much to have you on that committee," but he said nothing as to the Nominating Committee.

Hon. Mr. POWER—It appears to me that we are drifting away from the question before the House. What took place before the Nominating Committee was struck is hardly in issue just now. It is desirable that I should say a few words to-day, because the position which I have assumed is apparently inconsistent with the position which I took when the original report of this committee of selection was before the House. If hon. members bear the language in their minds, they will remember that at that time I thought it desirable that the report of the committee should be adopted, and I think it is only due to the House and to myself to say why I have since changed my opinion, or why I propose to vote differently from the way in which I should have voted then. The committee made their report. When that report was submitted to this House, it was received, one might say, with almost universal disapproval. There was no defence for the action of the committee. The leader of the House pointed out that the action of the committee was without precedent in parliamentary history, that the proposal was that all the experienced members should be taken off the committee and an entirely new committee formed, that that was unwise and contrary to all parliamentary precedent. I remember the hon. leader of the opposition indicated that the hon. gentleman from Bothwell was a gentleman whose services would be very valuable on the committee. The amendment which has been submitted by the hon. gentleman from Sarnia, provides that the hon. gentleman from Bothwell shall be on the committee, and we shall have the benefit of his experience. Now the position is this, hon. gentlemen: the House, apparently unanimously, referred this report back to the Committee of Selection with instructions to reconsider their report; and naturally it would be expected that the committee would have reconsidered their report with some respect to the opinions which had been expressed in the House. The leader of the House and the leader of the opposition and a number of prominent gentlemen in this House, disapproved of the policy which the committee had adopted of

excluding all the members of the old committee from the new committee. When the committee met, that expression of opinion from the House was entirely disregarded; and I feel, hon. gentlemen, that while it is a matter of indifference to me whether during the six weeks or so that we are likely to be here, I am on the committee or not, and while as I stated the other day, the probabilities are that no serious harm can come from appointing the committee as reported by the Committee of Selection, I think the principle which is really at stake is this—whether, when the House has in its wisdom instructed a committee to do certain things, the committee is at liberty to act in defiance of the expressed opinion of the House. I know very well that the hon. gentlemen who compose the Committee of Selection did not intend by their action to defy the opinion of the House, but in the future, when the parliamentary history of this little transaction comes to be read, it will be understood in the sense, that the committee having been instructed to reconsider their report, and impliedly to report in accordance with the opinions expressed by the leading members of this House, had failed to do so and had reported substantially as they had originally reported.

Hon. Mr. MACDONALD (B.C.)—Will the hon. gentleman read the order of reference to the committee?

Hon. Mr. POWER—I shall not read it. I know what it was—"That the third report of the Committee of Selection be referred back to the committee for the purpose of reconsidering the same so far as it relates to the Committee on Internal Economy and Contingent Accounts."

Hon. Mr. MACDONALD (B.C.)—To reconsider, not to reconstruct.

Hon. Mr. POWER—To reconsider in the light of the discussion which had taken place in the House. That is the way I look at it. I do not think it is of very much consequence, except so far as that principle is concerned, and I think the feelings of the members of the committee are not involved at all. The House owes it to itself to see that its intentions are carried out by the committee. For that reason I shall vote for the amendment moved by the hon. member from Sarnia.

Hon. Mr. PROWSE—One word in explanation. It appears my remarks, charging the hon. leader of the opposition with inconsistency, were based on an insufficient knowledge of the circumstances. I wish to withdraw that imputation now, because we have had an explanation from the leader of the opposition giving us his reason for moving that the names be changed on the Nominating Committee. From the information which he received—whether that information was correct or not, I am not prepared to say, I think he was quite justified in changing the names as was done in the formation of that committee, because there was sufficient reason for it. What I have already said that I objected to, was that there was not, as far as this House was concerned, sufficient reason given to us why a resolution was passed declaring that every member of this House who was on the Contingent Committee last year was disqualified from being on the committee this year.

Hon. Mr. BELLEROSE—When this question came before the Senate the other day I was astonished to see that such a sweeping change had taken place and no reasons given for it, so that I felt that the course followed has been unreasonable. As far as the question of reference is concerned, I must say that I do not look at it in the same way as some hon. gentlemen. The question of reference was a general one to reconsider. There has been a change made in the report, and this shows that there has been a consideration. A minister of the Crown has been appointed in the place of another member. If the House desires to go further and persevere in its determination, as shown in the discussion which took place, that is to say, persevere in its determination to have the old members back, then I should think the only way open for this House is to appoint a new committee and instruct them to that effect. The present committee having shown by their report that they cannot carry out the view of the House, it is evident that they had reasons for their course which they cannot make public. That is quite sensible and quite reasonable. The House cannot oblige the committee to do things they do not consider they should do. Since that day I have gone over and inquired so as to form my opinion as to the changes, and I was told that

there was something wrong with some of the members of that committee. For my part having now such information, I approve of the action of the committee and shall support the report. It was rather difficult to say that this member or that member should be put off. It would be a reflection on those gentlemen and the best way was to make a sweeping change. Although I am not in favour of the House rejecting the reports of the committees, I say that sometimes it will happen that committees cannot abide by the wishes of the House and if a committee thinks they are doing right they are justified. It is often the case that committees do not submit to the instructions of the House. Committees are not obliged to go by the instructions of the House in the matter when they feel they cannot do it conscientiously. In the present case if the House has any confidence in the committee they ought to accept their report.

Hon. Mr. BOULTON—I feel a little difficulty in giving a vote on this motion. I was one of those who voted that this report should be referred back to the committee. This committee has brought in the report again with a slight change. Whether that change would meet the view of the House so far as the reasons that induced them to send back the report is a question. But at the same time it presents itself to my mind in this way; this committee is a nominating committee of the House and we have appointed them for that purpose. They have all the names before them and they select the members according to provinces, localities and capacity. We are asked how to accept in exchange for the report of the committee a nomination paper of perhaps one or two hon. gentlemen. I do not think the nomination of one or two hon. gentlemen could be equal to the nomination of a nominating committee that we have appointed.

Hon. Mr. POWER—This committee is the same as last year.

Hon. Mr. BOULTON—Then we shall be placed in this position: that the hon. gentlemen can vote either for the committee as it was last year with the three changes, or the committee as it is this year with one change. I would prefer myself, if the House is not satisfied with the nomination made by the committee, that the report should be sent back to the committee rather than attempt to condemn the committee for the action they have taken. As the hon. gentleman from DeLanaudière says, it is not uncommon to send back a report three or four or five or six times before the House accepts it.

Hon. Mr. BERNIER—I should like to make one remark upon this question. I think there are many amongst us who do not care very much whether it goes one way or the other. There are very few amongst us who desire to be members of that committee, but I think there is one consideration that should go a long way to influence the vote of this House in this matter. You have disturbed all the other committees to form this committee. I know that certain hon. gentlemen who were members of very important committees have been struck out of other committees to be put upon this one, which is also considered to be an important committee. If hon. members vote for this amendment they are striking out those members from this important committee after they have been struck out from other important committees. Their legitimate sphere of influence is restricted so much, and I do not think it is fair, and in voting on this occasion we should take that into consideration. You have laid down the rule that nobody should be on more than three committees, but, as a rule, it has been attempted to put every member upon at least two committees. If the amendment moved by the hon. member from Sarnia is adopted, it will have the practical effect of placing certain members on one committee only, and some other members on four committees, which does not seem to me a fair proportion.

Hon. Mr. PRIMROSE—When this matter first came up I thought it might perhaps have been better if some of those gentlemen who have been formerly on that committee had been retained on the new one, on the same principle that in selecting a grand jury, sometimes a part of the old panel has been retained so as to secure men of experience. After hearing the explanations which have been given this afternoon, I have changed my mind on the subject, and I shall support the action of the Nominating Committee and I do so also because I think it is an exceptional course of procedure to do

otherwise. The House generally accepts the action of its committees unless there be something in it very much out of the way.

Hon. Mr. McINNES (B.C.)—In reply to what the hon. member from St. Boniface has said, there is no rule of the House to the effect that no member should be on more than three committees. That has been the practice, but you cannot find a resolution passed by any committee or by the House where it has been so provided. It has been the custom, so that if the new committees should be struck it will not disturb one of the committees that have already been appointed.

Hon. Mr. BERNIER—But it will restrict the influence of certain members who have been on other important committees. You are restricting their influence to one or two committees while you are increasing the influence of members who are already on both committees and whom you are putting on this committee.

Hon. Mr. McINNES (B.C.)—There may be something in that. A great many members of the House are under the impression that there is a rule as to a member not being on more than three committees, but I wish the House distinctly to understand that such is not the case.

Hon. Mr. BERNIER—For some time I have been a member of that selecting committee, and it was there laid down as a rule and it was the practice.

Hon. Mr. TEMPLE—I find, in looking over the minutes, that there are three or four members on different committees, and some members who belong to this House are not on any committees at all. I do not understand this rule. It may be the rule of this House, but I have been in the House of Commons for a great many years, and I know it was not the rule there to leave any one off. I recollect myself that I was on the Railway Committee for a number of years, and also on the Banking and Commerce Committee and a third committee, but I find this is the only committee I am on here. I do not care about it, but it looks singular, in a House like this, that there should be some members on three or four committees, and other members on no committees at all.

Hon. Mr. MACDONALD (P.E.I.)—After hearing the discussion, as far as it has gone, I have come to the conclusion to support the report of the committee as it is before the House.

Hon. Sir MACKENZIE BOWELL—I think it is due to the House that an explanation should be made, and I am very sorry the chairman of the committee has not taken upon himself the responsibility of explaining it. Acting upon the rule suggested by the hon. member from St. Boniface, when there are a number of new members appointed to the Senate—you are aware that on many occasions there are vacancies and that the committees have to be filled up—perhaps wrongly filled up, acting upon the rule suggested, and according to the number the rule provides for, that in order to put the gentlemen that have been appointed to the Senate on some committees other members have to be put off. That is the only way in which I can account for my hon. friend from Monck having been left off the Committee on Banking and Commerce and put on the Committee on Internal Economy and Contingent Accounts. I do not know that that is the case but it suggests itself to me that that is the reason. I find that he is on two other committees. That is the reason why such changes are often made. Why my hon. friend from York is left out altogether is something that must have been overlooked by every member of the committee. I cannot account for it. I think, under the circumstances, it would be the duty of the House in the future, although the committee's duties may cease, to see that he is placed upon some committee or some member struck off where he is on three or four committees. There is another reason: there are many gentlemen who are connected with different institutions who apply to be placed on certain committees for which they are peculiarly adapted and they should be placed on those committees, but the delicate question arises as to whom you should strike off to make way for him. The better way to meet the wishes of all the members of this Senate and put them on just such committees as they desire to go on, would be to repeal that rule limiting the number on each committee.

The question being put on the amendment it was declared lost by the following division :—

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The question being put on the main motion the same was declared carried.

The Senate adjourned.

THE SENATE.

Ottawa, Thursday, 6th May, 1897.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

DELAYED RETURNS.

INQUIRY.

Hon. Mr. KIRCHHOFFER—With the permission of the House, I should like to call the attention of the leader of the Senate to a return which I moved for more than a month ago, and which was ordered at the time, but which I understand has not since been brought down. I would ask the hon. gentleman if he can give us some indication of the reason for the delay.

Hon. Mr. SCOTT—What was the return?

Hon. Mr. KIRCHHOFFER—With reference to the dismissal of members of the civil service.

Hon. Mr. SCOTT—The return, I presume, involved work in the various departments; the order was sent over to these departments, and I suppose they are working at it.

Hon. Mr. McCALLUM—It is not complete?

Hon. Mr. SCOTT—No.

Hon. Mr. McCALLUM—It will take a year to complete it.

Hon. Mr. KIRCHHOFFER—I am bound to accept the explanation given by the hon. leader of this House, but in view of the remark made by the Minister of Marine and Fisheries, in the other chamber, that the civil service of the country had been practically undisturbed, it seems curious there should be such great delay in bringing down that statement.

Hon. Mr. SCOTT—I presume his remarks applied to the inside service.

Hon. Mr. ALMON—The service was turned inside out.

HUDSON BAY NAVIGATION EXPEDITION.

INQUIRY.

Hon. Mr. PERLEY rose to

Ask the government, what is the name of the vessel to be sent on the Hudson's Bay navigation expedition? How old is the vessel? Her tonnage? Her steam power capacity? Also, how many of a crew is required to man the vessel? And the name of the officer in charge who will make the report, and if Manitoba, North-west Territories and British Columbia are to have a representative to accompany the expedition? When will they start, and when expected to return?

He said: It is within the knowledge of this honourable House, as well as of most of the people of Canada, that there has been considerable agitation about the building of a railroad to Hudson's Bay, and hon. gentlemen will remember that last session the hon. member from Marquette and myself suggested that it would be a proper thing, before a charter was granted to build the road, to ascertain whether the straits and channel were navigable. I understand the government have taken steps in the matter

in order to test the navigability of the straits. I am not justified in condemning their action on street rumours, although I heard it said that the vessel they are employing for that purpose is very inadequate for the service. I, therefore, put this question on the notice paper, and now ask the question. If the answer is not a satisfactory one I may have some further remarks to offer.

Hon. Mr. SCOTT—The name of the vessel is the "Diana." As to the age of the vessel, she was originally built some 20 years ago, but was rebuilt in 1892. Her gross tonnage 473, and net tonnage 275 tons. The capacity of her steam power is 70 horse power, and the number of the crew will probably be 25. They have not been selected yet. The name of the officer in charge will be Commander W. Wakeham; Capt. Burke of the Royal Navy has been selected to represent the interests of the railways to be built to Hudson's Bay, and James Fisher has been selected to represent Manitoba and the North-west Territories. It is believed the expedition will start about the 20th of May.

Hon. Mr. MACDONALD (B. C.)—Is it true that Commander Markham declined to go on the expedition on account of the vessel being unfit for the work?

Hon. Mr. SCOTT—No, it was for private reasons.

THE SUPERANNUATION OF THE INSPECTOR OF DOMINION CANALS.

INQUIRY.

Hon. Mr. McCALLUM inquired:

Has H. E. Witton, Dominion inspector of canals, been superannuated, and if so, for what reason?

Hon. Mr. SCOTT—On account of age, Mr. Witton, inspector of canal revenue, was placed on the retired list with an annual allowance of $680, and the office of inspector was abolished, the Treasury Board having reported accordingly. Mr. Witton's age is 66 years; service, 17 years; average salary for the past three years, $2,000. The Treasury Board finding that Mr. Witton was eligible within the meaning of the Civil Service Superannuation Act, and that his retirement would be in the public interest, he was placed on the retired list with an annual allowance of $680, and the office of inspector was abolished.

Hon. Sir MACKENZIE BOWELL—Then Mr. Witton was retired on account of the abolition of the office, and not on account of age?

Hon. Mr. SCOTT—Both; he was over age.

Hon. Sir MACKENZIE BOWELL—I am aware of the fact that he was over the age for superannuation, but Mr. Witton is as capable to-day of discharging the duties of the office as when he was appointed. Does not my hon. friend think that in cases of this kind, where men have given up their business and accepted offices under the government, which they are supposed to hold during good behaviour and ability to perform the work, that they should be allowed something in addition to the mere pittance given in proportion to the number of years of service? Take the case of Mr. Witton as an illustration. As was pointed out by the hon. senator from Monck, a more efficient officer there is not in the Dominion of Canada, intellectually and otherwise. He is a most industrious man and possessed of more than ordinary ability, as has been proved by his reports. The Superannuation Act makes special provision for cases of that kind, where the office is abolished. In those cases, particularly if a man has been appointed after a certain age on account of special qualifications, it has been customary to add some few years to his time of service in order to give him a living retiring allowance. If the hon. gentleman will refer back to 1874 and 1875, when he was a member of the Mackenzie government, he will find cases where they retired men for the ostensible reason for which Mr. Witton has been retired, and in some cases those officials had only been in the service for three or four years. They added ten years to their superannuation allowance, which was, I think, stretching the law somewhat to an extreme. At the same time, the law gave them the power to do so, and the special provision for cases of that kind is when an economy is to be effected by the abolition of the office. In a case of this kind, where a gentleman of known ability, who has performed his work with great assiduity

during the time he has occupied that office, is retired some consideration should be extended to him. There are other cases to which I might call the attention of the hon. gentleman. Men appointed as superintendents of canals, who were compelled by the rules of the department to give up their former occupation by which they were obtaining a living, and making as much money, if not more, than by the salary pertaining to the office, but looking upon it as a life appointment they accepted it and were compelled to give up the practice of their professions, were actually dismissed on the first of a month and received no notice of it until the 6th or 7th of the next month, while they were still performing their duties —no intimation was given that the offices were to be abolished. I find no fault with the government for abolishing any office that they think is not necessary, providing the work pertaining to it can be performed by somebody else, but under circumstances such as those to which my hon. friend has called attention, and those to which I have referred, I think the government would be justified in extending some consideration to the men they are discharging.

Hon. Mr. MILLS—Did you apply that rule to the inspectors of weights and measures?

Hon. Sir MACKENZIE BOWELL—I would under the same circumstances. If my hon. friend desires me to enter into that question, I shall be glad to do so. I would not apply the rule in a case where the government had appointed 50 or 60 inspectors of weights and measures and paid them salaries amounting to $60,000 or $70,000, without ever placing instruments in their hands or giving them directions to do any work. That is a different thing altogether from the class of cases to which I have called attention. But that is not the point at issue. The cases to which I desire to call attention are of much graver character than those to which I referred, where the officials had several years added to their terms of service by the hon. gentleman's government in 1874 or 1875. I am referring now to cases where men have been compelled by the Department of Railways and Canals to cease practising their profession on the ground that they were receiving more than $1,000 a year. They have been a few years performing the duties of an office which has been in existence for over fifty years. The present government—and I may add, because I do not wish to be unfair, the same question was under the consideration of the late government as to the abolition of offices—have acted on reports found in the offices, and removed these men without one moment's notice and thrown them on the world to pick up and regain the profession they had lost, simply because they were required to give it up. I ask my hon. friend whether under circumstances of that kind he does not think the country would justify the adding of a number of years to their superannuation allowances. These officials in the cases to which I refer could not be superannuated, because they had paid nothing into the superannuation fund. When the late government in abolishing an office had to discharge an officer who did not contribute to the superannuation fund and whom we could not place on the superannuation list, put an item into the estimates granting him a gratuity and I never knew anybody in the House of Commons to object to granting a six months or twelve months' gratuity. That is what I would ask on behalf of the gentlemen to whom I refer. In reference to Mr. Witton, I think no one would object to five or ten years being added to his service in order to give him an allowance at his age, having given up his business as he did when he entered the service, to enable him to live comfortably for years.

Hon. Mr. SCOTT—I have no recollection of such a gross case as the hon. gentleman calls attention to having been perpetrated during Mr. Mackenzie's administration, of two or three years' service being favoured by a ten years' extension. Of course, it is quite impossible to discuss cases of that kind unless one had all the facts. It is scarcely proper to bring the matter up in that way, but I doubt whether there would be any case so extremely gross as that to which my hon. friend refers. I am quite aware that the law authorizes the government, if they think proper, to add a certain number of years to the term of service on the abolition of an office. It was the constant use made of that power by the late administration that led the present administration, when they were in opposition in the House of Commons, to the declaration that it should be discontinued, that the officials are well paid for the time

that they have been in the service, and they can get their superannuation allowance. The extra years is entirely a premium, and in very few cases can it be said that a public officer is deserving of that extreme favour that it authorizes. Of course, it is still open to the government to do it under the law. They are by no means compelled to do so. In reference to Mr. Witton's case I am not prepared to discuss the merits of it, because I am not familiar with it or with the services he has performed. The case, as presented to the government by the Department of Railways, was that his services were no longer required. He was in receipt of a very good salary—probably very much better than had he not been taken into the public service; so that it does not occur to me that he has any special right to complain because he gets a reasonably fair retiring allowance—quite as much as the government expected or anticipated. Now, in reference to the inspectors of weights and measures, I think my hon. friend is wrong when he says the instruments were not in their hands, but I am credibly informed that they were in their hands. The whole service was new. It was the inauguration of a new service in Canada, and, of course, it could only go into operation gradually, and the government which succeeded that of Mr. Mackenzie swept every officer away, and within a year reappointed friends of their own. Could any more glaring case be cited as illustrating their disrespect of the sanctity of the position of the office holder? There was the very best possible evidence of it, and there would be no difficulty in pointing out hundreds of cases in the ten years where the government dismissed officials without giving them one day's notice. I know that in the department over which I preside, there were three or four gentlemen dismissed without an hour's notice.

Hon. Sir MACKENZIE BOWELL—Who were they?

Hon. Mr. SCOTT—Mr. Morgan was one. It was not contradicted. He was met in the lobby and told he was superannuated without a day's notice, and there were a number of officials in that department. Illustrations can be given. The government probably acted on what they believed was a proper policy, and I presume this government cannot be charged with being derelict in their duty or inconsiderate to their employés when, in the interest of the public service, they find it necessary to abolish an office and compensate the occupant in the way pointed out by the law.

Hon. Mr. ALMON—It was with much astonishment and regret that I heard yesterday from the hon. member for Monck that the axe had taken off another head. I regret this very much, because Witton was an old friend of mine. I will relate to my hon. friends in this House, who are not acquainted with it, a little history about Mr. Witton. He came out from England, where he served his apprenticeship as a house painter. He was in the employ of the Western Railroad in Hamilton. He made many friends for himself among his fellow-workmen, in the first place by his skill, by his urbanity of manners, and by the good qualities which he showed. It was determined by the then ministry, before the election in 1873, that a mechanic should be chosen to represent the city of Hamilton. He and the late Mr. Chisholm were elected. I was elected for the House of Commons at the same time and sat next to him, and made his acquaintance in the library, which was not in that majestic dome where it is now, but was in different rooms throughout the building. There was scarcely a book in the library that he did not know where it was, and there was hardly ever a book which I wanted of which he would not know the contents and everything about it, and in conversation with him I found that he was a good Latin scholar. I remember but little Latin myself, but I can tell a good scholar when I meet him. I asked him how he learned it, and he said, "Oh, very easily. After my work was over at night I would take the dictionary and grammar and study Latin." He took up French books and read not only the titles but extracts from them, and I asked him, "How did you learn French?" and he said, "In the same way, with the dictionary and the grammar." I was frequently in the library at the time. Being the member from Halifax I wanted to find out something as to the lobster trade, the season for lobsters and the habits of the lobsters. He recommended that we should search the Smithsonian Institute reports, and we looked through all of them and a number of others, but could not find out

what we wanted. He had at that time a good knowledge of French and Latin. I met him some years after in Halifax, where he went to establish some agencies, and I said to him, "What have you learned since I left you?" and he said "I have learned the German language," and I am convinced he was a good German scholar. Some years after, when I was up in Hamilton staying with Mr. Turner, I said to him "What have you been learning since?" He said "I have been learning the Sanscrit language." Most of you are aware that the Sanscrit language is the language of old India, but now it is a dead language and only used in the books. It is used very much as Latin was used in the middle centuries—the language in which educated men wrote their works. He showed me a paper from Calcutta which contained a notice of his being elected an honorary member of a Sanscrit society. He was also a member of the Sanscrit society of Boston. I think when any one has the talent which this man had, and when we consider that he was a mechanic and that he taught himself all this, it would shame many of us. He knows more than a great many who have had the advantage of college education. I think it is a slur on the mechanics of Canada that he should have his head lopped off in the way in which it was done, and no extra years added to his service. They feel that there is a man who has been up in the House of Commons; he has been given a situation, and the Liberal government come in and turn him out without any notice, and his salary is reduced to the very lowest ebb. I remember on one occasion when Mr. Turner, with the hospitality for which Scotchmen are proverbial, entertained Lord Stanley and suite, who resided at his house during their stay in Hamilton, dined them in a room the ceiling of which was frescoed by this same Mr. Witton. A short time after I dined in the same room with Mr. Witton, and we were both treated with the same kind hospitality which had been shown to Lord Stanley and his suite. I do not think Mr. Witton would like me to mention these things, as he is a modest, unassuming man, but I think it is my duty to do it. I do not often beg, but I hope the government will take his case into consideration and treat Mr. Witton as leniently as they can. I do not know any man who has less political animosity than the hon. Secretary of State. I have often used language in reference to some of the hon. gentleman's temperance fads, or things of that kind, which I ought not to use, but when I met him the next morning I had the same good natured bow. I felt that the hon. member had forgotten anything that was disagreeable. I trust he will use his influence to get any additional recompense that can be given to Witton.

Hon. Sir MACKENZIE BOWELL—I must ask the indulgence of the House for a moment, because I think, from the remarks of the hon. Secretary of State, it resolves itself into a question of veracity as between him and me as to the custom—

Hon. Mr. SCOTT—Oh, no. I said I had no recollection of any case of the kind where ten years had been added.

Hon. Sir MACKENZIE BOWELL—I desire to say that I am not in the habit of making statements unless I have pretty good authority for them, and I would like to call the attention of the hon. gentleman to the public accounts as published by the government for 1895. On reference to these accounts he will find a statement of the superannuations which have taken place for a great number of years past, and if he will look at them he will find that in one case, the abolition of office in the case of Mr. Brennan—a bailiff, not a very important office—he served six years and he had ten years added. On the same page the hon. member will find that in 1877, a period in which he himself was in office, the Rev. John Cameron, clerk statistical office, Halifax, served three years and had ten years added to his superannuation allowance, making the retiring allowance thirteen years for three years' service; reason assigned, abolition of office. Then, if the hon. gentleman will turn to the next page he will find that in 1878 T. B. French, clerk in the Public Works Department, served thirteen years. He was retired, not on account of ill health, not on account of the abolition of office, but because they were reducing the staff. He served thirteen years and had ten years added. I do not know whether that was by his government or the succeeding government. Then Mr. Nutting, a clerk in the statistical office, Halifax, was retired in 1877 after five years' service with ten years added. In 1877 W. A. Ryan, a messenger, served a term of three years and had ten

years added. I repeat what I said, that I do not find any fault with the government for what they did, and the hon. gentleman was unfair in putting it that way. He said the government should not be found fault with. I made the statement that if it were the abolition of an office, if the government thought it was not necessary at the present day, I found no fault with them for abolishing the office and retiring the official. But I contended that while doing so, if the man was fitted for his work, under the law they had the power to allow him something, and they should do so. In order to justify that statement, I said that there were several cases where his government had retired officers with only three years' service and added ten years to it. I desire to put myself right as to that.

Hon. Mr. MILLS—Mr. Vankoughnet was retired without anything. He had been many years in the service and he was fit for his work.

Hon. Sir MACKENZIE BOWELL—His salary was $3,200 and his retiring would not leave him penniless.

Hon. Mr. POWER—I think it is a pity the hon. leader of the opposition did not take the same view at the beginning of the discussion. I rise to a question of order. The hon. gentleman from Monck does not call attention to a matter and then ask a question. If he had done that, under the practice of this House there might be a discussion of unlimited length. The hon. gentleman asked a simple question and got his answer; and under the practice of this House, as well as of every other legislative body, a discussion after an answer has been given is irregular. I am surprised that the hon. leader of the opposition, who has served so long a time in the House of Commons, should so often sin against that rule in this House.

Hon. Sir MACKENZIE BOWELL—I have been following the example of my hon. friend opposite.

Hon. Mr. McCALLUM—I wish to express my entire satisfaction with the action of the government. I do not think they should keep men in the service who are not required. If Mr. Witton is not required I think they should dispense with him. But the last part of the answer is not satisfactory to me. The hon. Secretary of State says that the abuse of the power by the late administration prevents them doing Mr. Witton justice. That is no answer. I say the government, no matter what their predecessors may have done, should do justice though the heavens fall. It is no excuse to say, because there was an abuse by a previous government, that they would not do justice to Mr. Witton, and I hope he will look into the matter and try and do a little better, and add ten years more to his time. That is all that I ask. I am satisfied with the answer and I hope that the services of other gentlemen who have nothing to do will be dispensed with. I hope that justice will be done to Mr. Witton. In that case I shall be satisfied, but I shall watch very closely to see if anybody else gets that position. I must not find fault now; I am satisfied with the answers and will be satisfied with Mr. Witton's superannuation if they will only allow him the proper retiring allowance.

Hon. Mr. SCOTT—I shall be very glad to bring the remarks of hon. friend under the notice of the government.

METHODIST TRUST FIRE INSURANCE COMPANY'S BILL.

SECOND READING.

Hon. Mr. AIKINS moved the second reading of Bill (23) "An Act to incorporate the Methodist Trust Fire Insurance Co." He said: This bill contains the ordinary provisions of a fire insurance bill, and the title designates the property to be insured: it is to be confined exclusively to Methodist church property. This bill has been under the notice of the General Superintendent of Insurance, and he concurs in the provisions of the bill.

The motion was agreed to and the bill was read the second time.

The Senate adjourned.

THE SENATE.

Ottawa, Friday, 7th May, 1897.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

GRAND TRUNK RAILWAY COMPANY'S BILL.

REPORTED FROM COMMITTEE.

Hon. Mr. VIDAL, from the Committee on Railways, Telegraphs and Harbours, reported Bill (26) "An Act respecting the Grand Trunk Railway Company of Canada."

Hon. Sir MACKENZIE BOWELL—As the report of the committee indicates that there is no amendment, I move that the bill be read the third time.

Hon Mr. BOULTON—I rise to insist that the rules of the House as to this bill be followed, and that the bill be not now read the third time, but that the third reading be postponed until the next meeting of the Senate. My reason for asking for the postponement is to point out that this debenture stock is being raised for the purpose of providing means to meet the interest—

Hon. Mr. POWER—You can only object now.

Hon. Mr. BOULTON—My object in rising was to give notice that I shall move an amendment.

Hon. Sir MACKENZIE BOWELL—There is no objection to allowing it to stand, if the hon. gentleman desires, until the House meets again. I was under the impression that where there was no amendment to a bill, it could be read the third time on the day that it was reported from committee.

Hon. Mr. SCOTT—That was the rule, but it was changed.

Hon. Sir MACKENZIE BOWELL—I see by the 70th rule that it can not be read now. I move that the bill be read the third time on Wednesday next.

The motion was agreed to.

AN ADJOURNMENT.

Hon. Mr. LANDRY moved:

That when the Senate adjourns to-day, it do stand adjourned until Wednesday, the 12th instant, at eight o'clock in the evening.

The motion was agreed to.

DELAYED RETURNS.

INQUIRY.

Hon. Sir MACKENZIE BOWELL—I should like to ask the hon. Secretary of State whether he has made any inquiry as to the return to which I called his attention the other day.

Hon. Mr. SCOTT—I gave instructions to have inquiry made in the different departments. Some returns have been received, I understand. I gave instructions that letters should be written to the departments that are yet in arrears with those returns.

THE YUKON DISTRICT.

INQUIRY.

Hon. Mr. MACDONALD (B.C) inquired:

If it is the intention of the government to give a lease of one hundred miles of the Stewart River, in the Yukon District, for twenty years, to a certain company for the purpose of mining, or dredging for gold?

He said: I have given but short notice of this, on account of the adjournment and the importance of the question I am asking. When I saw the notice in the Victoria paper I thought it was a large concession to make to give one hundred miles of one river to a company and for a term of twenty-one years. If it was proposed to give a short distance for a term of seven years, it would be ample to test the matter. Then again, the royalty proposed to be taken by the government is too small. Twenty-five cents an ounce would not be enough if any gold was found there. I hope the government will consider the matter carefully and not lock up one hundred miles of the river to any company for a term of years. If the intention of the government is to conserve the rights of miners on the banks of the rivers one company should not get all these concessions. There is room in one hundred miles for four or five companies. Last year a lease was giver n British Columbia of nine

miles of a river, and that is quite large enough to give to any company.

Hon. Mr. SCOTT—As the hon. gentleman has observed, tenders were called for and three have been received. The tenders have not yet been opened. As he anticipates, those tenders will be subject to certain conditions, which will be formulated by the department. Until the tenders are opened and considered it is quite impossible to say whether the government will be ready to lease that number of miles.

Hon. Sir MACKENZIE BOWELL—Were the tenders asked for on the basis of a lease of 100 miles of river?

Hon. Mr. SCOTT—The tenders were advertised on that basis.

Hon. Sir MACKENZIE BOWELL—And on the basis of a royalty of 25 cents an ounce.

Hon. Mr. SCOTT—No, the conditions were not named. My recollection of the advertisement was that tenders would be called for, leasing 100 miles of the Stewart River.

Hon. Mr. McCALLUM—At so much per mile?

Hon. Mr. SCOTT—No, it was a fixed sum,

Hon. Mr. MACDONALD (B.C.)—A royalty of 25 cents per ounce is mentioned in the advertisement.

Hon. Mr. SCOTT—I think not. The conditions were not advertised.

Hon. Mr. MACDONALD (B.C.)—I saw them advertised in a Victoria paper.

Hon. Mr. SCOTT—I was not aware that they were. The only advertisement that I have myself seen simply called for tenders. The conditions have been brought down in the House of Commons, where the same question was asked a while ago.

Hon. Mr. MACDONALD (B.C.)—In the Victoria paper there is a whole column about miners having rights to the banks of the river.

Hon. Mr. SCOTT—I only saw the announcement of the minister in the other House. The answer that he gave, and my answer now, is that until the tenders are opened and the conditions considered by council the government will not be in a position to say whether they will lease the 100 miles or not.

Hon. Mr. MACDONALD (B.C.)—I think several companies might go in there on one hundred miles.

Hon. Sir MACKENZIE BOWELL—It is unfortunate that the hon. gentlemen opposite are again violating one of their principles, that is, encouraging monopolies. Here is a proposition to give a monopoly of one hundred miles of a river to one company.

Hon. Mr. SCOTT—It is not done yet. There has been no lease granted yet.

Hon. Sir MACKENZIE BOWELL—The fact that you ask for a tender for one hundred miles of the river is evidence of the policy of the government.

Hon. Mr. MACDONALD (B.C.)—It is a most dangerous concession to give.

Hon. Mr. LOUGHEED—Might I ask the hon. Secretary of State if the government has adopted this as part of the general policy for the development of the Yukon country—that is, leasing large stretches of river in this way?

Hon. Mr. SCOTT—No proposition to lease any distance on any river has so far been entertained.

Hon. Mr. LOUGHEED—May I ask what has given rise to the adoption of this very exceptional course?

Hon. Mr. SCOTT—I am quite unequal to answering a question of that sort.

Hon. Mr. BOULTON—I think it is desirable in leasing the river that the government should make provision for withdrawing from it if it should be thought advisable in the public interest, the same as the government have done in leasing ranches in Alberta.

ROYAL VICTORIA LIFE INSURANCE BILL.

SECOND READING.

Hon. Mr. BERNIER, in the absence of Hon. Mr. Forget, moved the second reading of Bill (27) "An Act to incorporate the

Royal Victoria Life Insurance Company." He said: The object of the bill is to incorporate the company to carry on the business of life insurance in all its branches and forms. The only powers given to the company are those which are necessary for the carrying on of the business. The company is made subject to the general clauses of the Insurance Act and of the Companies Act. Hon. gentlemen may see by reading the names of the parties asking for incorporation, that they are all of financial standing and ability, giving ample guarantee to the public.

The motion was agreed to and the bill was read the second time.

The Senate adjourned.

THE SENATE.

Ottawa, Wednesday, 12th May, 1897.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THE CONTINGENT ACCOUNTS COMMITTEE.

FIRST REPORT ADOPTED.

Hon. Mr. KIRCHHOFFER, from the Committee on Internal Economy and Contingent Accounts, presented their first report. He said: As the report is merely a formal matter, I move that it be adopted now.

Hon. Mr. PROWSE—I think it is about time to call the attention of the Senate to the great delay caused by the late appointment of this very important committee. Parliament has been in session now some six weeks, and here is the first report of that committee. It was evident a few days ago that it was regarded as a most important committee, so much so that there was not a man on that committee last year that was qualified to be a member this year. This committee has an amount of important work to do. The session is now drawing to a close, but this is the first time we have had a report from the committee, and the whole report is simply to reduce the quorum down to nine.

Hon. Mr. VIDAL—Does the hon. gentleman forget that this committee was only appointed the day before it met?

Hon. Mr. PROWSE—That was no fault of mine..

The motion was agreed to.

FEDERAL OFFICIALS IN PRINCE EDWARD ISLAND.

INQUIRY.

Hon. Mr. FERGUSON rose to inquire:

Whether the government is aware that Mr. H. James Palmer, a commissioner appointed by them to investigate charges of partizanship against federal officials in the province of Prince Edward Island, wrote a letter to an accused official notifying him to appear and containing the following words: "I may say that if you would care to see me before the investigation takes place, and talk the matter over, I will be glad to see you at any time, between three and five o'clock, this afternoon."

He said: It is not my intention to make any observations, but simply to ask this question and to say that it has a "business is business" smack about it. At present I merely ask the Secretary of State whether he is aware this letter has been written.

Hon. Mr. SCOTT—The government is not aware that Palmer wrote any such letter.

BILLS INTRODUCED.

Bill (28) "An Act respecting the Ontario Pacific Railway Company, and to change the name to the Ottawa and New York Railway Company."—(Mr. MacMillan.)

Bill (12) "An Act further to amend the law respecting building societies and loan and savings companies carrying on business in the Province of Ontario."—(Sir Mackenzie Bowell.)

Bill (18) "An Act to confer certain power on the Board for the management of Temporalities Fund of the Presbyterian Church of Canada in connection with the Church of Scotland."—(Mr. Vidal.)

Bill (25) "An Act to confirm an agreement made between the Canadian Pacific Railway Company and the Hull Electric Company."—(Mr. MacInnes, Burlington.)

Bill (48) "An Act respecting the Dominion Building and Loan Association."—(Mr. Power.)

Bill (35) "An Act respecting the Canada Atlantic Railway Company."—(Mr. Clemow)

Bill (44) "An Act respecting the Welland Power and Supply Canal Company, Limited."—(Mr. McCallum.)

Bill (41) "An Act respecting the River St. Clair Railway Bridge and Tunnel Company."—(Mr. McCallum.)

Bill (50) "An Act respecting the Atikokan Iron Range Railway Company."—(Mr. MacInnes, Burlington.)

Bill (37) "An Act respecting the Niagara Grand Island Bridge Company."—(Mr. MacInnes, Burlington.)

The Senate adjourned.

THE SENATE.

Ottawa, Thursday, 13th May, 1897.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THIRD READING.

Bill (27) "An Act to incorporate the Royal Victoria Life Insurance Company."—(Mr. McMillan.)

METHODIST TRUST FIRE INSURANCE COMPANY'S BILL.

THIRD READING.

Hon. Mr. ALLAN, from the Committee on Banking and Commerce, reported Bill (23) "An Act to incorporate the Methodist Trust Fire Insurance Company," with an amendment. He said: I may explain that the only amendment was one really to supply an omission, inserting after the words that "not more than 6 per cent should be paid on the paid-up capital stock subscribed." I move that the report be adopted.

The motion was agreed to.

Hon. Sir MACKENZIE BOWELL moved the third reading of the bill.

The motion was agreed to and the bill was read the third time and passed under a suspension of the rules.

BILLS INTRODUCED.

Bill (F) "An Act respecting forged or unauthorized endorsements of bills."—(Sir Oliver Mowat.)

Bill (G) "An Act respecting the jurisdiction of the Exchequer Court with respect to railway debts." – (Sir Oliver Mowat.)

CRIMINAL CODE BILL.

FIRST READING.

Hon. Sir OLIVER MOWAT—I introduced a bill some two or three weeks ago for the amendment of the Criminal Code. Since bringing in that bill, I have had quite a number of communications respecting various clauses of the bill, and also regarding new clauses which seem proper. I propose to withdraw the bill which I introduced and to give to the House a new bill containing most of the same clauses and some additional ones. I move for leave to withdraw the bill entitled: "An Act further to amend the Criminal Code," and to introduce a new bill with the same title.

Hon. Sir MACKENZIE BOWELL—Might I ask whether that bill contains the memoranda the hon. leader promised to give us for the information of the Senate, showing where the alterations were made, and the effect they would have? The hon. gentleman stated his intention of doing that on a former occasion.

Hon. Sir OLIVER MOWAT—I have not done it with regard to all the clauses, but I think I have done so in the case of all as to which the hon. gentleman would like to have the information.

The motion was agreed to, and the bill was read the first time.

TERREBONNE ELECTION.

INQUIRY.

Hon. Sir MACKENZIE BOWELL rose to inquire:

Whether any action has been taken to bring to justice Mr. Petit, the defeated candidate at the last Dominion elections, in the County of Terre-

bonne, for a violation of the provisions of paragraph *f* of article 133, of the Criminal Code, in writing the following letter to a tenderer for a government contract :—

"I have received from the Department of Public Works, at Ottawa, a letter informing me that you are a tenderer for the supply of———for the public buildings at———. As your tender is the same as that of another firm, they write to ask me to whom the contract must be given. I now write to know what you intend to do for me in this matter. I will await your reply. Business is business, as you know."

And if not, why not ?

He said :—My principal reason for bringing this again under the notice of the Senate is the remarks made by the Postmaster General a few days since in the House of Commons, in reply to a question put by the member for Annapolis, inquiring the reasons for the dismissal of a Mr West from the postmastership of the town of Annapolis. The answer given by the Postmaster General was that it was on account of what he considered to be a violation of the spirit of the Criminal Code, which provides a penalty for trafficking in public offices, or selling and trafficking in government contracts. That case, to my mind, was of a very trifling character—if I may use that expression—compared to that of Mr. Petit, who made a direct and positive proposition for a consideration to obtain a contract for coal. In the case at Annapolis, from the documents which were laid before the House of Commons, it appears that the postmaster, Mr. Corbett, placed his resignation in the hands of the member for Annapolis, Mr. Mills, who telegraphed to the then Minister of Justice, the Hon. Sir Charles Hibbert Tupper, that Mr. Corbett would resign if Mr. West was appointed to the position. The then Minister of Justice transferred that telegram to the Postmaster General and the appointment was made. In the documents which have been laid before parliament there is nothing to show that there was any corrupt bargain in that case. However, I am not going to argue that question now, because I have another notice on the paper which will probably justify some further remarks on the subject. What I should like to know is if the offer of a postmaster, or any other official to resign on the condition I have mentioned, without any consideration for the resignation other than that which is interpreted to be corrupt from the fact that he says "I will resign if another person gets it," whether that man is to be punished by dismissal from office while the man who makes a direct and positive proposition for a consideration to obtain a contract is allowed to go free ? I call the attention of the Minister of Justice to his remarks last session when I brought this question under the notice of the Senate. He then said :

It is stated that Mr. Petit denies the accuracy of what has been published as his letter. He has to be officially called on for an explanation.

Then he adds :

When an answer to the official communication to Mr. Petit is received, or a reasonable time has elapsed without any answer, the government will consider what course is to be taken.

Hon. Sir MACKENZIE BOWELL—When the hon. gentleman says it is stated that Mr. Petit denies the accuracy of the letter which has been published, may I ask him by whom is it denied—by Mr. Petit himself ?

Hon. Sir OLIVER MOWAT—I have not the denial from himself personally ; some one else has stated that he denies it.

Hon. Sir MACKENZIE BOWELL—Oh.

Hon. Sir OLIVER MOWAT—I am aware that he denies the accuracy of the statement, but he is to be written to officially, and then his communication will be public property.

Hon. Sir MACKENZIE BOWELL—And if it is ascertained that he is the author of the letter, I presume the hon. gentleman will take steps to bring him to justice, in the same way that the late Minister of Justice did in the case of the Connollys and the case of McGreevy.

Hon. Sir OLIVER MOWAT—I don't want to anticipate or make any announcement before I know all the facts of the case ; and then I will consider it.

What I desire to ask further is, whether the official letter was sent to this gentleman inquiring as to whether he was the author of the letter in question, and, if so, what was the answer, and what action the government have taken thereon. I may add that I have seen a notice of some letter from Mr. Petit himself in the newspapers, in which he acknowledges that he wrote the letter, but he gives an explanation why he wrote it, stating that the "business is business" reference related exclusively to the expenses to which he was put.

Hon. Sir OLIVER MOWAT—With reference to the parallel which my hon. friend draws between the Petit case and the case which the Postmaster General spoke of, he

seems to forget that Mr. Petit had no office whatever. The man West was dismissed from office, but there was no similar power in the hands of the Dominion government with reference to Mr. Petit, for he held no office. Then my hon. friend spoke of the Postmaster General having said that West's case was a violation of the code. The Postmaster General did not go so far as that. On referring to his language, it will be found that what he said was, that it was inconsistent with the spirit of the Act. Of course the spirit is one thing and the legal effect may be quite another thing. The Postmaster General did not allege that the legal effect of such an act was a violation of the statute. On that point he said nothing, but he was of opinion —and I think we were all of opinion— that such an act was within the spirit of the Act, the sort of thing which was meant to be condemned, and which, perhaps, would have been condemned if it had occurred at the time to the legislature. What West did was to resign the place in consideration of its being conferred upon another person, his son-in-law, I believe. Now, if it is a legitimate thing to resign an office in consideration of its being conferred upon another in whom the resigning officer took an interest, is there any substantial difference between that case and the case of an officer getting $1,000 for the resignation? No one would doubt that if he was resigning in consideration of $1,000, that would be within the letter of the Act, and what he did was to resign for a consideration which might be of much greater money value than $1,000. In order to bring the case within the Act, in case of a money payment, it would not be necessary that the money payment should go to the officer who was resigning. If he chose to stipulate that the money should go to another person the case would be within the statute, but I repeat that all the Postmaster General said was that West's action was within the spirit of the Act. My hon. friend, in referring to the case to which his questions relate, added some other questions. I shall confine myself, however, in the answers I give to the questions which he put upon the paper. I have not seen the original letter mentioned in the question, but I have no reason to doubt that it is correctly set forth at all events in substance.

So far as I know, no action has been taken for the prosecution mentioned in the question, and as to why, I can only conjecture. The duty of taking action in such a case was with the Quebec government, for it is to the provincial governments, and not to the Dominion government, that the administration of justice belongs. The Quebec government has, since the date and publication of the letter, been in the hands of the political party to which Mr. Petit was and is an active and influential opponent ; that government cannot be suspected of desiring to screen Mr. Petit ; and the hon. member's question should have been addressed to that government, instead of to the Dominion government. I presume that the Quebec government had good reasons for not prosecuting Mr. Petit. The Dominion government can only interfere in criminal prosecutions as a private prosecutor may ; and when it does interfere does so with the concurrence of the government of the province in which the offence has been committed, and further, (so far as I know) so interferes only when the offence is one of fraud on the Dominion exchequer, as in the Connolly case. It is to be presumed that the Quebec government did not prosecute because of being advised and believing that under the circumstances a conviction could not be obtained. Mr. Petit denies that he had any such meaning or purpose as his letter has been interpreted by his political opponents to intend. What the article in the code does is, to make punishable any person who "demands,exacts or receives from any person any compensation fee or reward for procuring or furthering the obtaining for himself or any other person of any grant, lease, or other benefit from the government." Mr. Petit is not pretended to have received anything, and he denies that he "demanded" anything, or meant to demand anything, or had any thought of his letter being so understood. He insists that if that has been the popular impression from the letter, it is an unfounded impression ; and it is claimed on his behalf that the words which he happened to use do not necessarily bear such a meaning ; that a court could not so construe them as matter of law ; and that the facts outside of the letter make ridiculous the idea of such a meaning being intended ; that the person or firm to whom the letter was addressed belonged to the opposite political party, and that it would be the height of absurdity to suppose that Mr. Petit, an intelligent man of the

world, would have placed himself in the hands of his opponents by making the "demand" which the letter is said to imply, and which would be a violation of the code. That he would do this supremely absurd and incredible thing for the chance of getting from a former political opponent the trifling sum which would be paid, if anything would be paid, for obtaining a contract for supplying to the government 37 tons of coal, it is said, no jury would believe. Such considerations as these may, for all I know, have had weight with the Quebec government; and Mr. Petit's political opponents may have thought a conviction either out of the question or not probable enough to make a prosecution worth while. I cannot give my hon. friend any further assistance towards ascertaining why no action has been taken against Mr. Petit for a violation of that article in the criminal code which is mentioned in his question; my hon. friend will have to refer to his Quebec friends for more full information, if he wants more.

DISMISSALS FOR PARTIZANSHIP.

INQUIRY.

Hon. Mr. MACDONALD (B.C.) rose to inquire:

Whether the employés of the government who were dismissed previous to the appointment of commissioners to inquire into cases of partizanship at the last general election will be entitled to appear before the said commissioners in their own defence?

He said: This question may seem now like locking the stable after the horse has been stolen, but on account of the changed policy of the government, I think it would be very unfair if those men who were dismissed would not have the advantage now of the clemency and the change in the policy as to those dismissals. Last session I took very strong grounds on this subject of dismissing workingmen on the approach of a long and cold winter, on hearing the Minister of Railways in the other House announce that he would not allow those men any defence; all he required was certain information, and on that information he would dismiss the men summarily. I am glad to hear that policy has been tempered and changed to a certain extent, and that commissioners are appointed and that those men will have the chance of defending themselves before that commission, and I heard with a great deal of pleasure this year in the House of Commons the premier admit that every man would have a fair hearing before he was dismissed, and I am perfectly willing and it gives me great pleasure, to commend the government for doing a thing of that kind. I am just as free to commend as to find fault where wrong is done, and I do hope that those men dismissed some time ago will not be debarred now from appearing and making their defence.

Hon. Mr. SCOTT—Commissions have not been issued in all cases. Where the evidence was clear and undoubted it was not necessary to issue a commission, and it was not the policy of the government to reopen the cases. The offices were held during pleasure and they were liable to be dismissed at any time. The government were satisfied that the charges were clearly brought home, and there was no necessity for the issuing of a commission.

Hon. Mr. McCALLUM—It appears to me, from the evidence before us, that the present government have adopted the policy that "to the victors belongs the spoils," and I regret exceedingly that that is the case. In the Senate last year the Minister of Justice told us that he did not believe in that policy, that he was as much opposed to it as anybody. My hon. friend asks for an investigation. I can tell hon. members that employés on the Welland canal have been swept out without any investigation, without being guilty of political partizanship or anything else. They took no notice of anything. The speeches of ministers in the other House and their practice do not agree, and I think that the Minister of Justice in this House, if he has any influence with the government—and he should have—should use that influence against adopting the policy that "to the victors belong the spoils." Has he considered seriously what effect it will have? If this principle is adopted, how can you expect to have a good, honest civil servant in this country, because every man that is in the employment of the government will be looking for what amount of support he can give to his party. It is not honest service, but how much support can they give the government. How can you expect to have good civil servants when every man is looking out for himself, and knowing that when the other party comes

into power he must go out? I say that the government should consider where they are going to land. I care nothing for it, as far as I am individually concerned, as far as my times goes, but I look to the future, and I regret exceedingly that the government have shown by their actions that they adopt the policy "to the victors belong the spoils." I regret it more than any other feature of their policy—more than doing away with the national policy even. I do not know that I blame the members of the government so much as the people who are posting them. This is going to react on the government. For every man they dismiss, there are forty applicants for that position, and what will be the result? They will please one and displease thirty-nine.

Hon. Mr. MILLS—They will displease their opponents, according to your doctrine.

Hon. Mr. McCALLUM—I have read the orders that the Minister of Railways and Canals is said to have given as to the canals. I question very much if he has given those orders; I question if he said, "Do not dismiss anybody without just cause." Of course if you have no use for a man, it is right enough to dismiss him, but what is going to be the result? How are you going to have an honest civil service in this country, if you are going to have them all politicians? It depends on what amount of political influence a servant of the government is going to bring to support the party in power, whether he is to retain his position or not, and the Conservative party will come into power some time. Of course it looks very black now, but what will be the result when they come into power? These other people will be turned out of office and other men put in. The government should consider what they are doing now. In many parts of this country, particularly on the canals, you discharge good, honest men who understand the business, and put in men who do not understand their business, and what is the consequence? This country will have a bill of damages to pay—I am satisfied of that. I think the other day there was an investigation proceeding on the Welland canal. They made charges against a good man—a valuable man to the people of this country—and according to the instructions that the Minister of Railways gave the man in charge of the canal——

Hon. Mr. SCOTT—Is that Mr. Ellis?

Hon. Mr. McCALLUM—No, he is dead as to employment: I got through with him long ago. I have nothing to do with Ellis. This is another man. I say he is a good man and I always stand up for the good employés of this country. I was speaking of the charges against this man. What are they? One of them is that when Sir Charles Tupper, then prime minister of this country, went to the town of Thorold he delivered a political speech and this man's daughter read an address to Sir Charles Tupper. What a great crime that was! Another of his crimes was that he volunteered, along with others, after hours, to put up a stand from which Sir Charles Tupper could speak. Another point was that his horse was in a political procession, though he was not there himself. Somebody had gone into his stable and taken the horse away and rode the animal in the procession. These are the charges that are being investigated now on the Welland canal. I believe he is one of the most industrious, clever and active employés on the Welland canal to-day. I do not say that the government of the country are doing this, but they are listening to people behind them and the investigation is being held because somebody wants his place. There is a pretense of fair play in holding this investigation, but I have shown you the nature of the charges that are being investigated. It makes very little difference to the country if they sack all the officials. That is not what I care for, but it is the effect that it will have on the public service of this country in the future. Having the responsibility which they hold, the government should keep clear of the policy "to the victors belong the spoils." You do not know where it is going to end. The hon. gentleman from Bothwell shakes his head, but he must know what the effect of that policy has been in the United States. When a man got into office there he made all he could while he was in office, because he knew that at the next change of government he would be dismissed. So long as I have a seat in this House I shall raise my voice against the adoption of anything of the kind in this country.

Hon. Mr. MILLS—I do not, any more than my hon. friend who has just spoken, favour the doctrine "to the victors belong the

spoils." I think it would be singularly unfortunate if that should become the doctrine of any party in this country.

Hon. Mr. McCALLUM—You have that policy now.

Hon. Mr. MILLS—I do not think so. I think there is an important principle associated with our system of parliamentary government that my hon. friend, perhaps, has somewhat pushed into the background. We have two classes of administration officials—one class political, who are responsible for the conduct of public affairs, and the other class, who are intended to be, but have not always been, non-political. The permanency of their position, I understand, depends upon two things—upon the faithful and honest discharge of their duties, and their taking care that they do not convert offices into political offices that the law and the constitution intended should be non-political offices. It is essential to the good government of this country that the non-political officials should remain out of politics, because in the discharge of their duties it is important, not only that those duties should be well discharged, but that the political heads of the government should have no reason to think otherwise; should be as ready to trust those who, before they entered into office, were political opponents, as they are to trust those who are amongst their own friends. Now, I do not understand that any man who has accepted an office of importance, an office to which an annual salary is attached, has any right whatever to enter the political arena and take an active part in the discharge of public duties as a citizen.

Hon. Mr. McCALLUM—We all agree to that.

Hon. Mr. ALMON—What about this man's daughter?

Hon. Mr. MILLS—I am not disposed to discuss the question as to the indirect mischief that may be done. That is not the question that we have before us.

Hon. Mr. ALMON—Yes, it is.

Hon. Mr. MILLS—No, the question that we have before us is whether the government have discharged persons who are, or who were, their political opponents, who have taken no part in the parliamentary elections that have been held.

Hon. Mr. McKINDSEY—What about Mr. Dickson of Hamilton.

Hon. Mr. MILLS—I am stating a general proposition, and I intend to state my proposition fully. I know, myself, instances where parties have been removed from office and where their cases have been discussed in the other Chamber as cases of grievance, but I know that some of those parties were presidents of Conservative associations: I know that they took the platform, spoke at public meetings, and did the best they could to secure the election of those who were their political friends and the defeat of those who were on the opposite side politically. Every man who does so takes his political life in his hands. He has made up his mind that in office he will share the fortunes of his party, and he has no right to any better position or fortune than his party. When they go out of office he should go with them. What the country wants is an honest and faithful public service, and it is impossible to have that as long as the non-political officers of this country take an active part in parliamentary elections, and become the agents of the government for the purpose of promoting the political interests of the government? Who does not remember the case of immigration agents who were brought down from the North-west Territories by the late administration to take part in almost every by-election in this country, and who does not remember the large number of persons who were removed from office, who, in 1878, had not gone on the public platform, but who, it was said, had gone into the counties, from which they had come when they were appointed, to take part in political contests? I remember very well when the late Alonzo Wright had removed from office, in one of those buildings, parties appointed to office in 1873 or 1874 from his constituency, on the ground that they had assisted in organizing a political party and bringing out a candidate to oppose him. They were removed. I never said a word against that removal. I thought the gentlemen who did that took the risk of being removed if their friends were defeated, and they were properly removed, if the facts were as stated. I have heard laid down here propositions from which I entirely dissent. If any gentleman who was a Conservative, I care not how strong his feelings may be, who

took no part in the elections, who remained neutral, who devoted himself to the discharge of the duties with which he was entrusted, has been removed from office, a wrong has been done, and the rule laid down has been departed from; but, so far as I know the cases, that has not been done in any instance where an employé has been removed. I know that, to-day, there are many persons retained in the public service who, from my point of view, ought to have disappeared within a fortnight from the time the new administration was formed.

Hon. Mr. McCALLUM—I believe the Senate will credit what I state that on the upper level of the Welland canal, in a distance of seventeen miles, at least ten men have been discharged who took no part in an election excepting they may have voted.

Hon. Mr. POWER—Were not those temporary employés?

Hon. Mr. McCALLUM—That is true, but some of them have been there for five or ten years. It shows that the government and their friends go on the principle "to the victors belong the spoils," because these men voted against the government candidates they are discharged, while others, who supported the candidates of the present government strongly at the last election, have been put in their places and the hon. gentleman thinks there is no harm in that.

Hon. Mr. MILLS—The hon. gentleman remembers Mr. Bodwell's case. He was appointed on that canal and he disappeared.

Hon. Mr. McCALLUM—Yes, I remember Mr. Bodwell and I could tell the hon. gentleman more about his dismissal from the canal than he would care to hear. I know all about the case. but I am not going to deal with it now. Let the dead rest; I do not want to disturb them at all, but when the hon. gentleman wants to create an impression here that the government is doing justice to the public employés and does not wish to carry out the policy "to the victor belongs the spoils," I say he is mistaken. The government are carrying out that policy every day and the proof of that has been furnished. Last session, when the Minister of Justice said in this House that he was not in favour of that policy, I said I was glad not to hear him say so, and I added that no one would do more to hold to that than myself, I am here to hold all governments, no matter to which party they belong, to that sound policy, because I foresee evil consequences that will follow in this country if they adopt the policy "to the victors belong the spoils." It is not a British or a Canadian policy. It is a Yankee policy. Are we going to introduce it here?

Hon. Sir MACKENZIE BOWELL—I noticed the answer given by the Secretary of State to the question put by the hon. member from Victoria as to whether persons who were dismissed prior to the appointment of the commission would be allowed to appear before the commissioner to answer the charges made against them. The answer, if I understood him correctly, was that when they had what they considered sufficient evidence to justify the removal of an official, there would be no necessity to appoint a commission or permit parties so dismissed to appear before commissioners. What I ask is whether he adopts the policy laid down in the other House that a mere complaint on the part of a member of parliament, for the time being, or by the person who was defeated in the elections, is sufficient evidence, without any furthur investigation to justify the government in dismissing an official—because that is the doctrine which has been laid down. From my youth up I have always been taught that no man, under the British constitution, is considered guilty until proved guilty. We all know that, no matter how serious a crime may be, or how many persons may have witnessed it—even though the judge and the jury had witnessed it, the offender is not properly condemned until he has been tried and given an opportunity to defend himself. That is the reason why we object so strongly to the doctrine laid down by the present government. While on my feet, I should like to ask the hon. gentleman from Bothwell—and I regret to see that he has left the Chamber—where he draws the line between the political and non-political offices? Are we to understand that a non-political officer is one who receives an annual salary, or is the political officer one who is employed by the day, because we have both cases. We have plenty of cases in which men have been removed from positions which they held, for no other reason than that a complaint had been made by a member of parliament, or by a defeated candidate, that a certain man

did a certain thing during the elections. Are we to understand that all officers whether they be of a permament character or of a temporary character, are to be removed because they go and vote? The law gives them the right to vote, and if it is to be understood in the future that no person receiving money from the Dominion government is to be allowed to vote, whether the money they receive be for the payment of a day's wages or a month's salary, the sooner it is known the better, and the sooner, if this theory is to be practically enforced, the government put on the statute-book a law prohibiting the exercise of the franchise, by anybody who receives remuneration from the government for services rendered, the better it will be for the country. The case to which the hon. member from Monck has called attention is one of very great hardship. The statement made by him is simply this, that the only partisanship displayed by the official was that his daughter read an address and presented a bouquet of flowers to the then premier, and that his horse was present in a political procession. Is that to be considered offensive partisanship? When I had the honour of administering the Customs Department, when an application was made to me by an officer as to his right to exercise the franchise, whether in a municipal or a political election, my answer was "you have a right to vote, but take my advice, do not take any active part," and I believe that was the advice always given by the members of the government to which I belonged. As long as a man confines himself to voting, it is an exercise of tyranny in a free country to turn him out of office because he has exercised the right which the law gives him, as he thinks proper.

Hon. Mr. POWER—What authority on the government side has laid down the doctrine that an officer is not to be allowed to vote? I have not heard any one.

Hon. Sir MACKENZIE BOWELL—I am not aware that I said any one did. I asked the question where is the line to be drawn. The hon. member from Bothwell drew a distinction between political and non-political officers. He said that if a man takes an offensive part in politics, he should be dismissed. That principle was recognized by Sir John Macdonald in speeches made in the House of Commons, and was concurred in by the late Alex. Mackenzie and by Mr. Blake. That was a principle recognized by both parties so long as I have had anything to do with political life—that if a man becomes offensive—if he abuses the powers that be and places himself in that position, he takes his official life in his hands and must take the consequences. No one has denied that, but what I want to know is whether the mere complaint of a defeated candidate, who feels sore on account of his defeat, should be sufficient evidence to warrant the discharge of a man who has done nothing more than to go to the polls and vote, so far as we know or as far as any evidence has been produced. In the case to which my hon. friend from Bothwell referred—that is, the case of the late Mr. Alonzo Wright, when a member of the House—he proved to the House and the hon. member for Bothwell should have stated that fact, that these men not only organized an opposition against him, but they were offensive to the greatest possible degree to himself as a member of the House and as a candidate, and also to every member of the government, whom they denounced in the vilest possible language. That was the reason for their removal from office, and in the instance that has been also mentioned in reference to Sir Charles Tupper's dismissal of some clerks down in Truro or Moncton, I am not sure which, there was evidence that that man had not only taken an active and offensive part in politics, but that he had abused the personal character and reputation of the candidate who was running at that time, and of every member of the government; that was the reason he was removed, not because he had simply gone and voted as every British subject has a right to do under the law. The sooner this country knows whether this vicious and pernicious practice is to be persisted in by the members of this government, the better it will be for the service and for the whole country. I should be very sorry to see, in the case of a change of government, the principle that has been carried out by the present gentlemen in power, adopted by any leader of the Conservative party. My hon. friend from Monck says that things look very dark just now. That is quite true, but he must remember that the darkest hour is just before the dawn. The time may be rapidly coming when these gentlemen may

be taught that the policy which they are putting in force to-day—a policy which is being disowned and which is being wiped out of existence as far as possible in the United States—may recoil upon their own heads.

Hon. Mr. SCOTT—I have yet to hear of the first case which has been brought up in which it has been charged that the present administration dismissed a man because he merely exercised his electoral franchise. Hon gentlemen cannot point to a single case where the present government interfered with the franchise of any man. In all cases where dismissals have taken place, ample evidence has been produced to show that they were active political partisans.

Hon. Mr. McCALLUM—Not at all.

Hon. Mr. SCOTT—The rule laid down in the House is one that has been accepted by both sides.

Hon. Sir MACKENZIE BOWELL—No, no.

Hon. Mr. SCOTT—I beg the hon. gentleman's pardon. In 1878 the Conservative party did not issue commissions and made no inquiry. They dismissed men capriciously. They dismissed the postmaster at Hull because his son canvassed against Mr. Alonzo Wright. They had no other reason whatever. And they dismissed Mr. Buckingham, the Deputy Minister of the Interior. I could name dozens of cases where dismissals were made without any inquiry; simply by mere caprice the administration dismissed them. The principle that the present government have proceeded on has been this: that where a member of the House of Commons states over his own signature that so and so has been guilty of active political partisanship, interfered in the election, interfered for the party that appointed him, and took his political life in his hands, that he ought to be dismissed. That is the principle that has been laid down. If the government were to follow up the example set by their predecessors, they would dismiss one-third of the whole civil service in the country, but, as a matter of fact, what proportion has been dismissed? Not one per cent of the civil servants of this country have been dismissed. It is quite true a considerable number of men who have been temporarily employed as labourers have been dismissed, but were the Conservative party not in the habit of employing hundreds of labourers just on the eve of an election, and after the election was over they had no further use for them. Nobody found fault with them for that. It was an abuse of their power to employ men on useless work. We know in the city of Quebec, during the Conservative regime, men were employed to shovel snow off the heights down onto the river, and employés of that kind of course have been dismissed. Lock labourers are only employed for the season, and not paid from November until the following May. The instructions were given by Mr. Blair, and he could have had no personal knowledge of individuals. The instructions which I myself heard him say he had given to the officials in charge were that any man who had performed his duties faithfully, who was a good labourer, should be retained. Of course I know nothing personally about this.

Hon. Mr. McCALLUM—I do know personally.

Hon. Mr. SCOTT—Mr. Blair acted with the best possible intentions. His disposition was not to dismiss except for cause, but it is notorious that at the end of a season, when you have no longer work for hundreds of men that are employed on the canal system of this country, they are dismissed and paid off and have no claim to be re-employed the following spring. No doubt, from year to year, the best men are continued. Attention has been drawn during the present session to men who have been dismissed. The men naturally apply to their political allies, and say, "Oh, I have been dismissed because I have been a Conservative and voted the Tory ticket, and because I favoured my political friends;" they give that as a reason and it is taken up. We know that statements made by men under those conditions are not always reliable. Men, I think, feel a grievance in such a case and ascribe a cause, and, of course, they may or may not be right in that case. But all I can assure hon. gentlemen is that it was the desire of Mr. Blair that no good man should be removed from the canal service although he was only temporarily employed. It is quite possible he may have been misinformed in many cases. He has to take his evidence second-hand, he has to rely upon officials—officials appointed by the late administration,

in whom at least my hon. friends opposite should have some degree of confidence, and if mistakes are made, the Minister of Railways and Canals should not be charged with them.

Hon. Mr. McCALLUM—I wish to say one word more on this question. The hon. Secretary of State says that Mr. Blair was consulted and gave instructions about this matter. The gentleman that gives instructions on the upper level of the canal is the defeated candidate for Haldimand at the last election. I know that no fault has been found with the parties who have been dismissed. They discharged their duties well. But the government even descended so low that a bridge tender getting $15 a month was sacked, and another put in his place, for no reason in the world except to make room for their hungry supporters, so that they could give in return political service when the time arises.

Hon. Mr. POWER—I rise to a question of order. We have allowed this discussion to continue although it has been irregular almost from the beginning. As we have spent about an hour over the matter now, we had better proceed with the regular business of the House. The hon. gentleman from Victoria asked the question which appears on the order paper and that question has been answered. We had a discussion ranging from one end of the country to the other, about dismissals in connection with the civil service, which is altogether out of order; and further, these discussions are simply repetitions, with no improvement, of discussions, which have taken place in the other chamber. It is not a dignified occupation for the members of this House to discuss second-hand these party questions, but if hon. gentlemen do wish to discuss them, they should put such notices on the paper as will enable them to proceed in accordance with the rules of order, but I for one shall ask the House to insist on enforcing the rules of order.

Hon. Mr. PROWSE—On the point raised by the hon. member, I should like to see that question settled once and for all, because I think ever since I have had a seat in this chamber, discussions have been allowed on questions put to members of the government. After being continued for an hour or so, generally the hon. member from Halifax has raised a question of order, and there it has always dropped. If any subject at all is open for discussion on a question, it should be open to every member of the Senate, or else we should enforce the rule and allow no discussion to take place on a question at all. I should like to see the point of order decided by the Speaker.

The SPEAKER—In my opinion, discussions on these inquiries are entirely out of order, but I could not take upon myself, after the permission the Senate has always given to members to discuss these matters, to decide that the discussion should be stopped to-day. If the Senate do not want to allow discussions on mere inquiries, they should so decide. I would like very much to hear an expression from members of the Senate on that question.

Hon. Sir MACKENZIE BOWELL—On the point of order I am fully in accord with the remarks made by the Speaker. Are we to understand that in future a person making the inquiry can give any explanation as to the reasons why he makes it, or is it to be understood that he simply asks the question and receives the answer? That is the practice, I know, in our House of Commons. It has not been the practice here, nor is it the practice in the House of Commons in England. There you are allowed to discuss a question, provided you keep strictly within the question before the House for the time being.

Hon. Mr. MILLS—My hon. friend has stated the rule very, very broadly.

Hon Sir MACKENZIE BOWELL—I am stating the rule from my own personal experience in listening to debates in the House of Commons in England. It was a surprise to me, because I discussed the question with Sir Henry Holland, now Lord Knutsford, as to the difference in the practice in the House of Commons in Canada and the practice in England. A member rises in England and puts the question. He gives his reasons for it, and the Minister of the Crown answers that question, and any suggestion or any questions arising out of that answer can be replied to by the member who puts the question, and by every member of the House, but he must not introduce any extraneous or new matter. If that is to be the rule here, I should be

very glad to have it adopted, and my only reason for asking the question is to ascertain whether the Speaker's ruling to-day goes to that extent, or whether it is to confine the gentleman who puts the question simply to the reading of the question and receiving his answer.

Hon. Mr. ALLAN—I suppose on a question of order I may be allowed to say a few words, and I would like to say from my own experience in this House that no inconvenience has arisen from the practice which has obtained here, of the member who may make the inquiry stating the reason why he makes that inquiry, and saying what he has to say in explanation of it. The real inconvenience has arisen when, after the minister has given his answer, the matter is taken up and discussed by members all over the House and new matter brought in. The result is that the minister has to answer again to fresh objections, and it makes the debate almost interminable. I think if the relaxation of the rule is allowed, by which the member making the inquiry can speak to it, that is all that can reasonably be desired. I know when I occupied the chair some few years ago, there was a discussion on an inquiry with reference to certain officials in connection with the public works, on which the House allowed so much latitude that the discussion lasted three or four days.

Hon. Mr. MACDONALD (B.C.)—It has been the custom in this House to discuss questions on calling attention to certain matters, and I can not see any difference, except a technical one, between calling attention to a matter and asking a question. If you simply put in the word "resolved" it has the same effect. If it was understood we could not discuss the matter on a question, we would not do so but would put in the word "resolved." It has been the custom for 20 years, and it now amounts to a rule of this House, that in calling attention to any question it can be discussed by any member of the House and replied to by the member who made the inquiry.

Hon. Mr. ALMON—It is very important that a discussion should take place on the matter brought before the House. I listened to the hon. member for Bothwell, who rose to answer some remark made by the hon. member from Monck. He referred to a couple of charges, one of which was that somebody had taken somebody else's horse out of his stable and gone to a political meeting. I would like to know whether the hon. gentleman thinks those are proper subjects to be discussed in committee.

Hon. Mr. MILLS—That is far too abstruse a question for me to answer off-hand.

An Hon. MEMBER—The hon. gentleman will have to give notice of that question.

Hon. Mr. ALMON—This was something which did not take place at Runnymead or the famous hunting grounds of the hon. member for Bothwell. It took place in Ontario, and I think when the hon. member speaks of Runnymead and the Bill of Rights, he might discuss more important matters.

Hon. Mr. SCOTT—Rule No. 20 reads as follows:

> A senator may speak to any question before the Senate; or upon a question or on an amendment to be proposed by himself; or upon a question of order arising out of the debate; but not otherwise, without consent of a majority of the Senate, which shall be determined without debate.

I think the rule has been stated by the hon. senator from Toronto. The objection is that we introduce matters not embodied in the question, and it is exceedingly inconvenient, because hon. gentlemen are not prepared to give explanations of matters to which their attention has not been called. I think on a question the speaking should be limited to the gentleman making the inquiry and the minister who replies. The gentleman who asks the question should have a right to speak, and the member of the government replying should have the right to answer him, and if a further explanation was required, the senator putting the question on the paper would have a right again to speak.

Hon. Mr. LOUGHEED—I would direct my hon. friend's attention to Rule 55 on page 92, which provides that the House can, in its discretion, permit a debate of this kind to take place. If my hon. friend would refer to that Rule 55 he will see a very great latitude is given to the House in the event of the House tacitly consenting to the debate proceeding.

Hon. Mr. POWER—Read the rule.

Hon. Mr. LOUGHEED—The rule reads as follows:

When a question is asked by a senator, the senator putting the question and the senator answering ought to make only such observations as they may deem indispensable to be understood, and no debate is allowed except by leader of the Senate. (In the House of Lords, 10 May, 206), and particularly in the Senate, this rule is generally disregarded, and lengthy debates often follow. If the senator questioning or answering, is allowed by the Senate, tacitly or otherwise to offer any opinion, argument, or inference, other senators may claim the same privilege.

I submit to hon. gentlemen present that the debate has not trespassed the rule of the House, which has been duly observed here.

Hon. Mr. McCALLUM—How can you limit discussion? If a senator cannot get the privilege of saying what he wants to say, he has a right to move the adjournment of the House and then he can speak. Every hon. gentleman has the means in his power to discuss it.

Hon. Mr. POIRIER—I believe the old custom which has been followed here in the Senate could be continued without inconvenience. The only trouble arises from the fact of one gentleman speaking twice or four times on the same question. I believe if the rule of this House was made that an hon. gentleman should be allowed to speak only once on the same question, it would be satisfactory. All this trouble would not arise, and that objectionable feature of the debate being disposed of, and only one speech by one member being allowed to be made, I think it would be much preferable that the old rule should obtain and that by tacit consent of this House, when a question is put and a speech is made by the member putting the question, other members might be allowed to speak once on the question, and the minister of the Crown might wait until the discussion was pretty well over and then given his answer.

Hon. Mr. POWER—I am out of order perhaps———

Hon. Mr. FERGUSON—The hon. gentleman is clearly out of order; he has spoken once.

Hon. Mr. POWER—I am going to close with a motion to adjourn. I wish to direct the attention of the hon. gentleman from Calgary to the fact that what he cited as a rule is not a rule of the House. What he cited as Rule 55 is simply one of the articles in the manual which was prepared by a former clerk of this House for the information of members, and does not bind the House at all. The hon. leader of the opposition said that this matter could be looked at from two points of view, and he wished to understand which was the correct point of view. It has never been contended in this House that the hon. member who asked a question had not the right to make remarks upon it, nor that the minister replying had not the same right to speak to the question, and I do not think it has been contended that the member asking the question had not the right to say something in reply, but the rule which has been observed in late years—and no one should know it better than I, because I have been continually stopped from discussing questions when in opposition—is that where a member merely asks a question there can be no general discussion on that question unless with the consent of the House; but the practice was introduced some twenty years ago by the late Sir David Macpherson, borrowed from the House of Lords, of calling attention to a subject and concluding with an inquiry, and the practice was that on a question of that sort, prefaced by calling attention to something, there could be a general discussion, and hon. gentlemen must remember that in addition to that our rule requires, as does the rule of the other House and of every deliberative body, that the discussion shall be pertinent to the notice on the paper; and if you ask a question you cannot go over the universe and talk about matters in general, which has been the practice adopted here during the last session. The hon. leader of the opposition will remember that when he led the House this rule was enforced in the way that I put it, and, unless it is enforced now, this House, instead of being a deliberative body and conducting its business with the decorum which is expected to be found in a serious deliberative body like this, will become simply a mob of respectable gentlemen. I was going to move that the House do now adjourn———

Several hon. MEMBERS—Lost, lost.

Hon. Mr. SCOTT—I think perhaps it would be desirable if we invoked the opinion

of the Speaker for our future guidance as to how far that rule should go.

Hon. Sir OLIVER MOWAT—I suppose there is no object in the Speaker's giving his judgment at the present moment. Perhaps he would like to consider it.

The SPEAKER—With the consent of hon. members I will postpone my decision until to-morrow.

INVESTIGATION OF OFFENSIVE PARTISANSHIP CASES.

INQUIRY.

Hon. Mr. FERGUSON rose to inquire:

Whether the government is aware that James F. White, of Alberton, in the province of Prince Edward Island, bounty officer, under the Department of Marine and Fisheries, and Alexander Bannerman Warburton, of Charlottetown, law agent for the government of Canada in the said province, gave evidence of offensive partisanship by taking violent and active part in the recent by-election for West Prince? If so, is it the intention of the government to authorize their commissioner, Mr. H. J. Palmer, to investigate the matter; and whether the government regard active and violent interference by their officials in favour of government candidates as a good cause for removal from office?

He said: In rising to make the inquiry which stands attached to my name on the notice paper, I may say that, apart from the question of order that has just arisen in this House, I do not think it is desirable that a very exhaustive discussion should take place in connection with this subject of dismissals from office until the very important papers asked for by my hon. friend, the leader of the opposition, and my hon. friend from Brandon, have been brought down. I think it is extraordinary that these papers should have been delayed so long. They should certainly have been before the House ere this. Then we would have everything before us, and I feel sure that if these papers were before the House, it would not be possible for my hon. friend the Secretary of State to say that not one per cent of the employés of the government have been dismissed since the present government came into power. I feel certain, as far as the province I belong to is concerned, that if the returns that have been asked for were brought down, it would be found that a much larger number have been interfered with and dismissed, and that is not all. A perfect reign of terror exists in that province. A commissioner has been appointed who is travelling all over the province taking evidence and receiving charges against officials, and the result is that the officials all over the province are in a state of terrorism. Charges have been preferred against them, and they do not know who is accusing them. A very deplorable state of things exists, as far as the officials of the province are concerned, and the other natural consequence arises from this state of things, that a great batch of expectants of office is created and is getting larger day by day, pressing the members and pressing the government to make dismissals. It is a state of things that ought certainly to be brought to a close. It is very deplorable to have such a condition of affairs as I know exists in my province, and I believe exists everywhere throughout the Dominion. My object in asking this question is to ascertain, if possible, from the members of the government whether they have one rule for what they call offensive or active partisanship so far as it applies to Conservatives in office, and an altogether different rule as applied to those who are friendly to the administration. I dare say my innocent friends in the government benches will rise when I am done and say they are not aware of active interference by the men named in my inquiry In my place as a member of parliament, I now state in this House, with the responsibility attaching to my words that I know must attach to them as a member of the Senate, that these gentlemen that I have named took a very active and, what I suppose would be called by their opponents an offensive part, in the recent by-elections. I saw them myself at public meetings. I heard them addressing meetings. It was a matter of current report that Mr. James F. White, bounty officer, canvassed the county with bounty cheques in his pocket—that he travelled the whole extent of the riding, speaking at public meetings in the interest of the Liberal candidate, representing him, in fact, in his absence. I know this, because I heard him speak and I am informed he carried bounty cheques around with him, using them to influence voters in favour of the Liberal candidate. I make this statement so that the members of the government cannot say that they are not now, at least, aware that these gentlemen pursued this course in the contest. I want to know whether, with this information before them, the government think this

is a subject for inquiry into the conduct of these gentlemen or whether they are going to take the ground, which they must take if they say this is not a subject for inquiry, that active and offensive political partisanship is all right as long as it is exercised in favour of the candidates of the government of the day. I hope we shall get some tangible ground to stand upon.

Hon. Mr. SCOTT—The department has no knowledge whatever of these gentlemen having taken a violent or active part in the recent by-election for West Prince, and they have no intention of investigating the matter. If the facts are as stated by the hon. gentleman they are following the bad example set by their predecessors.

Hon. Mr. FERGUSON—No, no.

Hon. Mr. SCOTT—I am credibly informed by an hon. gentleman, now in his place, that the practice of the late administration was to have these bounty cheques given to the canvassers in election contests.

Hon. Sir MACKENZIE BOWELL—Is that right?

Hon. Mr. SCOTT—I am so advised by an hon. gentleman in this chamber. I am advised that that was the practice—that it was done in Nova Scotia.

Hon. Sir MACKENZIE BOWELL—Was it correct to do it?

Hon. Mr. SCOTT—No, I do not think it was, whether it was done by the one government or the other. As to Alexander Bannerman Warburton, he is not a government official in any sense.

Hon. Mr. FERGUSON—Is he not?

Hon. Mr. SCOTT—No, he is a lawyer who has been employed temporarily by the Department of Justice—who may be employed only for a week or a month. He cannot be called an official of the Crown. He is simply the agent of the Department of Justice there, and he has never been recognized in any degree as an official of the government nor has he ever been restricted in his action.

Hon. Sir MACKENZIE BOWELL—Has he, as a lawyer, any greater claim than a day labourer?

Hon. Mr. SCOTT—He is simply a temporary agent of the Department of Justice.

PROMISES OF PUBLIC GRANTS IN PRINCE EDWARD ISLAND.

MOTION.

Hon. Mr. FERGUSON moved:

That an humble Address be presented to His Excellency the Governor General, praying that His Excellency may be pleased to lay before the Senate, copies of all telegrams sent between the 15th and 27th of April last, by the Minister of Marine and Fisheries, to Bernard D. McLellan, or any other person in West Prince, Prince Edward Island, promising grants for harbours, piers or breakwaters in that constituency, different from or in addition to, amounts stated in the estimates now before parliament.

He said:—I do not propose to make any observations on this resolution, but simply to move it and wait, as we have to wait, for information from members of this government, with very great patience until this return will be brought down. I should think that, heavily taxed as they are and vast as their labours are, it will not take very long to prepare the report for which I am asking. I hope in five or six weeks at least they will be in a position to bring the information down to this House.

Hon. Mr. SCOTT—There is no objection to the address if there are any such papers. I am not aware that there are any, but I shall call the attention of the Minister of Marine to the matter.

Hon. Mr. FERGUSON—I happen to know that there are papers.

Hon. Mr. SCOTT—If there are, they will be brought down.

The motion was agreed to.

DISMISSAL OF CAPTAIN McKENZIE.

INQUIRY.

Hon. Mr. PRIMROSE rose to inquire:

Whether the following telegram was sent to Captain William McKenzie, of the dredge "Canada," and if so, whether there were any charges against Captain McKenzie, or any investigation held?

"ST. JOHN, N.B., 27th April, 1897.

"To Capt. WM. MCKENZIE,
"Dredge 'Canada,' Liverpool, N.S.

"Captain Elijah Nickerson has been appointed captain of the 'Canada.' You will kindly place

him in charge. Report me men's time and all in connection with dredge before you leave.

(Sgd.) "W. J. McCORDICK,
"*Superintendent.*"

He said:—Before asking the question which stands on the Order Paper in my name I wish to express my own personal gratification at having with us once more the hon. Minister of Justice, the leader of the House, in his accustomed place from which he has been detained by indisposition which I am sure every senator in this chamber hopes, with me, may be only of a temporary character. In regard to the subject of my inquiry, I have to state that Captain McKenzie, who has been known to me for a long period of years, is a thoroughly capable, competent, reliable, honest shipmaster. He was placed in charge of the dredge "Canada" on the decease of his predecessor, Capt. Thomson, who was likewise known to me for many years, and was an equally competent and reliable shipmaster, perfectly able to discharge all the duties required of him in the position of master of the dredge. Captain McKenzie came in as successor to Captain Thomson. His appointment was made in this way, as I was informed—and on reference to the documents in the departments my information will be found to be correct—the Department of Public Works sent over to the department of Marine and Fisheries a list of three names, asking, as that department was in a better position to judge of the fitness of the men, to indicate which of these three was best fitted to discharge the duties required of him in the position of master of the dredge, and of the three names Captain McKenzie's was selected. I wish to know why, if these things are so—and I would be very sorry to state anything that I did not know to be correct—if Captain McKenzie is the man that I have described him to be, capable in every respect of discharging the duties required of him, why is it, except that he happened to be a Liberal-Conservative that his services were retained until just after the local elections and then he was summarily dismissed. As a consequence of being thus summarily dismissed at that time he was deprived of the vote he might have cast otherwise. This is simply an instance of what is transpiring throughout the whole bounds of the Dominion of unjustifiable and indefensible dismissals of worthy and efficient officers so as to make room for supporters of the present government, and this notwithstanding their professed declaration of policy as voiced by the premier in the *Hansard* of last session. I quote from page 506 as follows:—

The PRIME MINISTER—No minister would pretend to dismiss any official unless he had an opportunity to defend himself; but when the case is within the personal knowledge of the minister himself, under such circumstances there is no cause for inquiry. When the minister is not cognizant of the facts himself, whenever the case is brought to him by extraneous evidence, those statements must be substantiated, and every man must be given an opportunity to defend himself. I do not want, for my part, and I am sure the government does not desire—and I can speak for the government on this matter—to act arbitrarily on this or any other subject; everyone must be given a fair opportunity to be heard before he is dealt with.

I read, in contrast with the above, the action which has been pursued in connection with Captain McKenzie. An anecdote recurs to my mind, in this connection which, I think, is illustrative of the promises and professions made by the prime minister in the extract which I have just read, and the government's action since then. A gentleman, on a certain occasion, with the assistance of his amanuensis, drew up a document having reference to matters to be attended to in the future, but in the interim he heard that call which none may hear and say it nay, and so he "shuffled off this mortal coil." His amanuensis, in subsequently looking at the document, deemed it incomplete in one particular at least, so he took his pen, and sitting down, wrote: "P.S.—Since writing the above I have died." Now I think I could very well interpolate, after that extract from the *Hansard*. on behalf of Mr. Laurier, the premier, "P.S.—Since writing the above, I have died." I should not like to transgress any rule of this House, but I did not observe until yesterday some remarks which were made by the hon. Secretary of State in the debate on the address. He thought proper to animadvert on certain things I had said, and quote things that I never said at all. It was in connection with dismissals. My hon. friend said:

My hon. friend from Pictou, I will not say committed any breach of the decorum of the House but he certainly did not by his remarks elevate the tone of the discussion of the address. I think when he sees his words in writing and they have not been revised, he will rather regret that he has made the comments he has with reference to the

individual members of the cabinet and the comparisons he drew as to their ability and their position as members of the government.

I did not do any of these things. I did not hear the Secretary of State distinctly at the time, or I should have replied to him at once. My remarks were not directed so much against men as against their methods and measures. The men may be superlatively good, but in my humble estimation many of the methods and measures of these men are hyper-superlatively bad, and this case to which I have referred is an example. It is a glaring example of the most reprehensible system of political tactics that was ever put in operation in any civilized country—a system of which in its entirety the present Liberal government are the originators and sole and only Canadian patentees. Not so with the Liberal-Conservative party. Sir John Macdonald set his face as a flint against this obnoxious procedure and his followers have followed him. Of course, I am better acquainted with the position of matters in my own province and county than in many places further away from where I live. I may say that in my own county it is within my personal knowledge that in one of the most important departments of the government a gentleman was installed under the administration of Mr. Mackenzie, who was a Liberal, and all of whose relations are Liberals. He is in that same position to-day. He was never interfered with by the Conservative party, because he was a thoroughly competent man, who discharged his duties satisfactorily to the government that appointed him and to the government that succeeded the one which appointed him, and he is in every respect a worthy and reputable official. In that department is a young man who is competent also and is a Liberal—in fact he is what one might call a rabid Liberal. I do not think I ever knew of a man so unobservant of the proprieties, so far as political partisanship is concerned. He made himself actively offensive in every election that came around, yet that man was retained in the service of the Liberal Conservative government. I may quote also a case referred to before, in the House of Commons at least—that is the dismissal of gentlemen who were Conservatives, who had charge of the government steamers entering the port. These gentlemen were dismissed without a moment's notice, and the agency of those steamers was handed over to whom, do you suppose? To a ship broker? To a man of any experience whatever in shipping, or shipping concerns, or shipping management? No; but to a dry goods man, and you may ransack the maritime provinces and I am certain you will not get a more active or thoroughly offensive political partisan; yet that dry goods man is the man who, forsooth, has succeeded the other gentlemen who were dismissed for political partisanship. "Consistency thou art a jewel." I do not see it, however, in this matter. That change took place on the plea that these men were political partisans. I think in that case that the justice of the Liberal government was blind, but blind to the right. I have tried, as best I could, to place before the House this case of Captain McKenzie, a thoroughly competent, reliable and worthy shipmaster, of long experience sailing out of the port of Pictou, reputable in every respect, no fault to be found with him unless it be that he was a Liberal-Conservative, yet that short, curt telegram from Mr. McCordick was sent to him and he was dismissed at once and his successor installed in his place. Here is a case for the exercise of the fine subtleties of the hon. member for Bothwell, and I commend it to him to discover, if he can, the existence of offensive political partisanship in it If endowed with speech I am sure that this and similar cases would say as did the devils of old "our name is legion."

Hon. Mr. SCOTT—Such a telegram was sent. No charges were made against Captain McKenzie, but engagements of men on the dredge were only for one season and Captain McKenzie was not engaged for the present season. No investigation was made.

Hon. Mr. PRIMROSE—I anticipated that answer, and if I did not state the fact it was simply an omission on my part. It is strange that in the history of the past those appointments should run on year after year for years, and that this plea should only be offered now, namely, that they are annual appointments. I think it is a weak answer, under the circumstances. If there is any force in the plea, is it that Captain McKenzie was dismissed because the man installed in his place was a better man? Were Captain McKenzie's duties discharged perfunctorily or improperly, or what was the reason?

Hon. Mr. SCOTT—Since I took my seat I have been informed by an hon. senator in this House that this captain had been an active political partisan.

Hon. Mr. PRIMROSE—He comes then under the government's general category?

Hon. Mr. SCOTT—The hon. gentleman drew into the discussion some observations made by me in the debate on the address in reply to the speech from the throne, and he applied my remarks to an entirely different purpose from what I had intended them. My observations had reference to what I considered the very singular comments that the hon. gentleman made on the personnel of the government.

Hon. Mr. PRIMROSE—But I did not make any such comments.

Hon. Mr. SCOTT—It is so reported in the *Debates*, I heard the hon. gentleman make the statements myself, and I thought at the time they should not have been made and that he would afterwards regret them. In speaking of the government he said:

As to any consistency in their action in regard to tariff, franchise, or any other measure, the present government, in its corporate capacity, so to speak, constitutes, to my mind, a unique specimen for a national anatomical museum, as a body possessed of a patent, accommodating, elastic thorax, capable of providing free passage way for any bolus however big, and grasping with vice-like pressure and tenacity any pill however small. And while in this connection I may say that, notwithstanding the disclaimers of the hon. the leader of this House, it really is rather amusing to note the way in which the government, in the speech from the throne in regard to improvements which it states are to be made, seem to arrogate to themselves all the credit of the initiation of these measures.

And so he goes on in a style which I think was not dignified.

Hon. Mr. PRIMROSE—I am only sorry to say that I think the history of current events is substantiating my method of anatomy.

LIEUT. SUTTONS' LEAVE OF ABSENCE.

INQUIRY.

Hon. Mr. LANDRY rose to inquire of the government:

1. Has Lieutenant F. H. C. Sutton, of "B" Squadron of the Royal Canadian Dragoons, stationed at Winnipeg, recently received any favours from the government; and if so, at whose instance and request? 2. Has he left for England, and why has he gone there?

Hon. Mr. SCOTT—Lieut. Sutton, of "B" Squadron of the Royal Canadian Dragoons, is one of the officers who have been sent to England to be attached to one of the Imperial regiments for instructional purposes.

Hon. Mr. LANDRY—In accordance with the rules?

Hon. Mr. SCOTT—Yes.

Hon. Mr. LANDRY—No, in violation of the rules.

THE ABSENCES OF JUDGE ROUTHIER.

INQUIRY.

Hon. Mr. LANDRY—The other day I inquired of the government:

1. At what date was Judge A. R. Routhier, of the Superior Court for the province of Quebec, appointed?

2. Since that date, how many times has he been granted leave of absence?

The reply of the Minister of Justice was as follows:

To the first question, my answer is that Judge Routhier was appointed to the judiciary of the province of Quebec on the 9th December, 1889. He had been previously, namely, in 1873, appointed to Chicoutimi. To the second question, my answer is that since 1889 he has not once been granted leave of absence.

Chicoutimi is in the province of Quebec, and when I asked the question, at what date was Judge Routhier appointed to the Superior Court of the province of Quebec, the Minister of Justice should have stated that it was in 1873, and not in 1889. The first answer to that question has created the impression that Judge Routhier was not appointed in 1873, but in 1889, which is not the case. To show the government that I have not got the right answer I thought it better to give notice of these other questions which are as follows:—

1. Is the government aware that since Judge Routhier was appointed judge of the Superior Court for the province of Quebec he has made three voyages to Europe, which lasted respectively, the first, eight months; the second, three months; the third, three months, as appears by the following documents:—

1. "*The Morning Chronicle*, August 30, 1875:—"Passengers per SS. Sarmatian for Liverpool, from Quebec, 28th August, 1875:.....Hon. Justice Routhier, Mrs. Routhier....."

"*The Morning Chronicle*, April 11, 1876:—

"Passengers per SS. Sarmatian, Aird, from Liverpool, at Portland, April 10:.....Hon. Judge Routhier, Mrs. Routhier and infant....."

2. "*The Morning Chronicle*, June 20, 1882:—

"Cabin passengers per Allan Royal Mail SS. Parisian, Jas. Wylie, commander, from Quebec to Liverpool, June 10, 1882.....Judge Routhier, Miss Routhier....."

"*The Morning Chronicle*, September 11, 1882:

"Passengers per SS. Sardinian, Capt. Dutton, from Liverpool, Quebec, September 10, 1882..... Hon. Mr. Justice Routhier....."

3. "*The Morning Chronicle*. November 17, 1883:

"Cabin passengers per Allan Royal Mail SS. Parisian, James Wylie, commander, from Quebec to Liverpool, 17 November, 1883:.....Hon. Judge Routhier....."

"*Le Courrier du Canada*. 14 May, 1884:—

"His Honour Judge Routhier and Miss Routhier arrived at Quebec yesterday by steamer Parisian. Miss Routhier has spent nearly two years in Paris where she finished her education, and during the last months, accompanied by her father, she has visited France, Spain, Algeria and Italy."

2. Is the government aware that Judge Routhier has himself published an account of these three voyages in three volumes, entitled: *A Travers l'Europe* (Through Europe)," first volume, written after his first voyage; "*A Travers l'Europe* (Through Europe)," second volume, published after his second voyage; *A Travers l'Espagne et Voyage dans le Nord de l'Afrique* (Through Spain and a Journey in the North of Africa)," published after his third voyage, the whole proving in an irrefutable manner the absence of the honourable judge from the country during three different periods; the first time from the month of August to the month of April, the second time from the month of June to the month of September, the third time, from the month of November to the month of May?

3. Is the government equally aware that in 1889, in 1892 and 1896, Judge Routhier made three journeys to Manitoba and British Columbia, which lasted respectively: the first, five weeks; the second, three months; the third, three months as appears by the following documents:—

1. "*The Courrier du Canada*, 9th September, 1889:—

"The Honourable Judge Routhier left on Saturday (7 September) for British Columbia with Miss Routhier."

Le Courier du Canada, 10th October, 1889:—

"Judge Routhier has returned from a journey to British Columbia."

2. *Le Courier du Canada*, 16th May, 1892:—

"Episcopal excursion..... The excursion will comprise twenty-four bishops and ecclesiastical dignitaries..... Departure from Montreal Monday, 16th May..... On the 4th and 5th June the visitors will be at New Westminster and Vancouver..... On the 6th and 7th June they will visit Victoria, after which they will return to Canada (Montreal). The Honourable Judge Routhier will take part in the excursion and will give an account of the episodes of this interesting journey....."

"As for me," says Judge Routhier, at page 328 of his account of the journey (from Montreal to Vancouver), 'I did not return till two months afterwards.'"

3. *The Herald* of the 3rd August, 1892, published the following despatch:

(*Translation from the French.*)

"Winnipeg, 3rd August. Judge Routhier of the Superior Court of Quebec who is now in the west is, according to rumour, the commissioner sent by Prime Minister Laurier to make a report to him on the possibility of effecting a settlement of the schools question."

And *La Patrie* added:

"In fact, according to our information, Judge Routhier is the delegate of Mr. Laurier in the west and we believe we know that he has had interviews with a good number of priests and laymen of different parties in Manitoba on the subject of the school difficulties."

The Mail and Empire, 5th August, 1896, reproduced the following despatch from Winnipeg:

(*Translation from the French.*)

"A despatch received from the east to-day, confirming the rumour recently put in circulation about the settlement of the schools question, has caused much excitement here. The despatch says that the commissioner sent by Mr. Laurier is now in this province. Who is this commissioner? Where is the mystery? The name of Judge Routhier of the Superior Court of Quebec is mentioned, but friends do not believe that his presence in the province has any political signification. His Honour came to Winnipeg to see his daughter, Mrs. Sutton.....He is now at Pincher Creek, near his son."

Le Manitoba of the 19th August published the following item:

"His Honour Judge Routhier, who left (Winnipeg) some ten days ago with Miss Routhier to go to his son's at Pincher Creek, N.W.T., is to return to Winnipeg at the end of the week."

Le Manitoba of the 2nd September said:

"The Honourable Judge Routhier came back last week from Pincher Creek where he went to visit his son. He will be at his daughter's, Mrs. Sutton, until the 15th instant (September)."

L'Evénement of the 19th September said:

"With much courtesy the Judge (Routhier) said that he regretted not to be able to grant us an interview, seeing that he is completely a stranger to politics. He has been at Winnipeg at his daughter's, Mrs. Sutton, where he passed six weeks. He also went to Pincher Creek to his son's, where he remained four weeks. That was his journey."

4. Can a judge be absent so long and so frequently without asking permission, and is it not a matter of fact that Judge Routhier has never obtained leave of absence?

5. Is the government informed, by rumour or otherwise, that Judge Routhier is soon about to undertake a new voyage to Europe, and is it the

intention of the government to entrust to him any mission whatever? If so, what mission and to whom?

Hon. Sir OLIVER MOWAT—On the 30th April the hon. member inquired how many times Judge Routhier had been granted leave of absence since his appointment to the Superior Court for the province of Quebec. Judge Routhier was appointed to the Superior Court of the province of Quebec for the district of Quebec, in December, 1889. He had been previously appointed a Judge of the Superior Court of the province of Quebec for the district of Chicoutimi. In my answer to the hon. member on that occasion I mentioned the second appointment (which was for the district of Quebec) as having been in December, 1889, and I mentioned the first appointment as having been for Chicoutimi at an earlier date; and I stated that since 1889 the judge had not once been granted leave of absence. The answers I gave on that occasion were the answers furnished to me by the proper officers, as I had no personal knowledge concerning the subject; and those answers were correct. The present questions of the hon. member go back to Judge Routhier's first appointment, and I am now to give my answers to them. So far as they relate to leave of absence during the period antecedent to the 13th July, 1896, I can only answer by the like means as I gave the answers on the former occasion.

To the first question now asked I have to say: That I am not aware, and so far as I know my colleagues of the present government are not aware, except from the statements made in the notice of the hon. member, that since Judge Routhier was appointed a judge of the Superior Court of the province of Quebec he had made three voyages to Europe, lasting for the periods alleged.

To the second question I have to say: That I am not aware, and so far as I know my colleagues of the present government are not aware, except from the statements made in the notice of the hon. member, that Judge Routhier had published an account of these three voyages.

To the third question I have to say: That I am not aware, and so far as I know my colleagues of the present government are not aware, except from the statements made in the notice of the hon. member, that in the years 1889 and 1892 Judge Routhier made two journeys to Manitoba and British Columbia, lasting respectively as alleged by the hon. member. As respects the year 1896 I became aware casually, as did I believe other of my colleagues, that the judge visited Manitoba in that year, but not that the visit had lasted three months, as the hon. member states, or what time. The legal vacation in Quebec lasts from the 1st July to 1st September. The courts, I am informed, do not sit during this period, nor until 16th September. It appears from the statement in the hon. member's notice that it was during this period that the judge's visit in 1896 to Manitoba and British Columbia took place.

To the fourth question I have to say: A judge may not, without asking permission, absent himself from his duties for such long and frequent periods as mentioned in the question. Further, it is not a "matter of fact" that Judge Routhier never obtained leave of absence. On the contrary, I find from the records that previous to 1889 he thrice obtained leave of absence by Orders in Council in 1875 and 1876,—1st, for five months, by Order in Council, dated 20th May, 1875; 2nd, for six months, by Order in Council, dated 8th September, 1875; and 3rd, for three months, by Order in Council, dated 7th September, 1876; these Orders covering the period of the absence during these years alleged by the hon. member. It is further of record that the judge obtained leave of absence for three months by Order in Council, dated 1st of June, 1882; for five months, by Order in Council, dated 15th October, 1883; and for six months, by Order in Council, dated 15th October, 1887. I do not find any other leave of absence by Order in Council than those I have stated. Whether any further leave was granted by the Minister of Justice I am not aware. By an Order in Council, dated 29th September, 1882, the Minister of Justice is authorized to grant to judges without an Order in Council, leave of absence for any period not exceeding one month in any year.

With regard to the judge's visit to Manitoba in 1896, I have further to say that the judge was not "a commissioner sent by the Prime Minister, Honourable Mr. Laurier, to make a report to him on the possibility of effecting a settlement of the schools question;" and that he was not a "delegate of Mr. Laurier in the west," on the subject of the school difficulty or on any other subject, notwithstanding what is stated on these points in some of the newspaper extracts

which the hon. member has mentioned in his notice.

To the fifth question I have to say: That I have not been informed by rumour or otherwise that Judge Routhier is soon to undertake a new voyage to Europe, and I am not aware that any such information has reached my colleagues by rumour or otherwise. It is not the intention of the government to entrust to Judge Routhier any mission to any one.

RESIGNATION OF THE POSTMASTER OF ANNAPOLIS.

MOTION.

Hon. Sir MACKENZIE BOWELL 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 copy of the opinion given to the Honourable the Postmaster General by the Honourable Sir Oliver Mowat, Minister of Justice, in which he decided that the conditions under which Mr. Arthur W. Corbett, postmaster of Annapolis, Nova Scotia, resigned and the appointment of Mr. Henry A. West to said office, came within the meaning of the provisions of the Criminal Code and therefore an indictable offence.

He said:—I reiterate what I stated a few moments ago when asking a question in reference to the conduct of Mr. Petit, and I think it desirable that if the Minister of Justice has given the opinion indicated by the Postmaster General, that it is of sufficient importance to be laid before the country, that the country should know exactly the reasons and arguments which led him to the conclusion to which he came in reference to this case of Mr. Corbett. It is important that every postmaster in the country, whether he be a temporary employé, or whether he be appointed by Order in Council, should know the position he occupies and the extent to which the Criminal Code applies to parties desirous of obtaining a successor to the office which he holds. The Postmaster General, in referring to this question the other day when the papers were moved for in connection with this dismissal stated in making his explanation:

Now my hon. friend refers to the Criminal Code. I did not proceed upon my own opinion. I did not proceed upon my own construction of the law. The Criminal Code that refers to such cases is as follows: "Every one is guilty of an indictable offence who directly or indirectly sells or agrees to sell, any appointment to or any resignation of any office."

Then the Postmaster General commented upon this clause of the Act as follows:

Now, leaving out that part of the section which does not apply, the clause reads:

Every one is guilty of an indictable offence who directly or indirectly sells a resignation or an office.

The selling of the office is giving the office to another man for a consideration, a valuable consideration.

Mr. POWELL—That is a new version of the law.

The Postmaster General continuing added:

It may be a new version of the law, but one of the highest legal authorities in this country at all events has expressed his opinion that this transaction was contrary to the spirit of that section.

Mr. POWELL—Who is he?

The POSTMASTER GENERAL—Sir Oliver Mowat. I did not take action myself on my own responsibility, nevertheless I would not have hesitated to do so. I submit that the transaction, quite apart from the circumstance, was one that should not have been allowed to stand. It was not a resignation in the ordinary course.

The interpretation put upon this clause of the Criminal Code is to my mind a very strained one, and for that reason I should like the opinion of the Minister of Justice as given to the Postmaster General, which guided him in the dismissal of Mr. West from office. The quotation from the Criminal Code, as read by the Postmaster General, and the facts in the case, to my mind, and I think to any ordinary reader, would lead to the conclusion that there was no valid consideration, as contemplated by this law, which would deprive Mr. Corbett or Mr. West, his successor, of the office which he held. The section reads:

Every one is guilty of an indictable offence who directly or indirectly sells or agrees to sell any appointment or resignation of any office.

Supposing Mr. Corbett, as has been suggested, did say to Mr. Mills, the member for Annapolis, that his resignation would be sent in if his son-in-law would be appointed—because a good deal appears to have been made not only by the Postmaster General, but by the Minister of Justice here, that that made it a much more heinous offence, because Mr. West happened to be the son-in-law of Mr. Corbett—are we to understand, that the provisions of the Criminal Code are so strict, that a gentleman holding an office which is paid by com-

mission and not by appointment by the Governor by Order in Council, but simply by the Postmaster General himself, could not say in his old age, "If a certain other person is appointed, my resignation is at your disposal?" Is there any valid consideration in such a proposition? Did it come within the meaning of the law where it says that "Every one is guilty of an indictable offence who directly or indirectly sells or agrees to sell any appointment or resignation of any office?" If the mere suggestion of that kind is an indictable offence, it is well that every official should know it, and that we should know how far that is to be enforced in the future. Would it be an indictable offence if the Hon. Mr. Laurier should say to the Hon. Sir Oliver Mowat, "If you will assist me in this election, you shall have one of the first positions in my cabinet if we succeed?" Is it an indictable offence if Mr. Blair, the Minister of Railways and Canals, says to Mr. King, "If you will resign your position in the House of Commons in order to give me a seat so that I may retain my office, which is a valuable consideration, you shall have a seat in the Senate?" And is that to apply to my hon. friend Mr. MacKeen, who resigned his seat in the House of Commons in order to give Sir Charles Tupper a seat there, to enable him to retain the position which he had accepted under the late administration? If that is to be the interpretation of the law, let the world know it, so that a premier may not in the future place himself in the position of having to go into the dock to answer for a criminal offence, in making a bargain with a political friend that if he will give him his services he shall have the valuable consideration to which I have alluded. I do not desire to pursue this discussion to any unnecessary length, but I do think it is of sufficient importance that we should know precisely the position in which we are placed. Is it a criminal offence for a father, as he very often does, to deed a property to his son in consideration of his love and affection for that child? There is no valuable consideration received other than that which a parent would owe to his child. In this case it appears Mr. West was the son-in-law of Mr. Corbett, and Mr. Corbett said "I hold this temporary office in Annapolis, and I will resign if my son-in-law gets it." Is there anything very criminal in that? And if that be a criminal offence, I think it will take all the dexterity of my hon. friend the Minister of Justice to defend the position he has taken here, while he exonerates in an indirect way, as he has done to day, the act of a man who writes to another and claims a consideration for getting him a temporary contract for the supply of a few tons of coal. It is true my hon. friend says the thing was so paltry in its character that no one would believe that Petit would ask for a consideration for it; and more than that, Mr. Petit denied it, and, therefore, having denied it, it is sufficient for my hon. friend to accept the denial because of its, what he terms, absurdity. I admit the legal position he takes in reference to the duty of the Attorney General of Quebec in cases of that kind. I say that it was a violation of the Criminal Code placed on the Statute-book for the very purpose of preventing such transactions. I think the country will hold him responsible and say that he should have taken the same course that Sir John Thompson took in order to punish those who had committed wrongs against the laws of the country. The hon. member says that the Ministers of Quebec are my friends. They are, personally, I believe, most of them my friends so far as I know, and, I trust, politically as well, but the fact that they were my friends is no justification for the failure of the Minister of Justice to do his duty; it is simply a little side wind to tickle the ears of those who read it, to say "Another ought to have done it." I admit my friends have left undone many things they ought to have done, and in this case I quite agree with the hon. gentleman that they should have punished him, but I say further than that, that as it was a matter affecting this government, they should have taken means to prosecute the man who had violated the law, and if they were not prepared to do that, I think it is going a very long way to punish a man who has been appointed to an office simply because his father-in-law asked that he should be appointed. There was not a scintilla of proof that there was the slightest consideration, directly or indirectly. On the contrary, West has made a solemn declaration, which we find in the official reports of the House of Commons, as read there the other day, that there was no consideration, that there was no understanding with Mr. Corbett, either directly or indirectly, that he was to give him anything or

that he resigned on those conditions. More than that, Corbett makes a similar declaration; and Mr. Mills, the member for Annapolis, states distinctly and positively that no understanding existed between him and West or Corbett in reference to this matter as to any consideration, directly or indirectly. It is said that because Mr. West happens to be a Liberal, therefore, it is an evidence that they are administering the law as it exists on the statute-books irrespective of politics. It is true that Mr. West states in his own affidavit that he has been a Liberal all his life; that his father always supported the Liberal candidate. But Mr. West was obnoxious to the gentleman who was elected to the local legislature, the Attorney General of Nova Scotia, Mr. Longley; and he demanded the dismissals, and the fact of his demanding the dismissals was quite sufficient for the Postmaster General to seek the opinion of the Minister of Justice, and the Minister of Justice gave an opinion such as I have indicated, and such as has been stated by the Postmaster General, which Mr. Mulock contends justify the dismissal of this man from office. Now, let us know what the law is, as interpreted by the Minister of Justice. Let it be published to the world and we will understand in the future that no man will dare to say "if you give this position to another man I will resign;" for if he does, he comes within the meaning of the provision of the Criminal Code and is subject to indictment. I hope the Minister of Justice will comply with this request which I have made in this motion, and that he will not tell us that he gave no written opinion, but that it was a mere verbal one. Perhaps I might say to him, as an hon. gentleman belonging to his party said in the House of Commons on one occasion when he moved for returns, and received the answer that there were no official documents, that only an oral correspondence took place—"well, bring down that as well"; or if he has not given a written opinion to the Postmaster General, that he will write one in order that we may have an authority upon which to act in the future.

Hon. Sir OLIVER MOWAT—My hon. friend stated his version of the case which led to the inquiry in the other chamber. The actual case in substance is that Postmaster Corbett resigned his office in consideration of his son-in-law being appointed to it, and the Postmaster General stated that he and his colleagues were of the opinion that that came within the spirit of the Criminal Code. My hon. friend asks whether such a case is stronger than that of the Minister of Railways for whom he says a gentleman resigned his seat in the House of Commons upon the consideration of getting a seat here. My hon. friend assumes that that was the bargain there. So far as I am aware there was no such bargain. The member recognized the importance of the minister getting a seat in the House of Commons and resigned in order to give him the seat. Of course it is a common practice and a necessary practice—a common practice always under our system of government.

Hon. Sir MACKENZIE BOWELL—I did not say it existed; I merely put the question as a suppositious case.

Hon. Sir OLIVER MOWAT—I do not think a bargain of that kind ought to be made. I do not think the Minister of Railways or the other Minister referred to ought to make a bargain that they will give a seat in the Senate, or any other consideration, for a member of the House of Commons resigning. But nothing of the kind took place. This motion asks for a copy of my opinion. That is the material part of the motion, and my answer to it is this: There was no written opinion on the subject; and no opinion written or unwritten as to the case referred to coming within the legal or technical meaning of the provisions of the Criminal Code, and, therefore an indictable offence. When afterwards informed of the case it seemed to me, in common with my colleagues, as being within the spirit as distinguished from the legal effect of the code, but there was no written opinion either way. My hon. friend seemed to think that if an answer or opinion of that sort was given even orally, still it ought to be brought down; but I do not know how to bring down an opinion that is not in writing. Perhaps my hon. friend can explain how it can be done.

Hon. Sir MACKENZIE BOWELL—Write it, and then you can bring it down.

Hon. Sir OLIVER MOWAT—That is another matter.

Hon. Sir MACKENZIE BOWELL—You asked me how to do it and I have told you.

Hon. Sir OLIVER MOWAT—That is not bringing down a copy of an opinion given. My hon. friend desires that I should write one now. The motion of my hon. friend is a motion which cannot be granted, because there is no such document as the motion asks for a copy of.

Hon. Mr. LOUGHEED—Might I say to the Minister of Justice, as he is bringing down some amendments to the Criminal Code, would it not be an opportune time for him to crystallize into law that which he deems to be a contravention of the spirit of the law, and that which the Act is infirm in covering? If my hon. friend is sincere in the opinion he expresses—and I cannot doubt his sincerity, although I doubt the soundness of his law on the subject—he can demonstrate that more effectually than in any other way by embodying it in this bill which has been introduced to-day in lieu of the one which was withdrawn; but I venture to say in this regard that if my hon. friend would embody that in the statutes he will not find either branch of parliament prepared to endorse the desirability of passing a law providing that such a matter as that which has been discussed should be an offence against the criminal law.

Hon. Sir MACKENZIE BOWELL—My hon. friend says there was no written opinion given on this question; and as he declines to give a written opinion, desiring I suppose in the future that he should not be held by it, there is no necessity to press the motion. The hon. gentleman says there were no promises made. I may call the attention of the hon. gentleman to a letter I read some little time ago in which the hon. gentleman stated that he was coming to the Senate. I would not like to insinuate that that was the reason which induced him to assist in the last election the party with which he is now connected, and the government of which he is a member, to obtain power in this country. But there evidently was some sort of correspondence, and there must have been some kind of promise that if they succeeded in winning the elections the hon. gentleman was to be offered a seat here; because he promised in that letter that he was going to reform us and do some other good things which I look forward to at some not distant day, and I hope the reformation will take place on his side of the House at a very early period, so that we may understand in future that when these gentlemen make promises they intend to carry then out, and that they will have some little regard to their own status and position. I would not say for a moment that the hon. gentleman received any consideration for coming here, but I well remember reading a letter from a prominent politician now occupying a prominent place in the cabinet, stating that he would take a prominent part not only in this chamber, but in the government of the country. I compliment the hon. gentleman on his lack of memory in respect to promises.

Hon. Sir OLIVER MOWAT—My hon. friend talks about my reforming the Senate. I do desire to reform the Senate. I think we have done something of that kind, as all hon. gentlemen admit that since my appointment here valuable additions have been made to the Senate, and as long as I maintain my present position, I hope to make other valuable additions to the Senate, but any legal reform in it can only be accomplished with the consent of my hon. friend and those around him. So far I have found them very reasonable, and if I see occasion to bring in a measure of that kind, I shall look with confidence to the support of my hon. friend.

Hon. Mr. McCALLUM—I do not see how this postmaster could be brought under the operation of the Criminal Code. He might have had a hundred reasons for asking that this man should be appointed before he resigned. He might have had the welfare of the public at heart, and might think he was a proper person to fill the office. It has never been proven that he received any consideration. My hon. friend the Minister of Justice, when he comes here, says he is to reform the Senate. I think the Senate will reform him and he needs to be reformed a good deal. I hope we will do it kindly and deal gingerly with him. We have known him a long while, he is pretty fair, on the average, but we are not willing that he should have his own way altogether.

Hon. Mr. FERGUSON—I think the view taken by the hon. leader of the House with regard to the dismissal of Mr. West, the postmaster at Annapolis, is rather remarkable. My hon. friend has not gone so far as to say that Mr. Corbett had come

within the provisions of the Criminal Code in having resigned conditionally, but he says he came within the spirit of it. He does not say, and no person has insinuated, that Mr. West did anything wrong at all. It does not appear that Mr. West knew anything at all about the condition. If it was a very bad thing on the part of Mr. Corbett to make this condition, it does not appear that Mr. West knew anything about it, yet Mr. West has been dismissed from office on account of this condition which Mr. Corbett is alleged to have made, or somebody made for Corbett when he tendered his resignation. Now it amounts to this, that my hon. friend's law, and the rule that he lays down, comes very near touching upon the course taken by my hon. friend himself in announcing, as he did a little more than a year ago, that in the event of certain things happening he intended to resign his office as premier of the province of Ontario and take a seat in this Senate and a portfolio in the new government to be formed by the Hon. Mr. Laurier. It does not appear to me that my hon. friend's arrangement at that time differed very much from what Mr. Corbett did, Corbett it is alleged announced that he would resign on condition of a certain thing happening, which did not appear to be very much in his own interest. My hon. friend said he would resign if a certain thing happened, which certainly was not inimical to his own interest at any rate. But the point I am urging is that the party according to the Minister of Justice to be punished is the one who accepted the position; therefore the Hon. Mr. Hardy should be turned out of office in consequence of his coming into office because of a bargain about offices made between Mr. Laurier and Sir Oliver Mowat just as Mr. West was dismissed because he came in in consequence of the conditional resignation of Mr. Corbett. If the Minister of Justice's law is true in the one case, I think it should be held good all round, and therefore my hon. friend must have done something which, if it did not exactly come within the letter, at all events trenched on the spirit of the criminal law, and the Hon. Mr. Hardy should be punished because my hon. friend the leader of the House did what was wrong.

OFFENSIVE PARTIZANSHIP.

DELAYED RETURNS.

Hon. Sir MACKENZIE BOWELL—Before the Orders of the Day are called I should like to ask the Minister of Justice when I may expect the returns I moved for a month ago in reference to the commissions issued and the reports made in connection with the investigation of offensive partisanship, and also the return moved for by my hon. friend from Brandon the same day or the day afterwards.

Hon. Mr. SCOTT—As I explained the other day to the hon. gentleman, a circular was sent by the Secretary of State to the various departments asking them to prepare the return. The return has been received from some, but not from all of the departments to which the circular was sent. Hon. gentlemen will remember that when I was on the other side of this chamber and returns were moved for, they came down sometimes during that session, and more frequently during the next session, and very often had to be asked for week after week. In fact, returns have been brought down by the present administration which were moved for two years ago. There was a return relating to an official in the city of Winnipeg, and that return was made after the change of government, and brought down by the present administration. I mention that as an illustration to show that when those returns were moved for they were not brought down promptly by my hon. friends opposite.

Hon. Sir MACKENZIE BOWELL—The act of the present government is justified by the action of the late government—is that it?

Hon. Mr. SCOTT—No.

Hon. Sir MACKENZIE BOWELL—Then why mention it?

Hon. Mr. SCOTT—It is just to show there were similar delays before.

Hon. Sir MACKENZIE BOWELL—There may have been good reasons for that, but you have had now nearly a month to make the return. The commissions are so numerous and the reports so voluminous that it has taken six weeks to bring down a return of the commissions issued since the hon. gentlemen have been in office?

Hon. Mr. SCOTT—I might bring it down as far as it is complete, if the hon. gentleman desires.

Hon. Sir MACKENZIE BOWELL—No, I want it all.

Hon. Mr. SCOTT—I understand half a dozen departments have made returns.

Hon. Sir MACKENZIE BOWELL—I want to know the extent of the commissions, and I want also to have added to the return the commissions and investigations since that return was moved for.

Hon. Mr. SCOTT—Some investigations are going on now.

GRAND TRUNK RAILWAY COMPANY'S BILL.

THIRD READING POSTPONED.

Hon. Sir MACKENZIE BOWELL moved the third reading of Bill (26) "An Act respecting the Grand Trunk Railway Company of Canada."

Hon. Mr. BOULTON—I gave notice the other day that I would move:

When the Order of the Day is called for the third reading of Bill (26) "An Act respecting the Grand Trunk Railway Company of Canada," the following amendments:—

Page 1, line 18.—After "state," insert the following words: "and to meet the interest upon its securities at six per cent."

Page 2, line 24.—After "sterling" insert "and provided that this debenture stock shall not be used for the purpose of maintaining the rate of interest at six per cent upon any of the securities of the Chicago and Grand Trunk which were taken up by the issue of consolidated debenture stock in 1887."

After I had given that notice, I realized that it would be more regular to follow the proper practice and refer it back to the Railway Committee and, therefore, I put upon the notice paper the following notice:

That when the Order of the Day is called for the third reading Bill (26), An Act respecting the Grand Trunk Railway Company of Canada, he will move that the said bill be not now read the third time, but that it be referred back to the Standing Committee on Railways, Telegraphs and Harbours with instructions to so amend the bill that the deficiency in the revenue of the Chicago and Grand Trunk Railway shall not be paid by adding to the capital account of the Canadian company, the interest upon which has to be borne by Canadian traffic.

This is a very important question that I am proposing to deal with, and I hope that the hon. members will give me the attention that the importance of it justifies.

Hon. Mr. POWER—It is almost six o'clock and the hon. gentleman has indicated that he is prepared to make a long speech on the subject, and I think it is a matter for the hon. leader of the House to say whether he shall call it six o'clock or declare all the orders adjourned.

Hon. Mr. SCOTT—The remainder of the orders are second readings of private bills, and it would be better to allow that bill to stand till to-morrow, and go through the unopposed orders.

Hon. Mr. BOULTON—Then I move the adjournment of the debate.

Hon. Sir MACKENZIE BOWELL—If the Minister of Justice desires to be present at this discussion I would not object to the postponement of the motion until to-morrow, but it seems to me that it is one of those simple questions that has been discussed not only in the other House but also in the committee, that I would prefer going on with this bill and getting rid of it. If it is the will of the Senate it should go to the committee to make the changes, the sooner it is done the better. On the other hand, if we dispose of the matter to-night, as I think we can do in a very short time, it would relieve the officials of the Grand Trunk Railway Company, from remaining in the city to look after what they consider to be their interests.

Hon. Sir OLIVER MOWAT—I think on the whole it had better stand till to-morrow.

Hon. Mr. POWER—I think if this matter, which is an urgent and important one, is to be postponed, it should be with the distinct understanding that it should be dealt with first thing to-morrow.

The third reading was postponed.

ONTARIO PACIFIC RAILWAY COMPANY'S BILL.

Hon. Mr. McMILLAN moved the second reading of Bill (28) "An Act respecting the Ontario Pacific Railway Company and to change the name of the company to the Ottawa and New York Railway Company."

The motion was agreed to.

Hon. Mr. McMILLAN moved that the bill be referred to the Committee on Railways, Telegraphs and Harbours to-morrow. He said:—It is important that this bill

should be proceeded with, because the financial operations are just about ready awaiting the passage of the bill.

Hon. Mr. POWER—I must object to the suspension of the rule. I am a member of that committee, and also of another committee, and I would be unable to attend the meeting to-morrow morning.

The motion was dropped.

THIRD READINGS.

Bill (12) "An Act further to amend the law respecting Building Societies and Loan and Savings Companies carrying on business in the province of Ontario."—(Sir Mackenzie Bowell.)

Bill (18) "An Act to confer certain powers on the Board for the management of the Temporalities Fund of the Presbyterian Church of Canada in connection with the Church of Scotland."—(Mr. Vidal.)

Bill (25) "An Act to confirm an agreement made between the Canadian Pacific Railway Company and the Hull Electric Company."—(Mr. MacInnes, Burlington.)

Bill (39) "An Act respecting the Canadian General Electric Company, limited."—(Mr. Cox.)

Bill (35) "An Act respecting the Canada Atlantic Railway Company."—(Mr. Clemow.)

Bill (44) "An Act respecting the Welland Power and Supply Canal Company, limited."—(Mr. McCallum.)

Bill (41) "An Act respecting the River St. Clair Railway Bridge and Tunnel Company."—(Mr. McCallum.)

PROHIBITORY LEGISLATION.

INQUIRY.

Hon. Sir MACKENZIE BOWELL—I would like to ask the Secretary of State when we may expect the bill promised in the speech from the throne in reference to the subject of prohibition, in which the promise is made that a measure enabling the electors to vote on the question will be submitted for our approval. I have understood that that was to be introduced in this House; if so, and as it is a bill of great importance, I would like to ask the hon. gentleman at what period of the session we may expect to see it?

Hon. Mr. SCOTT—I am quite unable to say at present. I will have to consult my colleagues.

Hon. Sir MACKENZIE BOWELL—Will you endeavour to give us an answer to-morrow?

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—It is a matter of vital importance.

The Senate adjourned.

THE SENATE.

Ottawa, Friday, 14th May, 1897.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

A QUESTION OF ORDER.

The SPEAKER—Hon. gentlemen, before proceeding with the business of the day, I beg to bring before the House the answer I have to give. Yesterday the hon. senior member for Halifax raised a question of order in the discussion of an inquiry made by the hon. gentleman from Hastings, and the Senate having been kind enough to allow me time to consult the authorities handed to me by the hon. member from Montarville, I am now ready to give my decision. If I am not mistaken the point of order raised was: that it was irregular and out of order for hon. gentlemen to speak and prolong a debate on a mere inquiry made by an hon. member, after a minister of the Crown had answered to that inquiry: and that it was particularly irregular to introduce in that discussion extraneous or new matter of which there had been no notice given. I do not believe that it may be pretended for one moment that any hon. gentleman making an inquiry or asking a question should be limited to the mere reading of the question or inquiry. I see nothing that would prevent that hon. member from adding remarks which he would think proper to make his inquiry more intelligible to the House and to the minister of the crown who is called to answer him, provided always that no new statement, no new inquiry be made, of which there was no notice given, this seems to be quite obvious. And I quite agree with the hon. member from York that it would be quite unfair to a minister of the crown to be obliged to give an answer to any question of which

he had no notice. I think that notice being required for an answer on the part of the hon. minister of the crown, it shows evidently that this notice is given for the purpose of enabling him to get information, to make a proper answer to the House; so I do not believe there can be any difficulty on that point. I quite agree with what has been said that the rule of the House should be accordingly amended so as to provide that no new matters and no new statements should be introduced beyond those of which notice has been given. There is no doubt that great latitude has been allowed in this House. It is also admitted that, when there is no particular rule to guide us in the Senate, we are to follow the rules and practice of the House of Lords. May in his last edition (the 10th), page 206, says:

> In the Lords debate is permitted in putting questions, and in commenting upon them, without any question being before the House. In 1867 the Lords' committee on public business, while recognizing and approving this practice, recommended that notice of questions should be given in the minutes, except in cases of urgency. In consequence, it was resolved, by standing order No. 21, that when "it is intended to make a statement, or raise a discussion on asking a question, notice of question should," in that case, "be given in the orders of the day and notices." And under these conditions important debates are frequently raised.

Not only in May, but if we look at Bourinot, second edition, page 381, Bourinot says:

> The procedure in the Senate on such occasions is quite different from that of the Commons. Much more latitude is allowed in the upper House, and a debate often takes place on a mere question or inquiry, of which, however, notice must always be given when it is of a *special* character. Many attempts have been made to prevent debate on such questions, but the Senate have never practically given up the usage of permitting speeches on these occasions—a usage which is essentially the same as in the Lords' House. The observations made on such occasions, however, should be confined to the persons making and answering the inquiry, and if others are allowed to offer remarks these should be rather in the way of explanations or with the view of eliciting further information on a question of public interest.

In view of the latitude allowed by the House of Lords, whose practice we follow when there is no particular rule of the Senate against it, and the latitude allowed in this House we have only against that latitude our own rule. The hon. gentleman from Calgary cited an article which is not a rule of the House, but if it had been a rule of the House it would have made it very clear. I refer to article 55, not of the rules but of the forms and procedure of the Senate. This article or rule says:

> When a question is asked by a senator, the senator putting the question and the senator answering ought to make only such observations as they may deem indispensable to be understood, and no debate is allowed except by leave of the Senate. In the House of Lords, and particularly in the Senate, this rule is generally disregarded, and lengthy debates often follow. If the senator questioning or answering, is allowed by the Senate tacitly or otherwise to offer an opinion, argument or inference, other senators may claim the same privilege.

As I said this is not a rule which has been adopted by the House; it is only an article in the forms of procedure. It has been the practice in the House of Lords for a member to give notice, that he will call the attention to a certain subject, and then ask a question of the government. That practice has been introduced in our House since 1877. It has been allowed since, though sometimes objected to. On an inquiry, on one occasion, a member has not been allowed reply. In 1888, the Hon. Mr. Miller, formerly Speaker, expressed himself strongly as to permitting debate on a mere inquiry. It is evident that the Senate has never since laid down any distinct rule to limit debate. As it has been allowed by my predecessors in the chair, to allow the practice of the House of Lords to be introduced in this House, I would not undertake to overrule what they have allowed. Though it will be perhaps better to adhere to the 20th rule of our House which says:

> A senator may speak to any question before the Senate, or upon a question or an amendment to be proposed by himself; or upon a question of order arising out of a debate, but not otherwise, without consent of a majority of the Senate, which shall be determined without debate.

I do not think that a mere inquiry should be considered a question before the Senate so as to permit prolonged discussion. At least, as Bourinot says, the observations made on such occasions should be confined to the persons making and answering the inquiry, except in the way of explanation or with the view of eliciting further information on a question of public interest. So, in accordance with the 20th rule, any other gentleman could speak on the question or inquiry only with the consent of a majority of the Senate. But as I already said as the practice has been allowed by the Senate, it would be unbecoming on my part to overrule the decision or

the tolerance of the Senate when I see no distinct rule laid down to limit the debate. Nevertheless, I would suggest that, when a member puts a question, he may give his reasons for it and the minister of the Crown answers it with all the explanations he may think proper to make his answer intelligible. And any remark or suggestion arising out of that answer can be replied to by the member who puts the question. Any other member, if tacitly allowed or with the consent of a majority of the House to speak on the matter, should confine his remarks strictly within the question before the House and introduce no extraneous or new matter. That is my humble judgment of the matter, and I am subject to be overruled by the Senate.

DELAYED RETURNS.

Hon. Mr. KIRCHHOFFER—With the permission of the House I would like to ask the Minister of Justice, whom I congratulate on his improved health and rejoice to see in his place to-day, when we may expect to get the returns which I moved for five or six weeks ago with reference to the dismissal of employés from the civil service, and which I understand have not yet been brought down.

Hon. Mr. SCOTT—The returns which have been forwarded to the office have been brought down. I directed the deputy minister to-day to send a circular to all the departments which failed to furnish the details and to give me a memorandum of the cause of the delay.

THE PLEBISCITE BILL.

INQUIRY.

Hon. Sir MACKENZIE BOWELL—I should like to repeat the inquiry I made on the adjournment last night, as to the intention of the government with reference to the Plebiscite Bill. I think it has been understood that the bill was to be laid before the Senate and considered first by the Senate and that it was being drafted by the Hon. Minister of Justice. Could the hon. gentleman inform the House when we are likely to have it, in order that we may have something to do. It is a very important measure, attracting some little attention in the country.

Hon. Sir OLIVER MOWAT—It is now in the hands of the law clerk. I expect to get his draft of it to-morrow, and I may say that it will be brought down as soon as it is ready.

GRAND TRUNK RAILWAY COMPANY'S BILL.

THIRD READING.

Hon. Sir MACKENZIE BOWELL moved the third reading of Bill (26) "An Act respecting the Grand Trunk Railway Company of Canada."

Hon. Mr. BOULTON moved:

That the said bill be not now read the third time, but that it be referred back to the Standing Committee on Railways, Telegraphs and Harbours with instructions to so amend the bill that the deficiency in the revenue of the Chicago and Grand Trunk Railway shall not be paid by adding to the capital account of the Canadian Company, the interest upon which has to be borne by Canadian traffic.

He said:—When this bill was introduced I gave notice of my desire to move this amendment. There is a principle contained in this bill that I thought was desirable should be brought to the notice of this House, and I hope to convince hon. gentlemen before I finish that I acted wisely in bringing it to the notice of the Senate. This hon. House is constituted specially for the purpose of supervising legislation which may have been hastily passed in the lower House of legislation, the purport of which may have been overlooked and which is not desirable to place on the statute-book. The bill that is now sought to be passed is for the purpose of providing for the deficiency in the revenue of the Chicago and Grand Trunk Railway. It is interest to provide for that deficiency by creating capital stock of the Grand Trunk Railway of Canada in order to make up that deficiency. I will be able to show you that the Chicago and Grand Trunk Railway is a railway of 335 miles, and the Grand Trunk Railway is altogether 3,506 miles long. The Chicago and Grand Trunk, which is 335 miles of that 3,506 miles, absorbs one-eighth of the net revenue of the Grand Trunk Railway. The Chicago and Grand Trunk Railway has not earned the interest that is claimed by it upon the securities that are in existence. The deficiency of £122,000 or something like $600,000, in the past year is now sought to be made up by the issue of capital stock which is to be chargeable to the Canadian section of the road. The Chicago and Grand Trunk Railway is not under the legislation of Canada, but under the legislation of the

state of Michigan. It draws its authority from there, and is governed by the rules and regulations of that state. While it is under the general management of the Grand Trunk Railway it is to all intents and purposes a separate road and in that unlike the amalgamation of Canadian branch railways. What I contend and maintain is that the efforts to pay dividends not earned on the United States portion of the line, but to be paid by adding to the capital stock of the Canadian section of the line is unjust in principle and is especially unjust to the great province of Ontario which has to bear the burden of the rates of this charge. The Grand Trunk Railway is especially a Canadian road. It lies in Canada almost entirely, and Canada has to furnish the traffic for 3,200 miles that is on Canadian soil. Hon. gentlemen from the maritime provinces cannot enter to the same extent into the merits of this question as the people of Ontario, Manitoba and our western provinces can, because we have to pay rates on the railway mileage in order to transport our produce to the markets that consume it. The maritime provinces have the Intercolonial Railway and their own traffic is not burdened with any interest at all on the capital stock that created that road. The Grand Trunk Railway is burdened—I will not say burdened, because it is not necessary to consider it a burden—but in addition to the running expenses of transporting our produce there is interest on capital that is necessary to provide for the construction and operation of these lines, and the question of the amount of interest that should be paid, the burden of capital that should be borne by the people that supply the traffic, is a point of very great moment to the people of Canada. Hon. gentlemen in discussing this and similar questions very frequently take the ground that this is a purely domestic matter of the Grand Trunk Railway, or any other railway that may be under the consideration of Parliament, but it is a mistake to consider it in that light. We have to consider that there are two parties to this question, one party is that which supplies the earning power to the railways of the country, and the other party is the representatives of the capital that has gone into the construction of that road, who if unchecked may make greater demands than are justifiable. So far as those two questions are concerned, we are here more especially to guard the interests of the public in dealing with a question of this kind. The public have only their representatives in Parliament to regulate these matters and see that their interests are protected and preserved, and to see that they are not improperly oppressed by excessive demands on the part of capital in taxing their industry. So far as the domestic arrangements of the Grand Trunk Railway Company are concerned, having their revenue and the distribution of their revenue among the various securities is, I acknowledge, a matter of domestic concern. If those securities are so distributed that they operate injuriously to the credit of the country by means of interest on the capital that has been invested in the promotion of a great railway like this, it becomes of some moment to this hon. House, how far the distribution of those revenues had effected the interest of the country at large. In order to show how far the policy of this House, and the policy of parliament is, and I may say has been in the past, with regard to the Grand Trunk Railway—and I may say the policy of the Grand Trunk Railway Company itself—the effort on the part of the Grand Trunk Railway Company has been to moderate the rate of interest, to get all the securities that have been outstanding into one class of security called the consolidated debenture stock, which in the main has been restricted in its borrowing power to 4 per cent interest. Some portions of the consolidated debenture stock have been issued at as high as 5 per cent, but I wish to draw a distinction between the class of stock we are asked to authorize now and the issue contained in the consolidated debenture stock. The securities now sought for are fixed charges amounting to six per cent or five per cent according to the class of security, and the obligation is as long as those securities are out to pay that 6 per cent or 5 per cent, but the consolidated debenture stock says that the Grand Trunk Railway may borrow capital in order to acquire and consolidate its indebtedness at a rate of interest not to exceed 4 per cent. If it be in the interest of the shareholders of the company to have it 3 per cent, it may be that or it may be only 2 per cent for that matter—it is not to exceed 4 per cent, but 4 per cent is not the fixed rate. That has been, and is, the policy of the Canadian parliament, and it is desirable that all those

security holders whose securities brought a greater rate of interest than 4 per cent should conform to the policy of the Grand Trunk Railway Company itself and the policy of this parliament at the instigation of the Grand Trunk Railway Company. Some hon. gentlemen will no doubt say, "What have we to do with that, we cannot force people to give up those securities, we cannot force a man to give up his 6 per cent security if he chooses to hold on to it?" I grant that, but when those parties come with the 6 per cent securities to this parliament and ask that the people of Canada bear the unearned interest which was beyond the powers of the people living on the Chicago portion of the line, to pay, we can say we will not allow the people to pay compound interest by increasing the issue of consolidated debenture stock to rank *pari passu* with other consolidated debenture stock for the purpose of paying that interest. If the road does not earn that interest, they must do without it so far as this parliament is concerned—we will not put on the shoulders of the people of Ontario the burden of paying the interest on the accumulated revenue which has not been made by the Chicago end of the line. As the burden is increased on the Canadian end of the railway the greater the burden on the people of Canada will be. The debentures that we sanctioned, we must stand by, and if the road fails to earn it the country suffers in credit or the people are oppressed to the extent that the rates have to be increased, in order to meet interest out of capital which is added to the already overburdened capital of the company. I have here a copy of the statutes mentioned in this bill. This bill draws attention to certain statutes—the Acts of 1884, 1887, 1888, 1890, 1892 and 1893. The first Act referred to is that of 1884. It says:

THE GRAND TRUNK RAILWAY ACT.

Assented to 19th April, 1884.

3. The company may, from time to time, in addition to the powers granted by the Parliament of Canada, under the Act 37th Victoria, chapter 66, borrow and raise for the purposes hereinafter specified at any rate of interest not exceeding five per cent per annum, such sum or sums, as the proprietors of the company entitled to vote, in general meeting assembled, may, from time to time, determine, by the creation and issue of a perpetual debenture stock to be called "Grand Trunk Consolidated Debenture Stock": Provided always, that the total interest payable upon the entire loan capital, including the existing charges and the debenture stock already issued, and for the time being outstanding, shall not, at any time, exceed the sum of seven hundred and fifty thousand pounds sterling per annum.

5. The consolidated debenture stock hereby authorized to be created, or the proceeds thereof, shall be applied by the company to the following purposes, that is to say:—

(a.) In redeeming and getting in the existing charges upon such terms and conditions of purchase or exchange as may, from time to time, be agreed upon between the company and the respective holders of the said charges, a sum not exceeding the sum of five millions five hundred thousand pounds sterling (5,500,000);

(b.) In the purchase or exchange of the existing perpetual five per cent debenture stock mentioned in the said schedule hereto numbered two, a sum not exceeding eight millions eight hundred and six thousand pounds sterling (8,806,000);

(c.) And the remainder of the said consolidated debenture stock by this Act authorized to be created and issued, and any sums remaining out of the sums mentioned in the preceding paragraphs (*a* and *b*) after the said existing charges and debenture stock mentioned therein have been purchased or exchanged for consolidated debenture stock, shall be applied to the putting down of a double track or second line of rails, first upon the portion of the line between Montreal and Toronto, and then upon such portions of the company's railways as the directors may, from time to time, determine, with all necessary works, machinery and appliances connected therewith, and also to the purchase of additional rolling stock and other general purposes of the company; and the company shall render to the government statements of the application of the proceeds of the additional debenture stock by this Act authorized.

We have further the Act of 1887, which deals with the securities of the Chicago and Grand Trunk Railway, assented to 23rd June, 1887:

3. In addition to the amounts which the company are authorized to borrow and raise under the Act thirty-seven Victoria, chapter sixty-five, forty-fifth Victoria, chapter sixty-six, and forty-seventh Victoria, chapter fifty-two, the company may borrow and raise for the purposes hereinafter specified, by the creation and issue of perpetual consolidated debenture stock, to be called "Grand Trunk Consolidated Debenture Stock," bearing interest at any rate not exceeding 5 per cent per annum, such sum or sums as the proprietors of the company entitled to vote in general or special general meeting assembled may, from time to time, determine: Provided always, that the total interest payable upon the securities and interest-bearing obligations in schedule A to this Act mentioned, outstanding from time to time, and the interest upon the consolidated debenture stock issued under this Act, shall not at any time exceed the sum of four hundred and eighteen thousand eight hundred and forty-five pounds sterling per annum.

4. The debenture stock hereby authorized to be issued, as and when created, and the interest thereon, shall rank on an equality with the four per cent consolidated debenture stock issued by the company, or to be issued, under the powers of the Act forty-seventh Victoria, chapter fifty-two,

and shall, subject to the priorities of all existing charges, and to five per cent perpetual debenture stock mentioned in schedule number two to the last mentioned Act and the payment of working expenses as now defined, become a first charge upon and over the whole of the undertaking, railways, works, rolling stock, plant, property and effects of the company; but the holders of the said consolidated debenture stock of the company, whether issued prior or subsequent to the passing of this Act, under the powers conferred by this Act or former Acts, shall not, as amongst themselves, be entitled to any preference or priority.

5. The additional consolidated debenture stock hereby authorized to be created, or the proceeds thereof, shall be applied by the company to the following purposes, that is to say: In acquiring by exchange, purchase or otherwise, the securities and interest-bearing obligations mentioned in schedule A of this Act, upon such terms and conditions of purchase or exchange as may, from time to time, be agreed upon between the company and the respective holders of such securities and obligations, and to the general purposes of the company: Provided always, that the interest on such of the consolidated debenture stock as may, from time to time, be issued under this Act, and the interest payable on the securities and obligations mentioned in schedule A to this Act, outstanding for the time being, shall not at any time exceed the sum of four hundred and eighteen thousand eight hundred and forty-five pounds sterling.

6. The securities and interest-bearing obligations acquired or purchased by or in exchange for the consolidated debenture stock hereby authorized to be issued, or the proceeds thereof, shall be held as subsisting and continuing as a security *pro tanto* for the benefit of the holders of the Grand Trunk consolidated debenture stock; but unless and until any default shall be made in payment of any interest on such stock, the revenue derived from the said securities and interest-bearing obligations shall be considered as part of and included in the general revenues of the company.

7. The charges mentioned in schedule number one of "The Grand Trunk Railway Act, 1884," and the five per cent debenture stock mentioned in schedule number two of the said Act, which have been or may hereafter be purchased or otherwise acquired by the company as provided in the said Act, shall, until the whole of such charges and debenture stock has been so purchased or acquired, be treated as subsisting and continuing as a security *pro tanto* for the benefit of the holders of the consolidated debenture stock for the time being issued by the company, in the same way in all respects as if such charges and debenture stock had been duly transferred to and were held by trustees for the benefit of the holders of the said consolidated debenture stock.

SCHEDULE A.

SCHEDULE of Securities and Interest-bearing Obligations of Controlled Railways.

Name.	Description.	Amount.		Rate of Interest.	Annual Interest	Date of Maturity.
		$	£	p. c.	£	
Chicago and Grand Trunk Ry...	1st mortgage.....	6,000,000	1,239,600	6	74,376	Jan. 1, 1900
do do ...	2nd do	6,000,000	1,239,600	5	61,980	do 1, 1922
Grand Trunk Junction Ry. ...	Mortgage	.....	800,000	5	40,000	Jan. 1, 1901 / do 1, 1934
Detroit, Grand Haven and Milwaukee Ry.....	Equipment mortgage....	2,000,000	410,958	6	24,657	Nov. 14, 1918
do do ..	Consolidated mortgage..	3,200,000	657,534	6	39,452	do 15, 1918
Michigan Air Line Ry.....	1st mortgage.....	.....	310,000	5	15,500	Jan. 1, 1902
Midland Ry.....	Consolidated mortgage..	.....	1,571,600	5	78,580	do 1, 1912
do	1st mortgage (Midland Section).....	....	525,000	5	26,250	May 1, 1908
*Lake Simcoe Junction Ry	1st mortgage.....	.....	51,700	1·59	821	Nov. 1, 1896
Montreal and Champlain Junction Ry.....	1st do	.....	172,600	5	8,630	Jan. 1, 1902
Grand Trunk, Georgian Bay and Lake Erie Ry..... ...	1st do	.....	301,200	5	15,510	Aug. 1, 1903
Chicago and Grand Trunk Ry...	Indebtedness for cars and other property on which interest is payable.....	.....	310,027	....	21,308	
Detroit, Grand Haven and Milwaukee Ry.....	Indebtedness for steam'rs, cars, land and mortgages on which interest is payable	....	195,411	....	11,781	
			7,785,230		418,845	

*This company, under an agreement, takes 25 per cent of the gross receipts of its railway, which on an average of six years have amounted to $3,997.29, or in other words 1·59 per cent on its bond indebtedness.

The next Act is that of 1888, assented to May 4th, 1888 :

3. In addition to the amounts which the company are authorized to borrow and raise under the Acts thirty-seventh Victoria, chapter sixty-five, forty-fifth Victoria, chapter sixty-six, forty-seventh Victoria, chapter fifty-two, and fiftieth and fifty-first Victoria, chapter fifty-seven, the company may borrow and raise for the purposes hereinafter specified, by the creation and issue of perpetual consolidated debenture stock, to be called "Grand Trunk Consolidated Debenture Stock," bearing interest at any rate not exceeding four per cent, per annum, such sum or sums as the proprietors of the company entitled to vote in general or special general meetings assembled from time to time determine : Provided always that the total interest upon the authorized securities and charges included in the schedule to this Act, which shall not have been acquired or exchanged by the company, as hereinafter provided, shall not, at any time, together with the interest upon the consolidated debenture stock issued under this Act, exceed the sum of one hundred and thirty-six thousand nine hundred and twenty-one pounds sterling per annum.

5. The additional consolidated debenture stock hereby authorized to be created, or the proceeds thereof, shall be applied by the company to the following purposes, that is to say: in acquiring, by exchange, purchase or otherwise, the securities and charges included in schedule 1 to this Act, upon such terms and conditions as may from time to time be agreed upon between the company and the respective holders of such securities and charges, and to the general purposes of the company.

6. The securities and charges so acquired by exchange or otherwise shall be held as substituting and continuing as a security *pro tanto* for the benefit of the holders of the Grand Trunk consolidated debenture stock, in the same way in all respects as if such securities and charges had been duly transferred to and were held by trustees for the benefit of the holders of the said consolidated debenture stock ; but unless and until any default shall be made in the payment of any interest on such stock the revenue derived from the said securities and charges shall be considered as part of and included in the general revenues of the company.

SCHEDULE No. 1.

Security.	Amount.	Rate of interest.	Annual interest of rental.	Date of maturity.
	£		£	
Northern Railway of Canada, Five per cent. First Mortgage Bonds	679,000	5	33,950	July 1, '92
do Six per cent Northern Extension.....	150,700	6	9,042	July 1, '93
do Four p. c. Perpetual Debenture Stock	363,350	4	14,534	
do Six per cent. Second Mortgage Bonds	500,00	6	3,000	Now due
do Six per cent. Third Mortgage Bonds	100,000	6	6,000	
Hamilton and North Western Railway, Six per cent First Mortgage Bonds.....	450,000	6	27,000	1898
Joint Companies, Six per cent Equipment Bonds.....	200,000	6	12,000	
Northern and Pacific Junction Railway Company (Leased Line), Five per cent Mortgage Bonds.....	457,860	5	22,890	
Northern and Pacific Junction Railway Company (Leased Line), Share Capital ($200,000)	41,095		189	
North Simcoe Lease (Rental), Six per cent Mortgage Bonds ($300,000)	61,643	6	3,700	
do Stock ($50,000).....	10,273	.....	.....	
Lake Simcoe Junction (Lease) Stock, $34,100.....	.....	.....	.....	
Peterborough and Chemong Lake (Rental) Stock $150,000	.....	2	616	
Northern and Hamilton and North-Western Railways Sections, Amount required to meet expenditure for enlargement and improvements	100,000	4	4,000	
	£2,663,861	.....	£136,921	

SCHEDULE No. 2.

OF 6 PER CENT PREFERENCE STOCKS.

	£
Preference Stock of the Company, originally issued by the Northern Railway Company of Canada	150,000
Preference Stock of the Company, originally issued by the Hamilton and North-Western R'y. Co.	170,000
	£320,000

ASSENTED to 10th May, 1890.

In addition to the amounts which the company are authorized to borrow and raise under the Acts thirty-seventh Victoria, chapter sixty-five, forty-fifth Victoria, chapter sixty-six, forty-seventh Victoria, chapter fifty-two, fiftieth and fifty-first Victoria, chapter fifty-seven, and fifty-first Victoria, chapter fifty-eight, and over and above the said amounts the company may borrow and raise, for the purposes hereinafter specified, by the creation and issue of perpetual consolidated debenture stock, to be called "Grand Trunk Consolidated Dedenture Stock," bearing interest at any rate not exceeding 4 per cent per annum, such sum or sums, not in any case exceeding the respective amounts hereinafter mentioned, as the proprietors of the company entitled to vote in general or special meetings assembled from time to time determine; and the whole amount to be issued under the provisions of this Act shall not in the aggregate exceed the sum of seven million dollars.

The additional consolidated debenture stock hereby authorized to be created, or the proceeds thereof, shall be applied by the Company to the following purposes, that is to say:—

(a.) A sum not exceeding three million dollars to aid the St. Clair Tunnel Company in the completion of their tunnel, and the works and appliances required in connection therewith, for which the company shall be entitled to take and have from the said tunnel company, shares and mortgage bonds of the said company, or either, on such terms and at such rates as the directors of the tunnel company and this company from time to time agree upon;

(b.) A sum not exceeding three million dollars, for the completion of the doubling of portions of the track of the company's railway and providing all the additions and necessary accommodation required in connection therewith:

(c.) A further sum, not exceeding five hundred thousand dollars, to be advanced from time to time to the Midland Railway of Canada, on such security as the directors of the company determine,—which sum shall be employed in the general improvement of the property of the Midland Railway of Canada.

(d.) A sum not exceeding five hundred thousand dollars to be advanced, from time to time, to the Detroit, Grandhaven and Milwaukee Railway Company, on such security as the directors of the two companies from time to time determine; and such sum shall be used in the acquisition of additional rolling stock and buildings, and in the improvement of the property of the said Detroit, Grandhaven and Milwaukee Railway Company generally.

The shares, bonds and securities so acquired from the Tunnel Company, and the securities acquired from the Midland Railway of Canada, and from the Detroit, Grandhaven and Milwaukee Railway Company, shall be held as subsisting and continuing as a security pro tanto for the benefit of the holders of the Grand Trunk consolidated debenture stock, in the same way in all respects as if such shares and securities were held by trustees for the benefit of the holders of the said consolidated debenture stock, but unless and until any default is made in the payment of any interest on such stock, the revenue derived from the said securities and shares shall be considered as part of and included in the general revenues of the company.

The Act of 1893 contained the following:

1. In the interpretation of this Act, unless the context requires a different interpretation, the words "the company" shall mean the company created by the said amalgamation or consolidation, and the words "the said companies" shall mean the Grand Trunk Railway Company of Canada, the Jacques Cartier Union Railway Company, the Montreal and Champlain Junction Railway Company, the Beauharnois Junction Railway Company, the Midland Railway of Canada, the Peterborough and Chemong Lake Railway Company, the Lake Simcoe Junction Railway Company, the Grand Trunk, Georgian Bay and Lake Erie Railway Company, the London, Huron and Bruce Railway Company, the Galt and Guelph Railway Company, the Brantford, Norfolk and Port Burwell Railway Company, the Wellington, Grey and Bruce Railway Company, the Waterloo Junction Railway Company, the North Simcoe Railway Company, and the Cobourg, Blairton and Marmora Railway and Mining Company.

2. This Act may be cited as *The Grand Trunk Act*, 1893.

3. The agreement entered into by the said companies, and set out in the schedule to this Act, is hereby confirmed and made valid, and shall in all courts and places be taken and held to be legal, valid and binding in all respects whatsoever, as fully and completely as if the said agreement and each and every clause thereof were set out at length and enacted in this Act; and the said companies named in the said agreement are hereby amalgamated; and from and after the passing of this Act the said companies shall form and be one company under the name of "The Grand Trunk Railway Company of Canada," on the terms and conditions set out in the said agreement and in this Act, with the capital also mentioned in said agreement.

4. The company may, after the date of union mentioned in the said agreement, in addition to the several amounts of Grand Trunk consolidated debenture stock mentioned in and authorized by the several statutes referred to in section 3 of chapter 48 of the statutes of 1890, and also in addition to the amount authorized by the said section three, and over and above and in addition to the amounts authorized by chapter 39 of the statutes of 1892, and over and above and in addition to the amounts heretofore authorized by any statute or statutes of Canada (all of which by this Act are made applicable to the company formed by the said union) in order to get in the borrowed capital referred to in column three of the first part of schedule X mentioned in the said agreement as is not included in the schedules to the said above mentioned Acts, or any of them, borrow and raise, for the purposes in the said agreement mentioned and specified, by the creation and issue of perpetual consolidated debenture stock, to be called Grand Trunk consolidated debenture stock, bearing interest at a rate not exceeding four per cent per annum, such sum, not exceeding seventy-five thousand pounds sterling, as a majority of the proprietors present in person or represented by proxy

(entitled to vote) at general or special meetings assembled determine.

5. The additional Grand Trunk consolidated debenture stock hereby authorized to be created and issued, or the proceeds thereof, shall be applied by the company in acquiring or getting in by exchange, purchase or otherwise, the said securities and obligations in the next preceding clause of this Act mentioned as being omitted from the schedules in the said several Acts in the said next preceding clause referred to, upon such terms and conditions as are, from time to time, agreed upon between the company and the respective holders thereof; and if there is any surplus it may be applied to the general purposes of the company.

6. The Grand Trunk consolidated debenture stock issued or to be issued under the provisions of chapter 52 of the statutes of 1884, of chapter 57 of the statutes of 1887, of chapter 58 of the statutes of 1888, of chapter 48 of the statutes of 1890, and of chapter 39 of the statutes of 1892, shall, together with the Grand Trunk consolidated debenture stock hereby authorized to be created and issued, also the consolidated debenture stock authorized to be created and issued under the provisions of section 12 of this Act, as and when created and issued, and the interest thereon respectively, rank equally as one single consolidated stock, and shall, subject to all the priorities of existing charges, and also to the five per cent perpetual debenture stock mentioned in schedule number 2 to the said chapter 52 of the statutes of 1884, and to all the provisions relating to the company as to working expenses as set forth in the schedule to this Act, be and become a first charge upon the whole of the undertaking, railways, works, rolling stock, plant, property and effects of the company; but the holders of the said Grand Trunk consolidated debenture stock, whether issued prior or subsequently to the passing of this Act or of the said former Acts in this Act above referred to, shall not as amongst themselves be entitled to any preference or priority.

SCHEDULE A.

(Mentioned in annexed Agreement.)

PART I.

GRAND TRUNK RAILWAY.

Borrowed Capital.

Description.	Rate of Interest.	Amount.
	p. c.	$ cts.
Loan Capital—		
Grand Trunk	6	2,016,260 00
Northern and Hamilton and North-western	6	2,696,619 99
Northern	5	3,015,386 67
Bonds matured but not paid off	....	9,733 34
Debenture Stock—		
Grand Trunk	5	20,782,491 67
Great Western	5	13,252,322 67
Grand Trunk	4	48,396,371 99
Northern	4	1,693,551 33
		91,862,737 66

PART II.

SHARE CAPITAL.

Four per cent guaranteed stock	$ 25,402,996 09
First preference stock	16,644,000 00
Second preference stock	12,312,666 67
Third preference stock	34,884,535 43
Ordinary stock	99,913,288 66
	$ 189,157,486 85

SCHEDULE X.

(Mentioned in the annexed Agreement.)

PART I.

Borrowed capital,

Name of Company.	Column 1. Total Capital.	Column 2. Held by Grand Trunk Railway.	Column 3. Held by Public.
	$ cts.	$ cts.	$ cts.
The Montreal Company	839,986 67	332,393 33	507,593 34
The Beauharnois Company	86,000 00	86,000 00	
The Midland	10,201,993 33	2,742,366 67	7,459,626 66
The Lake Simcoe Company	251,606 66	251,606 66	
The Georgian Bay Company	1,680,000 00	484,720 00	1,195,280 00
The Huron Company	912,646 00	912,646 00	
The Brantford Company	123,126 67	123,126 67	
The Wellington Company	2,589,066 66	2,065,900 00	523,166 66
The Waterloo Company	105,000 00	105,000 00	
The North Simcoe Company	300,000 00	300,000 00	
	17,089,425 99	7,403,759 33	9,685,666 66

PART II.

Capital stock,

Name of Company.	Amount.
The Jacques Cartier Company	$ 200,000 00
The Montreal Company	250,000 00
The Beauharnois Company	300,000 00
The Midland	6,600,000 00
The Peterboro' Company	150,000 00
The Lake Simcoe Company	34,100 00
The Georgian Bay Company	503,250 00
The Huron Company	104,250 00
The Galt Company	236,485 44
The Brantford Company	30,000 00
The Wellington Company	221,200 00
The Waterloo Company	50,000 00
The North Simcoe Company	50,000 00
The Cobourg Company	1,000,000 00
	$ 9,729,285 44

To be converted as in section 5 of the agreement hereto annexed mentioned.

Hon. gentlemen will see by the rate of interest which is put down in the schedule, that the Act which I have referred to in 1887 was for the purpose of issuing consolidated debenture stock and acquiring those

securities. The Act in clause No. 7 states that if there is any portion of the outstanding obligations of these securities in the hands of the public that these securities shall subsist and remain as they are as if they still were held by trustees in common for the whole of the security holders in addition to the consolidated debenture stock. The fact that the securities of the Chicago and Grand Trunk Railway mentioned in schedule A subsist, or in other words remain alive so long as there are any outstanding in the hands of the public, authorises the company to charge as revenue charges £178,000 or nearly $900,000 a year, notwithstanding the fact that the company own a very large proportion of them under the 4 per cent issue of consolidated debenture stock, and the higher rate of interest is now being perpetuated by the issue of the capital under this bill and the revenues, and consequently the rates of the company are now being charged in perpetuity with this £50,000 a year interest on unearned income. The Grand Trunk Railway Company has acquired a portion of those securities amounting to £260,000 of the first mortgage and bearing six per cent and £605,000 of the second mortgage, bearing five per cent and the whole of the securities for cars and rolling stock, amounting to £301,000, and presumably from the large amount of interest £178,000 demanded, stock of the railway must also be included in addition to the bond issue, and because there are only £260,000 of the first mortgage acquired, and there is still outstanding the sum of £979,000 of the first mortgage bearing six per cent and £633,000 of the second mortgage bearing five per cent interest, therefore, the whole of these securities subsist and the revenue is claimed by the Chicago and Grand Trunk Railway as if not one of these were purchased or owned by the Grand Trunk Railway Company, and the dividends which are claimed under those securities amount to £178,000. That £178,000 is one-eighth of the revenue of the whole line, and it is that amount that is now sought under this bill to be made up by the issue of capital, and paid out of the capital account. I will just read this bill in order to show that the position I am taking is a perfectly strong one, because hon. gentlemen say there are grants contained in it required for the Grand Trunk Railway construction account, and that a portion of this money is for that purpose. I contend that no portion of this money is for improvements at all, it is altogether for the purpose I speak of—the maintenance of the revenue of the Chicago and Grand Trunk Railway portion of the line. It is not for the purpose of construction of any portion of the section of railway in Canada at all. Here is the Act:

An Act respecting the Grand Trunk Railway Company of Canada.

Whereas the Grand Trunk Railway Company of Canada has, by its petition, represented that its net revenue from the first day of January, one thousand eight hundred and ninety-four, has been insufficient to meet in full the interest on all the borrowed capital of the company and the other net revenue charges, and that although the deficiency has been temporarily provided out of the general funds of the company, it remains a charge against future revenue, and that it is expedient that the company should be authorized to charge the same to capital account,—and that the company, under the provisions of chapter twenty-five of the statutes of 1878, has entered into working arrangements with the Chicago and Grand Trunk Railway Company, and is the holder of the greater part of the ordinary stock of that company, and a large proportion of its bonded indebtedness,—and that the Chicago and Grand Trunk Railway Company has not been able out of its own funds to maintain its line and works in an efficient state, and that the company has been compelled from time to time to make to them advances for this and other purposes, and that it is anticipated that further advances may be required, and that it is expedient that the company should have express powers to make the same to that company,—and that it is expedient that the company should have power to increase its capital; and whereas the company has prayed for an Act conferring the said powers and for other purposes, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. This Act may be cited as *The Grand Trunk Act*, 1897.

2. The expression "the company" wherever used in this Act, means the Grand Trunk Railway Company of Canada as now constituted.

3. The directors may at any time after the thirtieth day of June, one thousand eight hundred and ninety-seven, charge the capital account of the company with the sums by which the net revenue up to and inclusive of that date may have been insufficient to meet the interest to that date upon the borrowed capital of the company and other net revenue charges; provided that the amount to be so charged to capital account and the time and manner of charging the same shall be subject to the approval of the proprietors in general meeting.

4. The directors may, in addition to the advances already made by them to the Chicago and Grand Trunk Railway Company, from time to time make further advances to that company. Any sums so advanced shall be included in the accounts of the half year in which the advances are made, and the amount thereof shall be stated in the balance sheet and accounts of the company.

5. In addition to the amounts which the Company is authorized to borrow and raise under the several Acts following, that is to say, under the Grand Trunk Railway Acts 1874, 1882, 1884, 1887, 1888, 1890 and 1892, and the Grand Trunk Act, 1893, the company may borrow and raise for the general purposes of the company by the creation and issue of perpetual consolidated debenture stock, to be called Grand Trunk Consolidated Debenture Stock, bearing interest at any rate not exceeding four per cent per annum, such sum as the proprietors of the company entitled to vote in general meeting assembled shall from time to time determine; provided always that the aggregate amount of the annual interest on the debenture stock to be issued under this Act shall not exceed fifty thousand pounds sterling. $25,000,000.

6. The debenture stock by this Act authorized shall rank equally and be consolidated with the debenture stock issued or to be issued as Grand Trunk Consolidated Debenture Stock under any Act now in force and shall be subject to all conditions applicable thereto.

7. This Act shall not take effect unless and until submitted to a general meeting of the company and accepted by a majority of the votes of the persons present at such meeting or represented by proxy entitled to vote thereat; provided that notice of the submission of this Act at such meeting has been duly given; and the certificate in writing of the chairman of such meeting shall be taken as sufficient evidence of the acceptance of this Act, and such certificate shall be filed in the office of the Secretary of State of Canada and notice thereof published in the *Canada Gazette*, and copies thereof certified by the Secretary of State shall be taken and accepted in all courts of law as sufficient evidence of the acceptance of this Act.

Now, capitalized at 4 per cent that amount of interest, namely, £50,000, means an increase of capital to the extent of six million of dollars. That six million dollars, as I contend is sought for by the Grand Trunk Railway for the purpose of adding to the capital of the Canadian part of the road under our legislation, in order to pay out of capital the deficiency in the annual revenue of the company which they have not been able to meet by that portion of the line in the United States—the Chicago and Grand Trunk Railway. I have here the last annual report of the Grand Trunk Railway Company which I obtained from the library. I could only get the last half yearly report; however, for all purposes necessary it is quite satisfactory. It was made as recently as April last and here we see what the revenue of the Grand Trunk Railway Company is. The gross receipts for the half year amount to $10,400,000—£2,079,745, very nearly eleven million dollars. The net traffic receipt out of the gross revenue of the company is £616,000 or $3,079,000. That net revenue of the company is supplemented by the revenue that is received from the International Bridge Co., the interest on the Toledo, Saginaw and Muskegun bonds and interest on controlled lines acquired by the issue of a 4 per cent debenture stock, and the net earnings of the Chicago and Grand Trunk Railway amounting to £56,000, making a total net revenue of the Grand Trunk Railway Company, £707,000 sterling, or in round numbers $3,500,000 for the half year ending December, 1896. That revenue has been charged with the deficiency in the earnings to meet interest of the Chicago and Grand Trunk Railway for the half year and the Detroit, Grand Haven and Milwakee Company, in the first instance amounting to £67,000 and in the second instance to £24,917 of the Detroit, Grand Haven and Milwakee Company. That leaves a surplus to the good, after paying all the net revenue charges, including those two amounts, of £39,086 which the next clause says:

> The above net revenue surplus for the half year of £39,086 deducted from the net revenue deficiency at the 30th June last, of £306,769 leaves a debit balance of £267,683 to be carried to the next half year's accounts.

Now, that amount of £267,000 is the amount that is referred to in the first part of this bill, where it says that the net revenue from the 1st January, 1894, has been insufficient to meet in full the interest on all the borrowed capital of the company. This £267,000 has reference to that phase of it which is now to be paid for by increasing the capital stock of the company. In this report—half yearly report of the company—we see a reference made to the Chicago and Grand Trunk Railway Company. It says the gross receipts of the Chicago and Grand Trunk Railway for the year 1896 amounted to £647,657 as against £574,557 in 1895. The working expenses were £571,000. Hon. gentlemen will see that the gross earnings of the Chicago and Grand Trunk Railway are £647,657 on 335 miles, or $9,000 per mile of railway, as against a gross revenue on the whole mileage of 3,506 miles of £4,000,000 ($20,000,000), or $6,000 per mile of railway, showing a much larger proportion of gross income per mile on the shorter line but a smaller net revenue. The net revenue of the Canadian company is 30 per cent of the gross, while the net revenue of the Chicago and Grand Trunk Railway is only 9 per cent of the

gross, how is the 91 per cent absorbed, and why should the Canadian company be burdened with the 19 per cent deficiency, while the proportion of gross earnings are so much larger? These are facts which will bear explanation and should be elicited by the Railway Committee before this bill receives parliamentary sanction. The net profit was £56,000 as against £20,000 the previous year. Those are the earnings on account of the Chicago and Grand Trunk Railway. There is a net revenue amounting to £56,141—that is a net revenue over and above the expenses—the difference between the expenses of running the road and the receipts from its operation. Then the report goes on to say that the net revenue charges for the year were £178,232 against £179,008 in 1895. So far as I am able to judge, that £178,232 claimed on behalf of the Chicago and Grand Trunk Railway Company is the amount that I referred to as being one-eighth of the whole revenue of the Grand Trunk Railway. The revenue of the Grand Trunk for 1896 was $7,000,000 or thereabouts, three and a half millions were the earnings of the last half year, and the previous half year brings it up to about $7,000,000. Of that $7,000,000 which is the net revenue of the Grand Trunk, £178,000 is now claimed by the Chicago and Grand Trunk Railway securities as their share of that revenue, and the report goes on to say "There was, therefore, a deficiency in meeting the net revenue charges of 1896, of £122,000." The reason it is put that way is because the £56,000 of the profit account that I have already referred is deducted from the £178,000, leaving the deficiency in the interest earned by the Chicago and Grand Trunk Company of £122,000; or $600,000 for the past year. It is these two amounts particularly of last year that I have already referred to—the £267,000, the accumulated deficiency since 1894 in the revenue of the company itself and this £122,000, which is the deficiency in the earning power of the Chicago and Grand Trunk Railway is what this bill seeks to pay by increasing the capital of the Canadian company, the traffic of which in Canada has to bear the cost of maintaining this unearned interest. But this is not the whole, because we would be far short of the $6,000,000 asked for here. The Grand Trunk Railway Company have acquired a portion of the securities here mentioned, amounting to, I think £260,000 of the first mortgage 6 per cent in the one case and £600,000 of the second mortgage 5 per cent in the other case and the whole of the bonds for cars and rolling stock and so on, but there still remains outstanding in the hands of the public of the first mortgage securities amounting to £979,000 or nearly $5,000,000 bearing 6 per cent interest—that is still in the hands of the public, and of the second mortgage bonds of the same railway there is still in the hands of the public £633,916. There is a foot note, at the bottom of the page upon which these items appear, by the company. It says:

"This is a contingent liability as the Grand Trunk Railway Company is only responsible for this interest when the respective companies fail to earn it, and then only so far as it is responsible under traffic and other agreements." You see the company itself acknowledges that it is not an actual liability. Not an obligation except so far as traffic agreements make it, liable to alteration. It is only a liability in so far as traffic and other agreements make it a liability and those traffic and other agreements apparently transfer to the Chicago and Grand Trunk Railway securities one-eighth of the whole revenue of the Grand Trunk Railway Company, and this bill now seeks to appropriate and capitalize these advances.

Hon. Mr. CLEMOW—Did they guarantee those payments?

Hon. Mr. BOULTON—No, except under traffic agreements liable to alteration, but if those securities had been transferred under the Consolidated Debenture Stock Act of 1887 then the Grand Trunk Railway would have guaranteed them. But the Grand Trunk Railway did not guarantee them only as far as traffic arrangements guarantee them.

Hon. Mr. CLEMOW—They have paid the deficiency?

Hon. Mr. BOULTON—They have no right to burden the Canadian people with the liability, they have no right to ask us to increase the capital of the Canadian portion of the line and throw the responsibility of paying the deficiency on the Canadian people.

Hon. Mr. McCALLUM—If they agree to it among themselves, what have we to say to it?

Hon. Mr. BOULTON—They may agree to it among themselves but they come here and ask us for legislation we are the party of the first part, and they are the party of the second part. Now are we going to consent to have compound interest added to the burden of the people of Canada for the purpose if meeting a deficiency of interest which has been incurred in the United States to the extent of one-eighth of the whole revenue of the Grand Trunk. Is that an equal distribution of the burden of sustaining this line? Are we going to consent to this legislation, which, if it means anything at all is going to put a burden on the people who supply the traffic in the province of Ontario of furnishing the interest on that capital? I think if hon. gentlemen will look at it closely and try to disassociate from their minds the fact that this is not merely a domestic question of the Grand Trunk Railway Company itself, but a question between the Parliament of Canada as representing the people and the Grand Trunk Railway Company, they will pause before granting this legislation. They come to us and ask us for something which would be unjust and improper to our own people to allow to go into operation. The Grand Trunk Railway Company have paid the interest upon those amounts that are spoken of—that is the £979,000 of first mortgage which bears six per cent interest still in the hands of the public and the £633,000, second mortgage at five per cent interest which is still in the hands of the public and they have paid those advances in the past as they say and there has been a deficiency which has been met out of the general finances of the country.

Now these are the two amounts which they have so advanced, £536,000 sterling to the Chicago and Grand Trunk Company and to the Detroit, Grand Haven and Milwaukee Company £269,000. Those two sums have been paid by the Grand Trunk Company to the security holders; that £536,000 sterling represents the accumulated advances of the past to make up the deficiency in the net revenue of the company itself and £122,000, deficiency of the past year which I have already referred to and which I presume is not included in this £536,000, and the £267,000 the deficiency in net revenue of the Canadian company's—are the three items amounting to nearly £1,000,000 altogether, $5,000,000, that is the amount that is now sought to be paid by the issue of the $6,000,000 consolidated debenture stock and whatever balance there may be over and above that is to be taken for future deficiencies because they anticipate still further deficiencies from the same reason. Now that is the purpose of this bill. It is not for any other purpose but to provide for the earning power of the Chicago and Grand Trunk Railway which it is unable to sustain and to meet the interest, £178,000, on those heavy securities which are now outstanding and which have been paid for so far by advances out of the Grand Trunk Railway Company's coffers. Hon. gentlemen are we going to perpetuate a principle that is fraught with very great danger to our greatest commercial interests: that is the transportation interests of Canada. The principle is unsound. Is there any business man in this honourable House who would say that compound interest is to be heaped up and liabilities to go to outside parties at the rate of compound interest? Does any business man expect to stand long upon a basis of that kind? Is there any business man in this House but would not say that six per cent upon securities of that kind is excessive. The rate of interest which most corporations of that class are satisfied with is three and four per cent. Why, hon. gentlemen, if this principle of legislation is to be continued, the Chicago and Grank Trunk Railway would be in possession of the whole railway in thirty years.

Hon. Mr. CLEMOW—This rate was some years ago?

Hon. Mr. BOULTON—I am quite aware of that. I do not dispute the authenticity of that rate of interest, but what I do dispute is that a company could come here and ask us to continue paying that six per cent by adding to the capital stock of the company.

Hon. Mr. CLEMOW—How can they avoid it?

Hon. Mr. BOULTON—By letting somebody else go without their dividends if it is obligatory upon them to continue traffic arrangements that produce that effect.

Hon. Mr. POWER—The hon. gentleman must see that this bill can only come into operation upon the resolution of the meeting at which all the parties interested must be present.

Hon. Mr. McCALLUM—The hon. gentleman has read all but the 7th clause. It must be satisfactory to all the parties before it goes into operation.

Hon. Mr. BOULTON—I have not finished my speech yet. The hon. gentleman from Halifax lives down there by the sea and knows nothing about railway charges and nothing about the traffic receipts for long hauls and he calls my attention to the fact that the company need not do this unless they choose. It is not a question whether the company need do it or not; it is a question whether we will allow the company to do it; whether we are going to put upon the shoulders of the people a burden greater than they are able to bear, they have to bear the liabilities incurred in the United States, by deficiency of revenue. The two railways are subject to different legislative authority, they are practically two different railways though under one management. They are seeking legislation at the hands of this House in order to perpetuate that state of affairs, in order to make up the deficiency I have already spoken of. £178,000 is equal to 4 per cent on the cost of the 335 miles of railway valued at $70,000 a mile, an excessive charge. Now the Grand Trunk Railway has been a great corporation in Canada for the last forty years. It has done a great work in the initial development of Canada since 1851, but it has done more to discredit the interest of Canada than we can overcome in a very long period, because a large portion of the money that was paid into that road has been sunk. I will not say it has been through any fault or mismanagement of the company itself. I will not say there is any discredit to be attached to any one, but unfortunately there is discredit attached to Canada in consequence of millions of securities being locked up in centres of capital on which people have never received one cent from that day to this. It is desirable if we can by withholding legislation of this kind, force on the holders of securities of the Chicago and Grand Trunk Railway the desirability, nay the necessity of their complying with the laws of Canada and exchanging their securities for the 4 per cent consolidated debenture stock which has been the policy of the Grand Trunk Railway Company itself, and the policy of the people of Canada. The outstanding obligations of the Grand Trunk Railway that I have already spoken of, amount to $325,000,000 upon the 3,500 miles of road. A very small portion of those outstanding obligations receive any interest or return for the money invested. Hon. gentlemen will be surprised when I tell them that the revenue of the Grand Trunk Railway for 1896 was able to pay 2¼ per cent on all their outstanding obligations.

Hon. Mr. CLEMOW—Stock included?

Hon. Mr. BOULTON—Yes, stock included.

Hon. Mr. MACDONALD (B.C.)—After deducting the working expenses?

Hon. Mr. BOULTON—Yes, the net revenue was $35,000,000 last year and the whole of the outstanding obligations, including stock and everything else of the Grand Trunk Railway amounts to $325,000,000. You have only to make a calculation to find that £7,000,000 is about 2¼ per cent on those outstanding obligations. I mention this to draw attention to the fact that Canada is not deficient in its power to meet the interest on the capital invested. The fact that Canada suffers is due to the policy adopted in the past, and which is now sought to be perpetuated by the passage of this bill. If certain security holders are going to enjoy 6 per cent and the rest nothing, and they come and ask us to enable them to pay the deficiency which the road does not earn, by increasing the capital of the company and making it cumulative revenue, you are putting them further and further away from seeing any portion of their money at any period of their existence. It is also to avoid that particular condition of affairs that I have drawn the attention of the Senate to this bill. I will just quote from the Grand Trunk Railway half-yearly report to show you what the outstanding liabilities of the railway are. Here we have a statement of the various securities, that is a statement of the capital authorized and credit by the company by the various Acts. Then we have in No. 2 statement the stock and share capital credit showing the proportion issued. Then we come to loans and debenture stock, toting up altogether £21,000,000 sterling, or nearly $105,000,000. That is the total debenture stock. The details added altogether make termin-

able bonds £3,377.000. Debenture stock, per account No. 3, £18,507,000, share capital account £40,000,000, Canadian Government advances £3,111,500, toting up £65,940,549 sterling, or, turned into dollars $325,000,000. Those are the total outstanding obligations of the Grand Trunk Railway. The revenue last year was $35,000,000.

Hon. Mr. LOUGHEED—That would be enough to pay 10 per cent.

Hon. Mr. CLEMOW—Do you mean to say there is only £3,000,000 due to the government of this country?

Hon. Mr. SCOTT—That is the capital without interest added.

Hon. Mr. BOULTON—That is the outstanding obligations from all sources, $325,000,000. The net revenue last year was $35,000,000. I think for the credit of Canada that is not a bad showing. In Australia the railways do not all pay on their capital as much as 2¼ per cent. Some of them pay as much as 3 per cent. In Great Britain the railways pay on their gross capital about 3 in that populous country. In the maritime provinces there are no charges for interest, because it is a government road. Their train mileage earning only amounts to 0·69 per train mile. The train mileage earning on the Grand Trunk Railway amounts to 1·03, and on the Canadian Pacific Railway 1·40 per train mile. That is the comparisoh between the three large roads. What I desire, and what I think every one in this House desires, is to see that this condition of affairs if it is as I state, is not perpetuated. And I have asked that this bill might be referred back to the committee in order that they may further investigate the question which I have brought before this honourable House in detail. Further than that the managers of the Grand Trunk Railway who have to be considered in this matter can appear before the committee and correct any misstatements that I have made, and point out more fully to the committee the position that they desire to place us in, and try and controvert the position I have already taken here. I feel quite sure the hon. mover of this bill, now that I have drawn his attention to the facts, will co-operate with me by referring this bill back to the Railway Committee in order that there may be a more thorough investigation. If the bill was asking for capital to improve the transportation facilities or to add to their privilege, I would raise no question, but to charge the traffic with compound interest or unearned revenue I must protest against. It is a question which more fully concerns the province of Ontario than any other portion of Canada, and as representatives of that province both the hon. gentleman who moved the adoption of the report, and the hon. gentleman who has moved the third reading of the bill will see that I am not asking the Senate to do anything that is out of the way or improper, and to give the Grand Trunk Railway authorities an opportunity of explaining their position to the committee, and to refute the position I have taken with regard to the unsound financial position that is sought to be promoted by the passage of this bill.

Hon. Sir MACKENZIE BOWELL—I do not deem it necessary to enter at any length in the way of reply to the very interesting speech made by the hon. gentleman from Marquette. He seems to have predicated his whole speech upon the assumption that the Chicago branch of the Grand Trunk Railway is a separate road, under a lease, or some special arrangement with the Grand Trunk Railway of Canada, while the fact is that the Chicago branch is just as much a part of the great system of the Grand Trunk Railway as is that portion of the road running from Island Pond to Portland. If the Grand Trunk Railway Company were asking permission to acquire a road in a foreign country, or to acquire running powers over it, or it was to be a separate entity by itself, then I would admit there would be a great deal of force in the statements of the hon. gentleman who has just addressed the House, but when we consider the fact that at the period when the Grand Trunk Railway sold that portion of the road lying between Quebec and Rivière du Loup, a distinct and positive arrangement, which is embodied in a statute, was made with the government that a portion of the money, if not the whole of it, which was paid for the Rivière du Loup portion of the Grand Trunk should be devoted to acquiring a road which was to give direct connection with the great centre of trade, Chicago, it will be seen that there is no ground for his position. It was under these circumstances that the Grand Trunk Railway acquired the

portion known as the Chicago and Grand Trunk Railway, and to day it is as much a portion of the Grand Trunk Railway Company's property as is the road between Montreal and Toronto; hence they are just as responsible for the interest which falls due upon bonds issued when they purchased that road as they are for any other liability which may exist against them. If the arguments advanced by the hon. gentleman were crystallized into law, they would simply mean that those corporations and individuals who hold the bonds of the Chicago and Grand Trunk Railway bearing six per cent and five per cent interest, would be deprived of their investment to the extent of two per cent or one per cent. I am informed that the effect of carrying out the suggestion made by my hon. friend would be, not only to deprive speculators of the difference in interest that he says should be paid, but that a large proportion of these bonds bearing six per cent, falling due in 1900—£6,000,000 of the bonds fall due three years hence—are held by the Grand Trunk Railway superannuation and provident fund association, an association formed and constituted under the laws of the Dominion, for the purpose of providing a sustenance under certain cases for employés of the road. To adopt the hon. gentleman's plan would be to deprive that association and these men who have invested their money in order that they may have something in case of accident for their families, of that which they have a right to under the law.

Hon. Mr. BOULTON—We could get a detailed statement of that at any time.

Hon. Sir MACKENZIE BOWELL—All you have to do is to look at the statute. The statute tells you how many bonds there are. It was in the schedule of the Act of 1887.

Hon. Mr. BOULTON—I have read that statement.

Hon. Sir MACKENZIE BOWELL—Then what more does the hon. gentleman want to know?

Hon. Mr. BOULTON—You said these securities are held by the representatives of the provident association.

Hon. Sir MACKENZIE BOWELL—I say that a portion of these debentures are held by the association. I go further. I could name gentlemen in Canada who have invested their means in the acquiring of these bonds, simply because they bear a larger rate of interest than other Grand Trunk Railway securities, and they considered it a safe investment. If the Grand Trunk Railway Company when these bonds fall due, think proper as probably they will, to make another issue of bonds at 4 per cent to pay them off, no harm is done to the parties who hold those bonds at the present time, because the bonds will then fall due and they will receive the full face value of them. I think it would be wasting the time of the House for me to enter into the statistical statements made by the hon. gentleman; nor, I frankly confess, am I in a position to do so in that intelligent way that I should like to do, but I was somewhat startled when the hon. gentleman informed the House that the net revenue of the Grand Trunk Railway for the past year was $35,000,000. If I am informed correctly, the whole gross earnings of the road did not amount to that by many millions.

Hon. Mr. BOULTON—Who is your authority?

Hon. Sir MACKENZIE BOWELL—My authority is Mr. Wainwright, who has just sent me a statement to that effect.

Hon. Mr. BOULTON—Mr. Wainwright told the committee the other day that the net revenue of the Grand Trunk Railway, varied between $5,000,000 and $7,000,000.

Hon. Sir MACKENZIE BOWELL—Supposing that to be true, that is not what the hon. gentleman informed the House. He said the net revenue was $35,000,000. There is a vast difference between $7,000,000 and $35,000,000.

Hon. Mr. BOULTON—I accept the correction—it was $7,000,000, the context of of my speech will show that $7,000,000 was intended, but which in my mind I had computed at £7,000,000.

Hon. Sir MACKENZIE BOWELL—If the net earnings of the road were $35,000,000, the House will at once see, and so would the country, that there would be no necessity to come here for this legislation. Every one must deplore, as much as the hon. gentleman does, the fact that the Grand Trunk Railway has not been as successful as was

anticipated when the late Hon. Sir Francis Hincks issued his prospectus. I have a distinct recollection of the issuing of those bonds and the inauguration of the road. The hon. gentleman says he is not prepared to blame any one—neither am I. We have to deal with the facts as they are, and the facts are these: they want to do precisely what the Great Western Railway did some years ago, increase their capital account to meet the liabilities of the road. They ask now to be put in a position, with the consent of the shareholders and bondholders and those who are interested, to add to their capital account, to enable them to meet the interest on their bonds as they fall due, and to expend the balance of the money in such a manner as they think will add to the earning capacities of the road. The very statement that the hon. gentleman read from the pamphlet shows, that during last year the earnings of the Chicago branch of the Grand Trunk Railway were a great deal larger than in 1895.

Hon. Mr. BOULTON—I should like also to state that it was far greater than the average earnings of the whole line.

Hon. Sir MACKENZIE BOWELL—What! the Chicago branch?

Hon. Mr. BOULTON—The earnings of 3,500 miles amounted to £2,078,745—about $11,000,000—and the earnings of the Chicago portion amount to £647,657—over $3,000,000, but the net revenue of the former is 30 per cent of the gross earnings while the net revenue of the latter is only 9 per cent.

Hon Sir MACKENZIE BOWELL—If that statement be correct—and I accept it as such—the acquiring of the Chicago branch of the road was to the advantage of the Canadian company rather than its disadvantage. What I wanted to point out was that the improvements which the Grand Trunk Railway Company have made, and propose to make, on the Chicago branch will enable it to earn more than it has earned in the past, and the better the state of efficiency in which that road can be placed, the greater will be the advantage to the whole country generally. I repeat the statement that I made at the beginning—the Grand Trunk Railway Company are just as much responsible for the debts and interest which fall due upon the bonds against that section of the road as they are for any other portion of it, and anything that the Parliament of Canada can do to assist them in making their road second to none on the continent, which will enable them to earn a larger amount annually at a less expense, it is our duty to do so. And then we must not forget the fact to which the senior member for Halifax called attention, that not one single step can be taken by the Grand Trunk Railway Company to increase their capital debt by the means suggested in this bill, until the whole matter has been submitted to a general meeting of the company and accepted by a majority of the votes of the persons present at such meeting, or represented by proxy, entitled to vote thereat. This is simply a power asked by a great corporation to relieve itself at the present moment of an indebtedness which exists, and that too after they have obtained the consent of every individual who is interested in the welfare of the road. I hope the hon. gentleman, after the short explanation which I have made, will not press his motion to a vote, because it is highly in the interests of the country, as well as of this railway, that the bill should become law.

Hon. Mr. VIDAL—The railway committee of the House having done me the honour of electing me chairman imposes upon me—at least I feel that it is so—the duty of justifying the decision at which they have arrived in reporting the bill without amendment. It is just one of those cases which occasionally occur where I think the principle generally acted upon in this House strictly applies, where the decision of the committee ought to receive the sanction of the House, on account of the advantages possessed by the committee of ascertaining and examining into all these details to which our attention has been directed by the hon. gentleman from Marquette. In that committee these same ideas were brought forward, not at the extreme length they have been to-day, but probably with greater clearness and more force, and we had present before the committee one who is competent and able to answer and explain every one of these arguments, the assistant general manager of the railway, who distinctly showed to the committee that the charges made by my hon.

friend were without foundation, that the interests of which he, under some hallucination, seems to consider himself here the sole representative and guardian—the public interest and the interest of the country—he showed that these interests were not in the slightest degree affected by the action proposed to be taken in the terms of this bill. Notwithstanding what my hon. friend says about its not being a domestic matter, it is strictly a domestic matter. It is a matter in which the outside public have no particular interest. All the interests of those in any way connected with it are most carefully and distinctly guarded, as the hon. member for Hastings has shown, in the clauses of the bill, which require that nothing shall be done in carrying out its provisions unless it is approved in the proper way by a majority of those interested, namely, the bondholders and shareholders. Now it was clearly and distinctly proved to us, that so far as the granting of this power to the company to make this change—and it is a mere matter of change in account—is concerned, it would have no more injurious effect upon Ontario than upon any other part of Canada; there would not be the slightest difference. How the hon. gentleman can try to awaken the sympathies of Ontario on this question, I cannot understand.

An hon. MEMBER—We have no sympathies.

Hon. Mr. VIDAL—We want sound judgment and not sympathy. The matter is one on which we should exercise our judgment and the appeal to sympathy is in my judgment quite out of place. If any sympathy is to be extended, the province of Ontario, above all other parts of the Dominion, should be strongly in sympathy with the Grand Trunk, because there is no work which has done for any part of Canada as much as the Grand Trunk has done for Ontario. In my private judgment it would be only a fair thing if the whole of its indebtedness to the Dominion were written off. I hold that the province of Ontario has derived in actual benefit from the existence and maintence of that road a much larger amount than all the indebtedness which may be shown as owing to the government.

Hon. Mr. POWER—I think this House is entitled to sympathy on the present occasion more than any one else.

Hon. Mr. VIDAL—I do not know whether my hon. friend means on account of the length of my remarks.

Hon. Mr. POWER—Oh, no.

Hon. Mr. VIDAL—Then with reference to another point of the hon. gentleman's remarks, one would suppose, to hear his argument, that the bill was one either to make a grant to the Grand Trunk Railway Company, to give them some additional power, or endorse their bonds, that the country was as deeply interested in this matter as if they were called upon to do anything. They are not called upon to risk a dollar or give a dollar. They are asked merely to give power which the letter of the law seems to require—I do not know that the spirit of it would—of transferring their accounts from one book to another. In their own financial management it is a matter of convenience to them. As a matter of fact there is no difference whatever to others.

Hon. Mr. MACDONALD (B.C.)—Parliament is called upon to wipe out a lot of interest earned by bondholders.

Hon. Mr. VIDAL—No, not at all. Every bondholder is entitled to get, and actually does get, all the interest his bond calls for, and there is no intention to make any change in that. There is no wrong done to any bondholders. I believe all parties feel considerable confidence in the present financial management of the Grand Trunk Railway Company; that they are doing very well indeed, managing their line admirably and economically, and in fact the information given to the committee assured us that this very branch of the line which has been spoken of, the Chicago and Grand Trunk Railway Line will pay well, but requires repair to be kept in order and money must be taken for that purpose. There was a distinct announcement to us that when that was done there was a strong probability—a certainty you might say—of the earnings being sufficient to meet all the expenditure required. I think that as the bill was referred to a large committee which heard the objections and every argument against it, fully answered, and as the large majority of that committee were satisfied that the bill was a correct one and its principles were right, that it should be allowed to pass into law. When an appeal is made to this

House to reject the decision of that committee, some stronger reason—I do not know that any reason was given at all, but stronger reasons than those advanced by the hon. member for Marquette should be given to justify the House in ignoring the judgment of the committee so carefully arrived at—not with haste, not without sufficient examination, not without hearing at considerable length the objections which might be made against it. I think, therefore, in justice to the committee as far as the essential fairness of the bill and the necessity of granting it, and where public interests are so sufficiently and fully guarded, that not only have we no right to send the bill back to the committee, but the bill ought to receive without any great diversity of opinion the third reading now asked for.

Hon. Mr. BOULTON—Hon. gentlemen will allow me to reply to the remarks made, especially when the hon. gentleman who has just resumed his seat seems to consider that I am assuming a position that I have no right to assume to discuss the interests of the public in a question of this kind.

Hon. Mr. VIDAL—I did not assume that. I claimed that you assumed the right to do it as beyond that of others.

Hon. Mr. BOULTON—That I put myself forward as a champion of the rights of the people—a position I am very proud to occupy. Our two large companies, the Canadian Pacific Railway and the Grand Trunk Railway, bear similar relation to their American connections, and if the principle is laid down that unearned interest on the American connections is to be put on the Canadian main lines, the sooner the champions increase in number the better. I just wish to say one or two words in regard to this matter in reply to the hon. member who moved the third reading of this bill. He ignores the construction that I put upon the bill, which is a question of paying out of capital account interest which is not earned on the United States portion of the line, and putting the burden of paying those dividends upon the Canadian portion of the line. Now the accounts of the Chicago and Grand Trunk Company are kept quite separately from the accounts of the Canadian company. They are two distinct roads, so far as that is concerned. They will not be one road until the consolidated debenture stock covers the whole operations of the company. It is desirable, in the interests of the company and in the interests of the country, that every one of the outstanding obligations of the Grand Trunk Railway Company should be brought under the operation of the consolidated debenture stock, which is a policy that has been laid down by the Canadian Parliament—a policy that has been asked for by the Grand Trunk Company, and it is only the obstinacy or selfishness—I do not care what you choose to call it—of those who hold debentures of that kind at six per cent which the earning power of the people who live adjacent to the road on the Chicago and Grand Trunk Railway portion of the line have shown an inability to maintain, and that the whole burden of my remarks has been to bring forward to this honourable House that position. I do not desire to place this honourable House in a position of refusing to refer this bill back to the committee; I prefer rather to take the position of withdrawing it, because I see that while there is a great deal of sympathy round me for the position I have taken, I have so far failed to impress hon. gentlemen of the importance of the question I have brought to their notice. I do not want to put my hon. friend on my right from Ontario, and I do not want to put my hon. friend from Sarnia or the leader of the opposition in the position of appearing to ignore the rights of the province of Ontario, which bears the main traffic of the Grand Trunk Railway in Canada, and for that reason I shall not press the amendment. There is also the further reason, that this has been brought upon the Grand Trunk Railway Company without any notice; they have already paid this money, and while I have relieved myself of any responsibility so far as the issue of this capital is concerned, the Grand Trunk Railway Company having paid this money, having relied upon parliament being as generous and I may say as reckless where this company is concerned as it always had been in the past in order to recover that money they have advanced, I would ask the permission of the House to withdraw my resolution, trusting at any rate that what I have brought before this honourable House and before the country and before the Grand Trunk Railway will lead the company to act more judiciously in

the management of their finances so that the principle of this legislation may not again be brought before parliament.

Hon. Mr. McCALLUM—Before this amendment is withdrawn I desire to say one word. I can tell my hon. friend from Shell River that I will not permit him to say that I am in the disgraceful position of ignoring the rights of the province of Ontario. The hon. member also said that the senior member for Halifax had no interest in this at all; he lives down by the sea and does not consume anything. You make a great fight for the province of Ontario. I live in the province of Ontario, and I say to you here that the province of Ontario, and every man, woman and child in it, owes a debt of gratitude to the Grand Trunk Railway. And what are they asking here? When my hon. friend read the bill to the House he skipped the seventh clause. It was like a lawyer in a case in court reading what was favourable to his own side, and omitting what was favourable to the other side. Why not put the case fairly as regards the Chicago branch of the Grand Trunk Railway? How are they going to keep the Chicago branch in order, so as to accommodate the traffic coming from this side unless they get assistance? They have built a tunnel under the river at Sarnia to expedite the traffic in the west. And yet my hon. friend would say, "let that branch go down." I take just as much interest in this part of the country as any one; but the hon. gentleman talks about the people of Ontario and thinks we cannot take care of ourselves because we do not choose to support him in any whim he may take hold of. And after all he has said, he withdraws his motion. I felt inclined—but I shall not do it—to insist on having a vote taken. However, I shall waive that. I think he would be like the last rose of summer left blooming alone.

Hon. Mr. MACDONALD (B.C.)—There is a very important consideration involved in the motion of the hon. member from Shell River, and it is this: If the bondholders and shareholders of these roads were distinct, they would be taking the funds of the one set of bondholders to pay the debts of the other. But now we are told that both roads are under one management. They have separate accounts for each branch, which makes it somewhat puzzling and misleading. If the road is under the same management, why separate accounts? That is at the bottom of the misunderstanding, and that is what the hon. gentleman from Shell River has seen. If the road was owned by different bondholders, of course it would be unjust to allow the bill to become law. But we are told by the hon. gentleman in charge of the bill that they are the same bondholders nearly man for man, and that takes the force out of the argument of my hon. friend opposite.

Hon. Mr. BOULTON—I wish to explain that I did not intend to say anything to offend my hon. friend on my right, and I should not have used the word "disgraceful." I wish to withdraw that.

The amendment was withdrawn.

The question being put on the main motion, it was declared carried, and the bill was read the third time and passed.

DOMINION BUILDING AND LOAN ASSOCIATION BILL.

SECOND READING.

Hon. Mr. POWER moved the second reading of Bill (48) "An Act respecting the Dominion Building and Loan Association." He said:—This bill is simple in its character, and is similar to several bills we have already passed. This Dominion and Loan Association has been doing business in Ontario and also in other provinces under the Ontario charter; they are now anxious to secure, in place of that, a charter from the Dominion Parliament, and they come to us asking us to give them a Dominion charter.

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

ATIKOKAN IRON RANGE RAILWAY COMPANY'S BILL.

SECOND READING.

Hon. Mr. MACINNES (Burlington) moved the second reading of Bill (50) "An Act respecting the Atikokan Iron Range Railway Company." He said:—This bill seeks to revive an Act already passed by this House, and asks for an extension of time. I believe the bill to be perfectly legitimate in its character.

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

NIAGARA GRAND ISLAND BRIDGE COMPANY'S BILL.

SECOND READING.

Hon. Mr. MACINNES (Burlington) moved the second reading of Bill (37) "An Act respecting the Niagara Grand Island Bridge Company." He said:—This company's charter will expire shortly and the purport of the present bill is to ask for a short extension of time. The company wish to keep the charter alive for the purpose of being prepared to go on with the work, which they expect to have to do at any moment, and no exclusive privileges of any kind are being asked for.

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

The Senate adjourned.

THE SENATE.

Ottawa, Monday, 17th May, 1897.

THE SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THE CASE OF MR. PETIT.

INQUIRY.

Hon. Sir MACKENZIE BOWELL rose to

Call the attention of the Senate to a speech delivered by the Minister of Justice, on the 2nd day of October, 1896, as per the Official Report of the Debates, in which the said Minister of Justice promised that Mr. Petit, the defeated candidate in the County of Terrebonne, at the general elections in 1896, would be "officially called on for an explanation of the letter written by him to tenderers for the supply of coal to certain departments of government, in which he, Petit, asked what the tenderer intended to do for him in the matter, as 'business is business you know,' and that when an answer to the official communication was received, or a reasonable time had elapsed without any answer, the government would consider what course it would take,"—and will inquire:—

1. Whether Mr. Petit was, as promised by the Minister of Justice, "officially called on" for such explanation?

2. If not, why not?

3. If "officially called on" for an explanation, was any received?

4. If not, and a "reasonable time having elapsed without any answer," has the government decided what course it intends to take in the matter?

5. If so, what was that decision, and the reasons which led to it."

Hon. Sir OLIVER MOWAT—I shall answer the 1st, 2nd and 3rd questions together, and my answer is this: Before the intended official letter was sent to Mr. Petit a letter was received from him which rendered unnecessary a prior communication to him.

My answer to the 4th and 5th questions is this: The decision of the government after receiving Mr Petit's letter, and after considering the whole case, was for this government to take no further action in the matter; and for the reasons which I gave in my answer to the hon. member's former questions on the same subject; these reasons being, briefly, that under the British North America Act the administration of criminal justice in the province of Quebec belongs to the provincial government of Quebec; that the alleged offence of Mr. Petit is not of any fraud upon the Dominion exchequer perpetrated or designed; and neither is it a matter of magnitude in point of amount; and that under all the circumstances the case should be left to the unfettered discretion and judgment of the provincial government as to whether the offence is sufficiently proved by the letter to the tenderers, in the face of Mr. Petit's denial of the purpose inferred from the letter, and in the face of the facts which may seem to support such denial.

Hon. Sir MACKENZIE BOWELL—Might I ask the hon. gentleman if he will, and whether on the facts a conviction could reasonably be expected, lay that letter of Mr. Petit before the Senate?

Hon. Sir OLIVER MOWAT—Yes.

Hon. Sir MACKENZIE BOWELL—It will obviate the necessity to move to have it done. I ask for the letter because I think it would be well that all these documents should be on record, in order that the country may see how the criminal laws are administered under the direction of my hon. friend. I think I understand the position which he takes in reference to the provincial governments, and I also desire that the country should know that the spirit, strained though it may be, of the law, may lead to the punishment of a man who is not proved

to have had anything to do with the violation of that law, even in spirit, while we have a direct proposition made, which is in effect a direct violation of the law, allowed to go unpunished for the reason which the hon. gentleman has suggested, that it is such a small matter that it is not worth looking after. It reminds one of a story which I might repeat, but which perhaps is unnecessary to relate, being a small matter the crime is not a very great one. It is the first time that I have learned that a crime, if small, is not to be punished, that it must be a great crime before the magnates of the law will stoop or attempt to punish it.

Hon. Sir OLIVER MOWAT—My hon. friend ought not to forget that the administration of justice does not belong to the Minister of Justice, does not belong to the federal government—that when the federal government takes part in any criminal prosecution, it is just as any private prosecutor would, and necessarily with the concurrence of the provincial government. I am not responsible for the administration of justice except that where a man is sentenced to be punished, the jurisdiction to change that sentence or to limit the amount of it belongs to His Excellency the Governor General; but, I do not recollect any other case just now in which we have any executive jurisdiction over criminal justice. My hon. friend must not take it that I am responsible beyond this, for it is not the case. I have responsibility enough without that—responsibility enough imposed upon me, which I endeavour to discharge to the best of my ability. The hon. member assumes that there has been a violation by Mr. Petit of the criminal code. That is not so clear as my hon. friend assumes it is. I am not prepared to say as a lawyer, that there has been a violation of that provision of the code. All that I know about evidence of the offence is the letter and what may be inferred from the letter. *Prima facie* the letter would seem to have the meaning that my hon. friend ascribes to it; but, when you examine it critically, it by no means necessarily implies what is so inferred; and when we find a number of facts inconsistent with the hon. gentleman's construction, these facts have to be taken into account. All that is for the court. If my hon. friend chooses to have Mr. Petit prosecuted, he is at liberty to do so. The Quebec government have not chosen to prosecute. They knew that the responsibility of the administration of justice was with the province, and they were politically hostile to Petit; yet they took no steps whatever. Why did they not? I suppose there is only one explanation of it, and that is, that on the whole they did not consider the case clear enough to be the subject of a prosecution, and therefore did not go on with one. I do not say whether Mr. Petit's letter is or is not a violation of the criminal code, but I say the point is not so clear that one is to assume that the violation is clear. I can assume it, and my hon. friend can not assume it.

Hon. Mr. FERGUSON—I think my hon. friend, the leader of the opposition, is rather unreasonable. Ample time should be allowed the hon. gentleman's colleagues to prosecute the man who gave away the information and told on Petit. Full opportunity should be allowed to prosecute this man before the leader of the House should be asked to deal severely with Petit. To drop irony, I may make this remark, that although my hon. friend is a very eminent lawyer yet, to my simple mind, the case seems perfectly clear. I could not imagine a clearer case than this was of an attempt to sell political influence. As to the other point that my hon. friend makes, that criminal prosecutions belong to the local government, there is no doubt it would have to be prosecuted there, but there is very easy ways of getting at this man if the Minister of Justice wishes to. He can move the provincial authorities, just as Sir John Thompson, his predecessor, moved the provincial authorities when the Connolly and McGreevys were prosecuted. When, as now, a scandal arose in connection with a department of the federal government.

Hon. Mr. POWER—The hon. gentleman himself can set the law in motion just as well as the Minister of Justice.

Hon. Mr. FERGUSON—Yes, but I am not paid for doing such things.

THE MANITOBA SCHOOL QUESTION.

INQUIRY.

Hon. Mr. LANDRY inquired:

Has the present administration, or any of its members, asked for the intervention of the Capital Holy See, or the sending of an Apostolic delegate to aid, directly or indirectly, in causing the

Catholic minority of Manitoba to accept the compromise arrived at between the federal government of Manitoba on the subject of the Manitoba school difficulty?

Hon. Mr. MOWAT—My answer to that question is "No."

DISMISSAL OF POSTMASTER LAVOIE.

INQUIRY.

Hon. Mr. LANDRY inquired:

1. Was Mr. Louis Lavoie on the 23rd of June, 1896, Postmaster of L'Ile aux Grues, in the County of Montmagny?
2. Has he been since that date dismissed from office by the present administration?
3. Why? And what is the nature of the accusation brought against him?
4. By whom was the accusation brought?
5. Does the accuser generally enjoy the gift of infallibility?
6. Was the accused officially made aware of the accusation brought against him, and had he an opportunity to refute it?
7. Has the Post Office Inspector been required to hold an inquiry and to make a report?
8. Has an inquiry taken place, and what is the report of the officer making the inquiry?
9. If the person dismissed protests his innocence and completely denies the truth of the accusation, is it the intention of the government to grant an inquiry or to refuse all justice?

Hon. Mr. SCOTT—Mr. Louis Lavoie was on the 23rd June last postmaster at L'Ile aux Grues. He has been dismissed on the charge, made by Mr. Choquette, M. P., that he was an aggressive partisan, distributed Conservative literature and charged Mr. Laurier and Mr. Choquette as being traitors to their race and religion by reason of their vote on the school question The statements made by Mr. Choquette, M.P., were accepted as fully establishing the accuracy of the charge in question and accordingly no further inquiry was held, and no good purpose would be served by the matter being reopened.

THE DISMISSAL OF ALFRED DUBÉ.

INQUIRY.

Hon. Mr. LANDRY inquired:—

1. Was Mr. Alfred Dubé on the 23rd of June, 1896, an employé of the government as section-man on the Intercolonial Railway in the County of Montmagny?
2. Has he been since that date discharged from his work by the present administration?
3. When, why, and upon whose complaint?
4. What is the nature of the charge brought against him?
5. Has the charge been proved?
6. What is the nature of the proof?
7. If no proof exists, has the accused at least a diploma of infallibility? Granted by whom?
8. Has the accused been made aware officially of the charge brought against him, and has he had an opportunity to refute it?
9. What was his reply?
10. If the person dismissed completely denies the truth of the charge brought against him, protests his innocence and offers to make it clear, is it the intention of the government to grant an inquiry or to refuse all justice?

Hon. Mr. SCOTT—1. Yes; Mr. Alfred Dubé was employed as section-man on the Intercolonial Railway, in the county of Montmagny, on the 23rd of June, 1896.

2. Yes; his services were dispensed with on the 15th of September, for active and offensive partisanship in the last general elections, upon representations made by Mr. Choquette, M. P., from personal knowledge, so that no investigation was considered necessary.

Hon. Mr. LANDRY—On this question I beg to state that he never acted as a partisan. He did not even vote, though he had a right to vote. He never took any active part at all, and he is ready to prove it.

INTEREST BILL.

FIRST READING.

Hon. Sir OLIVER MOWAT introduced Bill (I) "An Act respecting Interest," and moved that it be read the first time.

Hon. Sir MACKENZIE BOWELL—It is usual, in introducing a bill of this character, to give some explanation of its provisions.

Hon. Sir OLIVER MOWAT—It has been ascertained that lately a frightfully large rate of interest is sometimes charged and recovered, even so much as 5 per cent per day—nearly 2,000 per cent. Everybody feels that it is an outrage that a provision of that kind should be enforceable, and the courts in Quebec, where these cases have been made public, have felt difficulty in not enforcing it. In gross cases it is proposed by the bill that there should be jurisdiction to prevent the enforcement of such agreements. It is not easy to determine how that had better be done. I shall be glad to consider any different views that

may be expressed on that subject; the form of the bill is to provide, where the amount of interest exceeds a named percentage—I propose 8, but that is a matter of detail—that the judge should have a large discretion. Further, if large payments have been made on account of excessive interest, it is proposed that the judge shall have a discretion to apply what may seem unreasonable towards the principal. It is a subject the difficulty of which I quite acknowledge, but the evil is so great that I thought we should endeavour to grapple with it.

Hon. Sir MACKENZIE BOWELL—Has not a bill been introduced in the House of Commons dealing with this question? I understood that Mr. Quinn, the member for one of the divisions of Montreal, had introduced a bill dealing with the question. Of course that would not prevent the hon. gentleman from introducing his bill; what I meant was that if a bill of that kind should come up from the House of Commons what would our position be—we would have to make the two harmonize, of course.

Hon. Sir OLIVER MOWAT—Oh, yes.

The bill was read the first time.

CRIMINAL ACT AMENDMENT BILL.

SECOND READING.

Hon. Sir OLIVER MOWAT moved the second reading of Bill (H) "An Act further to amend the Criminal Act." He said:—This bill embraces a very great variety of topics, and I don't know that it would be a very substantial service for me to commence a discussion on them now. They embrace isolated provisions entirely distinct in their nature—quite a number of them are of that character. I propose, therefore, to take the second reading without a discussion so far as I am concerned, and to discuss the various provisions of the bill when we get into committee.

Hon Mr. GOWAN—I am very much pleased that my hon. friend has deferred the full consideration of this measure until it is before the committee, it contains so very many subjects which it is important to discuss in detail. I have read the bill over, and I must say that to my mind it contains many and most important and necessary improvements in the criminal law of the country. These improvements are carried out in the very best and most scientific way. Instead of making amendments to amendments as has been the practice in the past, in modern times it has been more usual and by far the better course to wipe out the original enactments and to re-enact the whole, as altered. Two or three pages of the bill I find comprehend changes of not more than a dozen words, but they are all important in themselves, and it would be quite impossible to discuss them except in committee, when there could be free intercommunication of ideas with respect to the subject. When I say there are in the bill many valuable and very necessary improvements, there are some that strike me as rather novel, and perhaps I might mention one—it is with respect to the new invention by which continuous action is represented in photography. There is a clause against printing and exhibiting photographs of prize-fights. While I personally agree with my hon. friend in his view, it is a question whether he might not have to include the struggles of what are technically called football scrimmages, and various other forms of sport. A great many people do not object to representations of these things, and we have to look at it from their aspect. It may be, as is said by some, demoralizing to see a painful scene represented, but, on the other hand, there are those who find in them aids to piety. I am very doubtful about that clause, and that is the only one that strikes me as being open to very serious discussion. It is doubtful whether it will find favour in this House. We must bear in mind that in this country we are a mixed people. The Anglo-Saxon and the Celt has a certain element of character which, I am afraid, might be described as brutal. I entirely approve of the measure as a whole, and I shall have, perhaps, something to say on some of the details which are very important, in committee, where the whole subject may be better and more effectually discussed.

Hon. Mr. POWER—I cordially endorse what has been said by the hon. gentleman from Barrie. The bill is a valuable one, and contains a number of important provisions, but, like my hon. friend, I was struck by the novelty of the particular clause to which he has referred.

Hon. Mr. MILLS—It is an interference with the pastimes of the people.

Hon. Mr. POWER—Yes, I think so. To be consistent, if parliament is going to pass the clause which has been referred to by the hon. member from Barrie, it should prohibit the newspapers from publishing accounts of those prize fights. A newspaper reaches a thousand people for the one person who sees the kinetoscope in operation. I really do not think that there is anything immoral or improper in looking at a representation of a prize fight I perhaps may sink a great distance in the opinion of my fellow senators when I say that if I had a comfortable seat I should not think there was anything improper or immoral in looking at a prize fight myself. I feel that, in endorsing a provision of this sort, I should be condemning myself. The line of action adopted by the hon. member from Barrie is the most proper and convenient. It is a desirable thing that the Minister of Justice should be given some notice, at the second reading, of the clauses of the measure likely to occasion discussion in committee, so that he may give those clauses further consideration and be further prepared to deal with objections when they are brought up. I may venture to make a further remark with respect to a number of clauses in this bill which go to render more stringent the provisions of the existing law, which are intended to protect the chastity of women and girls. We should remember—and that ground was taken in this House when the measures which are now on the statute-book were under consideration—we should be careful lest, in providing legal protection, we tend to take away moral protection. It is not desirable that reliance should be placed on legislative enactments instead of on the virtue of the female herself, and the tendency of too much legislation is to bring about that result. Of course, where the person who is sinned against is of tender years, it is the duty of parliament to protect her, and there are other cases where it is the duty of parliament to interfere too; but as a general thing where the male and female parties to an offence against morality are standing, so to say, on an equal footing, it is questionable whether it is desirable that parliament should interfere and punish one rather than the other. I do not propose to say any more on the subject just now, but possibly when the bill is in committee I may have something further to say on that point.

The bill was read the second time.

THE PRINTING OF PARLIAMENT.

ADOPTION OF THE REPORT POSTPONED.

Hon. Mr. PRIMROSE, in the absence of the Chairman of the Joint Committee on the Printing of Parliament, moved the adoption of their First Report.

Hon. Mr. McKAY—It has not been the practice in this House to adopt a report of this kind until it has been first adopted in the House of Commons. This report contains a recommendation involving the expenditure of money, and its adoption should be postponed.

Hon. Mr. POWER—The point raised by the hon. gentleman from Truro is well taken. This report provides for the expenditure of money, and it has been our uniform practice not to adopt the report of the joint committee until it has been adopted in the other House.

The motion was allowed to stand.

THE CONTINGENT ACCOUNTS COMMITTEE.

MOTION.

Hon. Mr. KIRCHHOFFER moved the adoption of the Second Report of the Standing Committee on Internal Economy and Contingent Accounts of the Senate.

Hon. Mr. POWER—I do not propose to move against this report, but there is one clause in it to which my attention has been directed and which does not, I may frankly say, meet with my approval. The 9th clause reads as follows:

> Your committee recommend that the chairman of your committee be authorized to employ a competent person as shorthand and type-writer to assist the law clerk for the remainder of the session, and to determine the mode and rate of payment therefor, and inasmuch as such assistance is needed from the beginning of a session, and the committee is not appointed for some time later, they also recommend that the present chairman be authorized to make similar arrangements for the next session of parliament.

No doubt the employment of type-writers has got to be a very common practice, and if there were any great necessity for the appointment by the committee I should not make any observations on the matter. One of the great objects of this House and of the Committee on Internal Economy which reports to the House, in the past, has been to keep down the expenditure of the session to as low a figure as possible. Our experience in connection with type-writers in the past has been that they are occasionally rather expensive, and consequently a type-writer should not be employed unless the services of one are absolutely, or very nearly absolutely necessary. Now, from my knowledge of the business of the House I am not of the opinion that the services of a type-writer in the law clerk's office are, at the present time, absolutely necessary, or anything like absolutely necessary.

I do not remember any session, during the past 20 years when the business of the law clerk's office was lighter than it has been this session, and I think only twice before were the services of a type-writer called into requisition. In former sessions we sometimes had a great many divorce cases, which would naturally give a good deal of work to the law clerk, this session there was only one divorce case, and that was disposed of in a remarkably short time. It must be borne in mind that up to a very recent period the law clerk, whose title is law clerk of the Senate and clerk of committees, had to attend to meetings of the various committees and act as clerk of those committees. Some three years ago there were a number of divorce cases before the Senate, and as the law clerk had to be present at the meetings of that committee, he was authorized to secure the services of other officers to act as clerks of the various other committees which he had been in the habit of attending as clerk. The great pressure of business in the way of divorces has not continued, but the arrangement which was made to relieve the law clerk during that session has been continued, and the work which in earlier years was done by the law clerk—the work of clerk of committees—is now being discharged by other officers who, as a rule, have more to do themselves, apart from this business, than the law clerk has. I cannot help feeling that if the 9th paragraph of this report is adopted it should be with the distinct understanding that the law clerk, in consideration of his having this assistance, shall discharge, as he was in the habit of doing up to about three years ago, the duties of clerk of the various committees. Hon. gentlemen who are members of any committee, as I am for instance of the railway committee, must feel that it is rather absurd that the committee should sit there, and that an officer, who has a great deal to do, apart from his duties in connection with that committee, should act as clerk of the committee and the law clerk should sit by doing nothing but simply listening, and being prepared to give his legal opinion when called upon. As the law clerk at present attends the meetings of the committee, it really would not involve much additional trouble—almost no additional trouble—for him to do the work of clerk of the committee. I think that the hon. gentlemen who compose the Committee on Internal Economy, might very well say that if this assistance is given to the law clerk hereafter he shall, as he did in the past up to some three years ago, discharge the duties of clerk of the various committees. I think that is only a reasonable proposition.

Hon. Mr. MILLER—I think my hon. friend from Halifax took the lead in having the change made to which he now alludes.

Hon. Mr. POWER—No.

Hon. Mr. MILLER—I beg pardon, if I am wrong; I thought it was so. The matter is altogether under the control of the chairman. The chairman is not to employ a type-writer at the instance of the clerk unless he is satisfied that the work requires it. It is not under the control of the clerk, but under the control of the chairman of the committee, who is responsible for any extra services he puts the House to the expense of at the hands of the law clerk. It is in very good hands and there will be no difficulty.

Hon. Mr. SCOTT—The opposition to this pa agraph might be overcome if the first portion of it was allowed to go. There is no doubt that, during the present session, the law clerk has been engaged with a number of bills, more, probably, than he had time to attend to. He has been looking after several bills for the Minister of Justice, more particularly the bill relating to the

Criminal Code, which has had to be reprinted at least twice, and I, therefore, suggest that the ninth clause should read:

> Your committee recommend that the chairman of your committee be authorized to employ a competent person as shorthand and type-writer to assist the law clerk for the remainder of the session.

And leave the question as to whether the services of a shorthand writer may be engaged at the next session an open question. There is no doubt, at the beginning of the session there is really not the necessary work that would involve the employment of a type-writer, but towards the end of the session the work accumulates and there are bills which the law clerk has to give attention to, and he also attends to various committees. As it new reads, the chairman would really be called upon to appoint a shorthand writer——

Hon. Mr MILLER—No, he would not, unless he thought it was necessary.

Hon. Mr. SCOTT—The clause reads:

> And inasmuch as such assistance is needed from the beginning of the session.

There is an affirmation of the principle that it is really needed.

Hon. Mr. MILLER—It may be needed.

Hon. Mr. SCOTT—The latter part is broader, I think, than the House would approve of.

Hon. Mr. MILLER—It is utterly irregular to amend a report of a committee in the House without unanimous consent, but a slight mistake of that kind may very properly, I think, be amended and by making the clause read, "may be needed" the difficulty would be overcome. In the 10th clause we should insert the word "working" before the word "day" in the last line of the clause. It is a mere clerical omission and it is not contended that the individual should receive wages for a non-working day.

Hon. Mr. KIRCHHOFFER—I wish to state that I would like to pay the greatest deference to the hon. gentleman from Halifax, who has just spoken with reference to the report; at the same time, this report was adopted in the committee after a full discussion in which the hon. Secretary of State and the Hon. Mr. Mills took part, and it was represented there, and not controverted, that at the beginning of the session before this committee was actually appointed, a considerable amount of work had to be done, outside of his ordinary labours, by the law clerk, and on that account, in case the occasion arose and it was necessary to employ a type-writer, that the chairman should have an opportunity of doing so if he thought fit. That was the intention of the report of the committee. At the same time, I do not wish to assume any responsibility in the matter any more than the House wishes me to do. It is not a matter of very grave importance. It is only a matter of about $40 a month. That is about what was conceded at the sitting of the committee. I do not wish to assume any responsibility that anybody in the House objects to. I should be quite willing that the recommendation of the hon. the Secretary of State or the hon. member from Richmond should be adopted, and whatever alteration is to be made in the section might be made by the House. With reference to the remark made by the hon. gentleman from Richmond, I am satisfied the intention of the committee was that that should only include working days, and it would be quite right that it should be modified in that way.

Hon. Mr. SCOTT—I move to strike out the latter part of the ninth paragraph, and my hon. friend on my right has suggested that it should read "may be needed" instead of "is needed," and that the word "working" should be inserted before the word "day" in the tenth clause.

Hon. Mr. POWER—I learn now, for the first time, that the law clerk had a good deal to do during the past few days. I was not aware of that fact, or I should not have, perhaps, made my observations as strong as I have, but I think, with respect to the ninth paragraph, that the chairman may or may not exercise the power which is given him in that paragraph. It authorizes the present chairman to make similar arrangements, I presume, if it is necessary for the business of the House, but not otherwise.

Hon. Sir MACKENZIE BOWELL—You might add those words "if he deems it necessary."

Hon. Mr. POWER—I understand the motion is to strike out everything after the word "therefor" in the third line.

The amendment was adopted.

Hon. Mr. SCOTT—Then, I presume, the word "working" will be inserted before the word "day" in the last line of the tenth clause?

The amendment was adopted.

Hon. Mr. BERNIER—I do not agree with the third clause of that report. By that clause Ernest Bérubé is appointed a permanent messenger. There is another messenger, Mr. Gagnon, who is senior in every way to Mr. Bérubé. As a matter of justice we should not discriminate between our messengers without cause, as is proposed here, by passing one over the head of the others. Gagnon entered the service in 1885 while Bérubé was here only in 1886.

Hon. Mr. POWER—I would ask if Mr. Bérubé was not in the House as page before that time.

Hon. Mr. BERNIER—No; he came in 1886, according to what he says himself, and if we consider the time they have both acted as sessional messengers, Gagnon is still the senior of the other. Both were appointed on the same date, but the seniority was given to Gagnon, because of the fact that the report recommended that Gagnon should be paid from the 19th January, whilst the other was paid only from the 3rd March. Whether we consider the time spent in another way, as page or otherwise, or whether we consider the time they have acted as sessional messengers, Gagnon has the precedence of the other in every way. I do not want to insist unduly, but it seems to me, as a matter of justice, that we should not discriminate in this way. I take it as a matter of justice that Gagnon should be appointed. I move that the words in the third paragraph of that clause "Ernest Bérubé" be struck out and that the words "Moïse Gagnon" be put in their place.

Hon. Mr. MILLER—I am very sorry my hon. friend has thought proper to bring this matter before the House. He brought it before the committee and I think the decision of the committee was almost unanimously against it—unanimously in favour of the appointment of Bérubé, both on the question of right and on the question of merit. I think my hon. friend is wrong in his figures. Bérubé was in the service of the House, I venture to say, before this man Gagnon. I may state that Gagnon was brought into the House, not as a servant of the House, but as a body servant of an invalid member, and afterwards, through compassion, taken on, and his chief duty since that time has been his attendance on that invalid senator. At the time this was done I did not object to it. Many gentlemen condemned it, and said it was not right. From motives of delicacy they did not speak out, but as my hon. friend forces us to speak, I am not afraid to utter my opinion on the subject. With regard to the merits of the question, the man Gagnon is not equal to the duties of a sessional messenger. He speaks only one language, and is a lazy man besides. He has been a timber culler—employment for which I have no doubt he is admirably adapted, I think the service of the Senate would be just as well off if he had never been taken from that work and brought in here as a servant of a member. If he had the right by seniority to the appointment that he claims—which he has not—on the ground of his other disqualification for the duties of the position, I, as one member of the committee and of the House, would not be disposed to support him. The committee almost unanimously recommended this young man Bérubé on the ground of faithful service, he having been fourteen years in the service of the House and not a mark of any kind against him, and because he is qualified by his alertness and a willingness to do his duty, and possesses all the qualifications of a first-class messenger. Of course my hon. friend can use his own judgment in the matter, but, in view of the decision of the committee on the application of my hon. friend to the committee a few days ago, I am quite surprised that he should bring the matter before the House. The motion he has made is out of order; if he wants to make a motion it must be to send the report of the committee back for reconsideration, because I am very sure that, unless there are absolute instructions from the House, which a committee would be bound to obey, if given the committee would adhere to the decision it has already arrived at on the subject.

Hon. Mr. KIRCHHOFFER—While it was the intention of the committee, no doubt, that seniority in every case should to a certain extent be taken into consideration, I do not think it was in any way the idea of the committee that it was the only thing to be considered in making the appointment. Supposing all my hon. friend said was correct, that Bérubé was appointed, and the other man, his senior, was passed over, which is all he can contend for—though some hon. gentleman says that is incorrect—the expression of opinion in that committee was such that there was no hesitation whatever in saying that Bérubé was far better qualified for the appointment than the gentleman he advocates here. That committee which is composed almost entirely of Conservatives, chose a man who was announced to us as being a Liberal, because he was represented as being a better man and more fitted for the appointment than another who was reported to be a Conservative. That shows the temper of your committee is such that all that is necessary to place before them is the fact of merit, and that they will accept that before any other consideration.

Hon. Mr. PROWSE—Considerable has been said on this occasion, and perhaps unnecessarily said. While I have no feeling at all against the gentleman who has been recommended by the committee, I think a good deal has been said in reference to his opponent, or competitor, which perhaps might have been left unsaid. I have been in the Senate some years, and I must say I am satisfied of the good behaviour and good conduct of both applicants for the position, and I do not think it is very becoming for us, when we cannot give the position to both of them, to try to injure the character and prospects of the defeated man. I believe they both try to do their very best, and I have found them accommodating and civil in every way. One applicant happens to be a very large man, and that appears to be one of the greatest faults that he can have; but I do not think it should weigh very much with the members of the Senate. At all events there is one matter which should be taken into consideration—he is a married man, depending upon his little earnings to support his wife and family; and the other is a young man who can perhaps do better without the additional salary than Gagnon can. I feel like supporting the proposition made by the hon. gentleman from St Boniface, Gagnon being senior. Although it is said that he has not been as long in the service of the Senate as Bérubé has been, yet he has been longer in the public service. In that regard I think he is fully entitled to the position.

Hon. Mr. VIDAL—I agree with the hon. gentleman from Richmond as to the unwisdom, if I may use the word, of this matter being introduced in the Senate after having been so fully discussed in the committee and there decided by almost a unanimous vote. There can be no question in the mind of any one acquainted with Bérubé as to his eminent fitness for the position. He has proved himself a capable and faithful employé since he was admitted as a page. His ability as shown in his attendance at committees has always been such as to merit the approval of every committee on which he has served. I think the selection made by the committee was a very wise one, and it is a pity that it should be questioned in the House.

Hon. Mr. BERNIER—It has been almost insinuated that I have given wrong dates in my statement. I have in my hands here official documents which show that Gagnon has been in the employ of the Senate since December, 1885. I have here a certificate of the assistant accountant of the Senate, showing that Gagnon was employed as sessional messenger by the Senate before the other. I am very sorry to observe the promptness with which some hon. gentlemen question the statement of members of this House. I have not made any statement, without knowing what I was doing. As to the merits of the two men, as the hon. gentleman from Richmond has said, I have a perfect right to exercise my own judgment. I think that as one is as capable as the other to perform the duties of the position, the senior should be appointed.

Hon. Mr. MILLER—My hon. friend will find that Gagnon was brought on by a gentleman as his servant before he was engaged by the Senate, and was one or two years about the House before he was actually employed. Whether any gratuity was given him at the close of the session I do not know, but that he was longer in the employ of the House than Bérubé I think my hon. friend is incorrect.

Hon. Mr. BERNIER—I do not wish to force on the House an amendment which I see would be lost if pressed, and I, therefore, ask leave to withdraw it.

The motion was withdrawn and the report was adopted.

The Senate adjourned.

THE SENATE.

Ottawa, Tuesday, 18th May, 1897.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

BUILDING SOCIETIES AND LOAN AND SAVING COMPANY'S BILL.

REPORTED FROM COMMITTEE.

Hon. Mr. ALLAN, from the Committee on Banking and Commerce, reported Bill (12) "An Act further to amend the law respecting Building Societies and Loan and Savings Companies carrying on business in the Province of Ontario," with an amendment. He said:—I may explain that part of the title was struck out. As originally introduced in the House of Commons, the bill contained several clauses relating to loan companies in Ontario which were all struck out except this one clause, and therefore it was necessary to make that alteration in the title of the bill in order to make the title and the bill itself agree.

Hon. Sir MACKENZIE BOWELL moved that the amendment be concurred in.

The motion was agreed to.

THE APPOINTMENT OF MR. LAFORTUNE.

INQUIRY.

Hon. Mr. PROWSE—Before the Orders of the Day are called I wish to call the attention of the Senate, and especially the attention of the leader of the House, to a paragraph which appears in the *Citizen* of this morning. It reads as follows:

> Sir Oliver Mowat brought down a bill restrictive of usury yesterday. This was in consequence of a recent judgment in one of the Quebec courts enforcing interest at the rate of five per cent a day. If we remember rightly the usurer was Mr. Lafortune, since appointed on the prison commission by Sir Oliver himself.

I bring this matter to the attention of the hon. gentleman so that he may have an early opportunity of contradicting and denouncing this paragraph in the *Citizen*, as well as the conduct of the wretch who had the brazen impudence and dishonesty to exact from any individual five per cent per day. Not satisfied, I understand, with taking five per cent interest per day, he enforced his claim by an action at law, and through the fault and failure of the law, he was able to recover the amount. I hope, for the credit of Canada and for the credit of those who govern Canada, that the statement contained herein is not true, that this wretch has been appointed to a responsible position under the government.

SUPREME COURT OF ONTARIO JUDGES' BILL.

FIRST READING.

Hon. Sir OLIVER MOWAT introduced Bill (J) "An Act respecting the Supreme Court of Ontario and the Judges thereof," and moved that it be read the first time.

Hon. Sir. MACKENZIE BOWELL—Will the hon. gentleman kindly explain the contents of the bill? I desire to call his attention, before he does so, to the question asked by the hon. gentleman from Prince Edward Island. As a matter of ordinary courtesy, I think the hon. leader of the House should at least answer the inquiry. He may not be responsible for the appointment which has been made, or the appointment may not have been made, but the House will agree with me that the hon. Senator who called his attention to the subject is entitled to some answer.

Hon. Sir OLIVER MOWAT—I did not reply, because I wished to make inquiries before answering. I had not seen the article in the *Citizen* which the hon. gentleman read and know nothing of what is alleged in it, but I shall make such statement, on a future day, as the case requires.

With regard to the bill introduced, there is no restriction in regard to appeals from Ontario to the Supreme Court of Canada as regards the value or amount in question between

the parties. In regard to most, or probably all, of the other provinces, there are restrictions. Some years ago the Ontario legislature passed a bill limiting the appeals to the Supreme Court in order that unnecessary appeals might be avoided, or appeals where a small amount is claimed. It has been held by the Supreme Court here, I understand that the provincial legislature has no power to limit appeals. It is said that if a provincial legislature could limit appeals to the Supreme Court of Canada, they could practically abolish them, and therefore the limitation of appeals to that court is a matter for the Dominion legislature. Last session an Act was passed repeating the limitations of the previous Act, but expressing them differently, under the idea that if expressed as in the new it might be held that the local legislature had power to deal with the subject. The limitations are in accord with the public sentiment of Ontario, and there is the analogy of the limitations in the other provinces. That is one section of the bill. The other section is to provide for the residence of the judges. There is no statutory restriction in regard to the judges of the High Court and Court of Appeal in Ontario as to where the judges should reside. There is a restriction as to where the judges of the Supreme Court here should reside, namely in Ottawa or within five miles; and it is doubtful where the jurisdiction to limit lies in the case of the provincial courts. A late Minister of Justice held that a province had no right to pass a bill providing where the judges of the provincial courts should reside. I do not know whether he was right in that or not, but that view was acted upon, and the Ontario legislature has not thought fit to deal with the subject because of the question whether they have jurisdiction to do so. Of course, it is quite a reasonable thing that the judges of these courts should reside at the place where they sit as courts, and inconvenience is found where they do not do so. Therefore, I propose a clause requiring them to reside in Toronto, or within five miles, just as the Supreme Court judges of Canada reside here, or within five miles.

Hon. Mr. LANDRY—I would ask the hon. Minister of Justice if the limitations in the other provinces were enacted by provincial or federal laws?

Hon. Sir OLIVER MOWAT—By the federal laws.

Hon. Mr. LANDRY—In the other provinces?

Hon. Sir OLIVER MOWAT—In the other provinces.

The bill was read the first time.

A PROPOSED ADJOURNMENT.

Hon. Sir MACKENZIE BOWELL—Might I ask if the government has made up its mind as to any adjournment next week? Monday and Thursday will be holidays and on Saturday there will be no sitting. I should like to inquire as to what course the government intend to pursue, whether they will meet on Tuesday and Wednesday or adjourn over the week. We really have no business before us. I merely bring the matter under the notice of the leader of the government, in order that he may consider it. I have no particular wish one way or the other.

Hon. Sir OLIVER MOWAT—We shall consider it, and I shall reply to-morrow.

Hon. Mr. ALMON—I am opposed to such adjournments. Even if we have no business, we must pretend that we have—"assume a virtue if you have it not."

The Senate then adjourned.

THE SENATE.

Ottawa, Wednesday, 19th May, 1897.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

HULL ELECTRIC RAILWAY COMPANY'S BILL.

AMENDMENT CONCURRED IN.

Hon. Mr. VIDAL, from the Committee on Railways, Telegraphs and Harbours, reported Bill (25) "An Act confirming an agreement between the Canadian Pacific Railway Company and the Hull Electric Railway Company," with an amendment. He said: The amendment is one which was proposed by those who are interested

in the bill. No objection was made to it. It is merely a clause to protect some rights of the city of Hull.

The amendment was adopted.

THIRD READINGS.

Bill (44) "An Act respecting the Welland Power and Supply Canal Company, Limited."—(Mr. McCallum.)

Bill (41) "An Act respecting the River St. Clair Railway Bridge and Tunnel Company."—(Mr. MacInnes, Burlington.)

BILLS INTRODUCED.

Bill (74) "An Act to incorporate the National Life Assurance Company of Canada."—(Mr. McInnes, B.C.)

Bill (79) "An Act to incorporate the Dominion Portland Cement Co."—(Mr. Clemow.)

Bill (78) "An Act respecting the Ontario Accident Insurance Co."—(Mr. Power.)

Bill (34) "An Act to incorporate the Canadian Securities Company, of Montreal."—(Mr. Bernier.)

Bill (88) "An Act to incorporate Les Cisterciens Réformés."—(Mr. Bernier.)

Bill (83) "An Act to confer on the Commissioner of Patents certain powers for the relief of the Mycenian Marble Company of Canada, Limited."—(Mr. McMillan.)

THE DISMISSAL OF J. B. PROULX.

INQUIRY.

Hon. Mr. LANDRY inquired:

1. Was Mr. J. B. Proulx on the 23rd of June, 1896, an employé of the government as sectionman on the Intercolonial Railway in the County of Montmagny?
2. Has he been since that date discharged from his work by the present Administration?
3. When, why, and upon whose complaint?
4. What is the nature of the charge brought against him?
5. Has the charge been proved?
6. What is the nature of the proof?
7. If no proof exists, has the accused at least a diploma of infallibility? Granted by whom?
8. Has the accused been made aware officially of the charge brought against him, and has he had an opportunity to refute it?
9. What was his reply?
10. If the person dismissed completely denies the truth of the charge brought against him, protests his innocence and offers to make it clear, is it the intention of the government to grant an inquiry or to refuse all justice?

Hon. Mr. SCOTT—1. Mr. J. B. Proulx, was employed as section man on the Intercolonial Railway in the county of Montmagny on the 23rd of June, 1896.

2. His services were dispensed with at the request and upon the representation of Mr. Choquette, M.P., that Proulx had taken an active and offensive part in the late Dominion elections.

Hon. Mr. LANDRY—At what date—when and why?

Hon. Mr. SCOTT—I have given the reason why, but I am not in possession of the date.

Hon. Mr. LANDRY—I notice that although I have ten questions here, only two or three of them have been answered.

Hon. Mr. SCOTT—The reply covers everything but the date. Proulx was discharged for active and offensive partisanship.

Hon. Mr. LANDRY—Has that charge been proved?

Hon. Mr. SCOTT—The proof was a statement made by a member of the House of Commons.

Hon. Mr. LANDRY—And the tenth question—that is not answered.

Hon. Mr. SCOTT—There is no answer to the tenth question. The man was discharged at the instance of a member of the House of Commons, who stated that Proulx had been guilty of offensive partisanship.

Hon. Mr. LANDRY—But the accused person denies the truth of the charge. Is it the intention of the government to grant an inquiry or to refuse all justice?

Hon. Mr. SCOTT—No, it is not the intention of the government to have an inquiry on the subject.

Hon. Mr. LANDRY—I should like to be put in possession of the date of that dismissal.

Hon. Mr. SCOTT—Yes, I will ascertain that to-morrow.

THE DISMISSAL OF CHARLES BOUFFARD.

INQUIRY.

Hon. Mr. LANDRY inquired:

1. Was Mr. Charles Bouffard on the 23rd of June, 1896, postmaster at Berthier-en-bas, in the county of Montmagny?
2. Has he been since that date dismissed from office by the present Administration?
3. Why? And what is the nature of the accusation brought against him?
4. By whom was the accusation brought?
5. Does the accuser generally enjoy the gift of infallibility?
6. Was the accused officially made aware of the accusation brought against him, and had he an opportunity to refute it?
7. Has the Post Office inspector been required to hold an inquiry and to make a report?
8. Has an inquiry taken place, and what is the report of the officer making the inquiry?
9. If the person dismissed protests his innocence and completely denies the truth of the accusation, is it the intention of the government to grant an inquiry or to refuse all justice?

Hon. Mr. SCOTT—Mr. Charles Bouffard was postmaster of Berthier-en-bas on the 23rd of June, 1896, and was relieved of his office on the statement of Mr. Choquette, M.P., that Mr. Bouffard had conducted himself as a strong political partisan during the recent Dominion elections. The government, being fully satisfied with Mr. Choquette's statement, did not think any further inquiry necessary, and does not consider any good public purpose will be served by re-opening the matter.

Hon. Sir MACKENZIE BOWELL—How does that agree with the statement made by the premier last session, that no man would be dismissed until after a full and ample investigation had taken place, and the accused was given an opportunity of defending himself?

Hon. Mr. MACDONALD (B.C.)—The premier said so this session as well.

Hon. Mr. LANDRY—He certainly said it in September last.

Hon. Sir MACKENZIE BOWELL—Are we to understand that the policy of the government in future is to be that a man is to be declared guilty and dismissed on the mere statement of any member of the House of Commons, without regard to the individual's innocence or guilt, and that no opportunity is to be given an accused official to defend himself or show that the charge is not true? I put this question, because I think it is well that the exact position of affairs should be known. I should like to know, also, whether the same courtesy is to be extended to senators that is accorded to members of the House of Commons. If a member of the Senate states distinctly that any man, being an officer of the government, has taken an active and offensive part in an election, is the accused official to be dismissed without any investigation of the case—is the statement of the senator to be taken, as it appears to have been taken in the case of Mr. Choquette?

Hon. Mr. SCOTT—Every case must stand upon its individual merits. I am not prepared to announce any policy on the part of the government with reference to the course they may adopt, further than this, that the statement made in the House of Commons and accepted by both sides—

Hon. Sir MACKENZIE BOWELL—No, no.

Hon. Mr. SCOTT—I so understood it—that if a member takes the responsibility of making the statement that a person, holding an office under the government, has been guilty of active or offensive political partisanship, that is quite sufficient to justify the government in dismissing him, and that is the policy the government has been following, except in some individual cases where it may have been considered necessary to have an investigation. I am not aware that there has been anything said or done to conflict with that principle.

Hon. Mr. FERGUSON—That was the principle laid down in the case of a day labourer, but not in the case of a high salaried official.

Hon. Mr. MACDONALD (B. C.)—I heard the premier announce in the House of Commons this session that no one would be dismissed without being given a fair hearing and trial.

Hon. Mr. SCOTT—I have no doubt this man had a fair hearing.

Hon. Mr. LANDRY—The policy of the government, as announced by the premier last session, was that no one in the

employ of the government would be dismissed without a fair hearing. The only exception he made to that was in case a Minister saw the accused party doing the act of which he was accused—saw him personally. In that case no inquiry was needed, because his personal knowledge was sufficient, but with that exception it was declared by the Prime Minister that no man would be dismissed without being given a chance to answer the charge made against him.

THE FRENCH TREATY.

MOTION.

Hon. Sir MACKENZIE BOWELL 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 tabulated statement showing the effect which the commercial treaty between Canada and France has had upon the trade and revenue of the Dominion as compared with the three years preceding the date upon which the treaty came into force, in so far as relates to the various articles covered by said treaty.

Hon. Mr. SCOTT—There is no objection to the address.

Hon. Mr. BOULTON—Is that statement intended to be up to date?

Hon. Sir MACKENZIE BOWELL—I fear they could not well do that. It reads in that way. I am under the impression that our statistics would only show a correct statement up to the 30th June; however, I shall be prepared to accept it even up to that time. My object is to ascertain what the operation of the tariff is, particularly as it extends to all countries that have the advantage of the favoured nations clause. In looking at the trade and navigation returns, I notice that goods are imported from the United States which come within the provisions of that Act. I take it for granted that they must be goods of French origin, and production, which have been imported into the United States, purchased in the United States, and brought into Canada. Under the treaty they would be entitled to the low rate of duty as if they came direct from France, while we, under the treaty, are restricted to direct importation from Canada to France. Goods going to Liverpool and transhipped from Liverpool to Paris would not have the advantage of the treaty.

The motion was agreed to.

DISMISSALS OF LOCK MASTERS ON THE GRENVILLE CANAL.

INQUIRY.

Hon. Mr. OWENS inquired:

1. Was the dismissal of Thomas Foreman, lockmaster on the Grenville Canal, in consequence of the investigation held there by Commissioner LaBelle?

2. Does the government intend indemnifying Mr. Foreman; if so, to what extent?

3. Does the government intend paying Mr. Foreman his superannuation; if so, what amount?

Hon. Mr. SCOTT—The answer to the first question is yes, and the answer to the second question is that it is not proposed to indemnify Mr. Foreman in any way, nor would it be proper to do so. The answer to the third question is no, Mr. Foreman will not be superannuated. A proposition is now being considered by the government with reference to returning to him the money he has paid into the superannuation fund.

Hon. Sir MACKENZIE BOWELL—Would the hon. gentleman inform us as to whether this gentleman has been in the service over ten years—that is, whether he has paid into the superannuation fund for ten years, and if so, upon what principle are they acting in refusing his superannuation allowance?

Hon. Mr. SCOTT—Without referring to the superannuation list I would not be able to say. I am unable at present to answer the question.

REPORT OF COMMISSIONER LABELLE.

MOTION.

Hon. Mr. OWENS moved:

That an humble address be presented to His Excellency the Governor Generl praying that His Excellency will cause to be laid before the Senate, a copy of the report of Commissioner LaBelle *re* the investigation held by him at Grenville and Grace's Point, about the month of December last: also, of all correspondence relating thereto, both before and since the said investigations were held.

He said:—I had reason to hope that the answer to my previous question would be such that I would find it unnecessary to ask for the papers mentioned in this motion, but I am surprised to hear from the hon. Secretary of State that no indemnity will be given

to Mr. Foreman, and that he will not receive superannuation. Foreman was a lockmaster who had been engaged on that lock for thirty-three years. For the first four years he was engaged as a labourer in the summer and a carpenter in the winter. During the last twenty-nine years he has been engaged as the lockmaster, appointed by an Order in Council. During that twenty-nine years he has contributed regularly to the superannuation fund, and according to the laws of this country would be entitled to the full superannuation when his thirty years had expired. The fact that he has now entered upon his thirtieth year was sufficient to justify the government in paying him the balance of the thirtieth year and holding that he would then be entitled to his full superannuation. Foreman has been discharged in a most wanton manner. I presume he was declared to be a political partisan, but Mr. Foreman was not an offensive partisan. He might have had his own opinions, and recorded his vote, but he was not an offensive partisan and never acted as such. Moreover, he was one of the most competent lockmasters on the canal; no gentleman in Montreal would venture to say that there was a more competent official than Foreman. It is very poor encouragement, I must say, to the civil servants if a gentleman, after having spent thirty-three years in the service, is to be dismissed and thrown upon the street, and now the government turn around and as the Secretary of State intimates to-day "We will send him back his money." What would you think of any life insurance company, who had been receiving premiums for twenty-nine years from a policy-holder, that would turn around and say, "We will not pay you, but will refund you the premiums you have paid into the company."

Hon. Mr. PROWSE—We would say they were thieves.

Hon. Mr. OWENS—Then you would call them by their proper name, and what would apply to a company would apply to a government also. The system that has been adopted in Mr. Foreman's case has been carried on throughout. I do think it would be well to know exactly how the government does stand in this matter of dismissals. We have had from the Prime Minister in the House of Commons the declaration that no minister would attempt to dismiss any official without giving that official an opportunity to defend himself. Everyone would be given an opportunity to defend himself before he was dealt with. We have had a similar declaration in this House from Sir Oliver Mowat, the leader of the House. Even the Secretary of State, who is somewhat severe, has said that employés on the canal, who were good reliable officials, should not be dismissed. I challenge the House, and I challenge the Secretary of State to show me in any way that Foreman has not been a reliable and competent official. He is one of the most reliable and competent persons upon the canal; but this matter does not apply only to Mr. Foreman. It applies to the officials upon the canal generally. Upon the close of navigation last season, the lock labourers and other labourers upon the canal were notified that their services were no longer required and that they would not be engaged for the future. It was stated by one of the hon. members in this House quite recently that that has been the course pursued every year. Now, I will say that that course has not been adopted in the past. Those men have been paid up to the end of navigation. They were not paid during the winter when they were not working, but they held themselves in readiness to resume their positions when work commenced again. We have had men upon the canals who have held those positions for 25 and 30 years, year after year, holding the same positions on the canals. Last year, at the close of navigation, those men were turned out upon the country. They were notified that they would not be employed again, and you can realize, hon. gentlemen, the position it puts a man of that kind in, to be turned upon the world at this time—men who were reliable and competent and understood their work properly, after being so many years employed upon a government work. They were not in a position to take up other work. They were rendered unfit, to a certain extent, for agriculture or other work which they might have entered upon earlier in life. We have here before us those hon. gentlemen week after week denouncing the spoils system as it is carried on in the United States, and yet their colleagues in this government are carrying on a system ten times worse, in so far as its effect upon the civil service is concerned. They are dismissing the men from the canals

and other public works without any charge whatever, or if there is any charge against them, the officials are not notified of that charge and are not given an opportunity to defend themselves, and as in this case of Foreman's they are dismissing officials who have been contributing to the superannuation fund year after year. We have been led to believe that those officials appointed by an Order in Council could not be dismissed without an Order in Council, but if we may judge from appearances, this government are dispensing with that formality and dismissing those officials without an Order in Council because it is quite certain that the colleagues of the Minister of Public Works and the Minister of Railways and Canals are not aware of the wholesale dismissals that are being made in those departments. The other day during the debate in this House, the hon. gentleman from Bothwell declared from his seat that only one per cent, or not one per cent, of the officials have been dismissed.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. OWEN—I am not questioning the veracity of the hon. gentleman from Bothwell. I do not mean to say that he wished to deceive this House or to create a wrong impression, but I will say that the hon. gentleman was entirely in ignorance of the action of his colleagues. He was not aware of the dismissals that had been made by the Minister of Railways and Canals and the Minister of Public Works, or he would never have made such a statement in the Senate. Over 90 per cent of the officials upon the railways and canals—both upon the Ottawa canal and the St. Lawrence canals—have been dismissed. I will take the case of the Grenville canal, which I think will fairly represent the others, and I may mention that at the close of navigation last fall the government dismissed all the labourers upon the canal. Before the opening of navigation this spring, out of the seven lockmasters on the canal, four were dismissed; at the same time they were dismissed the political partizans and heelers of the government in the county, and it was stated that the remainder of the lockmasters, the collectors and the other officials would be dismissed so soon as the provincial elections were over. It was quite evident those gentlemen knew whereof they spoke. When they made these promises they had the authority of the government for making them, for it was only yesterday I received a telegram from Grenville announcing that the dismissals were being made and would be carried into effect to-day, and to-day I met in the city a political partisan of the government who informed me that the dismissals were to be made to day. Therefore, instead of one per cent, there have been 100 per cent dismissals on the Grenville canal alone. I ask is that the way you would treat old employés of the government, men who have been in the service 20 or 25 years. Here is a case of a man 29 years lockmaster, and for four more years employed on the same lock, yet he has been dismissed. Is that the way you are going to elevate the standard of the civil service? These gentlemen are being dismissed because they are political partizans. Now, I would like to ask hon. gentlemen, whom do you think is being appointed in the place of the officials dismissed? Why they are appointing the most offensive political partisans in the country. They are appointing the political heelers of the Liberal party in that county, men who are entirely unfit for the positions in which they are placed. I believe some of these men have gone so far as to sell the appointments. I am credibly informed that some of them have been selling the positions of labourers upon the canal, and those are the gentlemen from whom the representatives of these counties receive their inspiration as to who should be dismissed and who should be appointed in their places. As we have heard in this House from the Hon. Secretary of State; the government received their information from the Liberal member of a county, and upon his information they did not consider it was necessary to hold any investigation. It would be interesting to know from what source the Liberal member, or the defeated candidate, in the county received his information. Why, it is from the class of politicians I have been describing, and men are being dismissed that they or their friends may be placed in office. In the case of Foreman, they had an investigation upon a charge that was brought in writing from a party in the rear portion of the county, a man whom Mr. Foreman never saw, who accused him of canvassing him in the election. Foreman since drove

out to see that party, and met him, and the man told him: "I know nothing about it. A certain party came here with a declaration written out, and asked me if I would sign it. He said there was nothing in it but just to sign it, and I signed it." That is the class of men from whom the Liberal representatives receive the information that comes in. Those pretended investigations, such as LaBelle had in Grenville, were simply that he came down to Grenville, and spent a night or two with the acusers,and in those particular cases, notified the officials to come there. They came in; there was no evidence taken under oath Any of those parties could come in and make any statement they wished. None of the evidence was taken down. There was no stenographer, nor did the commissioner who was there take down any of the evidence. He heard the statement that was made. One of the officials in particular had a lawyer to defend him; but the commissioner told him, "I cannot hear any lawyer; I cannot hear anything of the kind." He did not hear the defence. He makes his report to the government, and the accused hear nothing further about it except that they are dismissed. Now, if that is the Liberal interpretation of British fair play, if that is the way the Liberal administration is to be carried on in this Dominion, I may say, "Lord, help our civil service."

Hon. Mr. SCOTT—The hon. gentleman has rather taken the members of this House at a disadvantage. He has made statements purporting to be based upon an inquiry into Foreman's conduct without our having the papers before us. I have no information other than I gave the House.

Hon. Mr. OWENS—My question was before the House for the last seven days.

Hon. Mr. SCOTT—It was simply a question, and there was no intimation that any debate would arise until the papers were before us. The hon. gentleman of course is quite within his right, although it is scarcely fair to the House that a debate should take place until the evidence is before the Senate.

Hon. Mr. OWENS—My reasons for making my remarks now is that papers similar to those called for by me—moved for early in the session, have not been produced yet.

Hon. Mr. SCOTT—There were not called for more than a day or two ago. I have no explanation to make with regard to the statements made by the hon. gentleman and must await the arrival of the papers in order that I can ascertain how far his statements are correct. The other day when a similar subject was under discussion, it was not I who made the statement that no man would be dismissed on the canal except for cause. I said that the hon. Minister of Railways had made a statement—and I believe he adhers to that statement—that any employé who had not interfered in an offensive manner in politics, and who was a good, attentive honest man and attended to his work, would be retained. It was purely a question of merit, outside of the political question. If he interfered as a political partisan, he would be dismissed. As to the number of employés who have been dismissed, I myself stated that I did not believe that more than one per cent of all the employés of the government had been dismissed, and I believe if the figures were compared with the figures after the change of government in 1878, it would be found that the number of those who were dismissed for cause would be less than the number dismissed on that occasion.

Hon. Mr. LANDRY—For cause?

Hon. Mr. SCOTT—The former government were some time in power and the employés believed that they should be continued there in perpetuity. They did not recognize that any other than the then existing government should be sustained, and so they freely interfered in elections. No doubt appeals were made to them to do so, and if a man chose to take his political life in his hand, as admitted by both political parties, he had no right to complain. If his friends were successful, he made it a justification for advance and promotion. If they were defeated, of course, he simply had to take the consequences of it. The present administration do not believe in continuing the employment of men who actively interfere in politics. They are paid by all the ratepayers of this country and they have no right to take sides. If they do so, I say there is ample justification for their being dismissed. When the papers come down in this case we shall see whether there is any justification in this particular instance for the dismissal. I have no doubt

the minister fairly considered it, and the question of what sum ought to be returned to Mr. Foreman will, no doubt, receive due consideration, and whatever is right and proper will be done. Where a man is dismissed for political reasons, he forfeits his superannuation; but it may be that he is fairly entitled to have the money he has paid in, with the government interest, returned to him. That is a matter to which the government have not yet come to any positive policy, but I am inclined to think that that is the conclusion that they will arrive at.

Hon. Sir MACKENZIE BOWELL—The statements made by the hon. Secretary of State should not be allowed to pass without some little remonstrance. To begin with, he laid down this extraordinary doctrine, that this question has only been before the Senate for two or three days.

Hon. Mr. SCOTT—This particular one.

Hon. Sir MACKENZIE BOWELL—I am speaking of this particular case. Then he goes further and says that these questions are not usually discussed until the papers are before us. The very object of having a motion on the notice paper asking for certain documents is to enable the member who puts it there, to give his reasons for so doing. That has been the practice in the past. I do not know, from what has taken place in the House during the last two months under this present government, what their policy is, for it seems to me they have one policy to-day and another policy to-morrow; one minister announces a particular principle which is just in itself, and to-morrow it is violated by the statements of one of his colleagues. That is the position in which they have placed themselves. It is the duty of every minister, when a notice is placed upon the paper, to make himself acquainted with the facts in order that the House may be put in possesion of them. We all know that papers when laid before the House give no opportunity for a member to discuss the question to which they relate, unless he makes a motion to refer them, or a motion of condemnation. So far as that is concerned the hon. gentleman's position is not in accordance with parliamentary practice or usage. Had the returns for which I moved some six weeks ago been laid before the House, probably we would have had the information sought for now by the hon. gentleman from Argenteuil. That return, for some reason or other, has been kept back. Numerous must be the number of commissions, and voluminous must be the evidence in the reports of these commissioners appointed to investigate cases of offensive partisanship, if it takes longer than six weeks to prepare the return.

Hon. Mr. SCOTT—I hope to have it this week.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman speaks of those officials who take an active part in elections—he guards it, I notice, on every occasion by saying "offensive partisanship," a term which I never heard defined. The law gives the right to every office holder to cast his vote. If he becomes offensive and abuses the government and acts in what I might term an ungentlemanly manner, he renders himself liable to punishment. There is no evidence, however, given in any of those cases that there has been conduct of that kind on the part of those who have been dismissed. Is it to be understood that it is only the party who casts his vote, or commits the offence to which the hon. gentleman has referred, against the party that happens to be successful in these contests——

Hon. Mr. MILLS—That has been your rule.

Hon. Sir MACKENZIE BOWELL—That has not been our rule There has been no such rule laid down and no such practice carried out, except in cases of the character indicated by the hon. Secretary of State. I challenge the hon. gentleman to give me a single instance of the kind. I know he instanced two or three cases the other day—if I am not to be called to order for referring to a previous debate—in which the late Alonzo Wright had two or three officials dismissed for interfering in an election in the county of Ottawa. That occurred a number of years ago. The hon. gentleman's memory is tolerably good, and he must know that in those cases it was shown to the House, beyond a question of doubt, that the accused persons had become personally offensive to Mr. Wright, that they had condemned in the most virulent manner every member of the government at that time. If the hon. gentleman can point out to me

any case where the individual was dismissed merely for voting, or on the *ipse dixet* of any particular member, I am quite willing, not only to stand corrected, but to apologize to the hon. gentleman for what I have said. Recent experience had taught us that the most violent politician who goes into a contest and supports a particular candidate, is the first man who is rewarded as soon as our opponents have an opportunity of doing so. My hon. friend from Argenteuil has told us that the very worst of political heelers have been appointed to fill the places made vacant by the dismissal of those officials who were dismissed for no good reason, so far as we know. I know of a case which occurred about twenty-five miles from where I live, where a collector of customs was dismissed. I am not finding fault with the dismissal, if they (the government) had reasons which induced them to dispense with his services. It was not on account of political partizanship. Who was appointed to fill his place? A man who was obliged to run away from the country in order to avoid being summoned before an election court to give evidence which he knew would not only have convicted the party with which he was connected, but would probably have disqualified half a dozen of them for some years. The hon. gentleman may remember the Dark Lantern Brigade that went through the county of Lennox some years ago. The man who carried the dark lantern and went about in disguise, and who afterwards was obliged to leave the country to avoid appearing before the court, is the one who has been given the responsible position of collector of customs in the town of Napanee, as a reward for his iniquities during the election to which I refer. Now, this is not the only case. I could occupy the House for some time in describing special instances. The principle on which hon. gentlemen opposite act appears to be this, that any man who dares to exercise his franchise without offensiveness in doing it, is to be removed, and the most offensive partisan who can be selected from their own party is appointed to fill the vacancy. I know the case of a postmaster in my own county, who was complained against by one of the leaders of the Reform party, the man who wanted the position himself, and they found some tu'penny ha'penny irregularity, which might occur anywhere in a country post office, and the official was dismissed and he who complained, one of their political friends, was appointed in his stead. If this doctrine is to be adhered to in the future, and if we are to understand that no official is safe in voting, let us place the employés of the government in a position in which they will know that. Let us pass a law and disqualify from voting any one who receives the slightest remuneration from the public treasury. It has been the practice in the past that every official should exercise his franchise. No one has questioned it, and it is only now that the spoils system in its worst features is being introduced. The hon. gentleman says that the Conservative party has been so long in power that office holders thought they should hold their offices in perpetuity. I dare say if hon. gentlemen opposite should be as long in power as the Conservative party were, they would hardly care to engraft upon our institutions the worst features of the United States system, or declare that because their party has been in power for a number of years, therefore, those they have appointed should not exercise the franchise. The hon. gentleman takes the ground that because a great majority of the public officials were appointed by the Conservative government and are Conservatives, ergo they must be dismissed.

Hon. Mr. SCOTT—No.

Hon. Sir MACKENZIE BOWELL—Yes, that is the policy—dismissed to make room for those who have not been in that fortunate position. I wish to be understood—I find no fault with a government for appointing its own friends. Every government does that, but I say they should not make vacancies for the purpose of appointing their friends or rewarding the very worst character of political heelers that infest constituencies during elections. That is the position I take. If there is a complaint against this lockmaster on the Grenville canal, why was he not given an opportunity to defend himself, in accordance with the declaration made by the premier and by the hon. gentleman who sits opposite to me, a short time ago, that people should not be dismissed unless they had an opportunity of defending themselves? The hon. Secretary of State and the hon. member for Bothwell, who know so well what the Criminal Code of this country is, and what the rights of British subjects are—not to be declared

guilty without being proved guilty—stand up in this House and say that on the mere statement—I care not though it be of a member of parliament—that a man has committed a crime, he shall be punished without an opportunity of defending himself. No one knows better than the Minister of Justice that if a man commits an open-day murder and it is witnessed by thousands of people, he is not hanged until he has had a fair trial before twelve of his countrymen and proved guilty. Surely it is time that this system of terrorism should cease in this country, and that men should at least have an opportunity of saying whether they are guilty or not, before they are punished by dismissal or in any other way.

Hon. Mr. MILLS—It is important, in discussing this question, that we should see whether we agree upon the principle upon which a government should proceed in reference to the retention or dismissal of public servants. The position laid down by the hon. leader of the opposition is scarcely the one upon which he acted as a minister of the Crown during the 18 years that he was in office or upon which those with whom he was associated acted.

Hon. Sir MACKENZIE BOWELL—I challenge the hon. gentleman to show a single case in the eighteen years that I was in office in which I took such a course.

Hon. Mr. MILLS—The hon. gentleman challenges me to do certain things. Let me say that the hon. gentleman, in the first place, appointed his political friends, I suppose he appointed those he considered most deserving, and in measuring the deserts of those whom he appointed to office, he considered what they had done for the purpose of promoting the views and principles to which he subscribed. I suppose that, as well as any literary or intellectual qualification, was taken into consideration by him, and so far as my experience goes, it was the paramount consideration in the appointments that were made. I do not think that the hon. gentleman derogates in the least from the propriety of that course, if it be a proper course, by calling those political heelers who do service for their party. The hon. gentleman, I assume, sincerely holds the views that he has promulgated as a public man, and he thinks the public interests will be promoted by the adoption of those views in parliament—that what he subscribes to in his capacity as a public man would be in the public interest if acted upon. He appoints those to office who supported and continued to support his principles and his opinions. The hon. gentleman says that the government appointed political heelers. What does he mean by political heelers? Those who did service, as those did service whom he appointed to office. If they are disreputable men, who ought not to be appointed because of their disreputable character, that of course, is an objection, but that disreputable character cannot be due to the fact that they supported the opinions and principles of their party, for I think the hon. gentleman will concede to the government and those who support them the same liberty of judgment which he claims for himself—the same sincerity of conviction which he claims for himself, and he ought not to deny to them the same means of maintaining and upholding those views and opinions which the hon gentleman claims for himself. The hon. gentleman has not conceded that to the government. He says that the government of which he was a member did not dismiss parties from office unless they were offensive partisans, but I understand that a man who having accepted a permanent position under the Crown to which an annual salary is attached, has accepted the position of a non-political public servant and having taken the office of a non-political servant, he is no longer entitled to enter the political arena and to take an active part in the conduct of public affairs in the same way as those who are political servants of the Crown. If he does so, then he takes his political life in his hands and should share the fortune of other political servants. If the government are beaten, the members of the administration are not allowed to retain their offices under the Crown. If the government which a person actively supports who holds a non-political office is defeated, he cannot plead that permanency of that non-political office for the purpose of maintaining him in his position against his actual conduct. He has no right to do so. Why, one of the important objects under our parliamentary system is not merely to have in the service of the Crown men of experience, but men who are faithful and whose fidelity cannot be questioned

in the public service; but how is the government going to trust the permanent officers of the Crown if these men have appeared in every town and village, in every schoolhouse wherever a public meeting has been held, actively opposed to the members of the administration? They have forfeited the confidence of those who were politically opposed to them by the course they adopted. They are disqualified by their own personal voluntary action for continuing in the public service. They have no right to ask to be retained, and I do say this, that the hon. gentleman did not retain—his government did not retain those who went on the platform and took an active part in the election. They did not maintain those who took an active part in elections—who did not go on the platform, and no commission was issued and no inquiry was had, and parliament knew nothing of the facts beyond the declaration of the minister.

Hon. Mr. PRIMROSE—Will the hon. gentleman let me set him right in one matter? He made a statement just now which, to my own personal knowledge, is not accurate as applied to the district from which I come. I know a most active, energetic and offensive partisan Liberal who was retained under the Liberal-Conservative government, and is there yet.

Hon. Mr. MILLS—I do not know the particular case to which the hon. gentleman refers, but I know many cases where the rule acted on was the rule which I have stated. I believe no government, from the period of confederation—in fact in the ante-federation period—dismissed the country postmaster who was rewarded for his services by a small percentage on the amounts he collected. It was in the public interest that he should accept the position, and it was rather for the accommodation of the public than for any advantage to himself that such an office was held, but the rule was laid down by the leader of the Conservative party, Sir John A. Macdonald, at the very outset of confederation, that those who took an active part in the elections, who were permanent officials of the government, to whose office an annual salary was attached, ought not to be retained in the public service, and that proposition was enunciated by him in the discussion which arose in reference to the dismissal of certain officials in the constituency which had been represented by the Hon. Sydney Smith. There are many cases in which such dismissals have taken place, and let me say this, if hon. gentlemen will take the trouble to look over the list of sessional messengers and sessional clerks of the House of Commons at the close of the parliament of 1878, and compare that list of sessional messengers and sessional clerks with those who were engaged in 1880, he will see that there was almost a complete sweep made of the persons employed in the House of Commons, and the defence was that these persons were not in the permanent employ of the government, and it was open to the government to notify them to attend at the beginning of the session or not as the government pleased. Let me mention another case of a clean sweep—the case of those who were appointed to posts under the Weights and Measures Act. The leader of the opposition referred the other day to the fact that those persons had been appointed and had drawn their salary up to the time the new government came in without having the appliances necessary to discharge the duties of their office. The hon. gentleman in that is entirely mistaken. I am speaking of my own personal knowledge. I take the case of Mr. Watts, of the county of Bothwell; of Mr. Spettigue, of the city of London and county of Middlesex; of Mr. Campbell, of the county of Elgin—all those persons were employed as inspectors of weights and measures. They all had the instruments which had been purchased for their use to enable them to discharge the duties of inspectors, and by statute every one of those was removed from office. A new distribution of the districts was created and a new class of inspectors appointed. Not one of those men, although they belonged to the civil service, and had, I believe, paid into the superannuation fund, was reappointed to office under the new Act. It was a bold measure, no doubt, to remove so many, but it was easier to do so by an Act of Parliament than it was to have done so by the exercise of the discretion of the Crown. But it was done, and done effectually. The government of the day acted upon the assumption in that case that to the victors belonged the spoils. Now I say that would be an exceedingly unfortunate position to take. I do not think that is the proper course. I do not think

that the government ought to remove for political reasons any man in the public service who has not been an active political agent or emissary during the election. I do not say that a government employee ought not to vote. The law gives him that right. I think it is unfortunate that the law does so, but as long as the law gives him a right to exercise the franchise, he may use his own discretion with regard to that; but if he goes into the streets and canvasses, and on the platform and speaks in favour of the views of his own party and against those of another if he takes an active part in the organization of the party if he takes an active part in the preparation of the voters' lists in doing all these things he is laying aside the character of a non-political officer, and is assuming that of a political partisan and is not entitled, nor is it in the interest of the public service that he should retain any office. Every man in the public service—no matter what his position may be in the permanent service—ought to know that if he engages in active political work he must share the fortunes of his party. He cannot be more fortunate than they are, and if they go out of office he should go out of office with them. He ought to know that when he engages in a contest, and I say that that is the only healthful and proper rule, and when it once becomes known and acted upon by both sides, I think he will hesitate before he engages in work of that kind We want in the public service non-political men equally earnest, equally faithful in the discharge of their duties, no matter whether their chief belongs to one political party or the other, and we will never have such as long as we have men actively engaged in political contests in the permanent service of the country. They cannot have the confidence of those who are opposed to them. They have no right to expect it. If the public service is to be an efficient service—a service after the English kind and not after the United States kind, then the public officials ought to abstain wholly from taking an active part in elections either upon the one side or upon the other.

Hon. Mr. LOUGHEED—Much that has been said by my hon. friend from Bothwell will be accepted by those who at present constitute the opposition in this House, and will be accepted, I fancy, by the Conservative party generally as sound doctrine; but when my hon. friend deals in general principles, I wish to point out to him that those principles have not been observed in regard to the particular cases which have come under the observation of this House, and which have been discussed by members of it from day to day. The position taken by the Conservative party to day, and by the country, is that those general principles have been absolutely ignored—that public servants have been decapitated—that they have been deprived of their offices, and that their rights have been completely disregarded, irrespective of the fact as to whether they were political partisans or not. I subscribe to almost everything that my hon. friend from Bothwell has said to day, and said with equal force on another occasion, but when we come to apply these principles to the actualities we are called upon to face almost every day with regard to these dismissals, I must say that the government has certainly called upon itself the severest denunciation from every man who appreciates the principle of fair play being applied to officials in the public service. I was quite startled by the proposition laid down by the Secretary of State to-day—a proposition which goes very much further than any which he has hitherto laid down with regard to this subject. We were startled to hear, in answer to the case presented by the hon. gentleman from Inkerman, that notwithstanding the fact that a public servant has rendered thirty odd years of good and faithful service to the government of Canada, that nothwithstanding the fact that that public servant had contributed to the superannuation fund during all those years, he, at the caprice of some individual, possibly a member or a commissioner appointed for the purpose of investigating such cases, or some political partisan in the district in which this particular official resides, at the caprice of such an individual this public servant, who has spent almost a lifetime in the service of his country, can be not only deprived of his office but his superannuation allowance wiped out with one stroke of the pen. Although my hon. friend the Secretary of State, in that serious and solemn manner in which he usually conveys information to this House, has seriously laid this down as the policy of the government in this particular case, and presumably is to apply to other similar cases, I must certainly dissent from that

view of the Superannuation Act and refuse to subscribe to that being the law of the land and dissent from the policy of applying it to any case. I say that when a man has been such a length of time in the public service as to bring him within the Superannuation Act, it is mandatory upon the government, on dismissing that man, if he has done good and faithful service in the discharge of his duty while in the employ of the country, to give him the superannuation allowance to which he is entitled by that Act. It was never the intention of parliament—it was never conceded to be the spirit of the Act, that it should be left within the caprice of the minister to say that such a servant as the one under discussion here to-day should have his superannuation allowance, which he has earned during thirty odd years, wiped out because, forsooth, of somebody saying he has been guilty of offensive partisanship. I have looked through the Civil Service Act, and through the Superannuation Act, and I do not find that because a public servant may interest himself in public matters, he, therefore, forfeits the rights to which he would be entitled under the law. I do not subscribe to the principle laid down by my hon. friend from Bothwell, that a public service must be necessarily a non-poltitical service. I find no such principle as that expressed in any of the Acts under which the public servants of the country are employed. I can very well fancy a case in which a public servant may to such an extent seriously interfere with the discharge of his public duties by taking an interest in political matters as to prevent him from faithfully discharging those duties; but so long as he discharges those duties faithfully and well, I say there is nothing within the four corners of the statute-book relating to the employment of public servants that would justify the government in taking the position which they have taken in regard to this particular servant, namely, that by reason of his having been a political partisan, if you choose to so term it—although the Secretary of State does not accuse him of being such—that he is hereby disqualified from the benefits of the Act. I say that even though he may be a political partisan, if he discharges his duties faithfully and well, as he is called upon to do under the Act by which he is governed, he is entitled to all the benefits and advantages of that, notwithstanding his political sympathies. And I feel satisfied that neither branch of parliament will consider the government justified in proceeding to such an extent in doing violence to a sense of justice, as has been done in this particular case. I might say, while I am on my feet, that I am quite prepared to accede to the principle laid down by the government, that if a public servant conducts himself so offensively in participating in political conflicts as to lose the confidence of the head of the department which may preside over the particular branch of the service in which he is employed, he cannot expect to be continued in the public service. It would be unreasonable to retain men of that character in their employ provided they are guilty of partisanship of so prominent and so offensive a character as to obtrude it upon the country to the detriment of the proper discharge of their duties.

Hon. Mr. PRIMROSE—Under the trend which the debate has taken this afternoon and considering the character of some of the answers which were given by the Secretary of State, especially to my hon. friend the member for Stadacona, I feel that it is my duty to take part in the debate. And in doing so I shall refer to a question which I asked the other day, and to which I received a certain answer from the Secretary of State. I do that because I have now under my hand information which will prove very clearly to this House that the hon. Secretary of State was not correct in the answer which he gave to me in regard to Capt. Wm. Mackenzie's dismissal. But before passing to that, I wish to make some comments regarding the answers that were given by the hon. Secretary of State to my hon. friend from Stadacona, for instance this question:

> If the person dismissed completely denies the truth of the charge against him, protests his innocence and offers to make it clear; is it the intention of the government to grant an inquiry or to refuse all justice.

Does any hon. member in this House think it is a satisfactory, or in any sense a sufficient answer to that query to say that they have been informed by a member of the House of Commons that this man was a political partisan? Is that a sufficient answer? I say no, it is an answer far more in consonance with the spirit of the autocratic government of Russia than of the Liberal government of

Canada. In regard to the case brought up by myself, the dismissal of Capt. Wm. Mackenzie, the general answer given to pretty nearly every question propounded, namely, that of political partisanship, does not hold. There was only one other answer given—that the appointment was an annual one. No fault was found with the style in which this man discharged the duties required of him at the hands of the government. He was simply dismissed on the plea offered by the Secretary of State to make room for a Liberal appointee. I do not for one moment wish any hon. gentleman here to infer from any remarks I may make that I would wish at all to convey the impression that the Secretary of State would make a statement which he knew to be incorrect. I should be very far from doing anything of that kind; but I have now in my hands information which proves clearly that the following was the system adopted in reference to these dredges and here are the facts in regard to Capt. Mackenzie:

Mackenzie was appointed to the canal on or about 2nd May, 1896, by a letter from W. J. McCordick, superintendent.

In this letter, which was short, he simply informs him that he was appointed master.

There was at any rate no limitation in it, or anything to indicate that the appointment was only for the season. The custom with these dredges, the "Canada" and the "St. Lawrence" was in the fall of the year to pay off the crew—that is the hands including the mates—but the captains and engineers were always kept by the steamers in winter and throughout the whole year. Crews were re-engaged in spring, the captain and engineers were permanent officers. Thompson, formerly of the "St. Lawrence," and Lloyd, when in the "Canada" always stayed by them wherever they were laid up, and of course their pay went on as usual. Last fall the "Canada" was laid up at Liverpool, N.S., and the crew were, as usual, paid off. The captain and engineer remained in her all winter.

Here is a paragraph to which I ask the special attention of the House—as proving my contention that beyond successful controversy the appointment of captain and engineer of these dredges were permanent and not annual, as claimed by the hon. the Secretary of State.

Repairs were being done and Mackenzie was receiving instructions during the winter and spring right up to the time of his dismissal and of course was receiving full pay.

I think this makes the matter very clear as to whether or not this was simply an annual or permanent appointment. In regard to this matter and others like it, it is high time for the government to give up using the plea of offensive partisanship as a scapegoat to send out into the wilderness, bearing the incubus of their political sins upon its devoted head. When no other reason can be assigned than simply that of offensive partisanship, which has time and again in this House been proved to be in regard to the cases which have been cited inapplicable, I think it is time it was given up.

Hon. Mr. OWENS—In justice to myself I think I should say a few words in reply to the remarks which have fallen from the hon. Secretary of State and the hon. senator from Bothwell. The hon. gentleman from Bothwell has defined the question of political partisanship to a certain extent. I am sure every member of the House, or the majority, would agree with the hon. gentleman in so far as their action in relation to offensive political partisanship is concerned; but where we do differ is as to the means which they should adopt to find out who are those offensive political partizans. If it were proved that officials whom they charge with being offensive partisans, were such no hon. gentleman in this House would say a word in their defence, but what we do object to is when officials, good reliable men who attend to the duties of their office, and do not take part in politics, are held to be offensive political partisans and are dismissed. Now in relation to the subject under discussion, the dismissal of officials from the Grenville canal, I am in a position to know whereof I speak. The officials on that canal have not been offensive political partisans. There are amongst those officials on the canal gentlemen who have influence in the county. One of them is a gentleman who was at one time the Conservative candidate in that county, and probably no one man could exert a greater influence than that official, but what is the fact? Since his appointment to the public office he has never raised his hand or voice in the interest of his party. He was a political friend of my own, and I had occasion to take issue with him in reference to that. I considered, although he was a public official that it did not take away his right to be a citizen; but holding a public position, he would not do the first act in the election in the interest of his party. That is the

class of men who are held up to-day as political partisans.

Hon. Mr. POWER—Was he dismissed?

Hon. Mr. OWENS—I received a telephone message that he was dismissed, and I heard from one of the hon. gentleman's political friends that he was dismissed to-day. It was promised by the hon. gentleman's political friends that he would be dismissed after the provincial election. The reason he was not dismissed before was this—the government knew that if they dismissed him he would take off his coat and go out into the county and work, but, being a public official, he did not raise his voice in politics. The hon. Secretary of State makes the statement that the remarks which I attributed to him were made by the Minister of Public Works—that his employés on the canal who were good reliable officials should not be dismissed. Unfortunately, the professions of these men do not tally with their practice; and, while the hon. leader of the House, and the hon. Secretary of State, and the hon. gentleman from Bothwell are perfectly sincere in their statements to-day, their colleagues, the Minister of Public Works and the Minister of Railways, are taking just the opposite course—dismissing the officials on the canals from one end to the other—dismissing men who have not taken any part in the elections and who are not political partisans. The hon. gentleman from Bothwell has asked me to define the meaning of "political heeler." A political heeler is one of the lowest politicians in the ranks of a party. There are always sufficient of them to be found, and they are not absent from the ranks of the Liberal party. Those are men who are clamouring for office—asking to have officials on the canal dismissed. When I refer to those men as political heelers, I do not say that honesty or respectability do not belong to both parties. No doubt honest and respectable men can be found in the Liberal party, but these are not the men who are asking for dismissals. The clamour comes from the lower ranks. My reason for rising was to reply to the speech from the hon. Secretary of State who, in opening the debate, stated that the government were taken at a disadvantage—that this matter was sprung upon them to-day and they were taken by surprise. If the hon. gentleman will look at the Order Paper he will notice that not only the questions which I have asked, but the motion for the papers was upon the Order Paper since the 7th May—twelve days—and certainly the government cannot claim that they are taken by surprise in reference to this matter. They find that the action of their colleagues, who have been making those dismissals, is utterly indefensible, and they now say that the matter is sprung upon them and they are taken by surprise in this discussion.

The motion was agreed to.

DELAYED RETURNS.

Hon. Mr. FERGUSON—Before the Orders of the Day are called, I wish to ask the hon. gentlemen on the treasury benches when we may expect some of the returns asked for by members on this side of the House, some of which were inquired for early in the session. There are some three returns I moved for myself, none of which would call for any delay in preparation. One is referring to the steamer "Petrel," showing what her work has been during the winter, and there is another relating to better terms, or correspondence with the government of Prince Edward Island with regard to any new financial arrangement between that province and the Dominion. My hon. friend said he thought perhaps there was nothing more than one letter upon that subject; I think we might have that letter. There is also a motion which I made asking for a telegram sent by the Minister of Marine and Fisheries. Those are three returns that I have asked for which would require very little time to prepare.

Hon. Mr. SCOTT—I will make inquiry about them. In reference to the better terms paper, I find that they have for some time past taken documents over to the Privy Council, and I have given instructions to have them hunted up. We have a number of returns, but I think the Post Office Department has not sent in returns, and possibly one other department. I saw the Postmaster General on the subject, and asked him to hurry up the papers as much as possible, and he promised them before the end of the week, when I hope all the other returns will be complete.

CRIMINAL CODE AMENDMENT BILL.

EXTRA COPIES.

Hon. Sir OLIVER MOWAT—Before the Orders of the Day are called, I wish to make a motion. The officer in charge of the distribution office says there is an unusual demand for copies of the Criminal Code Amendment Bill, and suggests that there should be an additional number printed, 250 copies in English and 100 in French, and I move that the House make an order to that effect.

Hon. Sir MACKENZIE BOWELL—I do not think that motion is strictly in order. It is requiring an expenditure of money directly by a vote of the House. I know in the popular branch we were not permitted to do that. The course pursued in the Commons, when extra of copies of any documents were required, was for some hon. member to move, sometimes a minister and sometimes a member of the opposition, that it be referred to the Printing Committee and they would order it.

Hon. Mr. MILLS—I will call the hon. gentleman's attention to the fact that we provided a shorthand writer for the law clerk, which implies an expenditure of money.

Hon. Mr. McKAY—That comes out of the Senate funds.

Hon. Sir MACKENZIE BOWELL—That comes out of the contingencies of this House, and we have a right to dispose of our contingencies as we please. We can appoint messengers, and that incurs expenditure. We can appoint a clerk and give him assistants, but this is a matter which comes out of the general expenditures of the country. My hon. friend, if he has contingencies in his own department, has power to order these copies printed if he pleases, but the regular way, I know, has been, in the past, to refer it to the Printing Committee. I do not suppose he desires to depart from the ordinary rule in matters of that kind.

Hon. Mr. LOUGHEED—As this bill will go into committee to-morrow, and possibly the House may not see eye to eye with the bill as it at present stands, and it may undergo several changes, would it not be better to have it printed after it leaves the committee?

Hon. Sir OLIVER MOWAT—These gentlemen are applying for copies and want them for the purpose of making suggestions which we could discuss in Committee of the Whole.

Hon. Mr. LOUGHEED—It is only the members of the House who could discuss suggestions in Committee of the Whole and we are supplied with copies.

Hon. Sir MACKENZIE BOWELL—I think the hon. Minister of Justice is right. I have sent half a dozen copies of the bill myself to police magistrates and those who have been in the habit of acting in cases of this kind, asking them for suggestions as to clauses; perhaps the Minister of Justice desires the same thing.

Hon. Mr. MILLS—In that event it would not be well perhaps to go on with the second reading of the bill to-morrow—we would require to have more time.

Hon. Sir OLIVER MOWAT—We will get suggestions up to prorogation. We may as well dispose of what we have now.

Hon. Mr. SCOTT—It may be in the recollection of hon. gentlemen that a motion to revise the bill was made two days ago, and no objection was taken to it. I think motions of this kind have been made. Perhaps the best way is to refer it to the Printing Committee and in the meantime to give the order. It can be referred to the Printing Committee, who can take cognizance of this at a later stage.

Hon. Mr. POWER—I do not know the strict parliamentary rule, but I know the rule that the leader of the opposition lays down has not been adopted in this House in the past. Some three years ago the hon. gentleman introduced a very long bill respecting insolvency, and that was reprinted, and I do not think there was ever any reference to the Joint Committee for authority to do it.

Hon. Sir MACKENZIE BOWELL—No.

Hon. Mr. POWER—It was an expensive job, the reprinting of that bill, and inasmuch

as we have a right to order the printing of a bill in certain numbers, we have a right to order any additional number which may be necessary for the use of members. That has been the practice at any rate. I do not undertake to say what the strict rule is, but the practice which the hon. gentleman proposes to lay down now has never been adopted in this House in the past.

Hon. Sir MACKENZIE BOWELL—There is just this difference, if I may be permitted to point it out; the bill he refers to was the Insolvency Bill—a long and expensive bill. That was never referred to the Printing Committee. It was introduced by the government, and the printing of it charged to the department where it was originated, and when it was reprinted the same charge was made again and it was paid for out of the contingencies of that department. That is quite a different thing from moving for the expenditure of money. The general rule and practice of our whole constitution is that no member of this House can make a motion which necessitated the expenditure of public money or appropriate public money for any purpose other than comes from the ministry of the day by message from the Governor General. The way we used to get over the difficulty was by the mode I suggested—moving that it be referred to the committee. The hon. gentleman from London is chairman of the committee, and he would take cognizance of it and would proceed to have it done so as to avoid delay. I am not prepared to say that the Secretary of State is not correct, because it may have escaped the attention of the members present. I do not remember it, but we have got into the habit of doing things somewhat irregularly very often and probably this was one instance of it. I think we should not set a precedent which is not constitutional, small as it may be.

Hon. Mr. POWER—If the matter is referred to the committee on printing the additional copies of the bill will not be ready when we go into committee to-morrow, and that being the case, I think the wiser course would be to adopt the suggestion made by the hon. gentleman from Calgary, and have the bill reprinted in such numbers as may be required as amended in Committee of the Whole.

Hon. Sir OLIVER MOWAT—It would be very convenient if we had these copies before going into committee.

Hon. Sir MACKENZIE BOWELL—When a motion of this kind is made, I do not know that it has ever been objected to: the chairman of the committee takes it in hand and gives the order for it. He takes that responsibility and I have no doubt the hon. gentleman behind me (Sir John Carling) would do it.

Hon. Sir OLIVER MOWAT—I do not wish to do anything irregular. I thought we followed the English practice as closely as we could. When I was in a different position, motions of this kind were constantly made and constantly carried. No one thought the British North America Act required they should be sent first to any particular committee. It certainly seems a cumbersome and roundabout way. I understand my hon. friend suggests that instead of the motion being carried now, it should be taken cognizance of by the chairman of the committee without its being carried.

Hon. Sir MACKENZIE BOWELL—Yes. My hon. friend from Bothwell knows very well what the practice is. The chairman in the House of Commons takes cognizance of it and it is done.

Hon. Sir OLIVER MOWAT.—What is to be done with the motion in the meantime?

Hon. Sir MACKENZIE BOWELL—Drop it. However, I will not press my objection if the hon. gentleman wishes the motion carried.

USURY IN QUEBEC.

AN EXPLANATION.

Hon. Sir OLIVER MOWAT—An hon. member of this House yesterday read an article from the *Citizen* in which he suggested that a Mr. Lafortune, who had been lately appointed as one of the commissioners for investigating the affairs at St. Vincent de Paul Penitentiary, was the person who had been in the habit of charging 5 per cent a day upon his loans. I had heard nothing of it and was therefore unable to make any observation upon it. I have made inquiries and this is what I have learned: Mr. David A. Lafortune, advocate of Montreal, who has been appointed commissioner for the St.

Vincent de Paul Penitentiary investigation, is not the man who recovered judgment upon a note bearing interest at 5 per cent a day. The latter is Ambrose Lafortune. The person appointed is David A. Lafortune. This man is Ambrose Lafortune, a trader. There is no connection whatever between the two gentlemen.

THE PRINTING COMMITTEE.

ADDITIONAL MEMBERS.

Hon. Sir MACKENZIE BOWELL—Before the Orders of the Day are called, I would like to direct the attention of the Senate to the message sent from the House of Commons to-day appointing an additional member to the Printing Committee. Our rules provide that there shall be 21 members. Rule 80 reads:

> The Joint Committee on the Printing of Parliament whereto there shall be appointed twenty-one senators.

That limits us to the number. I notice in the committees from the House of Commons that they have 22 to our 21, and they have now added another which makes 23. I thought probably that the appointment of Mr. Perry might possibly be in the place of some other person, but I find the motion made by the Hon. Mr. Laurier was to add the name of Mr. Perry to the Joint Committee on the Printing of Parliament. Would it not be well for us to change our rule, leaving it optional with the Senate to appoint as many as they think proper—at least as many as are appointed by the House of Commons? It is a Joint Committee and each House has always been represented by equal numbers. I call the attention of the House to that, as I think it is a matter where we should stand upon an equality.

Hon. Mr. SCOTT—Our rule is positive, apparently. It would involve changing our rule. I suppose it is not a matter of sufficient importance to warrant taking it up at the present stage of the session. We might consider our rule, if they are going to depart from the former practice.

Hon. Sir MACKENZIE BOWELL—I do not know what their rule is, but the suggestion I made is that if the Commons have the right to appoint as many as they please, we should have the same right.

Hon. Mr. MILLS—If the House of Commons were to appoint 90 members on the committee, we could not appoint an equal number.

Hon. Sir MACKENZIE BOWELL—Yes, we could. The constitution gives the power, on an address asking the Imperial Parliament to increase the number of senators in this House, to add to our number; whether the power which is given us would be sufficient to make up the 90 I do not know. I have not looked at it yet. If not, we might in a grave matter of importance like this have the constitution changed in that respect.

THIRD READINGS.

Bill (48) "An Act respecting the Dominion Building and Loan Association."—(Mr. Power.)

Bill (39) "An Act respecting the Canadian General Electric Company, limited."—(Mr. Cox.)

Bill (12) "An Act further to amend the law respecting Building Societies and Loan and Savings Companies carrying on business in the Province of Ontario."—(Sir Mackenzie Bowell.)

THE SENATE DEBATES.

FIRST REPORT OF THE COMMITTEE ADOPTED.

Hon. Mr. BELLEROSE moved the adoption of the first report of the Committee on Reporting Debates. He said: The contract made with Holland Bros. in 1885 does not cover an extra session. The tenth section of that contract provides that, in the event of an extra session, a special agreement shall be made. Had the work last year been done under their contract, they would have been entitled to a balance of $3,182.86. The reporters have consented to reduce this sum by $682.86, leaving $2,500 due them, and this amount the committee recommend should be paid.

The motion was agreed to.

JURISDICTION OF THE EXCHEQUER COURT RESPECTING RAILWAY DEBTS BILL.

SECOND READING.

Hon. Sir OLIVER MOWAT rose to move that the second reading of Bill (G)

"An Act as to the jurisdiction of the Exchequer Court with respect to railway debts" be fixed for Friday next.

Hon. Sir MACKENZIE BOWELL—Is it the intention of my hon. friend to refer this bill to the Railway Committee or to a committee of the whole House? There are so many private interests involved in the passage of this measure that it would be better to refer it to the Railway Committee, where the parties could appear on behalf of those whom they represent, and whose interests might be affected by this bill.

Hon. Sir OLIVER MOWAT—I entirely approve of the suggestion. Perhaps, in view of that, we might take the second reading to-day and refer the bill to the Railway Committee. I move the second reading of the bill.

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

The Senate adjourned.

THE SENATE.

Ottawa, Thursday, 20th May, 1897.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THE SONGHEES INDIAN RESERVE.

MOTION.

Hon. Mr. MACDONALD (B.C.) moved:

1. That it is desirable that the Songhees Indians, on the reservation in the city of Victoria, be re-removed as soon as possible to a more suitable locality in the country.

2. That the legal rights of the province of British Columbia, if any, in abandoned Indian reserves, be ascertained without delay, and a settlement of that question be made as soon as practicable.

3. That a suitable reserve having a sea frontage be selected for the said Indians; that it will be advisable that Mr. J. W. McKay, of the Indian Department at Victoria, from his knowledge of the country, the Indians, their requirements and manner of living, and three head men of the village should be associated in selecting the reserve and the site for a new village.

4. That houses be erected for the said Indians suitable to their requirements, out of the funds to their credit.

5. That an allowance of money of about one hundred dollars be made to each family, to provide food and clothing for the winter, out of the funds in the hands of the government to the credit of the Songhees Indians.

6. That on the accomplishment of the recommendations in paragraphs 2, 3, 4 and 5 of these resolutions, that the said Indians be compelled to remove, should they not do so voluntarily.

7. That the said reserve be forthwith surveyed, laid out in lots or half lots and disposed of at auction to the highest bidder.

8. That the surplus funds from the sale of the reserve over and above the price paid for a new reserve, the cost of erecting houses, the cost of removal and any advances made, be placed to the credit of the said Indians.

9. That it is desirable that the new reserve be occupied in severalty by the heads of families who may wish to embark in agricultural pursuits.

He said:—As the subject matter of this resolution is new to the present government, I should like if they would give me their attention for a very few minutes until I explain briefly the meaning of this resolution. The question is a very old one and was before the former government for a number of years to try to get those Indians removed from the reserve at Victoria. The town has grown around the reservation and it is an eyesore to the people, and a detriment to the town, and it is a very great injury to the Indians as well. They are brought into contact with immoral, drunken men, who do them a great deal of injury in many ways, and therefore it is desirable—especially desirable for the Indians—that they should be removed as early as possible, far more desirable than it is to please the inhabitants of the city of Victoria. I believe there have been negotiations going on for a number of years between the Provincial and Dominion governments on the subject. There is a legal question involved, that is, the right in the province to an Indian reservation when it becomes abandoned or not occupied by the Indians, and that has been the hindrance to the removal of those Indians. I believe there has recently been correspondence, and that the Provincial government desire or expect to get the reserve after another reserve has been purchased. The provincial government expect to have the balance over and above the price of the new reserve paid to them

and that, I take it, is the question which prevents the matter being settled. I do not know how it stands now, or what its legal aspect is. I dare say the Minister of Justice will be able to tell us exactly how it stands.

Hon. Sir MACKENZIE BOWELL—Has it ever been referred to court ?

Hon. Mr. MACDONALD (B.C.)—I do not know how it stands. Some years ago the Dominion could have had a very handsome sum for this reserve, I think $250,000, from the provincial government. At that time they could have sold it to advantage, and now I do not suppose it will bring over $30,000 or $40,000. There is no demand for land in that part of the country. At present there is a great stagnation in real estate, and no one wants to buy, although every one wants to sell. With regard to the third paragraph, of course it is evident to hon. gentlemen that Indians require a sea frontage for the reserve, because they live chiefly by fishing, and the reason I mentioned Mr. McKay, is that he is a gentleman thoroughly acquainted with the country and the Indians and speaks the Indian language well, and knows all their manners and customs, and knows what would suit them. The fourth paragraph should commend itself to the House, that out of their own money houses should be erected on the reserve, and the fifth paragraph is that $100 be allowed to each family. I mention this amount because the Indians have spoken to me several times about it. They are aware that there is an amount belonging to them, the proceeds of rents from the reserve now held by the government, and when they require that money for the purchase of food and clothing, they do not see why they could not have a part of it. If they were given a certain amount of money in hand to buy supplies for the winter, then they would be willing to move to the new reserve ; otherwise there would be some trouble in getting them away from the old place. I think that will commend itself to the government as well. The Minister of the Interior, in whose department this matter comes, is not at all familiar with this question, and therefore I mention these matters in detail, because I know myself what the feelings of the Indians are. After the reserve has been selected and some of their own men associated with Mr. McKay in making the selection, then I should make them move. There are very few of them, and by having the government steamer they could be transported in a few hours to the new reserve, which I believe will be within eight miles of Victoria. Then I should recommend that the old reserve be at once surveyed and sold, pending of course the question of the settlement as to the rights of the province, whatever they are. The land might sell for a fair price. At all events it would sell for more than would buy the new reserve, and for more than would build houses for the Indians, and give them a certain amount of money in hand.

Hon. Mr. SCOTT—I fully appreciate all the hon. gentleman says on the subject of the advantages which would accrue to the Indians if they were moved to a more suitable place, and I also fully appreciate the great benefit it would be to the city of Victoria to be relieved of what must be an eyesore in having a body of Indians within the limits of the city. As the hon. gentleman observes, this question has been going on for a very great number of years, and efforts have been made to overcome the conditions which now prevail to let the Indians remain where they are. It has always been, however, the policy of the Indian Department, where the Indians are on a reserve, that they should not be forcibly removed. We must obtain their consent. I understand in this particular case the Indians would not consent under certain terms : that is, that the Indians should be paid for any individual improvements they may have made on the principal portions of this reserve in Victoria, and that a reserve should be obtained in a portion of the country somewhat more removed, or on the margin of the ocean, that would be suitable for them. The reserve to which they would be removed would be of comparatively small value, and the main difficulty, as far as I can gather, between the federal government and the government of British Columbia is the question of the difference in value. Assuming that the land in Victoria is worth $30,000 or $40,000, the few hundred acres that would form the Indian reserve in an outlying district remote from any settlement, would be only worth so much per acre, probably one or two or four dollars an acre. That difference the federal government con-

siders the government of British Columbia should pay, inasmuch as they then would be able to sell the land within Victoria now occupied by the Indians, at a very considerable price, just depending upon the market value at the time the land would revert to them and the exchange would be made. It is just a question of the money difference. The Indian Department have furnished me with the specific answers, and probably hon. gentlemen might desire that those answers should go on record in order that the people of British Columbia should be apprised of the difficulty in the way of the arrangement from the standpoint of the Indian Department. The memorandum reads as follows :

The removal of the Songhees Indians from their present reserve has formed for some time the subject of communication between the Dominion and Provincial governments. The present administration is quite seized of the desirability of removing the Indians to a more suitable location, but as trustee and guardian of their interests it devolves upon it to provide that in effecting the removal the rights and interests of the Songhees Indians shall be fully guarded. When the question, therefore, came before it an Order in Council was passed and communicated to the provincial authorities, setting forth that this government was ready to instruct its commissioner to proceed at once in the matter upon the government of British Columbia, intimating its assent to the following statement of the scope of the proposed commission.

The hon. gentleman is probably aware that a year or two ago a commissioner was named on each side, one to represent the federal government and one the provincial government, and in arriving at the basis on which an estimate should be formed as to the difference to be paid, the British Columbia government objected to any terms being defined of payment as between the value of the two properties.

Hon. Mr. McINNES (B.C.)—Who were the commissioners?

Hon. Mr. SCOTT—I do not know. Perhaps they may be named in this paper. The document continues :—

1. The commissioners to select a tract of land as a new reserve for the Songhees Indians, and to value such land and the land comprised in the prssent reserve, assessing the difference in valuation, such difference to be made good by the province, either by a money payment to the Dominion government as trustee for the Indians, or by the allotting of additional land to the satisfaction of the Superintendent General of Indian Affairs, it being understood that such land as the province may set apart for the Indians will be conveyed in fee simple to the Dominion government, and that the land comprised in the Songhees reserve will revert to the province.

It was taken as a subject solely by itself and dealt with on its own merits and demerits.

2. The commission to value the improvements of individual Indians upon the Songhees reserve, such Indians to be compensated by the province therefor by a money payment through the Dominion government, or by the making, at the cost of the province, of improvements of equal value upon the land selected as a new reserve.

3. The commission to negotiate with the Indians as to their removal, and to fix the time, and to make all necessary arrangements for such removal, the expenses of such removal to be borne by the province.

4. The expenses incurred by each commissioner to be paid by his respective government.

5. Nothing which may be agreed to by the two governments and the Indians in respect to this matter to in any way affect the claim of either government as to other Indian reserves in the province.

6. The report of the commissioners to be subject to the approval of their respective governments, and the Indians of the Songhees band to be consenting parties to the removal.

The provincial government replied accepting the terms stated with the exception of the provision for the compensating of the Indians for the difference in value between their present reserve and the new reserve which might be set apart for them, and intimating, in effect, that the new reserve should be taken as a fair equivalent for the old one.

Hon. Mr. MACDONALD (B. C.)—That is the whole difficulty.

Hon. Mr. SCOTT—It would seem absurd, as one might have a market value of a couple of thousand dollars and the other of thirty or forty thousand dollars, according to the value of property at Victoria : it would be a rather unfair thing, because the difference in value would go to the funds belonging to the Indians. It would not go into any other funds and it is their property, practically, the federal government being simply trustees. It would simply be a breach of faith for the federal government to acquiesce in any other proposition. It seems so apparent that one cannot understand why there should be any hesitation in carrying it out.

Although anxious to meet, as far as possible, the views of the government of British Columbia and the legislature of that province in the matter, this government felt that it could not, without disregarding the interest of the Indians for the management of whose affairs it is responsible, agree with the proposition that the site

which might be selected by the commission as a new reserve should be accepted in exchange for the valuable tract at present occupied by the Songhees Indians, and accordingly informed the Songhees that it could not agree to a reference of the question to a commission without it being provided that such commission be directed to value the present reserve and the site which might be selected, and to assess the difference between them, such difference to be made good by the provincial government.

No direct answer has yet been received to this expression of the position of the federal government in the matter, but a resolution of the Legislative Assembly was transmitted intimating that in the opinion of the assembly the terms which the provincial government agreed to as the scope of the proposed commission should be concurred in by the federal government. On the 17th ultimo, the provincial authorities were informed that a consideration of the resolution had not led to any change in the views of this government, and up to the present no further communication from the provincial government has been received upon the subject.

2. The question of the rights, if any, of British Columbia in reserves in that province is, under an understanding come to between the two governments, to be made the subject of a reference to the Supreme Court, and the law departments of both governments have been in communication to that end.'

This controversy about these reserves has been going on for a long time, because in looking over the file I find that in 1875 I made a long and elaborate report on it in hopes of having the matter settled and, strange to say, it cropped up again twenty odd years after.

3. In the event of the removal of the Indians being arranged for this government will see that the new reserve is advantageously situated and acceptable to the Indians.

4 & 5. The amount at the credit of the Songhees Indians is not sufficient to warrant the government to committing itself to the proposal as to erecting houses and granting an allowance out of the funds at their credit of $100 to each family, and, if the amount were sufficient, the capital of an Indian band could not, under the law, be used as proposed without the consent of the band.

6. It would be contrary to the established Indian policy of the government of Canada to compel the Indians to remove, and under the law their consent is essential.

7. At this stage of the negotiations for the removal of the Songhees Indians it would be premature to lay down any policy as to the subdivision and disposal of the present reserve.

8. Whatever moneys may arise as a result of the disposal of the present reserve will, after meeting legitimate charges, go, as a matter of course, to the credit of the Songhees Indians.

9. In the event of the Indians being removed to a new reserve under the law as it stands the title of the whole band to the reserve must be recognised. Subject to such title, location tickets may be issued to individual Indians for their holdings upon the reserve, which location tickets secure them in possession of such holdings. It would be impossible for this government to go further than the issue of location tickets in the way of providing for the holding of land in severalty by the Indians, unless such Indians should elect to become enfranchised under the enfranchisement clauses of the Indian Act.

Hon. Mr. MACDONALD (B.C.)—The reply is very full and ample. I am very glad to see the government intend to reserve the rights of the Indians in any surplus there may be in that reserve. The chief difficulty is between the two governments as to what their rights are and what they ought to receive, and I do not think any settlement really will be had unless some agreement is come to have an arbitration in which both parties agree to submit to whatever the award is. That is the only way to arrive at it. The province has rights in the matter and the Indians have rights. Whatever surplus there is over and above the value of the new reserve they have a right to share in. As to the buildings, the new houses for the Indians, that would be with their own money, in the hands of the government, and not with the funds of the government or of the country.

Hon. Mr. McINNES (B.C.)—I would ask the hon. Secretary of State if the government have the power, with the consent of the Indians, to dispose of that reserve.

Hon. Mr. MACDONALD (B.C.)—That is where the trouble comes in.

Hon. Mr. McINNES (B.C.)—I would like if the Secretary of State would give me an answer to my question.

Hon. Sir MACKENZIE BOWELL—Perhaps before the hon. Secretary of State answers I might supplement the question. It seems to me, looking at this matter while I had the honour of occupying a position on the other side of the House, that the difficulty consists in the claims which the British Columbia government make to the land in case of the removal of the Indians, and that really the point in dispute is, if the Dominion government purchases land and establishes the Indians upon another reserve, when the Indians remove from their present location, the lands that they now occupy should revert to the province instead of the Dominion. If that point were settled, then the Dominion would be in a position to ne-

gotiate at once independent altogether of the British Columbia government, because they could purchase other lands with the Indians' money and locate them upon a new reserve and sell the present reserve to any purchaser in British Columbia, placing the surplus required, after establishing them upon another reserve, to the credit of the Indians and pay them annuities as they do in Ontario. That seems to me to be the difficulty existing in the settlement of this question, and if the government would act in accordance with a portion of that report and submit it to the Supreme Court for a decision as to the actual ownership in case of the removal of the Indians, that would settle the question, and then both governments would be in a position to act as they thought best in the premises.

Hon. Mr. SCOTT—The question is a very wide one. It might be that the Supreme Court would decide that the Indians owned the whole of British Columbia. It appears that the British colonists took possession of the land, entirely ignoring the Indians. They never made any treaty with them fixing reserves, and I remember, when I was in the government before, acting for the Interior Department and Superintendent General of Indian Affairs, having a very long correspondence with the British Columbia government, pointing out the unfairness of the course they were taking. They endeavoured to corral the various bands of Indians on small reserves, quite unsuited to them and quite contrary to the policy that has been observed in all the provinces of the Dominion How far that question has been settled I am not at this moment prepared to say, but it then was a very embarrassing question, the British Columbia government maintaining that the Indians were not entitled to any property. They claimed the whole of the province, although the Indians had made no surrender. Applying common sense principles to the particular subject under discussion, it cannot be doubted that the Indians have a right to the lands that they are now placed on within this comparatively small reserve in the city of Victoria. There would be no difficulty about the title. If an exchange was made and the difference paid between the new reserve at a remote point, costing a few thousand dollars, and the value of the reserve in Victoria, the federal government would of course release to the British Columbia government all its claim and interest in the land. It would revert by the consent of the band to the trustee and the provincial government, so that there would be an absolute title. There is no trouble on that score. The only trouble is the British Columbia government want to make an equal exchange for lands of an entirely different value.

Hon. Mr. McINNES (B.C.)—The reason I asked the question a few moments ago was this: Some nine or ten years ago the late Mr. Robert Dunsmuir, who built the Esquimalt and Nanaimo Railway, which railway runs through a portion of this reserve, applied for the whole of the reserve to the then Sir John A. Macdonald government. The reserve comprised, I think, one hundred and ten acres. The proposition was favourably received by Sir John A. Macdonald. Mr. Dunsmuir offered $60,000 for the reserve, and the transfer was all but accomplished, but it fell through on the eve of a general election, or something of that kind.

Hon. Mr. MACDONALD (B.C.)—It fell through in this way: the Indian agent in Victoria told Sir John A. Macdonald that they could not sell it.

Hon. Mr. McINNES (B.C.)—My hon. friend's statement may be correct, but my information was and is that the Indians at that time consented to the transfer—that is, the purchase of 400 acres of land some five miles further west of Victoria. I think it had a frontage of one-half a mile or a quarter of a mile on the Straits of Fuca. They consented to it, and out of the $60,000 that Mr. Dunsmuir was to pay for this reserve, a sufficient amount was to be used in paying for the erection of suitable buildings for the Indians on the new reserve. I must confess I cannot see myself that the local government of British Columbia have any particular right to that reserve, if an arrangement can be entered into by the government here and the Indians for a new reserve. My idea is that the reserve ought to be auctioned off, and the proceeds, after paying for a new reserve and the necessary buildings and all the expense in connection with it, should be placed in the hands of the Receiver General for the benefit of the Indians. What my friend has stated about the demoralizing effect of having those Indians almost in the

very centre of Victoria, I cannot emphasize too strongly. It has a most demoralizing and degrading effect on the Indians themselves, and, unfortunately, upon the low class of white people, as hon. gentlemen can well understand, in seaports like Victoria and Esquimalt. For the sake of the city of Victoria and the whites living there, to say nothing of the Indians themselves, I would say at the very earliest moment they can be removed from there, they should be removed. It will be a benefit to the Indians and the white people of Victoria. I trust that the present government will lose not one moment longer than they can help in having that accomplished.

Hon. Mr. MACDONALD (B.C.)—I will withdraw the resolution. I will not ask the House to adopt something which they know very little about.

THE INSPECTOR OF FISHERIES FOR PRINCE EDWARD ISLAND.

INQUIRY.

Hon. Mr. FERGUSON rose to :

Call the attention of the Senate to the fact that James Yeo, of Port Hill, Prince Edward Island, was recommended on the 6th July last, by the late government for the office of Inspector of Fisheries for Prince Edward Island, and that on the 16th day of September last, the present administration by Order in Council, declared that this was not an appointment from which His Excellency's approval was to be withheld, but that nevertheless effect has not been given the aforesaid recommendation and Order in Council,—

And inquire why Mr. Yeo has not received notice of his appointment ?

He said : This matter was brought up in this House last year, and on that occasion my hon. friend the leader of the Senate explained that the question of giving effect to this Order in Council was then engaging the consideration and attention of the government. It is within the recollection of hon. gentlemen that on the 8th of July last the Governor General instructed his private secretary to send a memo. to the late government with reference to the number of recommendations to appointments that had been made on the 6th and 7th July last year and that the Governor General had signed these. Statements had been made here and elsewhere that these appointments were not approved. It appears from this memo. that they were signed by the Governor General. The private secretary said so distinctly, but that he desired that his approval should be withheld from all those appointments which came within a certain category, that is, where new offices were created, where vacancies had existed for more than one year, or where superannuations had been ordered without having been applied for. The present government, on the 16th day of September, passed an Order in Council defining these different appointments, declaring which of them came under the category from which the Governor General's approval should be withheld, and declaring further another class, which was placed under schedule "D," of those from which it was not intended that the Governor General's approval should be withheld. I pointed out last year that Mr. James Yeo had been appointed inspector of fisheries, and that his appointment was included in the category of those appointments from which His Excellency's approval was not to be withheld. I called the attention of the leader of the government in this House to the subject and his final answer was that the carrying into effect of this appointment, among others, was receiving the consideration of the government. It appears that it is still under consideration or, if anything has been done, it has not transpired publicly, as far as I am aware. Mr. Perry, the gentleman who was defeated at the last general election, had been, I believe, performing temporarily the duties of the office up to a very recent date—until he was at the by-election returned again to the House of Commons. Up to the present time I have not learned of the appointment of Mr. Yeo, which was recommended in July last and which was not disapproved or placed in the category to be disapproved by the Governor General. The recommendation having been signed by him, as stated by the private secretary in his memorandum, and the present government having on the 16th September formally passed an Order in Council declaring that this was so, and that this was an appointment which was not to be disapproved by the Governor General, I think it is a most extraordinary thing that effect has not been given to that Order in Council. Has it come to this, that a minister in any department is able to override and overrule an Order in Council passed by the ministry as a whole ? It would really seem that the Minister of Marine and Fisheries has under-

taken to appoint persons to act temporarily in public positions, and that this can go on for nearly a year notwithstanding that an Order in Council has been passed by the government as a whole declaring that a regular appointment has been made and approved by His Excellency the Governor General. All I can do is to call attention once more to this matter. It may be, although it has not transpired publicly, that Mr. Yeo has received notice of his appointment. It may be that his appointment has been cancelled. If so, it has been very recently. We want to know in what position this matter stands at the present moment.

Hon. Mr. SCOTT—My hon. friend is not quite accurate in making the statement that His Excellency approved of all the names that were contained in what is called schedule "D." His Excellency the Governor General returned, as you remember, the papers he had not formally approved—he had, I think initialled them in the margin. In the opinion of the Minister of Justice, all those appointments that come within that would require to be submitted for His Excellency's official approval. Mr. Yeo's name was never submitted for the approval of His Excellency, and in October last an Order in Council was passed which I will read to hon. gentlemen:

> The committee, with reference to the following recommendations of the Treasury Board, contained in the reports referred to in His Excellency's memorandum and relating to appointments in the Department of Marine and Fisheries, report as follows:—
>
> (3) James Yeo, recommended as fishery inspector for Prince Edward Island. The committee do not consider that it would be in the public interest to make this appointment, as the circumstances under which he was recommended, showed that political considerations alone, and not the public interest, prompted the submission of his name for the position.
>
> * * * * * *
>
> The committee, therefore, advise that the appointment of Mr. James Yeo as fishery inspector for Prince Edward Island be not confirmed.
>
> * * * * * *
>
> The committee submit the foregoing for your Excellency's approval.

So that the reference was practically cancelled by this Order in Council.

Hon. Sir MACKENZIE BOWELL—Was that Order in Council approved by His Excellency?

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—That, I understand, was after this memo. was laid before the Senate.

Hon. Mr. SCOTT—Yes, it would be after that.

Hon. Sir MACKENZIE BOWELL—Was Mr. Yeo notified of the cancellation of that Order in Council?

Hon. Mr. SCOTT—I presume he was. I cannot speak positively, but I presume he was.

Hon. Mr. FERGUSON—As a matter of fact he was not.

Hon. Mr. SCOTT—Some one has been discharging the duties of the office.

Hon. Sir MACKENZIE BOWELL—Mr. Perry, the defeated candidate, performed the duties of the office until he ran for the House of Commons a couple of weeks ago. Was he performing the duties of the office under an Order in Council or by order of the Minister of Marine and Fisheries?

Hon. Mr. SCOTT—I cannot tell.

Hon. Sir MACKENZIE BOWELL—Was there any written instruction placing Mr. Perry in that position?

Hon. Mr. SCOTT—I think not.

Hon. Sir MACKENZIE BOWELL—We know he had just been defeated; and this was the compensation for the defeat. I think the hon. gentleman had better acknowledge the truth at once.

THE DISMISSAL OF CAPTAIN McDONALD.

MOTION.

Hon. Mr. FERGUSON moved:

That an humble Address be presented to His Excellency the Governor General, praying that His Excellency may be pleased to lay before the Senate, all correspondence relating to the removal of John N. McDonald, as captain of the steam dredge "Prince Edward," and the appointment of William Sharp Larkin to the said position.

He said: This transaction—I suppose we may call it a transaction—the dismissal of Capt. McDonald and the appointment of Mr. Wm. Sharp Larkin, is one that cannot be defended. Capt. McDonald was for twelve years employed in different capacities upon

the dredge. He had served from the lowest position on that dredge until, in the course of promotion from time to time, he became captain. He was made captain on the death of Captain Doyle, a little more than a year ago. I have very good reason to know that on the death of Capt. Doyle very many applications were made by persons, with political claims on the late administration, for the position thus made vacant, but the government, on the recommendation of the department and departmental officers, deemed it best in the public interest that the appointment should be filled by the promotion of the best man on the dredge, in the opinion of the department, and that was done by the promotion of Capt. McDonald, who had served long on the dredge as a faithful officer and who had no claim whatever except his merit. Last winter Capt. McDonald received notice that his services were not required, and some two weeks ago, I understand, Mr. Wm. Sharp Larkin was appointed to that position. I know that the hon. Secretary of State has expressed the view that public servants ought to be non-political,—that they are paid by the entire population and should not, therefore, be strong partisans. No charge of any kind has ever been preferred against Capt. McDonald, and it has never been alleged that he was a political partisan at all. He was simply notified that his services were no longer required, and an extreme, ardent politician has been appointed to succeed him. It is well, perhaps, that hon. gentlemen should know who this person is who has been appointed to that position. Larkin was the petitioner in the West Prince election trial and there is no doubt whatever that he has no qualifications for the position which would entitle him to the appointment, and that his appointment is entirely and wholly due to the fact that he served the political party that is now in the ascendant in the matter of the protest in the election trial of West Prince. In order to show the kind of man Larkin is, I have only to read, from the official report of the West Prince election case, an extract from the evidence taken at that trial to show the sort of man who has been appointed in the place of Capt. McDonald, an old faithful public servant whose promotion was due entirely to his merit. This man Larkin was put on the witness stand in order to prove his status as a voter, and of course he was open to cross examination. Mr. McQuarrie, the opposing counsel, asked him "did you get any whisky for distribution at the last election?" His reply was follows:

> I got a barrel at the station in Tweedie's name at Alberton. I got it by order endorsed to me. Came to order. I took them home. Marked groceries. I can't say Tweedie requested me to take them to my place. Whisky in the package. 3 to 5 gal. keg, might be 10 gals. I took this to Tweedie's. This was in May, I think early in May. I delivered them in 48 hours. Tweedie was an active friend of Perry's at elections and he and I active about petition. Tweedie sampled them.

Hon. Sir MACKENZIE BOWELL—Sample what? The whisky?

Hon. Mr. FERGUSON—Yes. I put this authentic information before hon. gentlemen, and I want to point this out as an evidence of the institution of the spoils system, at least as far as Prince Edward Island is concerned. In order to make a place for this party heeler, this man who filed the petition against the return of Mr. Hackett—who was unseated, as hon. gentlemen will remember, because one charge out of a great many in the particulars had been proved, that one man had given another a taste of whisky out of a bottle—yet this man, the petitioner in the case, had, himself, according to his own admission on the witness stand, distributed a barrel of whisky. He said it was a ten gallon keg. This man is rewarded for the lowest stamp of political service by being appointed captain of a dredge, a position for which he has no qualification. No greater outrage upon the public service has been perpetrated. Under the late government the appointments to this dredge were settled by promotion, as I have already mentioned, and Mr. McDonald received the appointment by ordinary promotion without the interference of politicians at all; but we have this man now dismissed and a political heeler appointed in his place. I need not amplify on the subject. I merely move for the return, and when it is brought down I may have something further to say about it.

Hon. Mr. SCOTT—I am extremely sorry to hear the disparaging character given by my hon. friend opposite of the people of Prince Edward Island, and I was particularly shocked to hear that this distribution of whisky had occurred in a Scott Act

county. I do not like to challenge the truth of the hon. gentleman's statement, but I confess I feel somewhat skeptical that the people of Prince Edward Island would break the law in so open a manner, particularly at a time when their calm judgment was required to record their votes for the proper candidates at the elections. The facts of the case I am not conversant with, other than I am furnished with them by the department. I learn that Captain McDonald had not been employed during the winter. In January he was advised that his services were not required. Subsequently, some months afterwards, when the dredge was called into requisition another person, the one named by my hon. friend in not very complimentary terms, was appointed to the position. The department did not regard it as a dismissal, inasmuch as in the winter, if I am correctly advised, it is not usual to continue the captain under pay. Whether last winter was an exception to the rule observed in former years I cannot say, but during last winter, at all events, the services of the captain were dispensed with while the vessel was laid up, and in the spring of the year another person was appointed to the position. However, the papers will be brought down.

Hon. Mr. FERGUSON—I do not find fault with the non-employment of Captain McDonald during the winter time. It is not customary to pay men when they are not employed. The complaint is that he was not engaged as usual at the opening of the season—that he was not notified to take his place in May as he had formerly been for years.

Hon. Sir MACKENZIE BOWELL—The House will be somewhat surprised at the answer given by the hon. Secretary of State. First of all he tells us that he is somewhat skeptical as to the correctness of the statement made by my hon. friend on my right.

Hon. Mr. SCOTT—About the distribution of whisky in a Scott Act county.

Hon. Sir MACKENZIE BOWELL—He can scarcely have paid attention to the statement made by the hon. gentleman. In giving expression to that opinion he casts a reflection on my hon. friend, and at the same time discredits the solemn oath of the man that the government has appointed to the captaincy of the dredge.

Hon. Mr. SCOTT—Oh no, it was the general character of the people there.

Hon. Sir MACKENZIE BOWELL—My hon. friend from Prince Edward Island read an extract from the evidence of this man Larkin. It is not his own statement merely. It is an extract from the affidavit made by Larkin himself, yet my hon. friend says he is skeptical as to the correctness of that statement. He not only doubts the veracity of the man whom he has honoured by appointing him captain of the dredge, but he also casts a reflection on my hon. friend who has read an extract from the record of the Supreme Court. He made no statement upon his own responsibility. And with the information that he evidently has himself of Mr. Larkin, being skeptical of the truth of Larkin's affidavit, let us hope that he will see that he is removed from so responsible a position. If not, I think the hon. gentleman will not be doing his duty either to his government or to the country. There is another point connected with this. The excuse is constantly given in cases of this kind that an officer who was removed is not a permanent officer, and, therefore, it cannot be considered as a dismissal.

Hon. Mr. MILLS—He was not removed; simply not reappointed.

Hon. Sir MACKENZIE BOWELL—Thank you. I am very glad, the ministers have got somebody to put them correct and to instruct them as to the style of the answers they should give to questions of this kind. What I wanted to point out—and I think the hon. gentleman from Bothwell knows it just as well as I do—is, that there is a class of officials in the Dominion known as "temporary permanent." That is what they are termed and have been termed in the different departments. That is the class of men who are employed from year to year, their business ceasing in the fall, or in the spring, as the case may be, and then re-employed when the interest of the service requires it. Take the case of Montreal: there are scores of officials who are appointed during the summer to work assisting in the loading and unloading of dutiable goods when they arrive at that port. It is just the reverse in Halifax. Halifax becomes the

winter port and during the winter there are a large number of men put on to perform the same character of work that is performed in Montreal. When the summer comes, and the vessels cease to make Halifax their terminus, then these men are not employed, not being wanted. It is the same thing in the winter season in Montreal. These men are employed year after year. In this case a faithful servant was employed some eight or ten years, and had worked himself up from almost a labourer on the dredge until he became the captain, and now he is removed for this person who purchased whisky in order to corrupt electors, and who is so untrustworthy that my hon. friend is skeptical of his affidavit made before the Supreme Court. However, I will leave the case with the government. It is a fair illustration of the policy pursued by members of the government, and in that course of dealing I wish them luck.

Hon. Mr. SCOTT—I am sorry the hon. gentleman did not see the point of my remarks.

Hon. Sir MACKENZIE BOWELL—I took what you said.

Hon. Mr. SCOTT—I am quite sure the hon. gentleman from Marshfield did not understand me in the same way as my hon. friend who has just spoken. I did not dispute the statement he made as to the fact inferentially that the distribution of this keg of whisky was in order to corrupt the electors: I, in a jocular kind of way, expressed my regret and skepticism that the people of Prince Edward Island could be so easily corrupted by whisky.

Hon. Mr. FERGUSON—I said nothing at all about the people. I only spoke of this official of the government. He himself on his oath admitted that he had obtained this liquor at that time and for that purpose.

Hon. Mr. POWER—I am rather surprised at the incredulity of the Secretary of State, because the impression upon my mind is that there is no place where whisky is more keenly appreciated than in a Scott Act county. I just wish to direct the attention of the House to the rather solemn prospect which is before us. The hon. gentleman from Marshfield has told us that the spoils system is in full operation in Prince Edward Island, and the hon. gentleman has apparently set out with the intention of calling the attention of the Senate to every single case of dismissal, or removal or suspension which occurs on the island. Now, if the spoils system is in full operation in Prince Edward Island as the hon. gentleman asserts, and if the hon. gentleman persists in the course he has begun, this House will have nothing to do, during the remainder of this session at any rate, but to consider those cases of dismissals and suspensions in Prince Edward Island. I was going to suggest that it might be better for the Secretary of State, in the interest of the general business of the House, to plead guilty and say that he would not contest any more of these assertions.

Hon. Mr. FERGUSON—A good suggestion.

Hon. Mr. POWER—But there is just this about it—the hon. gentleman from Marshfield makes those statements where there is no one on the other side who is familiar with what has taken place in Prince Edward Island. Now, in the other Chamber, there are gentlemen on both sides of politics who, I assume, know what has taken place, and if a statement is made there which, while it may not be absolutely true, gives an altogether false colouring to the position of things, that statement can be set right. Hon. gentlemen must see that in this House that is not the case. I am not accusing the hon. gentleman of intentionally colouring those statements, but every one knows that unintentionally and insensibly one's views of facts are coloured by his political feelings, and it is to be regretted that the time of this House should be taken up to so great an extent as it is in discussing matters where they can only be discussed from one point of view, where we have not the information on the other side. I venture to say that the hon. gentleman is aware of the fact that this captain, who has not been re-employed, was a good Conservative, and I venture the further assertion that if any one of those men who has not been re-appointed to the position which he held—not a permanent position at all, but the position to which he was appointed each season—had voted Liberal he would not have been re-appointed by the late administration. It is perfectly absurd, those hon.

gentlemen assuming the air of a virtue which they never possessed, and which no party in this country does possess. Where a man is a permanent employé it is right and proper he should be continued, and if an employé is not, strictly speaking, a permanent employé, if he is a man who has given satisfaction and not rendered himself objectionable in taking too active a part in politics, I think that he should be re-employed, but I unfortunately am not as strong a party man as most politicians are, and as long as we have the present system of government in this country, it is absurd to expect the government of the day to appoint their enemies to positions and to give their enemies employment. It never was done by any government since confederation, and I think the day is remote when it will be done by any government. It is not creditable to the Senate that the time of this House should be taken up by discussions of this kind. When there is a case of a man who has been a permanent employé and who has given no substantial reason for being dismissed and has been dismissed without inquiry, then that is a matter to call attention to, although I think myself that the other chamber is the place in which it should be discussed.

Hon. Mr. MACDONALD (P.E.I.)—I do not agree with the views of the hon. gentleman from Halifax on this matter. There is no doubt it makes a government feel uncomfortable to find that the various appointments and dismissals they have made during the time they have been administering the government does not meet with the approval of the opposition, neither does it meet with the approval of men who are not swayed by political influence throughout the country. Those men who look to us to get a prudent government, a good and wise administration do not approve of the system of dismissals that has been in vogue since this government came into power. The hon. gentleman says that the Secretary of State or the government should plead guilty to the number of dismissals that have been made, and that they should take their stand on that. I believe if they took their stand on that question, and said they would dismiss from office all those who have opposed them, they would find that the country would not approve of that system. We know that system was pursued for many years in the United States and they found it led to such demoralization of the service that they have been doing away with it as far as possible.

Hon. Mr. POWER—I did not say the Secretary of State should declare that the government should dismiss everybody who opposed them. I said the best way was to plead guilty so that the charges would not be brought up day after day.

Hon. Mr. MACDONALD (P.E.I)—I have no doubt the hon. gentleman would like to see that course pursued.

Hon. Mr. POWER—No.

Hon. Mr. MACDONALD (P.E.I)—But if the various dismissals in the provinces were brought up day by day, it would occupy the time of the government during the remainder of the session to explain and justify the dismissals which they have made. With reference to the parlicular case under consideration, I happen to know something of the circumstances under which McDonald had been captain of that dredge. The dredge has been laid up during the winter season within sight of my residence, within a hundred yards of it, and I could see this man going down day by day during the winter season to that dredge, and performing what duties he had to perform there until he received his dismissal from the government some time in the spring. I am not quite sure of the month, but it was somewhere near the opening of navigation. Now, that gentleman was known by every person who was acquainted with the working of the dredge, to be one of the most efficient men who could be placed on that dredge or on any similar vessel in any part of the Dominion. He had served his time, as stated by the hon. member for Marshfield. He was twelve years in the employment of the government in the dredge. He was a long time working on that dredge in one position or another and his efficiency was the cause of his being promoted. Other gentlemen, who were strong friends of the government then in power, applied for the position, but the government, considering that this man had every right and every claim to it, from his superior knowledge of the working of the dredge, appointed him to that position, and I am quite sure it had the approval of every person who was not swayed by political considerations. The hon. gentleman said that he was sure that any person who had not voted for the late

government would not have been retained in office. That is a statement which I certainly must dispute, for within my own knowledge a very great number of the employés of the government in the province from which I come were opponents of the Conservative government and they were retained in office.

The motion was agreed to.

FISHERY BOUNTIES CLAIMS.

MOTION.

Hon. Mr. FERGUSON moved :

That an humble address be presented to His Excellency the Governor General, praying that His Excellency may be pleased to lay before the Senate, a return showing the names of all persons who filed similar claims for fishery bounty before Stanislaus F. Perry, acting inspector of fisheries Prince Edward Island, up to the 20th day of April last ; also the names of all persons who filed similar claims before James F. White, bounty officer, up to the same date.

And also, showing the tames of all persons who received fishery bounty in the West Riding of Prince County, in the months of March and April last.

The motion was agreed to.

LIGHTKEEPER AT FISH ISLAND, PRINCE EDWARD ISLAND.

INQUIRY.

Hon. Mr. FERGUSON rose to

Call the attention of the Senate to the fact that Charles E. McDonald, late acting lightkeeper at Fish Island, in the province of Prince Edward Island, has been removed from office, notwithstanding that he was recommended on the 6th day of July last, for permanent appointment by the late administration, and that the present administration has declared by Order in Council, on the 8th September last, that this was not a recommendation from which His Excellency's approval was withheld. And inquire, why effect was not given to the Order in Council of the 8th of September ?

He said : This case is very similar to Mr. Yeo's case, and it is not necessary to discuss it in detail. It is the same in every respect, except that in this case Mr. McDonald has been superannuated and another man put in charge of the light. In all other respects, the appointment was made under the same circumstances and received the Governor General's approval in the same way as the other did. I will just remark in connection with those motions that it is not correct, as stated by the hon. gentleman from Halifax, that I am in the habit of putting a notice on the order paper in relation to every dismissal made by the government in Prince Edward Island. In fact, I have studiously abstained this session from making motions or putting anything on the order paper until the information has come down, unless it would be where some special feature attached to the case, such as, I think, attached to those which I have made to-day, particularly this subject of appointments made on the recommendation of the late government and solemnly approved by Order in Council by the present government in September last, and not carried into effect by the heads of the departments, and afterwards, as in the case of this one, cancelled by the government itself and another man put in the position. If I were to call the attention of this House and put a notice on the order paper for every dismissal that has been made in Prince Edward Island since this government came in, we would have a very voluminous record indeed, for the dismissals have been going on incessantly in that province from the time this government came in My hon. friend from Halifax is of opinion—or at least he very often expresses the opinion—that this House is not a proper place to ventilate such matters as this. I heard my hon. friend say that repeatedly last session, and after that, almost for the sake of getting peace with him on this side of the House, we agreed to drop these motions, and some of his friends put on a notice themselves and took up a whole day in discussing it after the opposition had practically given up the discussion. Some time before that I had dropped a notice I had on the order paper in relation to such a matter. I do not agree with my hon. friend that this is not a proper place to bring up a matter of this kind. A non-political civil service should be regarded as a legacy belonging to the Dominion of Canada, and the House of Commons should not be considered in so great a degree the custodian of that great inestimable right which we should have of having a non-political permanent civil service in this country. I am sorry to say that the day is almost past and gone when we can lay any such claim. We talk disparagingly of the neighbouring republic in this matter. Why, they are practically in a better position in the United States on this question than we ever were,

even under Sir John A. Macdonald. But as compared with the position in which we stand under this government, the United States is very much before us. I was recently in New York, and in conversation with some of the leading men learned that they had established the competitive system for appointments to public positions, and the only discretion the government has is to select one out of the three highest on the list of those who had engaged in the competition. They have taken appointments practically out of the hands of the politicians, leaving them only the choice out of the three highest names on the list of those who have competed. In Canada, at the present moment, we have lost every vantage ground that we gained for a long time. We were gaining ground on that question by the firm stand which Sir John A. Macdonald took upon it; more was due perhaps to Sir John than any man. We knew well in our province how firm a stand he took when in 1873 the patronage of the province fell entirely into the hands of the Liberal party who opposed the confederation, and who, it was believed, had not a fair claim to the patronage. Yet, owing to the events that took place in the autumn of 1873, the change of government resulted in the manning of the Prince Edward Island Railway and the filling of the civil service of the province, after confederation, entirely from the Liberal party. In 1878 a great many dismissals were made from the local civil service at the time of confederation, and in 1878 a very strong pressure was brought to bear upon Sir John A. Macdonald to dismiss those parties who were appointed in 1873 and subsequent years, and give a share of the patronage of the province to the Conservative party. It is a matter of notoriety there that Sir John Macdonald's government firmly resisted, and it was a great source of weakness and annoyance that such should be the case. From 1878, the Liberals had the entire control of the patronage of the province, as they came in in 1873 and reversed the appointments under the local government, and manned the railway and had the entire patronage in their hands, and the result was a great deal of dissatisfaction existed from that time forward among the Conservatives, but, as I said before, Sir John A. Macdonald's government firmly and emphatically resisted. I did not intend to make this statement, but I was led into making it because of the remark of the hon. member from Halifax, who seems to be particularly a defender of the faith for the government, for whenever their explanations are plainly not satisfactory, my hon. friend gets up behind them and endeavours to help them out of the difficulty in some way or other. I do not expect any very different reply with regard to this subject than that which I received to my other motion in reference to the appointment of Mr. Yeo. As I said before, the cases are almost entirely alike, and I suppose I will be treated with a somewhat similar answer, but it does seem to me to be an extraordinary thing to keep these appointments standing in this position, the Governor General having not disapproved of them, having signed the recommendation. I know my hon. friend shakes his head, but here is what was done:

> The memorandum with reference to Treasury Board's report Nos. 2611, 2612, 2613, 2614, 2640 and 2653, which are returned herewith subject to this memorandum and signed by the Governor General, having been submitted to him on the 6th and 7th inst.

And then the private secretary goes on to say that pending further consideration of Council he wishes his approval to be withheld from some of these recommendations, and he then describes what they are. He wishes his approval to be withheld from the following:

> First, where new offices have been created, where vacancies have existed for more than a year and where superannuations have been made, or where appointments have been made and filled, superannaations which are not asked for.

But beyond that the private secretary says the Governor General approves of these.

Hon. Mr. SCOTT—No.

Hon. Mr. FERGUSON—He signed them.

Hon. Mr. SCOTT—No, they are not signed.

Hon. Mr. FERGUSON—Yes, and this is all embodied in the Order in Council of the 16th September, which reads:

> The Council is of opinion that the several recommendations set out in the schedule hereto annexed, marked "A," come within the category of those from which your Excellency withheld your approval, and that those set out in the schedule hereto annexed, marked "B," come

within such category, and the Council advises accordingly.

JOHN J. McGEE,
Clerk of the Privy Council.

And still, in the face of that, this appointment, which is included in this schedule "B," has been held over for more than nine months, and finally the person holding the appointment has been notified that his appointment has not been confirmed, and another person is appointed to the position.

Hon. Mr. SCOTT—His Excellency did not sign the particular appointment. He signed the reports of the Treasury Board, in order to identify them. They were initialled in order that they might be identified, I understand. The classification was made by the Clerk of the Privy Council, and, as I explained before, the opinion of the Minister of Justice was that, in order to carry out the appointment in schedule B, it became necessary to secure the direct approval of His Excellency the Governor General. Before going into the merits of this particular case, I wish to say a word or two on the general question which my hon. friend has brought up so very frequently before this House, that the Conservative party, when they came into power in 1878, were so delicate and tender to the interests of the civil servants then in the employ of the government that they were not disturbed. What was the fact that everybody knows who is familiar with the subject? That they made very great changes, that they never gave any explanation, that they never issued a commission, that they dismissed men without giving the slightest explanation why they dismissed them, simply the word "dismissed"; and when in the session of 1879, an address was carried in the House of Commons for a return of all persons who were dismissed from the public service between the 14th day of October, or some day in October and the beginning of the then session, what was the result? The government never brought it down. They refused the information to parliament and the country, and I have here under my hand the Journal of the House of Commons of 1879, from which I will read extracts to the House:

Return of all persons dismissed, superannuated or resigned since the month of October, 1878, showing the position of such persons, &c.

The order was made but not brought down, and has never been brought down to this day. In the following year a motion was made in the House of Commons showing the names of persons dismissed or removed from the public service, the reason for such dismissal or removal, also names of persons who have resigned, and so on, or who have been superannuated between the 13th February, 1879, and the 23rd February, 1880. The date of the first return was admitted, because it was supposed it would be brought down from time to time. It never was brought down. This report was laid before the House but it only includes a certain class of officials. It does not include the lower ranks, or what might be called the temporary employés. And what does it say? Of course they do not give a reason. They say there is no work, not necessary and so on. I will read some of the names:

D. V. Pelletier, dismissed, no work.
R. Luttrell, dismissed, abolition of office.

He held a very important position, superintendent of the Intercolonial Railway, and they abolished the office to get rid of him.

W. A. Jones, dismissed, abolition of office.
P. D. Finley, office abolished.
H. A. Case, bridge inspector, office abolished.

Hon. Mr. FERGUSON—The office was renewed the other day.

Hon. Mr. SCOTT—The office was renewed in 1879.

Hon. Mr. FERGUSON—No, not till the other day.

Hon. Mr. SCOTT—Peter Huff, lighthouse keeper, office abolished. John Murphy, paymaster Intercolonial Railway, dismissed in 1875. W. McKechnie, dismissed. He was superintendent of the Prince Edward Island Railway. G. Cunningham, engineer, dismissed.

Hon. Sir MACKENZIE BOWELL—Does it say Mr. McKechnie was dismissed?

Hon Mr. SCOTT—Yes, both McKechnie and Cunningham dismissed.

Hon. Sir MACKENZIE BOWELL—Is there any reason given?

Hon. Mr. SCOTT—It says, "Alexander MacNab to replace these two." That is the only explanation given.

Hon. Sir MACKENZIE BOWELL—My

recollection is McKechnie was sent to Manitoba. I will not be positive.

Hon. Mr. SCOTT—No, the note is "dismissed; superintendent of Prince Edward Island Railway; Macnab to replace these two." Capt. V. B. Armour, dismissed, keeper of Red Island Light ship, superseded by F. Larivée. John Clarke, fishery overseer, Prince County; Isaac Thompson, fishery overseer, Queen's County, and Martin McInnes, fishery overseer, King's County, dismissed and no reasons given. There was one official appointment made in place of the three. Alfred D. Deschenes, keeper of Upper Traverse light ship, superseded by Capt. Ed. Pelletier; A. St. Denis, keeper of light at Ste. Anne de Bout de L'Isle, superseded by A. Deschamps; Joseph Pilon, keeper of light at Ste. Anne de Bout de L'Isle, superseded by Wm. Cummings; F. X. Dionne, keeper of lighthouse, Matane, superseded by Octave Desjardine. I am not going into the cases of all those who were superannuated or removed for some alleged cause, but those simply dismissed and no reason whatever given. Louis Berg was no longer required. He was immigration agent on the Intercolonial Railway at Halifax. A. Cauchon, was dismissed. He was clerk in Montreal canal office. Lieut. Col. F. B. Lees, services no longer required. Lieut. Col. R. Burt, district paymaster, Lieut. D. Wylie, Col. W. H. Brehaut, Lieut. Col. Wm. Cunard, Capt. Ed. Mallandeine and Capt. F. D. Beer—all those persons were dismissed without any reasons being given—services no longer required.

Hon. Sir MACKENZIE BOWELL—Is not that a reason?

Hon. Mr. SCOTT—That is a very small reason to give.

Hon. Sir MACKENZIE BOWELL—A very good reason I think.

Hon. Mr. SCOTT—Then there was John Brown, dismissed to re-instate Wm. Johnstone, harbour master at the port of Chatham, N.B.; Lieut. M. W. Strange, dismissed, abolition of office. He was paymaster of Militia district No. 3, Major S. Sampson, dismissed, abolition of office. Thomas Nixon, abolition of office. He was agent of the North-west Mounted Police at Winnipeg. John Parr, paymaster, abolition of office. Among the rest was Hon. Luc Letellier, Lieutenant Governor of Quebec, who was dismissed. He was dismissed as summarily as the others were.

Hon. Sir MACKENZIE BOWELL—Is any reason given?

Hon. Mr. SCOTT—There is no reason given. These are just the words—"Hon. Luc Letellier dismissed, Lieutenant Governor of Quebec." There is no comment. John F. Baker dismissed, office abolished; he was custom appraiser at Summerside, Prince Edward Island. Then there was James F. White, dismissed. he was sub-collector of customs at the outport of Cascumpec, Prince Edward Island, C. Desormiers, clerk in post office at Winnipeg, dismissed. Cowan, another post office clerk at Winnipeg, dismissed. G. A. Carman, collector of canal tolls at Ottawa, dismissed. Robert Gilmor, dismissed, reduction of staff. I am not reading the names of any of those who were superannuated.

Hon. Mr. CLEMOW—Were not all of these Conservatives?

Hon. Mr. SCOTT—I am inclined to think not. Then there was Nixon, inspector of penitentiaries at Winnipeg, dismissed. G. E. Laughlin, dismissed, "not required." He was assistant engineer of the public works at St. John. A. G. Millage, H. Egan, F. Lawlor—in fact they seem to have made a clean sweep at St. John, commencing with the assistant engineer, including draughtsmen, paymaster, two clerks, and even down to messengers. Then there was John McCormick, sub-collector of customs at Cardigan, P.E.I., who was dismissed. Then E. V. Bodwell, superintendent of the Welland Canal, was transferred to British Columbia. John McCormick, sub-collector of customs at Cardigan was dismissed. J. V. Ellis, postmaster of St. John, N.B., was dismissed. I find immediately following there was a return asked for of the appointments made within that time. I will not weary the House with reading it, but it extends over a great many pages. I have calculated the number and I find in that short period in which they dismissed those I have mentioned there were between 500 and 600 appointments made, very considerable appointments. The list I have read did not take in the inspectors of weights and measures. The other list includes them, but

it totals up 553 appointments which were made.

Hon. Mr. FERGUSON—In how long a period?

Hon. Mr. SCOTT—Between the 13th February, 1879, and the 23rd February, 1880. These were only the high positions—important officers, not the temporary officers—not the men on the Intercolonial Railway or on the canals, but all important offices, with salaries ranging from $700 to $3,000 a year, showing that the Conservative party made pretty good use of their time when they came into office. I do not think they are quite in a position to make the statements they do, when they refused to bring down the returns asked for by parliament of the dismissals between October and the meeting of parliament. A very considerable number of dismissals took place, and we have no record of them at all and no way of getting at them. I called for return to-day from the clerk who has charge of that particular work, showing how the addresses from the Senate were answered in past years, and I find that very little attention was paid to us when we were on the other side of the House. Only a very small fraction of the addresses carried by this chamber received any attention. Very few were brought down, and then, as a rule, they were only submitted the following year—about one-third or one-fourth—rarely half of the returns moved for in this chamber were brought down. The information was refused. Honourable gentlemen opposite exhibit a good deal of indignation because a return cannot be procured within a reasonable limit of time. I do not myself justify the withholding of a return: the order of the House ought to be obeyed, and I certainly have exerted myself to the utmost to obtain returns from the various departments, and I hope to have, within a day or two, all the returns that have been called for. In asking what was the practice of the late government with reference to those returns, I said to the clerk, "Get the facts," and I found, to my great surprise, that only a small proportion of the returns called for by this House each session were produced. I have a list of them which I shall submit later on. I cannot lay my hands on it at present. In view of that it is scarcely consistent or fair to throw out insinuations against the action of the present administration. The late government did not issue commissions: they simply dismissed without giving any reason or any explanation to parliament, and without bringing down the papers, so that we have no record to-day of the dismissals made in 1878. The late government were in power for some 18 years. During all that time it is to be presumed they appointed what, if the appointments were made from our side of the House, would be called "political heelers." They appointed those who had served the party longest and most earnestly. This government proposes to do the same thing whenever the opportunity occurs. They propose to appoint good men to office, but amongst their own friends, so as to somewhat equalize the service. Hon. gentlemen talk about the introduction of the United States "spoils" system. All the dismissals by the present government will not tot up, if you include all the canal labourers and railway labourers, three per cent of the employés of the government. Can it be said that we are adopting the "spoils" system, and that there have been wholesale dismissals when less than three per cent of all those in the service of the government have been dismissed? It must be remembered that this large body of employés are, as a rule, Conservatives. There are very few friends of the Liberal party in the service, and therefore, the Liberal government is at a considerable disadvantage. I do not propose to cast any reflections on the civil servants, but it is quite natural that they should have their affinities and leanings. They are human and they are no doubt more friendly to those who appointed them than to their opponents, and it is scarcely becoming to charge the government with introducing the "spoils" system when the number of dismissals is limited to so small a percentage of the service. With reference to this particular case, I shall read an extract from the Order in Council dispensing with the services of this man. It is as follows:

On a report dated 4th March, 1897, from the Minister of Marine and Fisheries, stating that the keeper of the light at Fish Island in Malpeque Bay, Prince Edward Island, died some time last year, and that after his death the light continued under the control of his widow, Mrs. McClelan as caretaker who up to the present time has remained in that position, recognized by the Department of Marine and Fisheries as keeper, provisionally,

although at present she lives at Indian River, and the light house is closed up during the winter. The Minister further states on the 6th day of July, 1896, your Excellency's then advisers recommended to you for appointment to the keepership of said light, one Chas. E. Macdonald, a young man about 19 years of age, and that your Excellency by memo. agreed to sanction such appointment, but that your Excellency has not yet officially signed same. That the young man, Macdonald, was a relation of the widow McClelan, and was by her employed as an assistant or helped about said light, without any sanction by the Department of Marine and Fisheries. That grievous complaints had been made to the department of the unsatisfactory character of Macdonald's appointment, of his inability to discharge the duties of lightkeeper properly. That on one occasion last summer while he was engaged by Mrs. McClelan, as assistant, a fishing boat was upset and sunk a short distance off the lighthouse, the fishermen clinging to the mast head to escape from drowning, from which perilous position they were rescued by a boat from a lobster factory some distance away, and although their perilous position was seen by Macdonald, and no steps were taken by him to rescue them, although a small boat was at his disposal at the time, which it appears to the Minister had he been an efficient lightkeeper he would have made use of for such rescue.

The Minister adds that the agent of the Department of Marine and Fisheries in Prince Edward Island has reported that the present arrangement is most unsatisfactory, and that the light is of such great importance in his opinion as to require the appointment of a responsible and experienced man as keeper, the person named Macdonald being, in his opinion, too young and inexperienced and quite unfit for this position. There is a comfortable cottage in connection with the lighthouse in which a married man could live with his family, and in the opinion of the Minister it would be preferable to have such a man appointed to this position.

The Minister having made inquiries as to a suitable man to fill the position recommends that the Order in Council for the appointment of Chas. E. Macdonald be not signed by Your Excellency, but be cancelled, and that Wm. Sinclair, of Hamilton, lot 18, P.E.I., be appointed keeper of Fish Island Light, at a salary of $250 per annum, being the same as allowed the late keeper.

The committee submit the above recommendations for Your Excellency's approval.

Hon. Mr. FERGUSON—There must be some mistake as to Mr. Macdonald not acting as lighthouse keeper. I am surprised that such a report should come from the department.

Hon. Mr. SCOTT—It says that McClelan's widow continued to live there.

Hon. Mr. FERGUSON—I do not think she continued to live there.

Hon. Mr. ARSENAULT—I know the case of the lighthouse keeper. This young man was two years employed about the lighthouse while McClelan was ill. He was a grandson of the lighthouse keeper, and he kept the light for two years before the old man died. After McClelan's death, some time in the fall, he kept the light until winter. He was an able young man and gave satisfaction. I know all about it, and because a boat upset near the lighthouse and this young man did not go to the rescue, he is dismissed. He may not have had a boat—

Hon. Mr. SCOTT—The report says he had one.

Hon. Mr. ARSENAULT—He may not have seen the boat upset. I know of a case where a man was appointed who is deaf. He cannot hear anything, and one might drown near him and a lighthouse keeper could not hear his cries.

Hon. Mr. FERGUSON—Who was the man?

Hon. Mr. ARSENAULT—A man named Wiggens. This man Macdonald is a good man, and there was no reason for dismissing him. Of course they had to do it, but no investigation took place. It is the same in this case as in others. At Wellington there was a man who had charge of the post office for fourteen years. No fault was found with him. He was a faithful man, yet he was dismissed without notice and without investigation, and they appointed another man who came there six months before his appointment—a young man who has no standing in the place and will not be able to remain there.

Hon. Sir MACKENZIE BOWELL—It is not my intention to weary the House by following the hon. Secretary of State in reply to the statement he has made, but I will call attention to the statement made by him, and that too, with the book in his hand, that there was no reason given for the removal or superannuation of those whose names he read out.

Hon. Mr. SCOTT—I mentioned specifically that I did not refer to any except those who were dismissed, and I gave the reason for dismissal.

Hon. Sir MACKENZIE BOWELL—I think, on reference to the official return, the hon. gentleman will find that my statement is absolutely correct. He said that a large number had been dismissed, and no reasons

were given for the dismissals, and he said further they were of course all his political friends. I find among the names he mentions was Lieut.-Col. Maxwell Strange. I wonder if there is anybody in Ontario who is not acquainted with Lieut.-Col. Strange, of Kingston, who represented that city in the local legislature. Will the hon. gentleman tell me that he was a Grit or had any Liberal tendencies?

Hon. Mr. SCOTT—I think he had. I was in the House with him.

Hon. Sir MACKENZIE BOWELL—What? Liberal tendencies?

Hon. Mr. SCOTT—Yes, so far as provincial politics are concerned.

Hon. Sir MACKENZIE BOWELL—I had the honour of his acquaintance and I know the position he held in this country, and it is a libel on his character to say that he is a Liberal. With every name that the hon. gentleman read the reason for his removal was given in this return that he held in his hand.

Hon. Mr. SCOTT—I gave all the reasons—I read them.

Hon. Sir MACKENZIE BOWELL—Then why did the hon. gentleman say that no reason was given?

Hon. Mr. SCOTT—Where no reason is given I stated it.

Hon. Sir MACKENZIE BOWELL—There are very few instances in which no reasons are given. The hon. gentleman and his party so crammed each department of the government with hungry politicians who desired office, that when the government came into power in 1878 they were obliged, in the public interest, to dispense with them. The hon. gentleman says also that no commission was issued: the very cases to which he refers, those of McKechnie and Cunningham, were investigated by commission. A commissioner was appointed to inquire into the expenditure and working of the Prince Edward Island Railway, and it was on his report that these two offices, to which the hon. gentleman referred, were abolished and one person was placed in office to transact the business at the salary of one. Murphy was removed for the same reason, but in all such cases gratuities were given to those whose services were no longer required, there being no work. Another man was dismissed for intemperate habits. In the cases of McKechnie and Murphy, the reasons are given why their services were dispensed with. In three or four instances in Prince Edward Island three or four offices were combined in one. The hon. gentleman failed to point out to the Senate that a single official had been appointed in the place of those whose services were dispensed with on account of there being no work, for which reason their services were no longer required. One case occurred in my own department to which the hon. gentleman referred as being a dismissal without reason—that is, the appraiser at Summerside. I have a distinct recollection of that removal, and it was simply because the office was overstocked and there was no necessity for such an officer, and there never has been one since. The hon. gentleman called attention to the case of the bridge inspector. That was an office which was abolished, and the expenses of it saved to the country, and it has been vacant for eighteen years. Only the other day the government, of which the hon. gentleman is a member, filled it up again by appointing Mr. Killam, the defeated candidate for Westmorland. Is it possible that this office is required at this particular time, or is it because they desire to find a place for a defeated candidate? I do not say that Mr. Killam is not fit for the position. If I have any recollection of the gentleman,—and I think I have met him on a number of occasions—if the office was required he is eminently fitted to fill it, but what I want to point out is (if it were not unparliamentary to say it) the dishonest manner in which these facts are laid before the Senate. When we have a statement read to the House the whole of the facts should be given, in order that they may go to the public with the reasons for the dismissals. There are not a half dozen instances in the whole of that return, so far as I had an opportunity of looking at it, where the reasons for the removal are not given—either that the office was not required in the interests of economy, or the joining together of a number of offices and embodying them in one, or some good and sufficient reason for the course pursued. If the hon. gentleman had pointed out to the Senate that the late government had dismissed all these people and then appointed

others in their stead, without reason other than their political tendencies, he would have made a point. I am surprised that any minister of the Crown should constantly refer to what he calls the dismissals of the inspectors of weights and measures. The official returns show that inspectors of weights and measures had been appointed by the Mackenzie government, extending from Manitoulin Island down to the Labrador coast, and that the inspector of weights and measures for the Labrador coast had been drawing his salary for a year or two and never had the instruments in his hands; even if he had, there was nothing to weigh except a few fish caught in those localities. I am not going into the subject now, though I have the statement before me. Yet we are told, because the late government saved to this country at one stroke, some $60,000 or $70,000 which had been squandered, that they dismissed men on account of their political tendencies. There never was a more accurate statement made by my hon. friend to my right than when he stated that pressure was being constantly brought to bear on the late government—I experienced it in the Customs department—for the dismissal of officials in the maritime provinces, particularly in Prince Edward Island, and this pressure was constantly resisted. It was contrary to my own views of the management of a department, or the principles upon which any government in a British colony should be carried on, and I can say for the late Sir John Macdonald, that in no case did I know of a position in which he did not put his foot down in the most peremptory manner and refuse his consent to the removal of any man, unless it was for good and sufficient cause. There was one appointment as to which I must correct myself and explain, so that I may not be misunderstood. It is one that has been referred to repeatedly, and that is the case of Mr. Buckingham. He was known to be a very violent politician. He was known to be a man who had made himself extremely unpopular in the position he held under the late Alexander Mackenzie when that gentleman was premier. I knew Buckingham very well; we were both connected with the press and I had often met him. It was always alleged that if anything tended to make the department over which Mr. Mackenzie presided unpopular it was the domineering manner and the insolence of his private secretary, Mr. Buckingham. Just as the Mackenzie government left office they promoted him to a deputy ministership in the Department of the Interior. Sir John Macdonald said he had no confidence in him, and would not submit any confidential work to a man who had acted to his own chief as he had done. Sir John did not dismiss him, but transferred him back to the position of chief clerk, which position he had formerly held in the Public Works Department. That is the only case on which my hon. friend can lay his hands and say that a man was removed by Sir John Macdonald from any position he had held. I regret exceedingly that I feel it my duty to rise again to speak on a question of this kind, but I could not allow the statements of the Secretary of State to go to the country in the bald manner in which they have been made.

The motion was agreed to.

CONFERENCE WITH THE PAPAL DELEGATE.

INQUIRY.

Hon. Mr. LANDRY rose to inquire:

1. Has the present government or any member of the present administration had any interview or conference with His Excellency Monseigneur Merry del Val, the delegate from the Holy See to Canada, on the subject of the Manitoba school difficulty, with a view to lead through his intervention, the Catholics of this country to accept the Laurier-Greenway compromise?

2. When did this interview or this conference take place?

3. Has the government or any member of the present administration discussed at any time with the Apostolic delegate, the constitutional side of the Manitoba school question, and has it or he really given His Excellency the assurance that all constitutional agitation to restore to the minority its rights guaranteed by a parliamentary compact would cease on the part of the legislature, Protestant as well as Catholic, from the moment that the Laurier-Greenway compromise should be declared acceptable?

4. Has the government or any member of the present administration, as a matter of fact, given His Excellency the Apostolic delegate the assurance that the violation of the constitution in so far as it concerns the rights of the Manitoba minority if it is accepted by the Catholics of this country, would not in any manner constitute a dangerous precedent for the minorities of the other provinces of the confederation?

5. Has the government or any member of the present administration, at any time, undertaken any engagement with His Excellency the Apostolic delegate on the subject of the Manitoba school

difficulty or of the Catholic minority of Manitoba, or of the minorities of the other provinces, and what is this engagement?

Hon. Mr. SCOTT—My answer to the first question is that no interview or conference by or on behalf of the government has taken place between His Excellency and the government on the Manitoba school question. Conversations on this question between His Excellency and individual members of the government have no doubt taken place, but such conversations have been unofficial. The second question is covered by the answer to the first. In answer to the third question, the government has not discussed at any time with the Apostolic delegate the constitutional side of the Manitoba school question. Individual members of the government have no doubt discussed the question with the delegate. The individual opinions of members of the government on a hypothetical question are not a proper subject for inquiry. To the 5th question the simple answer is, No.

BILLS INTRODUCED.

Bill (84) "An Act to incorporate the Continental Heat and Light Company."—(Mr. McMillan.)

Bill (K) "An Act to amend the Act relating to the Red Deer Valley Railway and Coal Company."—(Mr. Boulton.)

THIRD READINGS.

Bill (18) "An Act to confer certain powers on the Board for the Management of the Temporalities Fund of the Presbyterian Church of Canada in connection with the Church of Scotland."—(Mr. Power.)

Bill (28) "An Act respecting the Ontario Pacific Railway Company and to change the name of the Company to the Ottawa and New York Railway Company."—(Mr. McMillan.)

Bill (25) "An Act to confirm an Agreement made between the Canadian Pacific Railway Company and the Hull Electric Company."—(Mr. MacInnes, Burlington.)

Bill (35) "An Act respecting the Canada Atlantic Railway Company."—(Mr. Clemow.)

Bill (50) "An Act respecting the Atikokan Iron Range Railway Company."—(Mr. MacInnes, Burlington.)

Bill (37) "An Act respecting the Niagara Grand Island Bridge Company."—Mr. MacInnes, Burlington.)

EMPLOYMENT OF CHILDREN BILL.

SECOND READING POSTPONED.

The Order of the Day being called:

Second reading Bill (A) "An Act respecting the employment of children."

Hon. Sir OLIVER MOWAT moved that this Order be discharged and be put on the Order paper this day two weeks.

Hon. Sir MACKENZIE BOWELL—Why not pass the second reading to-day, and take the next stage when the House meets after the adjournment?

Hon. Sir OLIVER MOWAT—The reason I do not wish the second reading to take place to-day is that I have grave doubts as to our jurisdiction to pass the bill. It is a desirable thing to have some legislation of this character. In some of the provinces there is no legislation, and in other provinces the legislation is different. I have thought that I might alter the bill in such a way that we would have jurisdiction. But I should not like to ask the House to pass the second reading at present.

The motion was agreed to.

TRIAL BY JURY IN NORTH-WEST TERRITORIES BILL.

SECOND READING.

Hon. Sir OLIVER MOWAT moved the second reading of Bill (D) "An Act respecting trials by jury in certain cases in the North-west Territories." He said:—The North-west Territories Act legislation of the parliament of Canada provides that the judges of the Supreme Court of the Territories shall determine all questions of fact as well as of law without a jury, except in certain specified cases. One of these cases is where the claim, dispute, or demand arises out of a tort, wrong or grievance and in which the claim exceeds $500. Where the claim is a large one, exceeding $500, the trial is to be by jury if either party

demands it. Since the passing of that Act some years ago, the Legislative Assembly of the North-west Territories passed an ordinance, I think it was in 1893, providing that an action for slander, theft, false imprisonment, malicious prosecution, seduction, breach of promise of marriage, should be tried by jury without any limit as to amount claimed. These are all actions of tort, and are within the terms of the Act passed by the parliament of Canada. The assembly has undertaken to say that all those cases are to be tried by a jury, even if the amount is less than $500. That is the substance of what has been done. I think that it is very reasonable we should assume that the legislative assembly of the Territories could best judge as to what would be proper to do as to the mode of trying such cases. The ordinance appears to have been acted upon, and I am not aware that any doubt has been raised as to the jurisdiction of the assembly to pass it until quite recently ; but it has now been doubted, and decisions to the contrary have, I understand, been actually made. I propose to confirm the ordinance, to give it the same effect as if it were an Act of parliament, and to do that as of the date of its passing. It was the Act of the people of the Territories ; it was acquiesced in and acted upon ; and there is no reason why we should not give the effect of law to what in this matter the assembly thought reasonable and proper and in the interest of the country. That is the only explanation of the bill which seems to be necessary.

Hon. Mr. LOUGHEED—My hon. friend the Minister of Justice will doubtless remember that I pointed out to him some time ago the desirability of there being some uniformity in legislation in the North-west Territories regarding juries, I suggested—and I think my hon. friend entirely agreed with the propriety of the suggestion—that if any further legislation should take place upon this particular subject, entire power should be given to the North-west assembly to legislate upon the subject, and I did understand from my hon. friend at that time that he would so frame this bill as to vest in the assembly the necessary power to enact legislation regarding juries. At the same time I pointed out that there was already upon the territorial statute-book law—an ordinance respecting juries which has never come into operation, owing to the fact that the federal government having legislated upon the subject the territorial assembly is thereby precluded from bringing into operation legislation regarding the same subject, and which apparently would be in conflict with the legislation of this parliament.

Hon. Sir OLIVER MOWAT—Is there another ordinance besides that set forth in the bill ?

Hon. Mr. LOUGHEED—Yes, there is a complete ordinance regarding juries which has been on the statute-book for some years, pending the action of the Department of Justice in the matter of recommending to parliament the repealing of certain sections in this Act, so as to permit of that ordinance coming into force : and I furthermore would point out to the Minister of Justice the impolicy of two legislative bodies dealing with the same question, and necessarily as I think coming into conflict with each other in the matter of legislation. Of course it is conceded without any question that at the present time all legislation regarding juries' cases must emanate from this parliament. It is now proposed to practically vest in the assembly a like power to legislate upon the same subject. I need not point out to my hon. friend the many difficulties which have arisen by reason of the conflict of the exercise of legislative powers between the federal authorities and the provincial authorities. It is therefore very desirable that this should not occur in regard to this matter, because enough complications have ensued in the Territories owing to the peculiar situation in which we are placed, rendering all legislation of the Territories subject to federal legislation. I understand that this is simply the second reading of the bill and that we are not going into committee to-day upon it. Might I point out to my hon. friend also this fact, that the Minister of the Interior has brought down, or is about bringing down, a very comprehensive bill regarding many amendments to the North-west Territories Act, including amendments dealing with the administration of justice both civil and criminal, in the Territories, and it seems to me if the disposition of the government be to amend the Act relating to juries, that this legislation should be embodied in that bill. There are already clauses in the bill prepared by the Minis-

ter of the Interior dealing with the question of juries. And as it will operate as an amendment to the North-west Territories Act, this legislation should be embodied in that Act, but if my hon. friend will permit the matter to stand I shall be very glad to go into the matter with him personally.

Hon. Sir OLIVER MOWAT—I should like to take the bill one stage to-day. I have been considering with the Minister of Interior the bill which he intends to bring into the other House. It is still under consideration—and I am not aware that we are likely to have a difference of opinion about it, but there is a good deal to be considered as to how far it should go, and so on, and the bill is not ready. I am expecting that we shall put that bill through this session, but it was thought extremely desirable at the time I brought this in that the matter mentioned in it should be settled at all events and therefore I have drawn this bill for that purpose. I quite agree that if the other bill is brought in and passed this session this bill should be dropped, what it provides for being contained in the other bill. My hon, friend suggests that it is not desirable that there should be a possibility of conflict between the Dominion parliament and the local assembly on matters with which the local assembly has to do, but that possibility is not to be avoided. We cannot divest ourselves of the jurisdiction which parliament has now with regard to the North-west Territories, and whatever power parliament has to deal with these subjects will necessarily continue. The bill which is contemplated by the Minister of the Interior and myself is a bill which would give power to the assembly to deal with this particular subject, but then the conflict which my hon. friend suggests as a thing to be avoided, it is not possible to avoid. There will still be jurisdiction in parliament if it chooses to exercise it, as well as in the legislative assembly. My hon. friend has referred to another ordinance dealing with the subject of juries, and much more extensive, it seems, than the one which I have mentioned. I have not had my attention called to that other ordinance, and I do not know that it is desirable that it should be confirmed. He prefers that a large jurisdiction should be given to the assembly in order that they may make such ordinances as they deem necessary on the subject. I am quite in favour of the assembly having the jurisdiction in regard to property and civil rights which the provinces have. I do not see any reason why they should not have that enlarged jurisdiction ; and probably the bill of the Minister of the Interior will so provide If this bill becomes unnecessary in consequence of that other bill, then, as I said before, this bill will be dropped. Meanwhile, I should like to take it a stage to-day.

Hon. Mr. LOUGHEED—Might I suggest to the hon. the Minister of Justice the wisdom of providing in the bill that it shall not affect pending cases? My hon. friend will doubtless remember that I suggested that when the bill was first brought down.

Hon. Sir OLIVER MOWAT—I think we may discuss that. It does not strike me at present that it should not affect pending cases. If parties to such cases wish them to be tried by jury, I do not see why they should not be. However, I will look into that matter further.

The motion was agreed to and the bill was read the second time.

SECOND READING.

Bill (I) "An Act respecting interest."—(Sir Oliver Mowat.)

The Senate adjourned.

THE SENATE.

Ottawa, Friday, 21st May, 1897.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

RESIGNATION OF JUDGE JONES.

MOTION.

Hon. Sir MACKENZIE BOWELL 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 copy of the resignation of S. I. Jones, Esquire, late judge of the county court of the county of Brant, together with all correspondence with any department of the government, in reference to, or in connection therewith; also, a copy of all petitions sent to the government praying for the appointment of A. D. Hardy to the position made vacant by the resignation and superannuation of the said Judge Jones.

Hon. Mr. SCOTT—There is no objection to the address.

The motion was agreed to.

DISMISSAL OF MICHEL ST. PIERRE.

INQUIRY.

Hon. Mr. LANDRY inquired:

1. Was Mr. Michel St. Pierre on the 23rd of June, 1896, postmaster at St. Paul du Buton, in the county of Montmagny?
2. Has he been since that date discharged from his work by the present administration?
3. When, why and upon whose complaint?
4. What is the nature of the charge brought against him?
5. Has the charge been proven?
6. What is the nature of the proof?
7. If no proof exists, has the accuser at least a diploma of infallibility? Granted by whom?
8. Has the accused been made aware officially of the charge brought against him, and has he had an opportunity to refute it?
9. What was his reply?
10. Has the Post Office Inspector been required to hold an inquiry and to make a report?
11. Has an inquiry taken place, and what is the report of the officer making the inquiry?
12. If the person dismissed protests his innocence and completely denies the truth of the accusation, is it the intention of the government to grant an inquiry or to refuse all justice?

Hon. Mr. SCOTT—Mr. Michel St. Pierre was, on the 23rd June last, postmaster of St. Paul du Buton, in the county of Montmagny, and after the last general elections satisfactory evidence was furnished showing that the postmaster in question, during the election, had conducted himself as a political partisan, using vulgar and insulting language towards Mr. Laurier and Mr. Choquette, the member-elect for Montmagny, charging them with being traitors to their race and religion; that the postmaster used his office as a political committee room and distributed from it election literature, and after the election charged Mr. Choquette, M.P., with having been guilty of illegal acts in connection with the election. Therefore Mr. St. Pierre was relieved of his office on the 23rd November last. The charges were substantiated by the statement of Mr. Choquette, M.P. No public interest would be served by re-opening the matter.

Hon. Mr. LANDRY—I just bring to the notice of the hon. Minister this fact that the post office was never made a committee room. There was a discussion at the door of the post office between Mr. Choquette and myself by general consent, but Mr. Choquette having himself spoken on the gallery of the post office in a public meeting, the government should not claim the right to-day to dismiss that postmaster.

THE DISMISSAL OF XAVIER SIMONEAU.

INQUIRY.

Hon. Mr. LANDRY inquired:

1. Was Mr. Xavier Simoneau on the 23rd of June, 1896, an employé of the government as section man on the Intercolonial Railway in the county of Montmagny, and was he fulfilling his duties to the satisfaction of his chief?
2. Has he been since that date discharged from his work by the present administration?
3. When, why, and upon whose complaint?
4. What is the nature of the charge brought against him?
5. Has the charge been proved?
6. What is the nature of the proof?
7. If no proof exists, has the accuser at least a diploma of infallibility? Granted by whom?
8. Has the accused been made aware officially of the accusation brought against him, and has he had an opportunity to refute it?
9. What was his reply?
10. If the person dismissed completely denies the truth of the charge brought against him, protests his innocence and offers to make it clear, is it the intention of the government to grant an inquiry or to refuse all justice?

Hon. Mr. SCOTT—Yes, Mr. Xavier Simoneau was employed as section man on the Intercolonial Railway in the county of Montmagny, on the 23rd of June, 1896. His services were dispensed with on the 1st September, 1896, at the request and on the representation of Mr. Choquette, M.P., that the said Simoneau had taken, to his personal knowledge, an active and offensive part in the recent elections.

Hon. Mr. LANDRY—That violent political partisan wrote a letter to the Department of Railways and Canals asking for an inquiry and he has not received an answer yet.

THE MANITOBA SCHOOL QUESTION.

INQUIRY.

Hon. Mr. BERNIER rose to call the attention of the government to the following paragraph published in the Montreal *Star*, on the 12th May instant:

Honourable Charles Fitzpatrick, Solicitor General, passed through the city this morning *en route* to Ottawa. He expressed himself as more than satisfied with the result of the elections; there were a few results which he would like to have changed, as for instance, Quebec West and Gaspé, but, on the whole, the Solicitor General was a very happy man. He was extremely sorry to learn of Mr. Charles Marcil's defeat in Gaspé, while full of praise for the gallant fight he made. Mr. Fitzpatrick now considers the school question as buried for ever. "The people of Quebec have once more shown the rest of Canada, and the world, that they are on the side of liberty—liberty of thought and liberty of conscience."

And inquire:—

1. Whether the words and the views attributed to the Honourable Solicitor General in the above paragraph are correctly reported; if not, what did the honourable gentleman say on that occasion?

2. Whether the above paragraph does represent the views of the government on the Manitoba school question? If not, what is the policy the government of Canada intends to pursue henceforth with regard to that matter?

3. Is it the opinion of the government that the definite solution of the Manitoba school question is to be made dependent upon the result of the elections in any of the provinces of the Dominion?

4. Can the electorate, in the opinion of the government, alter the rights of the minority?

He said: I have no intention of raising any debate on this matter to-day. I merely inquire whether the words and the views attributed to the hon. Solicitor General are correctly reported.

Hon. Sir OLIVER MOWAT—I am informed by the Solicitor General that he never allowed himself to be interviewed, and never said anything on the subject of the late elections in Quebec and their bearing on the Manitoba school question. The views and policy of the government on the Manitoba school question have been repeatedly stated, and I have nothing to add to what has been publicly stated on the subject. It is not the opinion of the government that the definite solution of the Manitoba school question is to be made dependent upon the result of the elections in any of the provinces of the Dominion. The majority of the electorate, through their representatives, and within the limits of the British North America Act, but not beyond those limits, can alter the legal status of any legal rights theretofore possessed by a minority of the electorate on any subject. Of course, the electorate cannot (as a rule) alter the moral obligation of moral rights as such, which may belong to any of their number. I do not understand that on either of these questions as to legal and moral rights there can be any difference of opinion.

A SUPPLY BILL.

Hon. Mr. SCOTT—Before the Orders of the Day are called, I desire to make the announcement that it is quite important that a supply bill, to the amount of $26,000, should be passed by parliament in order that the Jubilee Contingent may leave for England and take part in the jubilee proceedings there. I understand the House of Commons is about to pass a bill of that kind, and I would ask, if it comes up this afternoon, that the Senate should agree to suspend the rules and pass the bill, in order that His Excellency may come down at five o'clock, or whatever time is convenient, and give his assent to it.

SUPREME COURT OF ONTARIO BILL.

SECOND READING.

Hon. Sir OLIVER MOWAT moved the second reading of Bill (J) "An Act respecting the Supreme Court of Ontario and the judges thereof." He said: The object of the bill is to limit the appeals from the Ontario courts to the Supreme Court of Canada in certain cases, according to the amount or value of the disputed claim. There are such limits with regard to every province, I think, except Ontario, but it was thought that there was no occasion for any limit as far as the Ontario courts are concerned. The people are finding, however, that there are too many appeals provided for the law in that province, and some years ago its legislature passed an Act providing that appeals should take place in certain cases only. It has been held by the Supreme Court that a provincial legislature has no power to pass an Act of that kind—that if it had the power of limiting appeals it would have the right of preventing any appeals at all, that no line could be drawn, and that such a matter ought not to rest with the

provincial legislatures. Last session the Ontario legislature repeated its former legislation on the subject, but differently expressed, under the hope that the language now employed would remove the difficulty in regard to jurisdiction. I do not think it has removed that difficulty, but the limitations being very proper limitations, and being in accordance with public sentiment, and having an analogy to what has been done for the other provinces, I propose to ask parliament to adopt the limitations desired by the Ontario legislature. That is the first clause of the bill. The bill contains a second clause which I will state the object of. At present there is no law in Ontario requiring judges of the High Court or of the Court of Appeal (those two courts constitute the Supreme Court of Ontario) to reside in the province or at its seat of government. They have always so resided until lately. Sometimes one and sometimes two have resided elsewhere lately, and this has been complained of by suitors and lawyers and judges too. Both the Exchequer Court and the Supreme Court of Canada are limited with regard to the residence of the judges. These judges must reside in Ottawa or within five miles of Ottawa, and I propose that a similar provision be adopted with reference to the Ontario judges of the High Court and the Court of Appeal—in other words, of the Supreme Court there. Those are the two clauses of the bill.

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

NATIONAL LIFE ASSURANCE COMPANY BILL.

SECOND READING.

Hon. Mr. McINNES (B.C.) moved the second reading of Bill (74) "An Act to incorporate the National Life Assurance Company of Canada." He said: I think the bill only contains the usual clauses in the Acts of incorporation of such companies. There is nothing out of the ordinary in it, so far as I have been able to see.

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

ONTARIO ACCIDENT INSURANCE COMPANY'S BILL.

SECOND READING.

Hon. Mr. ALLAN moved the second reading of Bill (78) "An Act respecting the Ontario Accident Insurance Company." He said: This is a bill respecting the Ontario Accident Insurance Company. It seeks to enlarge the scope of the insurance contracts of that company by giving them permission to insure not only against accident, but sickness resulting from accident, and also to insure against sickness not ending in death. These are the objects of the bill.

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

LES CISTERCIENS RÉFORMÉS BILL.

SECOND READING.

Hon. Mr. BERNIER moved the second reading of Bill (88) "An Act to incorporate Les Cistérciens Réformés." He said: This bill relates to the Order generally known as the Trappists. They are associated for religious purposes, and they want incorporation for the management of their property.

The motion was agreed to and the bill was read the second time.

MYCENIAN MARBLE COMPANY'S BILL.

SECOND READING.

Hon. Mr. McMILLAN moved the second reading of Bill (83) "An Act to confer on the Commissioner of Patents certain powers for the relief of the Mycenian Marble Company of Canada, Limited." He said: The object of the bill is to renew a patent which, through an inadvertency, had been allowed to lapse. The parties mentioned in this bill are the owners, by transfers, of the patent, which was originally obtained in the year 1891.

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

FORGED ENDORSEMENTS OF BILLS BILL.

SECOND READING.

Hon. Sir OLIVER MOWAT moved the second reading of Bill (F) "An Act respecting forged or unauthorized endorsements of bills." He said:—The principle of what is proposed by this bill is in accordance with the probable intention of the statutory

enactments now in existence, and also with imperial enactments, but the provision on the subject in the Dominion Act does not correspond with the English legislation, and has been found extremely defective. It either does not go far enough, or goes too far, and is open to objection upon other grounds. It is desirable to make the law clear. The subject is one of great practical importance amongst traders and others. The bill as expressed will strike anybody, I suppose, as being extremely reasonable. If necessary I may point out wherein the present law is defective and requires some such provision as this bill proposes. The important clause of the bill is this:

> If a bill bearing a forged or unauthorized endorsement is paid in good faith and in the ordinary course of business, by or on behalf of the drawee or acceptor, the person by whom or on whose behalf such payment is made shall have the right to recover the amount so paid from the person to whom it was so paid.

That is very reasonable; if the person to whom a bill was paid had no right to receive payment, it is reasonable that he should repay what he had no right to receive. If he got paid in consequence of a forged or unauthorized endorsement, he was not entitled to the money. Then, it is provided further that the money pay should be recoverable from any endorser who had endorsed the bill subsequently to the forged or unauthorized endorsement. That is in accordance with the principle that every endorser guarantees the previous parties to the bill, and, every subsequent endorser is liable to make good the weakness arising from one of the previous endorsements being either forged or unauthorized. The rest of the bill is to make provision to prevent any unjust use being made of what I have read:

> Provided that notice of the forged or unauthorized endorsement is given to each such subsequent endorser within the time and in the manner hereinafter mentioned; and any such person or endorser from whom said amount has been received shall have the like right of recovery against any prior endorser subsequent to the forged or unauthorized endorsement.

And that notice must be given within a reasonable time. The substance of the proposed enactment is the law in most foreign countries, and is the law likewise in the neighbouring states. These are some of the objections to the present law which we propose to remove by the bill; first, the existing enactment applies only to a cheque. There is no reason why the enactment should be confined to cheques. A cheque is, by section 73 of the Act, defined to be a bill of exchange drawn on a bank payable on demand. The enactment should cover a bill of exchange, whether drawn on a bank or on any other institution or person, and should not be confined to bills payable on demand; a bill payable at or after sight, or after date, etc., should be included. A second objection to the existing law is that it is confined to the case of a forged endorsement. There is no reason why this should be so. A forged endorsement does not in its result differ from an unauthorized endorsement, and the English Act covers both. For example, where a clerk or agent of a firm who was not authorized expressly or impliedly to endorse bills for the firm chose to do so and gave the money and misapplied it. In a case of that kind there is no reason why the same remedy should not exist at the hands of the banker as in the case of forgery. The existing enactment declares that if the drawee of the cheque pays the amount, &c., he shall have all the rights of a holder in due course for the recovery back of the amount so paid from any endorser who has endorsed the same subsequent to the forged endorsement, &c. It will be observed that the right to recover back is given if the drawee pays. The English Act contains the words "in good faith and in the ordinary course of business," and I propose that this be qualified in the Canadian law.

Hon. Mr. MACDONALD (B. C.)—Is there no right of that kind to recover?

Hon. Sir OLIVER MOWAT—I am explaining that our present law does not render it necessary to show that payment was made in good faith or in the ordinary course of business. If a banker or any person else on whom a bill is drawn is to be relieved it should only be if he acted in good faith and in the ordinary course of business. If the "rights of a holder in due course," here referred to, are merely the ordinary rights of a holder of a bill, they are confined to a remedy upon the bill itself against the prior endorsers. Now before the holder of a bill can sue a prior endorser the bill must have been presented for payment on the day when due and must have been dishonoured

and notice of the dishonour must have been given within the limited time to the endorser sued. If the section means this, then the bank paying the cheque is practically given no relief whatever, as the cheque was not dishonoured, and in probably 99 cases out of a 100 the forgery would not be dishonoured in time to enable notice to be sent to the endorser or person receiving the money. If this is the effect of the section, then it does not go far enough and gives no practical relief. On the other hand, if the section intends to give the bank paying the cheque the right to recover back the amount from the endorser, &c., without giving notice within any limited time, then the section goes too far. I do not know that I need point out the other defects. In committee of the whole I shall give any details that may be desired and any further reasons there may be for the provisions proposed. I believe they will bring the law more nearly in conformity with the English law now, more nearly in conformity with the commercial laws of countries generally, and more nearly in conformity with what must strike all as just rules on this subject.

The motion was agreed to and the bill was read the second time.

RED DEER VALLEY RAILWAY AND COAL COMPANY'S BILL.

SECOND READING.

Hon. Mr. BOULTON moved the second reading of Bill (K): "An Act to amend the Acts relating to the Red Deer Valley Railway and Coal Co." He said: This is a bill for the purpose of extending the time for the completion of this railway, and also an amendment giving them the right to enter Calgary by way of the Calgary and Edmonton Railroad, as well as by way of the Canadian Pacific Railway.

The motion was agreed to and the bill was read the second time.

MILITIA CONTINGENT BILL.

1ST, 2ND AND 3RD READINGS.

A message was received from the House of Commons with Bill (111): "An Act for granting to Her Majesty the sum of $26,000 required for defraying certain expenses in connection with the Militia Contingent to be sent to England for the Jubilee of Her Majesty in June, 1897."

The bill was read the first time.

Hon. Mr. SCOTT moved that the rules be suspended so far as they relate to this bill.

The motion was agreed to and the bill was read the second and third times and passed.

BILLS INTRODUCED.

Bill (51) "An Act respecting the Langenburg and Southern Railway Company."—(Mr. MacInnes, Burlington.)

Bill (52) "An Act respecting the James' Bay Railway Company."—(Mr. Macdonald, B.C.)

Bill (56) "An Act respecting the Medicine Hat Railway and Coal Company."—(Mr. MacInnes, Burlington.)

The House was adjourned during pleasure.

BILLS ASSENTED TO.

After some time the House was resumed.

His Excellency the Right Honourable Sir John Campbell Hamilton-Gordon, Earl of Aberdeen; Viscount Formartine, Baron Haddo, Methlic, Tarves and Kellie, in the Peerage of Scotland; Viscount Gordon of Aberdeen, County of Aberdeen, in the Peerage of the United Kingdom; Baronet of Nova Scotia; Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George, &c., &c., Governor General of Canada, being seated in the Chair 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's pleasure 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 severally as follow:

An Act to incorporate the Royal Victoria Life Insurance Company.

An Act respecting the Grand Trunk Railway Company of Canada.
An Act for the relief of Adeline Myrtle Tuckett Lawry.
An Act respecting the Welland Power and Supply Canal Company. Limited.
An Act respecting the River St. Clair Railway Bridge and Tunnel Company.
An Act to incorporate the Methodist Trust Fire Insurance Company.
An Act respecting the Dominion Building and Loan Association.
An Act respecting the Canadian General Electric Company, Limited.
An Act to confer certain powers on the Board for the management of the Temporalities Fund of the Presbyterian Church of Canada in connection with the Church of Scotland.
An Act respecting the Ontario Pacific Railway Company, and to change the name of the company to the Ottawa and New York Railway Company.
An Act respecting the Canada Atlantic Railway Company.
An Act respecting the Atikokan Iron Range Railway Company.
An Act respecting the Niagara Grand Island Bridge Company.

To these bills the Royal Assent was pronounced by the Clerk of the Senate in the words following:—

In Her Majesty's name, His Excellency the Governer General doth assent to these bills.

Then the Honourable the Speaker of the House of Commons addressed His Excellency the Governor General as follows:

MAY IT PLEASE YOUR EXCELLENCY:

The Commons of Canada have voted certain Supplies required to enable the Government to defray the expenses of the Public Service.
In the name of the Commons, I present to your Excellency the following bill:—An Act for granting to Her Majesty the sum of $26,000, required for defraying certain expenses in connection with the Militia Contingent to be sent to England for the Jubilee of Her Majesty in June, 1897, to which bill I humbly request Your Excellency's assent.

To this bill the Clerk of the Senate, by His Excellency's command, did thereupon say:

In Her Majesty's name, His Excellency the Governor General thanks her loyal subjects, accepts their benevolence, and assents to this bill.

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

The Senate adjourned.

THE SENATE.

Ottawa, Monday, 31st May, 1897.

The SPEAKER took the Chair at Eight o'clock.

Prayers and routine proceedings.

BILLS INTRODUCED.

Bill (71) "An Act respecting the St. Lawrence and Adirondack Railway Company."—(Mr. MacInnes, Burlington.)

Bill (72) "An Act respecting the Lake Manitoba Railway and Canal Company."—(Mr. MacInnes, Burlington.)

Bill (19) "An Act respecting the Manitoba and South-eastern Railway."—(Mr. Bernier.)

Bill (33) "An Act respecting the Calgary and Edmonton Railway Company."—(Mr. Lougheed.)

Bill (54) "An Act respecting the North American Life Assurance Company."—(Mr. MacInnes, Burlington.)

Bill (58) "An Act respecting the Temiscouata Railway Company."—(Mr. McMillan.)

Bill (80) "An Act to revive and amend the Act respecting the Quebec Bridge Company."—(Mr. Landry.)

Bill (105) "An Act to amend the Act respecting the protection of navigable waters."—(Mr. Scott.)

Bill (91) "An Act respecting the Sun Life Insurance Company of Canada."—(Mr. Ogilvie.)

Bill (40) "An Act to incorporate the Maritime Milling Company, Limited."—(Mr. Power.)

Bill (17) "An Act to incorporate the Winnipeg, Duluth and Northern Railway Company."—(Mr. Boulton.)

Bill (55) "An Act to incorporate the Minden and Muskoka Railway Company."—(Mr. Dobson.)

Bill (49) "An Act respecting the Richelieu and Lake Memphremagog Railway Company."—(Mr. Clemow.)

Bill (103) "An Act respecting the Canadian Fire Insurance Company."—(Mr. Lougheed).

Bill (73) "An Act to incorporate the Kaslo and Lardo Duncan Railway Company."—(Mr. McInnes, B.C.)

Bill (43) "An Act respecting the Canadian Southern Railway Company."—(Mr. MacInnes, Burlington.)

The Senate adjourned.

THE SENATE.

Ottawa, Tuesday, June 1, 1897.

The SPEAKER took the chair at Three o'clock.

Prayers and routine proceedings.

SUSPENSION OF THE RULES.

Rules 49, 50, 53 and 54 having been suspended in so far as they related to certain bills,

Hon. Mr. MACDONALD (B.C.) said:—Hon. gentlemen will observe the wholesale suspension of rules with reference to many bills from the other chamber. It is all owing to the conflict between our rules and the rules of the House of Commons. The House of Commons rules only require notice in the *Canada Gazette*, while ours require notice in all the provinces where the bills are going to operate, and many people simply look at the rules of the House of Commons and present petitions accordingly, and the result is that all this conflict takes place. I would suggest that we should appoint a committee to confer with the House of Commons so that we can arrange the same rules for both Houses. As it is now, all this suspension of the rules takes place on account of the difference in the rules of the Houses. I do not know what would be the best way of removing the difficulty, but I think a conference would be desirable.

Hon. Mr. SCOTT—I was under the impression that an advertisement in the *Canada Gazette* applied equally to both Houses.

Hon. Mr. MACDONALD (B.C.)—So it does, but under our rule notice must be given in every province where the bill is going to operate.

Hon. Mr. SCOTT—But I have always understood that the interpretation put by the House of Commons Committee on the rule, or on the advertisement, was that they must advertise in the different provinces where the enterprise is to be carried on.

Hon. Mr. MACDONALD (B.C.).—No. About twenty bills were brought up here to-day, and they passed the Commons, and were only advertised in the *Gazette*.

HER MAJESTY'S JUBILEE.

MOTION.

Hon. Sir OLIVER MOWAT—It is, I am sure, the common sentiment of all of us that the Parliament of Canada should, on behalf of the Canadian people, unite with the other parliaments and legislatures and peoples of the Empire in presenting congratulations to our Gracious Sovereign on the happy event of her attaining by the good Providence of God the sixtieth year of Her Reign—the longest and most glorious reign in our nation's history; glorious as regards progress in everything which constitutes a nation's greatness and a people's well-being. As respects our Queen herself, Canadians rejoice to recognize her many excellences; the practical wisdom and prudence which during all her long reign she has manifested; her unceasing interest in the welfare of her subjects everywhere; the noble example which she has always shown to them and to the world; and the good influence which she has exerted as a Christian, as a sovereign, as a wife, a mother and a personal friend. I am about to move, seconded by my hon. friend opposite, that an humble address be presented to Her Majesty giving expression to these sentiments.

One delightful thing about Her Majesty's long reign is, that compared with any similar period of British history, her reign of sixty years has been pre-eminently a Reign of Peace. There has, during her time, been but one war between Great Britain and any European nation; and it is specially pleasant here in Canada to remember that the two countries to which the great majority of our people belong by birth or descent were in that war allies, and that throughout the war British and French soldiers fought side

by side in a common cause. It is pleasant for us further to remember that between the two nations there has been peace for eighty years and more; that for as long a time there has been peace with the neighbouring Republic also; and peace with all other nations of the world which have any considerable representation in our population. Need I say that every Christian hopes and prays that this peace may be lasting? It was as a step towards making it so that the official representatives of Great Britain and the United States recently agreed on a treaty which provided for the settlement of future differences by arbitration instead of by war, and good men and good women of both nations rejoiced greatly when the agreement came to their knowledge. Unhappily, the treaty has not been accepted by one of the representative bodies whose concurrence is necessary on the part of our neighbours. But it is the glory of our nation, that its Queen and its parliaments and its peoples hailed the agreement with unanimous approval. If it had gone into effect there was and is every reason to believe that the example would soon have been followed by other civilized nations; and the time thus hastened, of which the Holy Book speaks, when men everywhere shall beat their swords into ploughshares, and their spears into pruning hooks; when nation shall no longer lift up sword against nation; and men shall not have occasion to learn the art of war any more. Meanwhile our nation stands as high as it ever did in ability to cope with foreign foes whoever they may be; and in ability to maintain the country's high position in the world. The number of its people and the resources of the empire have, during the sixty years, increased relatively more than those of the other nations of Europe; and the nation has not fallen behind in anything of what in modern warfare is necessary or useful for attack or defence; but its people, I hope, do not love war as in less enlightened times they may have done; nor do other civilized peoples. Men of patriotism and humanity and intelligence everywhere, realize more than in former times what a dire calamity a great war is; that it is a calamity generally to both the successful nation and the unsuccessful. They realize how burdensome to a nation is the cost of war; how intense the individual sufferings which it occasions; how great and extensive the miseries which it creates on both sides; and, above all, how it intensifies and perpetuates international hates; and what a setting back it generally gives to human progress.

I have said that the Queen's reign as compared with any previous period of the same length has been a Reign of Peace. It has also been to the nation a reign of great material and moral progress. The territory of the empire has been greatly extended; its population has enormously increased; and its wealth has multiplied, and has at the same time become somewhat more widely diffused. Of territory, several million square miles have been added to the empire, part in Asia, and part in Africa. Russia is the only country in the world which now compares with it in extent; and the area of even Russia is somewhat less. As regards population, the advance is still more striking. It is a common notion that on this side of the Atlantic alone nowadays do cities grow much. But take some of the great cities of England. During Her Majesty's reign the population of London proper has increased from 1,700,000 to about 5,000,000; Liverpool has grown from 200,000 to 600,000; Manchester from 220,000 to 405,000; Newcastle from 68,000 to 190,000 and so on. Take the Island of Great Britain as a whole, its population has more than doubled during this one reign. Or adding Ireland, the population of the United Kindom has advanced from 26 millions to 40 millions, or nearly double, notwithstanding a large emigration. Such has been the advance of population. In developed wealth, the increase has been much greater. If in the Queen's reign the population of the British Islands taken together has increased from 26 to 40 millions or about 50 per cent, their wealth according to the best estimates has increased during the same period, not by 50 per cent, but by not less than 200 per cent, and even according to some estimates, by not less than 300 per cent. The exports and imports are in value about five times or perhaps six times what they were in 1837. An interesting illustration of the comparative wealth of the nation is, that while nearly all other nations have in the present generation increased their debts with appalling rapidity, Great Britain since the Crimean war has actually paid off nearly £160,000,000 of her debt. She paid off £8,500,000 in the fiscal year just terminated. Her credit as a nation stands at this day higher than it has ever

done before, and higher than that of any other country. Besides the money needed for her own domestic and national uses her people have been able to lend to other nations upwards of £2,000,000,000 sterling. It is a matter for patriotic rejoicing that thus in spite of partial and severe trade depression and other drawbacks, every test of national prosperity continues to indicate a high standard and steady progress of well-being in the beloved parent land.

Look for a moment at some of the more prominent matters in the nation's progress. Take railways. It was in Her Majesty's reign that there was opened the first important British railway on which the locomotion was by steam; and now the British Islands alone have over 20,000 miles of railway; and the railways in the great colonies and possessions of the Empire aggregate a still larger mileage. The total expenditure on the railways of Great Britain before Her Majesty came to the throne had been £30,000,000 stirling. The capital now invested in its railways is estimated at seven times that sum, or £200,000,000 stirling. The investments in Canadian railways are as great; not to speak of other parts of the Empire.

Take again the case of ocean steamships, which during Her Majesty's reign have come to be regarded as a necessity of ocean navigation for both passengers and freight. I allude to this subject with all the greater interest because the first steamship which steamed across the Atlantic was one of Canadian build and Canadian ownership—the "Royal William." This occurred shortly before Her Majesty came to the throne, and some years before the Atlantic was crossed by the "Great Western" and the "Sirius"—the steamships which I believe are usually assumed in Britain to have been the first steamships that successfully performed the voyage. Of these three ships the "Royal William" was a ship of but 363 tons; her engines were of but 200 horse power; and she took 19 days to make the trip from Pictou to London. The "Sirius" was double the size and had double the power of her Canadian predecessor, her tonnage being 700 tons, and her engines having the power of 700 horses; she made the trip from Cork to New York in 18 days. All three ships were wonders. The steamships now crossing the Atlantic are very giants in comparison; some of them having a tonnage of 12,000 tons or more, and the power of 30,000 horses, and making the passage in less than six days. So again, in the early years of Her Majesty's reign the commercial steamfleet of the nation had an aggregate capacity of 87,000 tons, now its aggregate capacity is nearly six million tons. Another illustration of the changes in this department is, that while in 1837 ships were almost exclusively built of wood, now every vessel of any size is built of iron or steel.

Going on to some of the other great facts which distinguish the present year as compared with sixty years ago, there is the telegraph. Accustomed as most men now living have been to there being telegraph lines everywhere, it is difficult for them to realize that sixty years ago there was not one electric telegraph line in the Empire. Now, these lines are everywhere in the United Kingdom, and are in all other parts of the Empire as well, facilitating business, facilitating travelling, facilitating communication for all purposes, bringing every part of the kingdom within an hour or so of every other part, and closely connecting with the parent land its most distant colonies and possessions. To such a condition has the telegraph from time to time been improved that it has become practicable to send on one wire six messages at the same time—three each way—and to send them with a speed of 600 words a minute; while a speed of 400 words a minute is said to be usual. When such facts are first related the imagination almost fails to take them in. The invention of the telephone followed that of the telegraph, and is still more wonderful; and there are other well known applications of electricity during this reign no less wonderful and beneficial than the telegraph and the telephone.

Amongst the many other striking examples of national progress during Her Majesty's reign, I do not know one more important or more significant than the Penny Postage system of Britain, and the three-cent postage system of Canada. A penny now carries a letter from one end of the United Kingdom to the other; and in Canada three cents carry a letter from any part of Canada to any other part of Canada or any part of the United States. The old postage rates are forgotten by the present generation, but some of us recollect when in Canada it cost us 7½ cents to send a single letter sixty miles or any less distance, however short. The charges increased with the distances; and

with the rates then charged a letter from Halifax to Vancouver would cost nearer $3 than 3 cents. High rates are to a large extent a bar to correspondence; cheap postage facilitates trade, promotes friendly communication, and makes life more comfortable in a hundred ways. Its value to the people of the motherland is illustrated by the fact that 18 times as many letters are annually delivered now as were sixty years ago. In Canada the increase has been still greater, in fact very much greater.

In the case of these great departments of progress and of many others, it is delightful to know that all classes of the community share the advantages, both directly and indirectly. The progress made in so many new enterprises has afforded to multitudes of the people new avenues of employment, and, to multitudes more, has afforded advantages, directly or indirectly, in a hundred other ways. Looking at the developed wealth of the country as a whole, it is a happy circumstance to know that, while this wealth is still in fewer hands than every intelligent lover of his race would like it to be, the comparative number of the wealthy has largely increased during the last sixty years both in the old lands and in the rest of the Empire; the number of persons of moderate means has increased still more; and, what is much more important than even these facts, the condition of wage-earners has greatly improved. Statistics show that, in proportion to the population, more persons of the class of wage-earners get employment than in former days; and, when employed, most of them, as a rule, receive higher wages than they used to do. In addition to this, the money they receive for their work in the old land has a greater purchasing power there than the same amount of money had sixty years ago. The consequence is, that in the old land the wage-earners or working classes are better fed and better clothed than they were before Her Majesty's reign; that they are also being better educated, and thereby better prepared for the battle of life, and better fitted, too, for the right exercise of the political power which, in this auspicious reign, they have received. In Canada, the masses are, I presume, taking all things into consideration, much better off now than in the parent land.

As a further illustration of the progress which we rejoice over, it is interesting to know that, though the population of Great Britain has more than doubled since Her Majesty came to the throne, the number of paupers in the island receiving relief from the poor rates has not only not increased, but has actually diminished by several thousand persons; the number of poor receiving relief sixty years ago was upwards of eleven hundred thousand and by the last returns the number has gone down to eight hundred thousand. It is lamentable that there should be so many as even this reduced number. The future, however, is hopeful. I see no reason why the diminution should not go on until, for those able and willing to work, poverty shall have disappeared from the earth. Who does not wish that this may be soon? The education of the people is calculated to greatly help this much desired result; and increased attention to the education of the masses is being given everywhere throughout the British Empire. Take on this subject the case of England. It was in Her Majesty's reign that the Imperial Parliament made its first state grant for promoting education, and the amount of it was but £30,000 sterling. Now the annual state grants in England are nearly £9,000,000 sterling; and the chief benefit of this large sum goes to the poorer classes of the British community.

More important still than all these matters is the progress of the nation in religion and morality. If there is more infidelity now than there was sixty years ago, there is still more of deep faith in Christianity, more of spiritual life, more of religious zeal, more of active morality, and more liberality in contributing to religious objects. There never was a time which more abounded than do all these to-day in the British Empire. One of the signs and results of this state of things is furnished by the criminal statistics. Thus, shortly before Her Majesty's reign began, the convict population of Great Britain was estimated at 50,000. The population of the country has doubled since then, but instead of the number of the convict population having doubled, and being now 100,000, the number has actually dwindled to 6,500; and this number includes convicts who are out on tickets of leave.

During the last sixty or seventy years, the Imperial parliament has passed very much valuable legislation. Of the measures so passed none are more important than those for the extension of the franchise to which Her Majesty has given her assent

and thus made law. These measures have extended the franchise far beyond what had previously been accomplished by the celebrated Reform Bill of 1832, though that bill was regarded by many at the time as revolutionary, and by its illustrious author as at all events a finality. The extension of the suffrage in the fatherland is leading, in connection with other causes, to increased thought being given by an increasd number of capable and benevolent thinkers to the condition and improvement of the masses. Common sense rejects many of the theoretical schemes and suggestions of socialists and others, but humanity hopes that the problem may not be found insoluble of ameliorating much further than hitherto the condition of the masses, and therein of affording full employment at fair wages for all men and women able and willing to work. In the interest of humanity all of us would like to believe that the solution is not only practicable, but is not far distant.

I have so far been speaking chiefly of the Empire as a whole, or of that part of it which to most of us is the Motherland. Let me say a few more words about our portion of the Empire. Canada has had its share in the sixty years' race of progress. What was the condition of Canada when our Queen came to the throne? This great territory which is now Canada consisted then of some scattered provinces, and of a vast undeveloped and unsettled territory outside of these provinces. The provinces had but little intercourse with one another, and I am afraid felt but little interest either. In one of the two greatest of them there were racial antagonisms of the bitterest and most formidable kind. Lower Canada had then a population considerably greater than Upper Canada had, and politically and socially almost all the French-speaking population were on one side, and almost all the English-speaking population were on the other. That miserable condition of things has since passed away, to the advantage of all; a large degree of mutual esteem and respect now prevails amongst the different races which compose our population; and mutual good will is increasing amongst us year by year. As bearing on this subject let me, as a Canadian of British ancestry and a Protestant, say here that some of the most patriotic, loyal, amiable and able men that I have ever met in public life have been French Canadians and Roman Catholics. There was no such race antagonism in the other provinces as there was in Lower Canada, but there was in them all much political discontent. In both Upper and Lower Canada the discontent broke out in rebellion on the part of a portion of the inhabitants. There was certainly much reason for the discontent, though most of us think that rebellion was not the remedy. There was no responsible government in any of the provinces. The wishes of the people expressed in a lawful way through their elected representatives in matters of both legislation and executive government were disregarded. The legislative council of every province—the second chamber—consisted wholly of nominees of the governor of the province, or of the English government looking on at a distance of 3,000 miles, and was often or generally not in sympathy with the sentiments of the people of the province, and vetoed the legislation which the people's elected representatives desired. Then again, the executive administration of public affairs was wholly in the hands of persons owing no responsibility to the people. The people or their representatives had no control over appointments to the legislative council or to other public offices. The proper method of governing British colonies was not then understood. It has been learned during Her Majesty's reign; home rule is its principle; and home rule was established in the British provinces not long after Her Majesty had begun to reign. The first step towards it in British America was the union of the provinces of Upper and Lower Canada; responsible government was soon afterwards conceded to the united province, and subsequently to the other provinces. The provinces thereby became self governing; and it is an historical fact that from that time disloyalty, and discontent with the political situation, gradually disappeared. It was in about the middle of Her Majesty's reign that the next great movement in the constitutional history of the country took place, the Confederation of all the provinces of British North America except Newfoundland. The Confederation was at first of the three principal provinces only, and these became one Canada. The remaining British territory was soon afterwards added by the Imperial Parliament without money and without price; British Columbia and Prince Edward Island successively joined the

Confederation afterwards; and the result is that Canada now has an area capable of maintaining a great nation; an area equal or more than equal in extent to the area of the United States; and nearly as large as the whole of Europe, the seat of so many great nations. Our constitution was of our own choosing and preparing, but its framers were human and could not foresee all the future results of the provisions of the Constitutional Act. Some of us think that our 30 years' experience of the working of the Canadian constitution has shown it to have defects which might and should be removed; and some of us—a minority in this honourable House—think that the laws passed during the 18 years of continuous rule by one of our political parties were not always such as they ought to have been; and that the administration of public affairs during the same period was—not what it should have been. But I refer to these things now for the purpose only of adding that, however strongly some of us feel these matters, we at the same time feel and rejoice to acknowledge that even with the constitution unamended, no country or state has a constitution which on the whole is superior to ours; that none has a better parliament than our parliament is, notwithstanding what we consider its defects and shortcomings; and that none has on the whole a superior body of legislation take it all in all.

If, as some of us think, many things have in past days been faulty on the part of parliament and government, and if we think that our prosperity has thereby been much less than it might have been, yet, we rejoice as Canadians that, notwithstanding all drawbacks and difficulties, things are not worse than they are, and that during Her Majesty's reign Canada has been going ahead in constitutional freedom, in extent of territory, and in most other important respects; and that its progress has not been slight, if not so great as was hoped. In illustration, take our growth in population. This has been less than we had all hoped for and expected. But yet, from 1,400,000, which was the population when our Queen's reign began, it has become five millions. What the population produces year by year has increased far more than the population has The wheat now raised every year is said to be forty times what the territory which is now Canada produced sixty years ago. There has been a remarkable increase in other grains also; and in agricultural products generally; an enormous increase likewise of timber cut in our forests, of minerals taken from our mines, and of fish taken from our waters; and an increase also of goods manufactured in the country. Take a few other particulars of progress. Sixty years ago there were but fourteen miles of railway in all Canada—one can hardly realize the fact. This was the railway from Laprairie to St. Johns, which was opened in July, 1838. Now, there are 16,000 miles in operation in Canada; and a thousand million dollars have been expended in building and equipping these railways. Then again, sixty years ago Canada had not a single steamship on the route between Canada and Europe; for the "Royal William," on arriving in England, was sold there, and was put by the purchasers on other and better paying ocean routes. Now Canada has 14 distinct lines of steamships crossing the Atlantic to and from the ports of Montreal and Quebec.

Another of the many striking illustrations of Canadian progress is furnished by the postage system of which I have said something already. Take one fact of many. It was in 1851 that the control of the postal system was transferred by the Imperial government to the provinces, and a reduced rate adopted of 5 cents per ½ oz. on letters. Subsequently the rate was further reduced to 3 cents. The number of letters which had previously been sent through the post office annually was 86 thousand; the number now is 115 millions. In other words while the population has little more than doubled the number of letters sent has increased more than 1,300 times. Think of all that is implied in this enormous increase of correspondence, both as affecting business of every kind, and as affecting friendly communion among our people.

There has been a like enormous increase in newspapers. The number sent through the post office previous to its transfer to provincial management was 101,000; it is now 124 millions—an increase almost as great as in the case of letters. Newspapers, take them all in all, are valuable educators of the people. In other educational agencies also there has been great progress; and the results are illustrated by the agreeable and promising fact that while the number of children attending school 60 years ago in the whole

territory, which is now Canada was 92,000, the number now is nearly a million, or say 10 times the number attending school 60 years ago.

Canadians are a mixed people. Besides the two great nations from which most of our population is derived, there is amongst us a representation of many other nations and races; and all our people, to whatever nationality or race they belong, unite in respect and affection towards our country's Queen. We all believe and know that she has been a blessing to the nation. And not to our nation alone. By her wisdom and thoughtfulness and firmness, she has repeatedly been instrumental in preventing war, from which the nations engaged, including our own, could not but have suffered much, the victors as well as the vanquished. Her own subjects in every land she has cared for and loved, as they have loved and revered her. She has rejoiced when they have rejoiced, and has sorrowed when they have sorrowed. In every relation of life, she has been an example of good as regards every duty. Those who have been her constitutional advisers, and thus been brought into closer intimacy with her, in public matters, than others, testify to her keen sagacity, her clear intellect, and the careful personal attention which she gives to public affairs. In executing the functions of her high office, she has adapted herself frankly and cordially to the requirements of popular government, and she has thereby, as well as by her whole conduct public and private, greatly strengthened the British monarchy in the estimation of her people. Nor is it only amongst her own people that she is held in high regard, but also in every civilized nation in the world, monarchical and republican. When in God's good time Her Majesty shall have passed from this world to another, she will long be remembered here as Britain's good Queen Victoria. In common with British subjects everywhere, Canadians thank God for the long and blessed reign of Canada's Queen.

To the Queen's Most Excellent Majesty:

MOST GRACIOUS SOVEREIGN:

We, your Majesty's royal and dutiful subjects, the Senate and of Canada in Parliament assembled, beg to offer our sincere congratulations on the happy completion of the sixtieth year of your auspicious reign.

When, on the memorable occasion of your Majesty's Golden Jubilee, the representatives of your loyal Canadian people joined those of other parts of the empire in expressing their heartfelt pleasure that by the grace of God the nation had for half a century enjoyed the inestimable benefit of your Majesty's constitutional and beneficient rule, they stated their earnest hope that your Majesty might be spared for many more years to reign over your loyal subjects.

A decade has since passed, and to-day we contemplate with renewed satisfaction the fact that your Majesty is still the head of the state. Not only have none of your illustrious predecessors sat on the throne of our country for so extended a period, but in the history of the nations of the world few monarchs have ruled so long, and none have been so universally honoured and revered.

Looking back across the sixty years which have elapsed since your Majesty ascended the throne, it is impossible not to be impressed with the immense strides which during that period have been made by the civilized world in all that constitutes the moral, intellectual and physical well-being of mankind. The Gospel of our Divine Teacher has been preached in the remotest corners of the earth; temperance in all things has become more than at any previous period an accepted rule of human conduct; more adequate provision has been made for suffering humanity; the administration of justice has been placed upon a more humane and otherwise satisfactory basis; great advances have been made in science and the arts; and the literature of the Victorian era surpasses that of any former period in breadth of thought and general excellence, as well as in volume and popular appreciation. By the establishment of railway and steamship communication, the inauguration of an improved postal system, the invention of the electric telegraph and telephone, as well as the general utilization of electric power, and by an infinite number of other agencies, the comfort and convenience of the people have been immensely increased. During the same period the empire has been enlarged, and its scattered members brought into more intimate fellowship with one another and with the mother land. Your Majesty's colonies in North America have, with but one exception, been gradually consolidated into a united Dominion, the people of which have been, and we believe will continue to be, amongst the most loyal of the races and peoples owing fealty to the British Crown.

We trust that we, and your Majesty's subjects in other parts of the empire, may continue for many years to come to enjoy the benefit of your gracious and peaceful rule; and we earnestly pray that He who is the supreme King of kings may endow your Majesty with every blessing in what remains to you of this life, and with everlasting felicity in the life to come.

Hon. Mr. MASSON—I, in common with other members of the Senate who remained seated during the reading of the address, do not wish it to be understood that we wished to show any disrespect in remaining in our seats. I think the proper course is not to rise. The hon. gentleman speaking, is moving the address, and this is simply a motion. I wish to make this explanation because

some of the members of the Senate remained seated.

Hon. Sir MACKENZIE BOWELL—Honourable gentlemen, in seconding the motion for this address to Her Majesty, I, in common with the Minister of Justice who has moved it and many others present, have been privileged to live through the long period of the Queen's reign and, therefore, have been a witness of all the memorable events we now desire to commemorate, and to which the honourable mover of the address called attention. There is also this somewhat pathetic element in this celebration, namely: That in the nature of things we must contemplate the close, at a period which after sixty years of rule we sincerely hope to be remote, of one of the most memorable, and beyond all the most beneficient, reigns in our history. It was the boast of one of the Roman emperors that he found the city brick and left it marble. His boast was confined to a single city, which, great as it was, was yet but a small part of the empire over which he ruled. Queen Victoria, if in the mood for boasting, might exclaim, that she found her empire comparatively weak and will leave it widespread and strong beyond the dreams of any Roman ruler of them all. It would be gross flattery to contend that the progress of the empire to greatness was due to the special or exclusive exercise of the Queen's abilities. That progress has been the result of the labours of statesmen and soldiers, of merchants and missionaries, of manufacturers and traders, of those that go down to the sea in ships, and those who have felled the forests and tilled the fields all over the empire. But it may be claimed for the Queen that she has been one of the hardest labourers in the common cause of an advancing British civilization. She has utilized the genius and reconciled the jealousies of statesmen. She has watched keenly the career and rewarded the labour of soldiers. She has encouraged enterprise; and her authority has followed and protected the pioneer, the settler, the husbandman, in every region which has been filled by their labours. More than this may be said. Is it not true that in a long reign of sixty years the Queen's name, the Queen's influence, the Queen's authority have never been exercised to postpone or prevent the accomplishment of any project of law or of policy, which in the opinion of her legitimate advisers, was for the good of her people or the strength of her empire? We must not suppose that the Queen's authority is small or that it cannot be exercised. No public man who has had any experience or has studied our constitution can be ignorant of the ever alive and ever present powers of the Crown. The reign of George III. was marked by constant personal rule and constant conflicts with ministers. The reign of George the IV. was marked by the King's determined hostility to measures which the good sense of later generations approved of as essential. The reign of William the IV. was marked by the King's very vigorous hostility to the popular demand for enlargement of the franchise, which aroused bitter and dangerous ill feeling among his subjects. But during the reign of Victoria, Her Majesty has never stood in the way of what the general opinion of the country considered the path of progress. Her Majesty has been indeed a great stateswoman. All the qualities which we usually attribute to a great statesman have been and are hers. To be patriotic—to be humane—to be far-seeing—to be industrious—to have knowledge, courage, convictions and faith—to be conciliatory—to be fond of peace, yet ever ready for war—to be prompt and vigorous in defence of the national honour—to be sincere and sympathetic in regard to national sufferings, whether at home or abroad—these are some of the attributes of statesmanship, and with pride we may assert that Queen Victoria possesses them all. The leader of the government in this House has already given us in his address a relation, in brief, of the great progress the empire and the colonies have made during Her Majesty's reign. It is not necessary that I should follow him and repeat that tale of material progress, so great and so rapid, that language and figures fail to give it fit utterance. There are many amongst us still who remember how at the commencement of Her Majesty's reign, this country was in the throes of a disastrous rebellion. Now, the contingent which will represent Canada at the Jubilee Celebration will represent one of the most loyal portions of the empire. There are still more who remember that at a later period the vast region of India was ablaze with revolt. To-day, the contingent from India will represent the

vastest population of loyal people—suffering though they have been—that any monarch ever ruled.

There are those who remember that at the beginning of the Queen's reign, the Australasian Colonies had hardly begun to exist. To-day they are the homes of large populations, vigorous, progressive and loyal, having survived and surmounted the perils to which ambitious young nationalities are exposed. We all can read, and many can remember, how at the commencement of the Queen's reign she was but a young girl taking her place, alone, inexperienced and timid upon the throne. After sixty years filled with many joys and sorrows, Her Majesty is once more (as she has been these many years) alone, but with an experience, knowledge and wisdom greater than are possessed by any of those who may form her government. Then, she had to receive counsel and advice. Now she can confer them. Then, she depended for support upon the loyal assistance of statesmen and the loyal devotion of her people. Now, she is in a position still to command that assistance and that devotion in an ampler measure. Sixty years of rule enable her to recall with pride the faithfulness of her people. Sixty years of experience enable the people to recall with pride the royal devotion of their Queen. In common with hon. gentlemen opposite, in common with all the people of this country, I and those with whom I act, have peculiar pleasure in giving assistance in the passing of this address by which we recognize and commemorate the sixtieth year of Her Majesty's glorious and beneficent reign. With unfeigned pleasure and devotion to the throne, and a sincere wish that Her Majesty may long be spared to reign over a happy and contented people, I second the motion.

Hon. Mr. BERNIER—(in French)—It is not often that the French language is heard in this chamber. When I have occasion to speak, I generally address the House in the language of the majority; however, this is, it seems to me, an occasion when the populations who enjoy the protection of the British flag should express in their native languages their sincere homage to the woman and to the Queen who has for the last 60 years, adorned the British Throne. When Her Majesty ascended the throne, our Canadian land was suffering from a serious agitation, but the agitation soon passed away, and with peace the country advanced in the path of prosperity and extension, so much so that we can boast to-day of being the jewel colony of England. Loyalty has also increased in the hearts of every class and of every citizen. But the French Canadians did not wait until this reign to give tokens of their loyalty to the new flag which floated over their heads. At the time of the American revolution, while the New England colonies hauled down the British flag, the French Canadians remained loyal and went to the front, and in fact saved Canada to England. Again, in 1812 and 1813, their loyalty was put to test and again it proves to be true loyalty, and through that loyalty this country of ours could remain a portion of the empire. On one occasion it was said that the last shot that will be fired in defence of the British flag on this continent will be fired by a French Canadian. And to-day, should a plebiscite be taken, the French Canadians would declare their satisfaction to remain under the flag which protects their nation. When we remember the personal influence of Her Majesty, her solicitude for the welfare of her people, it seems to me a proper occasion to express a wish, in connection with the agitation which is now prevailing in the land. In the distant province of Manitoba, a portion of Her Majesty's subjects are denied the enjoyment of well defined rights and liberties. Let us hope that Her Majesty, before handing over to her successors the reins of power, will deem it worthy of her solicitude to accord to that portion of her loyal subjects that justice which always engenders peace, and thus endear herself all the more to us.

The motion was agreed to.

Hon. Sir OLIVER MOWAT moved:

That the said Address be engrossed, and that His Honour, the Speaker, do sign the same on behalf of the Senate.

Hon. Mr. MACDONALD (B.C.) The House has been completely taken by surprise in this matter. There has been no notice of motion, and many senators who might have spoken on this subject are quite unprepared. I find the mover and the seconder of the motion fully prepared to do justice to the subject. It is placing the House at a

disadvantage to spring the matter upon us without notice.

Hon. Mr. MILLER—The usual parliamentary course in a matter of this kind is for the address to be moved by the leader of the government in this House and seconded by the leader of the opposition, and the discussion has been confined to them.

The motion was agreed to.

Hon. Sir OLIVER MOWAT moved :

That a Message be sent to the House of Commons by one of the Masters of Chancery, to acquaint that House that the Senate has voted the said Address to Her Most Gracious Majesty, and to request their concurrence.

He said :—In reply to my hon. friend from British Columbia, I may state that I found on inquiry that no notice had been given of the address passed ten years ago. The debate on that occasion was confined to the mover and seconder, and I thought that that was the usual course.

The motion was agreed to.

BILLS INTRODUCED.

Bill (86) "An Act respecting La Banque du Peuple."—(Mr. Forget.)

Bill (82) "An Act to incorporate the Mining Development and Advisory Corporation of British America."—(Mr Lougheed.)

Bill (64) "An Act to incorporate the British Yukon Mining, Trading and Transportation Company."—(Mr. McInnes, B.C.)

Bill (70) "An Act respecting the Great North-west Central Railway Company."—(Mr. Clemow.)

Bill (109) "An Act respecting the Ottawa and Gatineau Valley Railway Company."—(Mr. Clemow.)

Bill (104) "An Act respecting the Ottawa Gas Company."—(Mr. Clemow.)

Bill (87) "An Act to incorporate the Columbia River Bridge Company."—(Mr. McInnes, B.C.)

THE MANITOBA SCHOOL QUESTION.

INQUIRY.

Hon. Mr. LANDRY inquired :

1. Did the present government, or any member of the present administration, upon learning of the sending of an Apostolic Delegate to Canada, enter into communication with the government of Manitoba and ask or suggest to it the convenience or the expediency of delaying the adoption of the law giving force and effect to the Laurier-Greenway compromise with respect to the school question?

2. As one of the parties to the compromise, was the Federal government able to manifest to the government of Manitoba its desire to see the adoption of the legislation which was the consequence thereof deferred until after the arrival of the Apostolic Delegate? And did it manifest this desire?

3. What was the reply of the government of Manitoba?

Hon. Mr. SCOTT—The answer to the first question will be simply no, and it follows, as a matter of course, that the answer to the second is that no action was taken by the federal government.

THE JOINT COMMITTEES OF PARLIAMENT.

MOTION.

Hon. Sir MACKENZIE BOWELL moved :

That rule 80 of the rules, orders and forms of proceedings of the Senate be amended by substituting for the paragraphs thereof numbered 1 and 2, the following :—

1. The Joint Committee on the Library of Parliament, whereto there shall be appointed in the first instance at least seventeen senators and such further number as may be necessary at any time to make the number of senators appointed thereto equal to that of the members appointed thereto on behalf of the House of Commons, if the latter form a majority of the committee.

2. The Joint Committee on the Printing of Parliament, whereto there shall be appointed in the first instance at least twenty-one senators, and such further number as may be necessary at any time to make the number of senators appointed thereto equal to that of the members appointed thereto on behalf of the House of Commons, if the latter form a majority of the committee.

He said :—Since I placed this notice upon the paper, it has been suggested by one of the older members of the Senate that instead of putting it to a vote, or passing it, I should suggest to the leader of the government here that he interview the premier, or the leader of the government in the Commons, to ascertain whether an understanding cannot be arrived at by which an equality in numbers of the members composing these two committees, should be the rule for the future. My only object in placing the notice on the paper was to prevent one House or the other having a preponderance in number on the joint committees. If the hon. leader of the government should think well of my

suggestion, either himself or his colleague in this chamber could interview the premier in the other House. I would rather that the matter should drop than put the Senate to the necessity of reprinting all its rules again. I have no doubt the suggestion I have made, which I have done at the instance of some of my older colleagues, would be carried out if an interview were to take place between the leader of this House, or his colleague, and some minister in the other House.

Hon. Sir OLIVER MOWAT—I shall be glad to take the opportunity of conferring with the leader of the government in the other House on the subject.

Hon. Sir MACKENZIE BOWELL—Then it will be dropped.

The motion was then dropped.

CRIMINAL CODE AMENDMENT BILL

POSTPONED.

The Order of the Day having been called,

Committee of the Whole House on Bill (H): "An Act further to amend the Criminal Code of 1892."

Hon. Sir OLIVER MOWAT said:—I propose to ask the House to postpone this order until to-morrow, and I also propose that the three following orders which stand in my name be postponed.

Hon. Sir MACKENZIE BOWELL—Before the motion is put to postpone these orders, I would ask the leader of the House if he proposes to go on with the bills. First, there is one on the Criminal Code, and then there is the Trial by Jury in the North-west Territories, and also one respecting Interest and one relating to the Supreme Court.

Hon. Sir OLIVER MOWAT—The one respecting Interest I think we will take up the day after to-morrow. I will not take up the second order to-morrow, but I propose to take up the first order, the Criminal Code Amendment Bill, and, if there is time, the fourth order.

PROTECTION OF NAVIGABLE WATERS ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (105) "An Act to amend the Act respecting the protection of navigable waters." He said:—This bill is simply to make provision, in the event of a wreck or any object obstructing navigation, that full power be given the Minister of Marine and Fisheries to have the wreck removed and, if necessary, to place a signal there during the time the wreck has not been removed; and if the parties who own the wreck fail to remove it within a given time and the government is put to the expense of the removal, that the cost of removing it can be recovered from the party who fails to remove it.

The motion was agreed to and the bill was read the second time.

DELAYED RETURNS.

INQUIRY.

Hon. Sir MACKENZIE BOWELL—Might I ask the hon. Secretary of State when I may expect that return for which I moved about two months ago?

Hon. Mr. SCOTT—I had a letter from one of the ministers saying that it appeared to be quite impossible to bring it down in any reasonable time. A large amount of the information is not in the department at all. The proceedings before the commissioners have not in many instances been terminated, and the names of the witnesses are not within the knowledge of the departments and the names of the attorneys who may be retained by the parties charged is not within our knowledge. There is a vast amount of information which we cannot get.

Hon. Sir MACKENZIE BOWELL—I shall be satisfied if we can get it by the opening of the next session, provided the hon. gentleman will add to the return the number of dismissals and the reasons, and the commissions appointed since the date of the address for which I moved, and up to the date at which the return is presented to this House, which would make it complete.

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—Is that the understanding?

Hon. Mr. SCOTT—Oh, yes.

Hon. Sir MACKENZIE BOWELL—That you will bring it down the first day of next session?

Hon. Mr. SCOTT—I hope so.

SECOND READINGS.

Bill (51) "An Act respecting the Langenburg and Southern Railway Company."—(Mr. MacInnes, Burlington.)

Bill (52) "An Act respecting the James Bay Railway Company."—(Mr. Macdonald, B.C.)

Bill (71) "An Act respecting the St. Lawrence and Adirondack Railway Company."—(Mr. MacInnes, Burlington.)

Bill (72) "An Act respecting the Lake Manitoba Railway and Canal Company."—(Mr. MacInnes, Burlington.)

Bill (19) "An Act respecting the Manitoba and South-eastern Railway Company."—(Mr. Bernier.)

Bill (33) "An Act respecting the Calgary and Edmonton Railway Company."—(Mr. Lougheed.)

Bill (54) "An Act respecting the North American Life Assurance Company."—(Mr. Allan.)

Bill (91) "An Act respecting the Sun Life Assurance Company of Canada."—(Mr. Ogilvie.)

Bill (55) "An Act to incorporate the Minden and Muskoka Railway Company."—(Mr. Dobson.)

Bill (49) "An Act respecting the Richelieu and Lake Memphremagog Railway Company."—(Mr. Clemow.)

Bill (43) "An Act respecting the Canada Southern Railway Company."—(Mr. MacInnes, Burlington.)

The Senate adjourned.

THE SENATE.

Ottawa, Wednesday, 2nd June, 1897.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

RED DEER VALLEY RAILWAY AND COAL COMPANY'S BILL.

THIRD READING.

Hon. Mr. VIDAL, from the Committee on Railways, Telegraphs and Harbours, reported Bill (K) "An Act to amend the Act relating to the Red Deer Valley Railway and Coal Company," with amendments. He said: It is well that I should explain the alteration which has been made. Although it was thought expedient to strike out the whole clause and insert a new clause, the committee considered it to be preferable to make an amendment. This amendment merely changes the time. As the bill came to the committee, the term of three years was inserted as applying to the commencement of the time of paying of the percentage and the completion of the road. The committee in their judgment thought it better to make an alteration here, and they have made it two years from the commencement of the paying of this first percentage, and they extended the time for the completion to four years. That is the substance of the amendment. The length of it is simply in order to give phraseology and in order that it may be easily read. I move that the amendment be concurred in.

The motion was agreed to.

Hon. Mr. BOULTON—I move the suspension of the 70th rule in regard to this bill. It has been introduced in the Senate and there is no telling exactly how long the session will last and the promoters are anxious to have the bill sent down to the House of Commons. I shall not be here to-morrow and therefore make the motion now.

The motion was agreed to.

Hon. Mr. BOULTON moved the third reading of the bill.

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

BILL INTRODUCED.

Bill (M) "An Act to amend the Companies Act." (Sir Oliver Mowat).

A CANADIAN MINT.

MOTION.

Hon. Mr. McINNES (B.C.) rose to move:

That in the opinion of this House, it is both desirable and expedient that the government should, at the earliest possible date, establish a mint in Canada, for the purpose of coining all the

gold, silver and copper currency necessary to meet the commercial requirements of the country.

He said:—I am sorry that the advocacy of such an important question as the establishment of a Canadian mint, has not fallen to the lot of some one better qualified and more familiar with the monetary institutions of this and other countries than I am. I am fully aware of the fact that many of my hon. colleagues in this chamber, are, or have been, presidents, vice-presidents, directors and managers of banking institutions, and many others who are not, or who have not been directly connected with banks, have had long and varied business experience, I therefore know and feel that my audience this afternoon is a most critical one. However, having twice within the last nine years, called the attention of this branch of parliament—a branch, in my judgment, better qualified to consider a question of this kind, than the Commons—to this subject, I shall again endeavour to present such data, yes, such incontrovertible evidence, as, I believe, will convince every hon. gentleman of the urgent necessity of at once carrying out the object of the resolution before the House. Each year makes it not only more apparent and desirable, but also more imperative, that the government should establish such an institution in our country—our country, Our Lady of the North, not "Our Lady of the Snows" as Mr. Kipling has libellously called our beloved country. Of all the great and beautiful daughters of the mighty mother of nations, there is none so great, none so beautiful and altogether lovely as our Lady of the North, Miss Canada. I propose, in the first place, to lay before you such facts as will put it beyond all doubt, beyond all cavil, that a mint can be established and operated at a direct profit, that it can be made a paying institution, a source of considerable revenue, and not a drain on the treasury as some people suppose. In the second place, I will show that there is no country in the world with an equal population, or of anything like the same commercial importance, or producing the precious metals in such quantities—to say nothing of our illimitable resources and possibilities—but has its own mint and coins its own money. By reference to the report of the director of the mint of the United States for 1896, page 26, hon. gentlemen will find, though the coinage of silver has been greatly restricted for the last few years in that country, that the net seigniorage or profit on silver alone was last year no less than $2,503,056. And the net profit on silver since 1878 has amounted to the enormous sum of $78,145,603. So far, I have been unable to get accurate returns showing the profit made on the coinage of nickel and copper, but we all know they are much greater than on silver, and must have amounted to several millions during the period I have just named. The foregoing figures will give some idea of the immense profits made on the coinage of silver and the profitable use to which our neighbours to the south of us have put the principal portion of their silver bullion. Now, I will take hon. gentlemen a little nearer home and show what our government has done in the matter of buying silver bullion and copper and having it coined in England. I have here a detailed statement furnished by the Finance department, covering a period of fifteen years from 1881 to 1896, showing the amount of silver and copper coined in England and the profit made thereon, and I have no doubt the figures given will surprise hon. gentlemen just as much as they surprised your humble servant when he first saw them. Here it is:—

AMOUNT OF SILVER AND COPPER COINAGE SINCE 1881.

Year.	Silver.	Copper.	Total.	Total Profits.
	$	$	$	$ cts.
1882..	650,000	20,000	670,000	110,321 94
1883..	500,000	20,000	520,000	69,364 26
1884..	300,000	20,900	320,000	65,695 66
1885..	130,000	25,000	128,000	33,007 70
1886..	185,000	15,000	200,000	55,150 11
1887..	260,000	15,000	275,000	82,194 17
1888..	180,000	40,000	220,000	75,826 08
1889..	186,585	Nil.	186,585	53,774 33
1890..	155,000	10,000	165,000	49,763 26
1891..	100,000	10,000	110,000	34,821 88
1892..	398,000	16,525	414,525	132,517 08
1893..	160,000	10,000	170,000	67,924 40
1894..	144,529	20,000	164,529	83,454 60
1895..	Nil.	12,000	12,000	8,678 33
1896..	140,000	10,000	150,000	76,608 22
	3,462,114	242,525	3,705,639	998,101 92

Nearly one million dollars net profit. These figures show that our government has made an annual net profit of $66,540, for the last fifteen years in having its silver and copper coined in England, notwithstanding we had

to pay the royal mint three per cent for coining our silver, and a Birmingham manufacturing firm ten per cent for coining our copper. We paid the royal mint $103,863 and the Birmingham firm $24,252 or a total of $128,115 for coining our silver and copper for the last fifteen years, an annual average of $8,540 for work which, I submit, ought to have been done here at home and which, if done here, would have been to the manifest advantage of Canada, as I will show later on. The gold product of Canada has been over $73,000,000 in the last thirty-eight years. Of this large amount the Pacific province contributed over $61,000,000, Nova Scotia over $11,000,000, Ontario, Quebec and the Territories the balance. Nearly all of this immense amount of bullion has been shipped out of the country—principally to the United States—at a loss of over five per cent to the producer. I believe you will all agree with me when I say that the principal portion of that gold should have been coined and retained by us for the purpose of developing and enriching Canada instead of a foreign country. Since I gave notice of this motion I have been frequently asked what seigniorage or profit is made on the coining of gold. There is practically no profit made on the coinage of gold in either England or the United States, other than enough to cover all expense in connection with mintage, the degree of fineness of the gold coin of both countries being almost identically the same. The profits made by the mints of those two countries are not derived from the mintage of gold, but from the coinage of silver, nickel and copper. As to the cost and operation of a mint, I find there is a general impression abroad that it would involve the expenditure of a very large amount of money. That impression is an erroneous one. A New England firm that manufactures all the machinery and dies for the United States mints has offered to supply all the plant necessary to mint two million pieces annually, for $25,000. Add to that say $50,000 for a suitable building, and the total cost need not exceed $75,000 to establish a first class modern mint capable of coining all the gold, silver, nickel and copper currency necessary to meet all the commercial requirements of this country for many years to come, and the annual cost of operating such an institution should not exceed $8,000 or $9,000 or more than we now pay annually for minting our silver and copper in England. We once had a mint in Canada. Immediately before the union of the two crown colonies—Vancouver and British Columbia—in 1867, a mint was established in New Westminster, and I am credibly informed that the entire cost of building and plant did not exceed $20,000. After striking off a few $2.50, $5, $10 and $20 gold pieces, the mint was ordered to be closed by the late Sir James Douglas, who became the governor of the united colonies, and for no other or better reason, it is alleged, than it would be the means of allaying the intense jealousy that existed between the rival cities of Victoria and New Westminster. To the courtesy of Mr. Courtney, deputy minister of finance, and Mr. Toller, the head of the currency department, I am indebted for a great deal of valuable information bearing on the subject under consideration. Among other things they informed me there is about $10,000,000 in gold in the Dominion treasury, nearly every dollar of which is United States coin. As hon. gentlemen know, the government is required to keep in the treasury, at all times, twenty-five per cent in gold and guaranteed securities, of which fifteen per cent must be gold, against all Dominion notes issued up to $20,000,000. Over that amount dollar for dollar in gold must be kept on deposit. Again, from the same source of information I learn that our chartered banks have in their vaults over $8,000,000 in gold, all of which is practically United States gold coin. In round numbers, between the government and chartered banks, we have nearly $20,000,000 in foreign gold coin. I ask, is this creditable to Canada? Is it creditable to the government and people of a great gold and silver producing country? How much longer is this humiliating condition of affairs to continue? How much longer are we to be dependant on a foreign country for a gold currency? How much longer is a national spirit, a national sentiment to be checked or suppressed? How much longer withhold a Canadian gold currency which would be a token of our growing importance, and an evidence of our national prosperity? I ask, yes, I appeal to hon. gentlemen to assist in having this $20,000,000 of foreign coin replaced by a beautiful gold coin, on the one side of which there would be the profile of our venerable and beloved sovereign, and on the other our national emblems, the beaver and the maple

leaf. Why, I ask, has our government made the United States gold currency a legal tender? Was it to avoid the trivial expense of coining our own gold bullion? If so, let us be logical and go one step further and make the United States greenbacks a legal tender also, and thereby avoid the trouble and expense of manufacturing Dominion notes. The entire cost in connection with the government currency is in the neighbourhood of $100,000 annually. To effect a saving in the cost of printing our paper currency, we have taken the note-printing contract from a Canadian firm and given it to a foreign company. The decision of the government was based on sound economic principles, and, I am satisfied, will meet with the approval of the tax-payers generally. If the economy could have been effected by transferring the contract from a foreign corporation to a Canadian company, the transaction would have met with universal approval. It is just such a course I ask the government to pursue in dealing with the coin in circulation, to transfer the coinage from foreign countries to Canada, and I have shown by facts and figures which cannot be controverted, that the policy which I advocate will not only establish a new industry in Canada, giving employment to our own people, but will result in an actual financial gain to the Dominion. There are two mints in Australia. The Sydney mint was established forty-three years ago, and the one in Melbourne about fifteen years later. India has also two, one in Calcutta and one in Bombay. All four are branches of the Royal Mint. The right of coinage has not been conferred on those self-governing colonies, and before a mint can be established, permission must first be obtained from the Imperial government. Canada is in a totally different position in this regard. Section 91 of the British North American Act gives us absolute control over currency and coinage. We have taken full advantage of the currency, but not of the coinage privilege. A couple of questions of detail have been frequently asked me within the last few weeks, namely,—Where would you have the mint, and what would be the denomination of the coins? My answer to the first is that the mint should be in that part of our country producing the principal portions of the metals to be coined, namely, British Columbia, unless some very good reason can be given to the contrary. If not in the Pacific province, then I unhesitatingly say it should be in Ottawa. My answer to the second question is this, taking everything into consideration, our gold coin should be precisely the same as that of the United States in degree of fineness and size, and, consequently, of exactly the same intrinsic value. The denominations I suggest are $2.50, $5 and $10, as being the most convenient. Such coins would doubtless circulate just as freely as do those of the United States. However, as I have said, these are matters of detail and give me little or no concern at present. What I am anxious about is to have a mint somewhere in Canada, the question of its location can be subsequently determined. The following is a statement showing the per capita amount of gold, silver, and paper currency in circulation in the thirty-four principal countries in the world:—

AMOUNT of Gold, Silver and Paper Currency in Circulation—per capita—in the principal Countries of the World.

—	Gold.	Silver.	Paper.	Total.
	$ cts.	$ cts.	$ cts.	$ cts.
United States	9 35	8 78	5 90	24 03
United Kingdom	14 86	3 10	2 84	20 80
France	20 10	12 82	2 55	35 47
Germany	12 91	3 96	2 41	19 28
Belgium	7 98	9 05	11 51	28 49
Italy	3 25	1 26	5 45	9 96
Switzerland	5 53	0 70	4 77	10 80
Greece	0 23	0 68	6 45	7 36
Spain	2 14	2 74	5 72	10 60
Portugal	1 00	1 45	11 11	14 16
Roumania	7 15	1 96	2 19	11 30
Servia	0 65	0 74	1 30	2 69
Austria-Hungary	3 76	1 46	4 59	9 81
Netherlands	5 58	11 71	6 77	24 06
Norway	3 75	1 00	1 90	6 65
Sweden	1 77	1 02	....	2 79
Denmark	7 17	2 35	2 00	11 52
Russia	3 88	0 35	3 70	7 93
Turkey	2 27	1 82	....	4 09
Australia	26 53	1 43	....	27 96
Egypt	18 47	0 74	..	19 21
Mexico	0 30	7 79	0 32	8 41
Central American States	0 09	2 14	1 43	3 66
South American States	1 11	0 97	15 28	17 36
Japan	1 81	1 99	....	3 80
India	....	3 21	0 12	3 33
China	....	2 08	....	2 08
Strait Settlements	....	63 68	....	63 68
Canada	2 76	1 03	6 03	9 82
Cuba	8 33	0 83	....	9 16
Hayti	4 00	4 50	4 10	12 60
Bulgaria	0 24	2 06	....	2 30
Siam	0 12	38 66	....	38 78
Hawaii	40 00	10 00	....	50 00

An analysis of the foregoing details shows that twenty-three out of the thirty-four countries have paper currency, and I am sorry to see that Canada stands sixth on the list. The countries that have a larger paper currency per capita are the South American States, $15.28; Portugal, $11.71; Belgium, $11.51; Netherlands, $6.77; Greece, $6.45; while Canada has $6.03. Eleven countries have no paper currency: three have no gold, all have silver. Only nine have less silver than Canada, fourteen have less gold, and twenty-eight have less paper. Australia has nine times as much gold per capita. Great Britain has more than five times as much gold and three times as much silver. France has over seven times as much gold and over twelve times as much silver. Germany has nearly five times as much gold, and nearly four times as much silver. The United States has nearly four times as much gold, and eight times as much silver. Per capita Canada stands only twentieth on the list as to the amount of money in circulation, having, between gold, silver and paper, only $9.82. We have nearly twice as much paper currency as gold and silver combined. We have not a quarter the amount of silver coin we should have. I know that the managers of the British Columbia banks complain bitterly that they cannot get anything like the amount of Canadian silver they require and apply for, especially fifty cent pieces, and the consequence is they have to send to Seattle and Portland for United States silver. The aggregate amount of gold, silver and paper currency in the thirty-four countries under review, is as follows:—Gold, $4,143,700,000; silver, $4,236,900,000; paper, $2,558,000,000, making a grand total of $10,928,600,000. Of that amount Great Britain has $584,000,000 in gold, $121,700,000 in silver, and $111,800,000 in paper; a total of $817,5000,000. France, $772,000,000 in gold; $492,200,000 in silver, and $78,000,000 in paper; a total of $1,342,200,000. Germany, $675,000,000 in gold; $207,000,000 in silver, and $126,100,000 in paper, a total of $1,008,100,000. The United States, $672,200,000 in gold, $631,400,000 in silver and $424,400,000 in paper. total $1,728,000,000. By these figures it will be seen that the four countries just named have about one-half of the money of the world. I will now call your attention, hon. gentlemen, to this fact, that since I first placed this notice on the order paper, I have had dozens of communications, letters and resolutions, passed by the different boards of trade from Victoria, B.C., to Sydney in Cape Breton, sent me. Over 42 of the boards of trade have expressed themselves, with only three exceptions, in unqualified approval of the establishment of a Canadian mint. I have their communications here, but I do not propose to read all of them to the House. I will take one as a fair sample of all, or nearly all, and that is from one of the principal, if not the greatest, commercial Boards of Trade in the Dominion. It is from the Montreal District Chamber of Commerce. I will read the memorandum that has been sent me, and also the resolution passed, approving of my course in this matter. It is a report of the Joint Committee on Finance and Legislation on the proposal for a Canadian mint, by Mr. J. X. Perrault. And I may say here that Mr. Perrault is the ex-president of the Chamber of Commerce, and a gentleman to whom I owe a great deal, on account of the valuable information he has furnished me, and also on account of his sympathy and courtesy in this matter. This resolution was adopted at the general meeting of the Montreal Chamber of Commerce on the 2nd April, 1897, and reads as follows:

THE MONTREAL DISTRICT CHAMBER OF COMMERCE.

General monthly meeting, Friday, 2nd April, 1897.

Mr. Jos. Contant, president, in the chair.

After debate.

The following report and resolution were unanimously adopted:—

Report of the joint committee of finance and legislation on the proposal for Canadian mint, by Mr. J. X. Perrault, adopted at the general meeting of the Montreal Chamber of Commerce, of the 2nd April, 1897.

It seems that the time has arrived for the Dominion of Canada to coin its own specie and thus free itself of the necessity of importing its gold, silver and copper coins, as it is done to-day.

Our gold, silver, nickel and copper mines which have recently so extensively been developed, are a sufficient indication that, having at home the raw material, manual labour asking for employment, it is the government's duty to create this new industry, which will benefit the whole country so extensively.

On the 1st of February last, we find in the official *Gazette*, that there was in the banks of Canada during January an average specie reserve of $8,544,645, If we add to this the government reserves and circulation, we easily arrive at an approximate total of $20,000,000.

In the United States, the coinage in 1896 was as follows :—

Gold coins.....	$58,878,490
Silver coins.....	11,440,641
Nickel and bronze...	869,327
Making a total production of.....	$71,188,468
Representing a total coinage of.....	78,330,772 pieces.

Knowing that this coinage of specie is a source for the state of considerable profit, besides giving profitable employment to a large number of people both in the workshops and in the offices, we are at a loss to understand why the government has not yet interested itself in this question.

Taking the experience of the United States as a point of comparison, we find that last year (1894) the receipts of the three government mints at Philadelphia, San Francisco and New Orleans have aggregated $3,384,069, and the expenditure, in which labour amounts to $805,351, amounted to $1,163,563, leaving to the government a net profit of $2,220,502 on the operations of the year 1896, equal to 190 per cent on the working expenses.

This profit is due to a large extent to the depreciation of silver, the price of which on the London market in 1896 has been maintained at an average of $0.67½ cents an ounce, equal to $0.52 per gold dollar, the equivalent of gold to silver being in the proportion of 1 to 30·58.

The price of coinage at the Philadelphia mint for each dollar worth of coins has been $0,009,386, and for the whole of the United States $0,011,452.

The Chamber of Commerce, at its last meeting, after approving in principle the establishment of a Canadian mint as entirely desirable, has been embarrassed by doubt with regard to the right of Canada to coin its own money.

The opinion of the Chamber's legal adviser, consulted on this question, leaves no doubt on this right, which has been exercised for years by the Australian government. Mr. Beaudin's opinion confirms in every way the opinion expressed by Mr. J. X. Perrault at the last meeting. It is based on clause 91 of the British North America Act, which states that amongst the subjects under the jurisdiction of the federal parliament are "Currency and Coinage" which can leave no doubt that Canada has the right to coin its own money.

RESOLUTION.

Whereas the federal government has so far issued only paper money which is printed in Canada, our silver and copper specie being coined in England and our gold reserve consisting entirely of foreign pieces—and

Whereas the coinage of Canadian money would give the government considerable revenue and profitable employment to our working men ;

Resolved, that the Hon. Minister of Finance be respectfully requested to put a stop to the importation of foreign coins by establishing a national mint for the coinage of the gold, silver and bronze coins required by the Dominion of Canada.

Here is the view of their legal adviser, dated the 24th of March, 1897, addressed to S. Coté, Esq., Secretary of the Chamber of Commerce, Montreal :—

MONTREAL, 24th March, 1897.

S. COTÉ, Esquire,
Secretary of the Chamber of Commerce,
Montreal.

SIR,—In answer to your favour of the 20th instant requesting that I should inform you if the Canadian constitution authorizes the federal government to establish a mint for the coinage of gold, silver and copper coins.

I have the honour to answer that I entertain the opinion that the federal government has that authority.

Referring to the British North America Act, 30 and 31 Vict. cap. 3, sec. 91, paragraph 14, I find that the exclusive legislative authority of the Canadian parliament extends between other subjects to the following :—*currency and coinage.* As to currency, parliament has declared what would be the money in paper or coins which would be adopted as legal tenders in Canada.

With regard to coinage, Canada orders its coins at the British mint by special arrangement between the two countries. But in examining the Imperial statute establishing the mint, I do not see that colonies are prohibited from coining their own money.

This Imperial statute is the 33 Vic., chap. 10, sanctioned in 1870, therefore posterior to the Confederation Act.

According to section 11 of this Act, paragraph 8, Great Britain has reserved the right for herself to establish branch mints in the several colonies, but I do not believe that this has been inserted in the Act with the intention of prohibiting the colonies from establishing mints for themselves. This disposition has the effect, according to my opinion, of allowing the Imperial Privy Council to establish by simple proclamation, a branch of the British mint in any colony which would make application for it. For, in referring to section 19 of the same Act, we find that it will apply to the colonies only in case that the Executive Council should issue a proclamation to that effect, which, from the context of the Act, could only be done by mutual arrangement between the colony and the Imperial Government.

Your obedient servant,

S. BEAUDIN, *C.R.*

So that there can be no question as to the right of Canada to establish a mint for her own coinage. It will be remembered that a few weeks ago, in the debate on the Address in reply to the Speech from the Throne, I spoke of the mineral development taking place in the Pacific province. I know that several hon. gentlemen were of the opinion that I was a little too sanguine ; I thought myself that I was taking an exceedingly conservative view of the situation of affairs in the Pacific province. To show

this hon. House that I was largely within the mark, I will quote from the annual report of the Department of Interior, since issued, some extracts from the reports of Mr. Ogilvie relating to the far North-west portion of our domain, which not only confirm what I said at that time, but go a great deal further. He has made several reports from time to time, at intervals of a few weeks, just as he could get carriers to take his despatches to the coast and have them transmitted through the mails to the department here. The first that I will quote is dated Fort Cudahy, Sept. 6th, 1896. He says:

News has just arrived from Bonanza Creek that 3 men worked out $75 in four hours the other day, and a $12 nugget has been found, which assures the character of the ground, namely, coarse gold and plenty of it, as three times this can be done with sluice boxes.

They worked that out with no other appliances than a common pan, such as a tin wash basin or milk pan. In another report dated 6th November, 1896, he says:

In the line of these finds farther south is the Cassiar gold field in British Columbia; so the presumption is that we have in our territory along the eastern water-shed of the Yukon a gold bearing belt of indefinite width, and upwards of 300 miles long, exclusive of the British Columbia part of it.

Again on 9th December, he reports:

Since my last report the prospects on Bonanza creek and tributaries are increasing in richness and extent until now it is certain that millions will be taken out of the district in the next few years.

On some of the claims prospected the pay dirt is of great extent and very rich. One man told me yesterday that he washed out a single pan of dirt on one of the claims on Bonanza and found $14.25 in it. Of course that may be an exceptionally rich pan, but $5 to $7 per pan is the average on that claim it is reported, with 5 feet of pay dirt and the width yet undetermined, but it is known to be 30 feet even at that; figure the result at 9 to 10 pans to the cubic foot, and 500 feet long: nearly $4,000,000 at $5 per pan—one fourth of this would be enormous.

Another claim has been prospected to such an extent that it is known there is about 5 feet pay dirt averaging $2 per pan and width not less than 30 feet. Enough prospecting has been done to show that there are at least 15 miles of this extraordinary richness, and the indications are that we will have 3 or 4 times that extent, if not all equal to the above at least very rich.

Then the last report he sent out on the 22nd and 23rd Jauuary, 1897, is as follows:

A quartz lode showing free gold in paying quantities has been located on one of the creeks, but I cannot yet send particulars. I am confident from the nature of the gold found in the creeks that many more of them—and rich too—will be found.

* * * * * *

Fort Cudahy, 23rd January, 1897.

I have just heard from a reliable source that the quartz mentioned above is rich, as tested, over one hundred dollars to the ton. The lode appears to run from 3 to 8 feet in thickness and is about 19 miles from the Yukon River. I will likely be called on to survey it, and will be able to report fully.

Placer prospects continue more and more encouraging and extraordinary. It is beyond doubt that 3 pans on different claims on Edorado turned out $204.00, $212.00, and $216.00, but it must be borne in mind that there were only three such pans, though there are many running from $10.00 to $50.00.

Hon. Mr. MACDONALD (B.C.)—How would it do if they had the mint there?

Hon. Mr. DEVER—If you had it there you would not pay anything for the gold.

Hon. Mr. McINNES (B.C.)—That, hon. gentlemen, will give you some idea of what our placer diggings in that northern portion of the country are. I believe without a doubt, from the report given by Mr. Ogilvie and other reputable information that they are the richest that have ever been found in any country. It is a very conservative estimate that I make when I say that the output of that province this year will amount to at least $10,000,000, possibly $12,000,000, and, as I mentioned a few weeks ago, the conditions are very favourable for mining in that country, and the area is enormous. All over that vast area, there is scarcely ten square miles where they are not unearthing large ledges of quartz-bearing gold, silver, copper and lead. The healthiness of our climate and the inexhaustible supply of water and timber, will enable us, I believe, to go on doubling and trebling our production until within the next ten years, we will be producing from forty to fifty millions in the precious metals, besides lead and copper. I believe firmly that within the next few years we will stand, if not at the head, certainly very near the head of any gold and silver producing country in the world. But what is the condition of affairs? We have no mint. All this bullion is shipped out of the country at a great loss. Where does the gold that is produced away in that Yukon country go? Is it to any bank in British Columbia, or to any bank in Canada? No; it is shipped direct to the

mint in San Francisco, at a direct loss to the producer of from five to ten per cent. I believe, as far as the branch banks we have out there are concerned, that it would be a very considerable source of revenue if that gold bullion was taken down to our branch banks in British Columbia, and drafts made upon them for England and other parts of the world. We would, by that means, keep within our own borders, the gold and silver that we are producing.

We have a great and mighty country, and it is for us, who are directing the destini es of this country, to avail ourselves of every opportunity and every privilege and every right that we can in order to further and to make it that great and glorious country that I believe it eventually will become. We are all Canadians, either by birth, by adoption, or by naturalization. We love our country, and we delight in furthering her interests in every possible way that we can. We have, as Canadians, many things which we have just reason to be proud of and to be grateful for. We have a constitution, although not perfect, possibly the best that has ever been devised, combining as it does all that time and experience have proven or shown to be good in the monarchical and republican forms of government. We are proud of our educational institutions, which are equal, if not superior to anything in the world. We are proud, and justly proud, of our vast domain, covering as it does nearly three and one-half millions of square miles. We are justly proud of our incomparable natural resources, resources which, if only partly developed, will place us among the great nations of the world. Canada, though destined at no distant date to become a great nation, I firmly believe will not be a separate or independent nation, but a consort nation—a nation indissolubly united in the bonds of eternal love and affection to that great and glorious empire of which we are proud to be a part. Adopt the resolution before the House, and a Dominion mint will soon follow, which will contribute in no small degree towards hastening the realization of these, our fondest hopes and anticipations.

Hon Mr. DRUMMOND—I venture to offer this hon. House a few plain remarks upon the resolution or motion which has now been submitted to us by the hon. member for New Westminster. I feel myself entirely unable to rival, or even to follow at a discreet distance, the hon. gentleman in the poetic flights of his introduction and his peroration. I will begin at the termination of his remarks, and say that we are all ready to admit the wonderful mineral wealth of British Columbia and to congratulate ourselves and British Columbia, and all connected with that province, on the fact which, I believe, is indisputable. The extracts which the hon. gentleman read from the reports of Mr. Ogilvie sounded a great deal like circulars which we are all receiving at the present moment, inviting us to take stock in all sorts of enterprises, but, notwithstanding that, we all admit the substantial accuracy of the claims made for the mineral wealth of the Pacific province. The point at which I diverge from the hon. member is in his nostrum for utilizing that wealth and claiming imaginary profits for the realization of that wealth by the establishment of a mint. He seems to imagine that the moment you cut the precious metal produced in British Columbia into pieces and stamp it with an effigy of one kind or another you, by some process or another, increase its availability and its actual amount. That is an entire delusion.

Hon. Mr. McINNES (B.C.)—I did not say anything of the sort.

Hon. Mr. DRUMMOND—I am prepared to show that the claim made in the resolution, that we should establish a mint for the purpose of meeting the commercial requirements of the country, is an entire mistake.

Hon. Mr. McINNES (B.C.)—I did not make my argument for British Columbia alone. I was speaking for the whole of the Dominion of Canada, not for British Columbia alone, because my native province, Nova Scotia, has produced in the last few years eleven and a half million dollars of gold.

Hon. Mr. DRUMMOND—I understood the hon. gentleman to advocate it for the whole Dominion, and very properly so, and my contention is that there are no commercial requirements which are not at present satisfied and well filled by the existing arrangements. There is no demand in this country for gold coin as a circulating medium. The time may come. I should not like to put myself on record as saying that we should never have a gold currency. The time may

come when we may want it, but at present there is no demand whatever from the public for a gold coinage. Not only so, but if we had a gold coinage, it would entail in wear and tear a loss more than equivalent to the circulating medium which exists at the present moment, and fortunately for us, at present the government notes and the bank bills which take its place are accepted as gold all over the country, and notwithstanding the financial trouble of our neighbours, have been held to be equivalent to gold not only within our borders but beyond them. The hon. gentleman narrated to you the enormous sums spent by this country for the coinage which at present exists. He told us that it cost us eighty-five hundred and some odd dollars per annum to make coinage, and I understood him to put it as a matter of economy that we should establish a mint of our own and save this amount, or a large proportion of it. Is that probable? I take that point first. He presented an estimate that would seem to amount to this, that the establishment of a mint, whether in British Columbia or in Ottawa, would cost $75,000. My own estimate of the amount somewhat exceeded that sum, and I think we should be fortunate if we equipped and built a mint at a lower rate than probably $100,000, but I accept his estimate as a basis of calculation. He has an estimate of $25,000 for the actual machinery necessary. There is no manufacturing enterprise with which I am acquainted—and the operations of a mint are strictly those of a well organized manufactory—but writes off from its plant a certain sum per annum for depreciation and various losses incidental to manufacturing, which every one is acquainted with. Ten per cent I write off from the $25,000, and you have a first charge of $2,500. Now, the operations of a mint are something novel in this country, and I do not pretend to speak as an expert, but, being acquainted with manufacturing, I can make a reasonably fair guess, and I should say, to make the start necessary for such a mint, would entail a salary list of not less than $8,500 per annum. Curiously enough, the estimate I put down before I heard my hon. friend's speech was just $8,500 per annum for wages. Then the fuel, insurance and other charges, inevitable as they are, would bring the whole annual cost of the mint, equipped for a reasonable production of coin currency, to about twelve or thirteen thousand dollars per annum. The hon. gentleman shakes his head. Could we start a mint and entrust to that mint gold and silver and other precious metals without putting in charge a gentleman of respectability and position? I think not. I estimate the salary for that man at $2,500 a year at the very least.

Hon. Mr. OGILVIE—That is not enough.

Hon. Mr. DEVER—No; $5,000 a year.

Hon. Mr. DRUMMOND—You could not imagine that anyone who could be employed to whom you would entrust vast sums would be paid a smaller salary than that. I put the salary of the manager at $1,500 a year; bookkeeper $1,000; chief engineer $1,500; assistant engineer $1,000 and other assistants $1,000, making up a total of $8,500 for salaries. I once more desire to say that I do not present that as anything but a vague approximation, but if we take the experience of any government—of this government in particular if you will—based upon, practically, almost universal suffrage, with patronage at its disposal and applicants and political adherents to gratify, I maintain that no such enterprise can ever be conducted on an economical basis. Passing over this question of economy which, after all, is a subsidiary one, the next point in the hon. gentleman's statement which appears liable to misconception is the statement of the enormous profits to be realized from a mint. Take the United States. He produced a statement from the United States authorities of the great profits which that country had realized from its mint. I have no hesitation in saying that those profits are practically and entirely fictitious and imaginary, and that the United States mint, in dealing with its silver coinage in particular, has made a loss, and no profit whatever. It is all very well to take the silver which goes into the constitution of a silver dollar and say that it cost in the open market as bullion 50 to 60 cents—something between the two figures, call it 60 cents and that it passes, when coined, as one dollar. That would look like a profit of 40 cents on the dollar for the mere putting of that silver in shape and stamping it, which is a mere fraction of the 40 cents Now, if the United States could issue that silver dollar and keep it out and never see it again—get somebody

to pay them a dollar for it and be done with it—they would certainly have made a profit of 40 cents, but can they? How many millions of dollars in silver are lying in the treasury vault at Washington at this moment unused?

Hon. Mr. SCOTT—Five hundred millions.

Hon. Mr. DRUMMOND—They are no better or worse intrinsically than when they are silver bullion, and yet we are told that there is a profit made on the coinage of that silver at the rate of 40 cents to the dollar. On the coining of gold there is no profit whatever. The British mint will take your standard gold and turn it into sovereigns to an equal amount, with a small percentage of alloy to harden it, which pays for the cost of coining it. The hon. gentleman pictures to us that the gold produced in this country, in Nova Scotia and British Columbia, is wasted and thrown away, sold below its value, and claims that if we only had it in coins we would save the whole of that and realize a fortune. Nothing of the kind. The gold that goes out of the country fetches within an ace of its intrinsic value.

Hon. Mr. POWER—Within one-eighth of one per cent.

Hon. Mr. DRUMMOND—The position of the government at present is this: it takes a piece of paper and stamps on it $1, $2 or $4. The cost of each bill cannot be over five cents including the raw material, and the profit is therefore 95 cents. Take silver. We pay sixty cents for a dollar, coin it and pass it so far as the country will take it, and make a profit of 40c. So long as the country is contented with the paper currency, and rather prefers it, to a metallic currency, the country is better served by supplying printed notes than by circulating coin. That is beyond all question. If that is so, where are the profits of a mint? I do not see them. One point in the hon. gentleman's speech struck me as being very remarkable. He says there is not in the province of British Columbia one fourth of the silver coin which is wanted. Can that be?

Hon. Mr. McINNES—I said Canadian coin.

Hon. Mr. DRUMMOND—Can it be true that in the province of British Columbia not one-fourth of the silver coinage which is wanted exists? I know nothing whatever of the fact, and must accept it on the hon. gentleman's authority, but it is a very remarkable thing. There is a plethora of coin on this side of the Rocky Mountains. In the hands of the banks and of the Receiver General there is a million and a quarter dollars, or thereabouts, of silver coinage which is not wanted as the currency of the country. In 1870 our government procured three million three hundred thousand dollars worth of silver coin. The nation was starting in business at that time, and it needed coin. In the next sixteen years it coined just about the same amount, coming up to 1896, and now, as I happen to know for a fact, the government has been entreated to order no more silver coin because there is too much already. Not only is there enough for the business of the country, but there is more than enough in the coffers of the banks and they cannot get rid of it.

Hon. Mr. MACDONALD (B.C.)—There is more United States silver and nickel currency in circulation in British Columbia than Canadian currency. What the reason is I do not pretend to say, but it is a fact.

Hon. Mr. DRUMMOND—Then I draw the government's attention to the fact that they can make a profit of 40 cents on the dollar by substituting ours for the foreign coin, and the sooner that United States coin is turned out of the country and our own substituted for it, the better. The government have plenty of our own silver to supply the demand. Not only would the mint cost us at least fifty per cent more to produce what currency we require, but the mint itself would be idle for ten months of the year at the least. I do not follow the hon. gentleman with approval when he speaks of this proposed mint turning all the bullion of British Columbia into coin. Take the example of Australia, on which he relies. Everybody knows that the currency of Australia is the gold sovereign and shillings and pence, and it would be absurd not to have it coined in Australia. The position of Canada is different. If ever there is a surplus in Australia, it gravitates to England and is absorbed into the mass of British currency. You never go to London that

you do not find Australian sovereigns about as plentiful as British sovereigns. At all events, I defy you to get any considerable amount of gold in your possession that is not part Australian. But our position would be entirely different. If we coined gold coin, not one single dollar of it would ever go out of this country. It would not go to England, and the Americans would take precious good care they did not take it.

Hon. Mr. McINNES (B.C.)—We would take precious good care that we did not take theirs. We would get rid of their $20,000,000 that we have here now, and substitute our own.

Hon. Mr. DRUMMOND—They would be very glad to get it back again. The exodus of it from that country was watched with very great jealousy. When a Canadian banker went down to New York and procured gold, it was regarded in New York and Washington as a disloyal act for which there should be some punishment in the future. We have certainly a good deal of United States gold coin here, but the government did not import it and do not hold it. It has an intrinsic value. We never lose any money by it, because if it went to England it would be melted and converted into British coin. I maintain, therefore, that the institution of a mint would not be a profitable operation at all. There is no demand for gold coin in this country, and there is enough silver money to serve our purposes. As for copper money, it is a nasty material which for my part I consider a necessary evil. The less said about it the better. I look upon the resolution before the House as utterly mistaken on a commercial basis. No commercial basis for a mint exists—neither economy nor anything else. If the resolution ended there, and were a pure academic resolution to which we might give our assent without occupying our minds much about it, all would be well. While I do not think that the hon. gentleman for New Westminster meant any more than he said upon the matter, I cannot fail to look with some degree of alarm upon the establishment of an institution in this country with all the apparatus and preparations for a silver agitation such as recently brought our neighbours to the south of us very close to bankruptcy, and upset them financially, politically and every other way. One result would follow the institution of a mint if one were in operation—naturally we should coin our own bullion. Not a soul would lift up his voice against that proposition. It is a reasonable one. But we could not possibly, unless we followed the example of the United States, utilize much more silver coin than we have at present, and the cry would be at once raised "here we have a mint. It is languishing for want of work. There is not more than two months' work given it in a year, and salaried officials are idle and being paid for doing nothing. Let us coin some more. Let us have an unlimited coinage of silver." Here, then, we have a full fledged bi-metallic agitation started in this country, and we have all our finances upset. Look to the south and see what it has done for the neighbouring republic. I said already that I acquit the hon. gentleman of any sinister motives whatever, but I am not so sure that the people who have aided him are not prompted by such motives, and I would not like to say—

Hon. Mr. McINNES (B.C.)—Who does the hon. gentleman suppose have aided me?

Hon. Mr. DRUMMOND—I cannot tell you, I acquit the hon. gentleman entirely.

Hon. Mr. McINNES (B.C.)—Here we have 42 boards of trade in Canada endorsing the proposition.

Hon. Mr. DRUMMOND—But you only quoted one. It was not the Montreal Board of Trade. It was the French Chambre de Commerce, and the gentleman who addressed him was Mr. Perrault, a man of extreme views, although I would not wish to say that myself.

Hon. Mr. McINNES (B.C.)—Is he a free-trader?

Hon. Mr. DRUMMOND—No, I do not think he is.

Hon. Mr. POWER—Would the hon. gentleman allow me to ask a question? I am asking for information, and I do not profess to know anything about it. Does it not strike the hon. gentleman that it is just as easy—much easier in fact—to print an unlimited quantity of irredeemable currency as to coin an unlimited quantity of gold?

Hon. Mr. DRUMMOND—It is easier in one sense, and it is not in another. We do

not confer that privilege on anybody who desires it. The government would hold the mint under its control, and would stamp the metal. There is another question, and a very important one. The government has just seen fit to take the printing of its notes from a Canadian company, and transfer it to an alien company. Now we are asked, with that as an example, to do the exact converse and take the stamping of our metals from the mother country and bring it here, on national principles. I cannot see the least connection, except that the one balances the other. However, I do honestly think that the institution of a mint here would be a dangerous experiment, inasmuch as it would be the beginning and would furnish the appliances and the apparatus of bi-metallic agitation, which might do grievous harm to the financial position of this country.

Hon. Mr. POWER—Before the hon. gentleman closes, I wish to ask another question for information. It struck me, when my hon. friend from British Columbia was speaking, that probably the argument in which there seemed to be the most force, was that which was derived from the great disparity in Canada between coin and paper. The statistics which the hon. gentleman quoted show that the disparity was greater in this country than in any other civilized country, and I wished to ask whether there is anything in that.

Hon Mr. DRUMMOND—I do not think there is anything whatever in that. The proportion of actual currency, paper, gold and everything else, is smaller in London than in any other part of the known world. Do not let me be misunderstood. The statistics of the hon. gentleman did not cover that point. I believe that over ninety per cent of the actual commercial transactions in London are done without the passing of currency of any kind or description. They are done by exchanges.

Hon. Mr. SCOTT—There is more than seventy per cent.

Hon. Mr. MILLS—It is ninety-seven per cent.

Hon. Mr. DRUMMOND—Then so much stronger is my argument. If you go to Paris, however, is it not so? The less civilized a community is, in a commercial sense, the smaller the margin its currency bears to the actual transactions. In Paris there is a great deal more gold exchanged than there is in London, and I do not think it is any indication of the prosperity of the country. So long as there is enough coin for the wants of a community that is sufficient. There is not a single place in this country where a man who has a dollar cannot get a dollar's worth for it. The government have one, two and four dollar bills lying in the Receiver General's office, and let them provide the currency out of that. The country is perfectly satisfied, not only with the Dominion notes, but also with the notes issued by the banking institutions. I do not deal with this matter as one at all affecting the banking institutions. I do not think the banking institutions, issuing a currency of their own, should have a voice in this matter at all, if it comes into contravention with the rights of the public, but I believe there is enough currency for this country.

Hon. Mr. McINNES (B.C.)—Do you think it would interfere with the circulation if we had a gold coin?

Hon. Mr. DRUMMOND—No, I do not think it would make any difference.

Hon. Mr. McINNES (B.C.)—Does the hon. gentleman think that the amount of paper money in circulation is no indication as to the commercial standing of a nation? If not, how is it that the South American republics, Portugal and Greece—countries that have the largest paper money circulation of any countries in the world—are practically bankrupt now?

Hon. Mr. DRUMMOND—They can easily bankrupt themselves if they like.

Hon. Sir OLIVER MOWAT—My hon. friend who has introduced this motion has, I presume, accomplished his object. He desired to have the matter discussed, and the facts which he had collected brought to the attention of the House and the country. The facts are very interesting. My hon. friend has evidently taken great pains in considering this question, and has possessed himself of very valuable material for coming to a conclusion upon it. *Prima facie*, to one who had not previously thought of the subject, he would seem to present a case of considerable force and one which needs attention. I am much obliged for the information he

has furnished us. I am glad he has given the matter such attention. He has stated one side of this matter—the side which he thinks the correct one, and now we have heard the other side. I have not before had the pleasure of hearing the hon. gentleman from Kennebec speak in this House. I am glad that we have heard him now. He has evidently spoken on a subject on which he has a great deal of practical thoughtful information, and I am sure we are all glad to have his side presented in the manner in which it has been. We know now a great deal on both sides of this question, and the discussion is not one which will be fruitless in some respects. Having attained the object my hon. friend had in moving the resolution, I should suggest to him now that he had better withdraw it.

Hon. Mr. McINNES (B.C.)—I suppose I shall have to yield to the request of the leader of the government, although I must confess that I am loath to do so, inasmuch as this is the third time that I have brought this matter to the notice of the House, and, notwithstanding what has fallen from the hon. gentleman from Kennebec, I claim that he has not in the slightest degree answered or refuted any argument I have adduced. Designedly or otherwise—I suppose otherwise, he led the House to believe that a mint would be an expensive institution to carry on. The estimate that I have made—and I think I have given the subject a little more attention, with all due respect to the hon. gentleman, than he has—is that the total expense in connection with a mint is between eight and nine thousand dollars. As I stated during my main remarks, a great number of people have the idea that it requires a large amount of money to establish and operate a mint. Half a dozen of a staff could coin all the gold, silver and copper, that we would require here in Canada. The danger that he apprehends from the establishment of a mint is imaginary. I claim that there is nothing like the same danger of wrong doing in connection with a mint that there is in connection with issuing Dominion notes. I speak with some authority and personal knowledge when I say that a mint could be operated at a cost of not more than eight or nine thousand dollars for the whole year, inasmuch as we had one in New Westminster, which, had it been continued, could have been carried on at an expense of not more than $5,000 annually. Had that mint been allowed to go on, it would have furnished all the gold, silver and copper necessary for this country, and instead of having the $20,000,000 of United States coin in the Dominion Treasury and in the vaults of the banks we would have a beautiful Canadian coin. I repeat, if for no other reason than national sentiment, every Canadian ought to favour everything that will have a tendency to place us on a footing of equality with other countries. When travelling in the United States, and speaking on the subject of the gold currency, I have often felt humiliated when I have been asked "What is your gold currency"? and I have had to reply "we have none," that the only gold in circulation in my native country is United States coin. I contend that that condition of affairs should not exist any longer. We should be patriotic and true to ourselves as Canadians, looking not only to the present but to the future. We should have a mint and coin all the gold, silver and copper currency that we require. True, it might interfere to a certain extent with the notes issued by the banks. I believe the main opposition to the establishment of a mint in Canada proceeds from the chartered banks of this country, and the quicker the interests of the people of Canada, wherever they may conflict with those of the banks are consulted, the better. From the communications that I have received from every board of trade, forty-two in number, expressing hearty and unqualified approval of the project that I advocate, I believe that they will go on agitating this matter until the government, whether it happens to be Liberal or Conservative, will be compelled to accede to their request. With the permission of the House I would withdraw the motion.

Hon. Mr. MILLS—Before the resolution is withdrawn I wish to say a word or two on the subject. Though the estimate of profit which the hon. gentleman has given to the House may be accurate enough, so far as the mere gold and silver circulation is concerned he overlooks the large amount of profit to the Treasury of Canada from the actual loss of Dominion notes in circulation, and which loss amounts to a great deal more than all the profits to be derived from a mint which the hon. gentleman has estimated.

Hon. Mr. McINNES (B. C.)—Whom does that fall on?

Hon. Mr. MILLS—It falls upon the party who held the notes. But let me point out the difference between the loss of a bank note or a Dominion note and the loss of a gold coin. If I lose a ten dollar gold coin, it is an actual loss to me and to the country. If I lose a ten dollar note it is a loss of $10 to me, but it is a gain of $9.95 to the bank. So that so far as the country is concerned, there is a loss of but five cents. That is a matter of some importance to take into consideration. Then just one other matter with regard to the bank note circulation. My hon. friend seems to think that it is a great misfortune to a country that paper should circulate to so large an extent—I think he said $6 per capita of the population—and that in this respect we are very nearly in as bad a position as the semi-barbarous countries that constitute the South American republics. I think there is a great advantage in a redeemable paper circulation. In this country the bank circulation is largely due to the very great confidence that the people of this country have in our banking institutions, and, if you were to substitute a coin circulation for a paper circulation, you would have a monetary system that would be altogether wanting in that expansibility which attaches to our present system. What are the facts? Take an ordinary banking institution in any one of the towns of this country in a great producing district. You have that circulation, at certain periods of the year, half a dozen times greater than it is at other times. Upon what is the circulation based? Is it upon the gold and silver coin that the bank is required to hold in reserve? Not at all. It is based upon the warehouse receipts which the banks hold from the parties engaged in business, and are paid when the produce is shipped, perhaps at Montreal or some other point. Now, the wheat we say is just as good a basis for that circulation as gold itself, because it is just as certain in its value, the market value at which it is purchased, and any system which would have the effect of driving out our paper circulation, if that were possible, and substituting for it gold or silver coin, would, in my opinion, seriously inconvenience the agricultural population of this country, at certain seasons of the year, when their products are put upon the market and the circulation is required to be larger than the gold or silver that the bank holds in reserve, or the capital that could be made profitable upon a full gold reserve. You are enabled to do a very large business on a moderate amount of capital, which you could not do under the other sytem. It would have to be money having an intrinsic value, which is not necessary under the system that we now have.

The motion was withdrawn.

TAXATION OF CANADIAN PACIFIC LANDS.

INQUIRY.

Hon. Mr. BOULTON rose to

Inquire if the official legal opinion of the Minister of Justice was obtained to justify the reply given by the Minister of the Interior to Mr. Lister's question in regard to the exemption from taxation of the Canadian Pacific Railway lands, namely, that said exemption for twenty years dated from the issue of the patent for each individual parcel and not from the date of the letters patent incorporating the company?

He said:—I desire to explain to the Minister of Justice my reason for having given this notice of motion. This, to us in the West, is a very serious question indeed, and the position that the government takes upon the interpretation of the Act that gives an exemption from taxation for twenty years to the Canadian Pacific Railway is one of very great importance. I will read to you the question, which I saw reported in the public press, that was put by Mr. Lister to the Minister of the Interior. Mr. Lister asked:

LAND GRANTS TO THE CANADIAN PACIFIC RAILWAY COMPANY.

Mr. LISTER asked:

How much of the land grant to the Canadian Pacific Railway Company has been patented? Does the exemption from taxation on the land grant run from the date of patent for each parcel of land, or from the date of the letters patent incorporating the Canadian Pacific Railway Company and providing for land subvention?

The MINISTER OF THE INTERIOR (Mr. Sifton). I would like to let the first question stand. Information has been furnished to me by the department to answer the question, but I am not absolutely sure of its accuracy, and I wish to examine it more closely before the answer is given. As to the second part of the question, the exemption runs from the date when the patent issues.

Since the date of that reply, May 26th, the hon. Minister of the Interior has replied to the first part of the quettion that 1,425,925 of the C.P.R. land grant has been patented. I must take exception on behalf of our western country to the reply that has been given by the hon. Minister of Interior, because I think it is open to very grave question indeed whether that is an accurate judgment on the question or not. It certainly is not in the interest of the people whose interests we are supposed to represent —sixteen years out of the twenty have elapsed since incorporation and only about a million and a half acres according to the minister have come under the operation of the exemption clause of the charter. There is very grave doubt indeed as to what the meaning of the clause that gave that exemption is. It is, of course, a legal question, but if the government gives its adhesion to the principle that is laid down in the reply of the Minister of the Interior, then naturally the public who are the purchasers of the Canadian Pacific Railway stock, can hold the government to account for having announced the fact that that is the interpretation, and the correct interpretation, of the land grant as it was made in 1880. I see here in the *Citizen* of 29th of May, a telegram from Montreal as follows:

CANADIAN PACIFIC RAILWAY STOCK BOOMING.

MONTREAL, May 28.

At present Canadian Pacific Railway stock is attracting unusual attention, both among the local speculators and upon the London market. In fact, at the present time there seems to be more of a desire to deal in this security than has existed since the Baring panic in 1893.

In London this morning the stock was quoted at 58¾, which is the highest figure for 1897, it having sold as low as 46¾ on the war scare about six weeks ago. The price on the local market this morning was 57¼, which is just about equal to the London prices.

The reasons for the better feeling in Canadian Pacific Railway is the increased traffic earnings, which have recently averaged $60,000 per week increase, together with the improved western business.

Attorney General Cameron, of Manitoba, who is at present at the Windsor Hotel, said recently that the free land of that province is about all taken up, and this will naturally direct attention to the railway's holdings, which amount to something like 17,000,000 acres. These seems to be the reasons for the present better feeling, and the general advance.

Now, hon. gentlemen can readily see that if 17,000,000 acres of land now held by the Canadian Pacific Railway Company are to be exempt from taxation for twenty years from the date of the issue of the patent for each individual parcel of land, it enhances the value of that land grant over and above what it would be if the municipal taxation was to be levied twenty years after the incorporation of the company. It is contrary to the principles of government in our municipalities that we have instituted in our western provinces.

Hon. Mr. LOUGHEED—Did you say 17,000,000 acres in the province of Manitoba?

Hon. Mr. BOULTON.—No; Manitoba and the North-west altogether.

Hon. Mr. LOUGHEED.—The lands in Manitoba are not exempt for twenty years.

Hon. Mr. BOULTON.—No, it is the land in the North-west Territories. When the province of Manitoba was enlarged to the twenty-ninth range, the Act that constituted the province and enlarged its boundaries provided that it should be subject to the terms of the contract of 1880, so that, so far as the point that my hon. friend from Calgary raised, that the province of Manitoba is not included, it is only that portion of Manitoba which formed the original province. In our municipal organizations we recognize that when anyone has acquired a right to a quarter section of land by entering it at the land office, his land then becomes amenable to taxation. When the country was handed over to Canada in 1870, all those who lived in the country at the time had no patents for their lands, but they came in under the principle of taxation without any patent being issued at all.

Hon. Mr. CLEMOW—Before the patent was issued?

Hon. Mr. BOULTON—Yes, before the patent was issued. Not only that, but when a settler in that western country enters a quarter section of land and has homesteaded it becomes liable to taxation, and at the end of the three years he becomes entitled to his patent. That patent may not be claimed, or may not issue for ten years after he is entitled to it, but the muni-

cipal authorities and the local government recognize that the land, notwithstanding that fact, and whatever rights a man may possess in the land are liable to taxation. More than that, when a pre-emption is secured, by the payment of $10, of the adjoining 160 acres, that also becomes liable to taxation so long as that man occupies it and closes it up from right of entry on the part of any one else. It is on that principle that we govern ourselves with regard to this point, because it has been a very important question as to how many should be included in the expense of maintaining our municipal organization. The clause granting exemption from taxes is No. 16 in the Canadian Pacific Railway Act of 1880. It provides:

16. The Canadian Pacific Railway, and all stations and station grounds, work shops, buildings, yards, and other property, rolling stock and appurtenances required and used for the construction and working thereof, and the capital stock of the company, shall be forever free from taxation by the Dominion, or by any province hereafter to be established, or by any municipal corporation therein; and the lands of the company, in the North-west Territories, until they are either sold or occupied, shall also be free from taxation for 20 years after the grant thereof from the Crown.

The ground I take with regard to that is that the exemption for a term of 20 years was given so long as the land remained in the hands of the Canadian Pacific Railway. The moment that the company sold—one year after or five years after the incorporation of the company—the lands became liable to taxation, but so far as the company's ownership of lands was concerned, they had the whole 20 years absolutely free from taxation. The ground taken by the Minister of Interior in his reply is that if the Canadian Pacific Railway postponed an application for a patent for their land for 15 or 18 years, as the case might be, they would still have the exemption of 20 years from that date. Hon. gentlemen will see that that is a very important point, so far as our western people are concerned, in the maintenance of the municipal organizations. If they have to sustain their municipal organizations, their schools and everything else for a period of 30 or 40 years, it will be a matter of very great difficulty and hardship to them. The wording of the clause is not twenty years after the issuing of the patent but for 20 years after the grant thereof by the Crown.

Hon. Mr. LOUGHEED—Is not that a matter for the courts? The government cannot affect them one way or the other?

Hon. Mr. BOULTON—When a member of the government has announced to the world from his place in parliament, that the exemption is for twenty years after the issuing of the patent, it is necessary that we should protect the public who invest in the stock of the Canadian Pacific Railway so that they shall not come back to the government and say "that is your decision. We bought the securities on that ground and no protest was entered against it." It is also necessary to protect the settlers from a prejudgment of the case by a Minister of the Crown. It is to enter a protest against that position that I bring the question before this honourable House to-day. It is a question that we are justly entitled to consider for the protection of investers under the legislation of this parliament. My contention is that the taxation commences from the time the Canadian Pacific Railway Company was granted those lands. They have twenty years to run from the time they were granted, before being obliged to realize upon them or pay taxes, unless they sell them. Now, the question is whether that twenty years is to be extended to forty years in consequence of this interpretation, or until they are disposed of. My contention is that the grant was made to the Canadian Pacific Railway Company when they were authorized by parliament to issue land grant bonds, which they did, and that permission was incorporated in this Act of 1880. The Canadian Pacific Railway Company must have been granted those lands before they could issue land grant bonds. There can be no doubt of that whatever. They could not possibly issue $25,000,000 of land grant bonds unless the lands had been granted.

Hon. Mr. McKINDSEY—They were granted by statute.

Hon. Mr. BOULTON—Here is what the statute says:

17. The company shall be authorized by their Act of incorporation to issue bonds, secured upon the land grant granted to the company, containing provisions for the use of such bonds in the acquisition of lands, and such other conditions as the company shall see fit—such issue to be for $25,000,000. And should the company make such issue of land grant bonds, then they shall deposit them in the hands of the government, etc., etc.

The hon. gentleman will see by referring to clause 16 where it says "shall also be free from taxation for 20 years after the grant thereof from the Crown." In clause 17 I have just read, it reads "secured upon the land granted and to be granted to the company" the words "grant" have the same meaning in both clauses of the charter of incorporation, there is no reference to patents which are subsequent details of the grant—The company built as far as Oak Lake in 1881 and 500 miles farther in 1882. thereby becoming entitled to some ten million acres of the land grant.

There must be a limitation of the 20 years and I contend that that is from the date the lands were granted which commences with the release of land grant bonds as evidence of title. Now, these lands must have been granted to the Canadian Pacific Railway Company when they undertook to issue their land grant bonds. They could not possibly issue those bonds unless they were entitled to the lands and the lands had been granted.

Hon. Sir MACKENZIE BOWELL—Does the hon. gentleman contend that the granting of the lands to the Canadian Pacific Railway Company dates from the passage of the Act, or from the time they issued their bonds, or from the granting of the patent? If the 20 years is to commence from the granting of the lands, that is by statute. Then I should like the hon. gentleman to tell us how lands could be taxed which had never been set apart so that the municipal authorities could ascertain the lands on which to levy the taxes. Land grant bonds were issued in order to raise money, under the law placed upon the statute-book. If the lands were not set apart, or given to the Canadian Pacific Railway Company, before the patents were issued, how could a municipality by any possibility know the lands to tax until the patents had been issued, and they knew what lands belonged to the Canadian Pacific Railway.

Hon. Mr. BOULTON—I quite understand the position the hon. gentleman presents, but the statute has provided for that. I quite understand that the Canadian Pacific Railway Company may not yet have selected all their lands, but there is a period of twenty years which must be allowed to elapse before they can be subject to taxation, during which period they must select their lands, and the fact that they have not selected those lands for eighteen years after they were granted, under the conditions I have spoken of, does not entitle them to another twenty years after that time has elapsed. If their contention is held good on that 17,000,000 acres of land they still hold they are to have an exemption of forty years instead of twenty years. If that had been the intention it would have been set forth in the statute. I am quite aware that it is open to argument and is a legal question, but it seems to me it does not do to allow a question of that kind to go without entering a protest against the position that has been taken. I maintain, in the interest of that western country, if it is to be successful, it is impossible to keep 17,000,000 acres of land, the burden of which has to be supported in municipal organizations by settlers there, and allow a company which is enjoying the ownership of that 17,000,000 acres of lands to keep them from the market and hold them without sale until those settlers have created an accumulated value for them in that way, for a period exceeding what was intended by parliament in making the grant. The question arose something the same in the transfer of the country by the Hudson Bay Company. That company made a bargain with the Canadian government that they were to pay so much and the company were entitled to the selection of lands in the North-west to the extent of one-twentieth. There was a great difficulty in getting the Hudson Bay Company to accept those terms. They resisted and wanted a larger proportion of the lands, and they wanted better terms. Here is the reply in the letter by Lord Granville to Sir Stafford Northcote, dated

DOWNING STREET, 9th March, 1869.

SIR,—Earl Granville has had under review the correspondence which has passed respecting the proposed transfer to Canada of the jurisdiction and territorial rights of the Hudson Bay Company in North America * * * *

It is due, both to the representatives of Canada and to the company, to add—that these terms are not intended by Lord Granville as the basis of further negotiation: but a final effort to effect that amicable accommodation of which he has almost despaired, but which he believes will be for the ultimate interest of all parties.

If this be rejected either on behalf of the Dominion or the company, his Lordship considers that his next step must be to procure an authoritative decision as to the rights of the Crown and

the company, and with this object, he will recommend Her Majesty to refer their rights for examination to the Judicial Committee of the Privy Council, whose decision will form a basis for any future legislation or executive action which Her Majesty's Government may find necessary.

* * * *

Lord Granville is aware that a proposal of this kind will require consideration; but he hopes you will lose no time beyond what is necessary in acquainting him with your decision.

I am, Sir,
Your most obedient servant,
FREDERIC ROGERS.

Sir STAFFORD NORTHCOTE, Bart., &c.

That arose from the fact that the Hudson Bay Company of those days made a claim for a far larger right to the sovereignty of that country than they actually possessed, and the Imperial government said: "If you are going to block the way and obstruct, by excessive demands, the policy which is now sought to be carried out, we will have to inquire into what your rights are by reference to the Judicial Committee of the Privy Council, in order to determine them, and if we find that your rights of sovereignty to the title of the land is confined to Rupert's Land alone," which was the settlement along the Assiniboine and the Red River for a certain distance and did not go beyond that, "if you demand more we will have to make an inquiry." This matter is just about in the same position. Here is an open question—a question that is of very great moment to the people in the North-west, whether this exemption is to lapse at the end of 20 years from the date the lands were granted—that is earned by the company when they became entitled to it in the same way that the homesteader becomes entitled to his land by virtue of an entry and payment of a $10 fee. The question is a live and important one. I do not think it is wise to go on and leave it open to doubt, because any gentleman can see the value of 17,000,000 acres of land, any portion of which is to be exempted from taxation for 40 years, is a much more valuable asset than if it were only exempted for 20 years. The patent, I consider, is a mere detail of the grant, and ownership is attained entirely upon the fulfilment of the conditions by which an individual settler, or railway corporation or any one else, become entitled to the land. It is for that that the grant which is referred to here. That is my opinion, and the people of the North-west are of the same opinion, from the principle of right and justice, from the principle of their own interest in the successful development of that country, and for that reason I think myself, that while there is a doubt, it would not be at all unwise on the part of the government to remove it by such a reference as I have already spoken of, to the Imperial government. In the meantime I make this inquiry in order to ascertain if the Minister of Justice takes the same ground. I do not ask for a legal opinion at all, but to ascertain if the Minister of Justice has given his official authority for the reply to Mr. Lister's question, or whether it was made upon the personal responsibility of the Minister of the Interior under whose official control the lands are. I want simply to take the question out of the arena of doubt by the interpretation of the officers of the Crown, which would remove from any municipality, or any provincial government, the right to contest the claim at some future period, and it is for this reason that I make this inquiry.

Hon. Mr. SCOTT—The Minister of the Interior did not say that he had obtained the opinion of the Minister of Justice, and, as a matter of fact, the Minister of Justice has never given any opinion on the subject. I fancy that the only opinion which would be reliable, would be one from the courts.

Hon. Sir MACKENZIE BOWELL—I suppose the minister cannot shirk the responsibility, if I may use that expression, of the statement made by one of his colleagues. I understood the hon. member from Marquette to say that the Minister of the Interior had stated that the lands were not taxable for 20 years after the issue of the patent.

Hon. Mr. SCOTT—The Minister of the Interior gave that opinion, based on a case that came up in court. He gave it as his opinion.

Hon. Sir MACKENZIE BOWELL—As a layman, I think he is right.

Hon. Mr. SCOTT—I do not know whether the case went to the Supreme Court. It did not go to the Privy Council, but it was on the decision of the court which is probably not yet a final judgment.

Hon. Mr. LOUGHEED—It could not have been under that section, because 20

years have not elapsed since the patent was granted.

BILLS INTRODUCED

Bill (81) "An Act respecting the Great Northern Railway Company."—(Mr. Bellerose.)

Bill (98) "An Act respecting the Haliburton and Mattawa Railway Company."—(Mr. Dobson.)

THE RESIGNATION OF JUDGE JONES.

Hon. Mr. SCOTT—I beg to lay on the table the return asked for last month with reference to the resignation of Judge Jones, and correspondence connected therewith. All the correspondence is brought down except what was marked "confidential."

A QUESTION OF PRIVILEGE.

Hon. Sir MACKENZIE BOWELL—Before the orders of the day are called, I would like to call the attention of the Government to an extract from the Quebec *Chronicle* with reference to the Jubilee Regiment. I do not know whether my hon. friend has seen it, but I bring it to his notice in order that, if true, the defects in the selection of the volunteers may be remedied. It is under date June the 1st, and reads as follows:

> The first appearance of the Jubilee Regiment on parade on Sunday last, as hinted in yesterday's *Chronicle*, evoked considerable adverse comment. It includes a number of men, to whom it is no disrespect to say that they should never have been selected for the purpose. The regiment ought to be the best possible representation of Canadian manhood. Those members of it who do not enter into this category are, of course, not responsible for the fact, but the commanding officers who selected them are far from blameless. Either their corps must be most miserable ones as a whole, or favouritism would seem to have decided the choice of the men, for it is hard to imagine many of them as anything like the best possible representatives of their regiments. A number of them are of poor physique, others have a miserably unmilitary carriage, and a good few would stand quite a lot of brushing up and tidying. If, to all this, poor marching and ill-fitting uniforms are added, the result can be imagined. In short, our proposed picked Jubilee contingent, intended to do Canada credit, will fall far short of its object if some marked improvement is not at once visible. This criticism is made in no carping spirit, but for the best interests of all concerned and it is to be hoped that some better showing may soon be made, for Quebec is a military city and a soldier's faults are soon noticed here. Our representatives will rub shoulders with the best troops of the Empire and will need to be at their best. A large proportion of them are undoubtedly men to whom not the slightest exception can be taken and who would do credit to any country. But the crazy-quilt, patch-work appearance of the detachment is painfully apparent on parade and it is hard to say how the matter can now be remedied.

This is an editorial in the Quebec *Chronicle* of June 1st. I may add, I was told by a gentleman who saw the parade that he did not consider the description at all overdrawn. As an old volunteer, I should very much regret to see a regiment composed of men, as described here, going to London to represent the forces of Canada, and I am quite sure the leader of the government, who has a love for his country, and I am quite sure also has a very great respect for the volunteer forces in Canada, will come to the same conclusion that I have—that if this be correct, there has been a lamentable fault on the part of the officers, and that immediate steps should be taken to have it remedied.

Hon. Sir OLIVER MOWAT—I have heard nothing of the matter which my hon. friend has mentioned. It seems extremely improbable that the officers who are responsible for the selection of the men should have selected such persons as that extract described. It is possible, but extremely unlikely. I will communicate with the acting Minister of Militia. I quite concur with what the hon. gentleman, as a volunteer, has said, as an old lieutenant of Her Majesty.

Hon. Mr. SANFORD—I do not know that I quite heard or understood the paragraph, but if it refers, as I understood it did, to the uniform of the men, I will vouch for it that that uniform is in order, but as for the fitting, I can only say that the government requested that these articles should be prepared by measurement, which was specially sent up for every man for the force, and with a great amount of care and pains these articles were prepared at an actual loss to the company who were engaged in the manufacturing of about $200 or $300, the instructions being given simply to manufacture these in accordance with the desire of the department, without reference to their cost, that they shall be a credit and honour to their country, and a credit and honour to the company who were engaged in their manufacture. If there is any mistake with

reference to the costume or dress of those men, it arises from the measurements and not from the manufacture; it arises from the men not standing in a soldierly manner, or stooping, or crouching, possibly in another form. There is a mistake somewhere. It does not belong to the government and it does not belong to the manufacturers.

Hon. Mr. BOULTON—I am glad the hon. gentleman has brought this matter to the notice of the government. I think it will be found to be an exaggeration. The selection was made from a diversity of corps. One hundred and fifty have been selected from all the corps of the Dominion, not having been selected as privates, but as sergeant-majors, sergeants, corporals, and so on, and of course in the city of Quebec, where they have been accustomed to seeing nothing but our regular trained soldiers, well set up, drilling together for a certain length of time, I think probably some of the criticism in Quebec may have resulted from that fact. I am satisfied the country may have confidence in the Adjutant General, who is an old soldier, and who will get the men together as rapidly as he possibly can, and I think Canada will have no reason to be ashamed of any of her sons.

Hon. Sir MACKENZIE BOWELL—The reason I brought this to the notice of the government was in order that they might call their officers' attention to it, because it may not be true. I did not mention, nor is there anything in the article which I read which speaks at all of the quality of the clothes which these men had on. It said they did not fit. It is possible the manufacturers may have made to the orders given, and they may have been given to others whom they did not fit. That is presuming all the time that the article which I read is true.

Hon. Mr. McMILLAN—The clothes were made for larger men.

It being six o'clock, the Speaker left the chair.

After Recess.

THIRD READINGS.

Bill (74) "An Act to incorporate the National Life Assurance Company of Canada."—(Mr. Power.)

Bill (78) "An Act respecting the Ontario Accident Insurance Company."—(Mr. Vidal.)

SECOND READINGS.

Bill (56) "An Act respecting the Medicine Hat Railway and Coal Company."—(Mr. Power.

Bill (79) "An Act to incorporate the Dominion Portland Cement Company."—(Mr. Clemow.)

Bill (34) "An Act to incorporate the Canadian Securities Company of Montreal."—(Mr. Bernier.)

Bill (84) "An Act to incorporate the Continental Heat and Light Company."—(M. McMillan.)

Bill (58) "An Act respecting the Temiscouata Railway Company."—(Mr. McMillan.)

Bill (80) "An Act to revive and amend the Acts respecting the Quebec Bridge Company."—(Mr. Bernier.)

Bill (17) "An Act to incorporate the Winnipeg, Duluth and Northern Railway Company."—(Mr. Boulton.)

(Bill (73) "An Act to incorporate the Kaslo and Lardo-Duncan Railway Company."—(Mr. Power.)

Bill (103) "An Act respecting the Canadian Fire Insurance Company."—Mr. McKay.)

Bill (40) "An Act to incorporate the Maritime Milling Company."—(Mr. Power.)

Bill (L) "An Act relating to the Canada Investment and Agency Company, Limited."—(Mr. Drummond.)

Bill (86) "An Act respecting La Banque du Peuple."—(Mr. Villeneuve.)

Bill (82) "An Act to incorporate the Mining Development and Advisory Corporation of British America, Limited."—(Mr. McKay.)

PROTECTION OF NAVIGABLE WATERS ACT AMENDMENT BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (105) "An Act to

amend the Act respecting the protection of navigable waters."

(In the Committee.)

Hon. Mr. SCOTT—The object of the bill is to enable the Minister of Marine and Fisheries to remove from navigable waters obstructions that may not possibly be in the way of navigation now, but that may be an obstruction in the future and may prevent the department from placing beacons at desirable points. I will just read the words that are introduced. Clause No. 4 in the bill is substituted for clause 4 in the present Act, and I will read the amendment:

1. Section four of *The Act respecting the Protection of Navigable Waters*, chapter ninety-one of the Revised Statutes, is hereby repealed and the following substituted therefor:—

"4. If, in the opinion of the Minister of Marine and Fisheries, the navigation of any navigable water as aforesaid is obstructed, impeded or rendered more difficult or dangerous by reason of the wreck, sinking, or lying ashore or grounding of any vessel, or of any part thereof, or of any other thing."

The words following are the new portion:

Or if by reason of the situation of any wreck or any vessel, or of any part thereof, or of any other thing so lying sunk, ashore or grounded, the navigation of any navigable water, as aforesaid, is, in the opinion of the minister, likely to be obstructed, impeded or rendered more difficult or dangerous, or, if in the opinion of the minister, any vessel or part thereof, wreck or other thing cast ashore, stranded or left upon any property belonging to Her Majesty in the right of Canada is an obstacle or obstruction to such use of the said property as may be required for the public purposes of Canada.

Those are the words inserted. One of the principal objects is to remove a wreck now in the harbour of Victoria. It is not exactly lying so as to obstruct navigation, but it is a great eyesore to the people of Victoria. It is lying at a point where the minister thinks a beacon ought to be erected, and the language of the clause as it stood would not enable them to remove that wreck. The rest of the clause is the law as it now stands.

Hon. Sir MACKENZIE BOWELL—I suppose there is no doubt as to the power to pass this Act and to put it in force in case it is passed. I know where the vessel to which my hon. friend refers lies, but it is outside the harbour. Whether it would be considered in the sea proper I do not know. It lies certainly within the three mile limit, if that has any force. The law would probably have some effect. This is a question that has been before the House a number of years. I remember, when occupying a seat on the other side of the House, introducing a somewhat similar bill, but for some reason it did not become law. I am aware that the wreck in Victoria harbour is an eyesore, but it is a splendid place to erect a beacon and it is a beacon itself to keep people from running on the rocks. No one can understand how the wreck took place, except through carelessness or dense fog, because it lies not a great distance from shore. My reason for referring to it is that I suppose the government has considered the question as to the power which they would have to remove the vessel, because it is not in the channel—it is in a place where she never ought to have gone, I take it for granted if she were removed, no other vessel, knowing where the rock was, would run upon it.

Hon. Mr. BERNIER—Would the bill include the saw-dust in the Ottawa River?

Hon. Mr. SCOTT—I am afraid not. The changes made in clause 5 are in harmony with those in the preceding section. In the fifth line, it reads:

"In manner aforesaid likely to be occasioned"—they are the new words and also from the word "thing" in the seventh line:

Or, with such authority has caused to be removed any vessel or any part thereof, wreck or other thing cast ashore, stranded or left upon any such public property as in the last preceding section mentioned.

Hon. Mr. MILLS—Is it a charge upon the public revenue?

Hon. Mr. SCOTT—No, this is simply an authority to remove it. They must have the power from parliament to expend the money. It is simply taking the power. The expenditure may not be incurred.

Hon. Sir. MACKENZIE BOWELL—I think under the general law the owners of the vessel would be responsible.

Hon. Mr. SCOTT—Yes.

Hon. Mr. DRUMMOND, from the committee, reported the bill without amendment.

CRIMINAL CODE AMENDMENT BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (H) "An Act further to amend the Criminal Code, 1892."

On the second clause.

Hon. Sir OLIVER MOWAT—The second clause is expressed in two lines, and refers to the schedule. We will have to take up the schedule:

The Criminal Code is hereby amended in the manner set forth in the following schedule.

The first part of the Criminal Code which I propose to amend, is the third section of it.

Hon. Mr. ADAMS—I would suggest to the hon. the Minister of Justice that the bill now proposed to be dealt with by this committee is somewhat of an important one, and touches particularly the individual, and also calls for consideration from the legal fraternity. Would it not be well if the Minister of Justice, in view of the important legislation now intended to be submitted here and carried through, were to allow the privilege of handing to every member in this chamber a copy of the bill with the right to examine, and at the next session of parliament to make such amendments to the Criminal Code as would be approved of by the country? I do not claim that I am held in very high reputation as a lawyer, yet I have had the privilege of dealing with criminal cases under the criminal code of New Brunswick, as also under the criminal law of Canada, and I can see great objections to the passing of such a general Act as this, notwithstanding it has been submitted to us by the Minister of Justice. I make the simple suggestion, with all due respect, because I have recognized indeed the wealth of his information and the strength of his judgment, not only in reference to criminal matters, but having read his decisions on other matters of grave importance, where questions of law between one and the other have arisen, and I would think that this body should not deal with an Act such as is presented to us, without the gravest consideration and without the wisest prudence, and the submission to each person of a chance at least to personally consider and make our objections if we can have an opportunity. I only desire that. In dealing with the Criminal Code of the country it is not advisable to take hasty action. There are clauses in this bill that unfortunately are not the result of deep consideration, but which seem to me to be the result of imprudent thought. I would suggest to the Minister of Justice that if I am entirely correct—(and if not,) I would be disposed to be properly reproved and properly brought to order—that with such legislation as this, it would be better for us to have a committee of the best legal minds to consider same, and not change the law of the land immediately, but with the very best and wisest and most prudent consideration to make such amendments if they should be found necessary, but not for the mere purpose of gratifying some—I was going to throw in an adjective there—some person who comes along and says, "You cannot walk on a Sunday" and "You must not have an exhibition of so and so," that it would be better to refer a bill of such a character as this to the wisest consideration of the best legal minds we can obtain selected from both Houses. I simply throw out the suggestion, and whether it be good or bad, I am willing to obey the decision of the House, but the Criminal Code of the country should not be made on the mere *ipse dixit* of somebody who imagines there is crime committed and not provided for and the legislation of the country should not be made on the application or peculiar whim of any one body; the liberty of the subject should not be taken away in that manner, and so, for that reason, I think the bill should be referred to a committee, and we could then deal with the matter at the next session.

Hon. Sir OLIVER MOWAT—I am not quite sure that I understand what my hon. friend wishes to do here. He seems to refer to some particular portions of the bill to which he has objections. When we come to those portions his objections may be stated. There are portions of this bill that lawyers may be necessary in order to judge of their propriety, but there are other portions that are matters of policy of which anybody can judge quite as well as a lawyer can. My hon. friend wishes the bill to be considered by the ablest lawyers we can find for the purpose. I certainly do not belong to that class

myself, but there are members of this House who do belong to it, and we shall get the benefit of their judgment as we go through the bill. There are also other lawyers in the House of Commons, and when the bill goes down to them those able lawyers will consider it. I think we are quite competent to go on with the various clauses of the bill, and if there are any of them that there is a special difficulty about, and that the House do not see the propriety of passing just now, these can be omitted without delaying the whole of the bill. I propose, therefore, to go on with the bill, if the Senate permits me, and to explain each of the clauses as I move it. The first amendment is in the third section of the Criminal Code of 1892. In section Y of the clause there referred to I find these words:

> The expression superior court of criminal jurisdiction means and includes the following courts in the province of Ontario, the three divisions of the High Court of Justice.

Since the passing of that code those divisions have been abolished. There are no divisions now of the High Court of Justice, and it renders the Act therefore inapplicable to the present condition of the High Court and of the judges there under the legislation which the Ontario legislature has passed, and which was within their jurisdiction to pass. The change requires a very slight amendment. Instead of the words I have read the clause will read:

> In the province of Ontario any divisional court of the High Court of Justice.

That may seem to hon. members who have not followed the legislation on the subject to be not a very material difference, but the difference is very essential. Before the change there were in fact three branches of the high court. Each branch had its own judges. That is no longer so. There are no branches now, and courts are held from time to time by such judges as are prepared to attend to them. The judges do not now belong to one court more than to another and when they sit in that way they are called a "divisional court."

The clause was agreed to.

Hon. Mr. POWER—With respect to the clause which we are just coming to I would suggest to the Minister of Justice that it might be better to postpone the first portion, that marked 92, because I understand there is a good deal of opposition to the next, 97*a*, and if 97*a* is not adopted by the House, then 92 will not be necessary.

Hon. Sir OLIVER MOWAT—I quite approve of the hon. gentleman's suggestion. I never thought of going on with 92 except in connection with 97*a*. The only object of 92 is to make a definition, which we already have, of a prize fight applicable to the use of that term in 97*a*. The question is whether the Senate is prepared to adopt the principle of 97*a*, and that is a point on which I now proceed to make some observations. The House will observe that I am not introducing any new definition of what a prize fight is. I am proposing no change in the law in that respect. I am proposing legislation about a prize fight, but mean nothing more by the prize fight than the law means now. It has a bearing upon the propriety of passing 97*a* to know exactly what the law does now forbid as prize fights. Sections 93, 94, 95 and 96 show this. These sections have been in the law for very many years—since, I think, 1881. They were introduced then by the hon. leader of this House, Sir Alexander Campbell, in a government measure. My hon. friend opposite was a member of the government, and no doubt gave his hearty support to what was done then. The bill passed this House and went to the House of Commons, and there was again in the hands of a member of the government as a government measure. What was it that was forbidden? Prize fights. The clause which I am now introducing to the House makes the representation of prize fights by a certain method, a criminal offence—the exhibition in that way of prize fights such as are now illegal. The prize fights which are dealt with are now illegal, and being illegal it is proposed that this representation of them should be made illegal also. It is believed that a large part of the evil that arises from a prize fight itself will arise also from a representation of it by means of these wonderful machines which have lately been invented. We are, of course, making no objection to the use of these machines. Thousands of harmless scenes are or may be represented by them. What we propose to the House to render illegal is the representation of an illegal thing—

namely, a prize fight. These prize fights are admitted on all hands, I believe, to be brutal exhibitions which ought not to be sanctioned in any civilized country, and our law on the subject corresponds with what has been done in various states of the neighbouring country. I believe there is only one state in the union which permits prize fights, so general is the impropriety of them recognized. I shall read the sections of the existing Act to show how prize fights are dealt with by our laws, to show the propriety of our forbidding also the representation of them by one of these new inventions. The law renders guilty of an offence under the Act and liable to punishment any one who

> Exhibits or publishes, or causes to be sent or published, or otherwise be made known, any challenge to fight a prize fight, or accept any such challenge or causes the same to be accepted, or goes into training preparatory to such fight, or acts as trainer or second to any person who intends to engage in a prize fight.

Now, that is going a great way, but in 1881 both sides of the House, and both branches of parliament were satisfied that the public interests required that enactment —that prize fights were such bad things— that they were so immoral and did so much harm, that a challenge to a prize fight should be made a crime, that accepting a challenge should be ma le a crime, that any endeavour to procure an exhibition of it should be made a crime. Then, the 93rd section makes it an offence to be engaged as a principal in a prize fight. The 94th section makes it an offence to be present at a prize fight as an aid, second, surgeon, umpire, backer, assistant or reporter, or who advises, encourages or promotes such fights. I have no doubt the hon. members of this House who were present then, and who approved altogether of these sections, will answer the objections that may be made to them by any other hon. member; and I observe amongst those who were present was my hon. friend behind me (Mr. Power) who spoke when the matter was going through the House and concurred in what other hon. members said against prize fights, except, I think, he was rather in favour then of a surgeon being permitted to be present. What the House ultimately determined on that point was that he could not be permitted to be present at the fight, but that there was no harm in his coming in afterwards to remove the consequences of any wounds that were received. Then the 96th clause makes it an offence to leave Canada with the intention to engage in a prize fight without the limits of Canada. If any hon. member desires to look at what took place in this House when the bill on this subject was before the House, he will find it in the Senate Debates, session of 1881, at page 53 and the following pages. My hon. friend behind me (Mr. Power) says now that he should rather like to be at a prize fight if he could get a good seat there, but he knows it is a bad thing and objects to prize fights being permitted. Amongst his observations in 1881 he said this: "If a reporter was allowed to attend his presence would encourage the fight." My hon. friend, therefore, was against reporters being permitted to be present, because their presence would encourage the fight. Anything that would encourage the fight my hon. friend would object to. I think there is great force in that view, although I am not sure it was acted upon in the bill that was passed. But my hon. friend failed to see how the presence of the surgeon would lend any such encouragement.

Hon. Mr. LOUGHEED—It would have rather a depressing effect.

Hon. Sir OLIVER MOWAT—My hon. friend said further on that occasion that prize fights were frequently attended by more serious consequences than duels on the continent. My hon. friend thought, in some respects, they were still more objectionable than duels. I am glad to know how strong my hon. friend's views are on this point, because an observation of his to which I have referred just now has misled people as to his attitude with regard to these prize fights. Every one who spoke when the matter was up in 1881 condemned prize fighting in very strong language. The bill went down to the House of Commons, and the members there concurred in the propriety of the provisions in the bill; and, after some discussion in regard to one or two of the clauses, the bill was passed in the form in which it came down from this House. Some members of the House of Commons were very strong in their expressions in regard to these exhibitions and the evils arising from them. One hon. gentleman, Mr. Wright, spoke of

their being "brutalizing" exhibitions. "They are survivals," he said, "of a barbarous age, the relics of a bygone time when cock fights, bull fights and bear baiting were popular amusements." The bill was in charge of the Minister of Justice, Mr. Macdonald of Pictou, and in his speech he dealt with several points showing the strong opinion he entertained against these exhibitions. He said: "My own impression is that after this bill passes, should a reporter be sent to it from my hon. friend's newspaper (that is the *Mail*), both the reporter and the hon. gentleman would deserve the punishment which the bill seeks to impose." Mr. Plumb said:

I think that one of the worst features of the prize fight is the brutal report of it which frequently appears in the newspapers, and these reports are all the more to be reprehended because if they were not published, those who engage in them and attend these contests would be deprived of one of the chief incentives to such encounters.

Then again he spoke of them as "brutal and demoralizing contests," and a little later on speaks of the "disgusting and demoralizing details." "I do not think," he said, speaking of one of the other members, "he would lend his countenance to such contests, and I think he would be one of the first to prevent the perusal in his own family of the brutal and disgusting details of the semi-savage encounters of the prize ring."

I have heard the objection suggested that these details in the newspapers were bad, and that if we dealt with the exhibition struck at by the bill we should also forbid those newspaper details. That may or may not be true. It is quite clear that the representatives of the people and the hon. members of this House thought it very objectionable to publish all these details. But if newspaper reports are objectionable much more so are such exhibitions as this clause proposes to forbid. They are open to all the objection which the newspaper details are open to, and stronger objections because they represent the fight in a vivid way. All the characters are represented as large as life; and every blow that is struck, every motion of the body, every expression of the countenance is represented, not as it would occur at one moment, but the whole scene is there, from beginning to end, and people see it all as if they were present at the fight itself. Now, if the fight is a wrong thing, a representation of it in this way must be wrong also. This bill to prevent the exhibition of these prize-fight pictures is a corollary to the law which forbids the fights themselves. The machines by which the exhibition is made have only been invented very recently. In 1881 it would not have been thought such things were possible. Let me read a few sentences more.

Another hon. member said:

We usually find that persons who attend such exhibitions are of a most degraded description; men of vicious propensities and accustomed to sensual indulgence of almost every kind.

Another said:

Do not understand me to be saying anything in favour of the degrading spectacle of prize fighting.

And you get that "spectacle" as distinctly from these representations as you would from the prize fight itself. This hon. gentleman goes on to say, speaking of prize fighting:

It must be so shocking that I am sure if the member from Annapolis has seen one he will never go to another * * * * The quicker we do away with these disgusting exhibitions the better. The quicker we can arrange to settle our disputes by some other means than by fighting them out by mere brute force, the better it will be for society.

I suppose hon. members quite understand the nature of these various machines and what they accomplish. It is wonderful. Those who have seen them say it is startling to see how exactly they reproduce moving scenes. One lady speaking of it, and whose words I find recorded, said that at an exhibition by one of those machines, not of a prize fight but of a railway in motion, she could hardly help screaming, because it seemed as if the locomotive was coming down upon her. The picture was as large as the car, and had every appearance of being the very thing it represented. I have introduced these clauses for the consideration of the House at the instance of persons that we must all respect. The clergy of various denominations have written to me on the subject. The last letter I received was from the Anglican clergy at Kingston, where one of these exhibitions, the first to take place in this country, was to have taken place yesterday. I do not know whether it has taken place or not. It was advertised as the prize fight between Corbett and Fitzsimmons, but I believe it was

really another prize fight altogether, I am not quite sure that the artist was successful in taking the representations of the prize fight which has excited so much interest lately. I do not see how any one can doubt that if a prize fight is such a bad thing, as all seem to agree it is, such legislation as is now proposed should not be adopted. Every state in the union except Nevada excludes prize fights. Elsewhere prize fights take place by stealth when they do take place, and every one present is liable to be arrested and severely punished. I do not see how any one can doubt that this representation of prize fights is injurious. Many persons would go to the representation of them, attracted by the wonderful machine by which they are represented, who would not be present at the fight itself. To illustrate the immense harm that is done by them, I may mention that I read shortly after this fight of two fights between boys, one in Pniladelphia and the other I think at Sault Ste. Marie in our own country. In one of these fights one of the boys had his arm broken, and in the other one boy was killed on the spot. Those instances just illustrate how important it is that boys should not be encouraged by any means to engage in this sort of fight. If boys quarrel and fight out their quarrel, the law does not forbid that, and I am not asking that the law should forbid it. The letters from Kingston implore me to if possible to get this bill passed in time to prevent the exhibition to which I have referred. That of course was impossible. I have letters from various benevolent and religious societies in all parts of the country, and I presume that we all regard with respect those societies. They are instituted for the purpose of doing good to their fellow creatures, and there is no class more entitled to our sympathy and respect. I have had resolutions and memorials from all parts of the country. Religious newspapers have taken up the subject in the same way. I have letters from mothers imploring me to not put in the way of their children encouragement to the harm which is received by attendance at such exhibitions. The most moral and religious part of the community have a strong opinion that these representations should be prevented. There are one or two other things connected with preventing them now which are worth observing. There is no vested interest now in representations of this kind. None of our people have any pecuniary interest in them, and, there is no difficulty in the way of the kind we are often met with. I daresay many newspaper proprietors would be very glad if the law prevented any of the details of a prize fight being given in the newspapers. A newspaper is obliged, or the proprietor thinks is obliged, to publish these details when other newspapers do it; but some of them would be very glad not to have to do so. Other proprietors of newspapers which have not this feeling do not want them to be made illegal, because the publication of reports of prize fights add to their profits. But there is nothing of that kind which could be said to stand in the way of the legislation I am now proposing. I therefore ask the committee to agree that every one connected with such exhibitions shall be guilty of an offence and liable to whatever penalty may be thought reasonable. I put in the bill the penalty I find in some of the bills introduced in the state legislatures of the United States. Bills of this kind, since it was known there were to be such exhibitions, have been introduced in most if not all the state legislatures which are in session; and a like bill has been introduced into the United States Congress, the bill in Congress having reference to the District of Columbia and the Territories which are not yet states, and over which Congress has jurisdiction.

Hon. Mr. LOUGHEED—Have they been passed?

Hon. Sir OLIVER MOWAT—I am informed that they have been passed, in Maine and Michigan, by the last account, and perhaps in other states since, but they have, at all events, been passed by those two states. I have named five thousand dollars as the penalty. That should not be thought too much, because we want to prevent those exhibitions. By putting a heavy penalty we are sure to prevent them, and the penalty will never be invoked, because it will effectually prevent the entertainment being given. But if we put a low sum the exhibitors will say, "we shall make by this exhibition so much that we can afford to pay two or three hundred dollars, perhaps five hundred dollars in a large city." I am, myself, in favour of the large penalty, such as we find in some of the United States bills. The penalty is not to exceed five thousand dollars

and not to be less than five hundred dollars, and imprisonment, not exceeding twelve months, with or without hard labour.

Hon. Mr. MACDONALD (B.C.)—That section, in my opinion, does not touch the most demoralizing part of this whole affair. I think the detailed reports in the newspapers are far more demoralizing than the kinetoscope pictures. The pictures only give the attitudes, but in the newspaper you have all the brutal details of the slugging. I should like to see the Minister of Justice add to the clause a penalty for publishing details. The boys that the hon. gentleman referred to did not see the vitascope pictures of the fight, but saw the details in the newspaper, and they had a miniature fight and one was killed. The boys read those reports with avidity. I would not only impose a penalty on our own papers, but confiscate newspapers from the United States containing such reports.

Hon. Mr. MILLER—I agree with the greater portion of the remarks which have fallen from the hon. Minister of Justice, and I have no doubt also that this House agrees with him in the greater portion of what he has just now said. Prize fighting we have by our laws made a criminal offence. We know it to be brutal and demoralizing, and therefore it ought to be discouraged by the laws of any civilized country. While, however, I agree fully with the hon. gentleman on principle with regard to the character of these brutal exhibitions, and consider that, logically, condemning prize fighting we should also condemn anything which would give it notoriety or make it attractive, or which would spread its demoralizing influence, such as these representations mentioned in the clause under consideration would certainly do, we must logically also approve of any such enactment as is here contemplated for that purpose, but I think that the punishment attempted to be enacted is altogether out of proportion to the offence. Our law, as it stands at present, is severe enough, and when this law was being enacted I thought its provisions were quite severe enough, and I so expressed myself, and my view will be found in the debates of that day. But the law for the prevention of actual prize fighting is not as severe as the bill now attempted to be enacted for the representation of it, or for sending through the mails, or having in one's possession, a photograph of any such exhibition. Clause 94 deals with the punishment of those engaged in a prize fight, as principals, backers, seconders, or as reporters, and the punishment is not as severe as the punishment imposed by the present clause on those who exhibit pictures of a prize fight on the kinetescope.

This clause provides the penalty to be imposed upon the backer, seconder or encourager in one of these prize fights. I think the House will agree with me that that offence is certainly a more serious one than the offence attempted to be prohibited here. This 97th clause says:

> Every one is guilty of an offence and liable on summary conviction to a penalty not exceeding $5,000, and not less than $500, or to imprisonment for a term not exceeding twelve months, with or without hard labour, or to both, who exhibits by means of the biograph, vitascope, kinetoscope, kinematograph or any kindred device or machine, any picture or representation of a prize fight.

This offence is not as serious as the one prohibited in the statute, and it is punished with greater severity. Then the clause proceeds:

> Brings into Canada or procures to be brought into Canada to or for him, or posts for transmission for delivery or through the post any picture or other material or appliance to be used in such an exhibition as is described in the next preceding section.

To punish such an offence as that with a penalty of five thousand dollars or two years imprisonment, would be reverting to the days of the blue laws in some of the United States. We can trace in this extreme penalty the influences which the hon. Minister has told us have been at work in promoting and securing this law, and we know these people are the very worst advisers in cases of this kind. They generally make fads of these questions, and all faddists are sure to go to extremes. It is not necessary for me to do anything more than to point out the unreasonableness of the penalty proposed, the want of proportion to the offence defined in this clause to convince the House that it would be very unwise to pass that clause in its present shape. Instead of five thousand dollars five hundred dollars would be quite enough, and if the clauses stands as part of the bill, I would ask to have it amended to read this way:

> Everyone is guilty of an offence and liable on summary conviction to a penalty not exceeding

five hundred dollars and not less than five dollars, or to imprisonment or a term not exceeding three months—

I would not say hard labour.

who exhibits by means of the biograph, vitascope, kinetoscope, kinematograph or any kindred device or machine, any representation of a prize fight.

I think that punishment would be quite adequate to the crime, and believing as I said just now, that logically we ought to punish this offence in connection with prize fighting, if we condemn prize fighting itself, I think some punishment should fall upon the persons who do anything to spread the demoralizing effects of prize fighting amongst the people. I shall, before we adopt the clause on this subject, move the amendment as I have just read the clause, unless another motion to strike out the clause altogether be carried. In that case there would be no need for my amendment, but I would vote against any motion to strike out the clause.

Hon. Mr. POWER—The hon. Minister of Justice has made special reference to me in connection with this matter, and perhaps I may as well say a few words to justify my position. I do not approve of prize fights. They are very objectionable; and I think the law which we have on our statute-book is a right and proper law, but I do not think that the clause which is now before us, is such a clause as should become law. It is, no doubt, very desirable that all people should be religious and should say their prayers morning and evening, but we cannot legislate to bring about that very desirable result. It is a very desirable thing that all people should have refined feelings, but we cannot change their feelings by legislation; and as my hon. friend from Richmond says, the clergymen and refined ladies, who take an interest in the public welfare, are undoubtedly some of the best people in the world and the best meaning people, but it would be unfortunate if our legislation were put in the hands of people of that class, because, after all, the laws which we make have to deal with the ordinary, everyday human being who is a mixture of good and bad. We do not make all sins crimes. There are a great many sins which are not made crimes by law, and as the hon. gentleman from Richmond said, this legislation runs in the direction of that Connecticut law which made it an offence for a man to kiss his wife on a Sunday. The Puritans, so called, who came after Charles the First, and before Charles the Second, and who governed the country between the time when Charles the First ceased to reign and the time when Charles the Second began to reign, were, no doubt, the majority of them, well meaning people. They were God-fearing people, but they made religion so odious that, for the next fifty years at any rate, immorality and general blackguardism were popular in England; and I fear that, if we in Canada go on with legislation of this kind, going as far as this legislation proposes to go, we shall tend to make virtue, in a certain sense, unpopular, and certainly to make the law unpopular, which is something that should not be done. Now, hon. gentlemen, I contend that a fight in itself is not a thing which is improper to look at. The fighting instinct is very strong in human nature, and one of the favourite amusements or recreations of mankind from the very beginning has been to look at a contest of one kind or another.

Hon. Mr. ALLAN—Roman gladiators for instance.

Hon. Mr. POWER—We know, from our spiritual reading, that the life of man is a perpetual warfare; and that is a kind of fighting which of course is a duty with us, but there are a great many other kinds of fighting. For instance, in the classic days of Greece, amongst the games which were looked at by the cultivated Greeks was boxing. That boxing was not altogether like the prize fighting which is condemned by our statute. The fight was not for money. It was for a crown of leaves, or something of that kind; and it was never claimed, and has not been claimed in modern times, that there was anything specially degrading in the Greek boxing or that it was an improper thing to look at a boxing match in those times, any more than it was improper or degrading to look at a wrestling match, or a rowing contest, or any other test of strength or skill. Then, under the Romans, we had gladiatorial combats, which were objectionable, inasmuch as they involved human life as a rule. In the middle ages there were tournaments, mock battles, and occasionally people were killed at those tournaments, although not very often, and they were looked at by the most refined people of the time, and states-

men and warriors took part in them, whilst the highest ladies in the country where they were held looked on. Probably we are better off without them now, but I do not think the tournaments demoralized the population very much. There are other kinds of offences which are more calculated to demoralize than tournaments.

The hon. leader of the House is a man of peace, undoubtedly, but he has been engaged in contests of a very exciting and interesting character. The hon. gentleman has engaged in many election contests, and to use the language of the ring, has always knocked out his opponent. While fighting is not a bad thing in itself, the question is whether those representations are bad. I contend that in itself a fight between two men, who have been trained carefully, is not such a bad thing; and I do not think it is particularly hurtful or demoralizing to look at. I dare say there are several hon. gentlemen here who, in their earlier days, have taken lessons in sparring. While a sparring match between two students at a university, for instance, is not looked upon as objectionable, while no state undertakes to condemn the learning of sparring in universities and colleges, yet as far as regards the appearance of the thing, a contest between two evenly matched students in a university is very much the same as a contest between two equally matched pugilists, And then the danger in a prize fight is not particularly great. There is really more danger to human life and limb in a game of Rugby football than there is in the average prize fight. Now, what is the thing that makes the prize fight objectionable? It is that the fight is fought for money, and as a result of that, all sorts of low and rascally elements gather around the ring. Drinking and gambling, the use of bad language and all sorts of demoralization gather round the ring just on account of the money which is involved. Now there is not any money involved in the kinetoscope—I mean the people who look at the kinetoscope are not influenced by any of these things. They simply see a representation of a fight. The money element does not come into it, as far as they are concerned; there is none of the gambling, swearing or drinking or any of the other demoralizing practices which usually accompany prize fights. They simply see a representation of two men engaged in sparring, and there is nothing, as far as I can see, any more improper in looking at it than looking at two men in a university engaged in the same sort of exercise. I cannot understand how the hon. gentleman who thinks that it is so demoralizing that these representations should be looked at fails to see that, according to his own logic, it is much more necessary to prohibit the publication of the reports of those prize fights than it is to prohibit those representations, for the reason, as I said when the bill was being read the second time, that for one person who will look at the kinetoscopic representation of a prize fight, 100 or 500 will read the detailed account of the prize fight in the newspapers, and the fact that these newspaper reports are published in that way and read shows that the old Adam is in most of us still. I do not know that the leader of this hon. House ever reads the accounts of the prize fights in the newspapers, but I dare say there are a good many gentlemen who probably would vote for a measure like this, who do see and read the reports. There is another feature about the representations which are dealt with by this clause under consideration; a refined lady, or gentleman, whose taste does not lead that way, has no temptation; there is no temptation to go and look at the kinetoscopic representation of a prize fight, but that lady or gentleman has the newspapers in her or his hands every day, and those written accounts of prize fights are very hard to avoid. In every way, hon. gentlemen, the reasons for making it a penal offence to publish reports of prize fights are stronger than the reasons for prohibiting the kinetoscope views. I feel that we should not make offences of things which do not seriously interfere with the public welfare, even though they may not be desirable things. I do not think we should make them crimes and then visit them with such very heavy penalties as are inflicted by this clause, and for that reason I propose to vote against the clause.

Hon. Mr. ALLAN—When my hon. friend began to speak it seems to me the effect of his observations was simply to make the House believe that there really was no difference between a boxing match, or a match with the gloves at a school or a college, or even a fight between two school boys, and one of these regular prize fights.

Hon. Mr. POWER—Between the representations.

Hon. Mr. ALLAN—But before the close of his speech he characterized these prize fights in as strong language as the hon. leader of the House had done. I quite agree with my hon. friend opposite, that you cannot by legislation make people religious. You have to employ other methods for that, but you can do a great deal in the way of legislation to preserve the morality of our people, to prevent them from taking an interest in low and vicious contests, and in that way we can, by legislation, do a great deal for our country. I do not see how it is possible to agree that the legislation which has already passed both the Senate and the Commons on previous occasions with respect to prize fights is sound, without its following logically that the proposal which is now made by the hon. Minister of Justice in these clauses should be enacted. The hon. gentleman says it would be far better, or at least there is much greater necessity, for legislation which would prevent the publication of a full account of these prize fights with all their outrageous details appearing in the papers where they will be read by so many people. But my hon. friend will find that there is no more popular exhibition in our towns now than the exhibition of the kinetoscope. Old and young go to see it. Large numbers of people with their families, and large numbers of children go to witness these exhibitions and it would not be known before hand whether, in the course of these exhibitions, you would not have one of the prize fight pictures brought out. If my hon. friend has ever been present at any of these exhibitions, he will know that they are very often illustrated by word of mouth by the exhibitor. While I partly agree with what has fallen from my hon. friend opposite from Cape Breton, that the penalty is rather severe, yet we must remember that these kinetoscopes are money-making machines, and that unless you make the penalty sufficiently onerous, they will be very much inclined to run the risk and pay the penalty. That is a view of the case which ought not to be overlooked. I would like to mention in connection with this subject that I have come in contact a good deal of late with gentlemen who have taken a very active interest in matters connected with juvenile offenders, and with the juvenile population in our large cities and towns, and their views in regard to the pernicious effect of low and debasing subjects are very strong and decided, and they refer especially to what is the custom now—I am sorry to say, in the city of Toronto—to placard the walls in every direction with the representation of these wretched plays that are produced in some cheap theatres, and it has been found over and over again that with some of the juvenile offenders they very often have their first lessons in vice and crime largely helped on by the exhibition of these large painted posters, inducing them in that way to go to these penny theatres and making them familiar with what is certainly a very low state of morality indeed. Now, in regard to these prize fights, I cannot conceive, from what I have seen myself of the kinetoscope, anything more thoroughly real than the exhibitions which take place there, and in my judgment, those who witness them see as much of the thing as if they were at the prize fight themselves. I cannot think that exhibitions of that kind can be otherwise than demoralizing, or that there should be a strong effort made to put them down. At the same time, a penalty of $5,000 is excessive, and I should be disposed to put that at a much lower sum, but I would not reduce it to $500, because that would make it inoperative; but if the first penalty was either $1,000 or $500 and the other $100, it would commend itself to the House and would be better than as the bill stands at present. I do sincerely hope that the House will give its approval to both of these clauses.

Hon. Mr. BOULTON—It seems to me this clause which we are now discussing is a necessary corollary to legislation we have already passed in regard to prize fights. We have put legislation on the statute-book that prize fighting is demoralizing and brutal, and should be banished from the country, and this clause is now brought into existence in consequence of a new state of affairs, through the recent electrical inventions of the vitascope, etc., which produces in life-like form the whole scene of the prize fight before us I think myself that there may be a limit to the class of legislation that we are now seeking to place upon the statute-book; whether that limit is reached or whether we are going beyond it may be an open question in the minds of a great many people. I certainly think it is not reached yet until we put this clause upon the statute-book. I

thoroughly approve of the art of self defence. I thoroughly approve of our young people learning how to defend themselves, not for the purpose of developing meaner passions and using powers which the art of self-defence gives them except for the defence of right and the defence of their weaker brethren. To that extent it is a noble art, but prize fighting, as it is carried on, is debasing and demoralizing and develops the evil passions that are in our natures. It is for that reason that all civilized countries legislate against it, and I think the necessity for this clause is made quite apparent if we believe that to be the case. The whole scene is put before us in life-like form. You have only to add the phonograph to the vitascope and there you hear the utterances and probably the oaths and everything else contingent upon the prize fight. Some people think our legislation should not be of too paternal a character, and I saw in the *Citizen* this morning quotations from Lord MaCaulay, a man of very high authority in the past, who spoke of paternal legislation and the undesirability of its proceeding too far. But we have to recognize this, that the world is advancing all the time; the world, I am thankful to believe is getting better all the time. The hon. gentleman from Halifax went back to the days of the Romans and Greeks, but the world is very different to-day from what it was then.

Hon. Mr. McCALLUM—In regard to their muscle?

Hon. Mr. BOULTON—Yes, muscle is all right, but anything that develops the evil passions is wrong. I have been where the bull fights were on constant exhibition, and have seen 10,000 ladies and gentlemen witnessing a bull fight. The horses, of a very wretched class, were gored and were treading upon their own entrails, and it was the most disgraceful exhibition, as far as the unfortunate horses were concerned, that you could imagine. There was a certain element of danger from the bull to the men, but ten or twelve helpless horses were killed in every fight.

Hon. Mr. ADAMS—Why were you there?

Hon. Mr. BOULTON—Because I was in the neighbourhood. I do not wish to stand up in the Senate and say that the young people to-day should do exactly what I did in those days. In my advanced years I believe it is proper for me at any rate, to inculcate better ideas, but I just wish to observe, with regard to the bull fights, that it develops in the nation a species of cruelty for which the Spanish nation has the character and when enough horses had not been killed by the bulls the ladies and all would call out for more horses. Unless the horses were killed and danger was exhibited in that respect, the bull fight was not a success. When you know and have seen how the national character is developed by just such exhibitions as that, it behooves us to consider seriously whether the hon. leader of this House is not right in putting this legislation upon the statute-book. We have our athletic clubs all over Canada, where the athleticism of our young men is developed, and it behooves us to see that it is developed on the right lines and not in the direction of prize fighting, hazing, etc. I saw the other day an account of what was practically a prize fight in one of our athletic clubs, I think in Canada, where there were 6,000 people witnessing it. It was practically, to all intents and purposes, a prize fight, but they had gloves on.

Hon. Mr. CLEMOW—It was not in Canada.

Hon. Mr. BOULTON—Then it was in the United States. However, that has been developed in the United States by just exactly what has been described here, by an exhibition of the vitascope, and other means to train youth in the wrong direction, and as the hon. gentleman from British Columbia has said, by the distribution of the information in all its worst details in the newspapers. The vitascope, to be sure, does not show us all the people who are looking on—the angry faces as one paper describes it—and in one case the cheers for the victor were drowned by the screams of the unfortunate man who got the knock down blow, a blow probably in a vital part, below the ribs. He was in such extreme agony that his screams could be heard above the cheers, and in the other case the wife of the contestant was there, urging her husband on and telling him to strike the other as hard as he could.

Hon. Mr. POWER—The hon. gentleman appears to have read these reports.

Hon. Mr. BOULTON—Yes, I read them. I quite agree with the hon. member from British Columbia, that it would be a very desirable thing if the hon. leader of the House would add to the bill that a stop should be put to the distribution of these reports if that were practicable. Some hon. gentleman said that the exhibition of the vitascope did not affect this thing, but it does. It makes the value of the prize fight so much greater. I have no doubt the patent right to the vitascope is worth some thirty or forty thousand dollars. It is impossible to say what it is worth when they come to sell their patent right all over the continent; in the same way the reporter, who reports the accounts for the newspapers, collects large sums a portion of which no doubt goes as gate money. All that induces the continuance of prize fighting, so long as it was confined to a narrow element of the population it was not a force, but the wholesale exhibition of the fight to all classes must reduce the moral of the young people growing up. For that reason, I feel it my duty, looking at it from a national standpoint, as far as the education of our youth is concerned, to support that motion.

Hon. Mr. ADAMS—Just a word before the question is put to the House. I desire to say that the discussion has at least proved that the passage of this section will do a very great injustice. The more one reads and studies it, the more he must necessarily be convinced that wrong must be done, as stated by the hon. gentleman from Halifax. What harm can there possibly be to us if ten prize fights are held within the Dominion of Canada to-morrow morning so long as you and I do not go to see them? We know nothing about them outside of the papers. I witnessed an exhibition by the biograph the other day in the state of New York. It gave to me the very best intellectual lesson I could receive. The New York Central Railroad as it was flashed out by a system of electricity and placed on a piece of canvas. It represented in completeness the arrival of the train and each one of the porters and passengers could be seen waiting for the stoppage. The next thrown on the canvas was the Pennsylvania Railway train coming round the mountain at the rate of 60 miles an hour. The next was the message handed to McKinley, now the President of the United States, by the special messenger that was sent to him; and do you mean to tell me to-night—you people who preach so much morality—that harm was done by virtue of this system of electricity, or the biograph as it is called, when that flash revealed the messenger delivering the message from the great national convention of the country in which he lived, "You have been selected by the people in convention," and the reply was handed back with the words, "carry to the convention my thanks for the nomination." Out went the light again and another picture appeared. It taught at least that every woman in the land should have her children clean. There was a nice little tub of water, Pears' soap was used and the kid was thrown into the water, and thus was this form of morality taught. To-night I am told that no man in this chamber can speak on this subject unless he is gray-headed—that no man can proclaim the word of truth unless he has reached a certain age. Is it possible that I am to sit here for ever and ever and be told that I should not be heard until my hair is gray? The hon. Minister of Justice says that he has a petition from some woman, and from the W.C.T.U., and from such and such religious and benevolent bodies in favour of this b ll. Is our legislation to be founded on letters and petitions from such persons addressed to the Minister of Justice, and is the criminal code of this country to be modified and changed by their representations, and are you and I and other members of this chamber not to have a word to say about it? Are men of great experience in life—men of superior intellect, to give away because the Minister of Justice has been asked by some old women to make this important change in the criminal code of Canada? I ask with all due respect—and the hon. gentleman must never misunderstand me that I have not that for him—does the purview of this very section of the law, now under consideration and incorporated in the criminal code, belong to the provincial legislature and the police magistrate? How can it be criminal to have an intention? The act must follow the intention, to make a man guilty. The mere intention to go to a prize fight, which may not happen, cannot make a man guilty of the offence. He must be an actor; he must form part of the illegal act to make him a criminal. According to the doctrine laid

down here to-night, if a man started out in the morning with the intention of going to a prize fight, he is a criminal. If that be the doctrine entertained by this House, I cannot approve of it. Whether my opinion amounts to a row of pins or not—whether men treat me with indifference or not—there is no human being who possesses common sense in this world, but will say that that doctrine is unsound, whether it is held by the Minister of Justice or any one else. I agree with the hon. member from Richmond that we should look at this matter in a fair and reasonable way. What right have we to make a man a criminal when he is not one? What right have we to issue a bulletin from this chamber proclaiming that men or women are immoral when we have no proof to warrant us in saying so. A lady wrote me a letter the other day, and on the top of the envelop were the words "For God, for home and fatherland," and she said: "Mr. Adams, will you please use all your influence to help legislation which prohibits certain classes of literature passing through the mail." With my kindly disposition—because you know I am Irish—I wrote her back asking her would she kindly give me the names of the books, and I never heard from her since. I would advise the hon. leader of the House to let this legislation drop. I see on the cars here in Ottawa the announcement that the biograph will be exhibited at Victoria Park; if the exhibition were to be the picture of a prize fight, that would be an illegal act under this bill. To be consistent, go a step further and declare that if a Christian minister, at the altar or in the pulpit, on Sunday or any other day of the week, uses an unchristian expression against another denomination, he should be liable to imprisonment or a fine of five thousand dollars for using that expression. Do more than that—prevent every newspaper from publishing that expression, and say that if any newspaper gives the people an opportunity to read what the Christian minister declared from his pulpit on Sunday, he shall be guilty of an offence. Go further still, and say that if you or I read it we are guilty of an offence for which a penalty shall be provided. Now, how does the exhibition of a prize fight picture, or the publication of the details of the fight hurt you or me? We are told that it has a demoralizing effect. At the time of the fight at Carson city, I was in New York and I stood amongst twenty thousand people opposite the *Herald* and the *Journal* bulletin boards and what was the result? I did not find any man under the influence of liquor, I saw or heard no altercation, and when the announcement was made that Mr. Fitzsimmons had defeated Mr. Corbett, the people dispersed quietly. Not only that, but where the fight took place, under the sanction of the law enacted by the legislature of Nevada, there was not a man, woman or child found guilty of disturbing the peace in the vicinity of the ring when the contest occurred. We ought to keep our own skirts clean: if we do that, we need not be looking for an excuse for condemning other persons simply because we may suspect that they may intend to do wrong. If every man does what is right, and performs his honest duty there is no necessity for the enactment of laws such as these, which rather tend to make the country immoral than to make it better.

Hon. Mr. MILLER—On consultation with some of my hon. friends, and at the suggestion of the Minister of Justice, I have consented to change the nature of my amendment, and I now beg to move that all after the word "exceeding" in the second line be struck out, and the following substituted: "one thousand dollars, or to imprisonment for a term not exceeding three months, or to both."

Hon. Sir MACKENZIE BOWELL—Would it not be as well, if the clause is to be adopted, to make the penalty positively one thousand dollars? If you say "not exceeding one thousand dollars" and strike out the minimum, it would leave too much to the discretion of the magistrate.

Hon. Mr. McCALLUM—Leave out the whole clause.

Hon. Sir MACKENZIE BOWELL—That is another point. If you bring a case before a magistrate who is favourable to these prize fights, as many of them are, or who sees no harm in the exhibition of these pictures, he might under the clause as it stands, impose a penalty of a dollar or two, because you say "not exceeding one thousand dollars." I am speaking from experience in this matter, and I daresay the lawyers in this House may have had cases of a similar character come before them. In carrying out the

customs laws, there are many clauses which provide for a maximum penalty, but no minimum, and flagrant cases of miscarriage of justice have occurred. Where the magistrates were in sympathy with the smugglers, as many of them are, and think smuggling no harm, they have imposed most ridiculous penalties. To illustrate, I may mention a case that occurred in my own province. A smuggler made a proposition to an officer of the customs to enter into partnership with him; he was to allow the goods to pass, and was to have a certain proportion of the profits. That was a direct and positive infringement, not only of the Customs Act, but of the Audit Act, but there was no minimum penalty. The law provided for the imposition of a fine not exceeding a certain amount, and imprisonment, but no time was specified. What do you suppose the sapient magistrate did? He fined the man twenty-five cents and sent him to jail for ten minutes. He easied his conscience by arguing in this way—the officer did not take the bribe, therefore, the man who offered it was not as guilty as he would have been if the officer had taken it. I can give you a dozen cases of an analogous character under the law to which I have called attention. If it is necessary, in the interests of morals in this country, that that clause should be adopted, I hold, for the reasons I have given, that the imposition of a penalty not exceeding a certain sum, and without any minimum, will prove, in many cases, to be worthless.

Hon. Mr. MACDONALD (P.E.I.)—I do not agree with the views which have been so generally expressed on this subject by most of those who have addressed the House. I do not see that there is anything improper in the representation of a contest between two men, where that contest is held under fixed and well defined rules, which have been drawn up by persons who have gone through the same performance themselves. Under the clause which is now proposed, it would not be at all objectionable to have a representation of a contest with swords between two persons, or of two men fighting a duel. In my opinion, such a contest is just as debasing and demoralizing as a prize fight. Neither would it be a violation of the law, if the bill passes in its present shape, to have a representation of a riot, in which brickbats are thrown and in which weapons are used, and, perhaps, people killed during the contest. By this bill, we propose to make a criminal offence of a thing which is not now a crime in any sense. It is true that a prize fight itself is, according to our laws, an offence. Under the existing law a fight can be illustrated in a paper and the details of it published, and scattered broadcast throughout the land, and even if this bill passes, the same thing can be done, and I look upon it, as some hon. gentlemen do, that such a distribution of the details of the fight is more demoralizing than a picture of the fight thrown on a canvas by means of late scientific inventions. Entertaining those views, and believing that there is nothing demoralizing in the representation of a prize fight in that way, I move that the clause be struck out of the bill.

Hon. Mr. DE BOUCHERVILLE—Does the clause provide for the confiscation of the machine?

Hon. Sir OLIVER MOWAT—No.

Hon Mr. DE BOUCHERVILLE—It should. If it is wrong to use these instruments for this purpose, the instruments ought to confiscated.

Hon. Mr. MILLER—I think it would be well to take the sense of the committee on the motion of the hon. member from Charlottetown.

Hon. Mr. MILLS—I wish to say a word or two with regard to the observation made by the hon. leader of the opposition that we ought not to leave to the magistrate discretion to say what the minimum punishment should be. I would call the attention of my hon. friend to this fact, that there may be a very cheap exhibition by boys, and if you were to fix the amount at one thousand dollars, an exhibition that is not intended for gain but simply for amusement would subject those parties to the very high penalty which you name. It seems to me we could not do anything which would make this provision of the law, if it becomes part of the law, more unpopular than by a punishment of that sort. I agree with the hon. gentleman who moved the amendment that this clause in its general features from the provisions that the criminal code contains with respect to prize fights, but I do not know exactly how far my hon. friend the Minister of Justice intends to

carry this provision of the law. The clause reads "any kindred device or machine." I daresay hon. gentlemen have seen the representation to the celebrated prize fight and many other things bound in small volumes with flexible covers. If you turn the leaves rapidly, so that you see more than two of them in a second, you have all the characteristics of the vitascope in that exhibition. You do not have it in a magnified form, but you have it, and I am inclined to think that these words "with any kindred device" would cover those little pamphlets, or books, that are published at ten or fifteen cents each, and of which there are thousands scattered all over the country. Now, is it the intention to include these? What it seems to me is objectionable in these exhibitions, and what I suppose it would be the object of the law to prevent, is the bringing together of a large number of persons not of the most orderly class in the community—not of those who are devoted either to intellectual or to moral improvements, and who are generally brought together on these occasions by those who are seeking to make gain out of their curiosity, and if the law forbade exhibitions of that sort for gain, without touching those that may exhibit in private houses in the evening, then you would meet all that is usually aimed at in the criminal law, and if you did that, then I do not see what object is to be gained by subsection "B," because if you provide for the punishment of the party, my opinion is five hundred dollars would be a very high figure, quite enough to be most effectual, with the confiscation of the instrument. If you do that, it does not seem to me that you would require anything further, because there would be no object in bringing into Canada those photographs or representations that are alluded to in subsection "B."

Hon. Sir MACKENZIE BOWELL—Would subsection "A" cover the posting of pictures or placards about the city?

Hon. Mr. MILLS—There would be no object in putting up placards of an exhibition that you are not permitted to give. So if you provide for the confiscation of the appliances and punish any public exhibition for gain, you would accomplish all that is usually accomplished in police regulations of this kind.

Hon. Mr. SULLIVAN—That should not be struck out for this reason: when I came from Kingston last Monday this villanous instrument was being exhibited under the name of the feriscope, so it is necessary to have some such words as you mention. I thought the debate referred to would deal with the beneficial effects of the manly art, and I was going to have something to say on it. Prize fighting is already condemned by law, and I do not see why the discussion took the wide range it did as to those exhibitions. If prize fighting is bad, these exhibitions are bad also, and I shall vote for the bill.

Hon. Mr. LOUGHEED—One who might innocently transmit or deliver the view in question might be mulct in the fine provided for in this section. I would point out the desirability of attaching the penalty only with reference to when it is knowingly done.

Hon. Mr. POWER—Is it not better to test the sense of the committee as to whether the clause shall pass at all first? Then, if the committee decide the clause shall pass, we can consider the amendment.

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

Contents, 16; non-contents, 20.

The amendment, reducing the amount of the penalty, was declared carried.

Hon. Mr. LOUGHEED—I understand that only refers to the first subsection. I think paragraph "B," in its present shape, is very objectionable.

Hon. Sir MACKENZIE BOWELL—One amendment has been made, and a dozen other amendments can be proposed.

Hon. Mr. LOUGHEED moved that paragraph "B" be struck out. He said: It seems to me that the substantial offence against which this section provides, is fully met by paragraph "A," namely, the exhibition.

Hon. Sir OLIVER MOWAT—We want to prevent the exhibition.

Hon. Mr. LOUGHEED—That is fully covered by paragraph "A"—"Exhibitions by means of the biograph, &c."

Hon. Sir OLIVER MOWAT—The exhibition must first take place in order to bring

it within paragraph "A." Now, we want to prevent it from taking place by punishing the bringing in of the pictures.

Hon. Mr. LOUGHEED—I would ask my hon. friend how he is going to know that the picture is brought into the country until something is done to exhibit it? My hon. friend is not aware of the intention in the minds of those who are going to contravene the law until some overt act is committed. But if the exhibition is restrained, surely that is what the paragraph aims at. I would not have so much objection to paragraph "B" if my hon. friend would introduce into it some provision which would protect innocent persons who might engage in transmitting, posting or delivering the scene.

Hon. Sir OLIVER MOWAT—What would you suggest?

Hon. Mr. LOUGHEED—I would suggest the use of the word "knowingly."

Hon. Sir OLIVER MOWAT—I think that is reasonable enough.

Hon. Mr. POWER—The suggestion made by the hon. gentleman from Belleville is one which the hon. leader of the House might very well have considered, that this clause should be limited to cases where these exhibitions were for gain, or at any rate to where they were public exhibitions. Why any one who chooses to have a picture of this kind brought in and used in his own house should be guilty of such an offence as this and rendered liable to a penalty of a thousand dollars, I cannot see.

Hon. Sir OLIVER MOWAT—I do not see any difference in the evil arising from the exhibition whether it is in a man's private house or a public place. The whole principle of the clause is that it is a bad thing that the pictures should be exhibited, and the number there to see it is a small matter. I am surprised that it should be thought possible that a parent would bring such exhibitions into his own house, and if he does so he should not be exempt from the punishment.

Hon. Mr. MILLS—I would just mention the fact to which I have referred already: you may have a small volume with a flexible cover containing one hundred or two hundred photographs or figures. You may turn them over a page at a time and they are as innocent looking as any other photograph which may come under your observation. Now, as long as you do not turn them over rapidly, they do not come within the condemnation provided for in this section, but if you turn them so that more than two of them pass your vision in a second, then you have the offence. That is the position which my hon. friend provides in this bill, and it makes it possible that a party may be fined a thousand dollars for a perfectly innocent exhibition.

Hon. Sir OLIVER MOWAT—My hon. friend is quite fanciful in regard to that matter. My hon. friend thinks if you do not see the moving pictures of the fight in the book which he speaks about, and which I never heard of until to-day, and never have seen, that the book is a harmless one. You may have your pictures that are to be exhibited in public where they will not be seen, but that does not take away the offence. They may be in a dark room. There are a thousand ways that they may not be seen. At night the darkness may prevent their being seen. I do not know whether my hon. friend thinks this little book he has spoken of will come under the clause or not.

Hon. Mr. MILLS—I think it is doubtful.

Hon. Sir OLIVER MOWAT—I do not think it would come under the clause as framed, but on principle I do not see why it should not be made to come under it if the pictures are so arranged as to represent the fight. That is the very thing we are legislating against. If manufacturers are making a book to represent, in this realistic way, the fight, why should not that be prevented? However, I rather think that the little book would not come under the clause. Perhaps we should amend the clause so as to cover them. I fancy that they would not come under the clause, because the clause mentions certain machines by name and then the words following "or any kindred device or machine." I think the court would say, upon a well known principle, that the word "device" would refer to machines, and would not include such a book as my hon. friend mentions. But it should include everything that falls within the principle which we are dealing with.

Hon. Mr. LOUGHEED—Will my hon. friend insert the word "knowingly."

Hon. Sir OLIVER MOWAT—Yes.

Hon. Mr. POWER—I do not think the clause is complete without an additional paragraph and I move to add this clause, paragraph "C":

Publishes in a newspaper an account of a prize fight.

Hon. Sir OLIVER MOWAT—It had better be differently expressed—"detailed account."

Hon. Mr. MILLS—You are putting a controversial expression into a statute if you use the word "detailed."

Hon. Mr. SCOTT—Not the bald statement, but there must be a description of it.

Hon. Sir OLIVER MOWAT—I move in amendment to my hon. friend's amendment that the words "detailed description" be substituted for the word "account."

Hon. Mr. POWER—I object to that.

Hon. Sir MACKENZIE BOWELL—Would the hon. leader of the House tell us how far we can go in publishing an account of a prize fight under that clause? What constitutes a detailed account? Are you simply to telegraph over the wires that Bill and Jim had a prize fight, or that Bill defeated Jim, or can you go further and say that one was knocked out and abused brutally, or how far can you go with it? Unless you want to provide business for the legal profession——

Hon. Mr. LOUGHEED—Oh, that's all right.

Hon. Sir MACKENZIE BOWELL—Then you will effectually do it.

Hon. Sir OLIVER MOWAT—I felt difficulty in drawing any clause as to newspapers, and that is the reason why I did not attempt it, but I do not think there will be much difficulty in accepting my hon. friend's amendment if we put in the word "detailed." You cannot possibly use words in legislation which will involve no question at all; but I do not think in this case, for practical purposes, there will be any difficulty in knowing what it means.

Hon. Mr. McKINDSEY—It will be all defeated by publishing an extra.

Hon. Mr. McKAY—Publishing in a newspaper will not prevent the telegraph office putting it up with the full details?

Hon. Mr. DRUMMOND—Would the publication in a monthly magazine be excluded by that clause? You might say "publish in any shape or form."

Hon. Sir OLIVER MOWAT—The object will be attained if we say "publishes a detailed account of a prize fight."

Hon. Mr. POWER—I am satisfied with the amendment.

Hon. Mr. MILLS—My hon. friend suggested the confiscation of the instruments.

Hon. Sir OLIVER MOWAT—I move in amendment that paragraph "C" read as follows: "publishes a detailed account of a prize fight."

The amendment was carried.

Hon. Mr. LOUGHEED—I would point out that in the Interpretation Act there is an interpretation of a very wide character put upon the word "newspaper," but it only affects those sections relating to defamatory libel. It means any paper, magazine or periodical, containing public news, &c., published at intervals not exceeding 31 days.

Hon. Mr. DRUMMOND—The detailed account might be put up on a blackboard. "Publishes" I suppose includes everything.

Hon. Sir OLIVER MOWAT—Some hon. gentlemen desire that we should declare the pictures, &c., confiscated. We can put in clause "D" the words, "The said picture, material or appliance shall be confiscated."

Hon. Mr. LOUGHEED—Does my hon. friend intend to include the instrument itself?

Hon. Sir OLIVER MOWAT—The pictures are what I am aiming at.

Hon. Mr. LOUGHEED—The instrument can be used for legitimate purposes and may not belong to the person exhibiting the views.

Hon. Mr. POWER—I think the suggestion is very important. When we provide that our own newspapers shall not publish, we should exclude from the country foreign

newspapers containing accounts of prize-fights.

Hon. Sir MACKENZIE BOWELL—It is true, you prevent the pictures from coming into the country, and the use of the instrument in exhibiting them, but all the New York papers with the fullest possible details are circulated through the whole country. They will sell by the hundreds of thousands, many more than if our own papers contained the account. If the clause is to be of any use at all, there should be a provision to confiscate every newspaper brought into the country with an account of these prize fights, or you simply provide a market for a foreign article which you prevent our own people from profiting by.

Hon. Mr. MACDONALD (P.E.I.)—If we make it illegal to write about prize fights, I would suggest that we also make it illegal for any one in Canada to talk about it.

Hon. Mr. LOUGHEED—Or to think about them.

Hon. Sir OLIVER MOWAT—It will be easy to deal with the case of foreign publications by a short additional clause. I would suggest the following clause:

(*e.*) Brings into this country any newspaper or any other printed paper containing a detailed description of a prize fight.

Hon. Mr. DEVER—That would be very unjust in some cases. I know gentlemen who subscribe for foreign papers. Two or three come into the House and articles of that description might come in unknowingly to the gentleman, because he is in receipt of those weekly or fortnightly papers, and in case an article of that description happened to be in a paper of that kind, it is quite evident it would leave that gentleman open to the penalty.

Hon. Sir OLIVER MOWAT—Such a case would not come under what we have passed. We do not propose to punish the person receiving the paper. I think we had better leave out the confiscation of foreign newspapers. The clause will then read:

(*e.*) Brings into the country any newspaper or other document giving a detailed description of any prize fight.

The amendment was adopted.

Hon. Sir OLIVER MOWAT moved the adoption of clause 92.

The motion was agreed to.

Hon. Mr. OGILVIE, from the committee, reported that they had made some progress and asked leave to sit again to-morrow.

The Senate adjourned.

THE SENATE.

Ottawa, Thursday, June 3rd, 1897.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

NORTH AMERICAN LIFE ASSURANCE COMPANY'S BILL.

THIRD READING.

Hon. Mr. ALLAN, from the Committee on Banking and Commerce, reported Bill (54) "An Act respecting the North American Life Assurance Company," with an amendment. He said:—I may say the only amendment to the bill is to strike out the last clause, because the committee considered what was referred to there was sufficiently provided for by the general law. Under those circumstances, as the bill has to go to the Commons, I might suggest that the 49th rule be dispensed with.

Hon. Mr. MACINNES (Burlington) moved the suspension of the 49th rule in so far as the same related to this bill.

The motion was agreed to.

Hon. Mr. MACINNES (Burlington) moved the third reading of the bill.

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

THE COLONIES AND THE MOTHER COUNTRY.

MOTION.

Hon. Mr. WARK moved:

That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to take into consideration whether the present is not a favourable

time to consider the necessity of drawing more closely the ties which bind the Colonies to the Mother Country, and to each other, and whether Canada as the oldest of the Colonies should not be the first to make overtures to the other Colonies.

He said:—If I had begun to think of the subject of my resolution only during the past week or even the past year, I would owe the Senate an apology for undertaking, at my advanced years, to deal with such an important question, but as far back as 1886, in reply to a request from Mr. Loring, secretary of the Imperial Federation League, I sent him a paper which was printed among the proceedings of the league, a perusal of which will show that previous to that date I had given the subject much consideration and I have since bestowed a good deal more on it. I trust, therefore, to be able to show you that, to me, the subject is not a new one. Many years ago, a branch of the Liberal party in England, known as the Manchester School, thought that the colonies were a burden to the mother country and although they did not go so far as to propose casting them off, they gave them to understand that if they wished to separate they would meet with no opposition. British statesmen of the present day entertain very different views. They cannot fail to see that Britain stripped of her colonies must soon descend from the high position she now occupies among the great powers to that of a second class state. It is to prevent this, and raise the Empire to a higher and still more commanding position that the colonies should be prepared to lend their aid. My resolution refers to our duty in the matter, and I trust will recommend itself to your honours. Before proceeding to the discussion of the resolution, I shall call your attention to two other matters closely connected with it. Some of you will remember that several years ago I brought under the notice of the Senate how I thought our militia force might be improved. I suggested that if, instead of enlisting thirty-five or forty thousand men to serve for three years as active militia, and then to be discharged and disappear among the rest of the population, a smaller force, say thirty thousand, should be enlisted for six years, to serve as at present, three years as active militia, and remain for the other three years enrolled, at a very moderate cost, as a reserve. This would form a force of sixty thousand, to be ready, if called out to duty, to obey the call promptly. This could not be considered too large a force for Canada to maintain and have in readiness for the defence of the empire, especially when our geographical position is considered. The other matter referred to was the admission of Newfoundland into the Dominion. This I thought would be exceedingly desirable. It will be remembered that I recently brought the subject before the Senate, and showed several strong reasons for endeavouring to effect the union, so as to be able to show the other colonies that our Dominion comprised the whole of British North America. It was not long after when the colony was overtaken by a great commercial misfortune which gave a very favourable opportunity for effecting the union, and it was not the fault of the late government that the union was not then accomplished. The terms offered the colony were liberal, as far as in justice to the other provinces, our government could go, but though they offered to assume a large portion of the debt of the colony, there still remained a large balance which, unaided, the colony could not possibly have met. Had the then colonial secretary agreed to assist, I have no doubt Canada would have been willing to contribute a fair proportion of the sum required, in order to bring about the union. Should the question come up again the able statesman who now fills the colonial office would probably render the needed assistance. With the proposed amendment to our militia law, and Newfoundland in the Dominion, although these are not absolutely necessary, but very desirable as placing us in a better position to open negotiations with the other members of the Empire, we could then say that as our contribution we would bring five millions of people, a territory covering (with the exception of Alaska) half the continent of North America, a territory extending from the northern boundary of the United States to the extreme north of the continent, with a frontier of several hundred miles on the Pacific coast, and on the Atlantic from the Bay of Fundy to the extremity of the continent, that on both our Atlantic and Pacific coasts as well as in our lakes and rivers, we have the most valuable fisheries in the world, that our Dominion contains vast forests of valuable timber, extensive deposits of gold, silver, coal and other minerals, and in addition a vast extent of fertile soil capable, in our highly

favoured climate, of feeding millions, and yielding a large surplus of food to meet the wants of the United Kingdom, and we have on each ocean a naval station with an abundant supply of coal at hand giving our empire a great advantage on either ocean over any other power in protecting our own commerce and crippling that of an enemy, and a militia force to be ready at all times to reinforce the garrisons of these stations if the necessity required it. In entering on the discussion of the resolution before the House, two questions ought to be answered. First, what is the object to be attained? And second, how it is to be commenced and carried out? The object is to form out of the whole of the Queen's dominions, now so loosely held together, a thoroughly compact empire all under the same sovereign, consisting of a great, rich, populous and powerful centre, surrounded by a number of extensive and prosperous members, each making its own laws, and administering them, each for the present raising its own revenue and expending it, each maintaining a proportionate force for the defence of the empire, and the whole forming a complete commercial union under a system of perfectly free trade, where, like the United States, every man would be free to sell the produce of his industry in whatever part of the empire he could get the best value, and to supply his wants wherever he could do it on the most favourable terms, which ought to result in universal prosperity. The second question, how the undertaking is to be commenced and carried out, has to be considered. I have always thought that imperial statesmen, however anxious they might be on the subject, would feel a delicacy in proposing anything to the colonies that would lead to expenditure, and, therefore, that the movement should begin among the colonies themselves and that Canadians should be the first to make overtures to the others. As to how to begin, I do not know that I could suggest anything better than what proved so successful among these North American provinces fifty years ago. They had all become protectionists, and enacted hostile tariffs, which greatly impeded intercolonial trade. At length New Brunswick passed an Act authorizing the governor by proclamation to admit free of duty goods the produce or manufacture of any other province, when such province agreed to reciprocate. The offer was accepted promptly by Nova Scotia, but Canada, then including both provinces, refused to include manufactures and we had to strike them out and confine the exchange to natural products, products of the farm, the forest, the mines and the fisheries, the same as were included in the Reciprocity Treaty with the United States a few years after. Now, if our government cannot devise something better, I see no reason why a proposition of a similar nature should not be made to the other colonies with a fair prospect of its being accepted. Assuming that the proposal would be accepted by all the colonies, the next step I should suggest would be an agreement among themselves that they would commence simultaneously to reduce the duties on their imports from the United Kingdom and devise some other method of raising a revenue to meet the deficiency, which being accomplished, free trade would be established throughout the empire and the object of those who favour reciprocal trade between the mother country and the colonies would be accomplished. The question to which I have referred may be considered colonial, to be settled by the colonies themselves, but they will then have reached a point when important financial questions will require the attention of the clearest headed financiers, both imperial and colonial, to be found in the empire. How the revenues are to be raised, distributed, and expended. They will have before them the example of the United States, and also of Canada, and Mr. Chamberlain's plan of a zollverein, and no doubt the able men who will be entrusted with the duty will succeed in successfully accomplishing it. The question of a sufficient supply of food for the surplus population of the mother country is one deserving early and earnest attention with so much uncultivated fertile soil in the colonies, and so much unemployed labour emigrating to foreign countries or moving from the country to the cities where it is not wanted, and where it produces not profit, but poverty. It ought to be the fixed policy of the empire to direct the unemployed labour to the colonies where the emigrant, instead of being a consumer of imported food, would become a producer of not only sufficient to supply his own wants, but something to increase the exports to the mother country. In order to ascertain what proportion of the food imported into the United Kingdom is

supplied by the colonies and other countries respectively, I have gone carefully over the Imperial tables of trade for 1895, and I find that the food imported that year cost 710 millions of dollars and of that large expenditure only 16 per cent went to the colonies and dependencies, while 84 per cent or nearly 600 millions of dollars went to foreign countries. Could the circulation of this large amount all be secured for the colonies, one can imagine how largely it would contribute to their prosperity, and it might be effected at no very distant day by turning the emigration from the United Kingdom into its proper channel. The following is a statement showing the food imported into the United Kingdom in 1895:

—	Foreign Countries.	Colonial Possessions.
	£	£
Oxen and bulls	5,331,960	1,618,852
Sheep and lambs	1,389,151	393,393
Bacon	7,422,356	503,623
Hams	2,711,187	186,831
Bread, all sorts	88,125	389
Beef, salted and fresh	3,772,963	789,696
Butter	12,660,793	1,584,437
Margerine	2,555,170	
Cheese	2,116,559	2,558,571
Wheat	18,617,377	3,913,799
Barley	5,533,648	4,755
Oats	3,617,782	105,683
Rye	205,857	2,117
Pease	420,747	273,681
Beans	1,048,318	30,962
Indian corn	7,496,960	311,900
Wheatmeal or flour	6,645,868	1,033,145
Oatmeal	239,624	38,112
Fish, all kinds	2,112,417	746,490
Fruit, all kinds	5,696,009	641,889
Lard	2,854,924	87,017
Meat	469,923	20,727
Milk	1,082,605	954
Mutton	1,476,640	3,119,038
Potatoes	671,005	498,917
Poultry	598,061	7,099
Rice	599,502	1,382,904
Sugar, refined and raw	16,159,084	1,525,330
Molasses and glucose	809,902	8,574
Eggs	3,835,425	168,021
Beef and mutton, preserved	767,153	741,956
Onions	690,130	6,298
Total	119,693,724	22,305,160

In times of peace they may attract but little attention, but in case of war with any country from which a large portion of the food is obtained, the result might be very serious. The United States supply the largest proportion, and I do not think there is any danger of war talk there; still it is to be wished that they set more value on the trade of our empire. Their own tables of trade for last year show that of their whole exports, to the value of eight hundred and eighty-two millions of dollars, our empire takes five hundred and eleven millions worth, or fifty-eight per cent. Of their imports, amounting to seven hundred and eighty millions, they take from our empire only two hundred and fifty-seven millions, or thirty-three per cent. Our trade relations with them are not improving. The more we purchase from them the more they try to curtail our sales to them. Let us hope that we will not require long to take from them two hundred and fifty-four millions worth more than they take from us.

Next in importance to the supply of food is that of raw material. The woollen manufacturers get an ample supply from the colonies, greatly to their mutual prosperity, but nearly all the cotton is obtained from foreign countries. Of one hundred and fifty-two million dollars paid for cotton in 1895, less than four million dollars went to the colonies, thirty-two millions went to Egypt, and one hundred and fourteen millions to the United States. Sir Samuel Baker, a high authority, said that no other country was better adapted for the growth of cotton than some parts of Africa, and as large countries on that continent have come under British influence, and as two great companies have been chartered to develop its resources, it may be hoped that they will turn their attention, among other things, to the growth of cotton. Both labour and food must be cheap, and if the cultivation is tried and proves successful, every bale coming from Africa would be paid for largely in British manufactures. Every one coming from the United States must be paid for in cash. The experiment might prove as successful as did that of tea. It was not till 1840 that the Assam Company was formed and introduced the cultivation into India, and only ten years since it was commenced in Ceylon, and last year 123 millions of pounds was imported into England from India, 83 millions from Ceylon and 5 millions from Hong Kong, making 211 millions, all produced within the Empire, while only 34 millions came from China, which so long held the monopoly of supplying the world. If the cultivation of cotton is tried it may prove as successful as that of tea. I had not overlooked the German and

Belgian Treaties, but I thought that the best time to deal with them would be when the colonies had begun simultaneously to reduce their duties on imports from the United Kingdom with the express and declared object of adopting a policy of free trade for the Empire when the colonies would cease to be strictly such and become members of the Empire. The treaty powers would then see that the clause in the treaty must become inoperative and might as well be struck out. There is not much danger of any serious difficulty with either of those countries. Both do a large and profitable trade with the United Kingdom. They import from Germany twenty-seven millions sterling, and export thereto thirty-three millions, being a trade of sixty millions sterling. They import from Belgium seventeen and a half millions, and export thereto twelve millions, a gross trade of nearly thirty millions sterling. These large transactions are of too much importance to be disturbed by any supposed infraction of the treaties. Our government contains able lawyers, and no doubt they are satisfied that there is no such infraction in their lately declared policy, and it is more than probable that the Empire will be able to give both countries more favourable trade relations than they enjoy under the present treaties. Leagues and other organizations have been formed with the purpose of bringing about the object now before you, but so far as I have seen, little progress has been made. The subject will, no doubt, be before the great meeting of public men from all parts of the Empire to be held in London at an early day, and an expression of opinion by such a body as this Senate might be expected to have some influence on the discussions of that meeting. I would like to see a first step taken in this great work ; I cannot expect to see much more, but I hope that many of you will live to see great progress made in it, and I trust not a few of you will be spared to see it completed. We occasionally hear hints and even threats of war, but when the Empire becomes completely consolidated, the government will of course publish its statistics annually, and of these what will most attract the attention of neighbouring powers will be our navy, and the peace establishment of our armies in the United Kingdom, India and the other various parts of the Empire. That document will contain two pieces of valuable information. It will show that the revenue raised throughout the Empire annually amounts to eleven or twelve hundred million of dollars, and that our population exceeds three hundred and fifty millions, so that should a war be forced on us we will want neither men nor money to carry it on. These facts no doubt will lead neighbouring powers rather to cultivate our friendship than incur our hostility. I have not referred to India. It must, for a time at least, be governed as at present. The British West Indies ought to be treated with great consideration. The emancipation of their slaves gave them a great backset, and now they have another in competing with beet-root sugar, and, therefore, deserve tender treatment. The case of India, both east and west, must be left to the future. I had decided on the order in which I have laid my views before you, before I saw the government's intention of making a discount on the duties on goods imported from the United Kingdom. They have taken as their first step what I propose as the second. Both are required, and I hope both will be successfully carried out, and that there will be no stoppage till the policy of free trade for the empire is completely established. I hope the government will send the premier home with very extensive powers to arrange matters with the representatives of the other parts of the empire. He will have an opportunity of making his great eloquence tell on a most important audience of statesmen from all parts of the empire. The time to give an impetus to this great undertaking will be most opportune. There will be a universal outburst of loyalty to our beloved Queen—and well she deserves it—and a general outburst of patriotism not confined to the country of our birth or adoption, but to the great British Empire, and, under such circumstances, when men meet face to face, more may be accomplished in a few days than in as many years of negotiation.

Hon. Sir OLIVER MOWAT—Before the motion is carried I wish to say a word or two. Sitting near my hon. friend I was able to follow what he said, and I was very glad to have the opportunity. I am sorry so many members of the House were not able to hear my hon. friend. His voice is now weak, but it is plain that his intellect is as vigorous as it ever was. My hon. friend has attained a greater age than probably any of us will,

but if we reach his age we may well rejoice if we have then his vigour of intellect. His speech was full of facts and full of figures and of thoughts. My hon. friend does not live merely in the past. He keeps pace with what is going on; and he is not only interested in the questions of the day, but I observe he takes great interest in our future likewise; his speech was especially directed to our future. He suggests in his resolution that the government should consider whether the present is not a favourable time to consider the necessity of drawing more closely the ties which bind the various colonies of the Empire together. It is satisfactory to know—he has himself alluded to the fact—that this matter is engaging the attention of the people of Canada, and of all the colonies, and of the old country as well, to a degree that probably these questions have never done before. The interest in them is more general, and there is a greater prospect than probably at any former period that the views of my hon. friend will, before any great while, have some practical recognition. I am glad that what my hon. friend has said here will be known to many who were not able to hear him. I am glad that the reporters are in possession of what he has said, and I assure hon. members that they will not waste the time which they may employ in reading his speech and in considering the views expressed therein. I have no objection to the motion passing.

The motion was agreed to.

JUDGE ROUTHIER'S ABSENCE.

INQUIRY.

Hon. Mr. LANDRY inquired:

1. Does the Order in Council of Oct. 15th, 1883, granting Judge Routhier leave of absence for five months, fix the date at which this leave was to begin and the date at which it was to end, and what are these dates?
2. Did Judge Routhier obtain leave of absence during the year 1889, during which he made a trip to British Columbia which lasted five weeks?
3. Did Judge Routhier obtain leave of absence during the year 1892, during which he made a journey outside of the province of Quebec which lasted three months?
4. Did Judge Routhier obtain during the year 1896 leave of absence for a journey of at least ten weeks, which he made outside of the province of Quebec, to Manitoba and the North-west Territories?
5. Is the government aware that Judge Routhier is reported to have left on Saturday, May 30th last, for a voyage beyond seas?
6. Has Judge Routhier obained leave of absence in order to make this new journey, and what is the duration of this leave?
7. What reason did the honourable judge give in order to obtain this leave of absence?
8. Has the government or any member of the present administration entrusted the honourable judge with any mission whatever, official or officious, and to whom?

Hon. Mr. SCOTT—The answer to the first question is that an Order in Council was passed in 1883, granting to Judge Routhier five months' leave of absence, from November 15th, 1883. The answer to the second inquiry is that there is no record of such leave having b en granted in the year 1889, and the same answer will apply to questions three and four. In answer to the fifth question, leave of absence was granted from the 23rd May, 1897, to the 1st July, 1897. In answer to the latter part of the 7th question, as to the reason, it was to meet his invalid daughter in Paris and bring her home, and to advise his son-in-law in England about the disposal of certain real property, and the answer to the 8th question is simply No.

DISMISSAL OF JOSEPH BOSSINETTE.

INQUIRY.

Hon. Mr. LANDRY inquired:

1. Was Mr. Joseph Bossinette on the 23rd of June, 1896, postmaster at Cap St. Ignace, in the county of Montmagny?
2. Has he been since that date discharged from his work by the present administration?
3. When, why, and upon whose complaint?
4. What is the nature of the charge brought against him?
5. Has the charge been proved?
6. What is the nature of the proof?
7. If no proof exists, has the accuser at least a diploma of infallibility? Granted by whom?
8. Has the accused been made aware officially of the charge brought against him, and has he had an opportunity to refute it?
9. What was his reply?
10. Has the Post Office Inspector been required to hold an inquiry and to make a report?
11. Has an inquiry taken place, and what is the report of the officer making the inquiry?
12. If the person dismissed protests his innocence and completely denies the truth of the accusation, is it the intention of the government to grant an inquiry or to refuse all justice?

Hon. Mr. SCOTT—I have to make the usual answer to that question. Mr. Joseph Bossinette was postmaster at Cap St. Ignace on the 23rd June, 1896, and on the 29th September he was dismissed on representations made by Mr. Choquette, M.P., that he,

as postmaster, had been guilty of offensive political partizanship during the last general election. The statements made by Mr. Choquette were accepted as conclusive, and no public interest would be served by having the matter reopened.

DISMISSAL OF XAVIER POITRAS.

INQUIRY.

Hon. Mr. LANDRY inquired:

1. Was Mr. Xavier Poitras on the 23rd June, 1896, an employé of the Government as section-man on the Intercolonial Railway in the county of Montmagny, and was he fulfilling his duties to the satisfaction of his chief?
2. Has he been since that date discharged from his work by the present administration?
3. Why, when and upon whose complaint?
4. What is the nature of the charge brought against him?
5. Has the charge been proved.
6. What is the nature of the proof?
7. If no proof exists, has the accuser at least a diploma of infallibility? Granted by whom.
8. Has the accused been made aware officially of the accusation brought against him, and had he an opportunity to refute it?
9. What was his reply?
10. If the person dismissed completely denies the truth of the charge brought against him, protests his innocence and offers to make it clear, is it the intention of the government to grant an inquiry or to refuse all justice?

Hon. Mr. SCOTT—I give the same answer to that. Xavier Poitras was employed as section-man on the Intercolonial Railway on the 23rd of June last, and his services were dispensed with at the request of Mr. Choquette, M.P., who alleged that he had been guilty of offensive partizanship during the recent election, and no public interest is to be served by making any further inquiry.

Hon. Mr. ALMON—Perhaps the hon. gentleman will tell me what offensive partizanship is. I have heard it repeated over and over again, and I have been asked what it is. I would like if the hon. Secretary of State would tell me.

Hon. Mr. LANDRY—It means a Tory.

Hon. Mr. SCOTT—I think the language "offensive partizanship" a very clear expression. It means, as a rule, that the official, the party who is receiving pay from the government, either appeared on the platform taking an active part as against the present administration, or in many instances, denounced both the premier—that was the practice in Lower Canada—and the Liberal representative for the county, and it was considered highly improper that any official drawing pay from the Crown should interfere one way or the other.

Hon. Mr. ALMON—Am I correct in supposing that it has been proved that all these men who have been dismissed have been guilty of those three things, namely, appearing on the platform, having abused the premier at a public meeting, and having abused the Liberal candidate?

Hon. Mr. SCOTT—The principle laid down, and not challenged in the House of Commons, has been that where a member of the House of Commons makes a statement over his own signature, or makes it openly in the House, that the party charged has been guilty of offensive political partizanship, that has been sufficient justification for the dismissal of the party.

Hon. Mr. MASSON—That is, if one partizan accuses another, the partizan who is accused must go.

Hon. Mr. ALMON—Therefore, if he charges the person, it amounts to three things you mention, and it is taken as proved.

Hon Mr. LANDRY—I would just call the attention of the hon. Secretary of State to a point or two in his answers.

Hon. Mr. SCOTT—I do not know that I am at liberty to be cross-examined, I have given the answers, and I do not propose to be cross-examined on them.

Hon. Mr. LANDRY—I want to have the complete answers.

Hon. Mr. SCOTT—I can add nothing to what I have said.

Hon. Mr. LANDRY—I ask if that man Xavier Poitras was fulfilling his duties to the satisfaction of his chief?

Hon. Mr. SCOTT—"No" would be the answer to it.

Hon. Sir MACKENZIE BOWELL—The House and the country are entitled to a clearer answer from the government than that which has been given to the junior member for Halifax. It is well that the country should know what offensive parti-

zanship consists of, or what constitutes offensive partizanship, in order that those who are receiving pay from the government may know when they put their neck in the halter. Is it offensive partizanship for a postmaster who is paid by fees, to go upon the platform and advocate any policy which may not be in accord with those who are expecting to attain power? The hon. Secretary of State said a few moments ago that those gentlemen abused the present ministry. He could not by any possibility have abused the present ministry, because the present ministers were not in existence at the time.

Hon. Mr. SCOTT—I said the first minister and the Liberal candidate.

Hon. Sir MACKENZIE BOWELL—I am repeating what the hon. gentleman said. He also added the other as well—for abusing the present ministry and the Liberal candidate who was then contesting the riding. If it is to be understood that any person holding a ten dollar office—for many of these postmasters who have been dismissed received very trifling salaries, about ten dollars per annum—is to be deprived of his franchise, or the right to go upon the platform to advocate any policy, the sooner it is generally known the better. The answer, I know, to that might be, if they desire to oppose a Liberal candidate at any election, they must throw up the office and tell the country that they do not want their ten dollars. I think it is well that this matter should be more clearly defined. The declaration is made by the hon. gentleman who has just spoken, that a statement by a candidate who is a partizan—and we know that the hon. gentleman to whom he has referred is as strong a partizan as there is in Canada—accusing another man who differs from him of having opposed him, warrants the Secretary of State and government in declaring that the act of that official is offensive partizanship, and dismissing him. The House is entitled to a clearer answer than has been given by the Secretary of State to the question put by the junior member from Halifax. Does the Secretary of State lay down the principle that whether an official be in opposition to the government, or a supporter of the government, the opening of his mouth or the casting of his vote, is to be considered offensive partizanship? If so, let the people know it. All the arguments that have been adduced, and all the answers that have been made are predicated upon the assumption that these parties who have been dismissed were opposing the government of the day. They did nothing of the kind; they were supporting the government of the day; and they were opposing those who desired to obtain that position. The hon. gentleman smiles. I could refer to a good many actions of the hon. gentleman himself in 1878 with reference to the civil service, but I do not desire to go into the past record either of the Secretary of State or his interference in elections. However, I repeat a third time that the House and the country should receive a more explicit answer to the questions which were put to the government than those that have been given.

Hon. Mr. SCOTT—The hon. gentleman is too old a parliamentarian not to recognize the rule, that a minister is not bound to answer hypothetical questions. The answers to the questions put by the hon. gentleman were clear and succinct, and all I am able to give, and I do not propose to go back on this question. I have a vivid recollection of the years 1878 and 1879 when the friends of the opposite party dismissed right and left. Take the postmaster at Hull; he did not interfere in an election, but because his father interfered he was dismissed. I am only going a mile away, but I could mention a dozen cases.

Hon. Sir MACKENZIE BOWELL—There is one point I forgot, in my disclaimer against the assertion made by the hon. gentleman that the reasons he gives were unchallenged. He is not strictly accurate in making that statement.

Hon. Mr. SCOTT—I do that from the principle laid down, that if any member on his honour made a statement of that kind it was proper to accept it.

Hon. Sir MACKENZIE BOWELL—That is the principle laid down by the government but objected to by the opposition.

Hon. Mr. PROWSE—I happened to be in the gallery of the House of Commons and heard the prime minister in his place make the declaration that no such dismissals would be made without an investigation such as would be proposed and declared by a minister and not by a member of the House.

Hon. Mr. SCOTT—No, by a member of parliament.

Hon. Mr. PROWSE—I have a good deal of sympathy for the present government, and I can understand very well the position they are in under the present circumstances. I am sorry they have not the courage of their convictions to take the responsibility of these dismissals. I know, and I think it is generally known, and it is a patent fact, that Choquette has the government by the throat, and that he would have dismissed them from power and position unless he had his way in reference to these dismissals. They dare not refuse Mr. Choquette's demand for dismissals, because it is well known he wanted a place in the government—the place Mr. Tarte now occupies—and it is on that account that these dismissals are being made, contrary to the declaration of the prime minister. It is because Mr. Choquette is master of the situation just now, and they cannot refuse his demands.

Hon. Mr. PRIMROSE—I wonder if the hon. Secretary of State is aware, when he uses the tu quoque argument, that the hon. member from Westmorland in his place the other day stated distinctly from his own knowledge that there were more men dismissed in the city of Moncton, N.B., in one day on the Intercolonial Railway than were dismissed during the whole regime of the Liberal-Conservative party from the time the Mackenzie government was turned out.

Hon. Mr. SCOTT—I am quite sure the hon. member believes the statement, but I am sure the facts show the opposite.

Hon. Mr. PRIMROSE—The facts are quite obtainable.

Hon. Mr. LANDRY—Why not accept a statement made by a senator, if you accept a statement made by a member?

Hon. Mr. MILLS—I do not see yet, myself, what principle the hon. gentlemen are calling in question, or what they are complaining about. Does my hon. friend, who leads the opposition, say if those who are in the permanent public service receiving an annual salary, go upon the stump or go out and canvass for theone side or the other, that they do not take their lives in their hands, and are not properly dismissed if their opponent succeeds? They enter into the contest with that fact before them.

Hon. Sir MACKENZIE BOWELL—They will after this.

Hon. Mr. MILLS—Did they ever do otherwise? Will my hon. friend tell me a single man in the public service who ventured to take part in an election between 1875 and 1878 who was retained in the service?

Hon. Mr. McCALLUM—I can tell you a number of them in our county.

Hon. Mr. PROWSE—The father of the Minister of Marine and Fisheries was kept in all through.

Hon. Mr. MILLS—Simply because the government was kept in ignorance of the fact.

Hon. Sir MACKENZIE BOWELL—No.

Hon. Mr. MILLS—The Secretary of State referred to Mr. Loucks. Was he not dismissed because his father took part in an election? Was not the party who had been appointed from that county in the Department of Public Works dismissed from that department at the instance of Mr. Alonzo Wright, because he had taken a part in the election against Alonzo Wright?

Hon. Sir MACKENZIE BOWELL—No.

Hon. Mr. MILLS—And every man who was in the public service as an inspector of weights and measures was put out.

Hon. Mr. ALMON—No.

Hon Mr. MILLS—And when new appointments came to be made, not one of them was appointed, whether they took part in the election or not.

Hon. Mr. ALMON—Was that right?

Hon. Mr. MILLS—No, I do not think that was right, but I am pointing out to hon. gentlemen that the government of which my hon. friend was a member went much further than the present administration.

Hon. Mr. OGILVIE—Oh no.

Hon. Mr. ALMON—I never was a member of any government.

Hon. Mr. MILLS—The whole class was put out without one single exception, out, the hon. gentlemen before they went and

just on the eve of the retirement of the government, took a private secretary, I think, to one of the ministers and made him a deputy minister. He has not been touched; but, when the private secretary of Mr. Mackenzie, a man of far more than the ordinary ability, was appointed as deputy minister, as soon as the change of government took place, Mr. Buckingham was dismissed from the public service.

Hon. Mr. MASSON—That case has been hackneyed about a good deal, it is one special case.

Hon. Mr. MILLS—I do not know whether it is hackneyed or not, but that was an appointment made with the approval of Her Majesty's representative in this country, because he, as well as the government who assumed the responsibility of the recommendation, knew of Mr. Buckingham's ability, and knew what claims he had because of the extraordinary duties that had been imposed upon him in the public service. He was appointed but he was not permitted to retain his office; he was dismissed, and the hon. gentleman has not mentioned a single case in which the present government has gone as far as the government of which he was a member went in the case of Mr. Buckingham.

Hon. Sir MACKENZIE BOWELL—Who was the private secretary to whom the hon. gentleman refers as having been made deputy minister just before the late ministry went out of power, and who was allowed to retain his office?

Hon. Mr. MILLS—I am speaking of Mr. Pope.

Hon. Sir MACKENZIE BOWELL—He was not a private secretary. He was deputy clerk of the Privy Council for some six years previous to his appointment, and was promoted to the office which he now holds some time before the change of government.

Hon. Mr. MILLS—He had been private secretary to Sir John Macdonald.

Hon. Sir MACKENZIE BOWELL—Yes.

Hon. Mr. MILLS—Up to the time of his death.

Hon. Sir MACKENZIE BOWELL—No. The hon. gentleman is in error. Sir John Macdonald recommended him to the position which he held as deputy clerk of the Privy Council. Mr. Pope was promoted by myself while I was prime minister, and not just before the last ministry resigned, as the hon. gentleman has indicated. Hence the case of Mr. Pope is not in any way analogous to that of Mr. Buckingham. As the hon. gentleman has said, this subject is hackneyed by frequent discussion, and I do not propose, therefore, to discuss it any more. The hon. gentleman should try to be more correct, or he will fall into the same error as members of the government that he supports have fallen into.

Hon. Mr. MILLS—The hon. gentleman has not improved his position. It does not matter whether Mr. Pope was private secretary to Sir John Macdonald the day he was appointed deputy minister, or had been private secretary some months before. It does not matter whether he held three or four offices during the time that intervened. There is the fact that the former private secretary of Sir John Macdonald was transferred to the position of deputy minister shortly before the retirement of the government.

Hon. Sir MACKENZIE BOWELL—No.

Hon. Mr. MILLS—And he was allowed to retain his position.

Hon. Sir MACKENZIE BOWELL—That is where the hon. gentleman is wrong—it was not just before the change. It was done months and months before. It was done before the late government was formed and long before the elections. It must have been twelve months before.

Hon. Mr. MACDONALD (B.C.)—I am surprised at the argument of the hon. gentleman from Bothwell. He seeks, by showing former evils and hardships, to justify the wrongdoing of the present government. His argument can lead to no other conclusion than that, because evil was done before, therefore evil is justified now. I am surprised to hear an hon. gentleman of his intelligence and legal acumen use an argument of that kind. The thing the government should do is this, give a man charged with partisan conduct a fair trial. I heard the premier say distinctly that no man would be dismissed hereafter without having a fair trial and being allowed to defend

himself. That has not been done. That policy has not been adhered to. The Minister of Railways laid down a different policy—that if any credible member of the party should charge an official with being an active political partisan he should be dismissed. Is not that a monstrous doctrine, that an official, on the information of a spy—a man looking for the place, can have that official kicked out without giving him an opportunity to defend himself. That has been done in several cases. It is a weak and stupid thing to use an argument like that. I do not justify the other government for wrong-doing. They dismissed men when they should not have dismissed them, and if they came back to power to-morrow and did such a thing I would raise my voice as strongly against them as I do now. It is a most unjustifiable thing to do in this age and in a country like this.

Hon. Mr. LANDRY—The last answer of the hon. the Secretary of State conflicts with the first one. I asked if Xavier Poitras, on the 23rd of June, 1896, was an employé of the government as section man on the Intercolonial Railway in the county of Montmagny, and was he fulfilling his duties to the satisfaction of his chief. The minister answered me that he was put out on the complaint lodged against him by Mr. Choquette, who charged him with offensive partizanship. I asked the hon. gentleman why he did not answer the last part of my question—was Poitras fulfilling his duties The minister, without looking at his notes, told me "No," he had not fulfilled his duties. If he did not fulfil his duties, why put him out for offensive partizanship? If you have a good reason for putting a man out, why do you look for a bad one and give a bad one to the House? Now, I do not complain of a man being put out if he takes his political life in his hands, but in all the cases I have cited here, I venture to say that not one of these persons had been an active or offensive partisan. Mr. Simoneau, who was put out of office, was suspected of being a Grit or Rouge, and he did not work in the election at all. Mr. Dubé, who was put out, is the father of twelve children, and though a voter he took no part at all in the election. He did not even go and vote—he abstained completely from taking any part. All these people were turned out merely to give places to others. There was no other reason for it. Why should Mr. Choquette's *ipse dixit* in the House be considered sufficient ground for turning those people out of office? When these people write to the department, asking for an inquiry, why are they not even answered? All those things are facts, and the hon. minister may ascertain the truth of my statements. I do not object at all to these people being put out who have really been active or offensive partisans, but in all those cases that I have brought up nothing has been proved against any one, and nothing can be proved against them.

Hon. Sir OLIVER MOWAT—In dealing with the employés of a government, or the servants of a private individual or firm, they cannot be tried as if they had committed some crime. That proceeding is not at all adapted to the case, but when the principle has been adopted, as it has been in this country for very many years practically, whether avowed or not, but it has been avowed for a number of years—that offensive political partizanship is a reason for dismissing a government employé, the ministry dismiss him on their responsibility to the House and to the country. They dismiss him because satisfied upon the evidence before them, that the employé has been guilty. They go wrong sometimes; juries go wrong sometimes; judges go wrong sometimes; private gentlemen, in dealing with their workmen, servants and employés, go wrong sometimes; but it is because of being satisfied of his guilt that an employé is dismissed. My hon. friends seem to think it a very objectionable thing that the information of a member with regard to this matter should be acted upon, but this fact should be borne in mind, that the member is the representative of the people. He is the chosen representative of the people—a majority of the people have elected him, and he does not stand in the same position as a private individual. One of my hon. friends opposite suggested that government employés had been dismissed on the statement of some detective without any further evidence. I do not think he will find that to be the case. The testimony of the member has been accepted, but when that was not to be had, other evidence was required to satisfy the minister, and if any of my colleagues have gone wrong in any cases, parliament may condemn them for it. My hon. friend

must think, he suggests at all events, that it is a monstrous thing on the part of the Liberal party that they should now dismiss a man for offensive partizanship when they objected to that being done by the late government in the case of the translators and others. A little reflection will convince them, if they will endeavour to form a fair opinion on that point, that the objection they make is not reasonable. The Liberal party did not wish that to be the principle recognized in this country, and, therefore, objected to its being adopted when it was adopted by the Conservative government. But they were overruled in that: they were unsuccessful in their objection. The Conservative government insisted on acting on that principle and did act upon it. The Liberal party had to accept the doctrine. It was a doctrine either endorsed or laid down by the government of the day which had the confidence of the people, and the Liberal party were obliged to accept and acquiesce in it; but how absurd it would be, what folly it would be on their part, that principle having been avowed and acted upon by the Conservative government when they themselves came in, they should refuse to act upon the same rule. I do not think there is any morality in the question either way. It might be the rule of the government to turn out all officials on a change of party. They adopt that rule in the United States. It is objectionable, but I do not see anything immoral about it. I can understand a president, who wished to do his duty in every respect, an earnest Christian man, acting upon it, it being the doctrine of the nation.

Hon. Mr. MACDONALD (B.C.)—That is well understood in the United States as the policy.

Hon. Sir OLIVER MOWAT—Unfortunately it has been the rule here too. During eighteen years the Conservative government acted on it, and our friends were often dismissed. There is no use asking how many were dismissed by the one government and how many by the other. That depends on the circumstances. But the principle was beyond all question insisted upon and acted upon by the Conservative government. With regard to the number dismissed, look at the difference! When the Mackenzie government went out in 1878 they had only been five years in power. The Conservative government had been in power for a number of years before that, and had made nearly all the previous appointments. Naturally very few could be dismissed in 1878, because there had been comparatively few appointments by the Liberal government. When the present government came into power, they succeeded a party which had been in power for eighteen years, and had made nearly all the appointments held throughout the whole country. They had been in power so long that there was an impression among the officials that they were safe for any length of time, and that, I dare say, led many of them to follow the partizan course which they would not otherwise have taken. It is no argument against the Liberal government if they found occasion, coming into power after eighteen years opposition, to dismiss a larger number of persons than the government did which had succeeded one that had been in power only five years. The hon. leader of the opposition wants to know if this principle is to go so far that a man is to be dismissed for exercising his franchise. That has been always disclaimed. The law authorizes a civil servant to exercise his franchise, and every one who has spoken on this subject for the Liberal party—every Liberal has admitted that no objection could be made to a man for merely giving his vote. The objection to him must go a good deal further. My hon. friend opposite objects to Mr. Choquette's recommendation and testimony being admitted with regard to his own constituents, and my hon. friend ascribed to him a much larger power than he possesses. The people have returned in favour of the Liberal party such a large majority that there is no one member who can exercise the power that my hon. friend ascribes to Mr. Choquette. If we were a weak government, supported by a small majority, one supporter might have a great deal of power, such as he attributed to Mr. Choquette, but as matters exist, the suggestion is not well founded. I have thought it right to say these few words, but I do not think the country will benefit very much by our discussing this subject much more. It has occupied the attention of the House of Commons for many days and at great length. Everything that could be said on either side of the question has been said there, and while it was very well for us to give to it some attention here also, I do think my hon.

friends must agree with me that we have now said enough on the subject.

Hon. Mr. FERGUSON—The explanation the hon. gentleman has made is rather fatal to many other explanations we have been listening to this session, and, in fact, last year. Then we were told that very many more persons were dismissed by the Conservative government when they came into power in 1878 than now by the Liberals, but my hon. friend now admits the very opposite is the case.

Hon. Sir OLIVER MOWAT—I say if the fact were as represented; that is my argument. I do not admit the fact at all.

Hon. Mr. FERGUSON—My hon. friend distinctly put it this way: that, if a smaller number were dismissed in 1878 than now, it was because there were so very few Liberals in office in 1878, and consequently there was not a large number of Liberals out of whom dismissals could have been made.

Hon. Sir OLIVER MOWAT—That is quite so.

Hon. Mr. FERGUSON—And that in 1874 the Liberal party, when they came into power, did not make any dismissals—that they entered on the principle of dismissing no official for political reasons. I happen to know very well that my hon. friend is altogether wrong in that statement. I speak for my own province that dismissals were wholesale by the Liberal government. I was one of the persons dismissed myself. I was included in one of those batches who were dismissed during the month or two after the Liberal party had come into power in 1874. My hon. friend's explanation is altogether at variance, notwithstanding the attempt to smooth it over, with the explanation which the hon. Secretary of State has made to-day, and which we have been in the habit of hearing from the whole of them on that side of the House, when the question of dismissals comes up. The phase of this question I want to enter my solemn protest against is the spectacle that we have had presented to us, day after day during this session and ever since this government came into power, of a minister of the Crown freely and boldly admitting that the government has been dismissing officials on the *ipse dixit* of some member of parliament, or some member of the party, without any inquiry to ascertain whether the charges are true or false. The Secretary of State was asked what he meant by offensive political partisanship. He said it would be going on a platform and making a speech or canvassing. When my hon. friend asked did this man do anything of the kind, the hon. gentleman said he did not know. He has this convenient phrase, offensive partizanship, on his lips, but when he is asked if a man dismissed was guilty of that particular kind of political partizanship which he has defined, he does not know. I submit it is a most extraordinary spectacle to see members of this government rising day after day in this House, and admitting before the world that they are dismissing officials all over the country for alleged political partizanship, on the mere unsupported word of some one who is a political partisan himself.

Hon. Mr. SCOTT—Why not ask the question in Mr. Choquette's presence in the House of Commons instead of asking it here?

Hon. Sir MACKENZIE BOWELL—The hon. premier has declared here now that the government are responsible for these dismissals. Why shunt the responsibility on Mr. Choquette?

Hon. Mr. MASSON—We do not know Mr. Choquette here. We know the hon. Secretary of State and the hon. Minister of Justice who are responsible to the people, and to us for every dismissal that is made.

Hon. Mr. SCOTT—The people have sustained us in our action.

Hon. Mr. MASSON—They could not in this particular case, because it has arisen since the election. Let me put a question. I agree with the hon. gentleman on the principle that officials should be dismissed for offensive political partizanship. It is a question of fact. A political partizan, a member of the other House, tells you that an employé has misbehaved. Here is a senator who tells you "to my own knowledge I say that charge is not true." If you believe Mr. Choquette and not Mr. Landry, you are acting as a partizan. Don't you think, as a minister of the Crown, you are bound to go into detail and ascertain which statement is true and which is false, because Mr. Choquette and Mr. Landry are not re-

sponsible for the opinions they give, but you are responsible to the country for the decision you make.

Hon. Mr. SCOTT—How illogical the position of the hon. gentleman is. Mr. Choquette was a witness of a fact and makes a statement of what he saw. The hon. senator who brings the matter before the House was not present at the time and did not hear the statement. He is stating a negative, and the other witness is stating an affirmative. The greatest criminal might bring innumerable witnesses to say they do not believe the offence charged against him is true.

Hon. Mr. MASSON—Mr. Choquette says that this man who was dismissed was an offensive partizan. The hon. senator says that the man did not even vote. You can ascertain which statement is true. I do not object to the government dismissing employés for offensive partizanship, but I object to the government, on the word of a member, on a simple question of fact, disgracing a man—that you are going to say on that man's word that an employé is to be dismissed, because beyond the dismissal there is a certain disgrace attached to a man. If a member, who has the patronage of a constituency, comes and tells you something against an employé, are you going to dismiss him without investigation? That is a principle which was never acted upon while I was in the government, to my knowledge.

INCOMPLETE RETURNS.

Hon. Mr. FERGUSON—Before the Orders of the Day are called, I wish to direct the attention of the hon. Secretary of State to the insufficient nature of the return which he brought down the other day in answer to a motion of mine with regard to the expenses and operations of the steamer "Petrel," between Capes Traverse and Tormentine, I asked in that return for a full statement of the expenditure incurred. I notice by the charter party that the charter alone is six thousand dollars, and I find only four thousand dollars of that is included in that statement of expenditure. I notice other large amounts that I know were incurred in that service are not in this statement, and the total brought down is very much less than was actually incurred in that service. I also asked for information as to the number of passengers and the quantity of freight carried and the amount of money collected for both freight and passengers. Now, I find fault that information is given in this way:

> Number of passengers, 43.
> At $2 each would amount to $86.
> (Have no details as to freight carried.)

How kind for the minister to make this little calculation for the members of the Senate and the public. I suppose he thought that we are not able to multiply 43 by 2. It is not what 43 multiplied by 2 amounts to that we want to know, but how much money was realized by passengers on the "Petrel." I asked for details of the amount collected for freight as well as passengers. The answer is "have no details of freight carried." Why has not the department details? It is now five weeks since that steamer ceased to make trips. Surely five weeks would suffice to bring up details from Traverse or Tormentine as to the freight carried. I call my hon. friend's attention to the insufficient information contained in the report, and the fact that the information I asked for has not been supplied.

Hon. Mr. SCOTT.—If the hon. gentleman will write a note stating specifically what he requires, I shall be very glad to procure it. So far as freight is concerned, my attention was called to that, and the answer was there was no record of it here in the department.

Hon. Mr. FERGUSON—I believe the hon. gentleman is strictly correct; there was no record of it, because there was no freight carried.

Hon. Mr. SCOTT—I did not hear that.

Hon. Sir MACKENZIE BOWELL—I should like to ask the Minister of Justice if this return, which has been laid before the House by the hon. Secretary of State relating to the resignation of the late Judge Jones, is complete? When the Secretary of State laid the return before the House, he made a statement that this was all the correspondence less that which was of a confidential character. He will also see that he made no reference in the returns to the latter portion, that is, as to the petition. All that we have is the resignation of Judge Jones, the recommendation of the Minister of Justice to Council recommending his

superannuation, and the application of Judge Jones to have his resignation accepted forthwith. What I want to ask is, was any petition presented to the government asking for the appointment of a successor to Mr. Jones? If not, of course it could not be brought down. I was under the impression that there were, and if so I should like a copy of that petition, unless it to was of a confidential character.

Hon. Sir OLIVER MOWAT—After the return was ordered I looked through the papers to see what they were, and I looked through the letters, I have a good many of them, but they are all of a confidential kind. At first I thought some of them might not be, but I found that all were confidential. I am sure if there was a petition it was of a confidential kind. I shall ascertain that, however.

Hon. Sir MACKENZIE BOWELL—I do not pretend to say that confidential communications have not taken place, but how in the world a petition from a large city like Belleville, of 15,000 inhabitants, asking for an appointment by the government, could be of a confidential character I am at a loss to know.

THIRD READINGS.

Bill (88) "An Act to incorporate Les Cisterciens Réformés."—(Mr. Bernier.)

Bill (83) "An Act to confer on the Commissioner of Patents certain powers for the relief of the Mycenian Marble Company of Canada, Limited."—(Mr. McMillan.)

SECOND READINGS.

Bill (64) "An Act to incorporate the British Yukon Mining, Trading and Transportation Company."—(Mr. Macdonald, B.C.)

Bill (70) "An Act respecting the Great North-west Central Railway Company."—(Mr. Clemow.)

Bill (109) "An Act respecting the Ottawa and Gatineau Railway Company."—(Mr. Clemow.)

Bill (102) "An Act respecting the Ottawa Gas Company."—(Mr. Clemow.)

Bill (87) "An Act to incorporate the Columbia River Bridge Company."—(Mr. McInnes, New Westminster.)

INTEREST BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (I) "An Act respecting interest."

(In the Committee.)

Hon. Sir OLIVER MOWAT—The object of this bill everybody seems to concur in; but there is no doubt great difficulty in finding out what exactly we should enact with a view of correcting the evil mentioned in the recital. It has shocked everybody to learn that the courts have found it necessary to enforce an agreement by which some 1,800 per cent was to be paid by a borrower of money. But how we are to remedy that without producing other evils is not so easy to determine. I am going to propose considerable amendments to the bill that I brought in, with a view to remedying the evil without incurring other evils which perhaps may be in the aggregate as great as that which the bill is designed to remove. The bill as brought in provided that the courts should have a discretion, where more than eight per cent is charged, to deal with the excess in whatever manner they might think reasonable. Eight per cent is more than the banks charge, and, therefore, the banks have no interest in opposing the bill as it now stands. But there is no doubt—and hon. members on both sides have called my attention to it—the fact that it is often of immense importance to get money for a short time when it can only be got by paying a much larger percentage than eight. And I am also informed—and I have no doubt truly—that in the newly settled parts of the country money cannot be got at the rates at which it can be got in other parts of the country; and that it would be an injury to those newly settled parts if no money could be borrowed safely to the lender at more than 8 per cent. What then are we to do? The best suggestion which has yet been made to me is the one I am going to submit to this House. It is a suggestion made as a result of consultation amongst business people, persons familiar with the working of the interest laws, and with the whole matter of money and the requirements of the different parts of the country in reference to it. There seems to be an agreement on this

point—and it seems very reasonable—that the most grievous cases arise where the borrower did not understand that he was charged such large interest. He may be an ignorant man; but often a man who is not very ignorant has been deceived in this matter. In consequence of that, a number of years ago an Act was passed by the parliament of Canada, and is to be found in the Revised Statutes, which dealt with the question of mortgages, and contained such provisions as would secure that the mortgagor should be aware of what interest he was paying, that the interest could not be concealed by the form of a mortgage—that is, concealed from one who was giving the matter a cursory and perhaps not very intelligent examination. The effect of what was then enacted is that if the real amount of interest does not appear in the instrument, no interest at all can be recovered. And I am told—and I have no reason to doubt the fact to be that that Act has prevented from that time till now any serious evil of the kind which the Act was intended to deal with. I propose to adopt a similar principle in dealing with loans generally, and if the committee agree to the view which I am going to suggest, I think the evil would be met to a large extent without producing any corresponding evil whatever. I may say here that if the clauses which I move are adopted I propose to make a change in the preamble. I put the preamble in its present form in order to call attention to the tremendous evil we had to deal with.

Hon. Mr. MACDONALD (B.C.)—Is the man still living who charged that interest?

Hon. Sir OLIVER MOWAT—Yes, he is still living.

Hon. Mr. CLEMOW—And he got a judgment for it.

Hon. Sir OLIVER MOWAT—Yes.

Hon. Mr. CLEMOW—They will beat him on the execution.

Hon. Sir OLIVER MOWAT—What I am proposing is a provision to be substituted for the bill which I brought in and which is printed. I propose to ask the committee to adopt this as the first clause:

Whenever any interest is, by the terms of any contract in writing, whether under seal or not, made payable at a rate or percentage per day, week or month, or at any rate or percentage for any period less than a year, no interest exceeding the rate or percentage of six per cent per annum shall be chargeable, payable or recovered on any part of the principal money unless the contract contains a statement showing truly the annual rate or percentage of interest to which such other rate or percentage is equivalent.

Then I propose the following as a second clause:

If any sum is paid on account of any interest not chargeable, payable or recoverable under the last preceding section, such sum may be recovered back or deducted from any principal or interest payable under the said contract.

That is just carrying out the same view. The effect is to compel parties to state the annual interest that is to be paid as well as any other particulars that they choose to insert in the document.

Hon. Mr. MACDONALD (B.C.)—That leaves the rate under agreement open to any amount.

Hon. Sir OLIVER MOWAT—Yes, I have not limited the amount.

Hon. Mr. MACDONALD (B.C.)—It can go up to any amount.

Hon. Sir OLIVER MOWAT—Yes, provided the agreement states what the annual rate is, that the man may know what he is doing. No greater interest than six per cent can be recovered unless the man knows from the instrument he signs what the annual interest which he is undertaking to pay. I do not say that that is a full remedy. I do not say that anything that can be devised which would be a full remedy; but I think what I propose is a very good instalment of the necessary remedy and perhaps will be found amply sufficient. We cannot tell until it is tried. If lenders discover some method by which they can recover without the borrower knowing how much he is undertaking to pay, we may have to deal with that hereafter; but in the meantime, I think what is proposed will be a valuable protection; it will go to a great length; it will prevent persons being drawn into agreeing to pay interest which they do not know they are agreeing to pay. They may know what six per cent is, but as a matter of fact they do not calculate, in many instances, what a certain rate per week or month would be per year; and here we have a man making a business of charging five per

cent per day. A copy of one of these notes was shown to me which was in a printed form, lending at five per cent per day being apparently as regards this lender a regular business and we all know a printed paper is not so apt to be read as a written one. Perhaps many of us have signed deeds and looked merely at how they are filled in in writing without reading the printed parts.

Hon. Mr. LOUGHEED—May I ask my hon. friend if he intends proceeding with this bill to-day?

Hon. Sir OLIVER MOWAT—Yes.

Hon. Mr. LOUGHEED—And ask the House to adopt it without more considerations?

Hon. Sir OLIVER MOWAT—If more time is desired, I am in the hands of the House. I think we had better go through the committee stage to-day and have the bill reprinted. I believe I have made all the necessary explanation.

Hon. Mr. LOUGHEED—Then my hon. friend will not regard the House as having acceded to the principle of the bill, notwithstanding our having consented to its going through committee.

Hon. Sir OLIVER MOWAT—No. I move the adoption of the first clause of my amendment.

Hon. Mr. DEVER—Do I understand this bill is intended for the whole of the Dominion of Canada?

Hon. Sir OLIVER MOWAT—Yes.

Hon. Mr. DEVER—In New Brunswick we have a very satisfactory interest bill. When we came into confederation we had the usury law in existence, and we found it very inconvenient in many transactions, and finally this parliament repealed the usury law and a law was established by which the legal interest, in case there was no writing or contract, should be six per cent, and that, on the other hand, anything that was reduced to writing, no matter what the interest would be, provided it was within reasonable bounds, should be recoverable in law and equity. We found, and we find yet, that money under this arrangement is as low and lower than when there were restrictions on the interest imposed by the law of the country. We find transactions now are carried on extensively as low as four per cent, five per cent and hardly any to be found even as high as six per cent. I feel that I have a right, on behalf of New Brunswick, inasmuch as I know they are satisfied with that arrangement, to point out that if it be possible—and I think it is—that law should not be interfered with, because it is quite satisfactory. Money is lower than it has been, and we have not had any such extreme cases of hardship or dishonesty as have been pointed out by the hon. Minister of Justice. And, therefore, I wish to point out that I think our law should not be interfered with without due consideration, I have no objection that you should make a law for Canada, or for portions of Canada; but certainly in New Brunswick we are satisfied with our present law.

Hon. Sir OLIVER MOWAT—Does this bill interfere with the New Brunswick law as to the rate of interest?

Hon. Mr. DEVER—Do you say it does not?

Hon. Sir OLIVER MOWAT—I am asking for information.

Hon. Mr. DEVER—I understood it applies to the whole Dominion.

Hon. Sir OLIVER MOWAT—I do not understand in what particular it is an interference with the New Brunswick law.

Hon. Mr. DEVER—It interferes in this way: that in cases of transactions not reduced to writing it is possible losses might occur. I can point out a case that happened before we had the present law in New Brunswick. A certain party had borrowed $10,000 and the legal interest at that time was 6 per cent. The party gave a mortgage on his property for the $10,000. The mortgagee died and his heirs wished to recover the amount, but in consequence of it being shown that he had taken a small percentage over and above the legal interest, the whole mortgage was forfeited.

Hon. Sir OLIVER MOWAT—What I propose does not change the present law as regards the rate of interest chargeable.

Hon. Mr. DEVER—If it does not it is satisfactory.

Hon. Sir MACKENZIE BOWELL—If I understand the explanation of the hon. Minister of Justice, it simply amounts to this: that if a man who was loaning money at five per cent to-day, was lending $100 at five per cent per day, the note would have to read that for and in consideration of that sum the rate of interest to be paid should be five per cent per day, which would be equal to 1,815 per cent per annum. I would make the suggestion, while I am on my feet, that instead of the committee rising and reporting the bill, the hon. minister should ask the committee to rise and report progress. That would enable us to go back into committee and discuss freely the amended bill as it will be presented to the House for final adoption. My hon. friend will see at once why I make that suggestion. If you adopt the bill now and report it for third reading, then there would not be the same opportunity to discuss the provisions as if we went back to committee.

Hon. Mr. CLEMOW—At present there is no limitation as to interest?

Hon. Sir MACKENZIE BOWELL—No.

Hon. Mr. CLEMOW—As long as it is stipulated at so much?

Hon. Sir MACKENZIE BOWELL—Yes.

Hon. Mr. CLEMOW—Should not there be a limit to it? If a man agrees to pay 1,800 per cent per year, I think he should not be forced to do it.

Hon. Sir MACKENZIE BOWELL—A man would not be such a fool as to do that.

Hon. Mr. CLEMOW—Oh, yes, they will do it sometimes. I think it would be a disastrous thing for this country if it were known that 8 per cent was the largest amount a man could collect. I suppose it was considered to be in the interest of the borrower, but they would find very soon it was not in the interest of the borrower, because lenders would find some other means to get over it. They would not lend at that rate. They would buy a note of hand or something of that kind. I think it is well the matter should be considered, and if there is a limitation it should be something reasonable.

Hon. Sir OLIVER MOWAT—What limitation would you suggest?

Hon. Mr. CLEMOW—It is a difficult thing to say. A man makes a contract. It is supply and demand, I suppose, but I think there should be some law to prevent a man making such a contract as to pay 1,800 per cent a year. I do not think we should encourage people, or even allow them to make such foolish and outrageous bargains. We know very well there are times when a man can afford to pay a large amount of money for a pressing necessity. You know five per cent is paid sometimes for a very limited period, but any man who pays that amount is sure to go to the wall. But in an emergency it has been paid, and I have no doubt men have been saved from ruin by getting money at that rate. All these things have to be considered, and I am glad the Minister of Justice has taken this into consideration, and that as far as the laws are concerned, they will be well considered and will be put in such a shape that there will be no mistake in the future. I hope there will be something to limit an extraordinary rate of interest being charged per annum. I think it should take some shape that could be avoided.

Hon. Mr. DRUMMOND—I am extremely pleased that the hon. Minister of Justice has changed the bill materially as he has done, and I think in the shape it is it will simply act as a signal or danger post to make impecunious borrowers know what they are doing when they are borrowing.

To my mind, the new proposal entirely, or almost entirely, removes any objections that may have arisen to the bill which I know would have been met with great opposition in the House and out of it, and it would be a revival of the old usury laws. The hon. gentleman from Rideau was barking on both sides of the fence; at one moment he deprecated that and at another moment he wanted a limitation. If you put a limitation it will sound monstrous and unreasonable, if it is going to be operative at all, and in my view usury is not practised by the bank and loan companies. It is not carried out to anything like the extent in this country that it is in other countries. I do not think such a case as mentioned in the preamble of the bill is anything but extremely exceptional and unusual, and it is hardly worth legislating for. However, I may say that the bill, as now presented, appears to be at first blush and on the face of it extremely unobjection-

able and a step in the right direction. The extent of the usury carried on in this country, although misunderstood and exaggerated, is known to exist, and I hope we will be given time to consider this bill.

Hon. Mr. POWER—I cordially endorse all that the hon. member from Kennebec division has said with respect to the meritorious character of this bill. I do not agree with him in his accusing the hon. gentleman behind me of barking on both sides of the fence, and thinking there can be no steps taken to meet the views of the hon. gentleman from Rideau. I would, with a good deal of hesitation, suggest to the hon. leader of the government in this House that something of this kind might be done to meet the views of the hon. gentleman behind me. While such contracts reserving very large rates of interest might not be declared illegal, still I think we might put a clause in the bill providing that no more than a certain rate—whatever rate was considered to be the highest rate that would be humane—should be recovered in court. That would really not affect the case spoken of by the hon. gentleman from Rideau division—the case of getting money for the purpose of enabling one to live on stock exchange, because there is a sort of free masonry amongst people on stock exchanges which would hinder them from raising any question of that kind. If it could be provided that not more than 10 per cent could be recovered in any event, that would meet his view.

Hon. Mr. LOUGHEED—Under the Banking Act the banks are permitted to recover 7 per cent, and this would be in direct conflict with that.

Hon. Mr. POWER—There is a chapter in the Revised Statutes on interest which applies only to Nova Scotia, but which might be made applicable to all the provinces, or might be made applicable to this case.

Hon. Mr. LOUGHEED—There is a special provision for every province.

Hon. Mr. POWER—I am suggesting that this provision which has been inserted as to Nova Scotia might be made applicable, as far as regarded the proposed law, to all the provinces:

> Nothing in the three preceding sections shall apply to the chartered banks.

Hon. Mr. COX—I think the suggestion of the hon. gentleman from Halifax, to fix the maximum rate at ten per cent would be equally as objectionable as eight per cent. There are many cases where ten per cent would be a much too low rate of interest. Take the farmer borrowing $50 for three months. Supposing he paid three dollars, it would not be unreasonable, still it would exceed ten per cent. And if you adopt measures to prevent transactions of that kind, which are great accommodations to the borrower, you would inflict great injury upon a very large portion of the community. I think the measure as proposed by the hon. Minister of Justice will answer all the other cases and be entirely devoid of the objections that could be urged against the measure as originally proposed. A similar provision was made with reference to mortgage loans. We all remember that several years ago a great deal of money was loaned by the loan companies on the instalment plan, where it was impossible to tell the rate, because principal and interest were blended together, and the loan was repaid in annual instalments. On the face of it the rate of interest appeared to be reasonable, but it was very high—somewhere about fifteen per cent.

Hon. Sir MACKENZIE BOWELL—It was thirteen and one-half per cent.

Hon. Mr. COX—The borrower supposed he was only paying six per cent, but was in reality paying a much larger rate. Legislation was provided compelling the mortgagee to put on the face of the mortgage the rate of interest he was to receive, and when that was adopted it put an end to this instalment plan. The proposition of the Minister of Justice will be most effectual in stopping the kind of transactions it is desired to end, and, at the same time, will not be an injury to those who want to do a legitimate business, and where the rate, though on the face of it a high one, is an accommodation to the borrower. I am in favour of the measure as at present proposed, and I think it will bear investigation and meet with the approval of hon. members if they carefully consider it as it is.

The amendments were adopted.

Hon. Mr. LOUGHEED—I would draw the hon. minister's attention, before the bill comes up again, to the section of the Banking Act which authorizes a bank to collect seven

per cent, notwithstanding that rate may not be stipulated.

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

SUPREME COURT OF ONTARIO BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (J) "An Act respecting the Supreme Court of Ontario and the Judges thereof."

(In the Committee.)

Hon. Sir OLIVER MOWAT — On the first reading I explained that the first clause of this bill limits the power of appeal from the courts of Ontario to the extent that the local legislature have attempted by their own Act to limit it, as it is held by the Supreme Court that no province has a right to limit appeals to the Supreme Court—that this requires the action of the parliament of Canada. It so happens that by Dominion legislation all the provinces except Ontario have already a limit according to the amount in dispute.

The first clause was adopted.

On the second clause.

Hon. Sir OLIVER MOWAT—I move that this clause be amended by adding the following "but leave to reside elsewhere in the province for any specified time may be granted from time to time by order of His Excellency in Council." I have had letters from two judges stating an inconvenience the clause as printed would create, and I therefore propose that in special cases, for a limited time, residence need not be insisted on.

The amendment was adopted.

Hon. Mr. DEBOUCHERVILLE from the committee reported the bill with an amendment which was concurred in, and the bill ordered for a third reading.

FORGED ENDORSEMENTS OF BILLS BILL.

IN COMMITTEE.

The House resolved itself into Committee of the Whole on Bill (F) "An Act respecting forged or unauthorized endorsements of Bills."

(In the Committee.)

Hon. Sir OLIVER MOWAT—At the second reading of the bill I pointed out the occasion for some provisions on this subject. This bill is needed chiefly to make clear what is probably the law now, and what I think everybody will agree ought to be the law, if it is not. The provision I now propose is that :

> If a bill bearing a forged or unauthorized endorsement is paid in good faith and in the ordinary course of business, by or on behalf of the drawee or acceptor, the person by whom or on whose behalf such payment is made shall have the right to recover the amount so paid from the person to whom it was so paid or from any endorser who has endorsed the bill subsequent to the forged or unauthorized endorsement.

There is the substance of the bill. It is a principle as old as commerce itself, I suppose, that every subsequent party is responsible for the validity of previous endorsements. Then we also provide for notice to this party. It may not be discovered for some days after payment is made that the endorsement was a forged, or an unauthorized endorsement. Then we propose to require that the holder should within a reasonable time after learning the fact give notice to the parties interested in the manner thereinafter provided. There is always a little uncertainty in using such an expression as "within a reasonable time," but it is used in the statutes in other cases; it is found impossible to provide definitely for every case, and there will be no practical inconvenience in using the expression here.

Hon. Mr. LOUGHEED—Would my hon. friend point out the distinction between the proposed amendment and the Act as it now stands? There seems to be no substantial difference except as to the notice.

Hon. Sir OLIVER MOWAT—In the Act of 1891, chap. 17, sec. 4, the hon. member will find the present law. The second subsection of sec. 24 of the Act of 1890, ch. 33, contains the enactment there amended. I explained before that the present law is confined to cheques, but there is no reason why it should be confined to cheques.

Hon. Mr. LOUGHEED—A cheque is a bill of exchange.

Hon. Sir OLIVER MOWAT—I know, but every bill of exchange is not a cheque. Then again the present law is confined to forged endorsements, and I propose to extend it to unauthorized endorsements. An unauthorized endorsement stands in reason and everything else in the same position as a forged endorsement. The difficulty of construing the language of the Act in some other respects has arisen largely from the expressions used, but the principle of the bill, as I propose it, is the principle of the law as it is now; the only substantial variations are that I expressly apply it to all bills, not merely to cheques, and then I extend it to unauthorized endorsements.

Hon. Mr. LOUGHEED—That is covered in the Bills of Exchange Act.

Hon. Sir OLIVER MOWAT—It is not in the Act of 1891.

Hon. Mr. LOUGHEED—It is in the Act of 1890, sec. 24.

Hon. Sir OLIVER MOWAT—In the law, as it stands now, the protection applies without any limit as to the way in which the instrument came into the hands of the holder. It is thought reasonable by those gentlemen who have been assisting me in the matter, that it should be limited to cases where it has been paid in good faith. I do not think anybody would object to that.

Hon. Mr. LOUGHEED—I do not see any substantial difference between the law as it at present stands, and the amendment, except the language as to cheques and bills of exchange.

Hon. Sir OLIVER MOWAT—The law is made more clear. It was found not to be quite clear as it stands now, and it is thought a matter of so great importance that I have been urged to make it perfectly clear by distinct legislation.

Hon. Mr. POWER—I wish to direct the attention of the hon. minister to subsection 3. The wording is "The notice of the forged or unauthorized endorsements, &c." I do not think that the wording is happy, because the notice of the forged or unauthorized endorsement would naturally be given the same way as the notice of any other endorsement. What is required is that notice that the endorsement is so forged shall be given. It might be claimed that notice of this endorsement given in the ordinary way would meet the wording of this subsection as it is now expressed, but I think it should be that the forged or unauthorized endorsement is so forged and unauthorized.

Hon. Sir OLIVER MOWAT—That is clearly the construction the courts would put upon it, but I like to yield to any suggestion which I cannot say is objectionable, and therefore I suggest this amendment at the beginning of subsection 3, "The notice of the endorsement being a forged or unauthorized endorsement."

Hon. Mr. LOUGHEED—Why has my hon. friend shortened up the notice? Under the law as it stands, a year is allowed in which to give notice of the forgery.

Hon. Sir OLIVER MOWAT — The holder might know all about it in a month, and not give notice of it for a year. That is not fair.

Hon. Mr. LOUGHEED—Have there been any abuses under the law as it at present stands?

Hon. Sir OLIVER MOWAT—One can quite see how it is open to abuse, and in dealing with such a subject we ought to remove any chance of that sort. The holder might have notice of the forgery in a month, but he might keep it for some purpose or from carelessness, and not give notice for eleven months after receiving it. That might have most serious consequences to the subsequent innocent parties. I think he should be required to give notice within a reasonable time.

Hon. Mr. LOUGHEED—I agree with my hon. friend, but there must have been some purpose in making it a year in the first instance.

Hon Sir OLIVER MOWAT—I think it was not considered.

Hon. Sir MACKENZIE BOWELL—Is it not difficult to decide what is a reasonable time? I might call the hon. gentleman's attention to a case which came under his own notice—I refer to the filling of the registrarship where the law is of a some-

what similar character. When the attention of the ministry of the day, in Ontario, was called to the fact that it should be filled within a reasonable time, a different interpretation was put upon it altogether from what the hon. gentleman gives to-day. That office remained open for two or three years, and yet the law required that it should be filled within a reasonable time. I dare say my hon. friend may remember.

Hon. Sir OLIVER MOWAT—I was not in political life then.

Hon. Sir MACKENZIE BOWELL—Oh yes you were ; it was within the past twenty-five years.

Hon. Sir OLIVER MOWAT—I was on the bench. In the case to which my hon. friend refers, what harm could there be from the delay? The words were directory. Here is a reason for immediate notice and a penalty for a neglect of it. That is, the holder who should have given the reasonable notice, and who gave no notice, or did not do so for a year, if you adopt the clause I have here, would lose his recourse against the parties.

Hon. Sir MACKENZIE BOWELL—Would it not be better to make it three or six months?

Hon. Sir OLIVER MOWAT—No, that would not be fair to the party who would suffer. If he got the information within a fortnight, he should give notice within a reasonable time thereafter.

Hon. Sir MACKENZIE BOWELL—This does not require him to do that. The bank might have knowledge of the fact three hours after the fraud was committed, and there is nothing here to compel him to give notice immediately. If you say he should give it immediately after he gets the information, I could understand it, but he might not consider it necessary to do so under this clause just as the hon. gentleman's government in Ontario did not consider it necessary to fill the office of registrar within what most people would consider a reasonable time. However, it is a matter for the lawyers and bankers to decide. A reasonable time is quite consistent with common sense, if it were acted upon, and every person could understand what a reasonable time really means. Reasonable time in one case might be one month, reasonable time in another might be twelve months.

Hon. Mr. POWER—That shows how difficult it is to fix a limit.

Hon. Sir MACKENZIE BOWELL—It shows that you should adopt more definite language.

Hon. Mr. LOUGHEED—As to the manner in which the notice should be given I quite agree as to the expediency of giving it in this particular way, but at the same time it indicates that you must do as you would with a protest. There should be some direction to the court as to the limited construction they should give to the words "reasonable time," on account of notice being in that particular way. I do not know what my hon. friend's view of it is, but it has occurred to me in that particular way. The court might construe it in that sense and that would be entirely too short.

Hon. Sir OLIVER MOWAT—Ordinarily it would, no doubt, be too short and that is the reason why I cannot fix any specific time.

Hon. Mr. LOUGHEED—What I complain of is that it is fixed here—that you practically have given to the courts a measure by which they are to determine what "reasonable time" is.

Hon. Mr. FERGUSON—I am rather surprised at my hon. friend from Calgary objecting to this, because these indefinite words "reasonable time" would open the door for any amount of litigation.

Hon. Mr. McMILLAN, from the committee, reported the bill with an amendment which was concurred in.

The Senate adjourned.

THE SENATE.

Ottawa, Friday, 4th June, 1897.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

CALGARY AND EDMONTON RAILWAY COMPANY'S BILL.

REPORTED FROM COMMITTEE.

Hon. Mr. VIDAL, from the Committee on Railways, Telegraphs and Harbours, re-

ported Bill (33) "An Act respecting the Calgary and Edmonton Railway," with amendments. He said:—Hon. gentlemen, the amendments made are very few and very simple, and the first one is merely striking out the word "will" in line thirteen, which is not only unnecessary but rather inconvenient. The next amendment is to supply a very necessary few words to remedy a failure to express properly what is meant by the clause, by inserting the words "that portion of the railway" after the word "and." The former part relates only to the time—"shall be commenced within two years and completed within five years," which has reference to the railway itself, not merely to the time. These words were necessary. The third amendment is the striking out of the third clause of the bill altogether, it being explained by the promoter of the bill that it was not only unnecessary but exceedingly opposed to the views and desires of the persons who were introducing the bill. They would rather almost have the bill lost altogether than have it with this clause in it. It is a clause striking out the requirement that

> The route and plans shall provide for the establishment of a station for receiving and despatching freight and passengers within the present corporate limits of the town of McLeod.

And the promoter urged upon the committee that this would require the company to make a circuit of great length of line which was entirely unnecessary and not at all required in the public convenience. The committee were disposed to accept that argument, and directed the amendment to be made.

Hon. Mr. LOUGHEED moved concurrence in the amendments.

Hon. Mr. BOULTON—Before these amendments are concurred in, I should like to say a few words about the obliteration of the clause. I was unfortunately called out of the committee when this bill was going through; otherwise I think I should have been able to give reasons to the committee why it was desirable to retain that clause in the bill. Of course the promoters of the bill are the railway company, and they naturally prefer not to retain a clause like that. There are two interests in regard to this question. One is the settlers who have been located there for seventeen or eighteen years, and have built up a large centre of about four or five hundred people, with their school houses and municipal organizations, and all their homes and everything else. A railway comes along and is built over two years ago, and instead of going straight to this point—which it would be very easy for them to do—they build two or three miles away from the centre of the village. All through that western country the object of the railway companies is to get all the advantage to be derived from the town sites. I think hon. gentlemen will see that settlers who have gone into that country, and who have been pioneers, and erected a centre for themselves, purchased their lots, and expended their means, should not be called upon to move away from that position in order to transfer the profit that there is in the sale of lots in a town site which is growing and increasing by the industries of the settlers. It is unjust in the extreme. The object of the railway company is, of course, to retain that advantage. It has been a very burning question with the people out there, not only in that particular spot, but in other localities where the same thing has occurred, and I think hon. gentlemen should realize that this clause has been put in by the representatives of the people in the lower chamber, and it would be a very unpopular and unjust thing if we were to obliterate that protection that has been put in there for three or four or five hundred townsmen who have located in that district. I give notice—I hope somebody will move it for me in my absence—that I will move to refer this back to the Railway Committee for the purpose of reconsidering their action in the obliteration of that clause three, and having it restored. I propose to move:

> That the amendment be not concurred in, but that it be sent back to the Railway Committee to reconsider their action in obliterating clause three.

Hon. Mr. POWER—I would suggest to my hon. friend that, as he is anxious that this motion should have the benefit of his own eloquence and support, he had better move now, in amendment to the motion which is made, that the last amendment be not concurred in.

Hon. Mr. McCALLUM—If I am correctly informed, that clause was put in the bill in the House of Commons by the Min-

ister of Railways, in order to protect all parties. Of course if that is the case, if the bill goes back to the House as it is, it will not be accepted. The result will be that, if you insist upon it the bill will fall through.

Hon. Mr. BOULTON—I move that this amendment be not concurred in and that the clause be reinstated.

Hon. Mr. MILLER—The more regular way to proceed would be this: where there is likely to be a division on any one of the amendments, to take up the amendments singly and move concurrence in each. I understand the first two amendments are not objected to. He might move concurrence in these amendments and then take the sense of the House on the third amendment.

Hon. Mr. PERLEY—As I am put down as the seconder of the motion, I must say that I did not understand that my name was to be used in that connection, I agree with the hon. gentleman from Marquette, and I hold that the clause should not be struck out. Some people came down from Calgary last winter and laid the matter before me and requested my support and I think they are entitled to have the railway go into Macleod. The people of Macleod have changed the position of the town site once or twice in order to meet the requirements of the railway, and have gone from one place across the river to the other with the expectation that the railway was to go there. Now that the railway is diverted from that point to another point two or three miles further off, it is doing an injustice to the town. It is very inconvenient to the pioneers going into the North-west and locating there that a railway company should be allowed to build their railway some two or three miles away from the town site. That was the case with Calgary. The pioneers spent their last dollar, nearly, in building homesteads for themselves and afterwards found that the railway company changed the town site, and the same thing has happened in the south. It is unfair to the people there who have done as much as the railway company to develop the country —men who have invested their capital—it is an unfair thing to divert the railway from them and force them to sustain the loss of the valuable homestead.

Hon. Mr. LOUGHEED—Although this bill stands in my name, I must say I have very strong impressions along the line just stated by the hon. gentlemen from Wolseley and Shell River. As the bill stands in my name, however, I make the motion. I, however, for the purpose, if it is desired to test the feeling of the House, move that the House concur in the first two amendments, and my hon. friend can move his motion in regard to the third amendment.

The motion was agreed to.

Hon. Mr. BOULTON moved that the House do not concur in the third amendment, and that the clause remain in the bill as it was originally.

Hon. Mr. McINNES (B.C.)—Was this town site sold to the people out there by the government or by private individuals?

Hon. Mr. BOULTON—It was sold them by the government.

Hon. Mr. McINNES(B.C.)—What makes me ask that is, the mayor of Macleod was down here a short time ago, and he said that it was the government that owned and sold the town site to the people of the town of Macleod, and he was complaining very bitterly that they should start another town site within easy reach of it to destroy it.

Hon. Sir OLIVER MOWAT—My attention was not called to this bill until it was moved here to-day, and as an hon gentleman has stated that the clause which is objected to was put in at the instance of the Minister of Railways, and in order to do justice to all parties, I should be glad if the House would allow the bill to stand over until Monday, Certainly a strong case appears to be made out for what my hon. friend desires.

Hon. Mr. MILLER—The clause was objected to by the framer of the bill, and nobody seemed interested in retaining it—in fact nobody seemed to take much interest in the matter. After the strong expression in favour of dropping that clause, I feel disposed to support the motion of the hon. gentleman from Shell River.

Hon. Mr. LOUGHEED—I am perfectly content that it should stand.

Hon. Mr. BOULTON—I think the hon. leader of House has misunderstood the hon.

member from Monck in regard to it. This clause was put in for the protection of the people of Macleod by the Minister of Railways, and I want it restored as it came from the House of Commons. I do not think there is any reason why it should not be.

Hon. Mr. MACDONALD (B.C.)—The counsel in charge of the bill told me that that clause was put in by a private member from the North-west and not by the government.

Hon. Mr. POWER—It was put in at the instance of the government.

Hon. Mr. MILLER—There seems to be a difference of opinion with regard to the origin of this last clause, and it would be just as well to adopt the course suggested by the Minister of Justice and allow concurrence in this last amendment to stand over until Monday.

Hon. Mr. MACINNES (Burlington)—I was informed in our committee to-day that the bill, as it passed the Railway Committee of the other House, did not contain that clause—that it was inserted in the House of Commons when there were very few members present. It was, as it were, stolen in, so it is a question which requires some consideration.

Hon. Sir MACKENZIE BOWELL—The promoter of the bill in the Railway Committee said distinctly, he would rather lose the bill altogether than have that clause in it. This is the first I have heard of the government taking any interest in it at all. Certainly, there was no mention in the committee that the Minister of Railways had suggested the insertion of the clause for the protection of the people of Macleod. The first that I heard of it was here to-day.

Hon. Mr. BOULTON—The clause did not, of course, appear in the original bill. The railway company bring the bill before parliament and are anxious to retain the position they have already obtained of keeping the town site at the terminus of their line. This clause was put in at the instance of the people who, by that action are removed three miles from the town site. There are two interests, one, the interests of the railway, the other, the interests of the people, and of course the railway is not affected really, but the ownership of the town site is affected. That is all.

The consideration of the report was allowed to stand until Monday.

THE QUEEN'S JUBILEE.

Hon. Sir OLIVER MOWAT moved that Chas. A. Boulton, senator, who is attached to the Canadian Jubilee Contingent, which embarks to-morrow, have leave of absence during the remainder of the session.

Hon. Mr. MILLER—I do not know what the object of that motion is. I think it is the first motion of the kind ever made in this House. If we were granting a privilege to the hon. gentleman, no one would concede it more readily than I, but he can take leave of absence whenever he pleases.

Hon. Mr. CLEMOW—It will save his allowance.

Hon. Mr. MILLER—No.

Hon. Mr. ALMON—I would suggest to add, "and that his indemnity be paid as if he were present."

The motion was agreed to.

THE APPOINTMENT OF QUEEN'S COUNSEL.

INQUIRY.

Hon. Sir MACKENZIE BOWELL rose to :

1. Inquire if the government is aware that the question as to whether the power to appoint members of the legal profession to be Queen's counsel in Canada exists in the Federal Government or in the Provincial Governments, has lately been the subject of consideration and judgment in the Court of Appeal for Ontario ?

2. If so, what is the subject of such judgment ?

3. Has the government appealed, or does the government intend to appeal, from such judgment to Her Majesty's Privy Council in England ?

4. Has the government had any communication with the Provincial Governments with reference to regulating such appointments for the future ?

Hon. Sir OLIVER MOWAT—1. The government is aware that the question as to the power to appoint Queen's counsel has lately been the subject of consideration and judgment in the Court of Appeal in Ontario. 2. The substance of the judgment is that the Provincial Governments have the power, and some of the judges hold that the Provincial Governments alone have the power.

3. The government has appealed from the judgment to Her Majesty's Privy Council in England. 4. I personally have had confidential communications with the late government in Quebec and with the government of Ontario with reference to regulating such appointments in the future. There have been no other communications with any of the provincial governments on the subject.

MANITOBA SEPARATE SCHOOLS.

INQUIRY.

Hon. Mr. LANDRY inquired:

1. Was the Laurier-Greenway compromise, to which the governments of the Dominion and of Manitoba came, concluded with the express intention that it should be subsequently modified in such a manner as to render complete justice to the Catholic minority of Manitoba, by remedying all their grievances as mentioned in their petition in appeal to the Governor General in Council, and as recognized by the Judicial Committee of the Privy Council in England, and by the judgment rendered by the Governor General in Council?

2. What are the modifications promised by the Government of Manitoba and accepted by the Government of the Dominion, as the consideration of its acceptance of the actual compromise?

3. Have these proposed modifications been submitted to the Apostolic Delegate, and with what purpose?

4. When are they to be effected?

Hon. Mr. SCOTT—The answer to the first question is simply no. The answer to the second question is, the Laurier-Greenway conference has not been modified or altered and that agreement has not been submitted with modifications.

PREFERENTIAL DUTIES IN FAVOUR OF GREAT BRITAIN.

MOTION.

Hon. Mr. LANDRY 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 this House, a copy of all correspondence exchanged between the Imperial Government and that of the Dominion on the subject of the tariff actually submitted to Parliament, and especially on the subject of clause 16 of this tariff respecting the preferential duties established in favour of Great Britain.

He said: As the House will in a few days be called upon to consider the new tariff, I think it is very convenient to have laid before this House the correspondence exchanged between the Imperial and Dominion governments, and it is for that purpose I make this motion.

Hon. Mr. SCOTT—There has been no correspondence between the government of Canada and the imperial government in reference to the tariff, and more particularly the 16th clause of it, except of a confidential character which could not be brought down without the consent of the imperial government.

Hon. Sir MACKENZIE BOWELL—Is this country to understand that a tariff bill can be brought down containing clauses which are supposed to affect treaties in existence between Great Britain and foreign countries, and that any communication that has taken place between the colonial secretary and this government is to be refused on the ground that it is of a confidential character? Are we to understand that when a measure is proposed to parliament, and exception is taken to the principle which is involved in the clause to which reference has been made, that we are not to know whether the Imperial government consents to the passage of a bill which abrogates, supposing our interpretation to be correct, the provisions of treaties which exist between Great Britain and other countries? Are we to understand that that is confidential? If so, how are we to ascertain whether we have been legislating within our powers and within the constitution? How is that to transpire? It is the first time during my parliamentary experience that a matter of so much importance as this is, has been considered of a confidential character. I quite understand that communications might take place between the Imperial government and the Canadian government upon a question which if legislated upon, would interfere with treaty agreements with a foreign country, but we have before us the bill itself, and the government have taken the responsibility of introducing it and asking the Parliament of Canada to pledge itself to the provisions of the clauses contained in the tariff bill. Objection having been taken to it on the ground that we are stepping beyond the powers which have in the past been conferred upon the colonies, and we are not to know whether communications have taken place between

the Imperial government and Canada or not, or whether we are acting within our powers under the constitution and with the approval of the Imperial government that is interested in this matter. Now, I call the hon. gentleman's attention to a somewhat analogous case which occurred some years ago. In 1879, when Sir Leonard Tilley introduced the first tariff bill of the late government, in which was affirmed the principle of protection, there was a preferential clause in that tariff bill, and that preferential clause gave to Great Britain certain rights and privileges as to the value of goods for duty which were imported from Great Britain to Canada, which were not given to, or conceded to, goods that came from other portions of the world. I admit that that clause remained in full force for a number of years—I am not prepared to say now how many years, but I think six, or seven, or eight. The German government, having by some means ascertained that this preference was given to Great Britain and denied to them, and to which they contended they were entitled under the favoured nations clause, the British government called the attention of the Canadian government to this fact, I may as well frankly admit that at the time I had no recollection of the provisions of the treaties to which our attention was called, and perhaps I am not going too far if I say that most other members of the government had not either, never having studied them. The matter was referred to me as Minister of Customs to inquire into the cause of the complaint, and looking at these treaties I discovered that there was a provision which prevented the colonies from giving Great Britain any preference over any country with which Great Britain had a treaty containing the favoured nations clause. The result was that we came down to parliament, frankly stated the facts, and repealed that clause of the tariff act which gave a preference to Great Britain. In doing that Great Britain was asking that the Canadian government should repeal a clause which interfered with the favoured nations clauses, and though, upon investigation, it was found that it would be a loss to our revenue of between two and three hundred thousand dollars per annum, the Canadian government of that day considered it was bound to act in accordance with the wishes of the Imperial Government and repeal the clause, or to so amend it as to give the same privileges to Germany, Belgium and other countries that were parties to the favoured nations clause in these treaties. There was no hesitation at that time in saying to Parliament frankly and openly the reasons why we did that. There was no desire on the part of the government of that day to say to parliament: "True, we did give Great Britain that preferential treatment. True, the merchants of Great Britain have had the advantage of it for eight or nine years, but as it is contrary to the policy and principle of Great Britain and her general policy, we accede to it." Now, we have a clause introduced in Parliament in the present tariff which purports to give a preference to Great Britain over other countries. I am not going to argue the question now as to whether it does or does not. To my mind it does not give preference, because any other country can take advantage of it.

Hon. Mr. BOULTON—Over the United States it does.

Hon. Sir MACKENZIE BOWELL—Not at all, nothing of the kind. If the United States like to come down to the terms of that resolution, they can have all the advantages of it, and so can any other country. That is all I said. I do not say it gave it to any other unless they came within the meaning of that tariff—within the meaning of the resolution when placed upon the statute book. But the question now is whether it is really and actually a preferential clause in favour of Great Britain and against the nations that are bound by the favoured nations clause in the different treaties, to which we have referred, and the motion made by my hon. friend is to ascertain what the opinion of the British government is upon this question.

Hon. Mr. SCOTT—There is no information yet.

Hon. Sir MACKENZIE BOWELL—While we are legislating upon a question of great importance, which affects the fiscal policy and the tariff and the revenue of the whole Dominion, we are told that that correspondence is of a confidential character, but the country cannot be taken into its confidence. Whether the country would be satisfied with an answer of that sort, or with a policy of the kind that is being pursued, must rest with the

future when the people have an opportunity of giving their opinion. But this question of —shall I say hiding themselves under the plea of confidential correspondence—can have no possible effect as to whether it will or not, except it would be to let the foreign nations know whether Great Britain accedes to our legislation or not, is a question that we should know. If the hon. gentleman had said "We had correspondence but it is impolitic to let you know what the opinion of the British government is upon this question for fear that it would give an impetus to the demands which are being made by the favoured nations clauses countries," perhaps we could understand him, and we could draw an inference from that which probably the hon. gentleman would not like us to draw. My own convictions are that there has been correspondence between this government and England, and if there had not been, we should not have had the changes made in the resolutions which have been made. Why have they been made? Is it because Great Britain objects to the clause as first proposed to parliament? If so, let us know it, and then we will know precisely what we ought to do, and it will put us in a position to say whether we should support a measure of that kind or not. The country, I am sure, will not be satisfied with the answer which the hon. gentleman has given, and the time is not far distant when they will be obliged to let us know what this secret and confidential correspondence, if such it really is, amounts to.

Hon. Sir OLIVER MOWAT—The people will know that as soon as it is possible to give them any information consistently with the rules that govern such matters. My hon. friend the Secretary of State has not said there was no correspondence.

Hon. Sir MACKENZIE BOWELL—I know he has not.

Hon. Sir OLIVER MOWAT—But he has said that the correspondence is of a confidential character. Two or three observations may be made with reference to what my hon. friend has said in that respect. This correspondence is marked as confidential, and, of course, this alone would preclude one party from making use of it, even supposing there was no other reason. I can say this, I think, without any impropriety, that the British government has not hitherto expressed an opinion adverse to the position taken by the government here. My hon. friend referred to a case which came before himself, when he was Minister of Customs. I think he mentioned the year in which that occurred —1879. The case affords no analogy that I see to the question now before the Senate. There was no correspondence there—and how can the case have any bearing upon the question of producing this correspondence? There is a great difference, too, between what had occurred then and what is occurring now. That was an absolute preference to England, as I understood my hon. friend.

Hon. Sir MACKENZIE BOWELL—Yes.

Hon. Sir OLIVER MOWAT—And here there is not an absolute preference given to England, but an offer of reciprocal trade, of which it so happens England can take advantage at once, and some other countries may perhaps be able to take advantage of it by and by. Further, it is a well known rule, acted upon by all good governments, that correspondence is not produced until it comes to a conclusion, even if it is such correspondence as then may be properly called for by the representatives of the people. This correspondence is still in progress and, besides all the other reasons for not producing it, that is one which my hon. friend, as an experienced statesman, will know very well is a proper ground for not producing correspondence. When it is concluded, we shall know whether it is such a correspondence as we have a right to produce. I think my hon. friend, on reflection, will see that he has no ground for objecting to the answer which the hon. Secretary of State gave.

Hon. Sir MACKENZIE BOWELL—I readily confess I am bound to do so after the remarks of the hon. Minister of Justice. If the Secretary of State had said the correspondence was marked "confidential," I should have at once accepted, because I know the principle of all governments is not to publish or lay before parliament any correspondence which is marked "confidential," unless they have first the consent of the home government.

Hon. Mr. SCOTT—I mentioned that clearly. I said it was confidential correspondence and could not be produced unless we got the consent of the Imperial government.

Hon. Mr. MILLS—My hon. friend on the other side of the House will remember very well the case to which he referred. At the time my hon. friend and the late Minister of Justice, Sir John Thompson, and the Minister of Finance went to Washington, there had been correspondence between the two governments. That was asked for in the House of Commons, but it was not brought down, and on that occasion the Minister of Finance alluded to that correspondence, but nevertheless the members of parliament had not that correspondence before them. My hon. friend was saying good morning to a gentleman he has not met yet. If we had the Tariff Bill before us and were able to discuss it, and if the government had acted upon and admitted that they had acted upon a correspondence that was not before the House, or undertook to use it to justify themselves without submitting it to parliament, and without giving this House the same opportunity of judging and altering their conclusions as they have had, there would be some ground of complaint. But when correspondence is confidential and not completed, and when the subject matter to which it relates is not before us, it does not seem to me there would be any ground of complaint.

Hon. Mr. FERGUSON—But it is coming before us soon.

Hon. Sir MACKENZIE BOWELL—However, I might draw attention to this fact, that at that time they were discussing the question of policy as between Canada, the United States and England. You were not asking at that time to legislate to affirm any of the conditions or principles involved in that correspondence. The difference between the case to which my hon. friend referred and the present is this: we are legislating and putting upon the statute book a provision in the Tariff Act which may be within our power, or may not. I readily admit that it is time enough to bid a certain gentleman good morning when we meet him. Let me hope sincerely that his remarks with reference to the gentleman may be applicable to the Tariff Bill, and that no man in the Senate may ever have the opportunity of bidding it "Good morning."

Hon. Mr. MILLS—The hon. gentleman will remember on that occasion the government was asking the House to justify its conduct without giving the House an opportunity of knowing the facts.

Hon. Mr. SCOTT—As there is nothing to bring down we did not propose to bring it down.

FRENCH TREATY CORRESPONDENCE.

MOTION.

Hon. Mr. LANDRY moved:

That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will cause to be laid before this House, a copy of all correspondence exchanged between the Imperial Government and that of the Dominion on the subject of the French Treaty.

Hon. Mr. SCOTT—I am not aware that there is any correspondence. There may be. Whatever there is will be brought down.

Hon. Sir MACKENZIE BOWELL—There is correspondence, but the question is whether that correspondence was not laid before parliament when the treaty was ratified. What my hon. friend, I suppose, would like to know is whether there is any correspondence other than what was laid before parliament, or does he mean correspondence that took place from the time of the ratification of the treaty.

Hon. Mr. LANDRY—After the treaty was introduced, and after it was changed—between these two dates.

Hon. Mr. DEVER—It never was changed.

THIRD READINGS.

Bill (91) "An Act respecting the Sun Life Assurance Company of Canada."—(Mr. Dickey).

Bill (F) "An Act respecting Forged or unauthorized endorsements of Bills."—(Sir Oliver Mowat).

SECOND READINGS.

Bill (98) "An Act respecting the Lindsay, Haliburton and Mattawa Railway Company."—(Mr. Dobson).

Bill (81) "An Act respecting the Great Northern Railway Company."—(Mr. Bellerose).

CRIMINAL CODE AMENDMENT BILL.

IN COMMITTEE.

The House resumed Committee of the Whole consideration of Bill (H) "An Act further to amend the Criminal Code."

(In the committee.)

On clause 179.

Hon. Sir OLIVER MOWAT—The law, as it at present stands, makes illegal the selling or exposing for sale of obscene books. It does not make punishable the manufacture, which is the worst offence of all, and without which there would be no sale or exposing for sale. The object of the amendment is to introduce the word "manufacture" in addition to the other words that are in the law at present, and also the distribution and circulation. It would not have been omitted if it had been thought of at the time.

Hon Sir MACKENZIE BOWELL—All the words contained within brackets are additions.

Hon. Sir OLIVER MOWAT—They are additions or changes. In this case I believe they are all additions. I have made a note to that effect on the bill, in order that hon. members might have the greatest facility in examining the clause. The words I propose to introduce are those in brackets in the bill.

Hon. Mr. MILLER—What about the penalty—two years' imprisonment?

Hon. Sir OLIVER MOWAT—That is the present law, I have not made any change in that.

On clause 180.

Hon. Sir OLIVER MOWAT—The amendment to the 180th section is for the purpose of introducing a word which had been in the law before, but which has been dropped out, and the dropping of which is found now to sanction the circulation of very objectionable matter. Originally there was an Act which provided against seditious, disloyal, scurrilous or libellous matter. All those four words have been dropped from this section, but then other sections sufficiently provide for seditious, disloyal and libellous matter, but not for scurrilous matter.

Hon. Mr. POWER—I wish to direct the attention of the Minister of Justice to the motives which influenced parliament, when dealing with this matter before, in leaving out the words which the hon. gentleman pointed out had been omitted. If the committee will turn to the Criminal Code, they will find that section 180 forms part of part XIII. which deals with offences against morals. Now, it is felt by the gentlemen of the committee who are dealing with this Criminal Code, that seditious and other literature did not come under this head of XIII. I think that literature of a scurrilous character would hardly come under that head either, and it was intended, and I think it was provided, that the scurrilous literature and literature of a treasonable character should be provided for in another portion of the code. I would respectfully suggest to the hon. minister that he will probably find on inquiry that provision is made somewhere else in the code. If not, then the provision should be made, but somewhere else. It does not come under the head of public immorality.

Hon. Mr. LOUGHEED—Might I ask the Minister of Justice what way this is going to facilitate the work of the post office. Are the post office officials to judge what is scurilous and what is not scurrilous? Are they going to exercise judicial functions in this regard.

Hon. Sir OLIVER MOWAT—They have now certain powers in case of libellous matter. You have always to entrust those in authority with a certain amount of discretion—judicial discretion too. That cannot be helped. The present stands on the same footing as a number of other cases which are mentioned in the law as it exists. Then, with regard to its position which my hon. friend from Halifax suggests, it is not always easy to find where a matter should be introduced. I think scurrilous matter is of the same character as libellous matter. The words here are "obscene or immoral." I think it is immoral to produce anything of a scurrilous kind.

Hon. Mr. LOUGHEED—Not in a moral sense. A man may use scurrilous language which may not be immoral language.

Hon. Sir OLIVER MOWAT—Scurrilous would not be a proper word for it in that case.

Hon. Mr. ALMON—I should like to ask the hon. gentleman if a publication containing an article written by Goldwin Smith to which the St. George Society of Toronto objected, would come under this term "scurrilous?"

Hon. Sir OLIVER MOWAT—I do not recollect of having seen anything that Mr. Goldwin Smith wrote, however objectionable it may have been, that could be termed scurrilous.

Hon. Mr. ALMON—What he wrote was considered so objectionable by the St. George's Society of Toronto that they struck his name from the list.

Hon. Mr. DRUMMOND—I would direct the attention of the Minister of Justice to something which must have come under the cognizance of a great many members here—the fact that a business has sprung up, more especially in Great Britain, of issuing invitations to "guess." The recipient is asked to fill in a blank and return the circular with a postage stamp or a small sum of money. The business has assumed large proportions. I think that should be included in this clause. The authorities in London have occupied themselves in breaking up business of that kind. They find enormous numbers of letters coming every day to the offices which contain postage stamps or small sums of money, and the reward for the successful guess is something which is offered in the way of a prize. I offer the suggestion that clause "C" should also contain the words "or promote competitions involving money deposits or promote gambling." I throw out the suggestion with great modesty, but I think it is a matter which might sooner or later become of importance in this country.

Hon. Mr. SCOTT—Has it prevailed at all up to the present time?

Hon. Mr. DRUMMOND—There have been instances in this country. In England it has grown to very large proportions. Every now and again you can see in the English reports that such arrangements have been broken up, and immense numbers of letters found.

Hon. Sir MACKENZIE BOWELL—At the last Toronto fair, there was an immense cake of soap, and there was a piano offered to the person who would guess the weight of it. Is that the character of the guessing that the hon. gentleman refers to?

Hon. Mr. DRUMMOND—Something like that, making it a pecuniary success to the owners by involving a certain payment in stamps or on account. I think all that should be put down summarily.

Hon. Sir MACKENZIE BOWELL—I do not think there was any fee paid in the case to which I refer. It simply advertised the soap maker. Does not my hon. friend the Minister of Justice think there is a good deal of force in the suggestion made by the hon. gentleman from Calgary? This clause says it shall be an indictable offence if "any obscene or immoral book, &c.," that can be easily understood. That is the way the clause stands now, but you add the words "immoral or scurrilous." Now what constitutes a scurrilous article? I think my hon. friend will say that a good many have been written about himself in the newspapers. There have been a great many written about myself I know. Is this amendment intended to prevent newspapers from publishing such articles? Are the post office officials to decide whether a newspaper contains scurrilous articles? For instance, was it scurrilous to declare that a member of the other House was a "slanderer and a liar?"

Hon. Sir OLIVER MOWAT—It would be libellous, if written.

Hon. Sir MACKENZIE BOWELL—Then, under this clause the newspaper would be guilty of an indictable offence and every postmaster would have to refuse to deliver the *Toronto Globe* containing that article. I do not know what would become of the hon. gentleman's party if the amendment is accepted. If that is to be the effect of it, I do not know but that I shall vote for it.

Hon. Mr. LOUGHEED—A new element of crime not first contemplated in the original clause of the Act is now being introduced which cannot be said to come within the class of moral evils already dealt with under section 180 of the code, in fact you are making scurrility or libel a criminal offence under this clause. If the matter is scurrilous, public morals may not necessarily be shocked. The good of the community may not in any way be injured by the publication of a scurrilous article. One can scarcely take up a newspaper nowadays where a matter is discussed in a very heated manner without finding scurrilous language used. A man thoughtlessly, while heated with passion, may write a letter of a scurrilous nature to a fellow man—a letter

which is not slanderous or immoral—and for this he is to be made liable to imprisonment in the penitentiary and subjected to a heavy fine. It is monstrous that because a man uses animated language towards another man he should be liable to such punishment.

Hon. Sir OLIVER MOWAT—My hon. friend forgets that libel is now indictable. If scurrilous is the same as libellous—

Hon. Mr. LOUGHEED—Then why not deal with it as you do with libel?

Hon. Sir OLIVER MOWAT—Either has an extensive meaning. It may be of little consequence or it may be of a great deal of consequence. That has to be left to the courts. There is no other way of doing it. You cannot draw a line to make the whole thing clear. In all legislation you have to take it for granted that sound judgment will be exercised by the courts. None of the cases to which the hon. gentleman has referred would come under this term scurrilous. I have had some hard things said against me, but I do not remember any of them that I would consider scurrilous. I have read a good deal that has been written against my hon. friend opposite, but I do not think it was in scurrilous language. There would be no difficulty in saying what is scurrilous any more than in saying what is libellous and we have to use such terms in order to have legislation at all on the subject. I would have no objection to place this under some other section, but I was unable to find a more appropriate place. If, before the bill goes through, any hon. gentleman will put in form some suggestion with reference to the introduction of it in some other part of the bill, I shall be happy to consider it and to accept it, if there is no objection to it. I am satisfied that the present law does not provide for this class of cases.

Hon. Mr. LOUGHEED—Will my hon. friend state an illustration which now occurs to him where the present law does not cover the case?

Hon. Sir OLIVER MOWAT—It is difficult to present cases, but we all understand pretty well what scurrilous matter is, and it ought not to be permitted. I therefore think the clause is one which might very fairly be adopted.

Hon. Mr. ALLAN—I have no objection to the term used, but I think the great difficulty in the way is to define what would come under the purview of this clause. Often you see articles in the papers which, in one's judgment, may perhaps seem very scurrilous indeed, and yet if you come to discuss the language with others you might find a very great divergence of opinion—particularly if the corns of the party you appealed to were not trodden upon by the article in question! It would be extremely difficult to define what is scurrilous and what is not, in the sense of making it an indictable offence.

Hon. Mr. SCOTT—The term was used in the law for a great many years, and I do not know that any objection was taken to it. It was dropped out because other words were used in the Criminal Code. Under the old law, every one who transmitted scurrilous matter was guilty of a misdemeanour.

Hon. Sir MACKENZIE BOWELL—There must have been some reason for dropping it from the law before. The word is vague in its meaning and will lead to such difficulty in interpreting it, unless the Minister of Justice has very strong reasons for including it in the law, that I suggest that he drop it. However, if he insists upon it I shall not press my objection.

Hon. Sir OLIVER MOWAT—I do not want to insist upon it, but I think it is a needed provision and should pass. If it were possible to define scurrilous I should be glad to do so, and to add a clause for that purpose at some future stage of the bill, though in preparing the bill I found great difficulty in defining it, and I thought on the whole, it would be better left to the courts to define it. In some cases there would be no trouble at all in defining it; in others there might be difficulty. That is the way with a great many of our laws until they have been a long time on the statute book and there have been many decisions on them, and then they become clearly defined.

Hon. Mr. LOUGHEED—While I am ready to admit that the judiciary of the country is of so high a character that a man's liberty is in no way jeopardized, I would point out the difficulty which faces a man

in a country where free speech is recognized: before he reaches the tribunal which finally disposes of his case, he has to face a preliminary examination before a magistrate who will consider the legality of the charge made against him, and who in all probability would send him up for trial before a court of competent jurisdiction. For the time, that man is stamped as a criminal and called upon to assume very heavy legal expenses in retaining counsel and so on. He then appears before the court of superior jurisdiction, and at very great expense to himself is tried for this minor offence of using animated language, possibly scurrilous language, towards one of his fellowmen. He is branded as a criminal. He might possibly be discharged, but in the meantime he stands in jeopardy of being found guilty as a felon. I submit under the circumstances that no such offence as this should be made a crime. It is not a crime under the present law. My hon. friend I venture to say can scarcely point out to this House any illustration where there is an abuse of language on this particular line which would warrant the introduction of such a provision in the bill.

Hon. Sir OLIVER MOWAT—The suggestion of my hon. friend applies to every offence with which a man may be charged. The party charged with the offence may not be guilty, but still he has to go before the magistrate if he is summoned for the purpose. Very many do not employ counsel, but others do. Some cases are dismissed by the magistrate; others are sent up for trial. It is impossible to avoid it. There is no more danger in this class of cases than in any other. I do not think that ought to be considered an objection to the passage of the bill.

Hon. Mr. ALMON—A good many of the objections made to this bill are hypercritical. If we laymen expect lawyers to make bills that we can understand, there would be no use for lawyers or judges. The bill is very good as it stands now, and I have no doubt the lawyers and judges will understand it, and any person who goes before them, if he does not understand it then, is likely to understand it before the trial is over.

Hon. Mr. POWER—I do not wish it to be understood that I am opposing this bill. I simply suggested that the clause might be put in some other portion of the code. Still on looking over the code, I do not see any better place for it.

The clause was adopted.

Hon. Sir OLIVER MOWAT—The next clause proposes to amend the 181 section of the code. As the law stands now—

> Every one is guilty of an indictable offence and liable to two years' imprisonment who seduces [or] has illicit connection with any girl of previously chaste character, of or above the age of fourteen years and under the age of [sixteen] years.

I propose, for reasons which I stated in the note to the clause, to knock out that portion of it referring to previous chastity, and to raise the age from 16 to 18 years. This provision about the girl being of previously chaste character, is not in the Imperial Act, which makes a like offence criminal. We are neither following the English law in putting in those words, nor are we following what we have done in other various parts of our own law. For instance, in section 261 of the code, it is declared that there is no defence to a charge or indictment for an indecent assault on a person under the age of 14, that he or she consented to the act of indecency. Then 269 deals with a similar offence, and makes no such provision. In section 269 there is no reference to previously chaste character. I need not go over the other clauses, but there are several cases of this kind which parliament has dealt with, and has not thought it necessary to put in those words. The objection to them is that it is a difficult thing for many poor girls to prove what they were before. It is suggested that the converse of this should be provided for; and, if the House approves of that, I should have no objection to adding these words:

> Unless it be established to the satisfaction of the judge before whom the case is tried that the said girl was of a previously unchaste character.

There is some objection to this because we have found by experience that the existence of the clause which we propose to strike out leads to false evidence, perjured evidence, on the part of the men charged in regard to the previous character of the girl, and more injustice is done in that way than any just object served by putting in those words; and the same reasoning applies to some extent to the addition suggested I do not find such a

provision in any United States laws, any more than in the laws of England. Then the other point of change which is suggested by the bill is raising the period of consent from sixteen years to eighteen years. I think all those who have studied the subject, all who take an interest in it—and there are societies and others who have made it a special study—appear to agree that this offence should apply up to the age of eighteen years, that girls should be absolutely protected up to that age. I think that is extremely reasonable, and I quite sympathize with those who have suggested the change. I am quite sure those who favour it are very numerous and of good judgment. Any one who doubts the propriety of it, probably has not been in the way of learning the facts. I hope the Senate will not object to passing the clause.

Hon. Mr. SULLIVAN—In those cases where seduction occurs under the age of eighteen are the girls protected?

Hon. Sir OLIVER MOWAT—Yes. The proposed clause reads:

All of above the age of fourteen and under the age of eighteen years.

Hon. Mr. DRUMMOND—There is a small matter to which I wish to refer before dealing with the main question. In the second line I observe the word "and." The Act of 1892 contains the word "and," but it was amended in 1893 and the word "or" was substituted for the word "and." We go back now to the word "and."

Hon Sir OLIVER MOWAT—I have no objection to putting in the word "or."

Hon. Mr. DRUMMOND—If you look at clause 183 in the subsection you will find the word "or" is put in. There is some confusion as to the meaning of the word "or" and the word "and" in that matter, because in 1893 it was changed from "and" to "or." However, not being a lawyer I leave that to the legal gentlemen. As regards the more important suggestion of the question of the substitution of the age of eighteen for sixteen, I should like to point out to the House the obvious fact that the insertion in the Canadian Act of the words "of previously chaste character," is of tremendous importance. I think if you eliminate these words and make the limit sixteen, you do a great deal to increase the stringency of that clause, because obviously that qualifying sentence "of previously chaste character" will be adduced in the evidence and every effort made to blacken the character of the victim. A girl suffers not only from the crime being committed, but in addition to that has her character systematically blackened in the course of the trial with a view of securing the escape of the offender. If you take out from the Canadian Act the words "of previously chaste character," you greatly increase the efficacy of the clause as a protective measure. I would limit the age under this clause to sixteen, which I think would be much better. As pointed out by the Minister of Justice, the words, "of previously chaste character," do not occur in the English or United States Acts, and I think it was a very important qualification of the protection given by this Act to let it go in at all. I would, therefore, suggest the elimination of those words, and that the limit be fixed at sixteen.

Hon. Mr. MILLER—I agree fully with what has fallen from the last speaker. There is such a thing as going too far in legislation of this kind. In doing so you remove all moral consideration from the parties intended to be protected here by attempting to throw this legal protection over them. I quite agree with the Minister of Justice that the qualification, as it stands at present on the statute-book, is very objectionable: that is that the previously chaste character of the girl should have to be proved under that clause. It is a very improper qualification, and I would much prefer the English law and the United States law on that point. Nor would I desire to see any such provision made as the Minister of Justice has suggested, unless it was proved on the other side that the seduced girl was previously of unchaste character. I should like to leave those two qualifications out altogether. But leaving those out, I agree with the hon. gentleman who has just spoken that the age of sixteen is quite far enough to throw the shield over young women. We all know that young women at the age of sixteen are just as precocious, and understand what is necessary for the protection of their virtue, as perhaps, males at the age of twenty. It would be just as fair to protect males of sixteen against seduction from the other sex as to extend any undue protection to

females at the age of sixteen. There is a great deal, I think, of false morality on this question abroad at the present day. I will not use the language which was used by an hon. gentleman here the other evening—perhaps it was not strictly correct—that this sort of legislation emanates from people who are not the best judges, female societies for instance, of questions of this kind, and who can only look at one side of the question. I would prefer to allow the law to stand as it is at present, with the simple amendment of striking out the words "of previously chaste character," leaving the age at 16. I wish the Minister of Justice would give the House an opportunity to express its opinion upon these two questions by putting the two amendments separately, and then putting the motion on the clause as it is amended. It would give more freedom if he would move that these words be stricken out of the clause, which would, I think, meet the concurrence of the House generally, and then afterwards take the sense of the House upon the question of age. That would be the fairest way to deal with the clause.

Hon. Mr. SULLIVAN—I most decidedly object to any change in the age. The Minister of Justice has given this matter a good deal of attention, and I am sure he has been prompted by only the best efforts to improve the morality of the people of this country; and while sixteen is the age at which many girls turn into women, there are cases where they do not. It is well to place that age at a period where the woman is complete, where she is not a girl. I know of cases where there have been seductions at sixteen, but they are remarkable cases; and I think we should not leave it at the age of sixteen. If the women of this country have petitioned and said that 16 is the proper age, why should we not accede to their wishes? They know more about this matter than we do, physiologically and in every other way. I think it would be wrong to change the clause, and I would rather have the limit fixed at the age of 18, when womanhood is more likely to be complete than at 16. I know many girls who are not women at 16; and, therefore, when they in their wisdom put it at an age when they would be more likely to possess all the powers and faculties that women enjoy, it is only right that their view should be sustained.

Hon. Mr. ALMON—It appears to me that the ages 16 and 18 are insufficient. There may be some girls even before the age of 12 or 15 that know everything that they ought not to know. You have all read Robbie Burns's work, "The Jolly Bakers," perhaps the most humorous of all his poems, and a true picture of low life. You will remember where one lady said, "I once was a maid, but I dunno' mind when." That is likely to be the case when a man and his wife and sons and daughters slept in the same room. I believe that is not so much the custom in the old country now; but I can remember when I first commenced to practice my profession the married soldiers and their wives slept in the room with the unmarried men. Do you think girls in those days, brought up in that way, did not know everything pertaining to womanhood? If a woman is seduced I do not see why the man who seduces her should not be punished no matter what her age may be. And therefore I would suggest the age when a woman's passions generally cease. I think nature points to the age of 45, and I would suggest that that be the age of consent. Up to that time there is the animal nature which is implanted in all our bosoms, male or female, and it ceases at that age in women. And when a woman goes astray after that age it is entirely in her head she goes astray. I would say after that age let her paddle her own canoe. If she errs from the path of rectitude after 45 years of age she will not have any children, and will not suffer the same as younger people. For that and many other reasons which the Christian societies will give, I move, if any hon. gentleman will second it, that 45 be fixed as the age of consent.

Hon. Mr. DRUMMOND—The House will remember, probably, that by the English law the age at which persons may legally enter into the state of matrimony is 12 for the woman and 14 for the man. And the crime of rape cannot be committed by a boy under fourteen.

Hon. Mr. LOUGHEED—I think there should be some justification shown before any amendment is made in the Criminal Code. There seems to me to be too much of a tendency to pass laws in this direction from time to time, altering the well established criminal laws of the land, and it seems to me

there is no source from which we could get so much valuable information which would be desirable to assist us in this matter as from the Minister of Justice. If the present law does not meet the requirements of society—does not promote the public good, my hon. friend the Minister of Justice should be very familiar with that fact. I would, therefore, ask my hon. friend if the judiciary of the country in any way has pointed out to him the fact that the present law does not meet all the requirements of society. Do not the criminal statistics establish that the present law fully meets the protection of society?

Hon. Mr. DRUMMOND—The hon. gentleman should not lose sight of the fact that our law alone contains the words "of previously chaste character." The English law has not got that. We are much less protected and much more liberal in regard to these offences than they are in England. The English criminal law has received the attention of the first lawyers in the world, and we are on pretty safe ground in following the English law, which has protection up to 16, and no qualifying clause.

Hon. Mr. LOUGHEED—The criminal law, particularly in regard to those offences, in England, has not been strictly enforced; and if there have been numerous cases of immorality in that particular direction, it is no reason why our statutory law should be made more strict than in England, for in Canada it is most strictly enforced.

Hon. Mr. DRUMMOND—I am not asking that; I want it to be the same. And there is another reason: I am not an expert on the subject, but it is generally stated that maturity is reached in this country at at earlier age than in England.

Hon. Mr. SULLIVAN—That is not so, nothing of the kind.

Hon. Mr. LOUGHEED—I am only discussing this phase of the question: is there any justification for our amending the criminal law as it at present stands? I submit unless very good cause can be shown, we should not proceed, from session to session, to tinker with the law, as has been done. I think our law should remain on the statute-books without constant amendment, except wherein it seems manifestly wanting in reaching crime.

Hon. Mr. DRUMMOND—The motion before the House is to eliminate that clause and raise the age to 18. I do not want to go so far. I want to eliminate that clause and restrict the age to 16. There is one grand principle we should bear in mind, and that is not to ride faster than public opinion will carry us. If you make it 18 it will not be so efficacious.

Hon. Sir WILLIAM HINGSTON—The line must be drawn somewhere. It is an arbitrary line and must be drawn somewhere: and if the Minister of Justice had placed the age higher I would have endorsed it. I think 18 is not at all too high. Every day of my life I have been brought into contact with cases where girls of 16, 17 and 18, immature minds, have been ruined by their masters and employers, and hustled off. I should have been quite glad if the line had been drawn higher. Although we smiled at some of the remarks of the junior member for Halifax, there was a great deal of sense in them.

Hon. Mr. POWER—It will be remembered that this portion of the Criminal Code received a very full discussion in this House in 1892, and that there was an amendment to the law respecting these offences in 1890. At that time a great deal of attention was given to the question. And at a still earlier period, I think about 1884 or 1885, hon. gentlemen who have been in the House for some time will remember there was a good deal of discussion also; and there is a great deal of force in what is said by the hon. gentleman from Calgary that it is not a desirable thing to alter our criminal law too often. But we are perfectly safe in going as far as they have gone in England; and, therefore, I concur entirely with what has been said by the hon. gentleman from Richmond, that we should strike out this provision that it must be shown that the girl was of a previously chaste character. The retention of these words renders this protection almost useless. The hon. gentleman who has just spoken, and I think the hon. gentleman from Kingston, appeared to be under a slight misapprehension with respect to the clause now before us. The idea upon which this section of the law is based is that those who are too immature to protect themselves shall be protected by the law and shall not be deemed capable of con-

senting. The age of 16 is high enough, and I hope the minister will see his way to adopt the suggestion made by the hon. gentleman from Kennebec and the hon. gentleman from Richmond. The hon. gentleman from Kennebec made one suggestion which I think should not be accepted or acted upon, and that is that "or" should be substituted for "and."

Hon. Mr. DRUMMOND—No, I did not say that. I drew attention to the fact that the word had been changed.

Hon. Mr. POWER—Look at the position we would be placed in if we substituted "or" for "and." There are no ladies present, and we can talk quite freely. Every one who knows anything about life in the different cities and towns knows that there are a great many comparatively young girls who are of loose character, and if you substitute "or" for "and" there, any man who happens to fall into the hands of a girl of fifteen or sixteen is liable to go to the penitentiary. Now the girl may be, to all intents and purposes, in appearance, and every other way, a woman. So that having illicit intercourse should not in itself be a criminal offence. The seduction is the important factor and I trust that the word "and" will not be struck out and "or" substituted. I adverted, when this measure was at its second reading, to the fact that it was not desirable to substitute in the minds of the young women of this country the protection of the law for their own sense of virtue and honour. Now, if it is felt that a young man can be sent to the penitentiary if he is too intimate with a girl of 17 years, the young man being possibly not more than 16, you have a very unfortunate condition of things. And my attention has been directed by the hon. gentleman from Bothwell, who is not here just now, to the fact that he was informed by the Chief Justice of one of the Western States, Michigan I think, that very serious evils had arisen in that state from legislation just like this, that a great many young men were frightened in marrying girls who were not of very good character, very often through dread of criminal proceedings; and the next stage in the proceedings would be divorce.

Hon. Mr. SULLIVEN—For one man who has suffered, how many girls have suffered.

Hon. Mr. POWER—We have got to look at these things, not through sentimental eye glasses, but through the eye-glasses of common sense; and I have not heard, except from this association whose intentions are the best in the world, of any complaint from the average man and woman through the country of the existing law; and I am satisfied that if that requirement, that the girl shall be of previously chaste character, is stricken out of that clause we shall have it just as it ought to be.

Hon. Mr. LOUGHEED—Will the Minister of Justice tell me how many cases have come before the courts under the Criminal Code for the seduction of girls under 16?

Hon. Sir OLIVER MOWAT—I am not able to tell. I do not think there are any statistics.

Hon. Mr. SULLIVAN—I know of four or five.

Hon. Sir OLIVER MOWAT—The judges have communicated with me on the subject, and have stated to me that the present law was insufficient. I have had no communication with any judge outside of this House. But if they have not communicated with me they have had copies of the bill, and not one of them has communicated to me that he saw any objection to the bill. But we have a very experienced judge in this House, who, unfortunately, is not present here to-day, and he informed me before going that he heartily approved of the measure as a whole. He has made some suggestions, most, if not all, of which I purpose adopting, in regard to the various clauses of the bill. With regard to this matter of blackmailing, as it were, he said in the whole fifty years of his term—and that is a very long time, a longer judicial experience than any other judges have had—there had been but two attempts at blackmail.

Hon. Mr. MILLER—That is under the law as it is now.

Hon. Sir OLIVER MOWAT—Yes, of course. That shows that the danger from blackmailing is not very great. It seldom can be successfully accomplished. I concur in the propriety of putting the two questions separately to the committee. I suggest that we put the question first as to striking out

of the present law the provision of "previously chaste character."

Hon. Mr. ALMON—I think that clause should be left in.

Hon. Sir MACKENZIE BOWELL—I have the comments here of one judge upon this point, in which he says that in his opinion sixteen years is the outside :

A girl of sixteen ought to know enough to take care of herself. There is too much opportunity given to abandoned women to levy blackmail. Women of unchaste character for money will generally swear anything. Such is my experience. I believe "previously chaste character" should be preserved.

That is the opinion of one judge to whom I sent the bill, but I must confess that that was my own opinion. However, after the testimony given by my hon. friend opposite, and my hon. friend from Kingston—two physicians who have had great experience—I shall vote for the clause as it stands.

Hon. Mr. ALMON—I think the question of eliminating "previously chaste character" should be put to the House by itself, because I am convinced it should be in—especially after what the hon. gentleman from Halifax said that trouble had taken place in Michigan from women of bad character making young men marry them. If it were proved that they were of unchaste character, they should not have any claim on them. I think that clause should be left in.

Hon. Mr. DEVER—Before the vote is taken, I wish to say that I think there is a majority in this House quite willing to receive the bill as it is.

Hon. Sir OLIVER MOWAT—My motion is that the words "of previously chaste character" in the present law be omitted from it.

The motion was agreed to.

Hon. Mr. MILLER—I move that the age be fixed at sixteen, instead of eighteen, in the fourth line of the section.

Hon. Mr. ALMON—I do not think this clause should pass in its present shape. I would much rather you would place the age as I suggested. Of course some female endeavour society or some other association will come in here, and try to raise the age from eighteen to twenty.

The Committee divided on the amendment which was adopted on the following division :—

Yeas 14, Nays 11.

The clause as amended was adopted.

Hon. Sir OLIVER MOWAT—With regard to section 182, the law as it stands at present provides as follows :

Every one above the age of 21 years is guilty of an indictable offence and liable to two years' imprisonment who, under promise of marriage, seduces and has illicit connection with any unmarried female of previously chaste character and under 21 years of age.

It is suggested that if a man is old enough and wicked enough to commit such an offence he should be indictable for it, though he may not be 21. Hence the proposed amendment omitting the words which restrict the offence to those over that age. That seems extremely reasonable. It is urged with great force by those who are in favour of the change. Many young men at 19 and 20 are in the same position in every way as men of 21. It would be extremely reasonable, therefore, to say, no matter what the age is, if a man under promise of marriage, seduces or has illicit connection with a female of previously chaste character, he should be punished for it.

Hon. Mr. POWER—Does the hon. gentleman think that a boy of 16, who is supposed to have seduced a woman of 20, should be sent to the penetentiary for this long term?

Hon. Mr. DRUMMOND—There ought to be some protection for the man in this case. It would be a dreadful thing to render it possible for a designing woman of 21 years to profess that a boy of 16 or 17 had seduced her under promise of marriage, and place him in the position of either being sent to the penitentiary or compelled to marry her. There ought to be some limit of age. The present law fixes the limit for the man at 21. Let us reduce that and increase the protection of the woman to a certain extent. I would suggest 18—two years older than the limit for the girl.

Hon. Mr. McCALLUM—Say 20.

Hon. Mr. ALLAN—I should be as strong an advocate as any one for such

legislation as would have the effect of preventing, if possible, the commission of such offences on the part of boys or young men, but I can conceive it quite possible that cases may frequently arise where such a law would be taken advantage of by designing young women. A servant, for instance, in a house might lead astray one of the sons of that house, a boy of 17 or 18; she might say, "Oh yes, you will marry me," the affair might pass over or be hushed up for the time, and afterwards proceedings might be brought to punish him for the offence. There is a great risk of inflicting a dreadful punishment upon a young man of that age, who has been more sinned against than sinning. I agree with my hon. friend from Kennebec, but I should prefer to make the age 19. I thought that was the limit we spoke of yesterday.

Hon. Mr. DRUMMOND—I am perfectly willing to accept nineteen. I wanted to go as far as possible. What I want to avoid is the possibility of sending a boy of fifteen or sixteen to the penitentiary, or let him fall into the clutches of a designing woman of twenty-one. Do not forget that at the present moment the law applies only to a man of twenty-one. Now you are going to make it low, and the lower you go the nearer you meet the requirements of the people who are calling out for protection.

Hon. Mr. MILLER—It is just as well to take a straight vote on the proposal of the Minister of Justice. .

Hon. Sir OLIVER MOWAT—I would accept the age of nineteen rather than reject the clause altogether. Perhaps my hon. friend will move to strike out twenty-one and insert nineteen.

Hon. Mr. McKAY—I move in amendment that the clause be struck out.

Hon. Mr. SCOTT—Perhaps the clause might be acceptable if the following words were added: "Provided always that the male is not younger than the female."

Hon. Mr. MILLER—This matter was before the committee of both Houses that framed the Criminal Code; it was fully discussed, and the danger on both sides was very calmly considered. After a consideration of the code by the committee it was also fully discussed in both Houses of Parliament, I recollect the discussion especially of this clause was very full, and after ample time was given to it it was considered inadvisable to give any advantage to the female more than is given in this case, and that the protection afforded to the male was absolutely necessary at that age. I agree with a great deal that has fallen from my hon. friend opposite on one point, that is, we should not change the criminal law unnecessarily. We should have some good ground for changing it—that it should be found to work unjustly or not in the interests of society. We have no evidence at all to induce us to change the law from what it is at present. There is so much danger in giving the female an advantage over the male under this clause that difficulties must present themselves at once to any one's mind. Take a young man living in the same house with a female servant of previously good character. He may be a very eligible match for her. She may, in fact, seduce him knowing that she has a chance to get a husband or else he is certain of going to the penitentiary. There is so much room for blackmail unless you throw some protection over the young man in this case it would be inadvisable, in the absence of any good grounds for changing the law, to change it at all. The tendency of the whole of the legislation in this bill goes too far in the right direction. I think the law is very well as it is now, and the sense of the committee may very fairly be taken on the motion of the Minister of Justice that this clause stand part of the bill. Those against it can vote against it; those who are in favour of it can vote for it.

Hon. Mr. ALLAN—Don't you think a young man of 19 ought to have sufficient character and knowledge of the world to know how to act?

Hon. Mr. MILLER—A young man of 19 may very easily be seduced by a woman of 21 if she thinks there is any advantage to be gained by it.

Hon. Mr. POWER—I think that when a girl has attained the age of twenty-one, and from that time out, she ought to rely upon her own virtue and her own honour more than on the possibility of sending a young man to the penitentiary.

Hon. Mr. MILLER—The motion of my hon. friend from Truro is out of order, because by voting in the negative on the direct motion to adopt the clause my hon. friend secures the object he has in view.

Hon. Mr. McKAY—I understand there is a motion to make the age nineteen.

Hon. Mr. MILLER—If so, the amendment is in order.

Hon. Sir OLIVER MOWAT—It will be observed that if the clause is struck out we cannot make an amendment after that. Two amendments have been suggested. One amendment is to name 19 instead of 21. The other amendment is "provided the male is not younger than the female."

Hon. Mr. LOUGHEED—I do not know whether the Secretary of State intends pressing that amendment.

Hon. Mr. SCOTT—No; I do not. I only throw out the suggestion.

Hon. Mr. MILLER—There is no necessity to complicate the question. If the motion that the clause stand part of the bill pass in the negative, this clause is stricken out, and you can move to amend the existing law by another notice. We can get the sense of the committee more directly by taking the vote on the straight motion before the chair. If the clause is rejected, the law stands as it is now.

The committee divided on the motion to adopt the clause.

The motion was declared lost.

Hon. Sir OLIVER MOWAT—In regard to section 183, I dare say there will be no difference of opinion amongst us. The law, as it stands now, involves the same principle, and we merely extend it to girls employed in shops and as domestic servants. There is now protection for girls employed in factories, mills or workshops, omitting the words which I now propose to put in, "shop or store, or domestic service." Perhaps the most important of all is the last, because a man has a greater opportunity to corrupt a girl who is employed as a domestic servant than in any of the other cases. That is carried out twice in the clause. In addition to that, I propose to make equally guilty the man who seduces a girl who receives her wages or salary directly or indirectly from him. Though he may not be the master, any one under such circumstances, an agent or clerk, who pays her will be subject to the same penalty. As Judge Gowan observes, the person who pays wages from time to time is more in contact with a female employé than the employer, and it is proposed to extend the section in the manner I have indicated.

Hon. Mr. DRUMMOND—I would point out that the word "guardian" in subsection "A" would require explanation and modification, because if you go to 186*a* and 186*b* you will find the word "guardian" includes any society to whom a court or judge may entrust the care of a girl.

Hon. Mr. LOUGHEED—You are not afraid of the society seducing the girl?

Hon. Mr. DRUMMOND—While I cordially support the insertion of the words "shop or store" in the matter of employment, I expressly and energetically object to the insertion of the words "domestic servant." With that addition the law could not be worked, for obvious reasons. I do not know any person in the world that would not be open to blackmail if you put in the words "domestic servants." It must be obvious to every hon. gentleman that such a charge as seduction cannot be proved, except by circumstantial evidence, to the satisfaction of a jury. Two-thirds of the evidence of such proof must and ever will be opportunity. Now, how could a man, in the clutches of a designing or bad woman, ever prove his innocence if the woman is a domestic servant in his own employ? I would suggest to strike out the words "domestic servant."

Hon. Mr. LOUGHEED—This is practically equivalent to raising the age of consent to 21 years. You are going to provide for an enumerable class of cases to which this would extend. You might as well instead of stopping at 16 raise the age to 21. It seems to me that my hon. friend the Minister of Justice entirely overlooks the protection which should be given to the male class of the community. They are quite as much entitled in certain cases to protection as the female class. It would be almost impossible for the head of a household who would be

charged, say by his domestic servant or an employé in his shop, with any of these offences for blackmailing purposes to prove that the girl was of previously chaste character. The experience of most lawyers is this: and I do not think they my hon. friends will doubt what I am about to say —that invariably a woman however unchaste she may be, will in a court of law swear to her chastity. It is not necessary to point out the influence that a woman of that kind very often has upon a jury and even upon the judge, because a judge is possessed of human sympathy and is appealed to very often by a pathetic tale which is always, in cases of this character, told with telling effect. In my opinion this is placing premium on blackmail—by which means the head of every house is in a position of jeopardy of being removed from his family and placed in penitentiary without being guilty in the least degree. This clause would place him in the hands of an unprincipled employé. I think the clause should be stricken out entirely.

Hon. Sir OLIVER MOWAT—My hon. friend has no faith in courts or juries. I have. A man may be charged with any sort of offence, and falsely charged, and a plausible case made against him, but it would be an extraordinary thing to say that on that account you should have no law against offences of that kind. Our whole system is founded on the assumption that when witnesses are brought forward in a case and subjected to cross-examination in the presence of a judge and jury, as a rule you can ascertain what the truth is. If they are really perjured you can find that they are perjured. You cannot always do so, but we cannot help that. This matter stands in the same position as any other matter. My hon. friend forgets that in a case of this kind the girl's testimony would have to be corroborated. No verdict would be given on the girl's testimony in such a matter unless it was corroborated to the satisfaction of the court and jury. The judge, who has experience, and the jury, who are presumed to have common sense, will form a fair judgment in such matters. Opportunity there is, of course, in such cases, but where there is positive evidence that the crime was committed, and that positive evidence is corroborated by other evidence to the satisfaction of judge and jury, we ought fairly to assume there is no substantial danger. My hon. friend says the male is to be protected as well as the female. We all know it is the female that is seduced in probably 999 cases out of 1,000.

Several hon. MEMBERS—No, No.

Hon. Sir OLIVER MOWAT—The proportion at all events is very small of the seductions being by the woman—certainly not ten per cent.

Several hon. MEMBERS—No, No.

Hon. Sir OLIVER MOWAT—From inquiries I have made, and reading about the matter and hearing others speak who have means of judging, I have reason to believe that the percentage of men who are led astray is very small compared with the number of women who are seduced. My hon. friend suggests a case of a man having an employé of unchaste character. People do not employ servants of that character.

Hon. Mr. LOUGHEED—They do not employ them in that capacity.

Hon. Sir OLIVER MOWAT—It may occur. Why every assumption should be in favour of the man and against the woman, I do not understand. I do not think it is reasonable. I see no reason why we should not extend this clause to domestic servants.

Hon. Mr. POWER—The hon. gentleman says he does not see why every allowance should be made for the man and none for the woman. The fact is we are making no allowance for the man at all—the penalty is all on the man and none on the woman. To illustrate the ease with which those things may happen, a man was released from the penitentiary here not very long ago under the circumstances I am about to relate. He was accused by the girl of having seduced her. The girl had an infant, and I presume the infant would be looked upon as corroborating evidence to the testimony given by the woman. This young man was in comfortable circumstances. He owned a farm. He was sent to the penitentiary for seven years. After he had been in the penitentiary for two years, the girl told her mother that he was not the father of the child at all, but that she had sworn against him because he had a farm and she thought he would marry her and give her a comfortable home. We

go far enough to protect women now. If a girl takes care of herself, as she ought to do, she will not get into these difficulties.

Hon. Mr. MILLER—She does not want so much law.

Hon. Mr. POWER—This is another subject, which, as the hon. gentleman from Richmond says, was considered deliberately and at length by the joint committee of both Houses and by this House, and I see no reason to change the law.

Hon. Mr. LOUGHEED—I would point out to my hon. friend in answer to his statement, which is unwarranted, that I have no confidence in the courts of justice of the country that he has himself shown a want of confidence in many verdicts since his accession to office of Minister of Justice. His intervention by way of clemency in pardoning some criminals, I think, demonstrates that there is a possibility of many men being liable to err in the manner I have pointed out. The hon. gentleman from Halifax has just mentioned an instance. I could mention the instance of a prominent lawyer in Ontario who almost fell a victim to just such a case of blackmail as I stated a few moments ago in which a conspiracy was put up between a servant girl and her paramour to blackmail her employer. This is not an isolated case. It has happened over and over again, and society is being jeopardized by such legislation as this.

Hon. Sir OLIVER MOWAT—My hon. friend says that I have no confidence in courts and juries, and he referred, in evidence of that, to recommendations for pardon having been made by me against the judgments of courts and juries. I should like to know what cases my hon. friend refers to. I cannot call to mind a single case in which I have done so on the evidence they had before them.

Hon. Mr. LOUGHEED—I am speaking of what has appeared in the public press.

Hon. Sir OLIVER MOWAT—They are all wrong. They are speaking falsely. I do not remember a single instance in which I have pardoned against the opinion of court and jury, or against the report of the presiding judge.

Hon. Mr. LOUGHEED—My hon. friend has commuted some sentences, has he not?

Hon. Sir OLIVER MOWAT—That is another matter. In murder cases the judge and jury say nothing about the punishment, whether by death or imprisonment for life. To commute in such cases is not going against the judge or jury.

Hon. Mr. LOUGHEED—I am not objecting to that.

Hon. Sir OLIVER MOWAT—My hon. friend is making a statement on public rumour which is entirely false. In every case that I recollect in which I recommended the commuting of the death sentence, it was on the recommendation of the jury that I did it. There is just one case in which I do not remember at this moment whether there was a recommendation or not, and that was a case in which one of the questions was whether the man was sufficiently in his right mind. There was contradictory evidence before the jury as to what the state of his mind was. They came to the conclusion that he had sufficient mind to be guilty, but I am not sure whether they recommended him to mercy. There being that contradictory evidence, I sent an expert to see him and to form a judgment, and he reported that it was not clear, but his own judgment was that the man was not in a state of mind for which he ought to be punished. I advised the commutation of that sentence, and shortly afterwards the man went perfectly crazy, showing that the expert was right.

Hon. Mr. LOUGHEED—Does not that establish what I say that a man is not always secure in the hands of a jury?

Hon. Sir OLIVER MOWAT—I do not say that he is secure, because judges may go wrong and juries may go wrong, but I say that the charges against me that I am in the habit of going against judges and juries is utterly false. My hon. friend is misled when he assumes that the newspapers which make that statement are correct. They are not correct. The last case mentioned against me is one in which I recommended the discharge of a prisoner who had committed a very grave offence. He threw vitriol on another. I had no choice there. Through some extraordinary circumstance, neither the magistrate who had convicted the man, nor his counsel, who is a very able man

with a large experience in criminal matters, had observed that the case was one of those in which the magistrate had no jurisdiction.

Hon. Mr. LOUGHEED—He was placed in the penitentiary nevertheless. It further establishes what I say.

Hon. Sir OLIVER MOWAT—I do not see how it does. Of course the judge was wrong, but I am now defending myself.

Hon. Mr. LOUGHEED—I am not attacking my hon. friend.

Hon. Sir OLIVER MOWAT—A judge is not perfect. He cannot remember everything. Counsel sometimes make a mistake, as they did in this case, and when the actual facts came out I had no discretion. The man was entitled to his discharge under habeas corpus, so that the last case that is referred to, and which I see constantly mentioned in the newspapers, was one in which I had no discretion whatever. It was not I that thought of the objection or defect of want of jurisdiction—it was the magistrate and counsel who discovered it, and the magistrate advised that there was no other course open than to discharge the man. It was a crime that I would never have thought of remitting if I could have avoided it. Shortly afterwards the man committed another crime and is now in the penitentiary, for which I am very glad.

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

THE PLEBISCITE BILL.

INQUIRY.

Hon. Sir MACKENZIE BOWELL—Before the House adjourns, I should like to ask the Minister of Justice if the following announcement, which I find in the Ottawa correspondence of the Toronto *Globe*, is true :

THE PLEBISCITE BILL.

It was announced that the government, in view of the departure of the premier and the difficulty of reconciling speedily the conflicting views as to the form that the questions to be put to the people should take, would not press the prohibition plebiscite bill this session. There is a good deal of opposition in the House to the plebiscite proposal, and the premier has no desire to see it laid before the House and defeated in his absence. When the bill is introduced next session it will be in such form as to meet with the approval of the supporters of the government and a fair fulfilment of the party pledges. Mr. Laurier, it is understood, regretted very much the necessity of abandoning the plebiscite bill, which he regards as the carrying out of a personal pledge. The franchise and superannuation bills are also to be dropped.

The correspondence states that it was the result of a meeting of the party called in caucus. As I have already intimated on two or three occasions, we have to ascertain the policy of the government through the newspapers. The government now appears to be carried on by caucus instead of responsible ministers. Would the hon. gentleman kindly tell us whether this statement is true. There is a good deal of feeling in the country as to whether this law is to be passed this year or not.

Hon. Sir OLIVER MOWAT—I really never heard it suggested before that the proceedings of a caucus were to be matters of public discussion in any branch of parliament. With regard to this matter of the plebiscite, an official statement will be made on the authority of the government at a very early date.

Hon. Sir MACKENZIE BWELL—Before the prorogation takes place ?

Hon. Sir OLIVER MOWAT—Yes.

The Senate then adjourned.

THE SENATE.

Ottawa, Monday, 7th June, 1897.

THE SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THE QUARANTINE STATION AT WILLIAMS HEAD, B. C.

MOTION.

Hon. Mr. MACDONALD (B.C.) moved the following resolution :

Resolved, That the condition of the quarantine station at Williams Head, British Columbia, should be improved without delay, and advantage taken of the latest improvements in sanitation and disinfectants ;

That as much attention as possible should be paid to the comfort of passengers, compatible with the precautions necessary to prevent the spread of disease ;

That the government should impress in the most emphatic manner on steamship companies, plying between Canadian and foreign ports, the necessity

and advisability of fumigating and disinfecting steerage passengers and their baggage, at the port of embarkation, as the best and safest way to prevent the spread of disease, as causing the smallest loss of time, so important to passenger steamers, as well as the smallest pecuniary loss.

He said:—My object in bringing up this resolution is to direct attention to quarantine matters in British Columbia, with a view to the adoption of the latest and most approved methods of disinfecting, with the smallest loss of time, and the least inconvenience to passengers and ships. It is not my intention to cast any reflection on the competency or conduct of the quarantine officer in that province, although I do not approve the manner of his appointment, which led to the discharge of a thoroughly efficient man. I know very little about disinfecting myself; it is a scientific process on which there are many conflicting opinions. The subject seems to be yet in the rudimentary state, but the methods adopted in Great Britain are supposed to be the most effective known. With the permission of the House, I will give the opinions of some medical gentlemen of experience on this subject:

Among the passengers on the R.M.S. "Empress" of China on her last trip from the Orient were the following gentlemen: Sydney R. Hodge, a member of the Royal College of Surgeons of England and Licentiate of the Royal College of Physicians in London, who received his medical education at the London Hospital, the largest general hospital in the United Kingdom; W. Millar Wilson, a Batchelor of Medicine and Master of Surgery of the University of Glasgow, who also studied in Glasgow and Vienna; and G. K. Tsao, a graduate of Long College, Brooklyn, New York. These gentlemen consented to an interview on behalf of the *Colonist*, and in response to questions put to them replied as follows:

The arrangements for disinfecting consist (*a*) of bathing and (*b*) arrangements for disinfecting ships and baggage. The latter consists of a large room situated on the quay in which all luggage which would be spoilt by heat is placed and then subject for several hours to the fumes of burning sulphur. Other things are disinfected by dry heat in a special retort in another building. The ship is disinfected by means of large zinc tubes the size of a port hole, which are fitted into one of the port holes and convey the sulphur fumes which are pumped in under pressure by an engine. The arrangement for disinfecting the persons of the cabin passengers consists at present of one shower bath, a tent with no floor to undress in for the gentlemen, and a room for the same purpose for the ladies, and a third room is provided to redress in. The arrangements are very rough, and, we should hope, are merely temporary.

We had to send on shore the night before our bath, a complete change of under linen and a suit of clothes to be disinfected by baking. This was done up in a bag with the number of your berth on it. (No proper arrangements had been made for this, with the result that many things got lost and many perishable things got into the retort and were utterly destroyed.) This bag was supposed to be ready for you, and disinfected, at the bath house the next morning. On arrival, you undressed in the tent, leaving the clothes you had taken off to be collected by an officer for disinfection, and subsequently return to you. then beneath a warm or tepid shower of disinfecting water and then into the room beyond where your clothes were supposed to be. They might or might not be there; if they were, you put them on, if not you hunted around in nature's garb looking for them or waiting till they arrived. Your boxes, etc., had meanwhile been in the sulphur box all night. We were all disinfected twice, once on board and once on shore.

The question of the use of quarantine at all is a debatable one? We have long given it up in England, and yet we have been more successful in keeping out epidemics than any other country, and now it looks as if nations were coming to our way of thinking.

Of course, any mere sprinkling of a disinfectant over a person and his baggage is an obvious farce. If it is possible to keep a disease out by disinfection, it can only be by most thorough, minute and accurate measures. That is to say, every corner of the ship must be thoroughly disinfected, as also the contents of every box and package, and every particle of clothing must, in every portion of it, be exposed to the process.

It is generally conceded by medical authorities that, provided that a person or his clothing has not been in actual contact with a small-pox patient or with any discharge from him, that that person can neither contract nor convey the disease.

To detain and disinfect all ships and passengers without discrimination is practically impossible. It is extremely difficult to tell, in the case of some diseases, when to detain and when to set free. It is also practically impossible to be absolutely sure, too, that there is no flaw or failure in the thorough destruction of all disease germs in a large ship with a large number of passengers. Experience all over the world proves that while quarantine gives the maximum amount of inconvenience to individuals and interference with trade, it is constantly breaking down, and as a public safeguard is of little or no use.

"What do you consider a better way of dealing with infectious cases"?

"(*a.*) A thorough and complete system of medical supervision at every port.

"(*b.*) Instant removal on arrival of every person actually sick with, or showing signs of sickening. from any infectious disease.

"(*c.*) Thorough disinfection, where possible, of clothes of and all articles used by or for the sick person. Where this is not possible, instant destruction of same.

"(*d*) Thorough disinfection of the part of the ship where patient was if isolated from the rest of the ship, if not, of the whole ship.

"(*e*) Continuous medical oversight, from point to point of his transit, of every passenger, and immediate compulsory isolation on any sign of disease. This involves the compulsory notification of infec-

tious diseases all over the country. This is, in our opinion, the safest and most reliable method, but involves much trouble and expense to the country. This is, however, more than counterbalanced by: (1), the greater freedom, the trade and travel, (2), the greater safety to the people of the country, seeing that it is less easy to evade such oversight and nothing is left to chance."

"Is this all you have to say?"

"We should like to call attention to the fact that on page 7 of the quarantine regulations scarlet fever and diphtheria, two of the most virulent diseases, are classed amongst the minor quarantinable diseases. Considering how difficult it is to detect these two sometimes, especially the latter, what boundless visions of defective control does this render possible! Further, we wish to say that considering how thoroughly and promptly these smallpox cases on the "Empress" were separated from the rest of the passengers, as one of us knows by personal inspection since arrival in port, we consider the elaborate fumigations and washings and the inconvenient detention to which the passengers were subjected entirely unnecessary."

Dr. Boddington, a member of the Royal College of Surgeons, says:

The latest authoritative utterance on the subject of quarantine with which I am acquainted is contained in the Milroy lectures, delivered before the Royal College of Physicians of London, during the present year, by Dr. Collingridge, medical officer of health for the port of London, in which the subject is exhaustively treated. Dr. Collingridge in these lectures says that "The whole history of quarantine is a series of illustrations of its futility," and "an effective quarantine is practically impossible in a commercial country." An abstract of the lectures is published in the British Medical Journal of March 20, 1897, and the same number of that journal has a leading article on the question entitled significantly enough "The Quarantine Superstition." Both the lectures and the leading article are well worthy of perusal. Both tend to show that the doctrine and practice of quarantine are not scientific but are founded on ignorance and reared on folly.

But evidence to the same effect is obtainable close at home. The able chairman of the provincial board of health, a scientific man who keeps abreast of modern knowledge, is entirely of the same way of thinking as the authorities here quoted. In his annual report for the year 1896, Dr. John C. Davie makes use of the following pithy and striking sentences: "The first line of defence, quarantine, is never effectual. It is impossible to make it perfect. Disease always passes through it and eludes it. . . . . Great Britain has for these reasons given up quarantine. The second line of defence, sanitation, is the true and reliable one."

More evidence could be cited to the same effect. So much, however, is perhaps enough for present purposes.

A traveller makes the following remarks:

The excellent arrangements on the "Empress" steamer by which the first-class passengers are separated from the steerage, and the close attention given by the ship's surgeon, ought surely render the risk of the infection spreading to the saloon very remote, if not impossible. And to quarantine all these passengers is on a par with quarantining a whole block in this city because a case of smallpox occurred in a little room in one corner of it. Then, again, why hold this ship and her crew in quarantine for fourteen days after disinfection when she might be allowed without any danger to proceed to Vancouver, unload her cargo and return? In no other part of the world where marine interests are conserved would a ship's cargo be thus needlessly detained and commerce jeopardized. The whole business, whether it be owing to the lack of judgment on the part of the officer in charge of the quarantine or any other cause, indicates that the time is opportune to inquire into the present system of quarantine at Williams Head and to get something better in its place.

In alluding to this subject some years ago, when cholera was in Europe, I pointed out to the House the means adopted by the United States steamship companies—that was to have the steerage passengers and their baggage disinfected at the port of embarkation. There can be no doubt that this would be an excellent plan if it could be carried out, and I would suggest to the government that an effort should be made in that direction. I would also suggest that the Minister of Agriculture should call a committee of experts together, who with the knowledge of what is done in other countries combined with their own experience, might recommend a more effective, and simple method than that now used in Canada. Great complaints have been made of unnecessary detention in quarantine, and of the destruction of clothing. Hon. gentleman will easily understand that clothing subjected to 200 or 300 degrees of heat will have its fibre and strength destroyed. This is a serious matter for some people, especially so when they are not compensated for the loss.

Hon. Mr. SULLIVAN—I desire to say a few words with reference to this matter. I must first compliment the hon. gentleman on the ideas which occurred to his mind in bringing forward this subject. I have no doubt they were those of humanity and patriotism. At the same time, I must utterly disclaim any idea of impeaching any official, because we have no statement from that official, and we do not know exactly the means which he employed. It is very likely that any one disturbed or detained there would feel chagrined very much. Doctors are particularly sensitive on that

point, and therefore I take their statements *cum grano salis*. I only wish to say, with reference to this subject of quarantine, that, as you are aware, it is a very old word, employed for centuries, but it by no means indicates that it is the same process as it was years ago. It is constantly changing and the quarantine of to-day is no more to be compared with the quarantine of thirty or forty years ago than any other department of medicine. The great march of science and the progress of medical inquiry have accomplished much. The investigation of medical science has brought to light certain facts connected with it which have worked a complete revolution. There being many ways of carrying this out, the different countries of the world follow different methods. The English system, which the hon. gentleman has mentioned, is generally of what might be called a lenient character towards the ship owners, and very properly so, on account of the enormous advantages which would be risked by enforcement of quarantine after the old method. The idea of burning a ship or cargo, or of keeping people isolated for thirty or forty days, as the name implies, would be perfectly ridiculous and would destroy the commerce of any port. Therefore, the English are more lenient, but they enjoin rigid inspection. The customs officer on entering the ship—I suppose they are the earliest to enter it—report any case to the sanitary inspector and he at once gives it a thorough inspection and separates the unhealthy from the healthy, if there are any affected with disease, and there are only, by the way, a few diseases which are liable to be found in quarantine. Formerly there were three diseases: the plague, yellow fever and Asiatic cholera. The plague has long since died away, we never hear of its being carried to England or any other country in Europe, and yellow fever does not appear often either, nor does Asiatic cholera. The American Sanitary Commission in 1881 added two more diseases to this schedule, viz., small-pox and typhus fever. Then there remained just four of these diseases. As to the general remarks of the hon. gentleman about scarlet fever, that is not liable to be carried on board and not liable to break out, because there are always fairly good doctors on board. They may not be the best in the world, but there are fairly good doctors in ships. Some of them have gone through a course in the old country as well as in Canada, and these men would surely tell a case of diphtheria or a case of scarlet fever, which are easily detected, notwithstanding what these gentlemen say to the contrary. Any one would be very ignorant indeed if he could not tell the difference. In New York, when they were checking the sanitary police, it was stated that some of them did not know scarlet fever from a mosquito bite. There are some men ignorant in this respect, but I would not think the whole of the remarks of these gentlemen should be received as an attack on the officer in charge without his being allowed to put in a defence. I admire the motives which induced the hon. gentleman to introduce the resolution, and which we hope will accomplish a great deal of good. In the first place, we require to have a thoroughly good man, as the matter entrusted to him is so important. What is recommended about sanitation and disinfection should be referred to the doctor in charge. Then, with regard to the improvements in sanitation and disinfection, these are easily accomplished. Any man can readily find out the most improved system. Different countries have different methods, but if you want to take the English system let it be so. Doctors differ and will differ to the end of time as regards the merits of sanitation and the advancement in science. We all know how the Jews of the middle ages, by reason of their cleanliness, were so free from disease that the Christians used to think they poisoned the wells on them; and we all know that London has improved in its sanitation and in its health. Two centuries ago the mortality there was 80 per 1,000, to-day it is only 23; and the British army which had thirty years ago a mortality of 20%, at the present time has not half that. This shows what good can be accomplished by proper sanitation and proper hygiene. Now I do not mean to convey the idea that there should not be any quarantine or any fumigation. The first thing is to isolate any one affected. As the hon. gentleman from British Columbia says, there should be inspection at the point of embarkation, and any surgeon of a ship is derelict in his duty who fails to inspect the passengers when they embark. If any disease should break out at sea the patients should be isolated and when their port of destination is reached, they should be iso-

lated there. I do not say that it is necessary to fumigate them with sulphur; applying a certain degree of heat up to the boiling point, or beyond the boiling point, for dry heat is sufficient to destroy most of the germs, and thus they should be disinfected thoroughly. The quarantine officer in British Columbia may have thought that sulphur was better and perhaps he gave the sulphur and the heat too, thinking it was so much the better. I cordially agree with the resolutions that are put forward here, and I hope that they will be productive of benefit, and will lead to the fact of our having the best system of quarantine that can be established. It does not require such a great deal of money. I understand the quarantine system at Halifax is very good. I know that more than one epidemic has been prevented by passing ships being brought into Halifax before they crossed the Atlantic. I hope, therefore, the resolution will carry without anything offensive being done to the gentleman in charge of quarantine in British Columbia.

Hon. Mr. McINNES (B.C.) It is quite unnecessary for me to add to anything which has been said by the hon. gentleman who has just taken his seat. I am glad my hon. colleague has brought this matter up and has shown the necessity of the greatest care possible being taken to exclude small pox, yellow fever, cholera and other diseases from entering at the western gate of the Dominion. There can be no question in my mind that, in order to exclude those diseases, it should be made compulsory on the steamship companies to not only fumigate passengers, but to have them also vaccinated before they are taken on ship board in China and Japan. The trip from Japan to Victoria takes 12 to 14 days; from Hong Kong to Victoria about two and a-half or three weeks, so that if passengers are not thoroughly disinfected and vaccinated before they leave port, if they carry any germs of disease they will certainly break out before they arrive at Victoria. The government should impress upon the steamship companies the necessity of having these regulations attended to before they take the lower class of Japanese and Chinese on shipboard. I feel confident that Dr. Watt, the present quarantine officer, did everything he possibly could to make things comfortable for the passengers, consistent with safety and exclusion of disease from the shores of British Columbia. No doubt he had before his mind the condition of affairs that existed in Victoria three or four years ago, when small-pox was imported from Japan and China and that city was quarantined. You could not get into or out of Victoria for nearly six weeks, and the consequence was that a great number of business men were ruined, some 75 or 80 deaths took place, and the city was put to the expense of nearly $100,000. I have no doubt, from that experience, that Dr. Watt was made a little more careful than he otherwise would have been, and justly so, and instead of censuring the present health officer for endeavouring in every way he could to prevent small-pox entering our Dominion, he should be encouraged in every way by the government. I know that my hon. colleague, who has brought this matter before the House, does not for a moment intimate but what Dr. Watt has done his duty in the matter. I hope these points that my hon. colleague and the hon. gentleman from Kingston have called attention to will not be overlooked by the government, and that they will take every precaution possible to prevent diseases from being carried on ship board, before passengers leave Asiatic countries for our ports.

Hon. Mr. SCOTT—There is no objection to the resolution being adopted by the House. I shall be glad to call the attention of the Minister of Agriculture to the facts which have been brought to our notice by the hon. Senator from Victoria, and to the valuable observations made by the hon. Senators from Kingston and New Westminster. I can quite appreciate the indignation shown by the first class passengers, more particularly the medical men, at being detained at Victoria. But it must be remembered that the small-pox epidemic in Victoria a few years ago, to which the hon. gentleman from New Westminster has called attention, was of a very serious character. It was within the memory of the residents of Victoria that only a short time before, in consequence of the introduction of small-pox into the city of Victoria, very serious consequences followed, and that disease especially is of such a loathsome character that it is perfectly natural that everybody should stand aghast at the idea of contamination being introduced into the community, and due allowance should

be made for the extra precaution recently taken. The subject is mentioned in the report of the General Superintendent of Canadian quarantines, from which I shall read the following extract:

British Columbia, as far as I can ascertain, does not appear to have suffered from disease traceable to baggage from abroad. The outbreaks of small-pox seem to have sprung from actual cases arriving. A repetition of such a disaster may—in my opinion—be guarded against more effectually by other means than by a routine disinfection of baggage. Among such means I may mention vaccination at the port of departure in the Orient of all passengers embarking for Canada; daily medical inspections on shipboard; prompt and efficient isolation on the vessel of any case of declared, threatening, or even doubtful, disease; careful inspection, etc., by the quarantine officers at our ports of arrival; and the protection of the people of British Columbia by such general vaccination as may make them secure and indifferent even if small-pox should slip in.

Theoretically it would be very desirable to sterilize all baggage arriving in Canada. Indeed, as I stated in my last annual report, in my opinion the ideal protection of Canada on the Pacific side would be similar to that I have so often dwelt on for the Atlantic side, namely: medical officers responsible to our government at the ports of departure in the Orient, and inspection, vaccination, and the disinfection of luggage and effects before sailing.

Practically, however, the difficulties in enforcing a routine disinfection of all luggage at our ports of arrival, except during times of threatening epidemics, seem so great as to be at present insuperable.

There is a considerable expenditure in the direction of making the improvements mentioned by the hon. gentleman who has brought the matter to the attention of the House. Here are some of them:—

Improvements at Williams Head Quarantine Station, ordered by the Minister of Agriculture in March last, at a total cost of about $10,000:—

Hydrochloric tank.
Open shed on wharf,
Lining steam chamber of disinfecting house, &c.,
Two trolley cars.
Three-way 4-inch cock and 30 feet 4-inch wrought iron pipe to shut off vacuum pump from steam chamber,
Six large lanterns or headlights,
Partitioning boiler room, as shown on tracing,
Needle and shower baths for saloon and Chinese and Japanese passengers, &c.,
Door to cut off administration section from the corridors of the hospital,
Two large sinks,
Improvements to telephone service,
Tele-thermometer,
Quarters for crew, &c.,
One 10,000 gallons New York filter,
Thirty-two galvanized iron beds, double,
Furniture for dining room, and 32 state-rooms in saloon building.

Other improvements are still under consideration and now nearly completed. Every advantage is taken of the latest improvements in sanitation and disinfection. Every attention possible is being paid to the comfort of passengers, and every precaution is being taken to prevent the spread of disease. The question of disinfecting passengers' baggage at the port of embarkation has not been overlooked by the government, as will be seen by reference to the report of the general superintendent of quarantines in the last annual report of the Minister of Agriculture. The government is informed by the Canadian Pacific Steamship Company that on their steamers plying on the Pacific during any voyage the surgeon at intervals disinfects all steerage quarters and vaccinates every passenger and member of the crew who is not able to show a satisfactory mark. As far back as 1893 arrangements were made by the late superintendent of quarantines in British Columbia with both the Canadian Pacific Steamship Company and the Northern Pacific Steamship Company that vaccination of all Chinese and Japanese immigrants should be made prior to embarkation, and these companies have taken great pains and used every effort to carry out this agreement. If anything further can be done I am quite sure the department will be prepared to take suggestions, and if approved of, will be glad to have them carried out.

Hon. Mr. MACDONALD (B.C.)—I am very glad to hear the statement of the hon. Secretary of State. It shows that the government are fully alive to the necessity of doing the proper thing to put the quarantine in proper order. I want to correct a wrong impression that seems to be in the mind of my hon. friend from Kingston. There was no charge made by the doctors against the quarantine officer. They just mentioned what he did. They mentioned the inconvenience.

Hon. Mr. SULLIVAN—Was there not a charge by implication?

Hon. Mr. MACDONALD (B.C.)—Not at all. Those doctors did not give an opinion about scarlet fever either:

THE DISMISSAL OF NAPOLEON DUGAL.

INQUIRY.

Hon. Mr. LANDRY inquired:

1. Was Mr. Napoléon Dugal on the 23rd of June, 1896, postmaster at Beaubien, in the county of Montmagny?
2. Has he been since that date discharged from his work by the present administration?
3. When, why, and upon whose complaint?
4. What is the nature of the charge brought against him?
5. Has the charge been proved?
6. What is the nature of the proof?
7. If no proof exists, has the accuser at least a diploma of infallibility? Granted by whom?
8. Has the accused been made aware officially of the charge brought against him, and has he had an opportunity to refute it.
9. What was his reply?
10. Has the Post Office Inspector been required to hold an inquiry and to make a report?
11. Has an inquiry taken place, and what is the report of the officer making the inquiry?
12. If the person dismissed protests his innocence and completely denies the truth of the accusation, is it the intention of the government to grant an inquiry or to refuse all justice?

Hon. Mr. SCOTT—1. Mr. Napoléon Dugal was postmaster at Beaubien (the name of the office has since been changed to Cap St. Ignace Station) on the date mentioned. 2. He has been dismissed since that date. 3. On the 15th December last, for offensive political partisanship, on representations of Mr. P. A. Choquette, M.P. 4. See answer to No. 3. 5 and 6. The Postmaster General considered the statement made to him sufficient cause for action. 8, 9, 10 and 11. The postmaster was not called upon to reply to the accusation, nor was any inquiry held or report made by the post office inspector. 12. The government does not intend to reopen the matter.

Hon. Mr. LANDRY—Will the hon. Secretary of State allow me to ask for a few explanations of the answer he gave me last Friday? There is something in the reply that I cannot understand. I asked him on Friday if the Laurier-Greenway compromise to which the governments of the Dominion and of Manitoba came was concluded "with the express intention that it should be subsequently modified in such a manner as to render complete justice to the Catholic minority of Manitoba by remedying all their grievances." The answer was "no." If there was no modification understood or intended, my second question was not needed. It read:

What are the modifications promised by the government of Manitoba and accepted by the government of the Dominion as the consideration of its acceptance of the actual compromise?

The answer to that question, I think, as a matter of consequence, should have been No equally, but the answer to this second question is "the Laurier-Greenway conference has not been modified or altered, and that agreement has not been submitted with modifications."

Hon. Mr. SCOTT—That was correct.

Hon. Mr. LANDRY—I do not understand the meaning of it.

Hon. Mr. SCOTT—The question was:

Was the Laurier-Greenway compromise, to which the governments of the Dominion and of Manitoba came, concluded with the express intention that it should be subsequently modified in such a manner as to render complete justice to the Catholic minority of Manitoba by remedying all their grievances, etc.

The answer to that was "No." There is no doubt about that at all. Then "what are the modifications"? Of course if there were no modifications promised as a natural consequence to the inquiries given, the answer would be that.

Hon. Mr. LANDRY—The answer is, the Laurier-Greenway conference has not been modified or altered.

Hon. Mr. SCOTT—Compromise is the word used in the address. There was only one agreement. The terms of that agreement were published. I think they were brought down the first day of the session, and they have undergone no change. I suppose the hon. gentleman is pointing to the fact that at the banquet held in Montreal, Mr. Greenway said that in the carrying out of that agreement he would be very glad to consider any substantial grievances that the Roman Catholic minority had. That is a matter which does not rest with this government.

Hon. Mr. LANDRY—My question was not if there were any modifications to the

agreement, but if it was understood that modifications would be made.

Hon. Mr. SCOTT—That was not so understood at the time the agreement was made. What was believed was that it would be fairly and liberally interpreted. In a matter of that kind the hon. gentleman must know that that mode of administration has a great deal to do with whether a proposition of any kind can be made acceptable or otherwise.

Hon. Mr. LANDRY—I understand the hon. minister to say that no modifications were promised.

Hon. Mr. SCOTT—No.

THE ST. BONIFACE ELECTION CASE.

INQUIRY.

Hon. Mr. FERGUSON—I wish to call the attention of members of the government to an extract which I shall read from the Montreal *Gazette* of June 5th, and which I may say I find substantially the same in other papers :

ST. BONIFACE, MAN., 5th June.—In the St. Bonifice election petition case, discussed yesterday, it will be remembered that when the case came before the Hon. Mr. Justice Killam, on April 29, for trial of the preliminary objection filed by Mr. Lauzon, against the prosecutors of the petition it was proved that both petitioners, Roy and Berthiaume, had been guilty of corrupt acts. Roy admitted he had been promised money for driving electioneers to the polls by Mr. Prendergast, the present judge. The chairman of Mr. Bertrand's committee stated that he requested Mr. Prendergast on the day following the election to pay him, when Mr. Prendergast gave him an order on Mr. J. A. Richard for the amount, which was paid by Mr. Richard. The other petitioner, Berthiaume, who supported Mr. Lauzon, in the election the year before, admitted that about a week before the election that Bertrand and Mr. Prendergast had promised to endeavour to procure him an office from the Dominion Government and he worked hard to secure Mr. Bertrand's election during the last week before the election. When this startling evidence was given Mr. Howell, counsel for the petitioners, applied for an adjournment to enable him to put Mr. Prendergast and Mr. Richard in the witness box, which was granted. Yesterday morning when the trial was resumed Mr. Howell stated to the court that in view of the evidence given at the previous hearing, he was unable to ask that the preliminary objections should be over-ruled. Judgment according was given dismissing the petition.

I think it is one of the evils of our present system that men have, as a matter of necessity, to be taken, as it were, red-handed from political contests and placed upon the bench. Experience, however, has not demonstrated that great evils have resulted from that, and some of our very best judges have been warm politicians up to the time they reached the bench, but it is not at all desirable, in the interest of justice in this country, that men should be appointed to the bench who have been made the objects of very strong political or government influence under the law in connection with the very office. It appears very evident that this gentleman, Mr. Prendergast, was influenced to change his views on a great public question owing to his getting an appointment on the bench. That in itself would be bad enough, but when it comes to this, that a lawyer has been appointed to an important judicial position in this country. who has come right from the heat of political contest, not red-handed merely, but with his hands soiled by acts of corruption, as in this case—

Hon. Mr. SCOTT—Order ! Order ! I think this is highly improper.

Hon. Mr. FERGUSON—I am now speaking of what I think is almost a public scandal.

Hon. Mr. SCOTT—I rise to a question of order. There is nothing before the chair. A great deal of liberty and latitude are always allowed gentlemen in this chamber, but my hon. friend will recollect that this is a matter arising out of the local election in the province of Manitoba. The hon. gentleman has drawn into it the name of a judge who has been appointed. We are utterly ignorant of the circumstances to which the hon. gentleman has alluded, and it does seem unfair to attack a judge on a newspaper report. I appeal to the hon. gentleman's sense of what is right. It is a local matter up in Winnipeg, of which we cannot know anything. I never heard of it, except through the Montreal *Gazette*.

Hon. Mr. FERGUSON—It is the government we are wanting to reach. We are not dealing with a local matter, except in as far as that local matter trenches upon the administration of justice in the Dominion of Canada.

Hon. Sir OLIVER MOWAT—My hon. friend is assuming that to be so on a news-

paper statement of which he has given no notice to enable us to look into the facts. The statement may be false from beginning to end. It seems monstrous that a judge should be charged in this way without an opportunity for us to look into the case.

Hon. Mr. FERGUSON—Then I shall be happy to put a notice on the order paper, and bring it up in the regular way.

Hon. Mr. DEVER—If this is going to come up, I think we will have more judges than one, because I can look back at other cases of the kind. Under those circumstances, we had better let the dead past lie.

Hon. Sir MACKENZIE BOWELL—It seems to be a qualification for office.

THIRD READINGS.

Bill (79) "An Act to incorporate the Dominion Portland Cement Company."—(Mr. Clemow.)

Bill (84) "An Act to incorporate the Continental Heat and Light Company."—(Mr. McMillan.)

Bill (40) "An Act to incorporate the Maritime Milling Company."—(Mr. Power.)

Bill (51) "An Act respecting the Langenburg and Southern Railway Company."—(Mr. MacInnes, Burlington.)

Bill (52) "An Act respecting the James Bay Railway Company."—(Mr. Macdonald, B.C.)

Bill (71) "An Act respecting the St. Lawrence and Adirondack Railway Company."—(Mr. Baker.)

COMPANIES ACT AMENDMENT ACT.

SECOND READING.

Hon. Sir OLIVER MOWAT moved the second reading of Bill (M) "An Act to amend the Companies Act." He said:—The object of this bill is to give larger powers of borrowing to companies chartered under the Dominion law. A company so chartered is limited in regard to borrowing money to two-thirds, I think it is, of the capital. The effect of that is found by business men to be exceedingly embarrassing and not at all in the interests of the country. So that it is proposed to make this provision, that the limitations and restrictions of the borrowing powers of the company shall not apply or include moneys borrowed by the company on bills of exchange or promissory notes drawn, made, accepted or endorsed by the company. The Ontario legislature has been dealing with this subject, and has given considerably larger powers of borrowing than it is proposed to give by this bill. This bill has been declared satisfactory by business men, although it does not go as far as some have suggested. There are two classes of persons who, I suppose, are in view in making restrictions of this kind. One is the shareholders in the company and the other is the men who may lend money to the company. As far as the shareholders are concerned, their interest is sufficiently provided for by other provisions of the law. Then, in regard to those who may lend money to the company,—and it is their interest I suppose that is specially in view in the case of a provision of this kind—the idea is, and I quite concur in it, that we may safely leave the matter to those who lend the money. They are chiefly banks, and we may assume that they look into the standing of the company to ascertain if they are responsible for what they receive. The mere fact of a company having $100,000 of paid up capital does not show that it is a solvent company. Their stock may be at a large discount. Their credit may be bad, and there may be reasons for its being bad. On the other hand, a company may have a large amount of assets. They may have a good deal of money and their capital may be worth four times its nominal amount, and yet the borrowing power of those two companies is precisely the same. In the case of individuals, those having dealings with them have to consider whether the individual is a responsible person or not, and so it must be in the case of a company. It is no criterion of the responsibility of a company that a certain amount of its stock is paid up. A variety of things must be considered. Then again it is only the borrowing powers of these companies that are restricted. The power of going into debt for very many things is not restricted at all, and really there is more reason for a restriction of that kind than there is for a restriction in regard to the borrowing power. The banks I believe are quite unanimous in regard to the embarrassing character of the present law of the Domi-

nion on that subject, and as to its being useless for practical purposes. The commercial community generally are of the same view, and in all the correspondence which has taken place, I have not been able to discover that any different view is entertained. The matter has been up before the Ontario legislature for two successive sessions, and on each of those occasions the borrowiug powers of these companies have in several instances been further enlarged until now it is far beyond what the bill now under discussion provides for. So unsatisfactory is the Dominion law on the subject that companies which had Dominion charters, had abandoned them and taken charters under the Ontario law. There are other companies which have Dominion charters, and who have got an Ontario charter also, and so I think we are justified in adopting substantially the amendment proposed.

Hon. Mr. LOUGHEED—Might I ask if the Ontario Act places no restriction on the borrowing powers of the company? I may say that the effect of this Act will be to give unlimited power to incorporated companies to borrow money on the credit of the company, and I would further ask the Minister of Justice if it will be hereafter the policy of the government to incorporate financial companies of this character without placing any restrictions upon them. It seems to me it would be idle to place a restriction upon the borrowing powers of any company, say a railway company or any other commercial company, under a special charter if, under the General Companies Act, you are going to give unlimited power to companies to borrow. An individual usually, when borrowing, is practically limited to the extent of the capital he may have placed in his business. I see no good purpose that can be served by giving to a corporation, incorporated under the sanction of the government, unlimited powers to borrow money. The representations made by companies to the public are of a different character, and are generally accepted more readily than those by individuals, and it seems to me the number of companies now in process of liquidation is a very good reason why the government should give very close scrutiny to such an enlarged power as is sought for under this Act.

Hon. Sir OLIVER MOWAT—I found no difference of opinion amongst business men in regard to the enlargement of these powers and some of the reasons I have stated. My hon. friend asks whether the Ontario Act does not provide some restriction. I have a copy of the clause in the last Ontario Act on the subject. It provides that if authorized by by-law asked by the directors and sanctioned by not less than two-thirds in value of the shareholders, they can borrow money on the credit of the company, within any limit sanctioned by the vote of the shareholders? They have also power to hypothecate or pledge the property and rights of the company. One of the absurdities which are pointed out as the result of the present Act is this; say a company deals in grain. They have a very large quantity of grain—perhaps four or five times the amount of grain that their paid up stock amounts to. They want money from the bank upon the credit of that grain and they cannot get it as the law stands now if their charter is under Dominion law. It does seem that one cannot defend that state of things.

Hon. Mr. LOUGHEED—I quite agree with my hon. friend that if such a company has an amount of property corresponding to the amount it wishes to borrow, then it would be in the interest of the public to give it ample borrowing powers, but what I do object to is that unlimited borrowing powers should be given to a company to borrow all the money they choose to borrow without having any property out of which that could be realized.

Hon. Sir OLIVER MOWAT—Will the bank lend it? If any improvement can be made in the provisions of the bill, I shall be extremely glad to consider it. The bill is now in the form in which business people seem to desire it. The point is to increase the power of borrowing in some fashion and to some extent. If the Senate adopt the second reading to-day, it will be understood that they only assent to it to the extent of approving the principle of extending the borrowing power by some method.

Hon. Mr. SCOTT—There is a point that is probably worthy of consideration in connection with this subject. Clause 37 limits the borrowing power. The latter paragraph is this: "But the limitation made by this section shall not apply to commercial paper

discounted by the company." This has been held, I believe, to limit it to the paper of a third party.

Hon. Mr. LOUGHEED—And here you propose to give them unlimited power in discounting their own paper.

Hon. Sir OLIVER MOWAT—If a bank chooses to accept it.

Hon. Sir MACKENZIE BOWELL—Is it not intended to give unlimited power to all companies organized under the Companies Act to borrow without any regard whatever to the securities which they may have to offer, and leave it exclusively with the banks to see to the nature of their securities? How would it affect the shareholders of such a company if they had a reckless board of directors, who could go on the market, or to the banks, and obtain a speculative credit, if I may use the term, far beyond the assets of the company? For instance, shareholders subscribe a certain amount of stock, and their liabilities cease when it is paid up. Then they do what the hon. Minister of Justice intimated a few minutes ago they might do, go and purchase large quantities of grain, say, for instance, two or three millions of bushels, and the price falls in the meantime. The only security they would have would be the grain, borrowed, I suppose, on the warehouse receipts. It might realize a sufficient sum under the circumstances to repay the bank, but eventually would ruin the company and ruin the shareholders. However, the matter can be more fully discussed in committee.

Hon. Mr. LOUGHEED—I would suggest to my hon. friend the wisdom of referring this bill to the Committee on Banking and Commerce. It seems to me it can be discussed in that committee at much greater advantage than in the whole House.

Hon. Sir OLIVER MOWAT—I think we can discuss it better here. The session is so far advanced that if this goes to any other committee than a Committee of the Whole we cannot get it through. I should prefer to have it go to a Committee of the Whole House.

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

CRIMINAL CODE AMENDMENT BILL.

IN COMMITTEE.

The House resumed in Committee of the whole consideration of Bill (H) "An Act further to amend the Criminal Code, 1892.

(In the Committee.)

Hon. Sir OLIVER MOWAT—Section 186B of this bill is as follows:

186B. In order to prove the age of a girl or child for the purposes of sections 183, 186, 210, 282, 283, 284 and 284A, the following shall be sufficient *primâ facie* evidence:

(*a.*) Any entry or record by an incorporated society or its officers having had the control or care of the girl at or about the time of the girl being brought to Canada, if such entry or record has been made before the alleged offence was committed.

(*b.*) In the absence of other evidence, the judge or jury before whom an indictment for the offence is tried, or the justice before whom a preliminary inquiry thereinto is held, may infer the age from the appearance of the girl.

With regard to the age of the girl, in most of these cases, there is great difficulty in proving the age, and thereby grave offences receive no punishment at all, and the Act becomes useless. I hear of that from various quarters from persons who have endeavoured to enforce these laws. When these societies take charge of girls, they try to ascertain their ages, and having satisfied themselves, they make an entry accordingly. There is no practical difficulty whatever in adopting the age which societies have in their records. Then paragraph (b) provides the judge and jury may infer the age from the appearance of the girl. In certain cases this is found to be the only way in which, so far as any one can suggest, it is possible to meet the case. Very often the girls themselves do not know their own ages, and there is no harm in allowing the judge and jury to infer the age from the appearance of the girl. It is suggested—and on this point I have no strong opinion—that it would be better to leave this to the judge alone, without a jury.

Hon. Mr. MILLS—I think any attempt to do away with trial by jury in those cases will not be advantageous. The word "jury" had better be there.

Hon. Sir OLIVER MOWAT—Very well; I will leave the words "or jury."

Hon. Mr. LOUGHEED—I hope I shall not be thought captious in taking objection to many of the proposed amendments by the Minister of Justice to the Criminal Code. I do not think I am exaggerating when I say that the public have been very much surprised at the amendments proposed to be introduced by this bill. Many of them are extremely mischievous, and I think none of them more so than the one now under consideration. I can scarcely think my hon. friend is sincere in strongly urging this amendment on the House. It does violence to the established principles of evidence. It attacks the very security on which we rest for the trial of criminal cases either by the judge or judge and jury, and it seems to me to introduce an innovation for which my hon. friend can find no analogy or warrant whatsoever. Will the hon. gentleman just consider for a moment some of the innovations which these amendments propose to introduce into the law of evidence. We have always congratulated ourselves upon the security of trial, particularly under our system of English jurisprudence. The law of evidence by which that security is afforded to the subject has been the result of many centuries of growth. It has been transmitted from the common law down to our statute law, and thus has been built up since time immemorial. Now, during the many centuries that the principles of evidence have been built up under our system of law, my hon. friend, either under the common law or in the statute law, will not find anything analogous to the proposal which he has introduced here. It proposes to place English waifs in a position by which they can establish crime against the accused regardless of the law of evidence as at present it applies to Canadian girls. It proposes that when these waifs are brought from England and landed on our shore those who may be in charge of them will enter the age of those girls in the books of an incorporated company, books which are usually kept in anything but a systematic way. Should an entry in books which are kept without accuracy or knowledge and in which you cannot place any degree of reliance, be considered sufficient to establish crime against one on his trial on such a serious charge? In a case where a person is accused of having illicit connection with a girl born in Canada, the very best evidence would have to be produced. Her age would have to be proved beyond peradventure. The records of her birth and baptism as well as the evidence of the parents would have to be produced, and no scintilla of doubt would be permitted to rest in such a case on the mind of the court. Now, let us look on the other hand at the radical change which it is proposed to make in the law in regard to a charge of a most serious character, which may be brought against any individual in the community—namely, that with regard to any girl brought out by a society, taken from the streets of London, probably as unchaste as she can be —taken from the gutters of the streets there and placed in Canada in a better position of protection than the children of citizens of this country—in such a case all that is necessary to be done in case an accused person is being tried for having illicit connection with that girl is the production of the books of the society in this country where, by some philanthropic individual, an entry has been made in a book of the age of this girl. How is that knowledge of the age of the girl derived? It will be purely guess work. It is simply setting up judgment against knowledge. It is altogether unlikely that the age of that child will be thus inquired into. If it cannot be ascertained, those who may have charge of this batch of girls brought to this country will approximate the ages. I presume this will be done without any close inquiry, without having made any careful investigation, without taking into consideration that the liberty of a man may be in jeopardy, and will enter in those books the probable age of those girls and that book will be produced in court and will be admissible as evidence. As my hon. friend very well knows, there is no analogy which he can mention by which we would be warranted in departing so radically from the law of evidence as to introduce this innovation. It depends on the judgment simply of persons in charge of those girls as to the age which shall be entered up in those books. Therefore, it is worse than hearsay evidence. It is simply the judgment which may be exercised by an individual who may not have the slightest experience in arriving at a proper conclusion as to the question of age. It must be accepted as the very best possible evidence for the purpose of establishing a crime. On the other hand, if it is to be the

result of knowledge that is to be entered up in that book, then the very best evidence should be adduced, and the source of the knowledge from which the entry is made should be produced in the court to establish the crime of the accused. Furthermore, I would point out to to my hon. friend this anomaly—legal gentlemen here will appreciate the seriousness of it—my hon. friend purposes to make this evidence and there is no way of rebutting that evidence except under the present law of evidence. If my hon. friend had gone sufficiently far and said "I will provide legislation of equally loose character by which the age may be rebutted, there might be some justification for it." But you produce a book, and although it is quite apparent to the judge and jury that the girl may be beyond the age of consent, there is no way to rebut that evidence, because my hon. friend says it is evidence, and in the face of one of those girls coming from England, it is utterly impossible to rebut that evidence, because she is practically a foreigner when she comes to this country. No one may know whence she has come or whither she goes, and yet the court by statute is bound to accept as conclusive evidence something which would not under circumstances be admitted as evidence. For instance, if she were born in Canada, there would be a possibility of the defence rebutting that evidence, but in this case you cannot rebut it, because you have made it evidence, and all the sources from which it has come are so far removed from us that it is utterly impossible to attack it. In the next case, under subsection B, I notice it is intended to leave the question of age to the judge and jury. That is not so mischievous as the other. If my hon. friend, for the purpose of attaining the object which he had in view, had provided that the evidence of medical men should be accepted for the purpose of establishing the age of the girl, he might be able to justify that particular departure from the well known rules of evidence. Then there would be a possibility of rebutting that evidence. There would be a possibility of taking the evidence given by medical men, and placing other medical evidence on the other side, but in this case my hon. friend precludes all possibility of that being done. I would thus point out to him the danger which faces us in placing legislation of this kind upon the statute-book. I would suggest to my hon. friend that that clause be stricken out, or that subsection A be struck out, and that a clause be put in providing that the evidence of medical men should be adducible as *prima facie* evidence of the age of the girl. But I think, on the whole, it had better be struck out.

Hon. Mr. POWER—There is a good deal of force in the contention of the hon. member from Calgary, but I do not feel that there is enough force in it to induce me to vote with him against the clause. In the first place, the hon. gentleman will observe that it is provided in paragraph A that the entry or record must be made before the alleged offence is committed. The exact age of the child in this case is not a matter of the utmost consequence. The object of the law is to protect a child who is not old enough to protect herself, and if the child happens to be younger in appearance and otherwise than she is actually, if she happens to be four or five months older than she appears, I do not think that it is sufficient reason for removing the protection of the law from her; and, as the hon. leader of the House pointed out, in the case of those girls who come from England, it is very frequently impossible to secure any entry from the baptismal registers in the old country. I do not think that any serious abuse is likely to arise under this paragraph A. I quite agree with the hon. gentleman that this evidence alone should not be sufficient to convict. After the hon. Minister of Justice reads over paragraph B carefully he will see that it requires to be redrafted. The beginning of the clause before us is that:

> In order to prove the age of a girl or child for the purpose of section so and so, the following shall be sufficient *primâ facie* evidence.

Now paragraph B does not grammatically agree with that. It should say that the inference of the judge and jury or of the justice shall be *primâ facie* evidence—not go on to tell what the judge and jury may do. I think the hon. gentleman will see that the language is not harmonious in its construction. This paragraph B needs to be somewhat altered in order to make its meaning more clear, and I hope the Minister of Justice may see his way to providing that if there is evidence such as described in B, that evidence shall be corroborated in some way by other evidence, and the

hon. gentleman from Calgary has just indicated the kind of evidence which would be reasonable evidence for corroboration—the evidence of medical men. If the entry by the incorporated society and the judge or jury, or the magistrate before whom the girl is brought, agree, one evidence might be looked upon as corroborating the other, but I do not think either kind of evidence—either that set out in paragraph A or that set out in paragraph B,—should alone and without any corroboration whatever be deemed sufficient to justify a conviction.

Hon. Sir OLIVER MOWAT—My hon. friend will see that he would leave wholly unprovided for those cases in which there can be no positive evidence of the child's age. I put in that second clause expressly to meet that class of cases where there could be no other evidence of age, and the offender would go unpunished just because of the difficulty in proving the exact age. I think it would be a perfectly safe thing to say that a judge or jury may, if they choose—I do not compel them to do it—infer the age from the appearance of the girl or child. As to the medical men being called in to express their opinion, I do not know that they are more competent to judge of the age of the girls than the rest of us. I do not see any obscurity in that subsection. My hon. friend made the objection that it was somewhat obscure. I do not see the obscurity of it. I do not know by what language I could make it more smooth. I would adopt any smoother language if I could find it. Now, when we say *prima facie* evidence, it means that the question is open to other evidence as well. I think the two clauses may be safely passed in their present form.

Hon. Mr. MILLS—Does that mean by an incorporated society in England or in Canada?

Hon. Sir OLIVER MOWAT—It might be either.

Hon. Mr. LOUGHEED—So far as I can learn, no country has ever gone to the extent which is proposed here. We find under the New York Penal Code there is a provision that medical men may be called in to determine the age of a girl, where better evidence is not forthcoming, but I enter my emphatic protest against going to the extent to which this provides. I say it is entirely unwarranted. It would jeopardize the liberty of the subject, and would do violence to the rules of evidence in a manner which should not be countenanced for a moment, and particularly as rebuttal evidence would be practically excluded by the operation of such a law.

Hon. Sir MACKENZIE BOWELL—There can be no question as to the difficulty of proving the age of the waifs picked up in the old country. Those who have visited these homes in the old country, are aware of that fact. They are thrown upon the world, perhaps without any parents, stunted in growth from the manner in which they have been living, sleeping about the streets, so that so far as age is concerned it is a matter utterly impossible to know, and you can only judge from the size or appearance of the child. I speak from experience, having visited these homes in London, and saw the character of the children that have been brought there, and their appearance when they are first picked off the streets and placed in these homes by charitable and philanthropic people. They are brought to Canada after being detained in these homes for some time, in order to a certain extent to ascertain what the peculiar temperament of each child is, and whether there is any possibility of reformation and doing them good by sending them away. I look upon this power given to judge or jury to convict upon mere suspicion of a child's age, as extremely dangerous to the liberty of the subject, and I certainly should, if it were put to a vote, record my vote to strike it out.

Hon. Mr. LOUGHEED—Why is not this principle applied to other crimes as well as to this particular crime? There are numerous cases in our courts where we observe an infirmity of evidence, and where, if less strict rules of evidence were applied, a conviction could be secured. There are innumerable cases of larceny where we have a moral conviction that the accused stole the goods, yet you do not ask for one moment to relax the principles of evidence in regard to larceny, or a dozen other crimes, and why should special legislation be passed to protect this particular class of girls? These children come here and are surrounded by better en

vironment than in England. They are in some cases picked up from the gutters in England, where they are rendered subject to all kinds of vice and surrounded by the most vicious influences, and are brought to this country and we are asked, forsooth, to build a barricade of law round these children to protect them better than we protect our own children. We are asked to violate the best rules of evidence for the purpose of establishing a case against an accused, possibly one to levy blackmail against a subject of Canada, and that special protection should be given to this class of children. I do protest most emphatically against it.

Hon. Sir OLIVER MOWAT—I considered this clause as one which would be passed without any difficulty whatever. I had no idea that such indignation would be excited as my hon. friend has expressed. My hon. friend speaks of the proposed provision as entirely new and for that reason objects to it, but we are constantly amending the law as difficulties occur. We ought to amend the law. A great deal of injustice would be done if we failed to amend the law when it is found defective in regard to any matter. We are bound to amend it, and are constantly doing it. There are in the law provisions in regard to the age where apparent age is spoken of and recognized as all that is necessary to be accepted.

Hon. Mr. LOUGHEED—Not the criminal law.

Hon. Sir OLIVER MOWAT—The law should provide as far as possible for every evil. My hon. friend speaks of these children as having been taken from the gutters, as being surrounded with vice and probably being themselves vicious. My hon. friend has spoken far too strongly about that for several reasons, and one is that the percentage of the girls brought out by these societies who go wrong afterwards is extremely small. Another reason is that these societies do not send out children whom they believe to be bad. They keep them for whatever time is necessary in order to improve their disposition and so on, if they are not good when they take them up, in order to make them fit to be respectable girls in the new country to which they are sent. I think my hon. friend has done wrong to those poor girls in the way he has spoken about them. When they come here we receive them and we are bound to protect them. My hon. friend says that we are doing more for these children than we are doing for our own girls, that we are giving them more protection than our own girls. This subsection will apply to our own girls quite as well as to these children that come to the country. It would not apply to this class more than the other. With regard to the first section, the reason we do not need any protection that I know of beyond what we have now in regard to our own girls in general, is because there is almost sure to be some record of the age of those who are born here. But then I do not require a record. If you can prove the age in any other way, I do not suggest that you should insist upon a record in the case of our own girls. I think it of great importance that there should be ample protection to young girls, whether born here or in any other country, and this clause was drawn with that view. I hope the committee will not reject the proposed provision because it has been pointed out to me very earnestly, by those who have been giving attention to this subject, that some such provision is absolutely necessary, that the offence constantly goes unpunished because there is no evidence that can be given, under the present law, of the age of the girl, and thereby offenders constantly escape. We are bound to look after that, and make the best provision we can to meet the case, and the records by the societies are helpful. There is no reason why they should not be true records. The managers are intelligent people—all I have ever had to do with, and the ages of some of the girls—I do not know how large a proportion of them—are reported to them when they are brought out here. When the question is merely in regard to age, I think that my hon. friend's objections are not applicable at all, and ought not to weigh with us. An offence may be committed. It may depend upon a year or two of age what the offence may be, and since the present law does not afford us any means of proving what it is, our duty is to find some other means. These children should be protected, and by the best means our ingenuity may suggest.

Hon. Mr. FERGUSON—My hon. friend the Minister of Justice says this clause is in his opinion absolutely necessary. Has he

any information which he would give the House as to the extent of these offences against this class of female children—how far they have been committed in Canada?

Hon. Sir OLIVER MOWAT—There are no statistics on the subject.

Hon. Mr. FERGUSON—My own recollection bears out one case that got into the newspapers, of a girl of this class having been seduced by her guardian at the place where she was located by the society. I I know there are a great number of these people being brought into this country. I remember crossing the Atlantic on a steamer where there were 700 on board; and I know this work of bringing these children into Canada has been going on for a long time and to prove the necessity of this clause, it must be shown that abuses have arisen. I feel with my hon. friend from Calgary that this is a very grave step we are taking in altering the law of evidence. The circumstances must be very serious indeed that would call for such a serious departure from the established law of evidence. My hon. friend should be able to furnish us with facts in order to ascertain whether this evil is a serious and widespread one: because, if that fact is established, it might justify us in passing this clause, and might also be held as a reflection upon the societies that are bringing out these children, that they are not exercising sufficient care as to the class of people into whose hands they are putting them. But it is certainly due to us that we should know to what extent this evil has arisen under this system of bringing these poor children to our country.

Hon. Mr. SANFORD—Having been associated with one of these homes for the last fifteen years, I think I can speak with some knowledge of the effect of bringing young girls into this country, being, as they are, while with the family who have engaged them without protection or care beyond what is supposed to be the protection and care of the family with whom they are left, who, in many cases, consider only the question of how much of labour time they can secure with the least compensation. Several cases of seduction have come under my notice, and in no instance have we been successful in bringing the criminal to justice; therefore, I can quite appreciate the necessity of very strong laws to protect this particular class of immigrants. During this period of upwards of 15 years we have had, I fancy, an average of 30 to 40 young girls, and perhaps from 100 to 150 boys—something like that—and while we generally have had little difficulty with the boys, quite often there have been cases of the character referred to by the Minister of Justice, where young girls away from home, from every tie and every affection to guide and control them, have been brought too readily under the influence of their temporary guardian, and they come to grief, and in almost every such case we have failed to bring the criminal to justice.

Hon. Mr. SULLIVAN—Have you any statistics, or do you know of any that are published?

Hon. Mr. SANFORD—Memory fails me to find one case in which we have brought the criminal to justice. Our rule has invariably been to require the parties who apply for children to send letters of recommendation from the pastor of the church with which they are associated, recommending them to be people of the best possible character; and yet, within ten miles of this city, we had a case where the hired man and a young girl of 13 or 14 years occupied the same bed-room, with simply a sheet around the bed to protect her from view. He was a hired man, and of the usual class of such men. You can naturally conclude what will be the result.

Hon. Mr. McMILLAN—I think you had better put a clause in to cover that.

Hon. Mr. SANFORD—We should have something more than a sheet to cover that. She was very indignant when, in a letter dictated by myself, I called her attention to this extraordinary conduct, and asked her the question, Would she place her own child in the same room with the hired man? I asked the question with reference to her letter of recommendation, and so on, and the answer I received led me to find the woman had most indifferent views of her responsibility.

Hon. Mr. LOUGHEED—How does that clause protect such cases?

Hon. Mr. SANFORD—The more severely you define the position of the girl, that she

is an orphan and dependent, and having no friend in the country, other than and excepting the superintendent or manager of that home, who may be miles away and the dread, the apprehension and the fear of the penalty and the possibility of bringing the crime home, may act as a deterrent. With regard to the age, let me say here in the case of the home children as to a very large proportion we have an assurance as to their age. Quite a proportion of these are the children of people who were in respectable positions, but owing to sickness, or poverty, or death they have been placed in charge of our home, and after a term of from four to six years of careful training they have been sent to Canada. I am greatly impressed with this idea, that you cannot too closely surround these children, for they are no more than children, with the protection that will guarantee their being taken care of when beyond the reach of home and parents and loved ones. It occasionally happens that all the members of the family go to church, and the oldest son has some excuse to remain at home to help the young girl to attend to the household work, and the evil comes then.

Hon. Mr. SULLIVAN—I wish to make one remark with reference to determining the age. If menstruation has not occurred the age could not well be determined, because the change takes place in passing from girlhood to womanhood when menstruation first occurs. If a girl was 14 and had menstruated, I would consider she was a woman and entitled to be placed in that position. But a judge or jury in trying the case could not determine it readily without that fact being known. It occurs to me—I do not know if it would be right to put those words in the law or not—but I would take it that it should be "before or after menstruation", and that would cover the case entirely; because there would be evidence then.

The motion was defeated: Contents 13, Non-contents 19.

Hon. Sir OLIVER MOWAT—The next clause is the following in substitution for section 187 of the code:

187. Every one who, being the owner (or occupier of any premises, or having, or acting, or assisting in the management or control thereof, induces or knowingly suffers any girl of such age as in this section mentioned to resort to or be in or upon such premises for the purpose of being unlawfully and carnally known by any man, whether such carnal knowledge is intended to be with any particular man, or generally, is guilty of an indictable offence and—

(*a.*) is liable to ten years' imprisonment if such girl is under the age of [16] years; and

(*b.*) is liable to two years' imprisonment if such girl is of or above the age of [16] and under the age of [21] years.

In paragraph *(a)* 16 is substituted for 14; in paragraph *(b)* 16 is substituted for 14, and 21 is substituted for 16. In the first line of the section "owner and occupier" is made to read "owner or occupier." These are the only changes.

Hon. Mr. SANFORD—I think the hon. gentleman should leave out the word "owner." It is quite possible for the owner of the house not to be cognizant of the circumstance.

Hon. Sir OLIVER MOWAT—But if the owner permits it and has the power to prevent it he should be punished for it.

Hon. Mr. MILLER—The only part of this clause that I am in favour of reporting is the amendment in the first line—that is the substitution of the word "or" for "and" in the law as it stands at present. I am opposed to the alteration of the law contemplated by subsections "A" and "B." We have had several divisions of the committee already on the principle involved in this clause and the divisions have all been in the direction of preventing an extension of the law. The argument in this case is as strong as the others, and I think the committee will have no hesitation in striking out the clause altogether. I think it would be well to take the sense of the committee on the first amendment.

Hon. Sir MACKENZIE BOWELL—I am sorry to differ from my hon. friend. The other clause which has been rejected involves the principle of evidence in criminal cases. This provides for the punishment of the owner or occupant of a property who takes a female to or allows to be used for immoral and improper purposes. I do not see any analogy between the two cases. I am entirely in favour of this clause. The only question with me is whether we should not substitute 18 for 21.

Hon. Mr. POWER—I think that this is one of the most atrocious practices that can

possibly exist—that of bringing virtuous girls, no matter of what age, into houses of prostitution—leading them in there without their having knowledge of the character of such places. I do not think the public sense will be at all shocked by our punishing that offence with imprisonment, even though the girl is 21.

Hon. Mr. McMILLAN—If the hon. Minister of Justice would change the age of 16 to 14 and leave in the 21, I would approve of it. Supposing the girl is 16 years and one month old, then the offender is only punished with two years' imprisonment, while if she is one month under 16 years the punishment is 10 years' imprisonment. The critical time is at 14 years of age. I think 14 is a better period to name than 16. I agree with the hon. leader of the opposition that this clause has a different bearing from the one with which we have just dealt. There cannot be a more atrocious act than to keep a house for the purpose mentioned in this clause, and the punishment ought to be severe.

Hon. Mr. FERGUSON—I think we should pass this clause without any hesitation whatever. It only proposes to punish the owners or occupants of property who knowingly induce girls to enter such places for immoral purposes, and whether the age is 14, 16 or 21 the punishment ought to be severe.

Hon. Mr. ALMON—I hope no alteration will be made in the law which will prevent the punishment of the owner. It would be absurd to say that he does not know what use his house is to be put to. In many cases the owner receives a larger rent for his house when rented for immoral purposes than if it were used for any other purpose. His pretended ignorance of the use of the house should not be excused. If you fix an artificial age, 21 years is a reasonable limit. That is the age at which a man can take control of his own property, although he may have been equally competent to manage it at 19. The House will yet perceive that we did wrong in not adopting the limit I proposed—45 years.

Hon. Mr. OGILVIE—If we were to credit all that we heard to-day we would believe that crimes of this character are common in Canada. I do not think that is the case. In Montreal I have not heard of such a crime for years, and I believe that it is very uncommon throughout Canada. The hon. gentleman from Hamilton spoke about people getting those orphan boys and girls for the purpose of taking all the work they could out of them. I know the opposite is often the case. Many of those children are just as well taken care of as if their guardians were their parents. Very often they find happy homes and are better off than they ever would have been in the old country. I agree with the hon. gentleman from Glengarry as to the propriety of fixing the age at 14. If you are to keep raising the age why stop at 21, let us adopt the suggestion of the junior member for Halifax and say 45. Let us avoid making statements in this House which will lead the world to believe that the horrid crimes to which reference is made are common in Canada. The best amendment to this bill would be one which would throw it out altogether.

Hon. Mr. MILLER—I think the first amendment substituting "or" for "and" is a necessary one. The owner must be an occupier to be liable to punishment. After the amendment is made, it will read: "Every one who being the owner or occupier of any premises," etc., making the owner who connives at the use of his property for immoral purposes liable to punishment. We all know that in our large cities there are owners of property who knowingly let their houses for such purposes. Under the law they cannot be punished unless they are occupiers, but when you make this change you make a very valuable and important amendment to the section. That this crime of enticing young girls into houses of ill repute is serious there can be no doubt; but the law punishes amply at present. Consider the punishment—ten years' imprisonment—ten times as much as is sometimes imposed on a man for manslaughter. The punishment is excessive. If the girl is over 16, under the second clause, the punishment is two years. Is not that ample imprisonment for inducing a girl who ought to have more sense than to enter such a place? Some hon. gentlemen speak as if it were either this amendment or nothing—but it is not a question of just and proper and proportional punishment, but a question of excessive punishment. The existing law is deterrent enough, and I do not believe in making it so severe that there will be diffi-

culty in putting it into execution. Where a punishment is so disproportioned to the offence many criminals escape punishment altogether. I wish the committee to bear in mind that I am not in the least degree mitigating the serious and disgraceful character of the offence here attempted to be punished, but what I ask the committee to remember is this, that we have already a section on our statute books which was placed there after grave deliberation by a large committee of both Houses and afterwards adopted after careful consideration by both Houses of parliament which is, I think, full and sufficient to meet the case. What does it say? It provides for the imprisonment of the offender for 10 years if the girl is under 14. That is very proper, but the punishment is too severe if it extends to the age of 16.

Hon. Sir OLIVER MOWAT—Would you have no punishment inflicted for the offence if the girl is only 16?

Hon. Mr. MILLER—I do not think anything more is required than the statute provides at present for the punishment of this offence. I admit it is an abominable crime, but the law at present amply punishes it.

Hon. Mr. POWER—I would suggest that the Minister of Justice take the sense of the committee on each of these amendments.

Hon. Mr. LOUGHEED—I should like to point out the objection which may be raised to subsection "B." It has been demonstrated very fully in most cities where attempts have been made under the municipal law to break up houses of prostitution. They have been broken up with the result that rooms of assignation and other evils of the kind have followed from that particular action. Now it seems to me that 16 being the age of consent, you leave on the street practically, under this law, girls between the ages of 16 and 21 who may be prostitutes; you provide no place for them except these houses which are places of reception for them at the present time and you compel them to secure quarters and ply their nefarious traffic in a clandestine manner in rooms and quarters of that character. I think I am safe in saying the conclusion has been that all municipal action which has been taken in breaking up houses of prostitution, and thus distributing those girls through the city and other places to establish rooms has not been productive of good, and it would have been very much better if a dozen of them had remained together under close police supervision where they could have been looked after by the municipal authorities, and where the evil would have been concentrated instead of being distributed throughout the whole community.

The first amendment substituting "or" for "and" was adopted.

On subsection "A."

Hon. Mr. McMILLAN—I think the age should be 14 as it was before.

Hon. Mr. MILLER—If we vote this clause out, the law will stand as it is.

Hon. Mr. MILLS—Imprisonment for 10 years is a very serious punishment for this offence. The effect of making so severe a punishment is that in many cases the parties escape prosecution altogether. If the period were shorter you would be much more certain to have the law effectively enforced.

Hon. Sir OLIVER MOWAT—The present period was fixed very deliberately at a former session. No harm has resulted from it. This is merely a maximum. The judge will consider whether in each case the maximum penalty should be inflicted. In some cases 10 years would be an insufficient punishment. It seems to be the feeling of the House that 16 in section "A" should be 14—that is, the present law should remain as it is. If that is the feeling of the committee I would prefer to substitute 14 to 16 in subsection "A."

The clause as amended was adopted.

On subsection "B."

Hon. Mr. McMILLAN—That should be 18 instead of 21.

Hon. Mr. POWER—I fail to see what objection there is to punishing a man for inducing a girl under 21 to enter a brothel. Any man who induces a girl to go to a place of that kind for an immoral purpose should be punished, and this two years is the maximum punishment. The court, if there are extenuating circumstances, may let him off with three months or six months.

Hon. Mr. OGILVIE—If the hon. gentleman from Halifax is right, strike out 21 altogether. Protect every woman, no matter what her age is. What the hon. gentleman from Calgary says has more common sense. Eighteen should be the age limit; but if 21 is to be the limit, a woman of any age should be protected.

Hon. Mr. ALMON—45!

Hon. Mr. MILLER—I think there would be no objection to fix the age between 14 and 18.

Hon. Sir MACKENZIE BOWELL—This clause does not confine the punishment to the inducing of a virtuous girl to go into a brothel for the purpose of prostitution.

Hon. Mr SCOTT—The punishment is limited to the owner or occupier.

Hon. Sir MACKENZIE BOWELL—The point to which I desire to call the attention of the committee is this: the senior member for Halifax stated that the inducing of a virtuous girl to enter a house of this kind should be punishable. I would punish the man no matter how old she is, but it goes further than that. If the owner or occupant of the house takes a common street walker, who may have been on the street for years, into his house he is as punishable for it as if she were a virtuous girl.

Hon. Mr. MILLER—The clause applies only to the occupier or owner of a house who induces a female to come to his house for purposes of prostitution, whether she is a prostitute or not. I think, under a certain age, say the age of 18, any person, whether owner or occupier, inducing a person to go to a brothel should be punished, and I do not think two years, at the discretion of the judge, is too little. Therefore, I think the Minister of Justice should adopt 18 instead of 21.

Hon. Mr. LOUGHEED—This clause extends to the keeper of a house of ill-fame having a girl under 21 years of age in her house.

Hon. Mr. McMILLAN—The intention is to protect young girls. A girl at 21 should be able to look after herself. The intention it to protect girls when they are minors. I think 16 is not sufficiently high in age, and I therefore move that it be from 14 to 18.

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

One clause 190*a*.

Section 190*a*.—By inserting immediately after section 190 the following section:—

"190*a*. Every one is guilty of an indictable offence and liable to a penalty not exceeding one thousand dollars, or to one year's imprisonment, or to both, who lives in a state of open and notorious adultery or fornication with another person and without any claim or pretense of their being married to one another."]

Hon. Sir OLIVER MOWAT—Where there is some pretense I do not want to deal with that, whatever the ground of pretense is. Sometimes there are found to be defects, for instance in the license, and strictly speaking the marriage may not be a legal one. We have had in Ontario, and no doubt in other provinces, to pass laws from time to time to legalize marriage where it was defective. One was where the law required that the clergyman should be resident of the province, and Catholics were married by clergymen who were not residents of the province, so they were not married at all. So that I do not propose to touch any case where there is any pretense or claim of their being married to one another; but in other cases I think it is proper. In England such cases are taken cognizance of and punished by the ecclesiastical court; but we have no ecclesiastical court here to punish them.

Hon. Mr. LOUGHEED—Supposing those parties say they are married?

Hon. Sir OLIVER MOWAT—If they make a claim to be married, I propose not to touch the case.

Hon. Mr. LOUGHEED—That is all they would have to do.

Hon. Sir OLIVER MOWAT—There are cases where there is no pretense of that kind. A case occurred in the county of Huron, where a couple of people were living notoriously in adultery, not married, and it excited an immense amount of indignation among the people; and they undertook to mob them, which they did, because there was no law to touch the case or interfere with them. I think in those avowed cases of adultery there should be a punishment.

Hon. Mr. OGILVIE—I think this is unnecessary, if it is not mischievous, legislation. I think it is a great mistake. I have known in my life two or three cases where people would be liable to be punished, and they are as good living and as honest people as Canada holds.

Several hon. MEMBERS—Oh, oh !

Hon. Mr. OGILVIE—Yes, I repeat it ; they are upright, good people. I am not going into the history of the cases, but I know of three at least. This legislation is got up, what for ? The hon. minister tells us it is because of one case up in Huron.

Hon. Mr. SCOTT—There are other cases.

Hon. Mr. OGILVIE—There is one case of it there, and I know something of the county of Huron myself. I am perfectly satisfied that that clause 203 is, to say the least of it, and to use the mildest language, unnecessary, and we would be a great deal better if we had less of that legislation here.

Hon. Mr. POWER—I do not agree with the hon. gentleman from Alma.

Hon. Mr. OGILVIE—You never do.

Hon. Mr. POWER—I have agreed with the hon. gentleman as to several clauses in this bill, but I do not agree altogether as to this clause. As the hon. member has pointed out, we are in a different position from what they are in England, where people who are guilty of notorious adultery can be got at through the ecclesiastical court, or could at one time. It is a great scandal that people can with impunity live in what is described here as open and notorious adultery, and it should be punished ; but I cannot say I can go as far as the next words go, because under that a man who lived with a mistress would be liable to the penalties provided by this clause. But I do think open and notorious adultery should be punished, and if the committee decide in that way—that is, not to punish the other offence—then those words "Without any claim or pretense of being married" should be struck out.

Hon. Mr. MILLS—As to these words "without any claim or pretense of being married," there are cases where persons have been married in the Indian Territories where courts have subsequently held the marriage was not a valid one, and those last words would protect them ; but it is a question whether those last words would protect those who claim to be married and have a wife living somewhere else—those who claim to be married a second time and have a first wife living. It seems to me under this clause you may reach a class of persons you cannot at present reach at all ; that is persons who go to the United States to marry and return with the woman whom they have married.

Hon. Mr. SCOTT—This clause would not reach that class.

Hon. Mr. MILLS—It should be framed to meet it.

Hon. Sir OLIVER MOWAT—The clause goes far enough.

Hon. Mr. SCOTT—It is not intended to meet it.

Hon. Mr. CLEMOW—Is not that adultery ?

Hon. Mr. MILLS—Yes, but it is a question to my mind whether the latter part of the clause would not protect them. I think the clause should extend to the case of bigamy where persons are married abroad, because I am strongly of opinion that ultimately it will be found that we cannot reach that class of cases ; and we can reach them by this section if it were altered verbally so as to include those parties.

Hon. Sir OLIVER MOWAT—I think in dealing with this subject for the first time we should not go too far, but should leave to subsequent legislation any further enactments. I considered the matter, and meant that the clause should not apply to those cases where they went to the United States and got married. I do not think it is expedient to deal with those cases.

Hon. Mr. POWER—I move that the words "or fornication" in the 4th line of 190*a* be struck out. There is no such provision as this in England or any other country that I know of.

Hon. Sir MACKENZIE BOWELL—Then to make it consistent you should strike

out from the word "fornication" to the end of the paragraph.

Hon. Mr. POWER—No. I move simply to strike out "or fornication."

The amendment was carried, and the clause as amended was adopted.

Hon. Mr. SCOTT—It is rather unfortunate that it should go abroad that in the opinion of the Senate of the Dominion of Canada it is proper and right that a man should live in fornication.

Hon. Mr. POWER—Nobody has said it was proper and right.

Hon. Mr. SCOTT—It is the inverse of that statement. We propose to punish persons for living in adultery; but a man who is not married can live in fornication for his life and not be punished. I think it is drawing the line very far. I think few cases will be proved. It is rather regrettable we should lay down a rule of that kind.

Hon. Sir MACKENZIE BOWELL—I call the hon. gentleman to order. The clause has been carried.

The committee rose, reported progress and asked leave to sit again.

BILLS INTRODUCED.

Bill (106) "An Act respecting the Safe Deposit Warehousing and Loan Company."—(Mr. Mills.)

Bill (30) "An Act respecting the Central Counties Railway."—(Mr. Clemow.)

Bill (24) "An Act to incorporate the Manitoba and Pacific Railway Company."—(Mr. Lougheed,)

Bill (69) "An Act respecting the Quebec, Montmorency and Charlebois Railway Company."—(Mr. Clemow.)

Bill (90) "An Act respecting the Montreal Bridge Company."—(Mr. Clemow.)

Bill (68) "An Act respecting the American Bank Note Company."—(Mr. Clemow.)

The Senate adjourned.

THE SENATE.

Ottawa, Tuesday, 8th June, 1897.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

AMERICAN BANK NOTE COMPANY'S BILL.

REPORTED FROM COMMITTEE.

Hon. Mr. MACDONALD (B.C.), from the Committee on Standing Orders and Private Bills, reported that the committee had under consideration Bill (68) "An Act to incorporate the American Bank Note Company," and had found that the forty-ninth rule of the Senate had not been complied with.

Hon. Mr. CLEMOW—I take exception, as being the party who moved the first reading of this bill, to the report which has been brought in by the Standing Orders Committee. Of course, on principle they are perfectly right, but unfortunately they have not acted upon that principle this year, or any preceding year as long as I have been in the Senate. Therefore I do not think it exactly the thing, at this late period of the session, to throw out the bill for this technicality. This company is applying for incorporation. It asks for no exclusive power, or anything of that kind. The question at present is whether the bill is to be thrown out because it has not been advertised as required by the rules of the Senate. While I do not pledge myself to support the bill when it is brought before another committee, still I want to see fair, even-handed justice extended to this company as well as to any other company; therefore, I do not think the committee, taking all these matters into consideration, were justified, under the circumstances, in reporting as they have done, although carrying out strictly the rules of the Senate and being perfectly within their rights. I believe that this year there have been some sixteen or seventeen bills reported upon and with regard to which the forty-ninth rule has been suspended.

Hon. Mr. McKAY—Not that many bills.

Hon. Mr. CLEMOW—Well, a great many, and therefore, on these grounds, they

should place this bill in the same position, and then, when it goes to the proper committee, they will have an opportunity of discussing it on its merits. Therefore, I move that the 49th rule be suspended in so far as it relates to this bill. It is merely just and right. In other sessions, had we carried out the rule strictly, no man would try to enforce the rule strictly now, particularly as the fault lies with the solicitor, who is promoting the bill. As you all know, this company came here at a late period in the year, and the solicitor had not time to advertise. It is a mistake on his part, and he will have to suffer the consequences if the rule is enforced as proposed by the committee. I hope the House will take all the circumstances into consideration, and allow this bill to be treated in a similar way to the bills under similar conditions this session.

Hon. Mr. MACDONALD (B.C.)—The hon. gentleman will have to give notice of his motion to suspend the rules. The committee to-day inquired into this matter carefully, and there has been no case of hardship. The promoters of the bill were notified that they had not complied with the rules of the Senate, and they treated that notice with contempt, and made no effort to comply with the rules. It is true we suspended the rule in a number of cases, but there was no opposition to those bills, and to-day we are told by counsel opposing this bill that it would interfere with certain rights. In every case where we suspended the rule, the committee were convinced that the bill would not interfere with any public or private rights, and on that ground recommended the suspension of the rules. The committee have been too lax during the whole of this session in suspending the rule so frequently. It causes the Senate to be treated with contempt by promoters of bills, who think if they comply with rules of the House of Commons, they can disregard the rules of the Senate, and for those reasons to-day I was obliged to give my vote to sustain the rules. If the hon. gentleman wants to bring this bill up again, he will have to give notice of his motion to suspend the rule.

Hon. Mr. MILLS—I certainly do not concur with the view expressed by my hon. friend, the chairman of the Standing Orders Committee. It does not seem to me that we ought to treat in that vicarious way this one bill, after having permitted seven others immediately preceding it to go through and to be reported upon without having conformed to the rule, but standing in exactly the same position that this bill stands in. Now, the solicitor who was before us, who had charge of the bill and who had given notice in the *Gazette* of the intention of the American Company to ask for incorporation here, was informed by my hon. friend the Senator from this city, that it was the invariable practice of the Senate not to insist upon this rule, but in practice to act in accordance with the rules which prevail in the House of Commons. The rules of the House of Commons require that notice shall be published in the *Gazette*, and our rule requires that that notice shall be published in some newspaper in every province of the Dominion. The rule of the Senate, it may be proper in certain cases to enforce. If the Senate or the committee are of opinion that there are parties whose interests are likely to be injuriously affected by the legislation, and that they are not likely to hear of it unless notice is given in the papers of the province, then it is well, perhaps, to insist upon this rule being enforced, but it it is perfectly obvious to the hon. gentlemen of this House, as it was obvious to the members of the committee, that there was but one institution in all Canada that could be injuriously or adversely affected by this charter, and that institution is in this city, and was represented before the committee, and was there for the purpose of taking advantage of the provision in this respect to refuse these parties a charter. The best evidence we could have that they had sufficient notice was that they were there, and it seems to me that their opposition ought not to have been based on a technical objection of this sort, but that the bill should have gone before the proper committee and if there were any valid reasons for not incorporating this company, these parties would have an opportunity of stating those reasons and the committee charged with the subject would have an opportunity of dealing with the question upon its merits. Now, my hon. friend from British Columbia says that we allowed seven other bills immediately preceding this to go through, although they had not given notice more than this

committee had, because there was no objection. Why, hon. gentlemen, there have been no objection because parties interested did not know.

Hon. Mr. MACDONALD (B.C)—Well, they ought to know.

Hon. Mr. MILLS—The reason which my hon. friend gave for allowing these bills to go on may be a reason for objecting to the bills—for their being opposed by the Committee on Standing Orders, because it may be an evidence that interested parties living at distant portions of the country, whose interests would be injuriously affected, had no knowledge that such legislation was intended. The reason which my hon. friend then gave for permitting these bills to go through is rather a reason against their having permitted them to go through, and I think the committee should consider in every case, looking at the nature of the legislation called for, are there parties who have interests that are likely to be injuriously affected, and that it is the duty of this House to protect against the legislation sought. Now, my hon. friend does not pretend that there was any legislation of that sort asked for. There was one company engaged in business of the same character whose interests were likely to be injuriously affected, and if they had any grounds for opposition at all, they would have an opportunity of appearing before the Committee on Miscellaneous Private Bills for the purpose of stating their objection, and it was for that committee to consider whether this Act of incorporation should have been granted or not. Looking at the uniform practice of that committee during this session, looking at the practice which prevailed in former sessions and for a long series of years by this committee, it does seem to be a rather extraordinary position that a committee should take advantage of this provision in its rules to object on such grounds to report in favour of the bill. I think that a wrong has been done, and a wrong has been done because of the action of the committee in other cases. The practice that has grown up invited the particular course of proceeding of which the committee now complains, and that being so, it seems to me that these parties are entitled to the legislation for which they have sought.

Hon. Mr. BELLEROSE—Hon. gentlemen, if the question was as stated by the hon. member from Ottawa and the hon. member from Bothwell, I would have protested against the rule being enforced, even in committee, but hon. gentlemen know that all our committees have certain rules upon which they generally act, and the Committee on Standing Orders have, as a rule, reported in favour of suspending the 49th rule when bills were unopposed, and that is just the reason why the hon member from Ottawa and the hon. member from Bothwell have made statements which were not in accordance with facts. What are the facts? We have had before us, during the session, seven bills of which public notice had not been given regularly, and the committee recommended that the 49th rule be suspended, because in those cases the bills were unopposed. In the present instance the committee had before them the very gentleman opposing the bill coming forward and saying he had been deceived by notice not being given, and that therefore, he would urge the committee to enforce the rule. Was not this sufficient reason to induce the committee to stick to the rule? I should think so. This is far from being in accord with the statements made a minute ago by the two hon. senators, whose statement was that the bill stood on the same principles as the others. The other bills were unopposed, while this bill is opposed, so that, under the rule laid down for years past, I should think that before charging the committee with having done such a wrong as that mentioned by the two hon. gentlemen who have taken exception to the report of the committee, those two gentlemen ought to have inquired and made sure of what had been done.

Hon. Mr. CLEMOW—I did not intend to accuse the committee of wrong doing. I merely stated facts. The gentleman who was there opposing the bill was a resident of the city of Ottawa and the county of Carleton, and he admitted that the notice was printed here. He admitted that it was printed in the *Canada Gazette*, and there was very little opposition as far as Ontario was concerned. I cannot understand, because a party does not oppose a bill, that *ergo* the committee must allow it to pass. I think it just as much in the interest of the public that the committee themselves should inquire whether any wrong is inflicted,

whether the bill is opposed or not in the general interest of the country, and therefo e, merely taking what the hon gentleman said, I want to disavow any intention of throwing any slur upon the actions of the committee. I believe they acted in the best faith, but the unfortunate thing is that they have not been consistent, but they single out this one bill among so many before them this year.. It is not a correct principle to have sustained by the Senate. Make that rule whatever it may be, and have it enforced. There is no member of this House who will insist upon its enforcement more than I shall, but, under all the circumstances, an exception should be made in the case of the American Bank Note Company as has been done in similar cases. I merely wish to bring the matter before the notice of the Senate in order that they may understand the subject and if they do not agree to my proposition to suspend the 49th rule with respect to this bill, or if they insist on the notice being given for to-morrow, I shall give such notice, but I hope they will waive that, because the session is drawing to a close, and we should let the bill come up for consideration on its merits. We can throw it out if it is found to be injurious.

Hon. Mr. BELLEROSE—This House has laid down rules which the committee on Standing Orders have to follow. In case the committee find that this or that rule may not be followed they have to be in a position to make good their recommendation. This case was an exceptional one and it was the first time that the committee was asked for the suspension of the 49th rule on a bill which was opposed, the opposition being there. What had the committee to do in carrying out their duty towards the House and towards the country and towards all parties? Has it not to follow the rule? Was it not to do what it has done? The case is now in the hands of your honour, who may suspend the rule and so condemn the act of the committee which was done under the law as it stands.

Hon. Mr. MACDONALD (P.E I.)—The object of this rule is that parties interested in opposing the bill may have an opportunity to come before the committee and express their views upon it. The only parties, apparently, that have any interest in this bill are situated here in Ottawa, or in the provinces of Quebec and Ontario. In these provinces the notice has been given according to our rule; therefore, I think there is no valid objection to be taken to passing the bill through the committee so far as these provinces in which the notice has been given are concerned. The only objection that possibly could be urged against the action of the committee in favour of the enforcement of the rule is that notice has not been given throughout the whole of Canada in papers published in the different provinces of the Dominion. That certainly is rather a technical objection. We know very well, although the notice may not be published in the papers of the different provinces, that it was published in the *Canada Gazette* and this paper circulates through every province and every province in that way has had notice, although not according to the strict rules laid down by the Senate for the guidance of the standing committees. I therefore think that we should waive the objection and suspend the rule to allow the introduction of this bill. At the same time, I believe there are clauses and conditions in that bill which I, as one member of the Senate, would seriously object to when the bill comes before the Committee on Standing Orders, or before the Senate, but we should not throw it out upon a technical objection as we have been urged to do.

Hon. Mr. POWER—Objection having been taken by the hon. member for Victoria (Mr. Macdonald) the hon. senator from Rideau division (Mr. Clemow) will have to give notice of the suspension of the rules. I quite agree with what has been said by the hon. gentlemen from Rideau division, the hon. gentleman from Bothwell and the hon. gentleman from Prince Edward Island, that the reason of the rule having ceased, the operation of the rule itself should cease. The object of the rule is that parties interested should be made aware of the fact that this legislation is asked for. We have had the very best evidence that the only party in the country interested in the matter has been made aware that this legislation is asked for, because he is here to oppose the legislation. He opposed the legislation in the committee of the other House, and that committee decided that the bill was one which should be allowed to pass. It comes to this House, and as he has had ample notice, he should not complain that due notice has

not been given. The fate of the bill should be decided on its merits.

Hon. Mr. BELLEROSE—While those opposed to the bill have been notified to be present, the committee took the precaution to ask the promoters of the measure whether they had not received information from the clerk of the committee some time ago that the bill was not in order and that they should comply with the rules. We asked the gentleman in charge whether, since notice was given him, he had done so, and if the notice had been given from that day, the committee were ready to report to the House the advisability of suspending the rules; but he said he had not given the notice. When he did not take steps to do what we asked him to do, why should we do what the rules of the House forbid?

Hon. Mr. MILLS—The hon. gentleman gave the same notice to the other seven who did not act upon it.

Hon. Mr. BELLEROSE—That does not change the condition of affairs, because in the other seven instances it was unopposed legislation, while in this case the legislation is opposed.

Hon. Mr. MILLS—This bill is opposed only by parties in the province where due notice has been given.

Hon. Mr. McCALLUM—Why should not notice be given in all the provinces of the Dominion? The hon. gentleman says that there is only one person opposing the bill. If notice had been given in the other provinces, how does he know that there would not be others opposing the bill?

Hon. Mr. MILLS—The hon. gentleman will see that that applies to all the other bills we passed.

Hon. Mr. McCALLUM—I do not care about the other bills. I am not going to be drawn away from the question by a side issue. If we have rules let us carry them out, as far as we can do so without injuring anybody. The rules are there and persons who apply for legislation should have intelligence enough to comply with them. It is not asking very much of the hon. gentleman from Rideau to give notice that he will move so and so to-morrow. I have no doubt the Senate will grant his request. If proper notice of this bill had been given, there might have been hundreds of people to oppose it, because the people of Canada are interested, from sea to sea, in this company. I am surprised that there should be so much talk about suspending the rules.

Hon. Mr. CLEMOW—I give notice that I will to-morrow move the suspension of the rules.

THIRD READINGS.

Bill (103) "An Act respecting the Canada Fire Insurance Company."—(Mr. Lougheed.)

Bill (L) "An Act relating to the Canada Investment and Agency Company, Limited."—(Sir Oliver Mowat.)

Bill (J) "An Act respecting the Supreme Court of Ontario and the Judges thereof."—(Sir Oliver Mowat.)

THE ABSENCE OF JUDGE ROUTHIER.

INQUIRY.

Hon. Mr. LANDRY inquired:

Is the Honourable Judge Adolphe Basile Routhier who has just been named local judge in Admiralty of the Exchequer Court for the Admiralty District of Quebec, and whose appointment has just been published in *The Canada Gazette* of the 29th May last, the same Judge A. B. Routhier who has just obtained leave of absence for another journey in Europe?

2. Is the government aware that the first official act of the new judge in Admiralty was to name, or cause to be named, immediately, a substitute in the person of the Honourable Judge Andrews?

3. Is not this season of navigation, which comprises the months during which Judge Routhier will be away in virtue of his leave of absence, precisely the season during which most commercial and maritime business is transacted?

4. Does the Admiralty Court usually adjourn during the season of navigation?

5. What is the usual salary which Judge Routhier usually receives, whether on leave of absence or not?

Hon. Sir OLIVER MOWAT—To the first question my answer is Yes. To the second question my answer is Judge Routhier has named another judge who is to attend to any business that may arise in his absence. This he has done under a statutory enactment authorizing it, and an Order in

Council has been passed giving effect to the nomination. To the third question my answer is the leave granted is for a short specified time, and only to enable the judge to receive and return with his invalid daughter who is now in Europe. I am not aware that the period of Judge Routhier's absence on leave is that on which most commercial and maritime business is transacted, but whatever business there may be will be attended to. To the fourth question my answer is No. To the fifth question my answer is as a Superior Court judge his salary is $5,000. He is to receive $1,000 as Admiralty judge.

THE DISMISSAL OF SIFROID FORTIN.

INQUIRY.

Hon. Mr. LANDRY inquired :

1. Was Mr. Sifroid Fortin on the 23rd June, 1896, an employé of the Government as section man on the Intercolonial Railway in the county of Montmagny, and was he fulfilling his duties to the satisfaction of his chief ?
2. Has he been since that date discharged from his work by the present Administration ?
3. When, why, and upon whose complaint ?
4. What is the nature of the charge brought against him ?
5. Has the charge been proved ?
6. What is the nature of the proof ?
7. If no proof exists, has the accuser at least a diploma of infallibility ? Granted by whom ?
8. Has the accused been made aware officially of the accusation brought against him, and had he an opportunity to refute it ?
9. What was his reply ?
10. If the person dismissed completely denies the truth of the charge brought against him, protests his innocence and offers to make it clear, is it the intention of the Government to grant an inquiry or to refuse all justice?

Hon. Mr. SCOTT—I am advised by the Department of Railways and Canals that Mr. Sifroid Fortin was employed as section man on the Intercolonial Railway, in the county of Montmagny, on the 23rd of June, 1896. His services were dispensed with on the 14th August, 1896, at the request and upon the representation of Mr. Choquette, M.P., that Fortin had taken an active and offensive part in the late elections. The department did not think it necessary to go beyond the statements made by Mr. Choquette, and so he was dismissed from the service.

BILL INTRODUCED.

Bill (119) "An Act to incorporate La Mutuelle Générale Canadienne.—(Mr. Bellerose).

MINING COMPANY'S DEVELOPMENT BILL.

REPORTED FROM COMMITTEE.

Hon. Mr. ALLAN, from the Committee on Banking and Commerce, reported Bill (82), "An Act to incorporate the Mining Development and Advisory Corporation of British America, Ltd.," with amendments. He said : The first amendment is merely to amend what appeared to be an omission in that clause relating to the stock, in order to make it clear. Then at the end of the clause it is not clear—where the company ask power to issue shares, and these probably are given in payment for certain transactions—whether those shares were to be paid up or not. An amendment is introduced to make that clear. Then subsection two of clause five is amended to make clear that there shall be such a majority of shareholders, both as regards capital stock and the number of shareholders, as would be required for the exercise of this power given in subsection three. Those are the amendments.

Hon. Mr. MACINNES (Burlington) moved that the amendments be concurred in.

The motion was agreed to.

PROTECTION OF NAVIGABLE WATERS BILL.

THIRD READING.

The Order of the Day being read,

Third reading of Bill (105) 'An Act to amend the Act respecting the protection of navigable waters."

Hon Mr. SCOTT said :—I find it will be necessary to amend this bill, giving a larger definition to the word "owner." At present the definition of "owner" is registered owner, and there may be obstructions caused by a raft which, of course, has not a registered owner and it is for the purpose of giving a fuller definition. I move that the bill be referred back to a committee of the whole House to make the change.

The motion was agreed to,

(In the Committee.)

Hon. Mr. SCOTT moved that the bill be amended by adding the following :

The expression "owner" means registered or other owner or owners at the time such wreck,

obstruction or obstacle as is therein referred to was occasioned, and shall also include subsequent purchasers.

That reference to subsequent purchasers is added in case of a party, wanting to get rid of the responsibility, sells to somebody else.

Hon. Mr. TEMPLE—Do I understand the hon. gentleman to state that this clause would apply to rafts? I know that in our county the logs come down the river and form the rafts which are all registered. The marks of the owners are on the logs, so they are very easily distinguished. They could not collect their logs unless they were registered. The logs are all registered that are in the rafts.

Hon. Mr. SCOTT—It is the registry in the department that is referred to here. This means registered in the Department of Marine.

Hon. Sir MACKENZIE BOWELL—This is an amendment to the law as it stands upon the statute-book now?

Hon. Mr. SCOOT—Yes. The word "owner" simply included a registered owner, and in a variety of cases the obstacle or obstruction was in no way registered and so I make the change.

The clause was adopted.

Hon. Mr. DICKEY, from the committee, reported the bill with amendments, which were concurred in.

MANITOBA AND SOUTH-WESTERN RAILWAY COMPANY'S BILL.

THIRD READING.

Hon. Mr. BERNIER moved the third reading of Bill (19) "An Act respecting the Manitoba and South-eastern Railway Company."

Hon. Mr. MACDONALD (B.C.)—Will the hon. gentleman tell us, before the bill is read the third time, how much of the road is built?

Hon. Mr. BERNIER—There is no portion of the road that is completely built, but there has been some grading on some parts of the railway, and we are asking for an extension of time to complete the work.

Hon. Mr. McCALLUM—This is a peculiar bill. The company has been chartered for eight years, and the hon. gentleman tells us now that there is not a mile of the road built yet. It is a project of considerable importance to the people of this country. It is a railway that runs to the boundary of the United States, and its tendency is to make the trade of the North-west and Manitoba go through the United States. I am as anxious as any man in this country to give the people of Manitoba all the facilities possible to give them an outlet to the ocean, but I am wholly opposed to allowing the trade of the North-west to be diverted from the St. Lawrence to the United States. We have spent a large amount of money to prepare this country to do that trade, and we do not want to divert it to other channels. If we allow the trade to be diverted in that way it discriminates against Canadian vessels. In the coasting trade the laws of the United States discriminate against them, and we should discriminate in favour of our own vessels. I have no objections to this bill if we can make the terminus anywhere in Canada, at a port or harbour where the shipping of this country can connect with it, but I have serious objections to it as it stands now. We have a bill before the committee now for a railway that is to run from Winnipeg to Duluth, and this company take power to amalgamate with that company, and really the intention is to divert the trade of this country to the United States, and not to take it by the St. Lawrence. We all know the way the shipping interests of this country are suffering now, and have always suffered, and the only inducement which was given to the people when the government built the Canadian Pacific Railway was that we would have the trade of the country going by the St. Lawrence. If we are going to have this railway built to the boundary how can we do that? I shall move to have this bill sent back to the committee. The other day it went through the committee because there was no map, and we could not see the location. There was no information before the committee. It was practically smuggled through. I want to get the expression of that committee—I am perfectly willing if you put the terminus of the railway say three miles from the boundary, but I am not willing that the trade of this country should go to the United States in that way, therefore I will have to move

that we send this bill back to the committee for further consideration. I think we can frame amendments to make it suitable. There appears to be new life put into this matter since the bill for the Winnipeg and Duluth Company has been introduced. The people of this country, no matter what their politics and creed may be, should try to keep the trade of the North-west going by way of the St. Lawrence to give employment to people in the shipping business, and so on, because in the United States they will not allow a Canadian to go on board one of their vessels. Are we to enrich them by giving them the trade and work which our own people ought to have? I, for one, am not willing to do it. I move that the bill be not now read a third time, but that it be referred back to the Committee on Railways, Telegraphs and Harbours for further consideration. There will be a better chance to discuss it there. I think we should not allow this company to amalgamate with the Winnipeg and Duluth Company. Supposing the Winnipeg and Duluth bill is defeated in the committee or in the House, there are still the two companies. If they are partially formed now, they can act together and still have the power, in a manner, of deceiving parliament and carrying the trade of the country by way of Duluth. To-day if you carry the trade of the country through to Port Arthur, a Canadian vessel can load a cargo there and take it to Montreal, but a United States vessel cannot. It should be our endeavour as far as possible, to legislate in the interests of our own people and not in the interest of foreigners, when those foreigners do not wish to give us fair play or treat us in any reasonable way. The people of this country could afford to give their neighbours almost anything in reason, if they would allow us to participate in the coasting trade, but they will not do it. We have people in this country who care not for parish politics, but who look at the whole Dominion and to the interests of the whole Dominion, and it should be our endeavour to get the trade of the North-west to go by the St. Lawrence, and not to divert it to another country. If you allow this bill to pass in its present shape that will be the effect of it.

Hon. Mr. BERNIER—The hon. gentleman who has just spoken, and who has taken such strong an opposition to this bill has made an appeal to Canadian sentiment. He does not want trade to be diverted to the United States. I may say we are as much Canadians in the North-west as anybody in the other provinces. We have as much at heart the interest of Canada, but precisely because we are Canadians, we want our share of the good things that may be got from this parliament. Sentiment is of no use here. The charter that this company has is an old charter, it is true. There are some gentlemen who have raised a question as to a portion of the road only having been built As I have said, there has been a good deal of expense incurred in the building of this road, and there is a part of it already graded, but suppose there had been nothing done upon this road, there are no conflicting interests in this matter. There are no other companies asking for incorporation. I could understand if another company was before parliament asking to cover the ground that we are covering, that then we, having failed up to now to build the road, the other company might say to parliament "well, this company has failed to build the road, let us have a chance." But there is no such thing; no other company is asking for a charter for the same route, consequently, as there is no conflicting interest, I do not see any force in the argument. The object of this bill, and the only object, is to obtain an extension for the construction of the road so as to save the expense that the promoters have been put to up to the present. The promoters have a large interest vested in that road, and it would be unfair and unjust to deprive them of that when there are no other interests coming in to conflict with theirs. It would be unfair to do any act which would cause a loss to the promoters, and that loss would be not only to the promoters, but to the population of that country. There is a large tract of land east of the Red River in Manitoba, which has no railway facilities at all. Some of the settlers are obliged to come from a distance of fifty-five or sixty miles to a place where they can get a market. This road is intended to serve those local interests. True, our line goes to the boundary, but I suppose parliament is not going back to the old idea which was abandoned some years ago, that no railway should be built up to the boundary. Everybody remembers the war that was got up some years ago about this. No company

was allowed to build to the boundary, but that policy has been abandoned. It is an antiquated idea, and I suppose parliament will not go back to it. More than that, supposing you would not let us build a road to the boundary, then we are not obliged to come to this parliament, because we could attain that object by a local charter. The local government could grant us a charter to build to the international boundary, so we would be in the same position as we are in now. I do not think there is any serious reason in that. More than that, this charter is an old one, and I take it for granted that parliament having committed itself again and again to the principle of this bill, will not go back on that principle. As I have said, the real object of the bill is only to get an extension of time to construct the railway, and, as an evidence of that, I will call the attention of the House to the original bill as printed and as introduced. It contained only one clause, providing for the extension of the road. The second clause, to which the hon. gentleman seems more opposed than to the other, has been forced upon us by the House of Commons. We did not care about that clause, but at this period of the session, if the clause were dropped, the bill would have to go back to the House of Commons, and we do not know what would become of it. I do not think it is safe for the promoters to consent to the dropping of the clause. I come now to the second clause. What does it amount to? To nothing at all. That clause purports to give us power to amalgamate with another company which is not now in existence—the Winnipeg, Duluth and Northern Railway Company. If that Winnipeg, Duluth and Northern Railway Company is not incorporated, if the bill which that company is seeking to have adopted by parliament is not passed, then this second clause of our bill becomes absolutely inoperative. It is a dead letter, consequently it is a harmless clause, and if the hon. gentleman is really opposed to the granting of this power, then the only thing he has to do is to look after the other bill, because the moment the other bill is killed, then this clause is killed. I may draw the attention of the House to this fact. This clause does not give us general power to amalgamate with any other company. I could understand if that clause were of that general character, that opposition might be taken to it, but it is a specific clause. It provides that we can amalgamate with one specific company. If that specific company is not incorporated, then this clause is inoperative: consequently it is harmless. On the other hand, supposing that the other company is incorporated, then it will be incorporated only with the permission of this House, and if this House is willing to incorporate the other company, and give that company the powers to which the hon. gentleman objects, then the object that he has in view will not be attained, because the other company will get such powers. It is the latter company which will divert the trade to the United States. If one company is to be allowed to to do so there can be no objection surely to let another company amalgamate with the first company. So that, whether the other bill passes or whether it does not, this clause is harmless, and no serious objection can be taken to it. I might put it in another language. The hon. gentleman does not want us to go into partnership with the other company. I do not want that either. The only thing he has to do is to look after the other company. If he can kill the other company, it would be an impossibility for us to amalgamate with it. As I have said, this clause provides only for amalgamation with a specific company. If the other bill is not passed, then this becomes inoperative, and if we desired to go beyond the boundary of the province, we would be again obliged to come before this parliament. We could not get any more powers than we have at present except with the sanction of this parliament. The Senate at present can prevent that amalgamation with the other company by amending, altering or doing away with the other bill, and if they do not, as I have said, then there is no reason why both companies should not be on the same footing. Certainly the possibility which the hon. gentleman has in his mind is too remote to justify this House in enforcing the hardships which by the rejection of this bill, would result to the promoters of the railway and to the population, the local interests of which are intended to be served. I hope, after these explanations that the hon. gentleman will see that we do not intend to be as bad Canadians as he thinks we are, and we only intend to foster the industries of a large section of the population, which is at present without railway facilities.

Hon. Mr. KIRCHHOFFER—The opposition which comes from the hon. member (Mr. McCallum) is quite unnecessary speaking from the view of a North-west member and one who is interested as largely as I am, and as other members here are, in the development of that country. The opposition which comes from that hon. gentleman would tend to lock up one-fourth of the province of Manitoba. The position of the portion of the province of Manitoba, which is covered by that railway, is this: It has not hitherto had any chance of being opened up, and, although a considerable amount of settlement has gone on it has been retarded by the locking up of railway interests without which, as we know in that prairie country, it is impossible for farmers to make money. Besides, there are other industries which are going into that country, and they will be very much affected by the opening up of railway communication, but the hon. gentleman would have that whole district closed up. And for what? Simply because he says it would have the effect, if opened, of diverting a large portion of the trade of Manitoba to United States ports. He must know—for all of us do know—that there is a railway now in existence—the Northern Pacific—which has an outlet to the southern portion of Manitoba, and which has direct communication with Duluth, and a large portion of the grain of Manitoba certainly goes over that road, but it is impossible for legislation to interfere with the current of trade. If better rates and better facilities can be got for the handling of Manitoba grain in any way, as has been proved to be the case, the grain will go that way in spite of legislation or anything to the contrary, and, therefore, the effort which is now made to choke off this route with that idea in view, is entirely useless. We cannot block up the country to prevent the trade going in the way the rates and other conditions demand: therefore, I think, the hon. gentleman should not try to relegate it back to the condition of eight or ten years ago, when there was almost a rebellion in that country over what was then known as the disallowance question, when the railroads which were chartered to the boundary at that time were from time to time disallowed by the federal government. That went on from year to year and there was the greatest feeling raised in that country. It was only by the federal authorities doing away with that question of disallowance that they succeeded in calming the people in that new country, the people who were doing the best they could and undergoing a great deal of hardship incidental to pioneer life, and who should have been helped and encouraged in every way instead of having difficulties thrown in their way. Now, the hon. gentleman would relegate us to that old system and to those old ideas But we have passed that and we must ask the hon. gentleman not to throw out this charter which would be the effect if he had his way of referring it back to the committee. All that is asked for here is an extension of time for a year or fifteen months. The hon. gentleman complains that no work has been done. If the work has not been done his objections fall to the ground, but I may tell him that the intention of the promoters of the road is to go on with the road, but not being in a position at present to go right on with it, they ask for an extension of time. It is true another clause has been incorporated in this bill in the House of Commons which allows this company to amalgamate with another company whose charter has not yet been passed, but as the mover has explained, that can only be operative if the other bill goes through, and that is a contingency which may or may not arise. If the hon. gentleman had intended to oppose this bill he should have done so in committee, but I did not hear any voice raised against its passage through the committee, and it is rather hard to try and refer it back when it is a matter of such importance to a large population in Manitoba who are without railway facilities.

Hon. Mr. AIKINS—I think the opposition to this bill is a mistake. I happen to know the section of the country through which this railway is to pass. The line is to run on the east side of Red River, through the French parishes, as my hon. friend from St. Boniface has said, they have to travel a distance of 40 or 50 miles before they can get to market—60 miles some of them. There are quite a number of settlers, and although there is a railway on the east side of Red River and one on the west side as well, yet this proposed road will run through a section of country that is not accommodated by any line. I cannot understand why opposition should be offered. If it is from the fact that this road has not been built, I know

that a very considerable amount of money has been expended in the purchase of right of way and some grading has been done. We all know the depression which has existed for years past and the difficulty of raising money even in that country where railways can be so easily built. The extension of the charter for a few years will cause the road to be built. Canadian as I am, I am not afraid of the trade being diverted to Duluth. As has been stated by the hon. gentleman from Brandon, we have a road on the west side of Red River. That road communicates with Duluth and I suppose a considerable amount of grain may pass that way, but not very much. If western grain passes through Duluth what is to prevent it going to Montreal? There is nothing to prevent it going to Montreal more than to Buffalo.

Hon. Mr. McMILLAN—The Canadian Pacific Railway Co. own the South-eastern and Atlantic Railway which connects with their own line at Sault Ste. Marie.

Hon. Mr. AIKINS—I understand that very well; it runs to Fort William.

Hon. Mr. McMILLAN—I mean the Canadian Pacific Railway, which runs to Montreal, owns the line from Duluth because they are the owners of the line which runs from Duluth to Sault Ste. Marie and then through to Montreal and Quebec.

Hon. Mr. AIKINS—I do not see that that is any reason why this bill should not be passed.

Hon. Mr. McMILLAN—It is in its favour.

Hon. Mr. AIKINS—I think the hon. gentleman should get his bill in the interest of that country, and I suppose we are all interested in the development of that part of the Dominion.

Hon. Sir MACKENZIE BOWELL—The objection taken to the motion made by the hon. gentleman from Monck is not thoroughly understood. If I understand his position, it is not so much opposition to the extension of the charter to enable parties who have invested their money to continue their charter, but unfortunately in the House of Commons there was an additional clause attached to the bill to which many of the members of this House object, and which the mover of the bill says he has no desire to have incorporated in the bill. The only fear that the member for St. Boniface has, is that if the bill be sent back to the Railway Committee and that clause struck out, it would necessitate the sending of it back to the House of Commons, and in that event it might be lost. That is, the influence of the parties who insist upon the incorporation of the clause for which the company did not ask, and which they do not want, might defeat the bill, and defeating the bill would destroy investments which have been made by the parties connected with the road who live in Winnipeg, which, I understand, amount to some $30,000 or $40,000.

Hon. Mr. McCALLUM—I was told it was $20,000.

Hon. Sir MACKENZIE BOWELL—That is the only difficulty which presents itself to my mind. If, as the hon. gentleman from St. Boniface pointed out, the bill now before the Railway Committee which has for its object the construction of a road from Winnipeg to the angle of the Lake of the Woods, thence to Duluth, be defeated, then the clause to which my hon. friend refers would have no effect and would not be operative. In looking at the bill passed by the House of Commons, now before the Railway Committee, for the construction of the road to which I have referred, you will find a similar clause to that which has been incorporated in the bill now under consideration, so that if the two bills passed there is no doubt in my mind that the amalgamation would at once take place, and that the parties who would obtain the new bill—that is the bill that has not yet passed our committee—would amalgamate with this road in order to obviate the necessity for building the road from Winnipeg to the north-west angle of the Lake of the Woods, where they would otherwise join. This is really, as it strikes me, the case now before the House, and I take it for granted that if the hon. gentleman from Monck had the clause to which I have referred struck out of this bill, he would not object to the extension of the time for the completion of the road under the charter which has been in existence some seven or eight years, and to which the government of the day granted a land subsidy of some 6,400

acres per mile. That is the way it stands. If it stood alone I do not hesitate to say that I would vote at once to strike out that clause, and if I thought it would not jeopardize the bill to the extent of destroying the investments which have been made, I would say to the Senate, as far as I am concerned individually, and for many of the reasons advanced by the hon. gentleman, to vote for the striking out of the clause; but it can be accomplished by the means suggested by the hon. gentleman from St. Boniface. If the majority of the committee and the majority of this House are in favour of defeating the bill to which I have referred, and which is now before the Railway Committee for consideration, then the clause in the bill now before the House will be of no avail. The suggestion has been made by my hon. friend on my right that the hon. gentleman should allow this bill to stand until after the meeting of the Railway Committee to-morrow, when the other bill will be taken into consideration; then if that is not passed there will be no harm in passing this.

Hon. Mr. McCALLUM—I have no anxiety at all. I am desirous that the people of the North-west and Manitoba should have all the facilities that could be afforded them, but at the same time there are other interests—the interests of the shipping of this country—which I am looking at. My hon. friend from Brandon (Mr. Kirchhoffer) gets very eloquent at the idea that I should venture to interfere with Manitoba at all. I have just as much interest, probably, in Manitoba, as my hon. friend, and just as much interest in the welfare of the people of Manitoba as my hon. friend or any man in the province. My object in moving in the first place to send the bill back to the committee was to see if some arrangement could not be made to satisfy everybody. Otherwise if he does not agree to send it back to the committee, I shall move to strike out the second clause of the bill. I am bound to do my duty. I have no object at all to incommode the people of Manitoba, who have to go thirty or forty miles to market, as my hon. friend from Brandon says. I wish every man had a market at his door, because they are Canadians and British subjects, and I feel an interest in them all; but if he refuses to send the bill back to committee, where we can discuss it calmly and coolly, and see what can be done to serve the interests of all, I will do my duty. I must, when he moves the third reading, move to strike out the second clause. If the Senate vote to sustain the bill as it is, that is not my business; I will have done my duty, and it is a satisfaction to a man who knows that he has done his duty.

Hon. Mr. BERNIER—The object of my hon. friend could be attained just as well by passing this bill and altering the clause in the other bill, which would render this clause absolutely inoperative, because although they would nominally have the power to make an agreement, still they could not make an agreement with any company, which would not be authorized to make an agreement.

Hon. Mr. ALLAN—Would my hon. friend allow the bill to stand until we see if the clause in the other bill can be struck out?

Hon. Mr. McCALLUM—If the hon. gentleman will not allow the bill to stand, I shall move to strike out the second clause if I lose my motion to send it back to the committee.

The bill was allowed to stand until to-morrow.

THIRD READING.

Bill (49) "An Act respecting the Richelieu and Lake Memphremagog Railway Company."—(Mr. Clemow).

THE INTEREST BILL.

IN COMMITTEE.

The House resumed in Committee of the whole consideration of Bill (I) "An Act respecting interest."

In the Committee.

Hon. Sir OLIVER MOWAT—Hon. gentlemen will remember that the bill was referred to the committee again in consequence of the House desiring to see the amendments in print. I have since had communications from various quarters and also observed the newspaper articles on the bill, to which they refer always with approbation. In no case have I heard or seen any objection.

On the first clause.

Hon. Mr. OGILVIE moved that this Act shall not apply to any existing loan company, either Dominion or Provincial, acting under a charter of incorporation of Building Societies Act. He said:—My reason for moving this amendment is that I do not think it would be fair or right to pass any laws now that would give an opportunity for litigation. We do not want those companies to have their charters questioned at the present time, and I do not see that there is anything wrong with the amendment that I propose.

Hon. Sir OLIVER MOWAT—I would suggest to my hon. friend that that would come in better at the end of clause four.

On the second clause.

Hon. Mr. PROWSE—It appears to me that the bill is perfectly useless and quite unnecessary. I cannot conceive of anything plainer than a note of hand given stating that five per cent per day shall be paid as interest. To use the words "per annum" is no improvement. If you want to make this so that ignorant people will understand it, will they understand "per annum" better than they understand per day or per week or per month? The man who deliberately signs his name to a note agreeing to pay five per cent per day or per week, understands just as well what he is doing as if you put the words "per annum" in the Act. I submit that no such rate should be exacted from the people of this country as five per cent per day, I do not care under what circumstances, nor five per cent per month even. I would suggest to the hon. leader of the government that a bill should be introduced declaring the maximum amount of interest that shall be charged under any circumstances whatever. If this man who has been referred to in this House on a former occasion did wrong, this does not prevent such wrong-doing. All that parties would have to do, in making a contract, would be to say that the rate was 1,600 per cent or 1,700 per cent per annum, and the man making his mark would not know what the term meant if he did not understand the meaning of five per cent per day. It is an immoral and improper thing to allow any man to get such exorbitant interest under any circumstances whatever.

Hon. Mr. ALLAN—All we want to provide here is that a man shall not be committed to the payment of an exorbitant rate of interest without his knowledge. We propose to prevent it by providing that the contract shall show on the face of it the amount of interest per annum he has to pay. That is a very proper amendment.

Hon. Mr. MACDONALD (P.E.I.)—There is some force in the remark made by the hon. member from Murray Harbour. Under the bill, as it stands, there is no alteration of the rate of interest, and it would be just as reasonable for the individual mentioned, when the bill was first introduced, to charge his 1,700 or 1,800 per cent per annum as it was before. I think we should certainly show our opposition to any cases of that kind coming up again, by mentioning in this bill some particular amount beyond which the rate of interest should not be charged. As the bill is framed, there is no limit whatever, any more than there was before, and the bill is practically worthless, in my opinion.

The second clause, as amended, was adopted.

Hon. Mr. OGILVIE—I beg to move the following clause:

That this Act shall not apply to any existing loan company, either Dominion or provincial, acting under its Act of incorporation, or the Building Societies Act.

Hon. Mr. DEVER—But what is going to happen such societies projected in the future? Are those companies established in the past going to have a monopoly, and are we not to allow companies in the future to have the same right? I would want it to apply to future companies as well as to the old companies.

Hon. Mr. OGILVIE—I do not think it is necessary to reply to that at all, because I think the statement made in the motion is quite clear enough to the perceptions of every hon. gentleman in this chamber.

Hon. Mr. DEVER—Not to mine.

Hon. Mr. OGILVIE—The amendment simply provides that the legislation you are passing now shall not interfere with the rights already acquired. It is no more a monopoly than they have at present.

Hon. Mr. DEVER—And to companies in the futnre?

Hon. Mr. OGILVIE—We need not consider the child before it is born. It is not retroactive legislation. I have had it examined by a first class authority in Montreal, and there is no objection to it.

Hon. Mr. MILLS—I do not see any object in this clause at all. We are not taking away the right of these parties to make whatever bargain they please, or charge what interest they please, but it simply says you shall state the rate of interest on the document. I do not see why a building society or a loan society that advances money on buildings and accepts weekly or monthly payments on the moneys they advance, should not be compelled to comply with this law the same as any other party. It does not take away from them any right whatever. All that the bill provides is that if they are charging twelve or fourteen per cent in the form of agreement they have, that it shall be stated upon the face of the contract between the borrower and the lender. That, it seems to me, is a reasonable proposition, and I do not see why any company should seek to be excepted from its provisions.

Hon. Mr. OGILVIE—I think there are a good many like myself who do not understand the Interest Act, the way it was brought in. There are certainly some very wide divergencies of opinion. The hon. gentleman from Bothwell said in reference to payments that in a certain way they paid 13⅔ per cent interest, and the hon. leader of the opposition said it was 11⅓.

Hon. Sir MACKENZIE BOWELL—No, it is just the reverse.

Hon. Mr. OGILVIE—I thought it was the hon. gentleman from Bothwell said that, but I find I am wrong. It was the hon. member from Peterborough. In that case you see you are both very far wrong, because it is a shade over 9 per cent. It is not certainly 9⅔ per cent. It is less than 10 per cent, so that you are vastly wrong there, and I have had that gone over by one of the best actuaries of the Dominion of Canada, I do not care where the other is.

Hon. Sir MACKENZIE BOWELL—What rate was that?

Hon. Mr OGILVIE—Six per cent.

Hon. Sir MACKENZIE BOWELL—For how long?

Hon. Mr. OGILVIE—Ten years. But the length of time does not make any difference. I do not think there is anything in that amendment or that clause which I want to have inserted now that will injure anybody. Any loan company which does not do everything fair and square and above board does not remain long in existence with us. The loan company that requested me to have this clause inserted in the bill has, certainly as good a reputation as any company in the Dominion of Canada. I recollect a case in which a "philanthropist" in the city of Montreal, one of our pious goody-goody men, got out of paying a loan of $5,000, simply because through inadvertence in the taking of the loan he was to be charged 7 per cent, and he found it was wrong under the law at that time, and he got out of paying both principal and interest. I may be somewhat obtuse in the matter, I was not sure that I understood the interest clause properly, and I thought this would preserve the rates we have now, and that is all I want.

Hon. Mr. CLEMOW—Is it going to interfere with any of our present rates?

Hon. Mr. OGILVIE—They tell me no, but I do not know what it may interfere with before it goes through.

Hon. Mr. COX—I think the bill as introduced would interfere with building societies, but as amended it would not deprive them of any rights they now have, nor would it be objectionable to them in any way. I fancy the hon. gentleman from Montreal has reference to the bill as originally introduced. Building societies now are obliged to show on the face of their mortgage the rate of interest it bears, just the same provision as this present amendment makes for other borrowers or lenders. With reference to the rate referred to by the hon. gentleman from Belleville as 13⅔ and by myself during the last discussion as 15 per cent, both of us may be right, and the hon. gentleman from Montreal may be right in saying 9⅔. They add the interest and principal and spread it over thirty or forty years' half-yearly payments, and one company's rate may be 8, and I think I can demon-

strate that some companies charged as high as 18 under the instalment plan—14 per cent, 15 per cent, and some 11 per cent, and it was impossible for an ordinary borrower to tell what the rate was at all. The amendment that was brought in compelling all companies to show the actual rate on the face of the mortgage had a most beneficial effect and did a great deal of good; and the amendment that has now been adopted in this bill will have the same effect I have no doubt. It will show borrowers the actual rate they are paying. I am sure none of the loan companies will object to this amendment. It will not affect them in any way.

Hon. Mr. OGILVIE—I would like to say one word in answer to the hon. gentleman from Peterborough (Mr. Cox). I do not know what loan companies may charge, whether it is ten, fifteen, or, like our good friend in Montreal, 1,800 per cent; but I know this, that if a loan is made at six per cent, and payable five, ten, fifteen or thirty years, the rate of interest is not one cent different; it is exactly the same. I know what I am talking about. The rate remains the same, and whether it is five, ten or twenty years the rate is not altered one iota.

Hon. Mr. FORGET—I do not see why there is so much discussion about this matter. The bill is simply to provide that the borrower, though a fool, shall know what he is paying. If a man pays five per cent per day he is paying 1,825 per cent per year. If a man is paying so much a day, this bill is to show him how much he pays a year.

Hon. Mr. DRUMMOND—I am not familiar with the operations of building societies. If there is such complication in the method of working these societies it would make it questionable whether they were charging one rate or another. It appears that there is a difference of opinion amongst experts, as with doctors, as to the rates charged under certain circumstances. Applying this to buildlng societies, is it possible they may make mistakes and misstate the amount of interest they are charging, so as to bring themselves under this clause? Otherwise I think the bill should apply to them.

Hon. Sir MACKENZIE BOWELL—I intended to ask a somewhat similar question. Supposing a mortgage for $1,000 was given ten years ago, payable 20 years after date on the instalment plan, and that amount divided into 20 annual instalments, because that is the way that many mortgages were given formerly, to which the hon. gentleman from Peterborough has called attention—in that case, according to the calculation of my hon. friend from Peterborough, the mortgagor would be paying nine and a half per cent. I am not an expert on these matters, but I asked Mr. Mason the manager of the Canada Permanent Loan Company, who is well known in Ontario, what the rate would be under those circumstances and it was upon his authority I made the statement, and whether right or wrong, I am not going to quarrel with my hon. friend; it makes no difference. But what I wish to ask is, would this clause prevent the collection of those annual instalments in the future as they fall due, because it is over six per cent, and being over six per cent would they not under this latter clause have the right to claim the balance? If the additional clause moved by my hon. friend from Alma is passed, that sets the question at rest. But would it have that effect?

Hon. Mr. MILLS—It states a good deal more. You could have a clause stating that this Act shall not apply to existing cases.

Hon. Sir MACKENZIE BOWELL—I am asking whether this, would prevent the collection of payments, or whether it would prevent litigation by action to collect a sum paid over and above six per cent?

Hon. Mr. COX—Let me explain what I mean with reference to this: Supposing a man borrows a thousand dollars and agrees to repay it in twenty equal payments, principal and interest combined, an ordinary borrower may be deceived as to the rate of interest he is paying, and the law requires the lender to state on the face of the mortgage what the rate is, and it is a perfectly fair and reasonable thing. It has been the law regarding loan companies for several years, and has been beneficial. The borrower knows just what rate he is paying, and this bill does not in any way interfere with that. It requires the lender on a note of hand, or the lender in any other way, to state the rate per annum, just

as mortgage companies have been required in recent years to state on the face of the mortgage their rate.

Hon. Sir MACKENZIE BOWELL—My hon. friend knows that law was passed a few years ago. I am speaking of mortgages which existed prior to the passage of that law.

Hon. Mr. COX—I do not think that when that Act was passed it was retroactive upon existing mortgages.

Hon. Sir MACKENZIE BOWELL—Well, is this?

Hon. Mr. COX—I do not think it is. I do not think this refers to any building society. I do not think it affects them in any way.

Hon. Sir MACKENZIE BOWELL—My hon. friend knows, taking this case, that if a man borrows $1,000, payable in 20 years at 6 per cent, he gave a mortgage for $2,200, the $2,200 being divided into 20 payments of $120 a year. There are mortgages of that kind existing I believe to-day. Would this bill interfere with them?

Hon. Mr. COX—I do not think it would have any effect upon them at all.

Hon. Mr. DRUMMOND—Supposing a contract was made to-morrow, and, in the opinion of the people making it, they were charging six per cent, and supposing they had made a mistake, would it vitiate the contract?

Hon. Mr. AIKINS—Would this apply to existing contracts or not?

Hon. Sir OLIVER MOWAT—It clearly would not apply to existing contracts. The rule of law clearly is that a bill always refers to future transactions, unless the contrary appears. I enter into a contract which is perfectly valid. It cannot be supposed that a legislature can make that invalid. If it was valid when made, it remains valid. With regard to the present amendment, I do not see that there is any danger in its adoption. Those cases do not arise under ordinary circumstances. I think there is ample provision in that case in the law as it is now, and I see no harm in adding it, and the effect of it is that whatever the law is now with regard to loan companies, we do not change it. I propose to pass the clause which my hon. friend suggests, and I will look into the matter.

Hon. Mr. POWER—I am sorry to hear the Minister of Justice make the statement he has made. No reason has been shown why loan companies should not be subject to the provisions of this bill as well as other lenders.

Hon. Mr. OGILVIE—They are obliged under the present law to write on the face of the contract what the rate of interest is.

Hon. Mr. POWER—With regard to loan companies in the lower provinces, I very much doubt whether that is the case. It may be the case in Ontario, but I do not think it is in the lower provinces. I think these cases should be provided for, and the poor man who has to borrow money should understand clearly and distinctly what he has to pay; and if it takes the best actuary in the Dominion—he whom the hon. gentleman from Alma employs—to tell a man what rate he is paying, it cannot be very clear. The law of Ontario may provide for these cases. If you say in this bill that this provision shall not apply to these companies it is questionable whether that would not exempt them from the law they are now working under. I agree with my hon. colleague from Halifax, I see no reason why loan companies should be exempted from this provision. In fact, from what I have heard, it would seem to me there are strong reasons why they should come under its operation, from the fact that they are accustomed to make loans where the yearly rate of interest is not stated, and it is desirable the borrower should know the yearly rate of interest. I think the law should not be retroactive; it should not apply to existing contracts, because loans made in good faith where the rate was not stated might be imperilled by it; but as long as the law is not retroactive I think it should apply to every loan of money.

Hon. Mr. CLEMOW—It would be very difficult to tell what the rate would be. In the older days it was perfectly impossible for the company to tell what the rate of interest was, and a most extraordinary rate has been charged at times. But a change has taken place since that time, and we have

got into a better state, and I believe there will be no difficulty in a company stating what the rate of interest is.

Hon. Mr. PROWSE—I wish to make one remark before the motion is put. I understood when this bill was first introduced it was relief of the poor unfortunate illiterate man, and that he was going to be protected from an extravagant charge of money for interest, but it appears now from the discussion that it is a covert act on the part of the building society which have the rate of interest so covered up that it is almost impossible for an educated man, an actuary and bank manager to understand the rate of interest these societies are charging, and if an exposure and a correction of the doings of these societies can be effected by a bill of this kind, I think it is necessary and desirable it should be introduced. Now, it appears that two educated gentlemen in this room cannot agree upon what rate of interest is being paid upon a certain amount which has been stated here. I think that that should be fairly and properly understood by every one, especially by those who are dependent upon these societies for obtaining money. If they borrow money supposing they are getting it at six per cent, and they are actually paying twelve and thirteen, they should know exactly the rate they are paying. It should be stated on these documents so that they would know the rate of interest that they are paying. I think the discussion has been of some service quite in an opposite direction, or in a different direction at all events, from the object which we understood was the object of the bill when introduced—the protection of the poor and ignorant man.

Hon. Mr. PRIMROSE—It seems to me the strongest argument which can be cited in favour of making the loan companies subject to the law is the fact we have before us. Here we are, a company of experts, in which there is a divergence of opinion as to the rate of interest per annum.

Hon. Mr. POWER—This bill does not affect the rate of interest at all. I cannot understand why the hon. gentleman from Alma (Mr. Ogilvie), or the institutions whose interests he is apparently upholding here, should have an objection to letting a man know the rate of interest paid.

Hon. Mr. OGILVIE—Nor is there the slightest objection.

Hon. Mr. WOOD—It appears to me, from some remarks made by hon. gentlemen who have addressed the House, that there is not a unanimous opinion as to the correct meaning of clause two. For my part I favour the clause which has been suggested by the hon. gentleman from Alma, because, if I understand this legislation aright, the principle which governs these loan companies is something different from what is intended to be introduced here. There is a clause in some Act which I cannot quote, but which the hon. leader of the House referred to a little while ago, which compels those loan companies, in making loans, to state in the contract the per annum rate of interest. It may be only in Ontario or Quebec.

Hon. Sir OLIVER MOWAT—It is a Dominion Act.

Hon. Mr. WOOD—It requires a loan company, when making a loan, to state in the instrument the rate which the borrower is paying. I do not understand that this clause is intended to affect in the same way a transaction of that kind where it is not made by a loan company. For instance, if one gentleman makes a loan to another and adds on the interest and takes from him a note payable, say $50 a month, and payable in five or six months, I do not understand that this clause affects a transaction of that kind at all. If a man draws a note, say for $500, payable $100 a month for five months and he brings that to another man and gets it cashed and receives only $250 for it, I do not understand that this clause applies to a transaction of that kind at all, but the case of a loan company is different. A loan company is compelled, under its special Act, to state on that instrument the amount of interest the man is paying for the money he receives.

Hon. Mr. MILLS—If they go into the market and buy they do not.

Hon. Mr. WOOD—I do not know that a loan company can go into the market and buy notes.

Hon. Mr. MILLS—They can buy mortgages.

Hon. Mr. WOOD—Then it would not apply to a transaction of that kind, but it

would to the kind of transaction I have mentioned, where a man negotiates a loan payable by monthly payments, and where he adds the interest to the amount of the principal and no interest whatever is stated on the face of the note which he gives. I do not understand that this applies to a transaction of that kind at all, only to a transaction such as the one referred to the other day which occurred in Montreal, where a man made a loan and stipulated on the face of the instrument that he was to pay $5 a day interest. It does not refer to a loan directly where the rate of interest is not stated on the instrument given by the borrower.

The amendment was withdrawn.

Hon. Mr. SNOWBALL, from the committe, reported the bill with amendments, which were concurred in.

CALGARY AND EDMONTON RAILWAY CO.'S BILL.

BILL WITHDRAWN.

The order of the day having been called:

Consideration of the second amendment made by the Standing Committee on Railways, Telegraphs and Harbours to (Bill 33) "An Act respecting the Calgary and Edmonton Railway Company."

Hon. Mr. LOUGHEED said:—With the permission of the House, I should like to withdraw this bill. The promoters think it is in their interest not to press it before the House.

Hon. Mr. POWER—Has the hon. gentleman consulted the hon. member from Alberta with respect to that matter? I am not objecting to the withdrawal of the bill, because I think that the promoter of a private bill has a right to withdraw it if he pleases, although it will be remembered that in a case which became very famous a different doctrine was held in this House—in the case of the Baie des Chaleurs Railway. It was held there that the promoter could not withdraw the bill. In this case the interests of the town of Macleod are very considerably involved.

Hon. Sir MACKENZIE BOWELL—I hope the hon. gentleman does not suppose the cases are analogous.

Hon. Mr. LOUGHEED—There is no analogy between the two cases referred to by my hon. friend. This is a case in which it was not made obligatory upon the company to extend their line to Fort Macleod, but, on the contrary, it provided, in the event of their extending their line, that they should then run into Fort Macleod. They prefer not to extend their line, but simply to leave it as it is.

With the consent of the House the bill was withdrawn.

MANITOBA AND PACIFIC RAILWAY COMPANY'S BILL.

SECOND READING.

Hon. Mr. LOUGHEED moved the second reading of Bill (24) "An Act to incorporate the Manitoba and Pacific Railway Company."

Hon. Mr. POWER—I think the hon. gentleman should give us a little further explanation with respect to this bill. It may be a line intended to compete with the Canadian Pacific Railway.

Hon. Mr. LOUGHEED—Out of courtesy to the inquiry made by my hon. friend from Halifax, were I familiar with the particulars, I should be very pleased to give them to the House. I am simply moving this bill in the absence of my hon. friend from Wolseley.

The bill was read the second time.

SECOND READINGS.

Bill (69) "An Act respecting the Quebec, Montmorency and Charlevoix Railway Company."—(Mr. Clemow.)

Bill (90) "An Act respecting the Montreal Bridge Company."—(Mr. Clemow.)

Bill (30) "An Act respecting the Central Counties Railway Company."—(Mr. Clemow.)

The Senate adjourned.

THE SENATE.

Ottawa, Wednesday, 9th June, 1897.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THIRD READINGS.

Bill (72) "An Act respecting the Lake Manitoba Railway and Canal Company."—(Mr. MacInnes, Burlington.)

Bill (55) "An Act to incorporate the Minden and Muskoka Railway Company."—(Mr. Dobson.)

Bill (43) "An Act respecting the Canada Southern Railway Company."—(Mr. MacInnes, Burlington.)

Bill (58) "An Act respecting the Temiscouata Railway Company."—(Mr. McMillan.)

Bill (73) "An Act to incorporate the Kaslo and Lardo-Duncan Railway Company."—(Mr. McInnes, British Columbia.)

Bill (64) "An Act to incorporate the British Yukon Mining, Trading and Transportation Company."—(Mr. Macdonald, British Columbia.)

Bill (70) "An Act respecting the Great North-west Central Railway Company."—(Mr. Clemow.)

Bill (82) "An Act to incorporate the Mining Development and Advisory Corporation of British America, Limited," as amended.—(Mr. MacInnes, Burlington.)

Bill (105) "An Act to amend the Act respecting the protection of navigable waters,"—(Mr. Scott.)

BILLS INTRODUCED.

Bill (16) "An Act to amend the Railway Act."—(Mr. Lougheed).

Bill (5) "An Act to restrict the importation and employment of aliens."

KINGSTON AND PEMBROKE RAILWAY COMPANY'S BILL.

FIRST READING.

A Message was received from the House of Commons with Bill (38), "An Act respecting the Kingston and Pembroke Railway Company."

The bill was read the first time.

Hon. Mr. CLEMOW moved that the bill be read the second time to-morrow.

Hon. Mr. SULLIVAN—This bill is of a revolutionary character, such a bill as has never been introduced in the House before. Moreover, when the bill was brought up first in the House of Commons it met with such opposition that it was withdrawn. The opponents of the measure, thinking that it was not to come up again this session, went home, and in their absence it was taken up again without their knowledge. They have had no time to see the bill—it was not printed, and is not printed yet. It would be very unfair to those who are interested in this measure if the bill were read the second time before it is printed. It should be postponed until next week.

Hon. Mr. CLEMOW—I merely took charge of the bill because nobody seemed to be interested in it here.

Hon. Mr. POWER—At this stage of the session, it is dealing rather hardly with the bill to postpone it until next week, because that is practically killing the measure. If it is read the second time on Friday, it will not go before the Railway Committee until Wednesday of next week.

Hon. Mr. SULLIVAN—I am willing to have it postponed until Monday or Tuesday next. The bill is not printed and nobody has had a chance to see it.

Hon. Sir MACKENZIE BOWELL—I understand that there are private rights seriously affected by this bill. They might be injured if those who are opposing the measure are taken by surprise, and it would be well to postpone the second reading.

Hon. Mr. VIDAL—It is time that we took a stand about the introduction of bills in this House when nobody has been asked to take charge of them. It would be only proper treatment, under such circumstances, to let the bill stand over until whoever is promoting it would ask somebody here to take charge of it.

The second reading of the bill was postponed until Monday next.

PACIFIC CABLE CONFERENCE.

INQUIRY.

Hon. Sir MACKENZIE BOWELL rose to inquire of the government whether any report of the proceedings of the Pacific Cable Conference, held in London during the past year, has been received from the Honourable Sir Donald Smith, and the Honourable Alfred Jones, the Canadian representatives at said conference? If so, will it be laid before parliament, and when?

2. If a report has been received, has the government taken any action thereon? If so, what?

He said:—Hon. gentlemen will readily understand the reason why I ask for this information. It is a question in which I have taken a good deal of interest since the subject was mooted some years ago, and having been at the first meeting of the conference in London, I feel somewhat anxious to know what prospect there is of the accomplishment of the great object which the late government had in view in suggesting that conference. I ask this question, of course, with a good deal of diffidence, fearing that I may receive the same curt reply that I received the other day when I asked a question in reference to the plebiscite. However, in this, as in many other cases, I suppose we will learn the policy of the government through a published interview of a deputation with the cabinet ministers, or through newspaper reports. In that case, as in many others, we got our information, not through the proper course in parliament where inquiries are made, but through the correspondence of the newspapers from Ottawa, or through reports of deputations. As we now know what the policy of the government on the plebiscite question is, we will have to be satisfied for the time being. If my hon. friend will kindly state what has been done with reference to the Pacific cable, or is likely to be done, I think the country will be relieved of some little anxiety that exists.

Hon. Mr. SCOTT—I fully appreciate the interest the hon. gentleman takes in this subject, having himself been so intimately connected with it, and I, therefore, will be as frank as public policy will permit me to be. The report of the Pacific cable conference has been received. The government, however, are not in a position to make it public as yet, because it is further to be considered by a conference of the premiers, who are shortly to meet in London, and for that reason I am unable to bring it down. At present it is confidential. At the earliest possible moment, however, the public will be informed of the result.

Hon. Sir MACKENZIE BOWELL—The answer is quite satisfactory.

Hon. Mr. MACDONALD (B.C.)—Is there any change in the position of the Sandwich Islands government with regard to the landing of the cable on their shores? They objected some time ago, and I saw recently in a paper a statement that they had consented to allow the British cable to land at the island, and that two ships of war were surveying around the shore.

Hon. Mr. SCOTT—I am not in a position to answer my hon. friend. I saw the same report in the papers to which he refers, but beyond that, I am not advised.

Hon. Sir MACKENZIE BOWELL—It may be possible that the British men of war are surveying for that or for some other purpose. It is improbable that consent has been given, because it is well known that the treaty existing between the United States and the Hawaiian government prevents any power being given for the landing of a cable on their shore without the consent of the United States. When that consent was applied for some little time ago it was refused by the government of the United States. Until that treaty is abrogated, the Hawaiian government is not in a position to make that concession to Great Britain or to any other country.

CANADIAN EXPORTS TO FRANCE.

MOTION.

Hon. Sir MACKENZIE BOWELL 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 upon the Table of the Senate, a detailed statement showing the character, quantity and value of the different articles exported from Canada to France, for the years ending 30th June, 1893, 1894, 1895 and 1896.

He said: As I explained when I gave this notice, it is merely to complete the return as laid on the table a few days ago.

Hon. Mr. SCOTT—There is no objection to the address going. I may say when the leader of the opposition called my attention to the omission of the exports from Canada to France in the return brought down, I gave instructions to the Customs Department to prepare the statement, and I hope to get it shortly. I have no objection to the address being passed. In the meantime the return is being prepared.

The motion was agreed to.

AMERICAN BANK NOTE COMPANY'S PETITION.

MOTION.

Hon. Mr. CLEMOW moved :

That the Eighteenth Report of the Standing Committee on Standing Orders, on the petition of the American Bank Note Company, be referred back to the said committee with instructions to report in favour of the suspension of the 49th Rule of the Senate, in so far as the same regards the said petition.

He said : I have nothing more to add to what I said yesterday, I trust that the members of the Committee on Standing Orders will not object to the question being relegated to them again. Under the circumstances, I do not think they can have any objection to it. It is a mere act of justice to these parties, and I hope, therefore, that they will withdraw their opposition and allow it to go back for reconsideration, when further facts may be brought to their notice which will enable them to alter their decision and warrant them in reconsidering a suspension of the 49th rule. I do not think there is anything unreasonable in this demand, and I hope all opposition to it will be waived at the present time until the committee has had an opportunity of considering whether or not they can report in favour of the suspension of the rule.

Hon. Mr. MACDONALD (B. C.)—I think the stand taken by myself yesterday in this matter was a wise and proper one. The motion was sprung upon the House without the House knowing what it was doing, but the Senate is now seized of the facts in connection with this matter. I disclaim, on my part and on the part of the committee, any intention of treating the bill unfairly or as a party question. We were merely upholding the rights of this House, and now that the House is aware of our reason for declining to suspend the rule, it can take any course which may seem proper to it. The House can suspend the rule or sustain it. I have no feeling either way myself. If the House feels justified in suspending the rule and going against the report of the committee, I have nothing to say. I repeat the course I took is a wise one, as a gross contempt of the rules of the House was committed and we took this step to uphold the rules of the House.

Hon. Mr. VIDAL—The motion of the hon. gentleman from Rideau is objectionable in its terms. The House has perfect power to refuse to accept the recommendations of the committee, but it seems to me a most improper thing to give a direction to a committee to act contrary to its own judgment and view. I do not think there should be any direction given. If they referred it back for further consideration, I could understand it, but to refer it back with instructions to bring in a decision contrary to their own view, seems to me to be out of place, because if the committee a second time reported that they saw no reason to suspend the rule, the House is at liberty still to refuse to accept the suggestion of the committee and to overrule it. I do not think it is proper for them to be directed to bring in a verdict contrary to their own judgment.

Hon. Mr. CLEMOW—The House has on several occasions adopted the same course, and the committee has been obliged to do it. I have been on the committee myself, and had to bow to the wishes of the House and did bring in a report contrary to the previous one, and that is the reason I say that this motion is in order. I do not reflect upon the committee at all. I wish that to be understood. I merely desire that substantial justice be done to these parties. They have not conformed with our rules, but that was done in ignorance and without knowing the consequences, and it will be certain ruin to the gentleman who is entrusted with this bill if he is not reinstated in his rights, which rights have been given to other companies under similar circumstances. That is the reason why I object to the report of the committee. If they will say once and for all "we will enforce our rules," I shall hold up both hands to sustain them, but I do not believe in making this an exceptional case to all other cases which have preceded it both this session and the previous session.

Hon. Mr. POWER—I wish to direct the attention of the House to the fact that the course pursued by the hon. gentleman from Rideau is the only course open to him. The other course suggested could not be taken. The hon. gentleman could not take the opinion of the House over the heads of the committee. The rule relating to the matter reads :

No motion for a suspension of the rules for a private bill shall be in order unless the same shall

be recommended by the Committee on Standing Orders.

So the hon. gentleman is obliged to refer this matter back to the committee, and he does not reflect, and I am sure I do not attempt to reflect, upon the action of the committee, but if the majority of the House have a different view of the matter, under all the circumstances, from that taken by the majority of the committee, then they have unquestionable power to instruct the committee to report in accordance with the view of a majority of the House. That has been done in a great many cases.

Hon. Mr. BELLEROSE—I cannot agree with the remarks which have fallen from the lips of the hon. gentleman from Halifax, for this reason: that while there is no doubt that the House has a perfect right to refer any question to their committees, as a general rule, with instructions, in certain cases they cannot do so. Now this House has a perfect right to recommit a bill, with instructions to add to it, or to strike out a clause or part of a clause, but when dealing with the Committee on Standing Orders, whose duty is to inquire and see whether the petitions referred to them have been preceded by proper notices given to the public as provided by the rules concerning private bills, and to recommend to this House what best is to be done, after inquiry, I say the House has no right to order the committee to report in an opposite direction and against the conclusions they have already come to and reported to the House. Such a course would be in conflict with common sense. The committee have reported that the rule in this case must be sustained, that they cannot recommend its suspension, and the House has received their report. The House should not now say "no, we will send the report back to the committee and order that committee to reconsider its decision and report in favour of the suspension of the rule." As the hon. gentleman from Sarnia said a moment ago, if the House will refer the report to the Committee on Standing Orders, the committee will be at liberty to do this or to do that, but the House has no right to direct them to do that which they think is wrong.

Hon. Mr. LOUGHEED—It is an ordinary matter to refer back to a committee a report that may be submitted to this House, and which the majority of the House does not approve of. Now, it seems to me there is too much sensibility on the part of the members of the committee—

Hon. Mr. MACDONALD (B.C.)—No.

Hon. Mr. LOUGHEED—In regard to the report which they have made. They seem to take as want of confidence on the part of this House the failure to approve of that report. There are two or three considerations which enter into this matter, and which are worthy of the attention of the Senate. In the first place, it seems to me to be a want of courtesy to the Standing Orders Committee of the House of Commons if we insist upon throwing out a bill which was regarded by the committee of the House of Commons as having been sufficiently advertised. This difficulty may possibly confront us at some future time by the Standing Orders Committee of the House of Commons, namely, where the Senate rules are complied with and their rules are not rigorously observed, our bill will likewise be thrown out. I would recall the fact that a few days ago my hon. friend from Victoria pointed out the desirability of our rules conforming to the House of Commons rules in regard to this very matter.

Hon. Mr. MACDONALD (B.C.)—Or *vice versa.*

Hon. Mr. LOUGHEED—Take it *vice versa.* My hon. friend then expressed his confidence in the House of Commons rules as being sufficient to indicate to the public the corporate powers which are being sought by applicants for such a bill as this. It seems to me that if so influential a body as the House of Commons could think that the limited advertising which has been complied with in this case is sufficient for that House, we should surely accept it in this case, and more particularly when we take into consideration the conditions surrounding this bill. It is not contended for a moment, as I understand, that this company is going to carry on operations in any of the outlying provinces of the Dominion. It is not contended that the public interests of the Dominion are in any way sacrificed by reason of this company not having advertised in British Columbia, the North-west Territories, Manitoba and other provinces. It is very well known to hon. gentlemen in this House

that the intention of this company is to do business in the city of Ottawa, and in what way is the public interest in reference to this particular company affected to the extent of justifying this House in throwing out the bill at this stage? I in no way express myself on the merits of the bill, I have very serious doubts as to the wisdom of passing the bill in the shape in which it has come from the House of Commons. At the same time the dignity of this House would be sacrificed if we took advantage of the technicality which is sought to be taken advantage of in this particular case and prevent the bill going before the proper committee. This is not the first case of the kind. The occasion has arisen again and again in which some mistake has occurred by which professional men have examined the rules of the House of Commons and have come to the conclusion, as one logically would, that the rules of both Houses would be uniform on this question of advertising and have accepted the rules of the House of Commons as representing the same rules which obtained in the Senate and simply complied with the rules of advertising in the House of Commons. I need not point out to hon. gentlemen that it would be beneath the action of a dignified body like the Senate to take advantage of a technicality of this character. This technicality is being sought to be taken advantage of by reason of a feeling of antagonism to this bill. If the public interests are being sacrificed by reason of this bill, it should be disposed of on its merits and not on a mere technicality. I would, therefore, most heartily support the motion of the hon. gentleman from Rideau division (Mr. Clemow) in this matter, and I hope the members of this honourable body will see their way to treat this bill on its merits.

Hon. Mr. OGILVIE—I generally agree with the hon. gentleman from Calgary (Mr. Lougheed), but I cannot say that I do so to-day. I certainly cannot agree with him that it is a sufficient reason for us to accept the bill because it comes to us from the House of Commons. There was a bill during last session that the House of Commons passed almost unanimously. We threw it out. That same bill, or a facsimile of it, came back to the House of Commons this year, and their Railway Committee threw it out by a vote of 77 to 22. I think we had better act for ourselves and on our own responsibility. The only reason I had for objecting to have the bill go back with that instruction to the committee was I thought that if I was a member of that committee myself—I used to be a member of it—and had sat and taken cognizance of that bill, as the committee I have no doubt did do, and had reported the bill, and this House passed a motion sending it back to us and instructing us what to do as a committee, I would consider it a pretty strong snub to the committee. An hon. gentleman, not many minutes ago, talking about the bill, said, "It is a pretty hard snub to me for what I have done," I said it is a harder snub to the committee.

Hon. Mr. McMILLAN—There is a good deal in what the hon. gentleman from Alma (Mr. Ogilvie) says, but we ought not to make such cast-iron rules at the tail end of the session. I would be considerate in this matter and kill the bill on its merits rather than take advantage of a technical point of that kind. In order to meet the objection of the hon. gentleman from Alma, I would substitute the following after the words "instructions to," "reconsider said report."

Hon. Mr. OGILVIE—I have no objection to that.

Hon. Mr. SCOTT—That would not be sufficient. It should be with instruction to report that the notice was sufficiently proved. The proposition made by the hon. gentleman from Rideau (Mr. Clemow) is one constantly brought before parliament, directing a committee to go back and report a bill. You cannot carry on parliamentary government, nor can a majority control unless you adopt a rule of that kind. A committee refuses to report a bill because of insufficient notice—is that to override the opinion of a majority of this House? What is this bill? It is purely a local bill.

Hon. Mr. MACDONALD (B. C.)—We do not know anything about the merits of the bill at all. It is a question of rules.

Hon. Mr. SCOTT—You have everything to do with the merits of the bill. Under our rules, in the case of a bill which only affects one province, the notice need only be published in the *Canada Gazette* and a local newspaper. I understand the full notice has been given, as far as this bill is con-

cerned, in the *Canada Gazette* and a newspaper of the city of Ottawa. The company go into operation in the city of Ottawa Their business is purely local under the bill. They are not authorized to do business outside of Ottawa.

Hon. Mr. DRUMMOND—The bill says anywhere in Canada.

Hon. Mr. SCOTT—Hon. gentlemen are probably aware of the circumstances under which the company are here. They are incorporated in the state of New York. They come here to carry out a contract given by the government of Canada. They find it necessary, in order to do that, to have their Act of incorporation recognized here. All they ask is that they be recognized in Ottawa in their corporate capacity. In all those cases the usual course has been, where no other interests were affected, to allow a bill to pass, although the notices may have been defective and even when it has been introduced without giving any notice whatever. Who is affected by this? I think the hon. gentleman will find it impossible to find any parties who are at all affected by this bill except those who were in a competing line.

Hon. Mr. MACDONALD (B.C.)—A gentleman in Ottawa, a barrister, appeared for Mr. Burland to oppose the bill. He said it affected rights and interests of his, and in view of that, together with the fact that the rule had not been complied with, the committee brought in the report before us.

Hon. Mr. SCOTT—It is a rule of all committees that if persons who ought to have notice appear before a committee, that waives the necessity of notice, because the object of the notice is that they may appear before the committee. If they appear before the committee, from the very fact of their being present they cannot plead they were not aware of the legislation. The notice is required in the public interest. No one can urge that any one outside of the Bank Note Company is affected by this bill. I will mention a few instances in which the committee has reported bills without the necessity for notice. Where no interests except those of the petitioners are likely to be affected by the proposed legislation, they dispense with notice. Where no exclusive privileges are asked for by the bill, notice is not insisted upon. No exclusive privilege is asked for in this case. The company simply ask for corporate powers. When the omission has arisen from some accident and not from any negligence on the part of the petitioner and the absence of notice would not have been prejudicial to any private individual—when it can be shown the legislation is so recent that it was impossible to give the requisite notice — when the committee have had abundant evidence that all parties likely to be affected were fully informed of the application, and that there was no opposition to the project—when the committee have found that the Act was necessary on account of some ambiguity — in all those cases the notice is dispensed with. There are innumerable instances in which, no public interest being in any way affected, the committee have dispensed with notice, but in this case full notice is given.

Hon. Sir JOHN CARLING—No.

Hon. Mr. SCOTT—It was given in the *Gazette* and in the local newspapers.

Hon. Sir JOHN CARLING—Notice was not given in the provincial papers, and the solicitor was notified that he had failed to give proper notice six weeks ago and he did not give notice.

Hon. Mr. SCOTT—Where it affects only a province or territory a notice inserted in the *Canada Gazette* and in a newspaper published in the county or counties affected is sufficient. This is practically a local company.

Hon. Mr. MACDONALD (B. C.)—But the bill applies to the whole Dominion.

Hon. Mr. SCOTT—If you think that objectionable you can strike it out when it comes before the committee, and provide that the company shall not operate outside of the province of Ontario. That can be done if the committee think anything is to be accomplished by it. Would it not be a perfect farce to say that the company should have put notices in the papers of British Columbia and Prince Edward Island, and all the other provinces.

Hon. Mr. MACDONALD (B.C.)—That is the rule of the House.

Hon. Mr. SCOTT—The rule is never carried out in that spirit. I do not think that is the rule of the House. It comes under the particu-

lar rule which I have read, where the institution is located in one particular province and is not competent to do business in any other province. When the bill comes before the Committee on Private Bills, they could limit the operations of the company to the province of Ontario as the notice was limited to that province.

Hon. Mr. MACDONALD (B.C.)—I wish to explain with reference to the remarks of the hon. member from Calgary (Mr. Lougheed). It is true I called the attention of the House to the necessity of assimilating the rules of the Senate and the rules of the House of Commons. I did not express any fancy for the rules of the House of Commons. That was left open. I think our own rules are preferable to those of the House of Commons. This bill stands in a different position from any other bill in another matter. A promoter of a bill could easily be misled by looking at the rules of the House of Commons only, but when a promoter is notified of his having failed to comply with our rules and neglects to comply, that alters the situation. When, through his own neglect, after having been notified he does not give notice, just to save a few dollars, he should take the consequences of his own negligence.

Hon. Mr. SCOTT—It would cost $100.

Hon. Mr. MILLS—We ought to deal with this bill in precisely the same spirit and in the same way we have done with others. I do not think there is any indignity inflicted upon the committee by the motion which the hon. member from Ottawa has proposed to this House for adoption. Every committee of this House is a committee acting under instructions from the Senate to the extent to which this House chooses to give instruction. Sometimes we go into committee to consider a bill without instructions, and it is open to the House to propose when that bill is in committee——

Hon. Mr. BELLEROSE—Will the hon. gentleman allow me to put him a question? Can he cite a single instance where a committee having struck out a section of a bill the House ordered the committee to put it in?

Hon. Mr. MILLS—There is no difficulty in the matter at all. When a committee of this House rises, after considering a bill and after having carried through all the amendments proposed, it is open to any hon. gentleman to move that the bill be not now read the third time, but that the House resolve itself again into committee for the purpose of considering the specific amendments proposed.

Hon. Mr. BELLEROSE—Hear! hear! Let the House go into committee on it.

Hon. Mr. MILLS—That specific amendment is the only thing that can be considered by that committee, and if the House goes into committee for the purpose the committee can carry the amendment. What does this House do? If the motion made by the hon. gentleman from Rideau (Mr. Clemow) is adopted the House will have to give to the Committee on Standing Orders instructions in precisely the same way and of the same character that it gives to a committee of the whole House when it goes into committee to consider a particular motion which has been proposed, and there is no indignity inflicted on the committee. The committee, as a subordinate body of the House, is open to instructions from the House, and if this resolution is carried will receive its instructions, and the committee will be obeying the order of the House in doing as they are directed by that motion. It seems to me that that is the proper motion to make, because, notwithstanding all that the hon. member from British Columbia (Mr. Macdonald) has said with regard to the importance of persons applying for legislation conforming to the rules of the House, he knows right well that in the majority of cases which the Standing Orders Committee have had to consider those rules have not been complied with, and, except in this case, those rules have not been enforced. In every case the committee have reported that the notice was sufficient. My hon. friend from London (Sir John Carling) says that these parties were notified that the notice given was insufficient and that further notices were required. The clerk of the House informed the committee that precisely the same information given to every other party, and no other party has been ruled out, and in no other case has the committee refused to report the bill because those rules were disobeyed. If that be so, surely the committee cannot pretend to say that it is a proper reason for this House to reject this bill when it was not an adequate reason for rejecting a dozen other bills which were considered by the

committee and reported. Then, further than that, we are to look at the reason of the rules. The object of the rule is to protect the public interest to see that exclusive privileges are not being sought for by Act of parliament that may prove, if granted, detrimental to other parties. Now, there is no attempt to ask for exclusive powers in this bill. There is no attempt to denude anybody else of the right they now possess or to prevent them acquiring any corresponding right for the future. In that respect there is simply a desire expressed in the bill to have corporate powers conferred upon this company, which do not limit in the smallest degree any right which might be asked for by any other party seeking incorporation. Then what reason was there for insisting upon the rule in this case? My hon. friend from British Columbia (Mr. Macdonald), says that the reason was that one party appeared before the committee and objected because he said the notice was not sufficient. That was not a proper objection for him to make.

Hon. Mr. MACDONALD (B.C.)—He said there were other interests jeopardized by the bill.

Hon. Mr. MILLS—That is a proper subject for the Committee on Miscellaneous Private Bills to consider. They are the parties constituted by this House for the purpose of considering that matter. That is not a question that comes before the Standing Orders Committee. The Standing Orders Committee simply consider the questions of form and not questions of intrinsic merit and that proposition is a matter of intrinsic merit which belongs to another committee and does not belong to the Committee on Standing Orders. I mentioned yesterday that before this bill came up there were eight others carried through where the notices were defective in exactly the same manner that the notice was defective in this bill, and the reason given for adopting them was that nobody appeared before the committee to object to the insufficiency of the notice. The fact that nobody appeared may be an evidence that nobody was aware that such a bill was asked for, and I know the principle of the House of Commons in such cases is to regard the absence of all opposition, if a bill is one that upon its face discloses probable grounds for opposition, as a reason for rejecting the bill if the notices are not sufficient, because there may be interests jeopardized by the want of notice and the fact that nobody has appeared may be regarded as an evidence that nobody is aware that such legislation, hostile to their interests, has been asked for in parliament. But that does not apply here at all. It is a sound maxim that where the reason of the rule does not apply, the rule itself should not be insisted upon, and in this case the reasonable rule does not apply and the reasonable rule is to protect the interests of various other parties that might be injuriously affected, that might be taken away or that might be limited, and here it is not proposed to take away any right, or to limit any right, or to injuriously invade any franchise or privilege possessed by any other party; it seems to me that it is proper instruction to give at this period of the session, and we should not, upon a technical objection of this kind, which is not in any way applicable to this case; it is to a different class of cases that the rule is intended to be applied to, insist upon the observance of the rule. If this House is of opinion that that rule ought to be strictly enforced let it be known. What is the reason those parties did not give further notice after being notified by the clerk? It was because they learned that it was not the practice to do so, and that this Committee on Standing Orders had, for a dozen years or more, acted upon precisely the same principle that they acted upon in eight other cases which preceded this, that where there was no evidence that any right was being jeopardized or that anything was asked for restraining the rights of any other party, the rule would not be insisted upon, and I think hon. gentlemen will see that it ought not to be insisted upon in this case, and that the motion made is a proper one.

Hon. Mr. MASSON—In considering this matter the committee did not take upon themselves to decide whether the notice was sufficient or insufficient. They only stated the fact which they were bound to find, namely, that the 49th rule was not complied with. They do not say whether it is right or not. They say, "It is none of our business; we have only to state the facts as they are; as we have no power to decide upon it, we will lay it before the House," and they report the matter to the House,

and what does the House do? The House says, "That which you are not able to do in committee, we will give you power to do, and we will refer the bill back to you, and permit you to do that which you had no authority to do." For that reason it is no reflection upon the committee. The House is only indicating to the committee what they ought to do, which is quite a proper thing, in my opinion.

Hon. Mr. PROWSE—It appears to me we are discussing a matter that is not really before the Senate at the present time. We have been discussing the bill. We have certain rules established by the House for the government of the Senate and its committees. This matter was referred to the Committee on Standing Orders. They were expected, and instructed and bound to carry on the business of that committee in accordance with the rules of the Senate, and the Committee on Standing Orders reported to the Senate exactly the state of affairs as they found it, and there the committee left the matter in the hands of the Senate. The proposition is now made by the hon. gentleman from Rideau Division (Mr. Clemow) that this report shall be sent back to the committee—for what purpose? That the committee must recommend to the Senate the suspension of a rule of the Senate. The Senate established a rule and instructed the Standing Committee to do their work in accordance with that rule, and now the committee, having done their work faithfully and according to the letter of the rule, the Senate turns round and says "you must recommend us to suspend that rule." It looks to me as if the Senate was stultifying itself to a very great extent in this matter by asking the committee to do any such thing. The 17th rule of this House has been referred to, and if any hon. gentleman will carefully read over that rule he will see that it is very ambiguous, to say the least of it. The lawyers would be able to find a good deal of contradiction from the beginning of the rule to the end of it, and I think the common sense view of the matter will be this: That the Senate has power to suspend that rule, without referring it back to the committee. In that case, the Senate would not stultify itself and would not ask the committee to stultify themselves, by asking them to do what they have refused to do. I can quite appreciate the special effort of hon. gentlemen on this occasion, but the eight cases referred to by the hon. gentleman from Calgary (Mr. Lougheed) and the hon. gentleman from Bothwell (Mr. Mills) were not contested. They were not opposed by any person, and no one appeared before the committee to object to the bill. In this case it was quite different. It was opposed and strongly opposed, and the committee felt that they had nothing else to do but to adhere to the rules of the Senate. I do not wish to throw out the bill on this ground. In many respects the bill is very objectionable and I should like to see it defeated on its merits. If the hon. gentleman from Rideau (Mr. Clemow) chooses to introduce a resolution to suspend the rule in the Senate, I do not say that I shall vote for it, but I think it is stultifying the Senate, and placing the committee in a false position to ask them to do what they have refused to do. They have carried out their instructions to the letter; they reported the facts of the case, and the House can do as they like with the rule.

Hon. Mr. LOUGHEED—I have looked at the original bill, and I find it did not necessitate advertising in the various provinces of the Dominion. If the hon. gentlemen will look at Bill (68) they will find it is a bill simply to operate in the province of Ontario.

Hon. Mr. MACDONALD (B.C.)—This is not the bill that passed the Commons.

Hon. Mr. LOUGHEED—Precisely, but you have to take into consideration the bill introduced in the first instance. Here was a bill introduced into the House of Commons to incorporate the American Bank Note Company. When that bill was prepared the promoter of the bill was entirely within the rules, namely, advertising in the province in which the bill was intended to operate. Because the House of Commons may make certain amendments in the bill and make it broader than at first contemplated, surely this Senate is not going to say "You had to anticipate the amendments which were made by the House of Commons and should have advertised in the different provinces." If that were the case, you could defeat almost every bill which comes down. The first clause of the bill states that the business is to be carried on in the

city of Ottawa and the second clause states that it is for the purpose of carrying on business in the city of Ottawa, in the province of Ontario, and the next clause provides that the business is to be carried on in the city of Ottawa. But there is not a syllable in the bill which provides that the operation shall go beyond Ontario, or that they have power to exercise corporate powers outside of Ontario, and surely hon. gentlemen will not say that the bill is to be defeated because of the amendments in the Commons. I would point out paragraph C of rule 49 which states :

> Where the bill is intended to operate in more than one province, territory or district, such notice shall be published in the *Canada Gazette* and in a leading newspaper in each province, territory or district in which the bill is to operate.

It is therefore manifest we are labouring under a misapprehension and the committee has misconceived the purpose of the bill.

Hon. Mr. ALMON—In every case where the committee reports, unless injustice has been done, it is the duty of the House to support the committee. The hon. gentleman from Bothwell (Mr. Mills) has the same line of argument, it appears to me, in discussing everything that is brought before this House. When men were peremptorily discharged from the situations they held without notice, the hon. gentleman from Bothwell rises and says that the Tories did the same with the weights and measures inspectors, and therefore it was right that these men should be discharged. He thinks that it makes it right because a wrong was done before; and the same way with the production of confidential papers. They were not produced by other governments, and of course that justifies the present government in refusing to bring them down. He says they were quite justified in doing it because the former ministry did the same. I should like to remind the hon. gentleman that two wrongs do not make a right. He tells us that because the committee suspended the rules in one case they should have done it in every case. When he followed the example, as he put it, of the wretched Tories, that was some excuse for him, but now he has not that excuse. Because this committee neglected their duty in one instance it is no reason why they should do it in this case.

Hon. Mr. ALLAN—If the facts are exactly as stated by the hon. gentleman from Calgary (Mr. Lougheed)—and I suppose he has informed himself in the matter—and the petition in the bill, as it was introduced into the House of Commons was for an Act to operate in the province of Ontario only, then it appears to me that the objection on the part of the Committee on Standing Orders does not apply, and that the true course to take is this : that if the House of Commons have chosen to enlarge the scope of that bill beyond what the notice stated the bill was to be introduced for, then there would be good ground for action when the bill comes before the Committee of Private Bills, because apparently the scope of the bill has been enlarged without due notice to others who may be interested in the bill if it extends beyond that province, but if the bill when it was introduced in the House of Commons, and the petition which asked for that bill, was limited to Ontario I cannot see how the objection stands.

Hon. Mr. McKAY—The petition before the Standing Orders Committee was a petition to do business all over Canada.

Hon. Mr. ALLAN—Then my hon. friend from Calgary must be wrong.

Hon. Mr. LOUGHEED—It is the bill I am reading from, not the petition. It is the bill we are to treat. The rule says that where the bill is to operate in one province, you must advertise in that province, and if it is to operate throughout the Dominion, you must advertise in all the provinces.

Hon. Mr. POWER—I may be allowed to read the rule again in reply to the suggestion of the hon. gentleman from Murray Harbour (Mr. Prowse). I have already read the rule, but I want to call the attention of the House to the fact that this rule is absolute and clear :

> No motion for a suspension of the rules with reference to a petition for private bills shall be in order unless the same shall be recommended by the Committee on Standing Orders.

Consequently the hon. gentleman from Rideau Division (Mr. Clemow) has taken the only course he could.

Hon. Mr. PROWSE—The rule says :

> No motion to suspend, modify or amend any rule or any part thereof shall be in order except upon one day's notice in writing.

Hon. Mr. CLEMOW—I gave that notice.

Hon. Mr. PROWSE—At the same time it was done by the Senate, and if the Senate can suspend one rule it can suspend any other rule. The rule continues :

Specifying precisely the rule proposed to be suspended.

That says any rule can be suspended following that condition :

The rule proposed to be suspended, modified or amended, and the purpose of such suspension. But any rule may be suspended without notice by the unanimous consent of the Senate ; and the rule proposed to be suspended shall be precisely and distinctly stated ; and no motion for the suspension of the rule upon any petition for a private bill shall be in order, unless the same shall have been recommended by the Committee on the Standing Orders.

We are not making any motion for the suspension of the rules. It is the rule—not the rules :

No motion for the suspension of the rules in relation to any petition for a private bill shall be in order unless the same be recommended by the Committee on Standing Orders.

Hon. Mr. BELLEROSE—Is it not the rule that one clear day's notice must be given? I was a member of the committee which made the rules, and they unanimously declared in favour of the provision that one single day should intervene ; notice would be given on Monday for Wednesday. One clear day was the interpretation given to the expression "one clear day's notice."

Hon. Mr. SULLIVAN—It was raining very hard at that time.

Hon. Mr. BELLEROSE—Notice was always given for the third day. If you go over the minutes of the Senate, you will not find one notice which is not given from Monday until Wednesday, or from Wednesday until Friday—always one clear day. It has been the practice of this House, and it is the practice in England, one day means one clear day.

Hon. Mr. MACDONALD (B.C.)—I ask the indulgence of the House again for two or three minutes to correct the statement made by the hon. gentleman from Calgary. He has told the House that we are to take the bill as it was presented to parliament, and not as finally passed. Such a doctrine I never heard of. To show what the Commons has done with the bill, I will read one clause from the bill, as it came before the Standing Committee :

The American Bank Note Company, hereinafter called "the company," is hereby invested with, and shall be entitled to all the powers, privileges and rights, as a corporation, necessary for the purpose of carrying on, in the city of Ottawa, Ontario, and elsewhere in Canada, a general engraving.

If we were to go back to the bill as first introduced, it would amount to nothing. It would simply be waste paper. The notice in the *Gazette* contained a notice of application for power to carry on business all over the Dominion. We have nothing to do with the bill as first introduced into parliament.

Hon. Mr. BELLEROSE—Rule 13 says :

One intermediate day's notice, in writing, must be given of all motions deemed special ; and any motion is deemed special which initiates a subject of discussion.

Hon. Mr. POWER—That is not the rule. It is rule 17 which reads :

No motion to suspend, modify or amend any rule or part thereof, shall be in order except upon one day's notice in writing and that notice has been given.

Hon. Mr. BELLEROSE—But that specifies one clear day. That is the present rule. It is a question of order, and the speaker must decide it. The question is whether it is in order to move to-day a motion of which notice was given yesterday. I say it is not.

Hon. Mr. POWER—Rule 17 says so.

Hon. Mr. BELLEROSE—Rule 13 says not and it is the rule which prescribes how notices have to be given.

Hon. Mr. POWER—That is a different thing altogether.

Hon. Mr. BELLEROSE—In your mind, but not in mine.

Hon. Mr. POWER—Rule 13 deals with new matter, a motion which is the subject of discussion. This motion does not necessitate any subject of discussion, because we are dealing with the report of the Committee on Standing Orders, and Rule 17 applies—that no motion to suspend, modify or amend, shall be in order except upon one day's notice.

Hon. Mr. BELLEROSE—Not at all. There is nothing before the House except the motion of the hon. gentleman from Ottawa, which is a special motion, and which has provoked the discussion that has been going on since three o'clock and it is now five. The 17th rule has nothing to do with it. If I refer to our code of rules I find that the 13th rule, to which I have referred, is found in the chapter headed by the following words: "Notices of motions and motions in general." This 13th rule is a general rule, prescribing, as I said before, how notices of motion have to be given. It clearly enacts that one intermediate day must be allowed between the day the notice is given and the day the motion is put.

Hon. Mr. LOUGHEED—In answer to the remarks of the hon. member from Victoria (Mr. Macdonald) I have in my hand the petition and the notice in the *Gazette*. The notice in the *Gazette* does not ask specially for power to do business throughout the Dominion of Canada.

The Hon. the SPEAKER—If I had to decide a legal question I would look to the rules of the courts. Before the courts, when a notice is given and a motion is made, the rules of the court always require a clear day's notice, and that means that an intermediate day must intervene between the notice and the motion.. The 13th rule of this House says:

> One intermediate day's notice, in writing, must be given of all motions deemed special, and any motion if deemed special which initiates a subject of discussion.

In my opinion the motion of the hon. member for Rideau is deemed special. It initiates a subject of discussion which was not yet before the Senate. It is true that there has been a discussion on the subject in the Standing Committee on Standing Orders, but we had nothing before the House until the hon. member for Rideau brought his motion, and that motion initiated the present discussion. I think the motion of the hon. member comes under Rule 13 and must be deemed special, and there should be one intermediate day's notice between the day of the notice and the day fixed for presenting the motion. Rule 17 applies only to the ordinary motions which do not initiate a new subject of discussion requiring only one day's notice in writing.

Hon. Mr. POWER—I should like to ask His Honour the Speaker——

Several hon. MEMBERS—Order, order.

Hon. Mr. POWER—This House is not like the House of Commons. I have a perfect right to appeal from the Speaker's decision if I please.

Hon. Mr. BELLEROSE—There is nothing before the House.

Hon. Mr. POWER—I am in order.

Hon. Mr. POIRIER—We have a rule in this chamber that when the Speaker is on his feet the hon. member addressing the House sits down.

The Hon. the SPEAKER—I wish to add that I should be most happy that the right to appeal from my decision should be given to the hon. member because this is overruling the practice of the House during former sessions, and I should be most happy to be corrected.

Hon. Mr. POWER—I was going to ask His Honour the Speaker if he had considered rule seventeen.

The Hon. the SPEAKER—I have, but I should very much like that the sense of the House should be taken.

Hon. Mr. SCOTT—Of course, after the suggestion made by His Honour the Speaker, it might be well for us to decide whether that was the interpretation intended when the rule was made. Our practice has been to consider twenty-four hours the proper time. It is a serious matter for the convenience of the Senate whether in all those cases we should not continue to construe the rule as it has been construed in the past. In the past we have always construed the rule that when a notice is given to-day it may be considered to-morrow. Of course it is a matter for the Senate to consider, because the Speaker has invited us to express the view the Senate take of it.

Hon. Mr. ALLAN—I ask the hon. gentleman to look at the rules. Rule 13 provides that "one intermediate day's notice in writing must be given of all motions deemed special." Every one understands by that that a day must intervene between the notice and dealing with the motion. Then the other rule provides that "no motion to suspend,

modify or amend any rule, or part thereof, shall be in order, except on one day's notice in writing, specifying the rule proposed to be suspended" etc. Now, these two clauses apply to totally different subjects. The matter before the House is undoubtedly a special motion. Under the rule, I think the Speaker's ruling is perfectly right and clear, that one intermediate day must intervene.

Hon. Sir OLIVER MOWAT—I think it is right to say that I concur in the opinion just expressed by my hon. friend from York. I am sorry we are not going on with this matter to-day. It is a pity the committee have reported as they have done. I do not think they were justified for the reasons given, but my judgment on the question of order is in accordance with the ruling of His Honour the Speaker.

Hon. Mr. BELLEROSE—The hon. Minister of Justice (Sir Oliver Mowat) is certainly not in a position to criticize the course followed by the committee. He has been but a few months in this House; how, then, can he contradict the statement made by members of the committee? I was been here over twenty years, and I repeat, and defy contradiction, that the practice of that committee has invariably been to recommend the suspension of Rule 49 only on petitions or bills unopposed, and never where they have been opposed.

The motion was ruled out of order by the Speaker.

BANQUE DU PEUPLE BILL.

THIRD READING.

Hon. Mr. FORGET moved the third reading of Bill (86) "An Act respecting the Banque du Peuple."

Hon. Mr. BELLEROSE—It is not my intention to oppose this bill. I believe it is a good one under the circumstances in which the bank is placed. It is only right to help those who have so much money in the institution to protect their interests, but I cannot let it pass without referring to legislation which passed this parliament twelve years ago. Parliament was at that time made aware of the bad state of that bank. I shall read what was then said. At the time it was explained to the House that the charter of the Banque du People was a special one, and a bad one also—that only thirteen, fourteen or fifteen of the stockholders had a right to interfere in its management, and that all the other shareholders were nothing else but silent partners. The only right they had was to keep silence and take things as they were. I asked, myself, at the time to change that charter, because the bank was then asking for a reduction of 25 per cent of its capital. On that occasion I said:

> Such is the Act and no doubt every silent shareholders who entered the company did so with a full knowledge of what he was doing. Therefore to that, I believe there can be no objection, but to-day, after having for over 40 years administered the affairs of this bank, the directors of that corporation who elect members to replace those who have resigned, have brought the bank to such a condition that they are unable at the present time to pay dividends. They called a general meeting of the shareholders both members of the corporation and silent shareholders and they were represented at that meeting, either by shareholder themselves or by proxy, 11,000 shares. The number of shares in the company is 32,000, so that there were present about one third of the number who were unanimous in asking for an amendment to the Act to reduce the capital of the bank. It is to this amendment that I object, because it is changing the position of those who become shareholders in that company, to such a degree that it becomes an injustice

I then asked that the bank be forced to ask for a new charter like the other banks, I continued:

> I think it was stated even if I did not know that the active members of the corporation had been lending money one to the other to very large amounts, I could state this, that it must be supposed (because it is not otherwise shown, either in the preamble or elsewhere,) that it is by bad management solely that the bank has been brought to its present condition. If that administration over which the great majority of the shareholders have no control, has ruined the bank to the extent of 25 per cent, is it reasonable to reduce the capital without giving to every one of the shareholders, even the silent shareholders, a vote, so that in future they may change the administration if it is not good, and secure proper management of the bank? Now, if this bill should become law, would it not be encouraging the present corporation to continue its course and fifteen or twenty years hence to come back to this House and ask that the silent shareholders should lose the balance of their money? But there is more than that. We have an example of what can be done by good management. Only four years ago the Hochelaga Bank of Montreal, got into difficulties, not through bad administration, but because the cashier had robbed the bank of nearly $100,000; and that small bank was thereby ruined, but its directors did not come to parliament to ask for a reduction of its capital. The shareholders changed the administration, and under good management, in three years to $100,000 was recouped. In the same way, the Hochelaga

Bank, by their statement, show that they have recovered from a loss of $200,000 and are now in such a good position that they will be able to pay dividends. Surely, if the Hochelaga Bank has in three years succeeded in recouping the $100,000 stolen from it the Banque du Peuple ought to be able in six years to recover from the effects of its loss of $200,000.

By refusing what is here asked it will compel the administration of the bank to change their course and adopt a better system. Experience has shown that this system is a very bad one. The whole of the money over $1,000,000 is in the hands of fourteen or fifteen men. True, they are responsible for it but they cannot be responsible for bad administration. The shareholders must loose if the bank sustains loss. To put into the hands of thirteen or fourteen men the entire control of this $1,000,000, most of it belonging to others is a dangerous principle. While the bank is asking parliament to-day for this amendment to their charter, why should we not refuse and let them come back with another bill for the same object and including in it a provision giving a vote to every shareholder would come under a double liability. But the danger of that is only on paper. Where has there been danger to the shareholders of the 100 banks we have in this country on that account? If there is no danger to the shareholders why not bring this bank under the same condition as others? No doubt it can be shown that in some cases shareholders in banks have been dued under the double liability clause; but is it the rule to make exceptional legislation or to legislate on a general principle? If we are to make special legislation for every institution, we will be sitting here every month of the year.

In this case it has been proved before the committee that this bill has not been asked for by more than one third of the shareholders. not even a simple majority . . . . Is it not apparent at once that there is something wrong in this bill?

I will move that this bill be referred back to the committee with instructions to add the following clauses:

(5). "This Act shall not come into force before it has been submitted to a special general meeting of the shareholders of the said bank, both of those shareholders who are members of the corporation as well as those who are only partners en commanditaires, and that such shareholders representing in person or by proxy at least two-thirds in value of the whole present stock of the said bank, at the said meeting, have approved thereof.

(6). The meeting mentioned in the fifth clause will be called by a notice given during two weeks in the *Canada Gazette*, and in two newspapers in the English language, and in two newspapers in the French language (in the city of Montreal) during the two weeks above mentioned. A circular will also be addressed by mail to each such shareholder at least fifteen days before such meeting, giving them notice of the day, hour and place of the meeting, and of the object of the meeting."

Such were the facts and the views which I put before parliament at that time, but the House seemed to shut their ears to my warning, and gave the legislation asked for. After twelve years these predictions have been verified. That bank is a complete ruin; and not only will the shareholders lose all their investment, but even hundreds of poor widows will lose their little money deposited in the bank; and are now labouring every day to gain their livelihood. I thought I should put that on record in this instance, to show that under some circumstances parliament treats those matters too lightly. In this case some twelve years ago there was a good deal of work done outside in the lobbies, and that is always bad work.

Hon. Mr. MACDONALD (P.E.I.)—It is sometimes said that a prophet is "not without honour save in his own country." That will not apply to the hon. gentleman (Mr. Bellerose) who has proved to his own satisfaction, and I have no doubt to the satisfaction of other people, that the prophecy he made some twelve years ago has been verified to the letter.

Hon. Mr. WOOD—When this bill was before the committee, a question was raised by a gentleman who appeared before it in opposition to the bill, as to the jurisdiction of this parliament. The claim set up was that being a question of civil rights and property, it came under the legislation of the province. Different opinions were expressed in the committee, and it was finally stated that the Minister of Justice would be asked to give an opinion to the House on the subject of jurisdiction before the third reading of the bill.

Hon. Sir OLIVER MOWAT—It is quite true that this bill does touch, to a certain extent, property and civil rights, but almost all legislation within the Dominion jurisdiction does deal with property and civil rights, and the construction of the courts is that wherever the Dominion has jurisdiction that jurisdiction carries with it a right to deal with property and civil rights so far as the subject requires. Take the case of the general insolvency law; that deals with property and civil rights, and although property and civil rights are expressly given to the provinces alone, still an insolvency law deals very extensively with property and civil rights. I consider this bill as being one which parliament can pass if it wishes to pass it.

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

MANITOBA AND SOUTH-EASTERN RAILWAY COMPANY'S BILL.

THIRD READING.

Hon. Mr. BERNIER moved the third reading of Bill (19) "An Act respecting the Manitoba and South-eastern Railway Company.

Hon. Mr. McCALLUM—Yesterday I placed an amendment in the hands of His Honour the Speaker in opposition to this bill. I have not the same objection to the bill now that I had to it yesterday, because the company took power to amalgamate with a railway that was chartered to run from Winnipeg to Duluth. I see in this bill that they have the same power to amalgamate, but that other company is not in existence. I have the assurance of the parties promoting this bill that they will carry out their undertaking on their original charter—that is, to the Lake of the Woods, and therefore I have no desire to oppose the bill, nor had I in the first place excepting to prevent the diversion of our trade to United States channels. I can say further, that the power of amalgamation they have now can only be exercised under the sanction of the Governor in Council. That is very satisfactory to me, because if they step over the line and do what is wrong, we will hold the government of this country responsible. That is a further inducement to me to withdraw my opposition to the bill. Yesterday I said I thought they should build this railway, because we have had statements made in this House, that people have to go 40 or 50 miles to market. It does not say very much for the leading men in Manitoba if the people are in that position. Here they have had a railway charter over this ground for eight years and they have done nothing. Now, I hope they will go on and give the people facilities to get their crops to market, because I feel interested in that country. I hope they will do more in the near future than they have yet done. In eight years they have not completed a mile of road, and only two or three miles have been graded. I warn them fairly, that if they have to come back here again, and I am living, if they do not do better than they have done, they will hear from me. If they fail to construct, parliament should see that somebody else is given an opportunity to occupy that ground and build the railway, so as to relieve the people from the grievance that my hon. friend from Brandon said yesterday they were suffering from. I was glad to see him take such an interest on behalf of those people, and I hope he will continue to use his influence in their behalf. Although I do not live in Manitoba, I have as much interest in it as he has, and I hope he and the hon. member from St. Boniface will do what they can to have this work constructed and not permit our trade to be diverted to foreign channels. If they undertake to do that they have to consult the government of this country, and I look to them to see that that is not done. If the company build the line of railway as first contemplated, they are all right; if they do anything else, they are all wrong. I have much pleasure in withdrawing the amendment that I placed in the hands of the Speaker yesterday.

The amendment was withdrawn.

The bill was then read the third time and passed.

INTEREST BILL.

IN COMMITTEE.

The Order of the Day being read

Committee of the Whole House on Bill (I) "An Act respecting Interest."

Hon. Sir OLIVER MOWAT said—There was a good deal of discussion yesterday on this bill in consequence of an additional clause which my hon. friend from Alma (Mr. Ogilvie) offered, the result of which was that the bill was allowed to go through committee without any additional clause, and I was to consider the matter and confer with the hon. gentleman. I have prepared a fourth clause with the assent of my hon. friend, as follows:

This Act shall not apply to mortgages on real estate.

Mortgages on real estate are already provided for by the Act respecting interest in the Revised Statutes, and the companies to which my hon. friend referred and with reference to which there was a good deal of discussion yesterday, only lend on mortgages. I do not propose to alter the law on the subject. I leave it precisely where it is. I therefore move that the order be discharged, and that the bill be referred back to a Committee of the Whole House.

The motion was agreed to.

(In the Committee.)

Hon. Sir OLIVER MOWAT—I move that the following be added as clause 4 :

This Act shall not apply to mortgages on real estate.

Hon. Mr. FERGUSON—It seems to me —although I am subject to correction on that point—that it is quite as necessary that this provision should apply to mortgages on real estate as to transactions by note of hand or any other way.

Hon. Sir OLIVER MOWAT—The subject of mortgages on real estate is already provided for.

Hon. Mr. FERGUSON—Not the way this bill provides.

Hon. Sir OLIVER MOWAT—Substantially the same way. There is this difference : that under the existing provision as to mortgages no interest is recoverable while under the bill as it stands, the lender may recover 6 per cent. With this exception this bill is really framed to follow the principle of the present law as to mortgages.

Hon. Mr. FERGUSON—I may just remark, as my reason, that a loan society, the Crédit Foncier, did quite an extensive business in the province from which I come, and there was a misapprehension for a considerable time as to the rate of interest on which its loans were based. The loans were payable by annuities instead of by a yearly rate of interest, and it was not, I understand, clearly set forth in the mortgage what that rate of interest was, and borrowers imagined that they were borrowing on the basis of 6 per cent, when in reality it turned out that they were borrowing at the rate of 7 per cent. There was no law at that time with reference to it. I am speaking of what occurred 8 or 9 years ago, and I am mentioning this case, and if my hon. friend assures me that the law provides against such a case as that in mortgages, and that it is now imperative that the rate of interest shall be stated in the instrument itself, I am satisfied.

Hon. Sir OLIVER MOWAT—That is the effect of it.

Hon. Mr. LOUGHEED—I am sorry my hon. friend did not see his way clear to leave that clause out. It seems to me it is going to interfere seriously with section 3 of chapter 127 of the Interest Act, which provides for the statement of the rate of interest appearing upon the face of the mortgage, and the language used there might possibly be construed to be a repeal of that particular section. Another anomaly in regard to this bill is that it is substantive, and not an amendment to the Act respecting interest ; so that we have on our statutes two substantive Acts respecting interest. Why is it not an amendment to the Act respecting interest ?

Hon. Sir OLIVER MOWAT—There is no object in declaring that.

Hon. Mr. LOUGHEED—But you have two Acts.

Hon. Sir OLIVER MOWAT—We can have half a dozen Acts. The first clause of the bill says this shall be called the " Interest Act, 1897."

Hon. Mr. POWER—With respect to sec. 3 of chapter 127 of the statutes, there may be some confusion. I am not raising any question as to the correctness of the law laid down by the Minister of Justice, but I was only going to say I think there would be in the minds of the people, at any rate in the province of Nova Scotia, some little confusion as to what the law really is. In the province of Nova Scotia we have a building society which loans money on instruments which, perhaps, looked at from one point of view, are not mortgages, and which, looked at from another point of view, are mortgages. The land does not become the property of the borrower until he has paid all the instalments, and as he does not own the property, it can hardly be said that the contract which he enters into is a mortgage. The property belongs to the building society until the instalments have been paid by the borrower, and there is some question as to whether the instrument is to be regarded as a mortgage or not. It is generally known as a mortgage ; but still there is some doubt about it. I do not know that it has anything to do with the amendment. I suppose not.

Hon. Sir OLIVER MOWAT—I do not think it has to do with the present amendment. I may observe that mortgages are either legal or equitable. My hon. friend is referring to legal mortgages. That is only

one class of mortgages. Where money is charged upon real estate, it is an equitable mortgage, where the charge does not carry with it the real estate.

Hon. Mr. POWER—If those instruments are mortgages, my own recollection of them is that they do not set out the rate of interest in the way in which the law requires.

Hon. Mr. WOOD, from the committee, reported bill with an amendment, which was concurred in.

Hon. Sir OLIVER MOWAT moved that the bill be read the third time to-morrow.

Hon. Mr. POWER—Under the ruling just made by His Honour one day's notice is not sufficient. This motion for the third reading of the bill is just as much a substantive motion as the motion to deal with the report of the Standing Orders Committee, and under the construction which has been placed upon the rule by His Honour the Speaker, I do not think it can be read to-morrow.

Hon. Sir OLIVER MOWAT—At all events it can be put down to be read to-morrow with the unanimous consent of the House, and I now ask the consent of the House.

Hon. Mr. POWER—To-morrow any one opposed to the bill can object to the third reading?

Hon. Sir OLIVER MOWAT—No, because they have consented to it now.

Hon. Mr. LOUGHEED—There was a unanimous consent yesterday to the motion of the hon. member from Rideau division with reference to the American Bank Note Company Bill, but it has been questioned to-day.

SECOND READING.

Bill (106) "An Act respecting the Dominion Safe Deposit, Warehousing and Loan Company, Limited, and to change the name of the company to the Dominion Safe Deposit and Trusts Company, Limited."—(Mr. Cox.)

LA MUTUELLE GENERALE CANADIENNE INCORPORATION BILL.

SECOND READING.

Hon. Mr. BELLEROSE moved the second reading of Bill (119) "An Act to incorporate La Mutuelle Générale Canadienne."

Hon. Mr. POWER—What is this bill?

Hon. Mr. BELLEROSE—It is an ordinary insurance company having power to insure against everything but fire and marine risk.

Hon. Mr. POWER—I think that motion is out of order. The hon. gentleman only gave one day's notice. If the rule is to be applied in one case, it should be applied in all others. The hon. gentleman contends that he must have an intermediate day. This notice was only given yesterday.

Hon. Mr. BELLEROSE—There is no rule applying to it, because it is by order of the House.

The motion was agreed to.

CRIMINAL CODE AMENDMENT BILL.

IN COMMITTEE.

The House resumed in Committee of the Whole consideration of bill (H) "An Act further to amend the Criminal Code, 1892."

On section 179.

Hon. Mr. McMILLAN—I should like to call the attention of the Minister of Justice to subsection C of section 179. I did not happen to be present when this clause was under consideration by the committee, and therefore omitted to state my objections at that time. After the word "abortion" I wish to have added the words "or miscarriage," because in medical language the words "abortion" and "miscarriage" are not synonymous. The word "abortion" has reference to a period prior to what is called quickening, while "miscarriage" has reference to the term after that.

Hon. Sir OLIVER MOWAT—I think that is reasonable.

Hon. Mr. LOUGHEED—Might I ask my hon. friend how there could be abortion without miscarriage?

Hon. Mr. McMILLAN — Miscarriage may mean abortion; I do not know that abortion necessarily means miscarriage, because abortion means the miscarrying of the ovum, which is impregnated. After conception, and up to the period of quicken-

ing, it is generally understood in medical language and in law, I think, as miscarriage.

Hon. Mr. LOUGHEED—Under the Criminal Code there is a much wider interpretation than that, I think.

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

EMPLOYMENT OF CHILDREN BILL.

WITHDRAWN.

The Order of the day being read,

Second reading Bill (A) "An Act respecting the Employment of Children."

Hon. Sir OLIVER MOWAT said:—This is an important measure, but I am of opinion that we have no jurisdiction to pass it. I, therefore, move to strike it from the order paper.

The motion was agreed to.

The Senate adjourned

THE SENATE.

Ottawa, Thursday, 10th June, 1897.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

PRESERVATION OF CANADIAN ARCHIVES.

INQUIRY.

Hon. Mr. ALMON inquired of the government:

Whether it is their intention to provide a place for the books, plans and manuscripts connected with the Canadian archives, which are now in an underground office in the West Block, and very much exposed to destruction from dampness.

And will also point out that the selection of such a place should be more suited in location for access thereto by members of parliament.

He said: These archives are not in a proper place now, being exposed to the damp in a cellar in the Western Block. To obtain access to that place you have to enter the eastern door and go down a stair into a dark passage, and after going as far north as the passage will take you you will come to an iron door which will take you in, and you will find that the books are two-thirds under ground. During the winter and in spring there is a snow bank up against that place. I have been told on good authority that in the summer sometimes they have to build a fire in there to destroy the damp in the room. I have a small library myself, separate from the house, and I am obliged in winter to have a fire kept there, and in the summer time I have to open the window and allow the air to go through, and in spite of all that the books have a musty smell. Then there is another point—is that place accessible for the members of this House? I say it is not. I have asked a number of members whether they know where the archives are kept and many of them reply that they cannot tell. These old papers are not in print; some of them are simply manuscript, and must be found in the archives, and I have been rarely told by members to whom I have spoken that they know where the building is or that they have ever been in it. With regard to the papers, some of them are very valuable. I myself contributed some valuable manuscripts written by Andrew Cochrane, a Nova Scotian, son of a Vice-President of King's College. He came out to Canada, and was appointed acting secretary to Sir George Prevost during the war of 1812, and afterwards to Sir John Cope Sherbrooke. He wrote private and confidential letters to his father, and mentioned facts which could be known to nobody but the Governor's secretary. Afterwards, as I have said, he was secretary to Sir John Cope Sherbrooke, and continued his letters to his father, and later, when Lord Dalhousie came here from Nova Scotia and assumed the governorship, he was made a member of the Legislative and Executive Councils of Quebec. This shows that he was a man of talent and education, and his work is a very interesting one. I gave it to Mr. Brymner. Perhaps he does not think it as valuable as I do, because

he never acknowledged the receipt of this donation, and if I had known he did not value it, I would certainly have kept it myself, and I am not at all certain, if I had known that it was deposited in such an improper place to keep papers, but that I would have given it to some institution in Nova Scotia, where it would be better cared for. There are a number of papers connected with the military operations in Canada in the last year of the war of the rebellion—that was the first American war. When the military forces were removed from Canada, these papers were sent on to Halifax on their way to England. They were in the office of Major Nagle, of the adjutant general's department, and he informed me that these papers were there and asked if I would like to see them. They appeared to me to be so interesting that I got the late Wm. Garvey, Provincial Secretary, to accompany me to Sir Hastings Doyle, the then Governor of Nova Scotia, and ask him to detain the papers until they could be examined to keep any relating to Nova Scotia taken out. I asked the Major what would happen if they went to England. He said they would be put in an office for years, and then if nobody claimed them they would be destroyed. However, a messenger came down from Canada and asked to have them sent up, and those papers are now here and if lost they could never be replaced. By an anomaly the archives are under the care of the Minister of Agriculture. Why they were put there I have not the slightest idea, but being there, I am going out of my way to suggest to the government that a committee of the Joint Committee of both Houses on the Library should be appointed to consider this question. We should appoint a certain number of Senators, and the House of Commons should appoint a number of members every year to mak provision for the care of these documents and to make suggestions with regard to the keeping of them. It would not cost any money, and from what I know of the Library Committee, I think they would be a very useful body to do that I am not reflecting upon Mr. Brymner because he differs from myself in the estimate of the value of the papers, because he deserves a great deal of credit, I must say. He has been to London to the British Museum, and had valuable papers copied there. In fact, the Archives are the only books I care about. He is a very good French scholar, because he has been in Paris and had access to the manuscripts there connected with the history of Canada. I know that I am speaking to too willing ears when I address the two hon. gentlemen opposite me who represent the government in this House, and if they do nothing it will not be because their hearts are not in it, but because they cannot get their hands on the purse strings.

Hon. Mr. SCOTT—Knowing the very great interest that the junior member for Halifax takes in this subject, I am very glad to assure him that all books, plans and manuscripts connected with the Canadian archives were removed undamaged from the Western Block, at the time of the fire in that building. They are now stored in the basement of the Langevin Block, where there is no danger of any of the documents, &c., being injured by dampness. Arrangements will be made for the accommodation of the archives in the Langevin Block, which is fireproof, as soon as the Trade and Commerce Department return to the Western Block. It is proposed, shortly, to have them removed to the second story, I think, and to allot a place that will be suitable for them, and where an ample opportunity will be given for persons desiring to consult the archives to visit the rooms, and every facility will be given to pursue any inquiry they may think proper.

Hon. Sir MACKENZIE BOWELL—Does the hon. gentleman think the archives would be as safe up in the second story as in the lower story? It is constructed in a manner to prevent the burning of documents of this kind; in fact the intention was, when that was erected, to occupy the whole of the flat for the purpose of the archives to ensure safety in case of fire.

Hon. Mr. SCOTT—They are now in the Langevin Block, and it is intended that they should remain there. The Post Office occupy the first floor above the basement, and it was intended the archives should be placed in rooms on the second floor. I think they are fire-proof; we considered when it was put up that it was a fire proof building.

Hon. Sir MACKENZIE BOWELL—So was that other building.

Hon. Mr. SCOTT—Oh no, there was a fire trap in the ceiling of the other. I hope there is no similar dangerous element in the Langevin Block. I should be surprised if there was.

Hon. Mr. MACINNES (Burlington)—I think that in the Langevin Block they would be quite as safe from destruction by fire as they are now.

Hon. Mr. ALMON—I wish to say that I am perfectly satisfied with the answer given by the Secretary of State.

Hon. Mr. MILLS—It is very desirable, not only that these archives should be put in a fire-proof building or room, but that they should be in a place where there is sufficient light and air. Now, in the basement where they have been put, it is almost impossible to examine a document without light. I have been in there many times, and I could make very little progress on account of the want of sufficiency of light, and if those archives are worth collecting and preserving, there should be a suitable place provided for them, and a suitable place has not, up to the present, been provided.

Hon. Sir MACKENZIE BOWELL—A special building.

Hon. Mr. MILLS—Yes, a suitable building for the purpose.

THE DISMISSAL OF ALPHONSE LABERGE.

INQUIRY.

Hon. Mr. LANDRY rose to inquire :

Has Mr. Alphonse Laberge, of Montmagny, been employed as a foreman on the work of construction of the wharf at St. Thomas, in the parish of St. Thomas, county of Montmagny ?

Upon whose recommendation ?

How many days has he been employed and at what rate ?

Is he still in the employment of the government ?

How much has been paid him for completing a waiting room upon the St. Thomas wharf, as well for materials furnished as for the completion of the work ?

Hon. Mr. SCOTT—The answer to the first query must be "yes," and to the second the answer is "on the recommendation of Mr. Choquette, M.P." To the third question, as to the number of days, the answer is "from the 18th of August to the 31st of December, 73 days, at $2 per day." To number four the answer is, "yes, in charge of the expenditures still going on, ordered on the 10th of May last to complete the work." As to number five, the sum of $32 was paid to Mr. Laberge in August last for lumber.

AMERICAN BANK NOTE COMPANY'S PETITION.

MOTION.

Hon. Mr. CLEMOW moved :

That the Eighteenth Report of the Standing Committee on Standing Orders, on the petition of the American Bank Note Company, be referred back to the said committee with instructions to report in favour of the suspension of the 49th rule of the Senate, in so far as the same regards the said petition.

He said : This is the same question which was discussed yesterday regarding the report of the committee. I believe the understanding is to allow this motion to drop and to unanimously agree that the 49th rule be suspended.

Hon. Mr. MACDONALD (B.C.)—It is not my intention to-day to continue the discussion we had yesterday, or to renew it at all. I think we have taught the promoter of this bill, and perhaps the promoters of other bills in future, a salutary lesson ; that they will have more respect for the rules of this House, and that they cannot be suspended on the *ipse dixit* of any one without very strong reason. The Standing Orders Committee had an informal understanding. We did not meet, but we understood among ourselves that we are not going to oppose this matter any further, that we are willing to let the bill go on its merits to whatever committee it is referred, and with that understanding I will now move an amendment to the motion of the hon. gentleman from Rideau division (Mr. Clemow), to the effect that the 49th rule of the Senate be suspended presently, so far as it relates to the petition of the American Bank Note Co.

Hon. Mr. FERGUSON—I do not think that motion can be carried by this House. We cannot suspend a rule except upon a report of the Committee on Standing Orders, and I think the motion of my hon. friend, as on the order paper, is the only one that can be carried except by the unanimous consent of the House.

Hon. Mr. MACDONALD (B.C.)—It requires the unanimous consent of the

House. I forgot to ask for that, and I hope the House will give it. It is no use sending it back to the committee. I ask the House to consent.

Hon. Mr. BELLEROSE—I wish to call the attention of the House to the fact that the motion which was put yesterday by the hon. gentleman from Rideau (Mr. Clemow) does not appear in the report of the proceedings yesterday. That motion was put in the hands of the Speaker, and the Speaker ruled it was out of order, and that ought to appear in the proceedings of yesterday. There is not a word of that. It is a most important point.

The SPEAKER—I think myself that it should have appeared in the Minutes of yesterday, and I will see that the clerk inserts it.

Hon. Mr. WOOD—I do not mean to oppose this motion. I intended to support the motion moved by the hon. gentleman from Rideau (Mr. Clemow), but certainly if I read the clauses and rules aright it was out of order, and I do not think it can be carried, even with the unanimous consent of the House. I should like to call the attention of the House to rule 53 which reads :

> Petitions for private bills, when received by the Senate, are to be taken into consideration, by the Committee on Standing Orders. The committee is to report in each case, whether the rules with regard to notice have been complied with ; and in every case where the notice shall prove to have been insufficient either as regards the petition as a whole, or any matter therein which ought to have been specially referred to in the notice, the committee is to recommend the course to be taken in consequence of such insufficiency of notice.

The report of the committee which has been presented to the House makes no recommendation. It simply mentions the fact that the notice is insufficient. Then reading rule 17 in connection with rule 53, it is very clear to my mind that this House cannot, even by unanimous consent, pass a resolution of this kind until the Committee on Standing Orders have recommended the course to be pursued. I do not make this suggestion to interfere with business, but to point out that we have to adopt that course to conform with the rules of the House.

Hon. Mr. LOUGHEED—The House fell into an error yesterday in taking the construction of the rule as given by the hon. gentleman from Halifax (Mr. Power.) He seemed to overlook the fact that this rule deals with two classes of suspension, one upon a day's notice and the other without notice. I am not in accord with the view of the hon. gentleman who has just sat down. The first rule deals with suspending, modifying or amending any rule or part thereof upon a day's notice being given. The latter part of that rule, upon which my hon. friend lays emphasis, goes on to deal with an entirely different condition of affairs, viz., where notice has not been given. It states :

> But any rule may be suspended without notice by the unanimous consent of the Senate ; and the rule proposed to be suspended shall be precisely and distinctly stated ; and no motion for the suspension of the rule upon any petition for a private bill shall be in order unless the same shall have been recommended by the Committee on Standing Orders.

That is where no notice has been given, but in this particular case notice was given. It is on the motion paper.

Hon. Mr. WOOD—But how do you get over rule 53 ?

Hon. Mr. LOUGHEED—I get over rule 53 in this way—it is simply a rule of the House and we now propose to suspend it under the former part of rule 17.

Hon. Mr. BELLEROSE—It was suggested yesterday by every member of the House who spoke that the only course was to accept the report and pass a resolution by the unanimous vote of the House to suspend the rule.

Hon. Mr. WOOD—I do not agree with the hon. gentleman from Calgary, and I think the rules are very clear.

Hon. Mr. MACDONALD (B.C.)—It is quite true that the committee in its report did not make any recommendation, but the House is now seized with the fact. What we omitted to make a report on, the House is now asked to do. Now, we ask you, being seized with it, to consent unanimously to this motion being carried. Unless you give unanimous consent it cannot be done. Supposing it goes back to the committee, the committee will report according to the instructions of the House. We know very well that without the consent of the House it cannot be done.

Hon. Mr. OGILVIE—I wish to object to this course.

The motion was agreed to.

THE MILITARY CONTINGENT FOR THE JUBILEE CELEBRATION.

INQUIRY.

Hon. Mr. LANDRY inquired :

Is the military contingent sent to London for the jubilee celebration composed exclusively of men belonging to city battalions ?

Are the country battalions represented thereon (and in what proportion ?)

What country battalions have been called upon to furnish their quota, and how many men have they furnished ?

Hon. Mr. SCOTT—The military contingent is not composed of men belonging exclusively to city battalions. The following rural corps are represented thereon :

Cavalry.

King's Canadian Hussars.	4 each.
1st Hussars.	
4th do	
6th do	
8th do	
3rd Dragoons.	
Manitoba Dragoons.	

Artillery.

1st Bde Field Artillery.	1 each.
12th Field Battery.	
15th do do	
3rd Regt. C. A.	2 each.
4th do do	

Infantry and rifles.

68th Battalion.	4 each.
82nd do	

There are 144 N.C. officers and men of the active militia with the contingent, 43 of whom belong to rural corps. The rest of the contingent comprises officers, the North-west Mounted Police detachment and non-commissioned officers and men of the permanent force.

THE EMPLOYMENT OF XAVIER LAMONDE.

INQUIRY.

Hon. Mr. LANDRY inquired :

1. Has Mr. Xavier Lamonde, of Montmagny, grocer, being employed as a foreman in the work of repair at the breakwaters in the River du Sud, in the parish of St. Thomas, in the county of Montmagny ?

2. Upon whose recommendation ?

3. How many days has he been employed and at what rate ?

4. Is he still in the employ of the government ?

Hon. Mr. SCOTT—My answer is, to No. 1, yes ; to No. 2, Mr. Choquette, M.P. ; to No. 3, 69 days from the 10th October to the 31st December, 1896, at $2 per day, and to No. 4, No.

THE EMPLOYMENT OF ALPHONSE LABERGE.

INQUIRY.

Hon. Mr. LANDRY inquired :

1. Has Mr. Alphonse Laberge, of Montmagny, been employed as a foreman on the work of reconstruction of the wharf at St. Thomas, in the parish of St. Thomas, county of Montmagny ?

2. Upon whose recommendation ?

3. How many days has he been employed, and at what rate ?

4. Is he still in the employment of the government ?

5. How much has been paid him for completing a waiting-room upon the St. Thomas wharf, as well as for materials furnished as for the completion of the work ?

Hon. Mr. SCOTT—My reply to No. 1 is yes ; to No. 2, Mr. Choquette, M.P.; to No. 3, from the 18th August to the 31st December, 1896—73 days at $2 per day ; to No. 4, yes ; in charge of an expenditure ordered on the 19th of May last to complete the work ; to No. 5, a sum of $32 was paid Mr. Laberge in August last for lumber.

THE MANITOBA SCHOOL QUESTION.

INQUIRY.

Hon. Mr. LANDRY :

1. Has the government taken communication of the following despatch published on Saturday last by the press of the country :

WINNIPEG, June 4.—(Special.)—Your correspondent has been informed that an understanding has been arrived at between Mgr. Merry del Val, Premier Laurier and Premier Greenway regarding the future attitude of the Catholic authorities towards the Manitoba school law. While no details can be obtained, it is understood that the Catholics will allow all their schools to come under the School Act, but that the law will only be nominally enforced, insistance with its provisions being only required with regard to teachers' qualifications and government inspection.

2. Is it true that a conference has taken place between the Apostolic delegate, one of the members of the present administration and the prime minister of Manitoba ?

3. When and where did this conference take place ?

4. Who is the member of the present administration who took part therein ?

5. Was the understanding of which the despatch above cited speaks, or any other understanding, really come to, and in the latter case what is this understanding ?

6. Is it really the case that as a solution of the Manitoba school difficulty the Catholics are asked to sacrifice their constitutional rights, guaranteed by the law and by parliamentary compacts and recognized by the tribunals and the government of this country, being given as compensation the contingent permission to conduct their schools in constant violation of the laws of Manitoba, without any other guarantee of security or impunity than the present good-will of the man who has frustrated the Catholic minority of his province of its most sacred rights?

7. Is it really the case that the prime minister of Manitoba has succeeded in convincing the Prime Minister of the Dominion that the Catholic minority of his province has more stability to hope for in the working of a system, put in operation outside of and against the law, than in the enjoyment of the rights guaranteed by the laws themselves, and that it would be better worth while for the public authority to ignore the impediments caused in the law by its consent than to render honest justice?

8. Is the government disposed to accept such a compromise or to favour the making of these impediments?

Hon. Sir OLIVER MOWAT—The facts are not as stated or implied in the hon. member's questions. What, if anything, has really taken place in regard to Manitoba school matters has been with individual ministers and is confidential, and I am not in a position to answer the hon. member's questions or make any statement whatever as to the views or policy or action of the government beyond what has been made by the government heretofore.

Hon. Mr. LANDRY—Could we know the names of the individual members of the administration?

Hon. Sir OLIVER MOWAT—I presume my hon. friend knows the names of all the individual members of the administration.

Hon. Mr. LANDRY—Who took part in the conversation?

Hon. Sir OLIVER MOWAT—I cannot give you any other answer than the one I have given.

THE ALASKA BOUNDARY.

Hon. Mr. MILLS—Before the Orders of the Day are called, I wish to direct the attention of the Senate to the matter which I I think of some importance, that is the boundary between the United States possesion of Alaska and British Columbia and our North-west Territories. I have noticed that several recent English maps of Bartholemew and also Johnson show the boundary line between the British possessions—that is Canadian and United States territory of Alaska, laid down in accordance to the United States contention. This seems to me a rather extraordinary act. One would naturally expect that the geographers of the United Kingdom, in publishing maps representing boundaries of Her Majesty's possessions in any part of the world, would give those boundaries according to the contention of the British government. It is well known that the Americans have put upon the treaty of St. Petersburg a construction respecting the separating line that is not in accordance with the British contention and I think is not in accordance with any map issued by England or Russia prior to the acquisition of those territories by the United States. Hon. gentlemen will remember that a long narrow strip of coast which, under the treaty of St. Petersburg, was recognized as belonging to Russia had the separating line drawn along the mountain range in the immediate vicinity of the coast, and where that mountain range was more than 10 leagues from the coast, then the line was drawn at a distance of ten leagues. If the mountain range was nearer the coast than ten leagues the mountain range was followed; if it was more than ten leagues from the coast, the mountain range was not followed. The intention was that in no case should the extreme distance of the territory recognized as falling to Russia extend more than ten leagues inland. Where that boundary should be drawn was where the mountain range was more than ten leagues from the coast according to the general outline of the coast. But the Americans have undertaken to mark the boundary ten leagues from the coast of every inlet that extends into the continent. It seems an extraordinary thing that geographers should give countenance to the United States contention as against the contention of Her Majesty's government. I remember very well, and I dare say hon. gentlemen here will remember, in the controversy which arose in respect of the boundary immediately to the south of British Columbia, the boundary separating the British possessions from Oregon, that the Secretary of State, in his correspondence with the British foreign office, pointed out this fact, that Mr. Wylde an eminent British geographer and manu-

facturer of globes, had laid down upon a large globe the boundary between the the British and United States possessions in accordance with the American contention and that fact was referred to by United States Secretary of State as an evidence that their contention was right. Mr. Wylde, then admitted that he had been specially requested by the United States Minister in England to prepare a large globe for the use of the Secretary of State's office at Washington and he had been asked to mark the boundary between the British and United States possessions in accordance with the American contention. No doubt Mr. Wylde was well paid for the manufacture and preparation of that globe, and the globe itself was made to do service in the controversy in respect to the Oregon boundary. It might be highly improper to suggest that the modern geographers in England have been doing precisely what Mr. Wylde had done, and under precisely the same influence that operated upon Mr. Wylde, but it seems to me that it is the duty of the government here to call the attention of the Secretary of State to that fact, to make earnest protest that British geographers should lend themselves to supporting in this way of the contention of another country against their own, and this has certainly been done both by Johnson and by Bartholemew in the maps they have prepared and which are sent abroad over the world.

Hon Mr. SCOTT—The House is very much indebted to the hon. senator for having drawn the attention of the country to this fact. I may say to him, however, that some months ago a confidential communication was sent to the Colonial Secretary, calling attention to the efforts made by the government of the United States to encroach on what had long been recognized as British territory and advising that Canada would not consent to any such line of demarcation unless the subject were fully inquired into, and Canada had an opportunity of stating thoroughly her views on the boundary commission.

Hon. Mr. MACDONALD (B.C.)—I believe the whole thing now hinges on the wording of the treaty. The treaty says that from a certain point on Prince of Wales Island the boundary shall run north-easterly. The United States construction of those words of the treaty would give our neighbours an enormous stretch of territory which we claim belongs to us. The interpretation put upon those words in the treaty will give the territory to either one country or the other. As far as the other portion of the boundary is concerned, where the 30 miles from the shore goes into the country, I believe that is pretty well agreed to. The Canadian and United States commissioners came within a few feet of each other.

Hon. Mr. SCOTT—That is on the 141st parallel.

Hon. Mr. MACDONALD (B.C.)—The point that we ought to contend for is this large tract of territory further south, near the boundary at Prince of Wales Island.

Hon. Mr. MILLS—I might add further that the difficult point to determine with regard to the southern boundary is where is Portland Channel? If Portland Channel is where the United States contend it is, commencing due east from a line drawn from Prince of Wales Island, they will be rightfully entitled to that territory; if it is further north by north-east from Prince of Wales Island, then they are enabled to acquire some three millions or more acres at our expense. What I had more especially in view is the territory lying round Lynne Inlet, because the northern part of that inlet, if our contention is right, would be wholly within the Canadian territory, whereas if the United States contention is right, they would be able to draw the line ten leagues north of the northern extremity of Lynne Inlet, and they would have possession of the pass leading to the Yukon territory and the entire navigation of that coast. It is a vital question to us in connection with the Yukon territory whether Lynne Inlet lies absolutely within Canadian territory or whether it lies wholly within the territory of the United States.

Hon. Sir MACKENZIE BOWELL—I understand the hon. gentleman from Bothwell's intention in bringing up this question was not for the purpose of discussing where the actual boundary between Alaska and Canada was, but more particularly to draw the attention of the government to the fact that incorrect globes and incorrect maps have been prepared in England at the

instance of the United States Minister, and that the United States Government, in their contention as to the correct position of their boundary, were using these incorrect maps and globes, and that he desired that the government should take cognizance of that fact, and make a strong remonstrance against any such evidence being admitted in considering this question. The answer given by the hon. Secreatery of State did not meet that point. He informed the House that they had protested against the claims which the United States Government were making as to certain territory. It is highly important, in consideration of what took place a number of years ago when Canada was deprived—I was going to use a stronger term, robbed—of some of the best portions of New Brunswick by somewhat similar means, by the use of a false and misleading map, which was laid before Lord Ashburton at the time. In addition to what has been said by my hon. friend, I would impress upon the government, the necessity of making an earnest and early protest to the Colonial Secretary against the admission of any such evidence in regard to this question. That is the principal point I think which the hon. gentleman from Bothwell (Mr. Mills) desired to bring under your notice.

Hon. Mr. SCOTT—The attention of the government having been drawn to it, such action will be taken as may be deemed in the interest of Canada. I noticed recently in the United States Senate that it was proposed to establish an arbitrary point on Mount St. Elias as a starting point. Against that a protest has been entered. An attempt was made to deflect the starting point some distance to the east in order to take away considerable territory from Canada.

THIRD READINGS.

Bill (109) "An Act respecting the Ottawa and Gatineau Railway Company."—(Mr. Clemow.)

Bill (87) "An Act to incorporate the Columbia River Bridge Company."—(Mr. McInnes, B.C.)

Bill (I) "An Act respecting Interest."—(Sir Oliver Mowat.)

DEBATES AND REPORTING COMMITTEE.

SECOND REPORT ADOPTED.

Hon. Mr. BELLEROSE moved the adoption of the second report of the Standing Committee on Debates and Reporting. He said:—The first item is simply to order that the paging of the daily issue of the reports of the session be made from the first day to the last continuously, which is considered the most convenient method. The other part of the report is to continue Mr. Smith in his position as a member of the staff of reporters.

The motion was agreed to.

RAILWAY ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. LOUGHEED moved the second reading of Bill (16) "An Act to amend the Railway Act."

Hon. Mr. McCALLUM—Explain.

Hon. Mr. LOUGHEED—When this bill goes into committee it will be very fully explained. If the House desire it, I can explain it now, but it will occupy some time, and it seems to me that as there is other important business upon the Orders of the Day, and it will necessitate a full discussion in committee, it would be idle for me to enter into an explanation, which must be necessarily a long one. I might say, if hon. gentlemen will permit it to be read a second time now, it will not be regarded as admitting the principle of the bill. However, if my hon. friend insists upon going into the merits of the bill now, I am prepared to do it.

Hon. Mr. McCALLUM—The bill has come to us in the Senate form. Can the hon. gentlemen tell me whether any change was made in the bill in the House of Commons?

Hon. Mr. LOUGHEED—I am not aware of any change having been made.

Hon. Mr. McKAY—I do not think the bill is printed yet.

Hon. Sir MACKENZIE BOWELL—I have sent for a copy of it, and I am told that it is not printed yet.

Hon. Mr. McCALLUM—The second reading had better be postponed until to-morrow.

Hon. Mr. LOUGHEED—I would say to hon. gentlemen that the bill consists entirely of one clause, and a very short clause, and even if it were printed and distributed, it would not facilitate the consideration of the bill at this stage.

Hon. Mr. SCOTT—As the bill is not printed, it had better be put off until to-morrow.

Hon. Mr. LOUGHEED—Then I shall defer the second reading until to-morrow.

Several hon. MEMBERS—Monday.

Hon. Mr. LOUGHEED—Hon. gentlemen will appreciate the fact that the session is drawing to a close and there is no reason why this bill should be thrown over for three or four days.

Hon. Mr. McCALLUM—It should not be down for a second reading to-morrow, when it is not printed.

Hon. Mr. LOUGHEED—I am informed it is printed in French.

Hon. Mr. OGIVIE—It is printed as it is printed for the House of Commons, but not for the Senate.

Hon. Mr. SCOTT—The French copy is printed, but not the English one.

Hon. Mr. LOUGHEED—I move that the order of the day be discharged, and placed on the order paper for to-morrow.

The motion was agreed to.

SECOND READING.

Bill (68) "An Act respecting the American Bank Note Co."—(Mr. Clemow.)

COMPANIES ACT AMENDMENT BILL

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (M) "An Act to amend the Companies Act."

(In the Committee.)

Hon. Sir OLIVER MOWAT—This bill provides that these companies should have a larger power of borrowing than they have at present, particularly trading companies. Almost all the companies that have charters under the Dominion law have been trading companies, and it is found exceedingly embarrassing that the powers should be limited as they are now. Practically their borrowing powers are limited to the extent of three-fourths of their paid up capital, and also on commercial paper which is considered to mean not their own paper, but business paper, which they have in their possession. This is one of those things which business men can advise us upon, and enable us to pass such a law as will be for the best. The proposed provision reads:

> Provided always that the limitations and restrictions on the borrowing powers of the company contained in this section shall not apply to or include moneys borrowed by the company on bills of exchange or promissory notes drawn, made, accepted, or endorsed by the company.

Companies are often unable to do the business they want to do when they cannot borrow money, and the business which their shareholders want them to do, and which they were chartered practically to do, and a very large sum of money is required often to carry on trade, particularly for example where a company deals in grain.

Hon. Sir MACKENZIE BOWELL—At whose instance has this bill been introduced? Is it at the instance of the trading companies themselves who are speculating, or of the banks, or of other money lenders?

Hon. Sir OLIVER MOWAT Well, the banks in one sense, but I am assured that the whole commercial community are in favour of this bill.

Hon. Sir MACKENZIE BOWELL—Of course it is only those who loan the money who take the responsibility.

Hon. Mr. DRUMMOND, from the committee, reported the bill without amendment.

CRIMINAL CODE AMENDMENT BILL.

IN COMMITTEE.

The House resumed in committee of the whole consideration of Bill (H,) "An Act further to amend the Criminal Code."

(In the Committee.)

On clause 203*a*.

Hon. Sir OLIVER MOWAT—This clause relates to races. Some people believe that races, though they are of importance

in improving the breed of horses, are very injurious to the morality of the people. That is not the general sentiment of the country, and this present amendment is not proposed on that principle, but I find that all—I think I may say all—sportsmen are in favour of some limitation to the number of days that the races should go on. In the bill which my honourable predecessor introduced last year, the period was ten days, twice a year. My predecessor thought that was the proper limit to make. In interviews I have had with parties interested in these races, and from correspondence with them, I obtained their views, which varied on this point from twelve days in each of the two half years, to fifteen and twenty days. None of them has recommended or expressed any desire for a longer period than twenty days. It would seem that all true sportsmen are in favour of the limit of twelve days. It is said the best racing sentiment of Canada desires that limitation. The short race meetings, say of ten days, are said to be good, but the longer ones are very injurious. In a sporting paper, very well known and probably the best sporting paper in the United States, I find this observation made:

> Continuous racing undermines the entire fabric in any community in which it is conducted and sooner or later brings racing into disrepute. Public opinion is aroused against it, and those who are law abiding and who are interested in the advancement of the turf eventually have to suffer through the grasping greed of unprincipled gamblers.

Where a long period is wanted, it is in the interest of almost all those who make use of these occasions for the purpose of gambling; and civilised nations have frowned upon gambling. They regard it as very injurious to the community that gambling should be encouraged.

Hon. Mr. MACDONALD (B.C.)—Does the hon. gentleman not think three days' racing is injurious as well as three months' racing? They can do as much evil in three days as they could do in three months.

Hon. Sir OLIVER MOWAT—I have had no experience.

Hon. Mr. ALMON—Are they allowed to have booths on the field at the race courses? In Halifax in olden times the races lasted for three days, and booths were placed on the commons and it was a continual round of dissipation and fights between soldiers and sailors and others. I should think that these matters were for the municipalities to deal with more than for the Dominion, but I am of the opinion that one day would be a much more proper time if booths were allowed to exist during that time.

Hon. Mr. CASGRAIN—Instead of twelve days, I should like to make it twenty days. About three years ago we established a track near where I reside, which has been well patronized. We always get a good string of horses from our American neighbours. If we are restricted to so short a period, we will lose their patronage, and we are anxious to have about twenty days instead of twelve days.

Hon. Sir OLIVER MOWAT—I move the adoption of the clause limiting the time to twelve days.

Hon. Mr. SCOTT—Has it not been urged, as one of the reasons for bringing in this bill, that in one of the western counties there has been a good deal of gambling emanating from Detroit, and they use Canadian territory for the purpose of carrying on gambling under the name of horse racing. I understood when this bill was introduced a couple of years ago, it was to meet a case of that kind somewhere in the western country.

Hon. Mr. CASGRAIN—Fort Erie and Windsor.

Hon. Mr. SCOTT—Fort Erie particularly where the racing was continued from day to day for a long period, purely for the purpose of betting and gambling. It was to meet cases of that kind that this legislation was demanded.

Hon. Mr. CASGRAIN—I shall read you a letter sent to me by the president of the association. It is dated Windsor, and is as follows:

> I am going to give you the views of the majority of the business people of this place and also my own as to the effects of continued or lengthened racing meetings such as have been held in Windsor during the past two summers.
>
> I admit frankly that a continuous racing meeting extending over five or six months, such as held in some places in the United States, is not the best interest of the city, where such meeting is held, unless the population is so large that it can support such expensive amusements. There are few places in the United States that can do so, and

none in Canada except Windsor and Fort Erie and the reason is easily explained; both of those places mentioned in Canada get their attendance nine-tenths from the adjoining cities in the United States, viz., Detroit and Buffalo; and, while the money necessary to conduct the meetings comes almost wholly from the United States, all of it, I may say, is disbursed and spent in Canada, among our farmers locally, for the feed necessary to keep from 400 to 500 horses; among our butchers, bakers, hotel and boarding house keepers, in order to feed a large number of attendants, to say nothing of the aid given tailors, saddlers, blacksmiths, livery keepers, street railway, and in fact nearly every business in the place is given indirect support by the $1,200 to $1,500 that is daily paid out in prizes.

Those are the parties aided, and, as I have said, the money necessary to maintain this large daily outlay comes almost entirely from foreigners—money that we could not otherwise by any possible means procure.

Notwithstanding that we have had two seasons of lengthy racing in Windsor, I have yet to learn of any injury that has been done to anyone directly or indirectly.

We are supported by quite a number of race horses owned in Canada during this season; and had we not been operating here, those men would have gone to the United States and spent their earnings there. Since we have opened here a number of throughbred horses have been imported into Canada which will have a decidedly improving effect on the horses of this country.

We would be satisfied with a 20 day meeting with 30 days intervening between such meetings, because we know how unnecessarily alarmed many pious personages charged with public trusts become over such questions; and the danger that is likely to ensue to our property and interests under such circumstances; for the reason as I have said we would prefer to have matters stay as they are and you may depend upon it, we are not blind to our own interests to the extent of allowing anything to be done by our club that would arouse public opinion against us and then jeopardize our property. I may say in this regard, that the two members of Essex North and South are supporters of our wishes in this matter, and I am sure you know both of them well enough to feel assured they would not support anything that would be detrimental to the interest of the people they represent. This would enable us to get good stables of horses, from all parts of south and west, and the Canadian public, while reaping the benefit I have pointed out, will lose nothing from a moral standpoint.

You are aware that we have built one of the best tracks on this continent; with the purchase of the property, erection of grand stand, stabling superior to any track in the Dominion, in fact the whole plant is worth $80,000 to $100,000. Furthermore we have already entered into an agreement for the lease of the track for two short meetings, and to have the proposed changes made law, would be a great loss to us.

The business men of Windsor are simply indignant at the prospect of the proposed changes.

This letter is signed by Dr. Joe O. Reaume. I think we might as well grant twenty days.

Hon. Sir MACKENZIE BOWELL—How long do these races continue at Windsor?

Hon. Mr. CASGRAIN—Sixty to ninety days.

Hon. Sir MACKENZIE BOWELL—That is almost perpetual, nearly the whole year.

Hon. Mr. CASGRAIN—We want only twenty days.

Hon. Mr. ALMON—What do you do on Sundays?

Hon. Mr. CASGRAIN—Go to church.

Hon. Sir MACKENZIE BOWELL—In looking at the bill which was introduced by the late Minister of Justice, Mr. Dickey, I find that provision was made for only ten days. The proposition in the present bill is to give a little longer time—12 days. I took pains, when in Toronto a few days ago, to ascertain the views of those who are interested in the Jockey Club there. I was told by the president that they were very well satisfied with this bill. They thought the restrictions were not too great, and they would like to see it become law in order to put a stop to what they considered to be exclusively gambling operations, demoralizing the people in the very section to which my hon. friend refers. It seems to me that the time mentioned here would be quite sufficient time for legitimate racing for those who enjoy that sport, and think it tends to the improvement of the breed of horses. If it is any benefit at all, twelve days should be quite long enough.

An Hon. MEMBER—Too long.

Hon. Mr. CASGRAIN—We have trotting races twice a year, in June and in September. Will this interfere with trotting races?

Hon. Sir OLIVER MOWAT—I should think so; they are the same as other horse races.

Hon. Mr. CASGRAIN—No, there is a difference; they are held twice a year for five days each meeting.

Hon. Sir MACKENZIE BOWELL—This includes trotting races as well as running races. You will have the same length of time to carry on your trotting races.

The clause was adopted.

On section 205.

Hon. Sir OLIVER MOWAT—This section relates to art unions. The law contains a provision by which these are exempt, under certain restrictions, from the operation of the gambling law. I do not think anybody would have suggested a change in that respect, but for the perversion of the law which the legislation on that subject has led to. In order to defeat the law against gambling, persons have called themselves an art union and proceed in this way: they have a drawing. They distribute pictures of very little value, and with a provision that the holder of it may get in exchange for the picture he draws so much money. The practical effect is simple gambling, not the encouragement of art or the cultivation of a taste for art. Those who are interested in art unions, for their own sake, write strong letters against having these pretended art unions permitted. Some of them say they would rather have the whole provision relating to art unions removed than allow this perversion to continue. Others think if we limit the sales to a short period and actually forbid the exchange of the pictures for money or anything else, that that will answer the purpose. That, I think, is the general feeling. I myself should be sorry to deprive the artists of the advantage they have now, though if it is in the public interest it must be done. I am in favour of preventing the perversion of the law without interfering with these drawings for legitimate purposes.

Hon. Mr. DRUMMOND—This clause has my most cordial support. The perversion of the provision in the existing law, described by the Minister of Justice, is a crying evil and should be stopped by every means in our power.

Hon. Sir MACKENZIE BOWELL—Will this clause, as worded, accomplish the object in view in putting a stop to the gambling distribution of these pictures which has been going on, particularly in Montreal? I have received letters in connection with it saying that it is carried on to an enormous extent there, and that there are cases now before the courts in which they are testing the legality of the sale or exchanging of pictures. Do I understand the Minister of Justice that this is to meet cases of that kind and prevent them in future?

Hon. Sir OLIVER MOWAT—That is the purpose. The legislation which we are seeking to enact now for the first time commences with subsection one and includes one, two and three. Some of these offices which are perverting the law are open all the time. A man can go in any time and buy his ticket. That is the reason subsection three is inserted.

The clause was adopted.

On section 261.

Hon. Sir OLIVER MOWAT—The law as it stands now names 14 years as the age of consent to an act of indecency. I propose to make it 16 if the Senate agrees with me. I think from what the Senate has done already they will not object to substituting 16 for 14.

Hon. Mr. LOUGHEED—Why is the term "indecency" used here? Why is not the offence specified?

Hon. Sir OLIVER MOWAT—I find that term in the law now. I do not know that you can get a better expression.

Hon. Mr. LOUGHEED—I would point out to my hon. friend that the offence under the section which you have amended is something more than an indecency.

Hon. Sir OLIVER MOWAT—Those are the very words of the existing section, "an indecent assault."

Hon. Mr. LOUGHEED—I may be incorrect, but I am unaware of any section in the code dealing with indecent assault in regard to girls under a particular age.

The clause was adopted.

On section 274*a*.

Hon. Sir OLIVER MOWAT—The law now makes provisions that a man who brings goods stolen elsewhere into Canada shall be punished. The seduction of a girl in a foreign country and bringing her into Canada is a much more serious offence.

Hon. Mr. LOUGHEED—Does my hon. friend know of any Criminal Code containing such a clause as that?

Hon. Sir OLIVER MOWAT—I do not care if other Criminal Codes do not contain it. I am asking to amend the law.

Hon. Mr. LOUGHEED—Does my hon. friend think there is any analogy between this crime and the crime of bringing stolen goods into Canada as mentioned by him?

Hon. Sir OLIVER MOWAT—Certainly there is an analogy.

Hon. Sir MACKENZIE BOWELL—How far does this go? This clause provides that if a person seduces a girl in a foreign country and then brings her into Canada and marries her, he is to be indicted under this clause and sent to jail.

Hon. Sir OLIVER MOWAT—The clause does not say "marry her."

Hon. Sir MACKENZIE BOWELL—Yes, it does; "had seduced her in the United States, and brought her into Canada," are the words used, which he might do in order to get away from the country and the scandal which would surround him there.

Hon. Sir OLIVER MOWAT—We might add "and has not afterwards married her."

Hon. Mr. DRUMMOND—There is no time limit in this. It might be 20 years ago. It would never do to enforce it. We have no right to punish crimes which are committed outside of our own border. Still, you can imagine a case where a man crosses the border and commits a crime there and then comes back again.

Hon. Sir MACKENZIE BOWELL—Supposing they did, what of it? She must have been a consenting party.

Hon. Mr. DRUMMOND—I think the clause in its present shape is altogether too vague and indefinite, and it would give rise to consequences that we cannot now foresee.

Hon. Mr. ALLAN—Taking the case where a young man persuades a girl to run away with him, seduces her in the United States and comes back, a clause like this would apply. But taking the clause as it stands, there appears to be great force in what my hon. friend (Mr. Drummond) says, that the offence may have been committed 20 years ago. The clause seems to me to be a sweeping one, without a limitation.

Hon. Mr. LOUGHEED—Supposing the girl accompanied the man into Canada, could it be said he was bringing her into Canada?

Hon. Sir OLIVER MOWAT—Yes.

Hon. Mr. LOUGHEED—I think you could not establish that charge.

Hon. Sir MACKENZIE BOWELL—How would this affect the opinion given by the Minister of Justice in reply to the hon. gentleman from Halifax (Mr. Power) when he asked to have a clause inserted in the Criminal Code punishing a man who marries in Canada, goes to the United States and marries another woman there and brings her back to Canada? We were told we had no power to punish the man who had committed bigamy in another country, because the crime was committed in a foreign country. This crime is committed in a foreign country, and you propose to send the man to penitentiary for it. I understood the Minister of Justice to say it was questionable whether we had power to punish a married man who went to the United States, married and came back again.

Hon. Sir OLIVER MOWAT—The crime is coming back with her.

Hon. Sir MACKENZIE BOWELL—In the other case the man came back with his wife and lived with her. We have had one or two cases of that kind in Ontario, and we ought to try to punish them.

Hon. Mr. SCOTT—How would this do:

Every one is guilty of an indictable offence, and liable to two years' imprisonment, who brings into Canada a girl or woman whom he had seduced elsewhere than in Canada, and continues to cohabit with her in Canada, not professing to have married her.

Hon. Sir MACKENZIE BOWELL—No, that will not do. I move that the clause be struck out.

Hon. Mr. McMILLAN—I second that motion.

Hon. Sir OLIVER MOWAT—The feeling of the House seems to be against this. I ask to have it struck out.

The clause was struck out.

On clause 306.

By substituting the following therefor :

Every one commits theft or steals the thing taken or carried away who, whether pretending to be the owner or not, secretly or openly, takes or carries away, or causes to be taken or carried away, without lawful authority, any property under lawful seizure and detention [by any peace officer or public officer."]

Hon. Sir OLIVER MOWAT—The amendment is adding to the existing clause the words, "by any peace officer or public officer." Where there is no criminal intent whatever, a party taking goods out of the possession spoken of in the Act believing he had a right to do so and with no idea at all of committing any crime, the question of right should be decided in a civil suit between the two parties claiming the property. But as the law stands now, the seizure, though made in good faith by a man claiming the property to be his, subjects him to criminal prosecution. It is thought if we add the words which hon. gentlemen will see at the end of this clause that that difficulty will be removed. Then these additional words are suggested : "by any peace officer or public officer in his official capacity."

Hon. Mr. LOUGHEED—Might I suggest to add the words : "knowing him to be such" ; he may act in his official capacity, and not be known to the person. I think the offence should be done knowingly.

Hon. Sir OLIVER MOWAT—He cannot take away the thing from him without knowing he is taking it away from him.

Hon. Mr. LOUGHEED—But he may not know the party is a peace officer.

Hon. Sir OLIVER MOWAT—I think it is not necessary. We are going a considerable distance in the clause as it stands, for the relief of the party taking the property As a rule, he does know.

The clause was adopted.

On clause 331A.

Hon. Sir OLIVER MOWAT—This relates to cattle, and to the safety of the ownership of them. It makes it an offence on the part of any one who, without the consent of the owner, fraudulently takes, holds, keeps in his possession, receives, appropriates, sells, or fraudulently procures, or assists in taking possession of, or assists in stealing, appropriating, or selling, any cattle which are found astray. I move that in section A1 the word "assists" should be interlined in the third line before the word "stealing." Perhaps my hon. friend from Compton (Mr. Cochrane) could tell us something about the branding of cattle.

Hon. Mr. COCHRANE—The only way we can identify our own cattle is by brands and those are recognized, and when we sell these cattle they are what we call vented—another process, reversing the brand. While I say the cattle men want this change in the law there have been several cases in the last few years where men have been detected in stealing or taking cattle, and were brought to trial ; but as the law now stands, the brand is not *prima facie* evidence that the cattle were mine or any one else's, and the judge was obliged to dismiss the cases. There have been a number of cases in the last few years.

Hon. Mr. LOUGHEED—I wish to say to my hon. friend that while I am familiar with a great number of those cases, I would say on behalf of the judiciary of that country that the cases to which my hon. friend refers have not gone off upon the point which he mentions. This practically leaves the law as it stands. I pointed out to my hon. friend, some time ago that the courts in the North-west Territories have held that the brand is *prima facie* evidence of ownership, and it is so provided by the brand ordinance of the North-west Territories, and the Witness Act provides that such a law shall be accepted under the law of evidence in a criminal case.

Hon. Sir OLIVER MOWAT—That only applies to the Territories.

Hon. Mr. LOUGHEED—I do not object to this amendment.

Hon. Mr. DEVER—Would it be too much to ask the Minister of Justice to put in after the word "cattle," "valuable dogs"? It is a well-known fact that people cannot have, in this country, a valuable dog without having him watched continuously from dog thieves. I, myself, have had valuable dogs, and I would just as soon lose a horse at any time. It is quite a common thing to have dogs stolen. We have no law to pun-

ish people who steal dogs and sell them again.

Hon. Mr. DRUMMOND—I think that is a very good suggestion.

Hon. Mr. DEVER — Some dogs are valuable, worth $100—more than the price of a horse—and it is quite a common thing to have them stolen. I move that after the word "cattle" we insert "valuable dogs."

Hon. Mr. POWER—This is cattle which have strayed and have been found.

Hon. Mr. LOUGHEED—Cattle means sheep. Under the interpretation clause of the Act, the term includes horses, mules, asses, swine, sheep or goats, as well as any cattle of the bovine species.

Hon. Mr. DEVER—Does the hon. gentlemen think it is not practicable to put in the words "valuable dogs" there?

Hon. Sir OLIVER MOWAT—I think not.

Hon. Mr. POWER—I wish to call the attention of the hon. gentlemen from St. John (Mr. Dever) to the fact that the 332nd section of the Code imposes a penalty not exceeding $20 over and above the property stolen, or one month's imprisonment with hard labour on any person who steals any dog.

The clause was adopted.

On clause 410.

Hon. Sir OLIVER MOWAT—This section refers to tramps. The change is in subsection 2, which I propose to add as an additional clause. Persons engaged in the enforcement of the laws have called attention to the large number of tramps that are now going about all over the country. They go to small villages and rural places, do a great deal of mischief, and are a terror to respectable people. It is suggested that there is nothing which would be more effectual in dealing with them than whipping, and I propose to provide that if any one committing an offence under the Act is found to be carrying an offensive weapon he shall be subject to be whipped.

Hon. Mr. LOUGHEED—Why not whip him anyway?

Hon. Mr. McMILLAN—They often commit an offence in order to be locked up.

Hon. Mr. LOUGHEED—Why should they be whipped for the minor offence when they are not whipped for the major one of house breaking?

Hon. Mr. POWER—It is an aggravation of the offence when they carry the weapons.

Hon. Sir OLIVER MOWAT—Yes, that is the idea of it. I would not whip every tramp, but if he has an offensive weapon he might use it, and it is to make him afraid to carry an offensive weapon.

The clause was adopted.

On clause 479.

Hon. Sir OLIVER MOWAT—As the law stands now there is no punishment for a man who passes off confederate bills as valuable to people who do not know the difference, and the same way with other things which have the appearance of money, while at the same time not worth money. I propose to put confederate bills, &c., on the same footing as counterfeit or spurious coin.

The clause was adopted.

On clause 480.

Hon. Sir OLIVER MOWAT—This is to carry out the same idea. For the purposes of paragraph B in this section, the notes of any bank which has ceased to do business, and whose notes are of no value, shall be deemed to be counterfeit where the dealing with them is an attempt to pass them as money.

Hon. Mr. ALMON—Would that punish the man that had the confederate money at the late election down in Quebec?

Hon. Mr. LOUGHEED—Is there anything in the clause necessitating knowledge on the part of the person seeking to pass off the money, that the bank has failed? One can very easily conceive a case of a man not being aware of the fact.

Hon Sir OLIVER MOWAT—The clause meets that. It is necessary that there should be knowledge on the part of the person.

The clause was adopted.

On clause 520.

Hon. Sir OLIVER MOWAT — The present law provides against combinations

for the various purposes mentioned, and it is said that this interferes with reasonable and honest combinations on the part of workmen for their own protection, and therefore this subsection is suggested:

[2. Nothing in this section shall be construed to apply to combinations of workmen or employés for their own reasonable protection as such workmen or employés.]

Hon. Sir MACKENZIE BOWELL—Can the Minister of Justice tell us why, if it be wrong to enter into these combinations, any class of people should be permitted to do it? The amendment to this clause is to exempt from the operation of the law combinations of workmen or employés for their own reasonable protection as such workmen or employés. In the first place what would be their reasonable protection? The reasonable protection would be, I suppose, to get as much as possible out of their employers. This is a clause to prevent combinations by ship-owners and every one else for the purpose of increasing the price of an article unduly to the consumer, or levying greater tolls for passengers or freight, and then you exempt combinations of workmen or employés who combine for their own reasonable protection. Is not a combination of employés, to extort from an employer, as much of a crime as it is for employers to do that which would deprive the workman of a fair day's wage for a fair day's work?

Hon. Mr. MILLS—You shall not employ a man who is not a member of the union.

Hon. Sir MACKENZIE BOWELL—Yes, that case is very well put. A combination of workmen declare that a man, carrying on an industry with his own capital, shall not employ a man unless he belongs to the union. If he does, a strike takes place, and the man's business is ruined. They can enter into any combination, and be exempt upon this clause. There should be reciprocity in all these things. I would go as far as reason and equity would carry me in the protection of the workingman: but I have long since come to the conclusion that the principle of socialism is extending too far in this country—that the man who happens, unfortunately for himself, to have any capital, and to do any business by which he furnishes employment to the workingmen, is at their mercy completely.

Hon. Sir OLIVER MOWAT—Some consideration ought to be given to the condition of workingmen and employés. But for these trades unions and occasional strikes, I have no doubt these classes would be in a very much worse condition than they are at present. It is by such means they get a reasonable increase to their wages from time to time. There are some employers who are fair to their workmen, but that is not invariably the case. While these strikes are sometimes made use of in a way to produce hardship to others, still it is the only way workingmen can accomplish anything. Those who have capital have means and power that workingmen have not. I think it is reasonable to say when they combine for their own reasonable protection that that should not be considered an unlawful thing to do.

Hon. Mr. McMILLAN—I think the power of the man who puts his money into a manufacturing establishment is gone under this clause. He has no control over it whatever, because these men can combine and deprive him of his means. I therefore oppose the clause.

Hon. Mr. POWER—We should not do anything which would interfere with a reasonable combination of workingmen and employés, but I should like to direct the attention of the minister to the paragraph in the law as it stands now. What are the things which are forbidden? It is forbidden

(*a.*) to unduly limit the facilities for transporting, producing, manufacturing, supplying, storing or dealing in any article or commodity which may be subject of trade or commerce; or

(*b.*) to restrain or injure trade or commerce in relation to any such article or commodity; or

(*c.*) to unduly prevent, limit, or lessen the manufacture or production of any such article or commodity, or to unreasonably enhance the price thereof; or

(*d.*) to unduly prevent or lessen competition in the production, manufacture, purchase, barter, sale, transportation or supply of any such article or commodity, or in the price of insurance upon personel property.

I really do not see why the combinations of workingmen should have anything to do with these things.

Hon. Mr. DEVER—I think the hon. gentleman from Halifax is right in that. There is no relation at all between the two in my opinion.

Hon. Mr. FERGUSON—Even if they found this clause as it stands in the Act, it is very mild. It is only unduly limiting and preventing that is made punishable. That being so, I see no reason even if the hon. gentleman from Halifax is not right, why organizations of workingmen should not be brought under the clause. Therefore, I would oppse it.

Hon. Sir MACKENZIE BOWELL—There is one expression used by the Minister of Justice that I take exception to. He said, there are "some employers" who treat their men well. If he had said there were some who did not treat their men well, it would be more correct. Any one who has had experience in the employment of men, knows that it is the policy of an employer, unless he is hardhearted or does not know what his interest is, to treat his men well. The exception is the other way. It often occurs that it is necessary to afford protection to workingmen who happen to be employed by that class of men, but there are very few in the community. Manufacturers know just as well as the employés of small numbers of men—as my hon. friend well knows from the treatment of the students in his office—that it is good policy to treat their employés well. The exception is the other way. My hon. friend laughs, but it is true. There may be a few Legris, as described in Uncle Tom's Cabin, who ill-treat employés, but as a rule it is the other way. I move that subsection two be struck out.

Hon. Sir OLIVER MOWAT—The whole clause should be struck out if that goes.

Hon. Mr. LOUGHEED—Has this legislation been sought in any way, as far as the Department of Justice is aware? I am heartily in favour of the maintenance of trade unions. I think they have been an advantage to workingmen, but I am of opinion it was not intended that this section, at the time it was passed, should extend to workingmen in any way.

Hon. Sir OLIVER MOWAT—I propose the amendment at the instance of working people. I had several communications from them through their officers. They think it important that they should have this privilege.

Hon. Sir MACKENZIE BOWELL—They have that under the law now.

Hon. Sir OLIVER MOWAT—For instance, in combining to prevent articles being sold in the market that have been produced by convict labour. Considering that their daily bread depends upon their daily work, it is not an unreasonable thing for workingmen to prevent the products of convict labour coming into competition with theirs. My hon. friend says he does not see that the clause is of any consequence. If it is of no consequence, it is no harm, but the parties who are interested think that it is of some consequence to them.

Clause 520 was struck out.

On clause 540.

Hon. Sir OLIVER MOWAT—The reason of the amendment in section 540 is that by the code the courts of general quarter sessions are declared not to have jurisdiction in certain cases which are specified, the section does not specify offences against the election laws, the effect of which would be that those courts would probably have jurisdiction to try these cases, but the Dominion election law says such cases shall be tried by a higher court. The object of the amendment is to make the law harmonious.

The clause was adopted.

On clause 550.

Hon. Sir OLIVER MOWAT—The object of this is to give the judge authority to try in private cases which involve sexual questions. They have that power now—it has been so decided in English cases, but it does not seem to be understood by the magistrates here, and it is thought desirable to place it in the statute, but in doing so I have added a second section to prevent misunderstanding.

2. Nothing in this section shall be construed by implication or otherwise as limiting the power heretofore possessed at common law by the presiding judge or other presiding officer of any court from excluding the general public from the court-room in any case when such judge or officer deems such exclusion necessary or expedient.

The clause was adopted.

Hon. Mr. BELLEROSE, from the committee, reported that they had made some

progress with the bill and asked leave to sit again.

BILLS INTRODUCED.

Bill (77) "An Act to incorporate the Hudson Bay and Yukon Railway and Navigation Company."—(Mr. Cox.)

Bill (67) "An Act to incorporate the Pilots serving between Quebec and Montreal."—(Mr. Montplaisir.)

The Senate adjourned.

THE SENATE.

Ottawa, Friday, 11th June, 1897.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THE GREAT NORTHERN RAILWAY COMPANY'S BILL.

REPORTED FROM COMMITTEE.

Hon. Mr. VIDAL, from the Committee on Railways, Telegraphs and Harbours, reported Bill (81) "An Act respecting the Great Northern Railway Company," with an amendment. He said: There is but one amendment recommended by the committee to this bill—to strike out the clause which gave additional power to raise money by preferential stock. The committee thought that the company already had quite ample power to issue bonds. They could not increase it, as was proposed by that clause, and it was struck out.

Hon. Mr. POWER moved that the amendment be concurred in.

The motion was agreed to.

BILLS INTRODUCED.

Bill (113) "An Act further to amend the Steamboat Inspection Act."—(Mr. Scott.)

Bill (120) "An Act further to amend the Patent Act."—(Mr. Scott.)

Bill (126) "An Act respecting the Voters List of 1897."—(Mr. Scott).

Bill (127) "An Act further to amend the Fisheries Act."—(Mr. Scott).

Bill (115) "An Act to amend the Land Titles Act of 1894."—(Mr. Scott).

Bill (117) "An Act to provide for the registration of cheese factories and creameries, the branding of dairy products, and prohibit misrepresentation as to the dates of manufacture of such products.—(Mr. Scott).

THE HARBOUR MASTER OF ST. THOMAS.

INQUIRY.

Hon. Mr. LANDRY rose to inquire:

Has Mr. Louis Dionne, of Montmagny, been appointed:

1. Harbour Master of St. Thomas, Montmagny? When and at what salary?
2. Guardian of the wharf at St. Thomas, Montmagny? When and at what salary?
3. Preventive officer? When and at what salary? Upon whose recommendation has this triple nomination taken place?

Has the government been informed that this titulary is actually in the employment of Mr. Joseph Fournier, of St. Thomas, hotel-keeper and merchant, as a clerk, and is it the intention of the government to permit him to serve the public and his master simultaneously?

Hon. Mr. SCOTT—In answer to the first inquiry, I say yes, by Order in Council of 22nd October, 1896. Remuneration from fees collected from vessels entering the port, not exceeding $200 annually. Second, yes, by Order in Council of the 22nd October, 1896. Salary to be at the rate of 25 per cent of the tolls and dues collected. I find the third answer relates to the Customs Department, and they have not furnished me with the answer: I would ask the hon. gentleman to let the third question stand. I will give him the information as soon as I obtain it. The information sent was from the Marine and Fisheries Department, under the impression that he was only an officer of that department. He might be an officer of the customs and I will have that information

ROYAL MILITARY COLLEGE CLUB.

INQUIRY.

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

In the month of October last a meeting of officers of the Quebec Military District No. 7, held in the Brigade Office in the city of Quebec, and at which was present the Hon. Dr. Borden, Minister of Militia and Defence, a memo. from the General Officer Commanding, referring to the question of Brevet Promotion, was read by the Minister him-

self, which memo. contained the following paragraph :—

Major-General Gascoigne wishes to add, that he will be very glad to give the representations of any officers on the militia on the matter his most careful consideration, if they will be good enough to submit them through the ordinary channel of communication.

2. Subsequently, and in accordance with the above paragraph, and on behalf of the Royal Military College Club of Canada, composed of some 250 officers, the following letter was sent through the ordinary channel of communication, to the General Officer Commanding the Militia :—

"QUEBEC, 26th November, 1896.

"SIR,—I have the honour to forward for the information of the General Officer Commanding the Militia, the following view of general order No. 73, referring to Brevet Promotion and the manner in which it is likely to influence graduates of the Royal Military College of Canada.

"We will assume that A, B, C and D are four gentlemen who graduated from the College at the same time, all being equal.

"A enters the Imperial service, by merit, with with the rank of Second Lieutenant.

"B is, through political influence, put into the permanent corps and becomes a Brevet Captain.

"C selects of his free will to join a militia corps, with the rank of Second Lieutenant.

"D having to gain his livelihood and being unable to join a corps, is posted to the reserve of officers as Lieutenant, and where there is no promotion.

"On behalf of the Royal Military College Club, I would be pleased to know why the permanent corps man has been selected for this rank, which evidently gives him superior rank without any apparent reason for so doing.

"Trusting to receive such information as will remove the present opinion that undue advantage is extended to him at the expense of others,

"I have the honour to be, Sir,
"Your obedient servant,"

"ERNEST F. WURTELLE,
"*Captain, R.O., Hon. Secretary-Treasurer.*

"The District Officer Commanding
"No 7 Military District, "Quebec, Que."

3. A reply to the aforesaid communication was received, bearing the date of the 5th of December last, and reading as follows :—

"QUEBEC, 5th December, 1896.

"From District Officer Commanding
"7th Military District,

"To Capt. Ernest F. Würtelle, R.O.,
"Quebec.

"In answer to your letter of the 26th of November last, *re* Brevet Promotion, etc., the General Officer Commanding states that he cannot look on it as an official communication requiring an official reply.

(Sgd.) "T. J. DUCHESNAY,
"*Lieut.-Col. D.O.C. 7th Mil. Dist.*"

And that he will inquire from the Government—

1. Why was not the aforesaid letter of the 26th of November, 1896, considered as an official communication requiring an official reply ?

2. Is it the intention of the Government to have a proper answer given to a demand made at the suggestion of both the General Officer Commanding and the Minister of Militia and Defence ? or to allow the officers of the militia to have been deceived by the statements made and the promises given by the military authorities ?

Hon. Mr. SCOTT—The answer that the Militia Department has sent in response to the inquiry is that the letter in question, having been addressed by Capt. Wurtele on behalf of "The Royal Military College Club," the general officer commanding could not consider it an official communication requiring an official reply, as the club has no official status as such in the Canadian militia. The general officer commanding states that while he is at all times desirous of investigating any alleged grievance on the part of any individual officer of the force, he cannot officially notice communications addressed to him on behalf of any club or combination of officers, as such a procedure would be contrary to well established military regulations and customs of the service.

Hon. Mr. LANDRY—I would call attention to this fact, that the Minister of Militia was present at that time, and he took great pains to tell us that all the regulations would be put aside for that special purpose, and that any one who had a claim or an observation to make should be free to make it, irrespective of all standing regulations. That was the impression given to every officer of the club.

Hon. Mr. SCOTT—The explanation seems to be that this emanates from a club—not from an officer, but from a gentleman who is secretary of the club. The club is not recognized in the Militia Department. If the inquiry were made in the name of an officer, who would be responsible for making it, the department would be enabled to answer it, although my hon. friend will notice that inquiries of that kind which are purely hypothetical as to what might result if certain things happened, are not proper subjects for inquiry, and departments are not expected to give definite answers, because answers of that kind must depend entirely upon actual facts that may be placed before the department. I mention that, because in reading over the letter of Captain Wurtele it is a

hypothetical case. He supposes A, B, C and D persons and officers, graduates of the Military College, have gone into different lines, and he asks the question hypothetically as to what would happen if so and so would take the position. It is a hypothetical question and very difficult to answer. The question might be put as one of fact and I think that could be answered probably if the question emanated from an officer. Of course he would be entitled to receive the explanation. The argument in this case is that it is from a club that has no standing in the Militia Department.

Hon. Mr. LANDRY—Captain Wurtele is not only secretary of the club, but he is an officer at the same time.

Hon. Mr. SCOTT—He represents only the club in this case. He writes as the secretary-treasurer.

DELAYED RETURNS.

INQUIRY.

Hon. Mr. KIRCHHOFFER—Before the Orders of the Day are called, I should like to draw the attention of the government to the fact that a return ordered at my instance, as to the dismissals from the civil service, has not yet been brought down. This return was ordered in the early days of the session, and since that time I have called the attention of the government to it on three or four occasions, and have not received any satisfaction. On inquiry from the officials of the department, they tell me that the information which has been asked for could be obtained in a week at the very outside, and I think, under these circumstances, it is not fair to oblige us to get up week after week and ask for the return. If the government do not intend to give it, they should state the fact. It is now getting so near the termination of the session, that I think it is high time that the return should be brought down.

Hon. Mr. SCOTT—I fully appreciate all that the hon. gentleman has said, and I can assure him that I have repeatedly sent official communications to the several departments asking that the return from the particular department be furnished with the least possible delay, and I have called attention to that, not once or twice, but I think three times. I have received returns from all the departments, I think, except two or three, and I have been urging on these departments the necessity of complying with the order of the House, because I think it ought to be obeyed I do not think we ought to follow the bad example set us by the preceding administration, who were entirely indifferent to the bringing down of returns. After the change of government in 1879, returns were asked for in the early part of the first session which have not been brought down to this day. That is eighteen years ago. Subsequently other returns have been asked for from time to time, and I mention this, not urging it in any way as a justification or an excuse, but as showing how difficult it has been, from some cause or other, to obtain these returns from several departments. Going back only a few years, in the session of 1892, there were ten returns ordered by the Senate and three only of those were brought down that session. The following session two more returns were presented, and up to the present time the balance have not been brought down. In the session of 1893 seventeen returns were ordered by the Senate, and of these only eleven were brought down.

Hon. Sir MACKENZIE BOWELL—We will finish those returns when we change places in the House.

Hon. Mr. SCOTT—In 1894 a number of returns were ordered but were not all brought down. In 1895 seventeen returns were ordered and only eight brought down, leaving nine still to be brought down. That is the record for a few years, but a more important return that was moved for after the change of government—"Return of all persons dismissed, superannuated or resigned since the 10th of October, 1888, showing the offices and positions of such persons, &c.;" also, "return including names," and so on—that return has not yet been prepared. It is so long, I suppose, that they were unable to get the officers to complete it. The number was so great it never was produced.

Hon. Mr. POWER—I would suggest that that return would be interesting now.

Hon. Mr. FERGUSON—That does not justify the government's failure to bring down these returns; and why does the hon. Secretary of State refer to these returns

asked for eighteen years ago? Besides that, we do not know that they were pressed, and that the attention of the government was called to them. We know that departments will easily overlook these returns.

Hon. Mr. SCOTT—In many instances they were pressed for. In 1895, seventeen returns were asked for, and only eight brought down. I mention this to show the practice in the past. Some of my colleagues have stated, "Very well, it will necessitate the employment of extra clerks." The Auditor General says that extra clerks cannot be paid unless they have passed the civil service examination. The ordinary work during the session is so great that all the staff of the departments is usually employed, so there is really very great difficulty. I do not mention this as an excuse, because I think the orders ought to be obeyed. I will press for the returns and I hope to get them down by the end of the session. If the hon. gentleman will be satisfied with those already prepared, I will lay them on the table, but he would prefer them complete, I suppose.

Hon. Mr. KIRCHHOFFER—I should like to have the instalment so that we will have something to go on with. It is possible they may not be able to get the balance by the end of the session, but I think if the same assiduity was exercised in preparing these returns as has been exercised in making out that list of returns, which the hon. gentleman has just read, that it would be ready now.

Hon. Mr. SCOTT—No, this list is easily made up. There are regular columns for these items, one column "Department notified," another column "Date received," and that column is blank. It never was received by the department.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman has made that speech three times, and I would suggest to him that he stereotype it. Might I ask the Minister of Justice now if he has made any investigation to ascertain whether there is any petition from the people of Brantford asking for the appointment of Mr. Hardy as a judge? The hon. gentleman will remember that when I made the motion, I included that question in a motion. The answer was that the minister was not aware whether there was such a petition, and if there was probably it might be of a confidential character, to which I replied, I could not understand how a petition could be confidential. I want to know whether the hon. gentleman has ascertained if there is such a petition.

Hon. Sir OLIVER MOWAT—I will answer that on Monday.

THIRD READINGS.

Bill (98) "An Act respecting the Lindsay, Haliburton and Mattawa Railway Co."—(Mr. Dobson.)

Bill (34) "An Act to incorporate the Canadian Securities Company of Montreal."—(Mr. Bernier.)

Bill (M) "An Act to amend the Companies Act."—(Sir Oliver Mowat.)

RAILWAY ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. LOUGHEED moved the second reading of Bill (16), "An Act to amend the Railway Act."

Hon. Mr. McCALLUM—I do not intend to raise any discussion on the second reading of the bill but I want it understood that it may be discussed on the third reading—that the House does not adopt the principle of the bill by consenting to the second reading now.

Hon. Mr. LOUGHEED—Yes.

Hon. Mr. McCALLUM—I see that a number of hon. gentlemen are away, and I do not propose to say anything on the subject at present.

Hon. Mr. LOUGHEED—I propose to ask the House to send it to the Railway Committee where it can be discussed by every one present.

Hon. Mr. POWER—I am in favour of the bill, but I do not see why the hon. gentleman proposes to refer it to the Railway Committee. A bill, or other matter, is referred to a standing committee for the purpose of obtaining what is not readily available to the whole House, but there are no details in this bill. It consists of but one clause, and the committee cannot find anything about it that the House cannot ascertain, and I do not see any object in

sending it to a committee. I think it is better to refer it to a Committee of the Whole House when we meet on Monday. If you refer the bill to the Railway Committee, and the committee report favourably on it, you have the same discussion on it in the House that would take place in Committee of the Whole, and the hon. gentleman further imperils his bill by delay in sending it to the Railway Committee.

Hon. Mr. McCALLUM—The object of sending it to the Railway Committee is to hear all parties interested in the bill. If it is submitted to a Committee of the Whole House, they cannot come here.

Hon. Mr. ALMON—I am very anxious to have it sent to the Railway Committee, because I have promised to vote for it on one condition, that the bicycles will be carried at the risk of the owners, and I should like to have the lawyers on each side draft a clause to that effect. That could not be very well done in the House.

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

Hon. Mr. LOUGHEED—I move that the bill be referred to the Committee on Railways, Telegraphs and Harbours. My intention was to have it sent to a Committee of the Whole, but several members expressed very strongly their dissent to this view, and it was not until after the gentlemen who represent the Canadian Wheelmen's Association discussed the matter with the representatives of the railways that this conclusion was arrived at. The railway companies are very desirous of being heard before the committee, and in case the House should think that there is anything to suppress in the discussion of the bill, we readily consented to its going to the Railway Committee.

The motion was agreed to.

CRIMINAL CODE AMENDMENT BILL.

IN COMMITTEE.

Hon. Sir OLIVER MOWAT moved that the House resolve itself into Committee of the Whole on Bill (H): "An Act further to amend the Criminal Code, 1892."

Hon. Mr. FERGUSON—Before this motion is put, I wish to say a word with reference to the matter of combinations against trade. Perhaps the best way to place my views before the House is to do so before the Speaker leaves the chair, because we have passed over that clause in the bill, and because I think it is a matter of very great importance. I am aware that hon.gentlemen in this House and members of the government are very earnest in their desire that all improper and illegal combinations against trade in this country should be put down.

Hon. Sir OLIVER MOWAT—I suppose my hon. friend is not aware that the clause has been struck out.

Hon. Mr. FERGUSON—I am aware that a proposition to amend the clause relating to combinations was not assented to in committee, but I am speaking of the section in the law at present.

Hon. Mr. POWER—I rise to a question of order. That clause having been struck out of the bill, my hon. friend cannot discuss it now.

Hon. Mr. FERGUSON—We are now discussing a motion as to whether the House shall go into committee again for further consideration of the Criminal Code, and I am in order in discussing anything relating to the Criminal Code on such a motion.

Hon. Mr. POWER—It is not in the bill.

Hon. Mr. FERGUSON—It is in the Criminal Code, and we are now proposing to go into Committee of the Whole for the purpose of considering the Criminal Code, and I am quite in order in discussing anything relating to the Criminal Code on that motion.

Hon. Mr. POWER—I must urge the question of order. The hon. gentleman would not be in order in discussing anything relating to the Criminal Code. He would be in order in discussing anything contained in the bill before the House, but the hon. gentleman could not, on this motion, discuss matters which are not dealt with in the bill.

Hon. Mr. MACDONALD (B.C.)—Is not this bill germane to the Criminal Code? If so, his argument is germane to the bill.

Hon. Mr. POWER—Not at all. I ask the Speaker's ruling.

Hon. Sir MACKENZIE BOWELL—My hon. friend from Prince Edward Island is not discussing anything in the Criminal Code. He is calling the attention of the Minister of Justice to what he deems the necessity of making one clause of the Criminal Code much more stringent than it is at present, and he is asking the consent of the hon. Minister of Justice to go back to it and to amend the Criminal Code as it stands on the statute-book, so as to meet the difficulties to which he refers —to prevent illegal combinations. He is not arguing the question. It has been the practice of the House, when the Orders of the Day are called, to direct the attention of the government to any subject, and ask if such and such would be done. If the answer is no, my hon. friend will stop at once.

Hon. Mr. FERGUSON—My object is to call the attention of the House to this subject. We have a motion to go into committee to consider amendments to the Criminal Code, and speaking on the motion to go into committee, I contend that I am perfectly in order, notwithstanding the observations of the hon. gentleman from Halifax (Mr. Power) in calling the attention of the hon. leader of the House, who has charge of this bill, to what I consider to be a very important question in connection with the Criminal Code. I feel I have a perfect right to do that. My object is to point out to my hon. friend that there is now a provision in the Criminal Code in regard to combinations against trade, and to ask that my hon. friend will give that matter his earnest consideration in connection with this bill. I think that this is the proper place to do it. If there are, as is believed by many people, improper combinations for the restriction of trade and to put up prices to consumers in this country, we should deal with them in the bill to amend the Criminal Code which is now before us. In section 520 there are provisions affecting combinations. If these provisions are not sufficiently strong, if there is any infirmity in the law in regard to combinations against trade, I feel now is the time we should remedy that matter when we are amending the Criminal Code. In taking the course that I am suggesting now, I feel it is much better to do so with the Speaker in the chair than in committee. The provision in the present law is :

520. Every one is guilty of an indictable offence and liable to a penalty not exceeding four thousand dollars and not less than two hundred dollars, or to two years' imprisonment, or, if a corporation, is liable to a penalty not exceeding ten thousand dollars and not less than one thousand dollars, who conspires, combines, agrees or arranges with any other person, or with any railway, steamship, steamboat or transportation company, unlawfully—

(*a.*) to unduly limit the facilities for transporting, producing, manufacturing, supplying, storing or dealing in any article or commodity which may be a subject of trade or commerce ; or

(*b.*) to restrain or injure trade or commerce in relation to any such article or commodity ; or

(*c.*) to unduly prevent, limit, or lessen the manufacture or production of any such article or commodity, or to unreasonably enhance the price thereof ; or

(*d.*) to unduly prevent or lessen competition in the production, manufacture, purchase, barter, sale, transportation or supply of any such article or commodity, or in the price of the insurance upon person or property.

Now, that is the law. It must be felt that that law is not sufficient— that it does not go far enough—that its provisions are not sufficiently stringent for the purposes it was intended to meet ; otherwise we would not have had propositions in the Tariff Bill at the present moment for the purpose of strengthening the law against combinations in trade. If my hon. friend the Minister of Justice thinks the law is not sufficient to meet the purpose intended, we should make it efficient, and the measure to enact such provisions should not come to us tacked to another bill and in another form. I think I can speak for our friends in this House, that if my hon. friend the leader of the government in this chamber, will take this matter up and carefully consider it and bring forward such well-considered amendments to the Criminal Code as will be necessary to prevent improper combinations in trade, hon. gentlemen on this side of the House will give him every support and assistance. I think my hon. friend will himself see that this is the proper place to insert anything that is necessary to be inserted in our laws in relation to this important subject. If this matter comes before us tacked to the Tariff Bill, or any other bill, it will not likely receive the same consideration that it would in its proper place. I am sure I speak for this House when I say that every assistance will be given the hon. leader of the government in the Senate in any well-directed effort he may put forth to strengthen the law against improper trade combinations. I hope my hon. friend will agree with me in the suggestion I now make, and although it may not be necessary to do it immediately, yet before the committee finally re-

ports, that my hon. friend will bring down some other amendments if he considers further legislation necessary, and I am sure he will receive the support of the House in carrying them out, and then we will not have to deal with the tariff bill encumbered with extraneous matter such as this is.

Hon. Sir OLIVER MOWAT—I cannot see what my hon. friend is really referring to. The provision intended in the new law respecting the tariff that in certain cases where combinations of this kind are made, in addition to all other penalties it may occasion, it is proposed that the Governor in Council shall have power to reduce the duty in such a way as to prevent the combine doing harm to the consumer. That might be in this code of course, but I think it is far better to be throughly discussed in connection with the tariff, and not on a bill like this. Further, I think it is better, since the House of Commons has been considering the tariff, and this provision in connection with it, that we should know what view they take on the matter before I propose it in this House. It is possible I may see my way to introduce the clause here if it passes in the House of Commons in connection with the Tariff Bill. For the present I think it is better to go on with this bill, and not touch the other matter until we see what is done in the Commons with the Tariff Bill.

The motion was agreed to.

(In the Committee.)

Hon. Sir MACKENZIE BOWELL—I would suggest an amendment to section 553 of the code by substituting the words "one and a half mile" for "five hundred yards." It will be noticed how this subsection "B" reads. A case which shows the necessity of this amendment that I offer has been brought to my notice by the police magistrate of the city of Belleville. A bridge crosses the Bay of Quinté between Hastings on the north side and the county of Prince Edward on the south. A man who went to get a ticket at the southern end of the bridge, in the county of Prince Edward, was very abusive and committed assault and battery. The matter was brought before the police magistrate in Belleville. The question with him was whether he had jurisdiction, as there was a question as to the distance between the northern shore and the house in which the toll collector lives, which is on the end of the bridge. There is another point here to which I should like to call the attention of the Minister of Justice, for the sake of getting his interpretation of the wording of the law. In subsection "a" the clause reads "where the offence is committed in any water, tidal or other, between two or more magisterial jurisdictions, etc." What interpretation would the court give to the word "in" in a case of that kind? Some contend that you must be in the water. The common sense interpretation would seem to be that it means that if you are in a boat on the water, or on a bridge which crosses the water. If there is anything which might be considered an ambiguity in the meaning of those words, to which the magistrate also called my attention, I would suggest an amendment to it which would make it clear. The magistrate is in this position, he has given a judgment which may be set aside on account of want of jurisdiction.

Hon. Mr. POWER—The hon. gentleman will see that that might be a very serious change. If he will limit his amendment to the town of Belleville, there would be no objection to it, but he will see that if his amendment were adopted, then a rural magistrate would have jurisdiction all over a town, because one and a half miles will bring you into the heart of any ordinary town from its limits. The distance set out in the present statute is quite sufficient to provide for the case of a police officer chasing a criminal over the boundary and to provide for any case of doubt as to where the boundary is, but to say that an officer can go a mile and a half from his own jurisdiction is going too far altogether.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman's objection would be well taken if he confined it to county lines, and localities of that kind. What difference does it make whether it is a mile and a half or five miles, when it is a question between two counties? If you have a county magistrate and a city magistrate, then this present law would give the power to the county magistrate, just as much as if it was ten miles away, so far as the city and town are concerned, if the offence was committed

within five hundred yards of the boundary. This is to meet a case where there is separation by water and a doubt arises. In this particular case on the south side of the bay there is no police magistrate having jurisdiction unless you go all the way to Picton.

Hon. Sir OLIVER MOWAT—It would be a similar change, and answer the same purpose, if you amend subsection "A" by adding the words "or on any bridge between two such jurisdictions."

Hon. Mr. LOUGHEED—You should say "structure or bridge," I think.

Hon. Mr. POWER—If you insert "in or upon any water" it would answer the same purpose better.

Hon. Sir OLIVER MOWAT—We will let that clause stand for a few minutes.

On clause 680.

Hon. Sir OLIVER MOWAT—This clause is with reference to the attendance before the courts of any person confined in jail. The English rule is that the warden or jailer should himself convey the prisoner to the place where he is wanted. It is found inconvenient as the law stands, and sometimes it would save expense and trouble and delay, if the order was upon the warden or jailer himself to convey, instead of naming somebody else for that purpose. I put this in at the suggestion of judges and others concerned in the administration of justice and who strongly recommend its adoption. The only new part is in subsection "B" which reads:

Or to himself convey such prisoner.

Hon. Mr. LOUGHEED—Is the court of appeal a court of criminal jurisdiction? You have a right to appeal in a criminal case, and it has been held necessary to have the prisoner before the court of appeal in person when his case is being heard, and there are some authorities to the contrary. It seems to me a moot point I do not, however, say that there is no machinery by which the court of appeal could bring a prisoner before them. An amendment might be made in this, or it might be made sufficiently broad to include the court of appeal.

Hon. Sir OLIVER MOWAT—That is a point not touched by the clause as it stands.

Hon. Mr. LOUGHEED—It might be provided for in this section.

Hon. Sir OLIVER MOWAT—I should like to consider it a little first. I know a prisoner is sometimes taken before the court of appeal. I would have to look into the question to see what the law is. I propose an amendment in the first paragraph of the clause. The county court is not as such a court of criminal jurisdiction, and it is proposed to put in the words "or any chairman of general session," after the words county court in the seventh line.

The clause as amended was adopted.

Hon. Sir OLIVER MOWAT—A clause was suggested by one of the provincial governments which would come in here and which would be a very reasonable one. In the code, as it stands now, it is provided by section 687 that if upon the trial of any accused person it is proved upon oath or affirmation of any credible witness that any person is dead or absent from the country, then his evidence, formerly taken, may be read. In practice it is sometimes found impossible to prove directly by an oath or affirmation of any person that the man is dead or absent from the country, and what the bill proposes is that the law should provide that on the trial of an accused person if such facts are proved upon the oath or affirmation of a credible witness that it can be reasonably inferred therefrom that any person, and so on, is dead or absent from the country this will do.

The clause was adopted.

On clause 702.

Hon. Sir OLIVER MOWAT—What this second section declares to be *prima facie* evidence under the 198 section, should also be *prima facie* evidence under the 199th section. This 702nd clause declares that when any cards, dice, &c., or other instruments of gambling are found in any house, it shall be *prima facie* evidence that the house or place is a common gaming house. Clause 199 contains the same expression, "common gaming house" and this interpretation clause does not refer to it. It only refers to 198. And there is no reason why it should not apply to both sections. There is no definition there of what a common gaming house is. That expression is used in the

199th section, though the legislature has explained what a gaming house is, as used in the 198th section. The amendment of this clause 702 is to meet that difficulty.

Hon Mr. LOUGHEED—Under clause 702, it is *prima facie* evidence that the persons found within the house were playing therein, although no playing was actually going on in the presence of the chief constable, and so on. The 199th rule covers another class of offenders, those who are looking on watching the game. It shall be *prima facie* evidence that they were engaged in playing. I suppose that would throw the onus upon them to show that they were not playing.

Hon. Sir OLIVER MOWAT—I am not changing the present law as to that

Hon. Mr. LOUGHEED—Section 198 provides for persons who are the owners of disorderly houses, not persons who are simply onlookers or inmates.

Hon. Sir OLIVER MOWAT—Those who are owners or occupy such houses.

Hon. Mr. LOUGHEED—Clause 199 deals with a class of offenders who are looking on, and those actually engaged in the play. Clause 702 would be quite applicable to clause 198, but it is scarcely applicable to clause 199, because it says it shall be *prima facie* evidence of their having been engaged in play. That is to say, you create artificial or statutory evidence. You, by statute, state a fact which is not a fact.

Hon. Sir OLIVER MOWAT—But it is a fact.

Hon. Mr. LOUGHEED—It is not a fact, because clause 199 says they may be looking on at the people playing.

Hon. Sir OLIVER MOWAT—In a common gaming house.

Hon. Mr. LOUGHEED—Clause 702 says it would be *prima facie* evidence that they were engaged in such play.

Hon. Sir OLIVER MOWAT—No; you only read part of the clause. The latter part of the clause explains it:

It shall be *prima facie* evidence, on the trial of a prosecution under section 198 (or section 199) that such house, room or place is used as a common gaming house.

Hon. Mr. LOUGHEED—"And that the persons found in the room or place where such tables or instruments of gaming are found were playing therein, although no play was actually going on in the presence of the chief constable, deputy chief constable or other officer." I do not know as it will do much harm, but it establishes a fact by statute which is not a fact, that they were engaged in playing.

Hon. Mr. MILLS—What my hon. friend takes exception to is perhaps exceptional. The statute makes it an offence for any person who looks upon a game of cards or any other game in a gambling house. This bill says that it shall be *prima facie* evidence on the trial of a prosecution under section 198 that the persons found in the room or place where such tables or instruments of gaming are found were playing therein, "although no play was actually going on in the presence of the chief constable and officers," and so on. Would not that take away the *prima facie* evidence, and make it exclusive evidence of gaming?

Hon. Sir OLIVER MOWAT—No, it states *prima facie*.

Hon. Mr. POWER—Take this case—and it is a case which is liable to occur—supposing the person who keeps the house is arrested and brought up before the magistrate charged with the offence of keeping a common gaming house, and at the same time, persons who are found in that gaming house are brought up charged with the offence of playing in that house, the object of the amendment before the House is that the same evidence which proves in the case of the keeper that it is a common gaming house, shall prove in the case of the other parties, that it is a common gaming house, and that is proper.

Hon. Mr. LOUGHEED—You go further. Look at the last four lines of section 702.

Hon. Mr. POWER—That is the law now.

Hon. Mr. LOUGHEED—It is not the law now, because this section extends only to 198. My hon. friend asks that it should extend to 199.

The motion was agreed to.

On clause 707 A.

Hon. Mr. LOUGHEED—This section is entirely unnecessary. My hon. friend seems to think that this is not already covered by the general law He says practically that any statute or register dealing with branding shall be accepted as *prima facie* evidence of what that statute may prove with regard to the brand. Now, the Witness Act already provides that. It provides in criminal matters or civil matters, as far as the parliament of Canada has jurisdiction, that the statute laws of the province shall constitute our law of evidence. They are specially proved in this case. We have an ordinance there relating to brand ng.

Hon. Sir OLIVER MOWAT—I think there is sufficient provision there, but this clause applies to the whole Dominion.

Hon. Mr. LOUGHEED—Then the other provinces should pass similar legislation.

Hon. Sir OLIVER MOWAT—This clause refers to registration merely, and we have no control over the provinces. We cannot compel them to pass laws.

Hon. Mr. LOUGHEED—You are only repeating what is already the law in the North-west Territories.

Hon. Sir OLIVER MOWAT—That is an argument in favour of the clause. I am merely giving to the whole Dominion a law which has been found to work well in the North-west Territories.

The clause was adopted.

On clause 748.

Hon. Sir OLIVER MOWAT—This amendment repeals the existing 748th clause of the code. That clause authorizes the Minister of Justice to grant a new trial to a person convicted of a criminal offence. I do not know how this crept into the law, but no Minister of Justice since it has become law has acted upon it. Every minister has expressed disapprobation of it. In fact, the section misleads, because no minister will entertain an application on this ground, and it is just possible, if it is in the law, that the prisoner may think he will get a new trial by appealing to the Minister of Justice instead of appealing to the court, and thus loose his chance of appeal to the court.

The clause was adopted.

Hon. Mr. POWER—I have an amendment which I wish to propose to the committee. It embodies the recommendation of the Joint Committee of both Houses on the Criminal Code, 1892, and was approved of by the Minister of Justice at that day, but he thought that probably there was not time to discuss it in the House of Commons that session, and that it was better not to insert it in the bill, although the committee were unanimously in favour of the change. I will simply read it now, in order to give notice to the Minister of Justice and the committee. I propose to insert as clause 728A:

It shall not hereafter be necessary that a jury shall be unanimous in a criminal case, and a verdict of guilty may, after four hours' deliberation, be returned by a number of jurors not less than $\frac{5}{6}$ of the whole.

On clause 971.

Hon. Sir OLIVER MOWAT—This section relates to suspended sentence. The law as it stands provides that in cases punishable with not more than two years imprisonment—two years being the maximum punishment for the offence—the court may, under certain circumstances, instead of sentencing the prisoner at once, direct his release on his entering into a recognizance. I propose a slight amendment, of the first paragraph, and also an additional clause (2). In the 6th line the expression in the present law is "regard being had to the youth." I move to strike out the word "youth" and substitute the word "age."

The motion was agreed to.

Hon. Mr. LOUGHEED—Then as to clause (20) why is it left so largely in the discretion of the Crown prosecutor to say whether the judge shall exercise that discretion?

Hon. Sir OLIVER MOWAT—The judge has absolute discretion now where the maximum punishment is two years, and in extending the discretion beyond that it is thought proper the Crown prosecutor should concur.

Hon. Mr. LOUGHEED—Why not leave it entirely with the judge? One can easily understand a Crown prosecutor following the prisoner up with a degree of rancour and antagonism which would not be at all felt by the judge.

Hon. Sir OLIVER MOWAT—I prefer to have it as it is.

Hon. Mr. MILLS—Supposing an appeal should be made to the Minister of Justice, how far would the fact of the counsel had concurred affect the Minister of Justice?

Hon. Sir OLIVER MOWAT—Where a person is discharged on a suspended sentence, if the Minister of Justice differs from the judge, he would not have power to send the man to jail. The Executive may lessen the punishment, but cannot increase it.

Hon. Mr. LOUGHEED—It seems to me that that leaves almost every case in the hands of the Crown prosecutor altogether. There are few cases which are not punishable with more than two years. That subsection leaves almost every case in the hands of the Crown prosecutor, as to whether he would let the prisoner go or not, and it practically takes it out of the hand of the judge, because the judge cannot exercise the discretion without the consent of the Crown counsel.

Hon. Sir OLIVER MOWAT—It is not in the hands of the judge at all, in the class of cases we are dealing with here. If the maximum punishment now is two years or under, the judge has now absolute discretion, but he has no discretion at all at present where the punishment is more than two years.

The clause was adopted.

On clause 967.

Hon. Sir OLIVER MOWAT—I cannot say that I have quite thought out the propriety of this suggestion, and yet I am inclined to think it is a good one. The Criminal Code contains provisions for whipping in certain cases. A learned judge has strongly recommended that the instrument should be named. He says:

> It would be much better if the code specified the instrument, and not leave it to the judge.

And this amendment is drawn with a view to that. The section provides that the instrument used for whipping shall be the cat-o'-nine-tails, unless some other instrument be named by the judge.

Hon. Mr. LOUGHEED—Is there any other instrument in vogue?

Hon. Sir OLIVER MOWAT—I think that is the usual instrument.

On clause 553.

Hon. Sir MACKENZIE BOWELL—I thought it better to strike out subsection "A" altogether. I move that subsection "A" of section 553 of the Criminal Code of 1892 be struck out and the following substituted therefor:

> (*a.*) Where the offence is committed in upon any water, tidal or other, or upon any bridge between two or more magisterial jurisdictions such offence may be considered as having been committed in either of such jurisdictions.

The only addition is "upon any water or upon any bridge."

The clause was adopted.

Hon. Mr. CLEMOW, from the committee, reported the bill with amendments.

TRIALS BY JURY IN NORTH-WEST TERRITORIES BILL.

IN COMMITTEE.

Bill (D), "An Act respecting trials by jury in certain cases in the North-west Territories," passed through committee without amendment.

The Senate adjourned.

THE SENATE.

Ottawa, Monday, 14th June, 1897.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

HARBOUR MASTER OF ST. THOMAS.

INQUIRY.

Hon. Mr. LANDRY inquired:

Has Mr. Louis Dionne, of Montmagny, been appointed:

1. Harbour master of St. Thomas, Montmagny? When and at what salary?
2. Guardian of the wharf at St. Thomas, Montmagny? When and at what salary?

3. Preventive officer? When and at what salary? Upon whose recommendation has this triple nomination taken place?

Has the government been informed that this titulary is actually in the employment of Mr. Joseph Fournier, of St. Thomas, hotel-keeper and merchant, as a clerk, and is it the intention of the government to permit him to serve the public and his master simultaneously?

Hon Mr. SCOTT—I think I answered all that question before, except the last relating to the Customs Department. Louis Dionne was appointed an active preventive officer on 23rd October, 1896, at a salary of $50.

Hon. Mr. LANDRY—The last question I think was not answered—as to the government being informed of his being in the employ of Joseph Fournier.

Hon. Mr. SCOTT—No, the government has not been so informed.

A CHARGE OF PARTIZANSHIP.

INQUIRY

Hon. Mr. LANDRY rose to

Call attention to the following articles copied from the *Temps* of Ottawa, of the 19th of October, 1896, and from the *Star* of Montreal of the same date:—

"The members of the Club National met last night for the purpose of the election of their officers. A speech which very forcibly impressed the meeting was that of Mr. Pierre Rattey, an employé of the Senate. That eloquent speaker addressed a warm appeal to the members of the club, asking them to continue to work for the good cause according to the expression of Sir Oliver Mowat. He also availed himself of the occasion thus given him to tender an advice to the ministers. Mr. Rattey has been the Upper House for more than forty years, and his great political experience gives his utterances considerable value, so Mr. Belcourt listened with great attention to the eloquent speech of that leader of the Liberal party in Ottawa. Mr. Rattey wants that all the deputy ministers have their heads cut off without any further delay, to make room for good Liberals. No doubt Mr. Laurier will have to yield to the pressure brought to bear by Mr. Rattey and the *Globe*. The deputy ministers may expect to be dismissed before long. —(*Le Temps*, 19th October, 1896.

Ottawa, 19th October.—(Special to the *Star*.)—The French Liberal Club, Le Club National, held its annual meeting on Friday night. According to *Le Temps*, Mr. Belcourt, M.P., president of the club, devoted the greater part of his speech to an explanation why anti-election promises by him had not been kept by him. *Le Temps* says that Mr. Belcourt stated that a number of Conservatives will be dismissed from the buildings to make room for those Liberals to whom he had made promises during the general election campaign. Mr. Peter Rattey, door-keeper of the Senate, also addressed the meeting, and is reported as expressing the hope that all the deputy ministers would be discharged in order to make room for good Liberals."

And inquire whether the attention of the government has, in the past, been called to them, and, if so, whether such conduct is considered by them as offensive partizanship?

If so, what course do they intend to take in the matter?

If the utterances of Mr. Rattey have not been brought under the notice of the government in the past, what course do the government intend to take now that the offensive partizanship of Mr. Rattey, an officer of this House, has been brought under their notice?

Hon. Mr. SCOTT—The attention of the government has not been brought to this important subject, and in fact I am unaware that any member of the government has heard of the statement, which the hon. gentleman has placed on the paper, and therefore, they have really no opinion to offer on the subject.

Hon. Mr. POWER—The hon. gentleman has called attention to this matter in addition to asking a question, and consequently it is open to discussion. I think the hon. gentleman must feel, when he comes to reflect upon the matter, that the course which he has followed is not the most desirable course. Mr. Rattey is not an officer appointed by the government, but an officer appointed by the Senate, and the proper tribunal to refer the matter to would have been the Committee on Internal Economy and Contingent Accounts. The hon. gentleman has not been well advised in bringing the matter up in this way. I do not know anything at all about the subject myself, but looking at the language of *Le Temps*, of which the report in the *Star* is only a summary, it is clear that whoever wrote the article, was simply poking fun at our doorkeeper. He evidently was not serious. Any one can gather that from the language used in the report; and it is to be regretted when the conduct of an officer like our doorkeeper is to be called into question, that it should have been done in this public manner instead of being done before the Committee on Internal Economy where proper inquiry could have been made, and where the accused would have had a chance to be heard.

Hon. Mr. LANDRY—Am I to consider this last speech as the answer of the Government?

Hon. Mr. SCOTT—No, I think not. I gave the hon. gentleman the government's answer.

Hon. Sir MACKENZIE BOWELL—I do not think the government did answer it. The government did not answer the last portion of the question. Their attention having been called to it, what do they propose to do? The hon. Secretary of State referred exclusively to the first part of the question. I should judge, however, from the answer given by the Secretary of State, that it is not the intention of the government to take any action in the matter, that they have no information, but in this case, even supposing the doorkeeper did use the language, that having been in favour of the government and not against them, they of course approve. That is the only deduction to be drawn from the answer given. Perhaps the objection taken by the senior member for Halifax is to the point, that the Committee on Contingencies would have been the best tribunal before which to bring the matter. The Contingency Committee would have been the best place to have drawn the attention of the House to the facts, but I think the hon. gentleman who called attention to this fact did nothing more than his duty in trying to elicit from the government what their policy was in reference to all employés. They are as much members of this Senate as those who are on the Contingency Committee, and if offensive language has been used by any employé, it is their duty, leading the House, to see that the employés of the House do not infringe upon the doctrine which they themselves have laid down in so rigid a manner. The question put by the hon. gentleman last was a very pertinent one. I have noticed, and I have no doubt other members of the Senate have noticed, that whenever the ministers who lead this House fail to give such an answer as would be satisfactory, our friend who sits behind the ministers (Mr. Power) is always ready to supply any deficiency in that respect, for which I commend him, and I know my hon. friend, who sits opposite me, will feel gratified to know that he has a prompter who can always set him right, or if not set him right, suggest a means by which he can evade any question put to him, or get him out of any difficulty, or dispose of any question which is not palatable. I find no fault with that. It is assistance that all ministers like, but I would suggest to my hon. friend in the future that he should not do it so publicly, that he should not assume the responsibilities which do not rest upon his shoulders, but that he should simply intimate to the ministers what course they ought to pursue, and I have no doubt his long experience will lead them to adopt any suggestion which the hon. gentleman may make. The attention of the House has been called to this matter. I may say on behalf of Mr. Rattey, with whom I had a conversation on the matter in question, that he denies the charge *in toto*. I then suggested that he should frame his denial, and lay it before the Contingencies Committee, who would have the power to act in the matter of this question and report to the House. I would suggest to the Contingencies Committee that since the matter has been so publicly brought before the attention of this House, they should investigate it, in order to give Mr. Rattey the advantage of any denial he may have to make in the premises.

Hon. Mr. POWER—I may be allowed to say a word in reply to what the hon. gentleman said in respect to myself. I am not in the habit of prompting the government, and in the present instance this was a matter which was quite open to discussion by every member of the House. It is a matter with which really the government have nothing to do, and that is the reason why the government should not be expected to have anything to say about it.

Hon. Mr. LANDRY—I think the government should refer this matter to the committee themselves.

Hon. Mr. POWER—The hon. gentleman had the same knowledge and the same power to bring the matter before the committee as the government had.

THE DISMISSAL OF MRS. IGNACE MERCIER.

INQUIRY.

Hon. Mr. LANDRY inquired:

1. Was Mrs. Ignace Mercier on the 23rd June, 1896, postmaster at Mercier, in the county of Montmagny?
2. Has she been since that date discharged from her work by the present administration?
3. When, why, and upon whose complaint?
4. What is the nature of the charge brought against her?

5. Has the charge been proved?
6. What is the nature of the proof?
7. If no proof exists, has the accuser at least a diploma of infallibility? Granted by whom?
8. Has the accused been made aware officially of the accusation brought against her, and has she had an opportunity to refute it?
9. What was her reply?
10. Has the Post Office inspector been required to hold an inquiry and to make a report?
11. Has an inquiry taken place, and what is the report of the officer making the inquiry?
12. If the person dismissed protests her innocence and completely denies the truth of the accusation, is it the intention of the government to grant an inquiry or to refuse all justice?

Hon. Mr. SCOTT—The replies to the hon. gentleman's questions are :—1. Mrs. Ignace Mercier was not postmaster of Mercier on the date mentioned. Mr. Ignace Mercier was postmaster on that date. 2. Mr. Mercier had removed to the United States. He applied for a prolonged and indefinite leave of absence (he had already been some time absent) which was refused him. He did not return to duty and his services were accordingly dispensed with. 3. There was no complaint; the department was officially aware of his absence.

DISMISSAL OF XAVIER POITRAS.

INQUIRY.

Hon. Mr. LANDRY—Before the Orders of the Day are called, I would ask the hon. Secretary of State if he can give me that information he promised, as to the date of the dismissal of Mr. Xavier Poitras on the Intercolonial Railway.

Hon. Mr. SCOTT—I had it among my papers, but I do not know where it is just now. I thought my hon. friend had forgotten it.

THIRD READINGS.

Bill (56) "An Act respecting the Medicine Hat Railway and Coal Company."—(Mr. MacInnes, Burlington).

Bill (81) "An Act respecting the Great Northern Railway Company."—(Mr. Power.)

Bill (30) "An Act respecting the Central Counties Railway Company."—(Mr. Clemow).

Bill (24) "An Act to incorporate the Manitoba and Pacific Railway Company."—(Mr. Lougheed).

Bill (102) "An Act respecting the Ottawa Gas Company."—(Mr. Clemow).

Bill (D) "An Act respecting Trials by Jury in certain cases in the North-west Territories."—(Sir Oliver Mowat).

KINGSTON AND PEMBROKE RAILWAY COMPANY'S BILL.

SECOND READING.

Hon. Mr. CLEMOW moved the second reading of Bill (38) "An Act respecting the Pembroke and Kingston Railway Company." He said: I took charge of this bill when it was brought up here, because nobody seemed willing to undertake the responsibility. I know nothing about it and I can only move the second reading.

Hon. Mr. SULLIVAN—This bill gives power to the company to sell a railway. Such a measure so far as my knowledge extends has never before been submitted to parliament. Involving so many interests as a railway does and touching so many concerns it is necessary that the greatest care should be taken before granting such legislation and that positive proof should be given that it is in a position that requires it to be sold. The history of this railway is, in brief: At the time the railway boom was passing over Ontario, the people of Kingston were seized with that epidemic, as well as others, and resolved to have a railway. They determined, after many meetings, to have this railway to Pembroke. That project was subsequently abandoned, and the northern terminus was fixed at Renfrew. When the road got to Lake Sharbot, 47 miles from Kingston heavily bonussed though it was it failed, and the road was sold to Americans for $100,000. It was then completed as far as the town of Renfrew, so that it extends from Kingston, at the eastern end of Lake Ontario, in a northerly direction 104 miles to the town of Renfrew. This is the length of the read, but there are besides some thirteen miles of branches and sidings. It crosses the Ontario branch of the Canadian Pacific Railway at Sharbot Lake, and has connections with the Grand Trunk Railway at Kingston. It is also joined by the Napanee and Tamworth Railway seventeen miles from Kingston at Harrowsmith, and the two companies use the one line from there into Kingston. It also crosses the Madawaska, the Mississippi and the Clyde, all lumbering rivers. It has unsurpassed facilities for lake and river

navigation at the city of Kingston. The territory which it passes through is very large, and that portion of it which extends from Kingston to Sharbot Lake abounds in minerals, principally iron ore, and furnishes a large local traffic, besides the trade derived from the Napanee and Tamworth Railway. The road was built largely by bonuses. The city of Kingston contributed $318,000 and the county of Frontenac $170,000. The local government of Ontario gave $456,493 and the Dominion government $47,599, the total bonuses amounting to nearly $1,000,000. It also received from the Dominion government a grant of public land in the city of Kingston, 125 acres which embraces the most valuable part of that city. It extends all along the water front, and if sold would go far to pay the floating debt which is on the road. With reference to the stock of the road, there have been three issues, and it amounts now to four and a half million dollars. In addition to that there are preference bonds, and the holders of these are the ones that make objection to the sale of the road. This four and a half million dollars stock may be said to be wiped out. It was sold to the stockholders at reduced rates, at 30c. and some at 50c. on the dollar. How it was manipulated, I do not know, but no stockholder considers that he will ever see anything in principal or interest from that stock. It went as high, in the New York market, as 40c. at one time, but declined very rapidly. It only remained in that condition for a few days, and finally was abandoned altogether and never heard of afterwards. As to the ownership of the road, this legislation will only touch the $572,000 preference stock and the floating debt. With regard to the division of this $572,000 stock three-fourths of it is held by Mr. Flower, ex-governor of New York, and the rest, or a great part of it, is held by persons of limited means in Kingston and elsewhere, who paid par and some of them a premium for their stock. Mr. Flower is very anxious that the road should be sold, and through Messrs. Folger, brings this bill forward. The others object to it, inasmuch as it will deprive them of an asset which was in a great many instances the principal one they had. No great change has occurred in this road from the time Messrs. Folger got hold of it until 1892, when the interest was stopped. A number of what might be called the minority bondholders were dissatisfied with this, and applied to the courts and had a receiver appointed, but, strange to say, the receiver who was appointed in 1894 has no power whatever except to receive the money and pay it out. He has nothing to do with the policy of the road, with changing its management in any way or doing anything which would diminish the expense or add to the funds of the road. Consequently he is of comparatively little value. Nevertheless, good results have followed from his appointment, and the road in the past two years has had an excess over former receipts. I have a return for five months of this year which shows an increase of nearly five thousand dollars over the corresponding period of last year. This is one evidence that the road is not so bad as one might expect. It is a singular thing that the road should be sold when its earnings are increasing. The first legislation asked for was to raise $1,000,000. Of this $572,000 was to be reduced to interest at four per cent and the balance was to be applied to pay off the debts of the company. That bill was rejected by parliament. The second bill is the one which is now before you. It was introduced not in its present state in the Railway Committee of the House of Commons. There it was opposed by a great many and was unanimously rejected. It was withdrawn and I considered at the time that we would never hear any more of it, but it was brought up again without giving any notice to the opponents of it and was put through the committee without any protest. It then went to the House of Commons and passed the third reading. Some gentlemen who opposed the first bill supported the second, for this reason: according to the bill, if a sale was effected, the bondholders were to be paid after the expenses of the Act. Then the other expenses were to be paid. They changed that and put debts for working expenses or supplies of any kind whatever first. That placed the bondholders in a disadvantageous position. Another change in the bill is that it gives power to apply to a court of justice for an inquiry as to the solvency of the road, and this is to be done within two months from the passing of the Act, and the court could then order it to be sold or continued. We all know how unfitted a court of justice is to find out the condition of a road, its abilities or possibilities. Conse-

quently that clause was merely intended to put off the minority with the idea that they could go to a court of justice and have everything rectified. You can see how impossible that would be. The Hon. Mr. Blair, Minister of Railways, was not in favour of the bill, and he said at the time that Sir Oliver Mowat was bringing in a measure which might meet the case in point. As you may be aware, the Minister of Justice (Sir Oliver Mowat) has said that he does not intend to bring up his bill this session, but that he has not by any means dropped the matter. I do not see how you can understand the exact condition of this road. I live in the city of Kingston and I do not know anything about it. There has not been a meeting of the directors since February, 1896. There has been no statement published, nor anything to indicate that there was a determination to conciliate and act fairly. It is true they have by far the largest amount of stock, but justice demands that the humblest man should get his share. To force a sale now, when things are beginning to revive and when the returns of the road are improving, would be very unfair and unjust. I can understand when people want to buy a railway it takes time to consider it, and persons disposed to do so would hardly have time in two months to give it proper consideration. Mr. Osler, who understands this question thoroughly, and who has investigated all their affairs in a law-suit which was carried on to get a receiver, declares that the road never failed to pay expenses. Mr. Folger, the manager of the road, told the objecting parties that if it was not for this litigation they might have had two per cent on their bonds. As to this floating debt, the lands possessed by the company in Kingston would almost suffice to pay it. You may ask what is to be done? What requires to be done is what any cautious men would do, namely, cut down the expenses which can be readily done, and apply a little more energy, determination and spirit to the management of the road. I will not occupy your time any longer, as I presume the bill will go to the Committee on Railways I may mention that if the hon. Minister of Justice (Sir Oliver Mowat) contemplates bringing in a bill which will admit of the sale of the railway, he will, in his wisdom, cause such conditions to be introduced as will enable them to be sold under fair and just conditions. That is one reason why this bill should not pass without the possibility of any one here knowing the exact condition in which the road is. Another reason is, the receivership has been attended with beneficial results. If the receiver's power were enlarged, it is considered that much better could be obtained. At present he simply receives the money and pays it out. He knows nothing about what is being done or what the intentions of the company are. Another reason why this bill should not pass and a strong one, is that the receipts of the road are increasing. The bondholders are looking after it for their interest and principal, rather than have it all sacrificed. No one can suffer, Mr. Flower is a multi-millionaire. He is the sole wealthy member of this company. I hope the committee, when they come to give the matter their consideration, will treat it in that impartial manner in which they usually treat measures that come before them, and give it that investigation which will enable them to thoroughly understand what motives might affect those who are opposing as well as those who are promoting it.

Hon. Mr. McINNES (B.C.)—As there is no one here in charge of the bill, and as there is so much opposition to the bill, instead of sending it to the Railway Committee, the proper thing for the hon. gentleman to do now is to move the six months' hoist so that it shall not go any further than it has gone. That will dispose of it in short order.

Hon. Mr. SULLIVAN—I move that the bill be not now read the third time, but that it be read the third time this day six months.

Hon. Mr. VIDAL—Although it would seem to be dealing harshly with this matter, it would really be a wise step to take with the persons in charge of this bill, because they do not deserve any consideration. Some people are beginning to show very great disrespect to this body, when they permit a bill of this kind to be sent here without any senator being asked to take charge of it, and prepared to explain it and advocate what is desired to be attained by legislation. We have heard a good deal said adverse to the passing of the bill. The hon. gentleman who moved the second reading tells us plainly that he does not know any-

thing at all about it, and can give no explanation of its provisions. He merely moves the second reading as a matter of courtesy, in order to enable any member who might have charge of it to take it in hand afterwards. It would be a proper lesson to teach those people who are interested in the bill that they should have some member take custody of the bill, ready to explain it and advance any arguments in favour of it.

Hon. Mr. SCOTT—Before we take this extraordinary course with reference to the bill, we ought to recollect the practice which has prevailed in this House in the past. There are a great many empty chairs here to-day, and it is quite probable that some absent senator, who expected the usual courtesy would be extended to this bill, which has been extended to former bills, has relied on his colleagues in this House carrying out the practice which has formerly prevailed, and, therefore, if we adopt this practice, it will be a warning in the future, whoever is in charge of the bill, that he must personally see to it, or depute some gentleman to look after it. There are a number of bills in the very same position, and it would be rather unfortunate that we should throw out legislation of that kind after the matter had been threshed out in the other House.

Hon. Mr. MILLS—I observe that Mr. Britton's name is upon the bill and I think this is the bill which he spoke to me about and said he desired me to take charge of, and would give me instructions as to it after it had passed the Commons. He has not given me any instructions so far, and I know nothing of the merits of the matter, but perhaps it would be better to let it stand.

Hon. Mr. SCOTT—Has it been printed in Senate form?

Hon. Mr. VIDAL—Yes.

Hon. Mr. POWER—Let it stand until to-morrow.

Hon. Sir OLIVER MOWAT—I hope my hon. friend will not push his motion for the six months' hoist after the explanation we have received. An hon. gentleman in this House has been asked to take charge of it, and he has not yet received instructions. I think it is the usual courtesy to let a bill, under such circumstances, stand for a day.

Hon. Sir MACKENZIE BOWELL—The suggestion made by the chairman of the committee is a good one. It is not the rule to mention what took place in committee, but I took strong objections to what I consider the discourtesy displayed to members of this House by gentlemen who have bills introduced in the Commons and sent up here. They expect that their bills will go through as a matter of course—that the Senate will read them, and send them before the committee and have them passed, without any consideration whatever. The member for Rideau (Mr. Clemow) did what has been done during this session more often than ever before. No one being here to take charge of the bill when it comes up from the lower House, as a matter of courtesy, he took the necessary steps to put it upon the order paper, so that the gentleman who should take care of it, if any one has been selected for that purpose, may have an opportunity to do so. We have had before the committee a number of bills, some of them most important bills, and no one there to explain them or to take charge of them, and on one or two occasions we let them lie there until some one came to take charge of them. The sooner the members of the House of Commons who have charge of these bills are taught a lesson of this kind the better it will be for legislation, and we shall know what we are really doing. This bill has been standing upon the order paper for some days, and if there was any one who had it in charge, one would have supposed he would have been here to give the explanations necessary. My great objection to the bill is not so much to its provisions as to the manner in which we are told it passed through the Lower House, introduced with certain provisions and clauses which were so objectionable that the bill was thrown out and then, by some means or other, it was restored to the order paper, passed through with amendments which met the objections of some of those who had opposed its passage, and I have no doubt were protected in the amendments which were made to the bill, and then it was passed through without, as the member for Kingston (Mr. Sullivan) says, the bondholders living in Kingston knowing anything about it—taking them actually by surprise. If this bill receives the six months' hoist, as has been moved, it will teach the members who have this bill in charge in the Lower House a lesson that they will not forget, and the

sooner we do it the better. If hereafter any one who has the bill in charge can give satisfactory explanations of the intentions and provision of the bill and the necessity for making it law, a motion can be made to have it restored, and, if the House considers it desirable, it can be restored to the order paper.

Hon. Mr. SCOTT—The bill only came up from the House of Commons on Friday, and was moved by the hon. member from Rideau (Mr. Clemow). Would it not be better hereafter, when a bill comes up from the House of Commons without anybody having charge of it, to let it lie on the Table until somebody takes charge of it? That would be the better way, and it would only be fair. The hon. gentleman from Rideau had no authority to move the second reading, but, out of the usual courtesy extended to bills of that kind, did so. The better way hereafter, if the hon. gentleman who has charge of it is not present, would be to let it lie on the Table rather than to throw it out, because it may be said that the member who moved for the second reading was acting over officiously.

Hon. Mr. POWER—If this question is pressed to a vote, I should be disposed to vote with the hon. gentleman from Kingston (Mr. Sullivan), because we have not heard any reasons why the bill should pass, but we have heard some reasons why it should not be passed. After the statement of the hon. gentleman from Bothwell (Mr. Mills), the hon. member from Kingston might let his motion, as well as the other motion, stand until to-morrow, when we would have fuller information.

Hon. Mr. McCALLUM—It appears to me it is trifling with the Senate to send a bill of this kind up here. Are its promoters ashamed of it that they could not ask some one to explain the bill? I see the name of the hon. gentleman from Rideau connected with the bill. What instructions did they give him about it? He has no instructions at all.

Hon. Mr. PRIMROSE—I am entirely in accord with the leader of the opposition. The sooner the course that he suggests is adopted, the better our business will be facilitated, and people in charge of bills will see that they have somebody in this House to represent them.

The main motion was allowed to stand until to-morrow.

STEAMBOAT INSPECTION ACT AMENDMENT BILL.

SECOND READING.

Hon Mr. SCOTT moved the second reading of Bill (113) "An Act further to amend the Steamboat Inspection Act." He said: This bill proposes to make certain changes in certain clauses in the Steamboat Inspection Act in reference to the qualification of the third and fourth class engineers. Under the law as at present, a fourth class engineer can only act as assistant to second and third class engineers. This amendment permits him to act as assistant to a first class engineer. I do not know why the distinction should have been made. This Act proposes to alter the qualifications for third and fourth class engineers. At present a third class engineer shall be qualified to take charge of any passenger steamboat of less than thirty nominal horse power. The former Act is repealed, and there is no limitation to the horse power of the steamboat, and in the amended clause he is allowed to take charge of any freight steamboat of not more than 75 horse power nominal.

The motion was agreed to.

PATENT ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (120) "An Act further to amend the Patent Act." He said:—Up to the year 1888 the Deputy Minister of Agriculture was the Commissioner of Patents. In 1888 an Act was passed, which is repealed by this bill, abolishing that office and reviving section 5 of the Patent Act which provides that the Deputy Minister of Patents shall be the Deputy Minister of Agriculture. That is the only clause in the bill.

Hon. Sir MACKENZIE BOWELL—It is simply to abolish the office?

Hon. Mr. SCOTT—Yes, and save $2,800 a year.

Hon. Sir MACKENZIE BOWELL—And make the Deputy Minister of Agriculture perform the duties.

Hon. Mr. SCOTT—Yes. It was so before Mr. Pope's time.

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

VOTERS LIST OF 1897 BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (126) "An Act respecting the Voters' Lists of 1897." He said:—This bill dispenses with the preparation of the lists of the present year, the ordinary bill that is introduced. We do not propose to have any elections in the very near future—in the present year at all events. Under the law, unless this bill were passed, we should be compelled to revise the list, and that would be a very considerable expense which it is thought might avoided, and this dispenses with a revision for the present year.

The motion was agreed to and the bill was read the second time.

FISHERIES ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (127) "An Act further to amend the Fisheries Act." He said:—A bill of this character has been before the House on very many occasions providing for the postponement of the time within which the mill owners at Ottawa shall be permitted to throw their sawdust into the river. They have made an appeal for another year, and the time has been extended from year to year for a great many years.

Hon. Sir MACKENZIE BOWELL—This will make the twenty-fifth year, will it not?

Hon. Mr. SCOTT—A good many years. The bill simply asks for an extension of one year more. Some of the mill owners are endeavouring to adapt their mills to the requirements of the law; some others may comply, but there are some of them who cannot.

Hon. Mr. CLEMOW—I regret, as I suppose every hon. gentleman in this House regrets, and as I believe the whole country will regret, that this matter is before us for consideration again. The question has been before the Senate from year to year for a great many years. A committee was appointed by Sir Alexander Campbell many years ago, and a strong report was presented on that occasion, and we had every assurance from the government of that time that this abominable nuisance in the Ottawa River would end at an early date. During the premiership of Sir John Abbott a similar course was pursued, and later on, under Sir John Thompson, the same thing occurred. Last but not least, under the premiership of my hon. friend the leader of the opposition in this House, the matter was fully ventilated here, and after a long and animated discussion it was fully understood by every member of this House that that was the last time an extension would be granted. Is it going to be continued in this way? I think it is treating the Senate and the country very unfairly. These gentlemen have never had any intention of complying with the Act. They have not made the first attempt—I say it advisedly—to prepare for keeping the sawdust out of this magnificent river. My hon. friend the Secretary of State (Mr. Scott) knows all about it. Refer to his speeches a few years ago. He was as strongly opposed to this question as I was myself. Two years and a half ago, for some reason or other he came round, and agreed with the then government that it was desirable to give those men two and a half years, which would expire on the 30th of this month. Prior to that the time had expired and they had been actually violating the law of the country for three or four months before they had the opportunity of having the matter reconsidered by the Senate, upon which occasion they were given this extension of time, and now they come forward and want another extension. What guarantee have we that they will not apply again in another year? They have no desire or wish to conform with the views and sentiments expressed by both Houses and by every government for the last twenty-six years. If we are going to be treated in this way legislation is a farce, and I do not want the House to be placed in that position. It is a crying evil that this river, which has been polluted from year to year, continues to be polluted in that way to the great detriment, not only of the city of Ottawa, but to

the detriment of the entire people from Ottawa to Montreal and lower down. Hon. gentlemen have seen it and know what it is. They know the difficulty, and they know the danger. Last fall an explosion took place under a raft of timber near Allan's house at the west end of this building, and if it had occurred three or four feet nearer to the caboose in which the poor men were sleeping, they would have been killed. We are liable to such catastrophies from the sawdust nuisance, and I think it should be ended. Why is it continued? Merely to satisfy the greed of a very few people. They have no good substantial case to come to this House and ask for further indulgence, and I am surprised that the Secretary of State, whose opinions I know as well as my own—who believes, as I do, that it is a crying evil—should lend his name to this legislation. The Ottawa was at one time one of the most magnificent rivers in the country; now it is a pond for the refuse of the mill owners, and what is the effect? We are now trying to have a bridge constructed from Nepean Point to Hull, and the main difficulty in the way is this great accumulation of sawdust in the bed of the river. It will cost a large sum of money to remove that sawdust. The city of Ottawa is trying to establish a drainage and sewage system, and the great difficulty to be overcome, in the opinion of an eminent engineer from New York, is the accumulation of sawdust. He does not know whether he can get a passage for the drainage of the western part of the city on account of the sawdust, and he told the people if it were not for our excessively cold winters, that this city would be so polluted by decayed vegetable matter that we would not be able to live in it. These are all potent points, and they have been shown to this House conclusively upon very many occasions. We had a very elaborate report submitted to this Senate by a special committee under the auspices of the hon. member from Richmond (Mr. Miller) based upon the opinions and the evidence of many witnesses pro and con. That committee brought in a report strongly condemning the practice, so much so, that the government of that day and every succeeding government have expressed their determination to abolish the nuisance. Even the men promoting the bill in the Lower House today were the most strenuous in opposing it last year, and yet they want the time extended another year. If I had any confidence that those mill-owners intended to comply with the law, I would not object to the proposed extension. They have had time within the last ten years to make some attempt at remedying the evil of which the whole people in this part of the country has complained for so many years, and it is not paying proper respect to the Senate, who have taken this matter in hand, that a further delay should be granted. Every hon. gentleman in this House is conversant with the facts, particularly the older members of the Senate. It is a very unpleasant position for me to take to be antagonistic to the interests of a few gentlemen in this city with whom I am personally acquainted, but I am performing a public duty, and I consider it incumbent on me to follow it out as best I can. I do not intend at the present time to make a motion until I hear the sentiments of my fellow senators, and ascertain if they agree with me that these gentlemen have been given sufficient time. If they think it would be advisable under all the circumstances that this additional grace should be granted to them, I shall have to yield, but I shall keep myself in a position to move a six months' hoist if I find the sentiment of the Senate will support me. I know my hon. friend, the leader of the government, was not present on former occasions, but if he will take the trouble to look over the reports since that first committee was appointed he will find that the Senate were almost unanimous in the protest against the sawdust nuisance, and no man spoke stronger against it at that time than my hon. friend the Secretary of State, and he is just as conversant with the facts as I am and could not deny the truth of what I have said. He supported me, I will say, loyally at that time, but unfortunately, some other influence prevailed, and he supported the measure of my hen. friend (Sir Mackenzie Bowell) for some reason, I do not know why—stood by the millionaires and got them an extension of two and a half years. After all these extensions, I think the mill-owners ought to be satisfied If they have not conformed to what they knew would be the ultimate result of this matter, they themselves are to blame. I do not believe that any of the mill men have taken a step in the direction of changing their methods. My hon. friend says that Hurdman & Buell have. That firm is selling the sawdust and

reaping an advantage and making money out of it. If one firm can do that and if the Edwards Company can put up a machine in New Edinburgh to burn the sawdust, why cannot these other men do one thing or the other? They are simply showing an unwillingess to comply with what the country expects them to do. If my hon. friends concur with me, we should give them no further time. Let the millowners take the consequence of their inaction. If they suffer from the course they have been pursuing for so many years, they may blame themselves for having failed to take proper precautions when they were notified years ago of what was coming. When they were warned, they said "we have sufficient influence and power to carry our point." It appears they have. They succeeded with past governments, and with the new government they are equally powerful. If these men had ever seriously intended to comply with the law, they would have taken the necessary steps long ago. If we let them off now, we will find the same application next year. My hon. friend opposite (Sir Mackenzie Bowell) assured me two years ago that that was the last time of asking, yet here we have them applying again. I hope to see the Ottawa canal constructed before long. We find the government are spending money east, west, north and south, and I expect that they will do something for the Ottawa country as well. The sooner they do away with this sawdust nuisance, the sooner we will get the Ottawa canal. That is another reason why the sawdust nuisance should be put an end to as soon as possible. Two and a half years ago I asked to have a survey made to show that there was an increased deposit of mill refuse. There is no doubt there is, and had my view been carried out at that time, we would have had a report to show that the nuisance is increasing and is becoming so formidable that the navigation of the river is threatened. I want the hon. gentlemen who differ from me to say whether, under all the circumstances, I am not entitled to ask that this bill be thrown out.

Hon. Mr. PRIMROSE—Knowing the hon. gentleman from Rideau as this House does, I am sure no member of it would be disposed to do him the gross injustice of supposing that we would do anything to restrain the working of the bowels of compassion towards those poor criminals and that he would in the exercise of that mercy give them the additional year for which they ask to prepare for the doom inevitable after the lapse of that time.

Hon. Mr. ALLAN—I think it is quite unnecessary to add anything to what the hon. gentleman from Rideau has said with respect to the mischief which has been done by this refuse from the mills being allowed to accumulate in this magnificent river. He has pointed out that, not only to-day, but time and again when this subject has been before the House. He has shown good and sufficient reason why the nuisance should be put a stop to. It is placing this parliament in a very humiliating position to go on year after year passing an Act providing that at a certain time this practice shall end—that after a certain date no more sawdust shall be allowed to be thrown into the river—and then, when the year expires, passing another Act to extend it a year longer. It is placing us in a very humiliating position to find that a few men can set parliament at defiance, because I do not suppose there is the slightest possible intention on the part of these gentlemen who are affected by the bill to comply with the Act of parliament now any more than there was twenty years ago; and so long as the government will bring in a bill to extend the time and the House consents to pass it, so long will this practice continue. It will go on for twenty years longer until the nuisance becomes so intolerable that parliament may be driven into some measure to put a stop to it. It is very much to be regretted that this sort of legislation should be permitted. It would be a more dignified course to repeal the Act altogether and so leave it, than to make a farce of it by asking us to pass a bill to extend it for another year.

Hon. Mr. SCOTT—Admitting all the objections to the practice of throwing slabs and sawdust into the Ottawa river—and I am quite prepared to admit that it is a great misfortune that the river should be polluted in the manner it has been—we must remember that at the time money was invested in the limits and mills no objection was made to the sawdust being thrown into the river; it is only recently that attention has been called to the evil, and then the answer of the lumbermen was that it was impossible

for them to make changes in their mills, constructed as they are and run by water power, to dispose of the sawdust in any other way. Since then Booth's mill was destroyed by fire and has not been rebuilt. The principal reason assigned is because the new law will one day be enforced prohibiting the throwing of sawdust into the river. Mr. Edwards, situated as he is at the mouth of the Rideau River, had an opportunity to make the change and he did make the change. Buell, Orr & Hurdman are, I believe, from what the hon. gentleman from Rideau says, disposing of their sawdust, but they are on an elevated site. There are, however, other mills that have not those facilities, and to enforce the law would simply mean the abandonment of their property. That is the argument used. The effect of our not granting this extension at this time would be to throw out of employment some thousands of men and do irreparable harm to a large number of people. In a great variety of ways the injury would be very serious and the government do not feel that they can take the responsibility of closing those mills at present.

Hon. Mr. ALLAN—Why not repeal the Act?

Hon. Mr. SCOTT—It will come in time. The effect of having this legislation is to prevent the practice to some extent. In rebuilding mills they are built with that legislation before them, and changes have been made in some. While the government are disposed to give another year they have given no assurances or promise that there will be any further extension.

Hon. Mr. McKAY—Will the hon. gentleman promise for the government that they will not introduce a similar bill another year?

Hon. Mr. POWER—We can deal with that when the question arises. My sentiments are very like those of the hon. gentleman from York (Mr. Allan). I should like to read the remarks of the Minister of Marine and Fisheries in another place when the bill was under discusion there.

I do not believe that parliament will listen to applications for any more extensions, and it was with the greatest possible reluctance that I consented to recommend this extension. There is a very strong feeling in Ottawa and outside this city that the time has come when the mill owners must make provision to deal with the saw-dust otherwise than by throwing it into the stream. I wish to take this opportunity to emphasize this announcement, and to say distinctly that we cannot give any further extensions, and this will be the last time an extension will be given.

Hon. Mr. McCALLUM—We have had that several times. We have had it for twenty years. The last time it was before the House, the same promise was made. It is time that this nuisance was abolished. In many parts of this country people are saving the sawdust. They do not allow it to go into the water. It is only at Ottawa that the privilege is given. I know something about lumbering, I know something about sawing, and I am satisfied that by a reasonable expenditure the sawdust could be taken care of here and the mill owners might even make money out of it; but they do not appear to pay any attention to parliament. Excepting once, I voted against the extension of time, and I am getting tired of it. If it goes to a vote now, I shall vote not to extend the time any more, because the lumbermen do not mean to comply with the law. I am satisfied of that, because this evil has been going on as long as I can remember. When I was in the other House, years ago, we used to have these discussions. The mill owners were always promising and never performing, and I do not believe they will perform now. I am as satisfied as that I am speaking to you now that if we grant this privilege again and pass this bill, the mill men will be here next session asking for another extension. I suppose when the river is destroyed we shall stop them. Here is one of the most beautiful rivers in the world so filled up with sawdust that navigation is injured and the water polluted. I think the evil should be stopped. If we want to destroy the river, let us put a clause in the Act allowing the mill men to continue this practice without restriction.

Hon. Mr. McMILLAN—I should like to ask the government why they propose to extend the period to the first of July, 1898? Why not prevent them, after the close of the present season, so that they will not commence putting sawdust in the river next spring? If they do as my hon. friend (Mr. Allan) has said, they will likely be before us next year for further extension. I should be disposed to give them an extension for the balance of the present sawing season.

Hon. Sir MACKENZIE BOWELL—What new arguments have been adduced to change the mind of my hon. friend opposite (Mr. Scott) on this question? I understand the hon. gentleman took as strong ground against the continuation of the sawdust nuisance as my hon. friend from Rideau (Mr. Clemow), did; now he seems to have changed his mind entirely as to the necessity of giving a further extension of time. The same argument that the hon. gentleman has used to-day has been used year after year, and unless you propose to extend the time until the supply of timber becomes exhausted, or exempt the mills on the Ottawa from the operation of the Act, I cannot understand the object of it. What I desire to call the attention of the House to is this, and it is suggested by my hon. friend from York (Mr. Allan), on small streams in the northern part of this country, the mill-owners have been obliged to adopt some means by which to keep the sawdust out of the creeks and small rivers upon which they are built, even where there is nothing in the world to be injured except a few fish of an inferior kind. The small mill owners in the northern part of the country, where the mills are erected for the benefit of settlers and not for any export trade, have been obliged to adopt some system by which they dispose of their sawdust, and have not been exempt from the operations of the law, while the larger and wealthier class have year after year been exempted from the operation of the Act. I know when I was in the government we kept extending the exemption from time to time, just as the hon. gentleman proposes to extend it now, and for the very same reasons he has advanced. These reasons will be repeated year after year until all the mills are burned down or cease to work. The question is whether it is not better to repeal the law altogether or compel compliance with its provisions, or admit at once that certain wealthy firms have sufficient influence with the government to guide and direct the legislation on the subject, no matter what government is in power. I have come to the conclusion that it is better that we should put a stop to it at once. What guarantee have we, if we adopt the suggestion made by the hon. gentleman from Glengary (Mr. McMillan) to give them until next fall, that they will stop the practice? Is there any guarantee that they will effect the necessary improvement in their mills during the next winter? Will they not come back next session and say that the weather has been too inclement, the mills have been frozen up, and they could not make the improvements? We had better do one thing or the other, enforce the law or repeal it altogether and put all mill owners on the same basis.

Hon. Mr. BELLEROSE—I have always opposed those extensions, but to-day I feel bound to vote for the bill as it stands and against the six months' hoist, because I believe the three or four preceding administrations having extended the time, the mill owners have been accustomed to think that they can get extensions always. I would be disposed to adopt the suggestion of the hon. gentleman from Glengarry (Mr. McMillan) giving them this summer, but let them understand that next summer they must begin under the law.

Hon. Mr. CLEMOW—The great trouble last time was that the extension was too long. If we amend this bill in such a way that the Act shall take effect on and after the 1st May next, instead of the 1st July next year, it would be better. If those who support me this year accept that I am willing to adopt that course. I have no personal feeling in the matter. I am discharging a very unpleasant duty, but I know I have the people with me. Any one who goes down the Ottawa River and looks at it will come to the conclusion that we have been a very stupid lot of people to allow the nuisance to continue so long. If the government accept the suggestion to let the mill owners have to the end of this season, but no longer, I am satisfied.

Hon. Mr. SCOTT—I will consult with my colleagues on the subject.

Hon. Mr. CLEMOW—Then we will take the sense of the House on it. I know I have the majority of the House with me.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman can move when we go into committee to strike out "July," and make it "May." If it is not carried, you can take the sense of the House on the third reading.

The motion was agreed to and the bill was read the second time.

LAND TITLES ACT, 1894, AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (11) "An Act to amend the Land Titles Act, 1894." He said:—This bill deals with the question of powers of attorney. The law as it is interpreted now by one of the judges of the North-west Territories, requires, when a company authorizes an attorney to sell its lands, as a number of companies in the North-west are large owners, that the power of attorney must be specific. This bill proposes to do away with that necessity and allow a general power of attorney, where properly authenticated, to be registered in the registry office, and until that general power of attorney is cancelled, the person so empowered can act for the company or the parties for whom he professes to be attorney. It has become necessary, I am advised, in consequence of this decision that the power of attorney must be specific and mention the lots of land that he is authorized to convey.

The motion was agreed to and the bill was read the second time.

CHEESE FACTORIES AND CREAMERIES BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (117) "An Act to provide for the registration of cheese factories and creameries and the branding of dairy products, and to prohibit misrepresentation as to the dates of manufacture of such products." He said: This bill provides that the manufacturers of cheese and butter may register with the commissioner of agriculture. The bill is permissive. They may register or not as they please. If they register, their trade mark is preserved and they can take proceedings against any person who attempts to use it without their authority. The bill also provides that Canadian cheese and butter must be stamped Canadian or Canada, indicating where it has been made—cheese intended for export. This part of the bill is compulsory. It has been stated, and I believe with some degree of truth, that United States cheese has been marked in the London markets, "Canadian," in order to take advantage of the reputation which Canadian cheese enjoys. There has been in the past some difference of opinion, I understand, among the manufacturers of cheese in Canada on this subject, but recently I have learned there is unanimity in favour of its being stamped. The commissioner has been requested to bring in a bill requiring cheese to be stamped.

Hon. Mr. FERGUSON—I think the bill is a very good one. It is a matter I have given some consideration to. I do not think, however, that there has ever been very much difference of opinion among the manufacturers of cheese as to the propriety of branding it as Canadian cheese, but there has been a difference of opinion on another point; the date of manufacture. I think the bill has been very wisely framed in that respect. Whenever any date is put on a cheese it should be the honest date, but the bill does not provide that the dating of the cheese should be compulsory. The bill is wisely drawn in that respect, because we have a great many diverse climates in Canada. The August cheese in one part of Canada might not be the best, while in another part of Canada, August cheese may be of excellent quality and the date is not a clear index of the quality of cheese in the market to which we send it. So long as the date on the cheese is an honest date, I think the bill is wisely drafted in not requiring that the date be put on all cheese for export.

Hon. Mr. McMILLAN—The government are to be commended for bringing in this bill, but I should rather have seen it compulsory on all cheese factories to register. The effect will be that the factories which do not register will fall behind, and they will be forced before long to become registered. Did I understand from the hon. gentleman from Charlottetown (Mr. Ferguson) that it is not compulsory on them to brand the date?

Hon. Mr. SCOTT—That is optional. There is a good deal of difference of opinion about that.

Hon Mr. McMILLAN—I should have been pleased to see that compulsory, but I have no doubt it will come.

Hon. Sir MACKENZIE BOWELL—If the date were made compulsory, then you would also have to stamp the name of the

province in which it was made. Cheese made in the lower provinces, where it is much colder than in Ontario in July and August, may be of first rate quality, while the cheese made in our own province, particularly in the warmer parts of it, in July and August, is not so good. Can the hon. Secretary of State tell me why the registration is not made compulsory? I think the word "Canada" is a good suggestion. When I was in Liverpool a few years ago, going through the warehouses, the only mark on the cheese was "Ont." The immigration agent there, Mr. Dyke, said there was not one in fifty who knew what that meant, and that it should be in full—Ontario, Canada, or Quebec, as the case may be. I would not, under any consideration, ask to have the date put on. Under all the circumstances, the view taken of it by my hon. friend from Prince Edward Island (Mr. Ferguson), who is a practical farmer and has given a great deal of attention to the matter, is, I think, the best one.

Hon. Mr. SCOTT—There was some opposition on the part of those interested to be compelled to register. I have no doubt the registration will follow when it is found to be a marked advantage.

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

HUDSON BAY AND YUKON RAILWAY NAVIGATION CO.'S BILL.

SECOND READING.

Hon. Mr. VIDAL, in the absence of Hon. Mr. Cox, moved the second reading of Bill (77) "An Act to incorporate the Hudson Bay and Yukon Railway and Navigation Company." He said: It is a simple incorporation bill for the purpose of constructing railways in the northern country—Mackenzie River, Yukon River and the great northern lakes. It contains nothing that requires explanation here, but of course it will be carefully inquired into in the Railway Committee.

Hon. Mr. POWER—I do not propose to divide the House on this bill, but I wish to express at this stage my opposition to it. I have opposed every bill which proposes to make the Hudson Bay a terminus. This railway, as far as one can gather from the bill, will be near the Arctic circle. I think parliament should not lend itself to anything which is calculated to mislead investors in the old country. Therefore I am opposed to it.

The motion was agreed to and the bill was read the second time.

QUEBEC BRIDGE COMPANY'S BILL.

THIRD READING.

The Order of the Day being called

Consideration of the amendments made by the Standing Committee on Railways, Telegraphs and Harbours to Bill (80) "An Act to revive and amend the Acts respecting the Quebec Bridge Company."

Hon. Mr. VIDAL said: These amendments were made in committee, and it becomes my duty as chairman to explain the alterations which have been made. They will be found on page 388 of the Minutes. The amendments are, first, striking out clause one of the bill for the purpose of getting rid of what has been considered by the committee an incorrect mode of expressing the powers conferred upon the company, and substituting a more correct one. It has been the habit to describe the Acts as reviving and amending the law, and it appeared very clearly to the committee that the law is not dead and does not need to be revived, but the powers conferred by the original Act of incorporation are what require to be revived and continued, and the new clause is simply a change of expression in order to meet that view of it. Clause two is also changed by merely expressing in a different manner the idea which is really embodied in the original bill. A slight amendment was made at the request of the promoters of the bill, which was agreed to by the committee, specifying a particular date up to which any shareholder who had subscribed up to the 1st July, 1896, might have the privilege on application to the directors of having his stock cancelled, and money returned to him, preserving the rights of creditors as to any claim they might have upon him as a shareholder of the corporate company. Then there is a change made of the word "twenty" to "fifty." Twenty shares were mentioned as the number of shares which should qualify a person for becoming a director. The company thought that involved too small an amount of paid up capital, and they increased that to fifty shares. Then after the word "eleven" at the close of subsection 3, the committee have

added the words a "majority of whom shall constitute a quorum": and adding these words to that section made it necessary that the following subsection be striken out altogether, which said that "five directors shall constitute a quorum." In order to bring the preamble in conformity with the idea expressed in the first clause, it becomes necessary to strike out therefore the words "revive and," leaving the expression simply that it is re-enacted. The title requires the same change and as amended now reads "An Act respecting the Quebec Bridge Company." It was thought to be quite sufficient description.

Hon. Mr. LANDRY moved concurrence in the amendments.

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

CRIMINAL LAW AMENDMENT BILL.

IN COMMITTEE.

The House resumed in Committee of the Whole consideration of Bill (H) "An Act further to amend the Criminal Code, 1892."

(In the Committee.)

On section 762.

Hon. Sir OLIVER MOWAT—We amended that section but the amendment does not carry out what we intended This is a new section I am proposing now.

Hon. Mr. POWER—I regret that the committee is not a larger one. The amendment which I propose to submit is one of some consequence. My proposal is to insert as section 728A in the code this provision :

It shall not hereafter be necessary that the jury shall be unanimous in any criminal case ; and a verdict of guilty may after four hours' deliberation be returned by not less than five-sixths of the jurors.

I wish that hon. gentlemen shall understand exactly what this provides. At present, as we all know, a jury has to be unanimous. The dissent of a single juror in a jury of twelve is sufficient to prevent a verdict. If this amendment should become law, that will cease to be the case, and any number of a jury of twelve above nine—that is ten or eleven—can find a verdict of guilty which will be held good ; and in the North-west Territories where the juries are composed of six the dissent of a single juror will not prevent a verdict. This matter has been discussed on more than one occasion in this House. The amendment must be a fairly reasonable one, because in 1892, when the Minister of Justice of that day caused his Criminal Code to be referred to a joint committee composed of the professional men of both Houses, that committee almost unanimously recommended that this amendment should be made in the law : and for reasons which did not affect the merit of the amendment it was not proceeded with. It was thought it would involve discussion, and the desire of the government was to get their measure through speedily, and consequently this amendment was not proceeded with. There does not seem to be any reason whatever why unanimity should be required of a jury in a criminal case at the present day. In the first place the person who is charged with an offence is brought before a magistrate. The magistrate has to find that there is a good *prima facie* case against him before he commits him for trial. Then having been sent up, as they say, by the magistrate—and as a general thing the magistrate leans to the side of mercy—the accused comes before the grand jury, and the grand jury have to find a true bill before he can be put upon his trial. I do not know what the experience is in the other provinces, but I know that in the province from which I come, the grand jury often seem to think it is their duty to try the prisoner, and unless it is almost perfectly clear that the prisoner is guilty, they will not find a bill. They seem to forget that their duty is to see that there is a *prima facie* case against the prisoner, and leave the question of deciding as to his guilt or innocence to the petit jury or judge. But in a great many cases the grand jury with us have thrown out bills where they should not, and in some cases where there was no doubt about the guilt of the accused. Then the accused, having come before the magistrate and having been before the grand jury, is brought before the petit jury and the judge—that is unless he elects to be tried by the county judge—and is allowed counsel. He is allowed to testify in his own behalf ; the accused has every fair play that any man can ask for, and at the end of it all if a single juror, who may be a crank, who may be, without the knowledge of the prosecuting officer, a friend or an associate of the accused, happens to be on the jury, the

objects of justice are defeated and all the expense which has been gone through in trying to bring this offender to justice has been thrown away. I do not think that that is a desirable condition of things at all. In former days, when the accused was not allowed counsel, when he was not allowed to testify on his own behalf, and when capital offences were counted by the hundred, one could understand that it was desirable that every consideration possible should be shown to the accused. England and the other countries which have borrowed their criminal law from England are the only countries in the world where it is required that a jury shall be unanimous in a criminal case. In Scotland, strange to say, unanimity is required in a civil case, but not in a criminal case. In civil cases, up to a few years ago, the same rule prevailed which now prevails with respect to criminal cases. But that rule has been altered. In the province of Ontario, ten jurors out of twelve can find a verdict in a civil case, and in the province of Nova Scotia seven jurors out of nine can find a verdict after four hours' deliberation.

Hon. Mr. FERGUSON—Is that in civil cases?

Hon. Mr. POWER—In the province of Nova Scotia the jury has been reduced in civil cases and seven can find a verdict. No reason has been shown why the same change should not take place with respect to criminal cases. No one in Nova Scotia, and no one I think in Ontario, would go back to the old system which required unanimity, and I think if we adopt this amendment with respect to criminal cases the same feeling will exist. When this matter was before the House a few years ago, the amendment which was submitted to the committee did not contain any provision with respect to four hours' deliberation. That was inserted at the suggestion of an hon. gentleman, a member of the legal profession who has since died. The object of that, of course, was to guarantee that there would be a deliberation; because it may be that the one or two men who differ from the rest of the jury may possibly be right; and at any rate it is only right and proper that their view of the case should have a fair hearing, and therefore this amendment provides that this verdict of guilty may be found by the ten or eleven jurors only after four hours' deliberation. I think that whatever the case may have been in the days to which I have referred, when the criminal law was so severe, now-a-days we should not handicap justice too much, and I think every hon. gentleman must feel that in requiring that the twelve jurors must be unanimous we are handicapping justice too much.

Hon. Mr. ALMON—It may be presumptuous for a layman to interfere in matters which belong perhaps to the legal profession, but as lawyers do not shrink from expressing an opinion on medical subjects, I think I might be allowed to give my opinion with reference to juries. I think there should be three verdicts as in Scotland—"guilty," "not guilty" and "not proven." But I would have this amendment, that in the case of a verdict of "not proven," the man could be tried again. Of course he should not be tried again without fresh evidence. Anybody who considers the matter will see the common sense of the three verdicts. If new evidence is discovered, the prisoner should be tried again. It seems to be common sense, although there may not be law in it.

Hon. Mr. FERGUSON—May I ask the hon. gentleman from Halifax (Mr. Power) whether he can tell me what is the number of jurors in all the different provinces to try criminal cases? I know in the province I come from it is twelve, and I heard my hon. friend say that in the North-west Territories it is six. Is it twelve in all the other provinces except the North-west Territories?

Hon. Mr. POWER—I cannot speak as to British Columbia, but it is twelve in the other provinces.

Hon. Mr. FERGUSON—It occurs to me that there is one province where it is seven—an odd number, and my hon. friend might find it very incongruous to apply his amendment to a case of that kind.

Hon. Mr. POWER—If the jury is twelve, ten must concur; if it is six, five must concur, and if it is seven, six must concur.

Hon. Mr. FERGUSON—I cannot agree with the hon. gentleman from Halifax as to the proposed amendment. I think in criminal cases we should stand by the old princi-

ple that the jury should be unanimous. It is just possible there may occur cases where justice may miscarry on account of the obstinacy of one or two men on a jury: but it may also happen that the one or two men may be right, and it takes a good deal of moral courage on the part of a juryman to stand out against a larger number. I lean to the belief that it is not always due to pure stubbornness, but arises from sincere conviction, and he must have a strong conviction that the person is innocent or he would not stand out. It is a principle of law that it is much better that a guilty person should escape than that an innocent person should suffer. Taking all these things into consideration, I think we should stand by the old system of requiring unanimity in the jury room. From my knowledge of grand jurors, having observed in that position sometimes myself, and also having observed the course of justice in my own province, my opinion does not concur with that of the hon. member from Halifax (Mr. Power) as to the mode in which grand jurors generally discharge their duties. I think it is well understood that our grand jurors are only there to find out whether a *prima facie* case has been made out, and they are not trying the case, but simply ascertaining whether there is sufficient evidence to warrant a man being put to the disgrace of a public trial. That being the case, there is no great relief, as it were, for the guilty, or chance of their escaping in the fact that the grand jury would stand in the way. As a matter of fact, I do not think the grand jury stands in the way of putting any man upon his trial, if he ought to be so placed.

Hon. Mr. POWER—You must have better grand juries than we have.

Hon. Mr. FERGUSON—My hon. friend, speaking from his own experience may have met cases of that kind; but I lean strongly to the opinion that we ought to stand strongly upon the old way, and require that in criminal cases there should be unanimity. I have an altogether different view in civil cases. In civil cases the balance may be very near, and even a majority would not be very much out of the way. But when life and honour and everything that is dear to man or woman are at stake in trials of a criminal nature, I think the old safeguard which is thrown round the innocent, of requiring unanimity, should be maintained.

Hon. Mr. POWER—The hon. gentleman speaks of throwing a guard around the innocent, but it is generally round the guilty. If eleven jurymen take one view, and one takes the opposite view, the presumption is that the eleven are right; and the hon. gentleman has apparently omitted all reference to the fact that the joint committee of both Houses of 1892 was made up of lawyers who are, as is very well known, essentially Conservative; and they agreed to report in that way. Unless I am very much mistaken the Minister of Justice of that day, who was afterwards premier, endorsed the action of the committee. And further, the Justice Department afterwards sent around inquiries to the judges throughout the country with respect to this question, and the answers received were about equally divided; about half were in favour of the change, and half were against it. But, unfortunately, the question which the Justice Department sent around was whether they were in favour of allowing nine out of twelve to find a verdict; and even under those circumstances, to that question about one-half of the judges answered yes. If the question were put to-day as to ten out of twelve rendering a verdict, I have no doubt the majority of the judges, who are essentially conservative, and are anxious that we should stand in the old ways, would be in favour of this change. Then my hon. friend must remember that we are continually changing the old law, and if we were to adopt his principle we should never have any reforms. It is not very long since parliament in its wisdom decided to allow a prisoner to testify on his own behalf. We departed from the old way there.

Hon. Mr. DEVER—This is a very important change and I have not made up my mind just yet how I should vote. I should like to hear the views of the hon. Secretary of State and the hon. Minister of Justice on the subject. It is a legal question that laymen are not supposed to understand throughly.

Hon. Mr. ALMON—I am in favour of the amendment of the senior member from Halifax. If half the men found guilty of murder are to be considered insane, I do not think it will make much difference in the end whether they are convicted by a majority of the jury or by the unanimous verdict of the jury.

Hon. Sir OLIVER MOWAT—The subject of this motion is one in which I have for many years taken a great interest. I think that I introduced a bill on the subject a couple of years after I entered parliament. That referred only to civil cases. I did not venture to touch criminal cases. I think, however, the same principle applies to criminal cases. I proposed nine to three in civil cases if there was to be any change, but I do not say that it would be unreasonable to make it nine to three in criminal cases. The subject is one on which there is great difference of opinion amongst those who have studied the subject, both in this and other countries. In Scotland, I believe the jury in criminal cases consists of fifteen, and a majority is enough to bring in a verdict. It is the old law of Scotland. The subject of trial by jury there in civil cases is regulated by Imperial Act of Parliament, and in such cases a verdict in which nine out of the twelve agree is sufficient, so that the two systems differ there. England and most of the United States —I do not know if it is so in all the states —and the colonies of the British Empire have stood by the old rule of unanimity in criminal cases, and I think we had better consider the subject more thoroughly than we can do to-day before introducing such an important change. I am all the more anxious about this because it might prevent the passing of the bill in the other House this session, and I would, therefore, ask my hon. friend to withdraw his motion for the present. I feel with him that it is a very interesting subject. I feel that justice, from all I have read and heard, notwithstanding all that has been said the other way, would be advanced if the verdict were not required to be unanimous, but I would not attempt hastily to pass such legislation; and as it is introduced now as an amendment, without any notice to the Dominion that such a great change was under consideration, our better course would be not to deal with it at all this session. I am glad toknow that my hon. friend does not object to that course.

Hon. Mr. POWER—I suppose the hon. Minister of Justice would have no objection during the recess to take the opinion of the profession and judges on the proposal?

Hon. Sir OLIVER MOWAT—I shall be glad to do that.

Hon. Mr. POWER—Under the circumstances I ask leave to withdraw the amendment.

The amendment was withdrawn.

Hon. Mr. MACDONALD (P.E.I.)—I propose to move to strike out clauses 92 and 97 which refer to the representation by the vitascope of prize fight pictures. I think it is rather a trifling matter for the Senate of Canada to take up. If it requires regulation, it can be regulated by the municipal authorities, or by the provincial legislatures, though I do not know that it is of sufficient importance to be taken up by them. I move:

That the bill be amended by striking out clauses 92 and 97 which define the exhibition by means of the biograph, or any kindred device, of any representation of an encounter with fists or hands between two persons to be an offence.

The committee divided on the motion which was agreed to, contents eleven, non-contents nine.

Hon. Sir OLIVER MOWAT moved that the committee rise and report the bill as amended.

Hon. Sir MACKENZIE BOWELL—A suggestion is made by the police magistrate of the city of Belleville that an amendment should be made in section 784 to provide that in cases where people have been tried for small thefts of amounts under $10, they should not have the choice of going before a jury, but that absolute power should be given to the magistrate to decide whether he thinks the offence is of that character that it is not necessary to go. I shall read to hon. gentlemen what he suggests as an amendment. From his experience he will have a better opinion than I can possibly have:

And where the value of the property alleged to have been stolen, obtained or received does not in the opinion of the magistrate exceed $10, etc.

Hon. Sir OLIVER MOWAT—I should not like to adopt that without consideration. I am not certain that it would be well to deprive the party of the trial by jury.

Hon. Mr. BELLEROSE, from the committee, reported the bill with amendments.

The amendments were concurred in.

The bill was then read the third time and passed.

BILLS INTRODUCED.

Bill (92) "An Act respecting the Great Eastern Railway Company."—(Mr. Bellerose.)

Bill (32) "An Act respecting the Columbia and Kootenay Railway and Navigation Company."—(Mr. Lougheed.)

Bill (31) "An Act respecting the Trail Creek and Columbia Railway Company."—(Mr. Lougheed.)

The Senate then adjourned.

THE SENATE.

Ottawa, Tuesday, June 15, 1897.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THE MANITOBA SCHOOL QUESTION.

INQUIRY.

Hon. Mr. LANDRY rose to inquire:

1. Has the Manitoba Government asked the Dominion Government to have legislation adopted by the Canadian Parliament which will permit the Federal Government to grant to the Manitoba Government a sum of three hundred thousand dollars, out of the funds created by the sales of Dominion Lands specially reserved as school lands?
2. When did such a demand take place?
3. In presenting it did the Manitoba Government represent and show to the Dominion Government the pressing necessity to grant their request to a government who had refused and still refused to render justice to the minority and to carry out the judgment pronounced by the Governor General in Council and known as the Remedial Order?
4. Is it the intention of the government to ask parliament to amend the federal law for the purpose of granting favours to a government who refused to have its own laws amended in order to give justice?

Hon. Sir OLIVER MOWAT—Hon. gentlemen, to the first question my answer is yes. To the second question my answer is there was no demand—a request only. The third and fourth questions are not legitimate questions to put.

CLAIMS OF PRINCE EDWARD ISLAND.

INQUIRY.

Hon. Mr. FERGUSON rose to

Call the attention of the Senate, to the correspondence recently submitted to this House between the government of Canada and the provincial government of Prince Edward Island, relative to the financial claims of the said province against the Dominion; and inquire, what the government intend doing regarding the Provincial Premier's proposition that all the said claims be submitted to arbitration?

He said: My object in making these remarks as the notice states, is to call the attention of this House, and particularly the members of the government, to this correspondence between the Island government and the government of the Dominion in reference to some claims of the province of Prince Edward Island upon the federal government. I notice that the first of these claims in point of presentation is what is known as the pier claim. This claim was presented in August last by the Provincial government in regular form by an order in council, and through the Lieutenant-Governor. I may say that this is a subject that has for a long time engaged the attention of the provincial governments of the province and it was dealt with in a large sense by the late government some years ago. I notice that this claim, as it is now presented by Premier Peters, only refers to a portion of the piers that still devolve for maintenance upon the provincial government—the piers on one river—and I am entirely at a loss to know why this claim should be presented while the other part of the claim, referring to piers and harbours in other parts of the province, should be neglected. The claim only refers to those of the East River. I notice that no reply, no response of any kind, has been received from the government of Canada to this memorial of the provincial government made in August last. I find, however, that quite recently a correspondence has taken place on other subjects. Under date 8th April the premier of the province writes a letter to one of the ministers, the Hon. Mr. Davies, Minister of Marine and Fisheries, in which he raises a number of claims on behalf of the province, in which this pier claim is not mentioned at all. I have this letter of the premier here among the papers brought down recently, and I must say that it is a somewhat remarkable document. I notice that the minister (Mr. Davies) had it for seven weeks in his possession before he thought it sufficiently important to communicate it to the government. It is dated the 8th April, and it was only on the 27th May that it was presented by Mr. Davies to the Gover-

nor General in Council. This letter deals with several claims. One is an old one, quite familiar, I am sure, to hon. gentlemen in this House; that is, that the island is entitled to consideration on account of the nonfulfilment of the terms of union with regard to winter communication. And another is a very remarkable one, to be submitted for settlement in the manner prepared—a claim of the provincial government upon the government of Canada, on account of the province not having received fair treatment in the matter of the construction of railways since confederation. The premier goes on to say that there are several other claims. One of them he enumerates as a small matter of a pension of $300 a year. He says there are others, but these are the largest, and there is no reference to the pier claim, which he himself and his government had submitted to the government in August last, and to which there had been no reply. I do not find any fault with the manner in which the provincial premier proposed to deal with some of these questions. His proposition, in his letter to Mr. Davies, is that all these claims between the province and the Dominion should be submitted to arbitration; that three men should be named, one by the province, and one by the Dominion, and the third to be selected in some other manner, and that those three persons should have power to go into all these questions, and that their report, while not absolutely conclusive, should be a good basis for future action. In my capacity, as a member of this House, I want to protest against the premier's proposal to refer the matter of railway construction in the province of Prince Edward Island to any arbitration whatever. I should have remarked that Mr. Peters makes the extraordinary suggestion, in connection with this subject, that no person belonging to Prince Edward Island should be one of the three arbitrators. That was a most extraordinary proposition coming from the premier of the province, that every person living on the island who should of all people know most upon these subjects, should be excluded from the possibility of being appointed to act as an arbitrator on this question. I do object to the premier's proposition to the government of Canada that this part of what he calls the claim of the province in the matter of the construction of railways should be referred to arbitration at all. I contend that that subject should be dealt with, in regard to Prince Edward Island, precisely as it has been dealt with in regard to every other province of Canada. The works that we claim—the fair legitimate claims of the province, for the construction of these works, should be considered entirely upon its merits and there should be no proposition of an arbitration upon the subject at all. It is the place of this parliament and of the representatives of the province in the federal parliament to press for these much needed works, and I know there are very much needed improvements in Prince Edward Island, just as the representatives of all the other provinces are pressing the claims of their provinces in this matter, and I wish to enter my protest and I hope my hon. friend the Minister of Justice will remember what I am saying. I believe the feeling in the province is decidedly against this matter of railway construction in Prince Edward Island being treated differently from what it has been in all the other provinces of Canada. In saying this, I do not want to be understood for one moment as minimizing what are the claims of Prince Edward Island in regard to public works. A paper was brought down less than a week ago in the House of Commons in answer to a motion by Mr. Martin, showing what the expenditure on railways has been since the 1st of July, 1873, by provinces. This is the statement:—

In the province of Ontario there were	$29,889,153	expended
In the province of Quebec there were	14,666,937	do
In the province of New Brunswick there were	9,045,538	do
In the province of Nova Scotia there were	14,718,155	do
In the province of Manitoba there were	8,024,432	do
In the province of British Columbia there were	21,441,700	do
In the province of Prince Edward Island there were	635,830	do
In the North-west Territories there were	7,604,819	do

This return shows that the total expenditures on construction and subsidizing railways in the whole of Canada since July 1st, 1873, has been $106,026,767.67, while the proportion of that money which has been expended in Prince Edward Island is only $635,830.27. I think, hon. gentle-

men, after perusing a statement of that kind, will agree with me that whatever our opinion may be on the question of arbitration, there is a very strong claim as far as the province of Prince Edward Island is concerned for a more equitable and fair distribution of the public expenditures in support of necessary schemes of railway extension in Prince Edward Island. I hope my hon. friend, the leader of this House, may be in a position to tell us that his government will not agree to any proposition to settle this matter, or allow it to be considered by arbitration at all, and that he will go further and say that his government will be prepared at a very early date to take up the proposition for railway extensions which the late government had in hand before they went out of office, of constructing a few small branches which in themselves would cost very little, but which would be a great improvement and great advantage to many sections of Prince Edward Island. I hope my hon. friend will not only say to this House that he will not agree to any proposition or suggestion to take the consideration of this matter out of the hands of the government or parliament, but that he will be prepared to go further and say that this government will, at a very early date, take up the matter and grant the wishes of the province of Prince Edward Island by building the small branches required, and which in themselves would only be a mere drop in the bucket as compared with the large expenditures of the country, and which would not be more than the people of Prince Edward Island, in proportion to their population and their contribution to the revenue, might reasonably expect.

Hon. Mr. MILLS—Has the hon. gentleman the figures showing what the proportion of the $29,000,000 expended in the province of Ontario were expended on roads forming simply a means of exit for the trade and population of the North-west Territories?

Hon. Mr. FERGUSON—There is no detail. It is simply given by the provinces. A large amount of that money was spent in Ontario. My object is not to complain that any province has got too much or raise invidious comparisons between the provinces. This statement does not contain any reference to canal expenditures whatever. It was laid on the table by the Minister of Railways and Canals only last week in the House of Commons, and I presume there can be no doubt as to its accuracy. In discussing the matters contained in this correspondence, I may say that I very much fear that the chance of the province to be justly and fairly treated is not very favourable at this moment. I notice that the government, notwithstanding the professions of their party for many years in opposition that expenditure should cease and that the debt should not be further increased and that these stupendous enterprises, which they said were forced on the country should be peremptorily put a stop to—I find notwithstanding all this, we are on the threshold of very large expenditures indeed—not on the threshold merely, but engaged in them. I am not now finding fault with any of them particularly, but I may enumerate some of them, such as the proposed extension of the Intercolonial Railway to Montreal, the Crow's Nest Pass Railway, the canal expenditures—these are large and are going to add very materially to the debt of Canada. I will not say now whether any of them are good or objectionable enterprises. I am merely pointing to the fact that very large expenditures are being entered upon, and I feel, when that is the case, as the representative of a very small province, but nevertheless a proud province, one that feels its position, however small, I would not do my duty did I not point out to the House the claims of my province, when such good things are going round. I cannot help regretting that the provincial premier should have placed himself in a position where his independence is open to very grave doubt indeed. The premier of the province has been in the employment of the federal government for a good many months past, giving almost his entire time to it, and I am very sure he is not doing this for nothing. It is a highly objectionable state of things when the premier of a province places himself under such a deep debt of obligation personally to the Dominion government as the premier of Prince Edward Island has done. The position he occupies as the employé of the government in connection with the Behring Sea Arbitration is incompatible with a proper performance of his duty as premier of Prince Edward Island, and I very much fear that the claims of the island province at this important juncture, when the govern-

ment are considering such serious and grave enterprises all round and attempting as they believe to do justice in so many directions, are not likely to receive fair consideration.

Hon Sir OLIVER MOWAT—I am not prepared to state the policy of the government on the various matters to which my hon. friend has referred. These matters have not been considered in such a way as to render it possible for me to make any intimation on the subject. I may state for the hon. gentleman's comfort, however, that no arbitration has been agreed upon. With regard to the claims of Prince Edward Island I can say this much, they will be carefully considered, and whatever those needs and claims justly demand will be accorded to them. We cannot do everything at once. My hon. friend complains because we are trying to do too much already, and he wants us to do something more. My hon. friend thinks the premier of Prince Edward Island has unfitted himself for representing the island because he has been doing some work for the Dominion. The work he does for the Dominion is for the common interest of every part of the Dominion—for the interest of Prince Edward Island as well as of every other part. He has not been going against Prince Edward Island, but for Prince Edward Island, quite as much as for Ontario and the other provinces. If there is anything in the view that my hon. friend takes on that point, it would imply that no minister should be taken from Prince Edward Island because in the government he is bound to attend to the general interests and to promote them, and these may be inconsistent with the local claims of Prince Edward Island. My hon. friend has pressed that too far. I am quite sure the interests of Prince Edward Island are perfectly safe in the hands of the Minister of Marine and Fisheries, one of the most able and vigorous members of the government, and he will be found not to have failed in his duty to his province because he is acting for the interests of the whole Dominion.

Hon. Mr. FERGUSON—I should have called attention to the fact that my hon. friend, the Minister of Marine and Fisheries, speaking in another place, has emphatically denied that there was any proposition from the provincial government to refer the question of railway construction in Prince Edward Island to arbitration. I may be permitted to read a few words from Premier Peters's letter. After enumerating the claims of the province, of which the railway claim is one of the largest and most important, he makes the following proposition :

OTTAWA, 27th May, 1897.

Our claims are either just or unjust ; they either ought to be paid or they ought to be refused. The fact that we are a small province should act as an incentive to induce the government to give us the utmost amount of fair-play. We are willing to submit these claims to an independent commission consisting, say, of three men, one to be appointed by this province, one by the Dominion government, and one in any other way that may be agreed on. These commissioners should have power to fully examine into all the claims, to take down the statements fully, to hear all the evidence that can be adduced either for or against the claims, and make their report to both governments. This report need not be considered as absolutely binding, but at the same time it would form a basis which would allow of a fair discussion as to the merits of our claims, without any doubt as to the correctness of any fact alleged.

I make this proposition hoping that it will meet with the favourable consideration of Mr. Laurier and his colleagues. If it should turn out by the report of this commission that our claims are untenable it is just as well it should be known. I have great faith in the strength of our claims, but I am willing to leave them for settlement in the manner I suggest. I would even agree in order to have the amplest fair-play, to appoint a man on behalf of the province not belonging to the province. In fact I think it would be better that should be done. This is the proposition which as you remember I suggested to you verbally at Ottawa, and I earnestly hope it will receive your careful consideration.

In order to show that this statement referred to the railway claim, I will read what the communication says on the subject of railways :

The next claim that we make is that at the time we entered confederation the terms agreed upon were based upon the statement that a certain sum of money was to be spent on the Canadian Pacific Railway and a certain other sum on the Intercolonial Railway ; that these sums were, in both instances largely exceeded and that we in this province received little if any benefit from such excessive expenditure. Further, that a new policy was inaugurated by the late government of subsidizing railways of local interest, and immense sums of money were spent in this direction, none of which in any way benefited this province, but to all of which we had really to subscribe our share. This claim was put forward by the Sullivan-Ferguson government about the year 1886.

I have also to call the attention of hon. gentlemen to the letter of the Hon. Mr.

Davies, dated 27th May, which covered this letter of Mr. Peters and referred to it, and is as follows :

To His Excellency the Governor General in Council.

The undersigned has the honour to submit to your Excellency herewith for your Excellency's favourable consideration a memorial which he has received from the Hon. Mr. Peters, the premier of Prince Edward Island, in which, referring to the claims of that province against the Dominion of Canada, he prays that these claims may be referred to a commission or arbitration for adjudication.

The undersigned submits the memorial in order that the proper action may be taken thereon.

Respectfully submitted,

L. H. DAVIES.

What I wanted to call attention to is denial by the Minister of Marine and Fisheries that there ever had been a proposition to refer this matter to arbitration, while he himself, in a letter no later than the 27th May last, recommends that proposition to the favourable consideration of the government. My hon. friend's reply with regard to the position of the provincial premier is this that according to my argument, because I object to the premier of a province acting in the employ of the federal government, there should be no member of the Cabinet from the province, I would certainly say that if Mr. Peters was to be taken as a member of the Cabinet he should cease to be premier of the province and the same contention applies to any other federal service I do not object to the selection of Mr. Peters as counsel in the Behring Sea arbitration, and I have no hesitation in saying, although he is a strong political opponent of mine, that he is a good lawyer and I have no doubt he did his work well as counsel for Canada on the arbitration, but what I object to is that he should act in the double capacity of an employé of the government of Canada and at the same time premier of his province.

PILOTS BETWEEN QUEBEC AND MONTREAL BILL.

SECOND READING.

Hon. Mr. MONTPLAISIR moved the second reading of Bill (67) "An Act to incorporate the Pilots serving between Quebec and Montreal."

Hon. Mr. LOUGHEED—The hon. gentleman from Kennebec (Mr. Drummond) before leaving for Montreal placed in my hands a telegram from Montreal, saying that the board of trade, the shipping interest and the maritime insurance companies were very much opposed to the passage of the bill, but I apprehend the House will have no objection to the second reading of it so long as my hon. friend will not consider the House committed to the principle of the bill, and it be referred to the Committee on Railways, Telegraphs and Harbours so that these interests can be there represented to discuss the matter.

The bill was read the second time.

KINGSTON AND PEMBROKE RAILWAY COMPANY'S BILL.

SECOND READING.

Hon. Mr. CLEMOW moved the second reading of Bill (38) "An Act respecting the Kingston and Pembroke Railway Company." He said :—I have been requested to move the second reading of this Bill to-day. The gentleman who introduced it in the lower House came to me to-day and seemed to consider that my name appearing for it was sufficient justification that I had received instructions from the promoter of the bill. He did not wish to offend the House in any way and he requested me to move the second reading of the bill at this sitting.

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

SECOND READINGS.

Bill (92) "An Act respecting the Great Eastern Railway Co."—(Mr. Bellerose.)

Bill (32) "An Act respecting the Columbia and Kootenay Railway and Navigation Company."—(Mr. Lougheed.)

Bill (31) "An Act respecting the Trail Creek and Columbia Railway Company."—(Mr. Lougheed.)

STEAMBOAT INSPECTION ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (113) "An Act further to amend the Steamboat Inspection Act."

(In the Committee.)

Hon. Mr. SCOTT—As I explained on the second reading, the bill is merely the substitution for clauses corresponding to the number in the present Act, and it affects merely the qualifications of engineers.

Hon. Mr. McDONALD (C.B.), from the committee, reported the bill without amendment.

The bill was read the third time and passed.

PATENT ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (120) "An Act further to amend the Patent Act."

(In the Committee.)

Hon. Mr. SCOTT—This bill consists of three and one-half lines. Its purpose is to bring the law back to the condition it was in before 1888, when the Deputy Minister of Agriculture was the Commissioner of Patents. The department proposes to save the salary of the commisssoner, which is $2,800 a year, and impose the duties on the Deputy Minister of Agriculture.

Hon. Mr. CASGRAIN, from the committee, reported the bill without amendment.

The bill was read the third time and passed.

VOTERS' LIST OF 1897 BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (126) "An Act respecting the Voters' Lists of 1897."

(In the Committee.)

Hon. Mr. SCOTT—This bill embraces one section, and the provision is to dispense with the necessity of making up an electoral list for the present year, 1897.

Hon. Mr. McKAY, from the committee, reported the bill without amendment.

The bill was read the third time and passed.

FISHERIES ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (127): "An Act further to amend the Fisheries Act."

(In the Committee.)

Hon. Mr. SCOTT—This bill consists of but one section. It postpones to the first day of July, 1898, the period during which saw-dust may be dumped into the river. We had a discussion on this bill, and the hon. gentleman from Rideau Division (Mr. Clemow) stated his intention of moving some amendment in committee.

Hon. Mr. CLEMOW—I beg to move that the "first day of July" be expunged and "the first day of May" substituted therefor in the bill.

Hon. Mr. SCOTT—When this bill was up for discussion on the second reading, the expression of opinion was pretty largely given by the Senate that the date should be changed as suggested. I do not propose, therefore, to contest the matter, and am prepared to adopt the suggestion of the hon. member from Ottawa.

Hon. Mr. MACDONALD (B.C.)—Will the mill owners be warned that they will have no more extension after this year?

Hon. Mr. ALLAN—They have been warned every year.

Hon. Mr. CLEMOW—They have been warned for the last ten years.

Hon. Mr. PROWSE—From some remarks made in the debate on this bill, I came to the conclusion that it was scarcely the expectation of hon. gentlemen in the Senate that this measure would come into force even on the first of May, or the first of July next. It has been postponed for a great number of years; and it was stated, if I remember rightly, yesterday that one objection against the passing of a bill of this kind was that it would be the means of closing up these numerous factories around Ottawa, and throwing a large number of people out of employment, because the requirements of the law were such that they could not be carried out. If the government have satisfied themselves, or can satisfy themselves that that is a fact,

then I say the Act ought to be repealed altogether; we never ought to have introduced it. But if it is not true, if the improvements can be effected with any reasonable amount of cost and expense, why is it we are asked year after year to pass a bill of this kind exempting these few mills round Ottawa, while in many other parts of the Dominion the mill-owners are forced to comply with the law? The first duty of the government in the meantime is to institute an inquiry—I won't say appoint a commission, because they are celebrated for that—but to institute an inquiry into the cost of changing these mills so that the saw dust may be kept out of the Ottawa River and other rivers to which the same bill would apply. We know that the dredging of rivers has come to be a very serious item of expenditure in Canada, and if the sawdust is permitted to be thrown into these important rivers, it is only a matter of a few years before a large amount of expenditure will be required to dredge them to make them fit for navigation. If that can be prevented and avoided in time, it is the duty of the government to introduce some means of arriving at a decision on this question, and if it is found to be against the interests of the country to enforce the law as it is now on the statute-book, then it should be repealed altogether.

The amendment was adopted.

Hon. Mr. ARSENAULT, from the committee, reported the bill with an amendment, which was concurred in.

The bill was then read the third time and passed.

LAND TITLES ACT, 1894, AMENDMENT BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (115) "An Act to amend the Land Titles Act, 1894."

(In the Committee.)

Hon. Mr. SCOTT—This amendment to the Land Titles Act embraces but one section, with two subsections. The purpose of the amendment is to authorize the use of a general power of attorney where companies are selling lands in the North-west, and when they are acting through an agent or attorney the bill authorizes that the general power of attorney will be sufficient without specifying all the lands the company own. The necessity of the bill arises from the decision given by one of the courts in the North-west, by Judge Scott, I believe, that the powers of attorney filed were defective, inasmuch as they ought to state specifically the various lands. As hon. gentlemen are aware, some companies own thousands and tens of thousands of acres of land, and it would be very inconvenient if each individual lot had to be specified in the power of attorney. This bill provides that a power of attorney, if in general terms so that it can be easily understood and will reasonably embrace the object for which it has been given, will be sufficient, and will continue to be recognized by the registrar until the power of attorney, as filed by the company or by the principal, is cancelled and another substituted.

Hon. Mr. PRIMROSE, from the committee, reported the bill without amendment.

The bill was then read the third time and passed.

CHEESE FACTORIES AND CREAMERIES BRANDING BILL.

THIRD READING.

The House resolved itself into Committee of the Whole on Bill (117) "An Act to provide for the registration of cheese factories and creameries and the branding of dairy products, and to prohibit misrepresentation as to the dates of manufacture of such products."

(In the Committee.)

Hon. Mr. SCOTT—The first section of this bill authorizes the Minister of Agriculture to keep in his department a book known as a registry book, and it is permissible, not compulsory, for the owners of cheese factories and creameries to register in this book any special brand they may choose to adopt, and that brand will be protected for them. It is not compulsory, as I explained on the second reading of the bill, but permissive. The time will come, I hope, when it will be compulsory. The other clauses of the bill refer to the branding of cheese and butter. There are penalties for parties who misrepresent or remove or

obliterate or erase the marks. The last clause is as follows:

9. The Governor in Council may make such regulations as he considers necessary in order to secure the efficient operation of this Act; and the regulations so made shall be in force from the date of their publication in the *Canada Gazette*, or from such other date as is specified in the proclamation in that behalf.

Hon. Mr. McMILLAN—I do not understand the meaning of the last clause.

Hon. Mr. SCOTT—The regulations are to be under the Act.

Hon. Mr. McMILLAN—When does the law come into force?

Hon. Mr. SCOTT—The law will be enforced from the time of its passing, but it can only come practically into operation when the regulations are published in the *Canada Gazette*.

Hon. Mr. McMILLAN—What I wish to inquire into is whether the law will be in operation so as to have an effect on the manufacture of cheese and butter this year.

Hon. Mr. SCOTT—Yes, I think so. Of course, as far as the clauses that are permissive are concerned, it makes very little difference, because parties may or may not register. With regard to the other clauses, the Act will be in operation from the time it is passed. It will apply, of course, only to butter and cheese intended for export.

Hon. Mr. VILLENEUVE, from the committee, reported the bill without amendment.

The bill was then read the third time and passed.

BILLS INTRODUCED.

Bill (22) "An Act respecting the Trans-Canadian Railway Company and to change the name of the Company to the Trans-Canada Railway Company."—(Mr. Clemow.)

Bill (65) "An Act respecting the British Columbia Southern Railway Company."—(Mr. Lougheed.)

DELAYED RETURNS.

Hon. Sir MACKENZIE BOWELL—Before the House adjourns I should like to call the attention of the Minister of Justice to the promise he made me last Thursday with reference to the petition of the people of Brantford respecting Judge Hardy.

Hon. Sir OLIVER MOWAT—I have had a search made for it, and no such petition can be found. The hon. gentleman seems to know that there was such a petition, but I have failed to find it.

Hon. Sir MACKENZIE BOWELL—I am informed that there was such a petition sent to the government.

The Senate adjourned.

THE SENATE.

Ottawa, Wednesday, 16th June, 1897.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

RAILWAY ACT AMENDMENT BILL.

INQUIRY.

Hon. Mr. POWER—I should like to ask the hon. chairman of the Railway Committee if he is prepared to present any report on the bill to amend the Railway Act—commonly known as the Bicycle Bill?

Hon. Mr. VIDAL—I think it should have been alluded to in the report, and probably a report will have to be presented, but the practice has been in the committee, when any bill has been simply postponed, that no notice has been taken of it in the report; but of course the postponement of this is different from the ordinary postponement of a bill until the next meeting of the committee. The committee agreed to postpose the bill until the next session of parliament, and I think probably that fact should be officially reported to the Senate.

Hon. Mr. LOUGHEED—I would ask my hon. friend to bring in a special report upon this bill, inasmuch as some additional action may be taken.

Hon. Mr. VIDAL—The report will be simply a statement of what has been done by the committee. The clerk will no doubt prepare a report.

THE INTERCOLONIAL RAILWAY EXTENSION.

INQUIRY.

Hon. Mr. POIRIER rose to

Call the attention of the government to an article which appeared on Friday last in *La Patrie*, of Montreal, a paper reputed to be the organ of Mr. Tarte, and entitled "A foolish attempt" (*Une folle tentative*). Speaking of the ministerial project of the extension of the Intercolonial Railway to Montreal, the article terminates thus:

"If the views of certain hot-heads were to prevail, the Senate would prevent the government from putting this railway policy into effect. The Senate is almost totally composed of Conservatives, and it has the power to arrest the progress of the country—

"If it wishes (the Conservative party) to try the resort of opposing the resistance of the Senate to the will of the representatives of the electorate, we wait for it steadfastly.

"The Liberal party has smashed many obstacles within twelve months."

And ask if the government approves of and endorses this policy of menace and violence with regard to the Senate, as enunciated by a minister publicly?

He said:—These remarks are taken from the editorial column of *La Patrie*, and the Hon. Mr. Tarte, an old and very able newspaper man, is reputed to write his own editorials. As the majority of this House do not usually read French, and as many of those even who usually read that language do not peruse the daily *La Patrie* of Montreal, I thought it my duty to warn my colleagues of the terrible calamities that are awaiting us all if we do not in a blindfolded and submissive manner pass whatever measures the hon. gentleman who is at present at the head of the Public Works Department may present to the House, and to ask the opinion of the government on the matter. If the leader of this House intends to bring in such legislation, holding in one hand his bill and brandishing in the other a whip or a shillala, or pointing a revolver, it is important that we should be made aware of it beforehand, were it merely to make our last wills and testaments. The meaning of the ukase is unmistakable. We have to swallow that seven million dollar bill or be smitten. The word to us is "vote or die." I do not know what the sentiments of the majority of my colleagues are, but for myself I must say that, while feeling disposed to give the government the greatest latitude in carrying out its political programme as expounded or hinted to the people at the general elections, nay, even lending them a helping vote, I feel that I will be baulky under the lash, not being by education accustomed to the knout or the guillotine, or naturally inclined to either of them. I may, on deep conviction, vote in favour of that bill, but it will have to be shown to me to be as clean, as pure, as unblemished, at least, as the record itself of the hon. gentleman who I am informed is at the bottom of this arrangement—

Hon. Mr. LANDRY—That won't be very clean.

Hon. Mr. POIRIER—Before I will be made to accept it under high pressure. Now, we are all interested in knowing if the government are a party to this scheme, of terrifying, if the thing could be done, or forcing the Senate to accept this or any other legislation.

Hon. Sir OLIVER MOWAT—I am extremely sorry to know that my hon. friend is frightened by the newspaper article which he had read. Most of us have had pretty strong things said about us and are not frightened. I do not think it is necessary, however, to answer any of the observations which my hon. friend has made. He wished to make them and has had the opportunity of making them, and if they have had any impression upon the Senate I leave that impression untouched. With regard to the question of which he has given notice, my answer is: I know nothing whatever of the newspaper article mentioned by the hon. member and I decline to answer the question put in reference thereto.

Hon. Mr. LANDRY—Not legitimate.

THE QUEBEC BRIDGE

INQUIRY.

Hon. Mr. LANDRY rose to inquire:

Has the government taken communication of the following despatch published in *La Patrie*, on Saturday, 12th June:—

"QUEBEC HAS NOTHING TO FEAR—ITS BRIDGE WILL BE BUILT.

"Quebec, 12th.—(From our regular correspondent.)—Mr. Aug. P. Choquette, M.P., has just addressed a letter to one of his friends in this city and which is of a nature to put a stop to all the inquietude which certain persons may have about the success of the Quebec bridge enterprise. Mr. Choquette declares that, having interviewed the Hon.

Mr. Laurier just before the departure of the latter for Europe, he is prepared to assure that the federal government is ready to grant 25 per cent of the total cost of the construction of the bridge, and that this point will be regulated at the opening of next session in January next.

"From another side, your correspondent is in a position to affirm that the bridge company has more faith than ever in this great project. In a few days workmen will be occupied with the preliminary works of the construction of the bridge on the St. Lawrence at the Chaudière."

2. Is this despatch true in its tenor, and was Mr. Choquette, M.P., authorized to make known the policy of the government on the subject of the construction of a bridge at Quebec?

3. How does it happen that Mr. Choquette knows the secrets of the cabinet and a policy which has not yet been announced?

4. Is it the policy of the government to grant towards the construction of a bridge at Quebec 25 per cent of what this enterprise will cost?

Hon. Sir OLIVER MOWAT—I know nothing whatever of the newspaper article mentioned by the hon. gentleman. The policy of the government with respect to the Quebec bridge has been publicly stated by the premier, and there is no further policy to announce.

ST. BONIFACE ELECTION CASE.

Hon. Mr. FERGUSON rose to

Call the attention of the Senate to the following extract from the Montreal *Witness*, of the 5th June instant: St. Boniface, Man., June 5.—In the St. Boniface election petition case, discussed yesterday, it will be remembered that when the case came before the hon. Mr. Justice Killam on April 29, for trial of the preliminary objection filed by Mr. Lauzon, against the prosecutors of the petition, it was proved that both petitioners, Roy and Berthiaume, had been guilty of corrupt acts. Roy admitted he had been promised money for driving electioneers to the polls by Mr. Prendergast, the present judge. The chairman of Mr. Bertrand's committee stated that he requested Mr. Prendergast on the day following the election to pay him, when Mr. Prendergast gave him an order on Mr. J. A. Richard for the amount, which was paid by Mr. Richard. The other petitioner, Berthiaume, who supported Mr. Lauzon, in the election the year before, admitted that about a week before the election that Bertrand and Mr. Prendergast had promised to endeavour to procure him an office from the Dominion Government and he worked hard to secure Mr. Bertrand's election during the last week before the election. When this startling evidence was given Mr. Howell, counsel for the petitioners, applied for an adjournment to enable him to put Mr. Prendergast and Mr. Richard in the witness box, which was granted. Yesterday morning when the trial was resumed Mr. Howell stated to the court that in view of the evidence given at the previous hearing, he was unable to ask that the preliminary objections should be over-ruled. Judgment accordingly was given dismissing the petition."

And will inquire if the government intend to take any action regarding the matter.

Hon. Sir OLIVER MOWAT—I hope my hon. friend will not go on to-day. Immediately on seeing this notice on the paper, I telegraphed Judge Prendergast telling him of the question and asking him to look at the paragraph in the Montreal *Witness* of the 5th June, and to let me know if he had anything to communicate on the subject. This is the answer which I received yesterday, after telegraphing him a second time:

WINNIPEG, Man., 15th June.

Sir OLIVER MOWAT,
Minister of Justice, Ottawa.

Most dangerous illness in my family was cause of some delay. Had also difficulty in procuring here Montreal *Witness* you refer to. Had next to procure copy of evidence from court stenographer. Have now mailed full statement and evidence. Charges are absolute distortions of official report of evidence which I mail, and speaks for itself.

JAS E. P. PRENDERGAST.

Here is a very grave charge made against a learned judge, and it would be quite contrary to what is usual to go on, even in a court, with a discussion of a matter without giving the person charged an opportunity to be heard. It is treating a judge less considerately than anybody is treated under proceedings in a police court or any other court. I think more liberality should be manifested towards him, especially in a body such as the Senate, which is supposed to consider matters very carefully and gravely and which does so. It would not have occurred to me that my hon. friend, a prominent member of the Senate, would press this matter without giving the House an opportunity to hear what Judge Prendergast has to say. He says in this telegram that he is quite sure that what he has mailed to me will prove the utter distortion of the official report and the evidence. Surely hon. gentlemen do not desire to hear a statement of one side, without having an opportunity of hearing what is to be said on the other side with regard to anybody, and much more with regard to a judge.

Hon. Mr. LANDRY—Everybody?

Hon. Sir MACKENZIE BOWELL—Oh, no, only their friends.

Hon. Sir OLIVER MOWAT—I hope my hon. friend will not press this matter. He is often very strong in his statements, but at the same time is very good natured, and I should be surprised if he were to press this without waiting to receive the statement which Judge Prendergast has mailed. Otherwise it would be an ex-parte statement and the ex-parte statement would reach parties who might not have an opportunity to hear the answer. That would be an advantage which I am sure my hon. friend would not like to take. If the story on one side is to appear, surely the statement on the other side should appear at the same time. What does anybody gain by hearing one side only? This House gains nothing, the public gain nothing, and I see no legitimate advantage which anybody would gain, and I am sure my hon. friend desires only a perfectly legitimate advantage in this discussion. He does not want Judge Prendergast to be considered blamable if he is not blamable. If there is anything to be said in his defence he would not exclude that. He must perceive the awkwardness of hearing one side only to-day, and leaving to another and future day, the hearing of the other side. Such a course shocks one's sense of what is right, and I am sure will shock my hon. friend also. The time that we shall have to wait cannot be very long, and I ask my hon. friend to let this matter stand until there is an opportunity for the document, which is now on the way, to arrive.

Hon. Mr. FERGUSON—My hon. friend, no doubt, is acquainted with Longfellow's poem, the Courtship of Miles Standish, and you will remember the words that the lady addressed to John Alden—"Why don't you speak for yourself, John Alden?" My hon. friend requires no such reminder. I'm afraid my hon. friend in his remarks, while putting in a good many words for Judge Prendergast, is putting in more for himself, because I shall have perhaps more to say about the administration of justice under my hon. friend than about Judge Prendergast. I should be sorry indeed to force a discussion on such a grave and delicate subject as this without giving everybody concerned the fullest opportunity of stating all that can be said on every side. A week ago last Monday I called attention to a newspaper paragraph, and my hon. friend very properly pointed out to me that I had failed to give notice, and, that being so, it was better that notice should be given, in order that the party referred to should have an opportunity of being heard in his own defence and that the government should have time to get information. I very readily agreed to that suggestion, and put my notice on the paper. My hon. friend knows that I have been ready for some three days to go on with this discussion, and at his request I have allowed it to stand in order so give him time to get information from Judge Prendergast. I am sorry that the judge has not thought proper to comply with the request, which I have no doubt the hon. gentleman made to the judge very promptly, as it was his duty to do, and if he had done so there would be no complaint at all that the requisite information is not now in the possession of this House. He says that the charges which appeared in the newspaper are an absolute distortion of the official report of the evidence, and that a copy of the official report of the evidence is on the way.

Hon. Sir OLIVER MOWAT—He does not say that. He says he has got a copy of the evidence but he does not say that he is sending it. What he does say is: "Had next to procure copy of evidence from court stenographer."

Hon. Sir MACKENZIE BOWELL—He does say that he has mailed it. He says: "have now mailed full statement and evidence."

Hon. Mr. FERGUSON—I had no difficulty whatever in procuring a certified copy of the evidence, and have had it in my possession for several days. I made no effort to obtain it until it was referred to in the House ten days ago. There would be no object in putting my views before the House at the present moment if this parliament was to continue sitting for some days. But a very grave question has arisen affecting the administration of justice, affecting the department which my hon. friend presides over in the government, and in the interest of my hon. friend, as well as in the interest of Judge Prendergast, it would be a very great misfortune now if this parliament should rise, as I believe it is expected to do in two or three days, without this subject being

properly discussed on the floor of the House where it is very desirable that it should be done.

Hon. Sir OLIVER MOWAT—It cannot be discussed on one side only.

Hon. Mr. FERGUSON—I am in the hands of the House, but I see from the telegram which the hon. gentleman has read that if I do not go on with my motion to-day I shall have to defer it until this parliament has prorogued.

Hon. Sir OLIVER MOWAT—There is no chance of prorogation for two or three days.

Hon. Mr. FERGUSON—There will be no chance of discussing it if the House prorogues on Saturday.

Hon. Sir OLIVER MOWAT—There is no chance of proroguing on Saturday. The business might possibly be through by Saturday night, but parliament would not be prorogued for two or three days later.

Hon. Sir MACKENZIE BOWELL—There is a great deal of important business to come before us yet which we will have to consider, and we will not be deterred by the statement which has been read from *La Patrie*, from doing our duty.

Hon. Sir OLIVER MOWAT—There is no chance of proroguing on Saturday, you may rely on that.

Hon. Mr. FERGUSON—If I am thoroughly assured on that point, and that it will be open for me to discuss this question on Monday next——

Hon. Sir OLIVER MOWAT—Oh, I will not say that, but there will be an opportunity on Saturday at all events.

Hon. Sir MACKENZIE BOWELL—We have not taken Saturday yet.

Hon. Mr. LANDRY—Are we going to sit on Saturday?

Hon. Sir OLIVER MOWAT—I think it will be unavoidable. I think we may assume that we shall sit on Saturday.

Hon. Mr. FERGUSON—I scarcely think it is doing justice to this House or the Department of Justice—I will not put it any stronger—that this question should be deferred until there is very little more than a quorum present, until the Black Rod is rapping at our doors almost, and we are being pressed and rushed, having a sitting, perhaps two sittings, on Saturday. I must complain that, if such a course is taken, the public interest will not be served by it. I do not want to proceed now and do what would be considered as unfair, but I do complain that Mr. Prendergast, knowing that his reputation for integrity was affected by the newspaper statements, and knowing that the matter had been brought up in parliament, has not been more diligent. I must say that I am afraid my hon. friend has not made the earnest efforts he should have made in order to obtain the information, and have this subject discussed in this House. My hon. friend, perhaps, will make a suggestion as to when this subject can be properly discussed. I do not want it on Saturday, because it is a very unsuitable day.

Hon. Sir OLIVER MOWAT—I have no objection to naming Monday, if we should be sitting on Monday. I do not want to mislead the House. I could not say but there may be a chance that the business will be over on Saturday night, but I think it is a very remote chance, there is so much to be done and this is now the middle of the week, but I am quite willing that this should be made the first order on the first day that we sit after Friday.

Hon. Mr. LOUGHEED—Why not to-morrow night? The letter should be here to-morrow night. It was mailed yesterday.

Hon. Mr. KIRCHHOFFER—A letter mailed in Winnipeg on Tuesday would get here on Thursday.

Hon. Sir OLIVER MOWAT—If I get it to-morrow I shall be very glad to have this disposed of on Friday. I will let the hon. gentleman know if it arrives.

Hon. Sir MACKENZIE BOWELL—It is understood the hon. gentleman will go on with his motion on Friday?

Hon. Sir OLIVER MOWAT—If I receive the letter by that time.

Hon. Sir MACKENZIE BOWELL—Mr. Prendergast may not send it at all. He

has not been very diligent. He did not send any answer to the first telegram.

Hon. Sir OLIVER MOWAT—He had severe illness in his family, and as soon as he could do anything he hunted up the newspaper, and that caused some further delay, and then he applied to the stenographer for a copy of the notes. I think there has been a good deal done in the time. There is no ground for the suggestion that he has not been diligent in his own defence.

Hon. Sir MACKENZIE BOWELL—I made that statement upon what the minister has said himself. The hon. gentleman informed the House, when this matter was first brought up, that he had at once telegraphed Judge Prendergast and got no reply, and had to send a second telegram.

Hon. Sir OLIVER MOWAT—That was only yesterday.

Hon Sir MACKENZIE BOWELL—If my hon. friend had to send the second telegram, it is the best evidence of the truth of the statement that Mr. Prendergast paid no attention to the first telegram.

Hon. Sir OLIVER MOWAT—He has explained the delay in the telegram. You forget that.

Hon. Sir MACKENZIE BOWELL—No, I forget nothing. My hon. friend (Mr. Ferguson) called the attention of the House to it a week ago last Monday. He has been prepared to go on and has in his possession a certified copy of the evidence given in the trial, which alludes to Mr. Prendergast, and the copies were made and sent from Winnipeg and he has had them in his desk two or three days. Surely Mr. Prendergast could have done the same thing.

Hon. Sir OLIVER MOWAT—Of course it may have been my fault.

Hon. Mr. LOUGHEED—I was glad to hear my hon. friend expatiating with such feeling on the desirability of both sides being heard before the matter was dealt with. I would commend the application of that practice to dismissals, so that when the hon. gentleman from Stadacona (Mr. Landry) draws the attention of the House to the many decapitations in his district, it will not be stated to us by the Secretary of State that the dismissals have been made on the recommendation of Mr. Choquette, M. P. without investigation.

Hon. Sir MACKENZIE BOWELL—And that there is no necessity for any investigation.

Hon. Mr. MILLS—The motion of my hon. friend points to further action. I should like very much to know whether the hon. gentleman thinks, if the document which he has in his possession is confirmed, that that will be sufficient to justify us in asking for the removal of Judge Prendergast. There is nothing more clearly laid down in the English rules than that, where the charge is not of such a character as to warrant the House, if true, in asking for the removal of the accused person from office, it should not be made the subject of discussion in parliament. In the case of Mr. Justice Smith, and in the cases of other parties which the hon. gentleman will find in Todd's book, the rule which I have just stated is laid down, and it seems to me that before the hon. gentleman makes this matter with reference to Judge Prendergast the subject of discussion in parliament, he ought to be prepared to take the further step, and if he thinks that cannot be taken, then the motion is one that ought not to be made, because you are weakening the authority of the gentleman who has to take part in the administration of justice, and you are leaving him in possession of the place which he occupies.

Hon. Mr. FERGUSON—I have no desire or intention to allow myself to be drawn into a discussion on this question at all until it comes before us, and until I rise and am allowed to make my statement. I may say, however, in reply to my hon. friend that I fully understand the view that he has presented and that the charge involved in this matter of Judge Prendergast is of sufficient importance, if true, to warrant his removal from the bench, and in that case my motion would be intended as being preliminary to the proper constitutional steps being taken to ensure his removal.

RAILWAY ACT AMENDMENT BILL.

POSTPONED.

Hon. Mr. VIDAL, from the Committee on Railways, Telegraphs and Harbours, re-

ported with regard to Bill (68) "An Act to amend the Railway Act," that the committee recommended that the further consideration of this bill be deferred until the next session of parliament. He said: It becomes my duty to make a short explanation with regard to this. The arguments adduced before the committee were numerous and strong on both sides and were very fully dwelt upon. I may state that the opinion of the committee, as embodied in the resolution, was that the contending parties were approaching a favourable settlement, that advances were made on the one side beyond anything that had been expected of them, and the others were not quite prepared to receive them, but the feeling in the minds of the committee, as expressed in that motion, was that if a little time were given and if the railway authorities and the promoters of the bill had the opportunity of meeting together, a settlement would be effected which would render it unnecessary to make any application to parliament at all. At the same time, it was very clearly stated that if the railways were found to be unwilling to make any concession at all, or to enter into an arrangement, at the next session of parliament the case of the bicyclists would certainly be taken up and dealt with.

Hon. Mr. LOUGHEED—What date has my hon. friend fixed for the adoption of the report?

Hon. Mr. MACDONALD (B. C.)—It does not require adoption. There is no recommendation.

Hon. Mr. LOUGHEED—I think it does.

Hon. Mr. VIDAL—The recommendation is not to proceed with the bill. I move that it be considered to-morrow.

The motion was agreed to.

CANADA INVESTMENT AND AGENCY COMPANY.

AMENDMENT AGREED TO.

A Message was received from the House of Commons to return Bill (L), "An Act relating to the Canada Investment and Agency Company," and stating that they had passed the bill with an amendment to which they desired the concurrence of the Senate.

Hon. Mr. DRUMMOND moved concurrence in the amendment.

Hon. Sir MACKENZIE BOWELL—I do not intend to oppose the adoption of that amendment, because the same clause is inserted in almost all bills of this character, but I am at a loss to know why, if a party borrows money and pledges his property for it, and fails to pay, and the property has to be taken in security by the loan company or the individual, it should revert back to the owner or to the heirs in case the state of the country is such that it is impossible to sell the property. I know it is the policy that has been laid down for nearly all these companies for a great many years, but where the justice or equity in a provision of that kind is, I cannot understand.

Hon. Mr. DRUMMOND—I think the objection just stated is an exceedingly fair and reasonable one, and I fancy this clause was originally conceived by somebody who was in a difficulty to imagine what person or persons would be the recipients of the property.

The motion was agreed to.

YUKON MINING AND TRANSPORTATION COMPANY'S BILL.

FIRST READING.

A Message was received from the House of Commons with Bill (118) "An Act to incorporate the Yukon Mining and Transportation Company."

The bill was read the first time.

Hon. Mr. LOUGHEED moved the suspension of the 51st rule so far as it relates to this bill.

Hon. Mr. McINNES (B.C.)—I object to the suspension of the rule. It is a very important measure, one that ought to be examined very closely before it is adopted by the committee or by this House.

Hon. Mr. LOUGHEED—My hon. friend can surely examine it before to-morrow. The session is so far advanced that there may not be time to put the bill through if there is any delay.

Hon. Mr. McINNES—I object to the suspension of the rule.

Hon. Mr. LOUGHEED—I move that the bill be read the second time to-morrow; then my hon. friend can raise his objection.

Hon. Mr. McINNES (B.C.)—I object to that motion. It requires one intermediate day, and the second reading should not take place until Friday.

Hon. Mr. MACDONALD (B.C.)—Is my hon. friend aware that this company is incorporated in British Columbia by provincial legislation?

Hon. Mr. McINNES (B.C.)—Yes, and that is one reason why we should examine into it very closely.

The motion was agreed to.

BILLS INTRODUCED.

Bill (124) "An Act incorporating the Cataract Power Company of Hamilton, Ltd."—(Mr. MacInnes, Burlington.)

Bill (99) "An Act respecting the Restigouche and Victoria Railway Company."—(Mr. MacInnes, Burlington.)

Bill (114) "An Act further to amend the Act respecting the North-west Territories."—(Mr. Scott.)

Bill (116) "An Act further to amend the Dominion Lands Act."—(Mr. Scott.)

Bill (110) "An Act to incorporate the Montreal and Southern Counties Railway Company."—(Mr. McDonald, Cape Breton.)

DEPARTMENT OF CUSTOMS AND INLAND REVENUE BILL.

FIRST READING.

A Message was received from the House of Commons with Bill (125) "An Act respecting the Departments of Customs and Inland Revenue."

Hon. Mr. SCOTT moved that the bill be read the first time.

Hon. Sir MACKENZIE BOWELL—It is a very short bill; could not the hon. Secretary of State inform the House of the contents? It is a government measure involving a change of policy.

Hon. Mr. SCOTT—Does the hon. gentleman suggest that we should take the second reading now?

Hon. Sir MACKENZIE BOWELL—Quite the contrary; I ask what are the contents of the bill?

Hon. Mr. SCOTT—It is declaring what the salaries of the Ministers of Customs and Inland Revenue shall be. It makes no change in the salary and it provides for carrying out the policy adopted by the late administration.

Hon. Sir MACKENZIE BOWELL—If I understand the bill, it re establishes the Departments of Customs and Inland Revenue, or, in other words, abolishes the controllers and makes them ministers. Does that repeal the Act establishing the offices of Controller of Customs and Controller of Inland Revenue?

Hon. Sir OLIVER MOWAT—Yes.

Hon. Sir MACKENZIE BOWELL—And it does not repeal the Act establishing the Department of Trade and Commerce?

Hon. Sir OLIVER MOWAT—No, that continues.

Hon. Sir MACKENZIE BOWELL—Then this makes an additional member of the Cabinet?

Hon. Sir OLIVER MOWAT—Two additional members.

Hon. Sir MACKENZIE BOWELL—It makes fourteen recognized by law as heads of departments and as ministers of the Crown, two of whom receive lower salaries than the other ministers.

Hon. Sir OLIVER MOWAT—For the present.

Hon. Sir MACKENZIE BOWELL—We are not dealing with what is to be done in the future.

Hon. Sir OLIVER MOWAT—The bill provides that they shall continue at that rate until a readjustment of the cabinet, after which the salary shall be $7,000 per annum.

Hon. Sir MACKENZIE BOWELL—Of course, it leaves it open to be dealt with at a future session. My principal object in drawing attention to the provisions of the bill with respect to salaries is, in the first place, I do not consider it necessary, constitutionally, to enact a law to enable the Governor General to call to his council the two controllers, if he thinks proper to do so. If you can make any person a member of the cabinet who has no position other than the

fact of his being a minister without portfolio, there is nothing in the constitution to deprive you of the power of making the controllers members of the cabinet also.

Hon. Sir OLIVER MOWAT—That is correct.

Hon. Sir MACKENZIE BOWELL—I am very glad that my hon. friend accepts that view of the constitution. I am glad of it for this reason, that when I had the honour of occupying the position of premier I took the responsibility of making the two controllers ministers of the Crown, without additional salary. They, at the same time, went back to their constituents for re-election and approval of that act. The position taken by the then government was contested by hon. gentlemen in this House, and also in the other House, as being unconstitutional; however, I failed to find anything to justify that position. What I want to point out is the strange position in which the hon. gentleman is placing the controllers, giving them a salary $2,000 less than men who have infinitely less work and responsibility cast on their shoulders. I remember well that the Hon. Edward Blake, when in the House of Commons, moving a resolution affirming this principle that all cabinet ministers should be paid in proportion to the responsibility attached to the offices which they held. It is also true that he pointed out at that time that the Secretary of State and the President of the Council—I am sure of that portion, I am not sure as to the other, but I think the Secretary of State and one or two others who had comparatively little routine work to do though they had the responsibility of ministers—should have lower salaries than were paid to those at the head of very responsible departments to which was attached a good deal of hard labour. I hesitate not to say, from long experience, that there is not a head of any department in the whole government that has a greater responsibility devolving upon him, who has to work more hours out of the twenty-four, during the whole year, providing always that he attends to his duty, than the Minister of Customs, and in making the Controller of Customs, a minister of the Crown and head of the department over which he is to preside, my hon. friend should have had the courage to come down and place him upon an equality with the other ministers so far as his pay and emoluments are concerned. I wish the hon. gentleman to understand distinctly that I am not finding fault with the abolition of the offices of controllers and making them heads of departments. Experience taught me that you could not, under our present system, adopt the system which prevails in England, of having what are called under secretaries. The hon. gentleman from Bothwell (Mr. Mills) will remember very well that it was on this principle that the late Sir John Macdonald desired to engraft upon the system which prevails in England, that is of having a certain number connected with the government with certain responsibilities attached to the positions which they held, without giving them seats in the cabinet; in other words, to prepare them for more serious responsibility, as under secretaries prepare themselves in England.

Hon. Mr. MILLS—This did not meet that case at all, as was pointed out at the time.

Hon. Sir MACKENZIE BOWELL—I was just coming to that point. I admit that. I had grave doubts, from the experience I had had, of the propriety of the course then followed, but in matters of that kind, as most ministers of a cabinet do, I deferred to the opinions expressed, where there was no important principle involved, to the head of the government. I found that in practical experience in this country it could not work satisfactorily, and I informed the controllers myself, when they were made ministers of the Crown, that if I retained the position I then held, I would adopt some other system by which they would be made wholly and solely responsible for the departments over which they presided, by a readjustment of the different departments, which I think can very fairly be done without increasing the number; and it might be done under the present circumstances, which did not exist some ten or fourteen years ago, by reducing the number below thirteen, and that too, with advantage to the country and to the government. Desiring to know before we went into committee what the bill provided, I have taken this opportunity of expressing the views I hold and have held on the question.

Hon. Sir OLIVER MOWAT—The object of the government in making the pro-

vision as to the salary is, that the addition of these two members to the cabinet should not increase the cost to the country, and the only way to accomplish that was the way we have taken.

Hon. Sir MACKENZIE BOWELL—You could have done that by decreasing the salaries of the Secretary of State and the President of the Council and giving it to those two.

Hon. Sir OLIVER MOWAT—The Secretary of State is a hard working minister. How his work compares with that of the others I have no means of knowing. A minister has often to take charge temporarily of another department, and a very large part of my hon. friend's time, while Secretary of State, has been taken up in that way. If we were all working full time, so that there was no possibility of any one of us attending to any other department but our own, the public business would suffer. It is desirable that there should be at least one member of the government who can take occasional charge of another department as well as his own. My hon. friend refers to the President of the Council. There is not a more hard-working member than the President of the Council. That is because he is premier. When the premier is President of the Council, this House may be sure that there is not a minister who has harder work than he has to do, apart altogether from the public work which people know of. I was astonished at the amount of work which belongs to all the departments. I thought before I came here that in my former position I worked about as hard as I was capable of working, but I found when I came to Ottawa that to get through with the work I had to do I had to labour twice as hard as before. Some persons say the cabinet should be reduced to ten. I venture to say that no one who knows the business to be done would say so. It is impossible to do it except by some rearrangement, which I find it impossible to devise, and I have not met any one who can devise it. I suppose it would be only possible by providing additional officers who are not to be in the government, and whether, on the whole, the country would be advantaged by that I am not at all sure. I am satisfied that the experience of the country has shown that a difference in the amount of the salaries of the different ministers is an impracticable thing.

Hon. Sir MACKENZIE BOWELL—Do not understand that I advocated it.

Hon. Sir OLIVER MOWAT—I thought my hon. friend did.

Hon. Sir MACKENZIE BOWELL—I called attention to the position taken by Mr. Blake and some others who followed him. I did not approve of it.

Hon. Sir OLIVER MOWAT—My hon. friend and I agree on that point, so we need not discuss it. I do not think it is practicable and he does not think it is practicable.

Hon. Mr. MILLS—I entirely agree with the observations addressed to the Senate by the hon. leader of the House on the subject of additional ministers. We very often hear it said on the platform, and see the statement in the newspapers, that the great republic to the south of us has but seven cabinet ministers while we in Canada have double that number. That is perfectly true, but their system of government is altogether different from ours. Ours is parliamentary, theirs is not—that is, the ministers are supposed not only to advise the Crown on subjects of public policy, and attend to the work of the administration, but also to control the legislation proposed to the two Houses, and in the House of Commons they have to make a House and keep a House, which no minister in the United States is called upon to do. Under the United States system the heads of the departments are simply chief clerks. The constitution makes no provision for any executive officer, except the president. All the executive power in that country is vested in the president; and the heads of departments, those who are in his cabinet are simply persons who enjoy his confidence and are supposed to execute his will and opinions with regard to the various administrative matters that call for action. Now, our position is altogether different, and it seems to me that any attempt to reduce the number of ministers to any considerable extent would have the effect of frequently creating crises in the House of Commons when, with a larger number of ministers such may easily be avoided. Certainly to have a political crisis every other session, or perhaps two or three times in a session, is not in the public interest or to the public

advantage. When it was proposed to create two subordinate members of government in this country, I opposed it. I stated my reason in the House of Commons on that occasion, and I have seen no ground for changing the opinion which I then entertained. Our position is altogether different from that of Great Britain. There you have a number of men of fortune, who are members of House of Commons, who enter it as young men and who, if they are men of promise belonging to the one party or the other, those who belong to the party of the government are frequen ly taken as the private secretaries of the ministers. They become conversant with the opinions of those ministers. They learn their way of looking at the various public matters with which those ministers are called upon to deal, and they serve in this way an apprenticeship for a few years while ministers are in office, and at a later period, after having had this training, the more successful among them are called upon to take a place subordinate in the government, that of political under-secretaries. And so they receive a further training before they enter upon the duties of ministers of the Crown and members of the cabinet. They have been thoroughly indoctrinated into the veiws of those who have preceded them belonging to their political party, the great leaders of parties in the state; and so you have given to the government in the United Kingdom, a c ntinuity which has not hitherto been given to the government of this country, and which our circumstances, up to the present time, will not permit. Now, our position, I say, is different from theirs. If we were to make any change, perhaps to introduce the Italian ministerial system would be better than any other. Under the Italian constitution, a minister is permitted to go into both Houses for the purpose of discussing the measures of the government of which he has charge. He votes only in the House of which he is a member, but he is at liberty to take part in the discussion of the measures which pertain to his department in both Houses, and thus one who is specially familiar with the measure is the minister who has an opportunity of informing both Houses. This secures, with the smallest expenditure, perhaps the best results. It is on the whole less efficient than the English system. Perhaps it is more satisfactory than our own; but when it was proposed some years ago by the prime minister, Sir John Macdonald, to create two subordinate offices in the government, I was then of the opinion, and I am still, that that was not advantageous, and it was not the English system. It was not an approach to it, because the subordinate officers under the English system are second representatives of a department. If the secretary of a department is in one House, the political under secretary of that department is invariably a member of the other House. I have looked over the lists for a long series of years, and I have been unable to find a case where the two representatives of a department were at the same time members of the same House. These two controllers were not in any sense representatives of the departments of which some one else was chief minister and in another chamber. Take the case of the Minister of Trade and Commerce. My hon. friend opposite, (Sir Mackenzie Bowell) was Minister of Trade and Commerce, it is true, in this House, and the controllers were members in the other House, but that was a mere matter of accident, and so far as I know, there has never been that intimate connection between the department known as the Department of Trade and Commerce and the offices held by the controllers, being the head of these two departments to give him charge and jurisdiction over them and to authorize him to determine what the general policy of those departments should be. In this country, where people are standing very nearly upon a footing of equality, usually the men who come into parliament and who are considered men desirable as cabinet ministers, are not likely to serve an apprenticeship in subordinate offices. Those who are most available for that purpose are persons who, outside of parliament, if they chose to devote their attention to their profession, or their private business, whatever it may be, are likely t o be in the enjoyment of a larger income than they will receive as controllers. And so the parties whom it may be most desirable that the government should obtain are those new men who are quite equal to the position of cabinet ministers, and who in the majority of cases are not likely to serve an apprenticeship in the subordinate offices. I think I could name men amongst the friends of my hon. friend who would not be likely to accept such a position. I do not think that it is in the public interest that one man should be receiving a very large salary and another a salary very much

less, and in this country, on the whole, the system which will work most satisfactorily is that which places the salaries of ministers upon a footing of equality. My hon. friend opposite has said that there are some ministers who have very little to do. I do not think that that is the case. Any minister who is inclined to be industrious can always find plenty to occupy his attention, it may not be departmental, but it is none the less important in the public interest on that account. Why, in England there are a number of public offices in every cabinet which are regarded, so far as departmental work is concerned, as mere sinecures. Take the office of the First Lord of the Treasury, the President of the Council and the Chancellor of the Duchy of Lancaster; what great duties attach to these offices? But in almost every case the persons who are appointed to these offices are persons of eminence, and the work of preparing the measures of administration, of deciding what shall be dealt with and how it shall be dealt with, in a large degree devolves upon these men. The First Lord of the Treasury is most always the Prime Minister; and every one of them is occupied with the consideration of questions of public policy, if he is not considering the details of the administration of the department. And I think the same rule will apply here, and if a prime minister constitutes his department in such a way that those who occupy offices the duties of which are less than those of their colleagues are not qualified to undertake the general work of the government, the preparation of the legislation for the session, then he has made an unfortunate arrangement. But I think it is fortunate, under our parliamentary system, that such is the case, and it always makes it possible for a government to be prepared with the legislation for the session. I think the proposal contained in this bill that is now under our consideration, which deals with these two offices, and which provides that those persons who are appointed to them shall be members of the cabinet, is a wise provision, and that it was a great mistake when we departed from the system which existed before, and it is a step in the right direction to return to that system again.

Hon. Sir MACKENZIE BOWELL—If the House will permit me for one moment, I should like to set the hon. gentleman right in one particular; that is, in reference to the position of the controllers in relation to the head of the department, and particularly as in his admirable speech he has given us a very great deal of information, especially to those who have not given the subject study. I am sure they will agree with me in saying that all that he said is correct so far as the provisions of the English constitution are concerned, and also the position held by what are called the cabinet ministers in Washington. I did not catch exactly the expression he made use of, but I understood him to say the cabinet ministers at Washington were not obliged to live there and keep houses, which they do in Canada. But in reference to the other question the hon. gentleman is entirely wrong. I know that he has not read the laws or he would not have made the statement. I understood the hon. gentleman to say that no provision was made to place the controllers in a position analogous or somewhat analogous to that of the political under-secretaries in England. In England the under-secretaries belong to certain departments. As a rule if the Secretary of State or the Colonial Secretary, is in the Commons, his assistant or under-secretary for the colonies is in the House of Lords.

Hon. Mr. MILLS—They are appointed by the minister and not by the Crown.

Hon. Sir MACKENZIE BOWELL—I understand that. If a minister appoints, it is done by the Crown, because an appointment by the Queen means an appointment from the responsible minister who advises. There is no question about that. At present Mr. Chamberlain is in the Commons and Lord Selbourne in the House of Lords, and he speaks there for the colonies when it is necessary to discuss questions of that kind. In that particular the hon. gentleman is quite correct. But he is at the same time subservient to the policy of the Colonial Secretary and the cabinet, and acts in accordance with the directions which he receives from them. And so it is with the controllers precisely. What does the law provide? The very act which the hon. gentleman now proposes to repeal makes this provision:

The Governor in Council may appoint an officer who shall be called the Controller of Customs and an officer who shall be called the Controller of Inland Revenue, each of whom shall hold office during pleasure and shall under the general instructions of the Minister of Trade and Commerce or

the Minister of Finance as the Governor in Council directs be parliamentary head of the said departments.

The same provision, clause 4, applies to the Controller of Inland Revenue, and it is the Minister of Trade and Commerce who not only suggests but directs the policy of both these departments, and no recommendation can go to the ministry of the day for an appointment of the minor officers, no matter how inferior they may be, except through the Minister of Trade and Commerce, who can approve or disapprove as he pleases, when the submission is made to him ; so that a controller is *de facto* placed in precisely the same position to the head of the department, who is the Minister of Trade and Commerce, as is the under-secretary to the head of his department in England. That was the intention of Sir John Macdonald when he placed those laws upon the statute-book.

Hon. Mr. MILLS—There are two to one department.

Hon. Sir MACKENZIE BOWELL—No, there are two departments under the one head. There used to be a Minister of Customs and a Minister of Inland Revenue. They are now under one head. The Minister of Trade and Commerce, and the controllers were nothing more or less than political heads. If you read the debate which took place at the time, you will see Sir John Macdonald said the controllers would defend or explain the department in the House whenever they were attacked, and the propriety of a course of this kind if the head of the department were in this House can be easily understood. Where as it is now, if the matter comes up affecting the Secretary of State's Department, or the Minister of Justice Department in the lower House somebody has to speak for him.

Hon. Mr. MILLS—If my hon. friend looks at that bill he will find that these two controllers may be put under the Minister of Trade and Commerce or under the Finance Minister. A Finance Minister being at the head of his department must necessarily be a member of the House of Commons and so must a Minister of Trade and Commerce for the same reason.

Hon. Sir MACKENZIE BOWELL—No, as a matter of policy the hon. gentleman is quite correct, but not as a matter of law or of practice. You can put them just where you please. Somebody in the House of Commons has to defend the actions of the Minister of Justice, if his department is attacked, just as much as if the administration of the Customs Department or any other department were attacked and the head of that department were in that position. However, that is a mere technical point which I do not know that it is worth while discussing or wasting time about now. I freely admit, from having been at the head of the Department of Trade and Commerce from its inception, until I was transferred to another department, I recognized fully under our system the difficulties of carrying it out. One would suppose, from the argument of the hon. gentleman from Bothwell (Mr. Mills,) that I had been opposing the proposition made by the government. I stated distinctly that I had informed the controllers, when they were made cabinet ministers, that if I continued in the position I then held, I intended to take the first opportunity to readjust the different departments, as my hon. friend proposes to do now, and to abolish the controllers, because I do not think, from my experience, the late system was practical. I wish it distinctly understood that I do not advocate the policy of inferior positions in the cabinet, either as to salary or as to the honour which attaches to the position. What I did find fault with was that they had not the courage, in making this change, to put the two controllers in as good a position in the cabinet in *re* salaries as the other ministers, and for the reason that I know that the duties devolving upon the Minister of Customs, exceed—if he does his duty and examines every question that comes before him—those of any other minister in the cabinet. I have said to my hon. friend on previous occasions that he would learn in a very short time, that the cry which was made against the addition to his department of a Solicitor General, was a false cry, and that the work attending the Department of the Minister of Justice—and I will always put in this proviso, if he does his duty—is quite enough for any man, I care not how industrious he may be, and a Solicitor General and a deputy besides. Experience taught me that there are two or three other cabinet ministers in the same position. I wish to draw the attention of the hon. Minister of Justice to

this fact also: that when I referred to the resolution moved by Mr. Blake, he instanced the President of the Council as one of those who should receive a lower salary, and when I instanced that I had no idea of suggesting that the salary should be decreased, particularly when held by the premier of the country. The President of the Council has nothing to do departmentally except to look after the mounted police, which is attached to his department: but he has enough to do otherwise in controlling the destinies of this country, without any department at all, and instead of having $8,000 a year I would be quite willing at any moment—and I can say so freely now because I have no personal interest to serve—to vote for a much larger salary. I think he is entitled to it, I think all the ministers are, and so will anybody else who has had any experience in this matter.

The motion was agreed to.

DISMISSAL OF EMPLOYES.

INQUIRY.

Hon. Mr. LANDRY—Before the Orders of the Day are called, I should like to ask the Secretary of State if the document which he had the kindness to hand me the other day is to be considered an official answer to the question I asked.

Hon. Mr. SCOTT—You want the dates?

Hon. Mr. LANDRY—Yes, the dates in the cases of Dubé, Poitras, and another one. The hon. gentleman handed me a memorandum giving me the dates. Must I consider that an official answer?

Hon. Mr. SCOTT—This is the paper they gave me.

Hon. Mr. LANDRY—That is the answer of the department?

Hon. Mr. SCOTT—Yes.

Hon. Mr. LANDRY—I am very thankful, but I think I shall be able to show that it is not correct.

Hon. Mr. SCOTT—I sent my secretary for it, and that is the information they gave him. If there is any error I shall be glad to call the attention of the department to it.

Hon. Mr. LANDRY—I wanted to know if I could consider that an official document.

Hon. Mr. SCOTT—Those are the dates I would have given if I had answered his question in the House. My secretary may have made a mistake: I do not know that he did. He went over to the department and took it in shorthand.

Hon. Mr. LANDRY—It is the answer of the department?

Hon. Mr. SCOTT—Yes, unless there is a clerical error.

INCOMPLETE RETURNS.

INQUIRY.

Hon Mr. FERGUSON — Before the Orders of the Day are called, I wish to ask the Secretary of State whether he is yet in a position to supply the further information with reference to the steamer "Petrel" that I complained was not supplied in the return brought down, and about which, at his request, I wrote him a note a week or two ago.

Hon. Mr. SCOTT—I wrote a note to the Minister of Marine and Fisheries giving the details and the omission, and I have not heard from him. I will speak to him tomorrow about it, and ask whether he cannot furnish it.

Hon. Mr. FERGUSON—My hon. friend will observe that one important omission I refer to is amply proven from the fact that there is another amount of $6,000 in the estimates for that "Petrel" experiment.

THIRD READINGS.

Bill (106) "An Act respecting the Dominion Safe Deposit, Warehousing and Loan Company, Limited, and to change the name of the Company to the Dominion Safe Deposit and Trusts Company, Limited."—(Mr. MacInnes, Burlington).

Bill (119) "An Act to incorporate La Mutuelle Générale Canadienne."—(Mr. Bellerose.)

Bill (69) "An Act respecting the Quebec, Montmorency and Charlevoix Railway Company."—(Mr. Clemow.)

Bill (90) "An Act respecting the Montreal Bridge Company."—(Mr. Clemow.)

THE LIBRARY OF PARLIAMENT.

SECOND REPORT OF THE COMMITTEE ADOPTED.

Hon. Mr. POWER moved the adoption of the second report of the joint committee of both Houses on the Library of Parliament. He said: This report does not contain anything which involves an expenditure of money. It simply reports to this House that the accounts of the library have been properly kept, and mentions the amount which has been expended during the year; and consequently the rule which requires that the library report should be first adopted in the other chamber does not apply in this case.

The motion was agreed to.

SECOND READINGS.

Bill (22) "An Act respecting the Trans-Canadian Railway Company, and to change the name of the Company to the Trans-Canada Railway Company."—(Mr. Clemow.)

Bill (65) "An Act respecting the British Columbia Southern Railway Company."—(Mr. Lougheed.)

The Senate adjourned.

THE SENATE.

Ottawa, Thursday, 17th June, 1897.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THE YUKON MINING AND TRANSPORTATION COMPANY'S BILL.

SUSPENSION OF RULES.

Hon. Mr. MACDONALD (B.C.), from the Committee on Standing Orders and Private Bills, reported Bill (118) "An Act to incorporate the Yukon Mining and Transportation Company (Foreign)," with the following recommendation:

It being shown to your committee that the territory affected is a distant and much unsettled part of the country, where it is not possible to give the notice required by the rules, and also being satisfied with the reasons given why no petition had been presented, they recommend the suspension of the 49th, 50th, 53rd and 54th rules of the Senate.

Hon. Mr. LOUGHEED moved the suspension of rules 49, 50, 53 and 54, in so far as the same relate to Bill (118) "An Act to incorporate the Yukon Mining and Transportation Company."

Hon. Mr. McINNES (B.C.)—Before that is adopted, I will call the attention of the hon. gentleman who has charge of this bill, to the fact that, if the House adopts this report, he cannot go on with the second reading of the bill to-day, inasmuch as yesterday I took objection to that bill being read for the second time under a suspension of the rule, and it could not be before two committees at the same time. It was referred to the Standing Orders Committee to-day and they had to recommend a suspension of the rule owing to lack of sufficient notice being given in the territory through which it was to operate. I merely at this stage draw the attention of the hon. gentleman who has charge of the bill to the fact that he cannot go on with the second reading, if this report is taken into consideration to-day.

Hon. Mr. LOUGHEED—I would point out to my hon. friend that there is nothing in the rules to prevent the different steps being taken which are already indicated both by the notice on the paper and the motion which I have just moved. In the first place, I had the right yesterday to fix a date for the second reading of the bill after its first reading, as a matter of course, and under rule 59 it went before the Standing Orders Committee. To-day it stands on the order paper for the purpose of the second reading. I would like my hon. friend to point out any rule which prevents my taking the step which I have already done.

Hon. Mr. McINNES (B.C.)—I call the hon. gentleman's attention to the fact that it should have gone there before the second reading, and it has not got the second reading now. Surely the Senate has never advanced a bill, without a suspension of the rules, two stages on the same day or during the same sitting. If the hon. gentleman advances it at this stage by adopting the report of the Standing Orders Committee, he cannot move the second reading the same day, especially as the bill has only been distributed to hon. gentlemen within the last two minutes.

Hon. Mr. MILLER—I think the point is this. The bill came up and was read the first time yesterday. Its promoters had not complied with the standing orders of the House. It should then go, as it did go, to the Committee on Standing Orders for report. It could not go on the minutes at the same time for the second reading, but if the report is adopted my hon. friend can put it on for to-morrow. It should not be on the orders to-day.

Hon. Mr. LOUGHEED—I was about to point out to the House that yesterday I was quite in order in moving the second reading, because after the first reading under rule 59 it would go to the Standing Orders Committee. I agree with my hon. friend from New Westminster that I could not advance it two stages to-day, and my hon. friend would have been in order if he had taken objection when I moved the second reading of the bill for to-day, but when we reach that stage it is my intention to move that the order of the day be discharged and placed on the paper for to-morrow.

Hon. Mr. McINNES (B. C.)—It was for to morrow that I wanted the hon. gentleman to fix the second reading, and not to-day. If he does that it is all right, but I claim, as the hon. gentleman from Richmond (Mr. Miller) has pointed out, that the bill should not be on the order paper until after the second reading.

Hon. Mr. MILLER—You may make any motion you like after the report of the committee is disposed of.

Hon. Mr. LOUGHEED—I think the bill is properly on the paper for to-day, but as I have taken the step preceding the second reading of the bill, namely, the moving for the adoption of the report of the Committee, I agree that I cannot make any further motion to-day.

Hon. Mr. McKAY—One of the mistakes we make is that we allow a bill to be placed on the paper for second reading before it is reported from the Committee on Standing Orders. It should stand until the committee reports and then be placed on the paper afterwards.

The motion was agreed to.

CATARACT POWER CO.'S INCORPORATION BILL.

REPORTED FROM COMMITTEE.

Hon. Mr. MACDONALD (B.C.) presented the twentieth report of the Committee on Standing Orders, recommending the suspension of the Rules so far as they relate to Bill (124) "An Act to incorporate the Cataract Power Co. of Hamilton, Limited."

Hon. Mr. McCALLUM—This bill is in the same position as the last. It is on the orders for second reading. It will have to be put off until to-morrow.

Hon. Mr. SCOTT—Adopt the report first.

Hon. Mr. MACDONALD (B.C.)—It does not require adoption.

Hon. Mr. MACINNES (Burlington)—I move that the 53rd and 54th rules be suspended so far as they relate to this bill. It is on the order paper for second reading and I will make a motion when we come to it.

Hon. Mr. MILLER—If it is in the same position as the last one, it should not have been on the Minutes until after it came from the Standing Orders Committee and my hon. friend should move the second reading to-morrow.

Hon. Mr. POWER—I rise with some diffidence to question the view taken by the hon. gentleman from Richmond. If the hon. gentleman can show any rule which lays down the doctrine which he propounds, I have not been able to find it. Rule 53 says:

> Petitions for private bills when received by the Senate, are to be taken into consideration without special reference by the Committee on Standing Orders.

And if there is no objection the bill goes, but I am not aware whether there is any rule. There may be some rule.

Hon. Mr. MILLER—Is there not a rule which says that a bill cannot be reported from committee and read the same day?

Hon. Mr. POWER—I am not aware of it. When the item is reached on the order paper, the bill having been reported from the Standing Orders Committee, will be in a position to be dealt with by the House. There may be some rule, but I am not aware of any, which says it cannot be read the

same day, and if there is no rule the House can do as it pleases.

Hon. Mr. MILLER—The bill, after it is reported from the committee, is just in the same position as it was when it came down after the first reading, and it then cannot be dealt with the same day as it is reported and the same day as the report is adopted.

Hon. Mr. LOUGHEED—I apprehend it is a different thing to suspend a rule with reference to the petitions and notices, as distinguished from advancing the bill by the two readings. One is dealing with the report of the Standing Orders Committee with reference to notices, and the other is dealing with the Bill.

Hon. Mr. MILLER—You must have some notice of the reading of the bill. You have here no notice.

Hon. Mr. POWER—It is on the order paper.

Hon. Mr. MILLER—It should not be there. My hon. friend will admit that the notice should not have gone on the order paper until after the report of the Standing Orders Committee had been received and adopted. And in what position is it? Not on the order paper. You ask to have it read a second time without notice.

Hon. Mr. LOUGHEED—I defer to my hon. friend on matters of parliamentary procedure, but I see nothing to sustain his contention in the rules.

Hon. Mr. MILLER—Your first duty is to get it on the order paper and then make a motion with regard to it.

Hon. Mr. LOUGHEED—I do not accede to that. Rule 59 says that after a bill is read the first time, as a matter of course, it goes to the Standing Orders Committee. I do not see anything in the Rules to prevent its being moved for second reading at a subsequent day, and in the meantime it goes to the Standing Orders Committee and is dealt with by them, and in the meantime their report goes in and has nothing to do with the reading of the bill.

Hon. Mr. MACDONALD (B.C.)—The committee might bring in an adverse report and the House should not fix a day until the report is presented The House fixes a day wrongly because it has not yet been reported from the committee.

Hon. Mr. MILLER—You can not make the motion to have it on the order paper before it has been reported from the committee.

Hon. Mr. MACINNES (Burlington)—In order to avoid discussion I move to have it placed on the order paper for to-morrow.

Hon. Mr. McCALLUM—We have not reached it.

Hon. Mr. MILLER—It will be passed over when we reach it.

The motion was agreed to.

SATURDAY SITTING.

Hon. Sir OLIVER MOWAT moved:

That when the Senate adjourns on Friday it do stand adjourned until Saturday next at 3 o'clock in the afternoon.

He said: I believe there is some prospect of getting through the business Saturday if we work hard.

Hon. Mr. POWER—I would suggest to the hon. leader of the House, if it is a fact that there is a chance of our getting through on Saturday evening, that it would be well to amend his notice so as to provide for two sittings of the House on Saturday, one at 11 o'clock and the other at 3.

Hon. Sir OLIVER MOWAT—There is an immense amount of business to be done which is not down here, and I think we will require Saturday morning for other business before coming here. But if I find otherwise I can make the motion to-morrow.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman must certainly expect them to expedite business rapidly in the Commons if we are to get through by Saturday night. I am informed there are some eight or ten items of the tariff left over for the purpose of discussion. Then there is the Drummond Railway bill, the Crow's Nest bill, and a variety of other important bills. Could the hon. gentleman inform me if he has any idea when we shall have any of those bills from the Lower House for the consideration of the Senate? Then there are also the estimates. I do not suppose they would take any great amount of time,

but the tariff will cause some little discussion, if it is only for the purpose of putting members' views on record. Whether any other discussion will take place or not I do not know.

Hon. Mr. SCOTT—I think we may expect the tariff bill up this evening or first thing to-morrow, from what I can learn. I think it will be disposed of by the House this evening.

The motion was agreed to.

DISMISSALS ON THE INTERCOLONIAL RAILWAY.

Hon. Mr. LANDRY moved:

That an Order of the Senate do issue for a copy of all correspondence exchanged between the different departments, or employés thereof, and Mr. Choquette, member of the House of Commons for Montmagny, on the subject of the dismissal of the following persons:—

Charles Bouffard, postmaster at Berthier.
Louis Lavoie, postmaster at à l'Ile aux Grues.
Joseph Bossinotte, postmaster at Cap St. Ignace.
Michel St. Pierre, postmaster at St. Paul du Buton.
Mde. Cyp. Dionne, postmistress at St. Pierre Rivière du Sud.
Napoléon Dugad, postmaster at Beaubien.
Cléophas Bélanger, postmaster at Landvilla.
Mde. Ignace Mercier, postmistress at Mercier.
Alfred Dubé, employé on the Intercolonial Railway.
J. B. Proulx, employé on the Intercolonial Railway.
Xavier Simoneau, employé on the Intercolonial Railway.
Xavier Poitras, employé on the Intercolonial Railway.
Sifroid Fortin, employé on the Intercolonial Railway.
Télesphore Gendreau, harbour master at Montmagny.
Maxime Dubé, customs officer (preventive officer).
Télesphore Gendreau, guardian of the wharf at St. Thomas.

The motion was agreed to.

DISMISSALS OF I. C. R. EMPLOYÉS.

INQUIRY.

What is the exact date of the dismissal of J. B. Proulx and Xavier Poitras as employés of the Intercolonial Railway, in the County of Montmagny?

Was M. Xavier Simoneau fulfilling his duties to the satisfaction of his superiors when he was dismissed for offensive partizanship?

Hon. Mr. SCOTT—The information with regard to these questions of course can only be obtained through the superintendent of the Intercolonial Railway. I give the information as furnished to me by the department here and they give it on the information they receive. It is quite possible that mistakes may occur, and it is quite possible that in the answer given the other day there may be an error. I sent to the department to have this verified and the answer which I received is as follows: 1. The services of J. B. Proulx were dispensed with in September, 1896. Was given 14 days' notice. He died in April 14th, 1897. 2. Xavier Poitras was dismissed in September, 1896. 3. M. Xavier Simoneau was dismissed 1st September, 1896. That is the best information I can get.

Hon. Mr. LANDRY—I am asking if Simoneau was fulfilling his duties to the satisfaction of his superiors at the time. That is one thing, and I am getting an answer to another.

Hon. Mr. SCOTT—I presume not, or probably he would not be dismissed. The hon. gentleman does not suppose the minister here can be acquainted with all the circumstances of every labourer who is employed from day to day, and week to week and month to month. These men are not like the civil service employés, who have a status and standing, and while from my standpoint, and the standpoint of the government, no labourer ought to be dismissed unless his services are no longer required for reasons in the public interest or for cause, it is quite impossible for the minister, where there are many thousands of employés, to be personally responsible in matters of this kind. I think hon. gentlemen will see the soundness of the views I take. I shall get all the information I can, and have used every effort to satisfy the inquiries of the hon. gentleman, but it must be all second hand, either from the boss or the person in charge of the men in the particular district.

Hon. Mr. LANDRY—If it is so difficult to procure the information in the case of Xavier Simoneau I do not understand why the minister did not find the same difficulty when he answered my inquiry in the case of Xavier Poitras? The hon. gentleman told me that Poitras had been dismissed, and that his superiors were not satisfied. If it is difficult to get the facts in one case, why must it be so in the other,

especially when the two employés are on the one footing. The hon. gentleman says it is unreasonable for me to suppose the minister can get that information. I reply, it is reasonable for me to suppose if he cannot give me the information asked for, he should say so, and not give as an answer whether the party has fulfilled his duty up to the date of his dismissal.

THE CASE OF LIEUT. SUTTON.

INQUIRY.

Hon. Mr. LANDRY rose to inquire of the government:

1. Has Lieutenant F. H. C. Sutton, of "B" Squadron of the Royal Canadian Dragoons, stationed at Winnipeg, who has been recently sent to England by the present government, obtained in Canada a first-class long course certificate?
2. If not, what class course certificate does he hold?
3. According to regulations and precedents is it not true that the Militia Department has already refused and is bound to refuse to send to England for a course men who have not obtained the highest possible certificate in Canada?
4. Who recommended Lieutenant Sutton, and why was he selected?
5. Why was Mr. Sutton sent to England when he had not obtained the highest certificate in Canada to entitle him to go?

I suppose the General is still absent and that he won't be back before prorogation.

Hon. Mr. SCOTT—I hope so.

THE SUBSIDIES TO THE PROVINCES

INQUIRY.

Hon. Sir MACKENZIE BOWELL rose to call the attention of the Senate to statements reported in the Montreal *Witness* of the 15th instant, said to have been made by the Honourable Messieurs Déchêne and Turgeon, members of the present Government of Quebec, in which it is alleged:

They foreshadow the abandonment of the two principal features of Mr. Flynn's financial policy, the conversion of the debt and the readjustment of the federal subsidy, the one as calculated to increase the debt without diminishing the interest charges, and the other as impracticable under present unfavourable circumstances."

And inquire of the government whether there has been any communication, verbal or otherwise, between the government of Quebec, or any member thereof, with the government of Canada, or any of its members, having reference to a readjustment of the subsidies paid to the different provinces, which led to the announcement that it was "impracticable under present unfavourable circumstances" to ask for the fulfilment of the provisions of the resolution passed at a conference of Provincial Premiers held in Quebec in the month of October, 1887, of which the present Minister of Justice was a member; and which resolutions were adopted and confirmed by the Legislatures of Ontario and Quebec while the Honourable Sir Oliver Mowat was premier of the former province, Said resolutions, among other things, declare:

5. That this conference is of opinion that a basis for a final and unalterable settlement of the amounts to be yearly paid by the Dominion to the several provinces for their local purposes and the support of their governments and legislature, may be found in the proposal following, that is to say:

(A.) Instead of the amounts now paid, the sums hereafter payable yearly by Canada to the several provinces for the support of their governments and legislatures, to be according to population and as follows:

(*a.*) Where the population is under 150,000, $100,000.

(*b.*) Where the population is 150,000 but does not exceed 200,000, $150,000.

(*c.*) Where the population is 200,000 but does not exceed 400,000, $180,000.

(*d.*) Where the population is 400,000 but does not exceed 800,000, $190,000.

(*e.*) Where the population is 800,000 but does not exceed 1,500,000, $220,000.

(*f.*) Where the population exceeds 1,500,000, $240,000.

(B.) Instead of an annual grant per head of population now allowed, the annual payment hereafter to be at the same rate of eighty cents per head, but on the population of each province, as ascertained from time to time by the last decennial census, until such population exceeds 2,500,000; and at the rate of sixty cents per head for so much of said population as may exceed 2,500,000.

(C.) The population as ascertained by the last decennial census, to govern except as to British Columbia and Manitoba; and as to these two provinces, the population to be taken to be that upon which, under the respective statutes, in that behalf, the annual payments now made to them respectively by the Dominion are fixed, until the actual population is by the census ascertained to be greater; and thereafter the actual population so ascertained to govern.

(D.) The amounts so to be paid and granted yearly by the Dominion to the provinces respectively to be declared by Imperial enactment to be final and absolute, and not within the power of the Federal Parliament to alter, add to or vary.

6. That the following table shows the amounts which instead of those now payable for government and legislation and per capita allowance, would hereafter be annually payable by the Dominion to the several provinces (the same being calculated according to the last decennial census for the provinces of Ontario, Quebec, Nova Scotia, New Brunswick and Prince Edward Island, and according to the limit of population now fixed by statute for the provinces of British Columbia and Manitoba):

Province.	Population Census 1881.	Allowance for Government and Legislation.	The subsidy per head.	Total allowance for Government, etc., and subsidy.
		$ cts.	$ cts.	$ cts.
Ontario	1,923,328	240,000	1,538,662 40	1,778,662 40
Quebec	1,359,027	220,000	1,087,221 60	1,307,221 60
Nova Scotia	440,572	190,000	352,457 60	542,457 60
New Brunswick	321,233	180,000	256,986 40	436,986 40
Prince Edward Island	108,891	100,000	87,112 80	187,112 80
Manitoba	150,000	150,000	120,000 00	370,000 00
British Columbia	60,000	100,000	48,000 00	148,000 00
		1,180,000	3,490,440 80	4,670,440 80

And further to inquire whether the government, which is now composed of a number of the members of said Quebec conference, have any policy upon the subject-matter of the said resolutions?

If so, what is it?

He said: I ask this question to ascertain what has occurred since the passage of these resolutions and the confirmation of them by the different legislatures to which I refer, and of Nova Scotia as well, that has led the present ministry of the province of Quebec, who are pledged to the provisions of that resolution, to make the announcement that they had abandoned that proposition under the "present unfavourable circumstances." What those unfavourable circumstances may be is a question that deeply interests the people of the Dominion, and more particularly the taxpayers, who would have to raise the money in order to effect the readjustment mentioned in the resolution which I quote. That the different premiers were committed to these resolutions is beyond doubt, and beyond question. I find that the premier of Quebec, Count Mercier, announced at a meeting in Montreal, when he was asking the electorate to support the Hon. Mr. Laurier in 1891 used this language:

The Hon. Mr. Laurier has accepted the resolutions of the Intercolonial conference of 1887 and promised to give effect to them if he comes into power. It is our duty to make him triumphant.

It is true he did not come into power in 1891, but we have the further evidence of his acceptance of these proposals by a telegram which he sent to Mr. Mercier from somewhere in the west when the question was asked him whether, if elected and returned to power, he was prepared to adopt and carry out the provisions of those resolutions, his answer was decidedly and distinctly that he would. I find also that Mr. Peters, the premier of Prince Edward Island, made the following declaration at a much later date, during the last election. He said, in addressing a meeting of the electors of Prince Edward Island:

What do you think a victory of the Liberal party in Canada would mean to us? It would mean that this province, which for years has been denied fair-play, would receive it. Not many years ago all the great leaders of the Liberal party met together at the Quebec conference. You all remember how they agreed upon the scheme which, if carried out, would give to this province a largely increased subsidy. When the great change comes we will receive justice.

That great change has come for the premiers, three or four of whom are in the present government; the premier of Ontario, who sits before me (Sir O. Mowat), the premier of Nova Scotia, the premier of New Brunswick, and a very prominent member, one of the leading members of the administration of Manitoba, although not the premier at that time nor has he been premier since, but still a prominent member of the party which promulgated the principles laid down in these resolutions and the demand made upon the federal treasury for additional subsidies, and therefore equally responsible with the hon. gentleman opposite for that demand. Now, if there have been any circumstances which have led the hon gentleman to change his opinion on that question, an answer to that effect will, I know, gratify a large proportion of the people of this Dominion, and more particularly of the province of Ontario of which he was the ruler at the time and for some time afterwards. I can only say, that if such circumstances have transpired as make it unfavourable at the present moment, or at any future time, for carrying out the demand in these resolutions, I should be one of the first to compliment him on the change of opinion and change of

policy; and I think the country will be equally gratified to know that a change of opinion has taken place, and that the local legislatures must learn not only at the present time, but in the future, that in the management of their affairs they must meet whatever deficiency there may be as between their annual expenditure and annual income out of the pockets of those who have received the benefits, if such there have been, of the over expenditure of the money. Until they are taught that, they will indulge in the same extravagances that they have carried on in the past. Why my hon. friend, when premier of Ontario, should have made a demand for additional subsidies upon the grounds set forth in these resolutions is incomprehensible to me, and must be to every one who has read the speeches of the treasurers of that province, who have always claimed, and still claim, that they have a very large surplus at their credit in the bank and in investments. Both before and after the passing of these resolutions, and at the very time that they were affirmed, confirmed and adopted by the legislature of Ontario, the treasurer of that province declared openly and distinctly that they had some millions of dollars to their credit; and notwithstanding that fact, they passed a resolution declaring that the subsidies which were awarded under the constitutional act to the different provinces were not sufficient to enable them to carry on the affairs of their respective provinces without additional aid. I hope the answer they may get will be one that will be not only understood by the people who read it, but may be of such a character as to enable the country and this House to understand distinctly what the policy of the government is upon this question.

Hon. Sir OLIVER MOWAT—There has been no communication between the present government of Canada and the government of Quebec having reference to a readjustment of the subsidies paid to the different provinces; and there has been no communication on the subject between the present government of Canada and any member of the government of Quebec. I have said there has been no communication between the governments. I have not heard, and am not aware, that there has been any such communication between any member of the present government of Quebec and any members of the present government of Canada. I say present government of Quebec and present government of Canada, because I think that Mr. Mercier while premier of Quebec had some communication on the subject with the then government of Canada, or with the then premier of Canada.

Hon. Sir MACKENZIE BOWELL—There is no doubt about that.

Hon. Sir OLIVER MOWAT—With reference to the resolutions of 1887, from which the hon. member has quoted, they were very good resolutions at the time they were passed, but it will be remembered that these resolutions were rejected by the government of Canada, and I may add that in consequence of the changed conditions since 1887, and in consequence especially of the changes which have taken place in the financial circumstances of the provinces and of the Dominion respectively since that date, the said resolutions have become impracticable and inapplicable as "a basis for a final and unalterable settlement of the amounts to be yearly paid by the Dominion to the several provinces." The resolutions have not been under consideration by the present government.

Hon. Sir MACKENZIE BOWELL—Then those are the unfavourable circumstances to which those members allude, I suppose—the changes which have taken place in the financial status of the different provinces.

Hon. Sir OLIVER MOWAT—I am sorry to say I do not quite catch what the hon. gentleman means.

Hon. Sir MACKENZIE BOWELL—The demand on the federal treasury for additional subsidy has been abandoned for the present.

Hon. Sir OLIVER MOWAT—I do not say that.

Hon. Sir MACKENZIE BOWELL—I do not say so. I am reading what he says:—"have become impracticable under the present unfavourable circumstances." What I asked was whether I was to understand the reasons which the hon. gentleman advanced are the "unfavourable circumstances" to which these gentlemen allude; but as there has

been no communication between the government, or any member of it, and these gentlemen, I suppose they have only drawn that conclusion, or as the government have swallowed all their other promises, they have swallowed this also.

Hon. Mr. FERGUSON—I was rather amused to hear my hon. friend (Sir Oliver Mowat) say that these resolutions which he took such great pains in passing at the interprovincial conference in 1887 were very good resolutions when they were passed, but would not do now to be accepted as an unalterable basis for a settlement. It happens unfortunately that those were the very words used in these resolutions, that the settlement was to be unalterable.

Hon. Sir OLIVER MOWAT—Yes, I have copied the words.

Hon. Mr. FERGUSON—Therefore, that my hon. friend will join with us in expressing thankfulness that he was prevented from doing such a very great amount of mischief in 1887 as he aimed at and when he had such an earnest desire to do it. He admits now that these resolutions were very good then, but they would be rather the other way at the present time. The hon. gentleman is probably quite right in saying that these resolutions were good then for the purpose for which they were called into existence, and there cannot be the slightest doubt that that purpose was to embarrass the government that was in power at Ottawa at that time, and to endeavour to raise a feeling against them in the different provinces. I have an extract from a speech made by the late Hon. Mr. Mercier in the city of Montreal on the 13th February, 1891, from which I shall just read a few words to show what was aimed at being accomplished through these resolutions which my hon. friend says were very good resolutions then. This speech will show what they were good for then—all that they were good for then or at any other time.

Mr. Mercier said they demanded that the treasurery of Quebec should receive an additional $400,000 a year to support the school system, the institutions of charity which are necessary to foster agriculture. * * What were the results of the interprovincial conference? They had sent the resolution to Sir John Macdonald but they had not received any reply from that gentleman. Sir John Macdonald laughed at the decision of these five great provinces. It was now their turn to settle with him. He wished to say that he was charged to speak in the name of the other provinces. He had consulted with his colleagues at the convention and he now spoke in the name of the five great provinces.

You will notice here that Mr. Mercier spoke in the name of my hon. friend the Minister of Justice, who now leads us in this House, and who was then premier of the province of Ontario, and was his colleague in that convention. He had consulted with his colleagues in the convention and he now spoke in the name of the five great provinces :

To-morrow his words would be ratified from the Atlantic to the Pacific. Sir John Macdonald had ridiculed the voice of the people and it was now for the people to have their revenge. He wished also to say that he had submitted his declarations to Mr. Laurier, their great chief in the Dominion, and his answer was most important. He wished this declaration to be distinctly understood throughout the country.

Mr. Laurier accepted the resolutions of the Interprovincial Conference, and promised to carry them into effect if he came into power. He had telegraphed to Mr. Laurier if he would ratify the declaration and Mr. Laurier had replied :

"I accept the declaration as the expression of my policy."

Mr. Mercier closed with a fervid appeal to his hearers to unite in securing Mr. Laurier's triumph which would be the public salvation, whilst a victory for Sir John Macdonald would mean national ruin.

Those words were uttered on behalf of my hon. friend the Minister of Justice (Sir O. Mowat), Mr. Mercier was also authorized to speak for the great province of Ontario. He spoke for the province of Ontario, and assured his hearers that the return to power of Mr. Laurier at that time to carry out this programme, would be the salvation of the country, while the return of Sir John A. Macdonald would be the financial ruin of the country ; yet, my hon. friend says now that these resolutions were good then, but they would not be very good now. We can see, therefore, what a narrow escape the country had in 1887, even by my hon. friend's own admission. If he and Mr. Mercier had got their own way at that time, they would have passed these resolutions and made them the law, made them unalterable—that is the word he used—resolutions which he admits would not now be very good for Canada. I may say that I was a member of the provincial legislature of Prince Edward Island at that time, and our government de-

clined to take part in that conference, because we believed that it was highly improper for the different provinces of Canada to combine to take the federal government by the throat and demand, as they were then demanding, a readjustment of the terms of confederation. I may say further that during the whole of the time that I was a member of that government—twelve years—we never demanded better terms, and never asked for a readjustment of the terms of confederation. We asked that the terms of confederation should be carried out. We were quite satisfied with the terms and are so still, notwithstanding the premier of the province, Mr. Peters, has made use of the language and expressions which were quoted by my hon. friend (Sir Mackenzie Bowell) this evening. Mr. Peters's observations were made for the purpose of influencing the late federal elections. In addition to that extract from Mr. Peters's speech, I will read another which he made during the last federal election in the province. He said:

> If a change takes place, and I am sure there will be a change, we will ask the fair minded honourable men who will then rule the destinies of the Dominion—not the men whose conduct is portrayed in drunken scenes at seven or eight o'clock in the morning——

This is Mr. Peters's way of discussing public questions—

> but men who make speeches like the Hon. Wilfrid Laurier did the other day, when he undertook to give the Secretary of State a well-merited castigation, to consider our claims. Our case is a good one and we will simply go to them and say: "this claim was made and admitted and it should be paid, not partially, but in full. If we go to Ottawa we have only to put it fairly and honourably before those men and if they pay our claim, as I have no doubt they will, we will not be in the position we are at present, compelled to think whether we can spend fifty or a hundred dollars on a necessary public work, but we will have sufficient money to carry on the business of the country in an efficient manner, we will then have funds at our command."

I am afraid he will find my hon. friend, the leader of this House, not altogether the kind of friend his province wants. He has found him a friend in another respect. He has found a good fat job for the premier of Prince Edward Island himself, but from the remarks of the Minister of Justice to-day he does not seem inclined to do very much for the province. Mr. Peters goes on:

> And if a bridge requires to be renewed we can replace it with a good solid iron or steel bridge. We have a much better chance of getting this province in a much better financial position when the Liberal party comes into power in the Dominion.

I have several more extracts of this kind from speeches made by gentlemen in different parts of Canada, showing that a great deal of influence was used during not only the elections of 1891, but the elections of 1896—that great efforts were put forth on the part of friends of my hon. friend the leader of this House to induce the people to believe that if they voted for them, they were going to get money in local affairs like the children of Israel got manna in the olden times. These were the hopes held out, and my hon. friend the leader of this House, by the part which he took in 1887, contributed in no small degree to create that impression. There was good in these resolutions. They effected their purpose, I have no doubt, in getting my hon friend into this House, but after they effected that good object, my hon. friend can see no more use for them.

Hon. Mr. POWER—I am rather amused at the speech of the hon. gentleman who has just resumed his seat, taken together with the speech of the hon. leader of the opposition. The government are in a particularly bad way. They are condemned if they do, and condemned if they do not. The hon. leader of the opposition apparently is disposed to condemn the government of Quebec and the other governments who are not now insisting on the terms that they asked for in 1887, and the hon. gentleman who has just spoken is condemning the government of Prince Edward Island because they do insist.

Hon. Mr. FERGUSON—No, I have not condemned them at all for that.

Hon. Mr. POWER—Why use such language about the premier of Prince Edward Island if it is not for that reason? I do not propose to go into this discussion. It is not the time for it. But I wish to make one observation, that that which was true in 1887 is not necessarily true in 1397, and I know, speaking for the province from which I come, that in 1887 the revenue was very much less than it is now. At the present time the revenue of the province of Nova Scotia, due largely to the wisdom shown by the Liberal government of that province, is large enough to enable

the government to deal liberally with the various public services without making any further claim upon the Dominion parliament.

Hon. Mr. FERGUSON—Thanks to the National Policy and coal royalties.

Hon. Mr. McKAY—One of the planks of the Reform platform in the last election was the amount of money they expected to receive from the present government.

Hon. Mr. POWER—Those speeches which are made in the heat of an election contest are hardly the sort of authority to quote in the Senate. If I had gone to the pains of making a collection of statements made by hon. gentlemen who were supporting the Conservative party in the province of Nova Scotia, I dare say I should have been able to submit some amusing literature.

Hon. Sir MACKENZIE BOWELL—I dare say you would, and you would avail yourself of it if they were in power.

BILL INTRODUCED.

Bill (132) "An Act further to amend the Act respecting the Senate and the House of Commons."—(Mr. Scott.)

THE AMERICAN BANK NOTE COMPANY'S BILL.

THIRD READING.

Hon. Mr. CLEMOW moved the third reading of Bill (68) "An Act respecting the American Bank Note Company."

Hon. Mr. DRUMMOND—Permit me to make one or two observations to show the necessity for making a change in the bill. The language which seems to me objectionable is in the title. No principle is laid down more clearly in regard to joint stock and other companies than the fact that their titles must not clash with those of other companies operating in the same line. It is a perfectly clear principle, and acted upon by this House and well understood, and if you refer to the Companies Act you will find it occupies at least three clauses in that Act—a provision against similarity of names. Section 4 says that the name shall not be that of any other known company or any name liable to be confounded therewith, and you will find the same thing in clauses 9 and 10, and to my certain knowledge this House has more than once acted upon that principle and changed the name of a bill. I may say that the principal opposition to this bill on the merits came from a rival company, and it has grown out of the fact that a portion of their business has been transferred to this company now under consideration. It is perfectly well known that these two rival organizations, to wit, the American Bank Note Company, and the British American Bank Note Company of this city, are both entitled to the names which they bear. We have been informed, and no doubt rightfully, that the American Bank Note Company had this title for more than one hundred years, and the British American Bank Note Company has had its for a great number of years also, but the very fact that this company is coming into this country to do business brings up with great force this question—does or does not that very fact bring about the objection which is held to be vital in these matters, that they are liable to be confounded one with the other? I may say that I have no interest whatever in the British American Bank Note Company, but the question is whether there is or is not any truth in the complaint of the British American Bank Note Company that they are being treated worse than they would be if the other organization came in here subject to the laws of this country? If there should be the slightest liability that the one title may be confounded with the other, I think the need is urgent for us to remedy it in some way, and I suggest that the words "United States" in brackets, or "Foreign" in brackets, be inserted after the title of the bill. We have a very good precedent for that, because if you look at Bill No. 6, called The Yukon Mining and Transportation Company, you will see the word "Foreign" is inserted there. There is another objection, however, and I think a very vital one; in the preamble of the bill the company desires to have its organization and corporate powers recognized and confirmed by the parliament of Canada as far as necessary to carry out this Act. Now, it is clear that we are called upon by this very clause to recognize and confirm an act of which we absolutely know nothing, and it is a style of legislation which we should adopt under extreme urgency only.

Hon. Mr. POWER—I do not see any such provision in the bill.

Hon. Mr. DRUMMOND—It is in the preamble.

Hon. Sir OLIVER MOWAT—In what part of the preamble?

Hon. Mr. POWER—The bill does not give the power which they possess in the United States.

Hon. Mr. DRUMMOND—The preamble is as follows:

Whereas the American Bank Note Company has, by its petition, represented that it is incorporated under the general laws of the state of New York, one of the United States, and that it is desirous of establishing offices and works at the city of Ottawa, for the purposes hereinafter mentioned; and whereas, the said company desires to have its organization and corporate powers recognized and confirmed by the Parliament of Canada, and also to have the powers hereinafter mentioned, and has prayed for the passing of an Act for the purposes aforesaid.

Is not that a part of the bill before this House? I say it is, unquestionably. It carries with it this further point, that if we confirm and ratify by this Act legislation, the details of which we know nothing, I am not sure but that it carries out and ratifies and recognizes whatever legislation may hereafter be made for the benefit of this company in a foreign state. If that be so, we are on dangerous ground. For my part, I have no desire whatever to impede the operations of this company, having no interest in the wide world in the British American Note Company. I do not know but a little competition would be a good thing for the country. That is a matter of personal opinion. I draw the attention of the House seriously to this question, whether we are disposed to recognize and confirm an organization of whose corporate powers we know nothing. It seems to me that a wise provision would be, when this company comes into this country, to place it on neither a better footing nor a worse footing than other organizations under the laws of the Dominion. If we were to accept it as a principle, it would imply as a necessity that the provisions of the Companies Act should be applied, so far as they are applicable to this company. I therefore suggest that, before giving the third reading to this bill, this honourable House, which contains many men much better qualified than myself to form an opinion on the legal point that I raise, should give a thorough consideration to remedying the defects to which I am calling attention.

Hon. Sir OLIVER MOWAT—I submit to the Senate that there is no ground for the objection that my hon. friend suggests. It is quite clear that there can be no confounding of names in the case of two companies, one of whom is called the American Note Company and the other the British American Note Company. Names might be much more alike than those two are without danger of confusion. Then my hon. friend further suggests that he is afraid the bill embodies powers which are or may be in the United States charter and of which we know nothing, but a little more careful examination of the bill would have shown him that is does nothing of the kind. First, there is the recital which he has read, which states amongst other things what the company desires. After setting forth what it is petitioning for, the recital goes on to state what the company desires. It seems what the company desires is to have its organization recognized and confirmed by the parliament of Canada, so far as is necessary to carry out this Act. What parliament does appears in the enacting clauses. These do not adopt all the powers of the United States charter; I dare say parliament knows nothing about them, as my hon. friend suggests, and does not propose to adopt them. What it does do is contained in the three clauses which follow the preamble. The first clause declares that the American Bank Note Company "shall be entitled to all the powers, privileges and rights, as a corporation, necessary for the purpose of carrying on, in the city of Ottawa and elsewhere in Canada, a general engraving, printing and lithographing business in all its departments," and so on. They are not enumerated at all. There is no reference to any other document for the purpose of finding out what the powers are. They are limited to a particular business. My hon. friend's apprehension that the Act may introduce a great deal that we know nothing about has evidently no foundation. I think hon. gentlemen who are not lawyers can see the force of the clauses quite as well as the lawyers can.

Hon. Mr. ALLAN—If the hon. gentleman's contention is correct, how does that agree with the words of the preamble itself? The preamble says:

Whereas the said company desires to have its organization and corporate powers recognized and

confirmed by the Parliament of Canada, and also to have the powers hereinafter mentioned.

It would appear that they require by that the powers that they possess under the United States charter and also the powers specially mentioned in clauses one and two.

Hon. Sir OLIVER MOWAT—None of us know what the powers are under the United States Act. We do not adopt them and are not responsible for them. The first clause provides that this company shall have the corporate power necessary to carry on its business: the second and third clauses are matters which could not possibly be in the United States Act. They relate to the service of process on the company in Canada and provide that the company's books may be used in evidence. This bill, in accordance with the intention of it, gives necessary corporate powers and also provides for service on the company here. I am sure the House will be quite safe in passing the bill and it will have no such effect as is suggested as possible.

Hon. Mr. ALLAN—Over and over again this House has refused to sanction a title which seemed likely to clash with the title of an existing company. I remember two bills in which the words were rather similar to these—that is the case of the British American Insurance Company. Another company applied for a charter under a somewhat similar name. That was objected to, and the title was altered before the bill passed this House. There is quite sufficient similarity between "American Bank Note Company" and "British American Bank Note Company" to justify the objection made by the hon. gentleman from Kennebec (Mr. Drummond), because all know the tendency in quoting the name of a company, is to shorten it as much as possible and those two titles might be confused. With regard to the objection to the preamble of the bill if they had asked to have the powers "herein mentioned" and prayed for the passage of an Act for that purpose, that would have been ample, I still cannot understand the explanation by the Minister of Justice, because it does seem to me that by the preample they set forth distinctly that they desire to have its organization and corporate powers —that is, I presume as they have it in the United States—recognized by the parliament of Canada, and also to have the powers "hereinafter mentioned" that is, the powers mentioned in clauses one and two. It seems to me there are two distinct things which they ask for.

Hon. Mr. ALMON—My objection to the passing of this bill is that we are allowing a foreign company, which is very highly subsidized by our government, to compete with our native artizans. If I understand it right, the United States company is allowed to import a large quantity of plant from the United States free of duty, and some of the work is allowed to be done there. Our artizan is obliged to pay duty on his tools and on everything he imports. It is scarcely fair to allow a foreign corporation a privilege which is denied to our own people. There is a strong feeling that this company ought not to occupy such a position. We all know that there are matters connected with this contract which were settled in a questionable manner. I do not care to discuss that matter now, but I do not think we should give an advantage to a United States company over our own citizens, when we see how Canadian mechanics are treated on the other side of the line.

Hon. Mr. FERGUSON—I fully agree with my hon. friend from Kennebec (Mr. Drummond) in the remarks he has made about this bill. It is a measure which this House should not pass in its present form, and before I sit down I shall move that it be read the third time this day three months. My hon. friend, the leader of the House, says there can be no confounding of names between this company and the British American Company. I understand there has already been confusion resulting over it —business troubles have arisen from it. I am aware that we shall hear, before this debate is over, that the American Bank Note Company is the older company and consequently, under trade marks regulations, if there is any conflict the British American Bank Note Company would have to change its name. That is too preposterous a proposition to be listened to in this House, though I have heard it mentioned elsewhere—that a company that has performed large contracts with the government of this country and has performed them in the most satisfactory manner possible—a company that has done a great deal to promote industry in our own country—that a company which has a record of that kind for over 30

years should be liable because an alien company comes in under a contract made with the government—a contract which many of us believe was not made fairly at all—to be compelled to change its name, or take back water in this respect before a foreign rival. It is too absurd a proposition to be considered at all. As this confusion has already existed, and as this parliament has always, as hon gentlemen are well aware, refused to allow any infringement on a recognized name enjoyed under legislation by this parliament, the amendment suggested by the hon. gentleman from Kennebec should be incorporated in this bill, if the bill is allowed to become law. But I cannot agree with the hon. leader of the House when he says that this preamble does not confirm the organization and corporate powers which this company possesses in New York or some other part of the United States—that there is nothing conferred on this company except what is contained in the three enacting clauses. I confess I am not able to read the bill in that sense at all. I am not a lawyer, but I have heard a good deal of discussion about the effect of preambles, and I think this one goes further than preambles usually go. It says:

> Whereas the American Bank Note Company has, by its petition, represented that it is incorporated under the general laws of the state of New York, one of the United States, and that it is desirous of establishing offices and works at the city of Ottawa, Ontario, for the purposes hereinafter mentioned; and whereas the said company desires to have its organization and corporate powers recognized and confirmed by the parliament of Canada, so far as is necessary to carry out this Act.

Hon. Mr. SCOTT—Those are the qualifying words: "So far as is necessary to carry out this Act."

Hon. Mr. FERGUSON—I am quite willing to recognize the force of these words, but it continues "and also to have the powers hereinafter mentioned." My hon. friend commented so far. He says, They have that desire, but we do not grant it. What do we say? "And whereas it is expedient to grant their petition." We declare that it is expedient to grant their desires and the thing is done. My hon. friend cannot say that that preamble, whatever may be said of others, has no potency. My hon. friend shakes his head. I know we might have a very learned discussion from him, but we must look at this like men of sense—like laymen of ordinary common sense. That preamble is there for something. Surely my hon. friend, the leader of the House, and my hon. friend from Bothwell (Mr. Mills), will not tell us that the preamble has no meaning? It has force; every word in that preamble has a meaning and force, and we have a right to find out what it is. This House will be likely to agree with me, many of the laymen and some of the lawyers as well—that by that preamble we are accomplishing this company's desire and their wish to have all their corporate powers, whatever they possess in the state of New York by law, recognized in this county as far as is necessary to carry out the purposes of this Act. I am opposed to that, and I think it is so radical an objection that no motion except the one which I am going to move—that this bill be read a third time three months hence—will meet the objection. There is another objection which is almost as strong—that this company is asking, and we are proposing to enable it to do, business as a body corporate in Canada without being subject to those wise restrictions that parliament has imposed upon corporations doing business in Canada under the Companies Clauses Act. This company, owing to the peculiar way it is seeking power to do business here, will not be subject to the restrictions that are wisely inserted in our law in order to govern all companies that are doing business in the country. It is true that this company will not be entirely without restriction. They will be under the general law of the country as to crime and everything of that kind, but these have not been considered sufficient to restrict our own companies when they ask to do business, and we have imposed restrictions in our Companies Clauses Act, and I think that when a foreign company comes into the Dominion to do business they ought to put themselves on an equal footing with our own people when they are asking for corporate powers.

Hon. Sir OLIVER MOWAT—What are the restrictions that my hon. friend says our companies are subject to which this company is not subject to?

Hon. Mr. FERGUSON—I can mention some. I have turned up our Companies Clauses Act, and I have noted some of them. One is very important. I will just mention

it—perhaps not the most important. There is no provision in this bill for a Canadian directorate, and consequently there can be no personal liability for wages of employés. That is a very important provision.

Hon. Mr. POWER—The property is here and that is liable.

Hon. Mr. FERGUSON—My hon. friend says the property is here and is liable. That is a poor recourse for an employé who goes on Saturday night to look for his wages. It would cost ten times as much as the wages to find out what the company are worth and how to reach them. I say that this company should be called upon to put themselves in the very same position as our people are when they ask to be empowered to do business in Canada. I would allow them every privilege which our own people enjoy to carry on business in the country, but nothing more. I think the bill should not pass for the reasons which I have mentioned, first the objection to the name, and next the objection that this preamble sanctions powers conferred in the United States, and of which we know nothing. If not, why is it so carefully stated? If we were to move to knock that out, I think the Minister of Justice would find that there was some importance in the preamble, and would ask to have it retained, although he now asks us to believe that it means little or nothing except a desire entertained by some people in New York. I suggest that we have no right to encumber our statute-book with the desires of those people, unless we are complying with their desires, which I think this preamble actually does. On all these grounds I oppose this bill, and I therefore move that it be read the third time this day three months.

Hon. Mr. MACDONALD (B.C.)—What is the meaning of force of words contained in the preamble of a bill and not enacted in the clause of the bill?

Hon. Sir OLIVER MOWAT—It has no force as an enactment. The preamble may be referred to in order to make an enacting clause intelligible, which would not be intelligible without it. Occasionally, if there is an equivocal enactment which a reference to the preamble would make plain, the preamble is useful in that way. You do not enact in a preamble.

Hon. Mr. MACDONALD (B.C.)—Then these words in the preamble are of no use.

Hon. Sir OLIVER MOWAT—No, they are of no use. It would simplify matters very greatly if they were not in the preamble. If I were drawing this bill I would stop with the words, "for the purposes hereinafter mentioned," in line six.

Hon. Mr. MACDONALD (B.C.)—I know it would make no difference to this company whether the bill is lost or not. They have a contract, and whether this bill passes or not, it would make no difference to them. I think they should not have got the contract, and I wish to mark my disapprobation of giving a contract to a foreign company, when there are people in the country qualified to perform the work, and shall, therefore, vote against the third reading of the bill.

Hon. Sir MACKENZIE BOWELL—I understood the Minister of Justice to say that the preamble was not essential. Suppose the preamble was struck out who would be incorporated?

Hon. Sir OLIVER MOWAT—The preamble is used for the purpose of making the enacting clauses intelligible.

Hon. Sir MACKENZIE BOWELL—Will the hon. minister explain what it is?

Hon. Sir OLIVER MOWAT—In this particular case I do not know that it would make any difference if we took the preamble away altogether, because the first clause is expressed this way: "The American Bank Note Company hereinafter called the company, &c."

Hon. Mr. POWER—We might strike it out altogether.

Hon. Sir MACKENZIE BOWELL—Is it not usual to set forth in a bill who the incorporators are and where they live?

Hon. Sir OLIVER MOWAT—If it is a new corporation.

Hon. Sir MACKENZIE BOWELL—This is new, so far as Canada is concerned.

Hon. Sir OLIVER MOWAT—In case of a foreign corporation, incorporated here, it is never done. We never go into the details at all.

Hon. Sir MACKENZIE BOWELL—The sooner we do it, the better.

Hon. Mr. FERGUSON—I think we generally do.

Hon. Mr. MILLS—My hon. friend who has moved for the rejection of this bill seems to think that a great wrong has been done in permitting the Bank Note Company to come into this country and invest capital here, and undertake to do business?

Hon. Mr. FERGUSON—I did not say anything like that.

Hon. Mr. MILLS—You did not use those words.

Hon. Mr. FERGUSON—No; nothing like them.

Hon. Mr. MILLS—But what the hon. gentleman said implies what I have stated in more explicit terms.

Hon. Sir OLIVER MOWAT—Yes.

Hon. Mr. FERGUSON—I said they would not be in this country doing business at all, if they had not got this contract.

Hon Mr. MILLS—The hon. gentleman said they would not be in this country except they had got a contract. I do not know that any foreign company would ever come to this country except it were for the transaction of business, to do or sell something or other out of which they expect to make profit, and if my hon. friend were to lay down the rule that no foreigner who comes to Canada shall ever find employment here, and that no foreigner, if he does find employment, shall make anything out of the transaction, then my hon. friend would undertake to act upon the rule which he has laid down in this case. My hon. friend the leader of the opposition, and those who are associated with him politically, and who share his views on public policy, have insisted over and over again that foreigners who are engaged in the purchase of logs for the purpose of converting them into pulp or lumber ought to be compelled to manufacture them in this country. They ought to come here to do business. They ought to enter into competition with those who are engaged in similar lines of business in this country. The hon. gentleman says that it would be to the advantage of this country, notwithstanding the number of Canadian lumbermen already having capital invested here and having mills located, to induce Americans who are engaged in the lumbering business to come to Canada and to convert the logs into lumber here, and to convert logs into pulp and pulp into paper here. My hon. friends are hardly consistent when they are undertaking to put this company, coming into Canada, undertaking to do business here and investing their moneys to carry on their operations.

Hon. Mr. FERGUSON—If hon. friend will allow me——

Hon. Mr. MILLS—I listened to my hon. friend, and I hope he will now listen to me. He said when discussing this question, that there was a company engaged in the business of engraving here, and that they had invested capital, and that it was unfair to permit a foreign company to come into this country and enter into competition with them. Could we not say the same thing with regard to the manufacture of lumber and paper?

Hon. Mr. FERGUSON—I did not say that.

Hon. Mr. POWER—Yes, you did.

Hon. Mr. MILLS—My hon. friend forgets what he said.

Hon. Mr. FERGUSON—I rise to a point of order. My hon. friend says I said it was unfair to allow a foreign company to come into this country to compete. My hon. friend has been misrepresenting me all along, though perhaps unintentionally.

Hon. Mr. MILLS—Is my hon. friend opposed to this company? Has he not said that this American company is a foreign company which is entering into competition with a Canadian company in the same line of business? Does my hon. friend object to that?

Hon. Mr. FERGUSON—No, but I object to any privileges being given to them which are not given to our own people. I am quite willing that they should come in if they are given no special privileges.

Hon. Mr. DRUMMOND—The hon. gentleman wants to associate me in the same views with the hon. gentleman from

Prince Edward Island. In the few words I made use of I expressly disclaimed jealousy of the American company, or any desire to keep them out, and the hon. gentleman from Bothwell is simply setting up an image of his own construction to be knocked down; he is combatting an opinion which is not expressed or felt by any member of this House.

Hon. Mr. MILLS—My hon. friend takes exception to the inferences which I have drawn, not from the observations which he addressed to this House, but from the observations which the hon. gentleman who preceded him addressed to the chamber, and I listened to him with some care. The hon. gentleman complains of the preamble. The preamble is not an enacting part of the bill. It is enough to enact the principle of the bill. There is nothing included in the preamble that is not included in the clauses which follow, of any consequence, so far as the legislation is concerned. The preamble here states what the parties ask. It states in the enacting clauses what parliament is ready to give them, or what those who are promoting the bill think parliament ought to give them, and if there be anything in the preamble beyond what is contained in the enacting clauses, it counts for nothing. This United States corporation has come here for the purpose of acquiring certain franchises. A corporation of course is an artificial person, having just those powers, and qualified to engage in those undertakings which are set out in the Act of incorporation, and if we want to know what this corporation may do in the United States, we look to the charter which they hold under the authority of the legislation of the state of New York. My hon. friend from Montreal complains of the name, but this company has this name. This bill does not purpose to gave to the company a special name. It has the name as a company, as an artificial company——

Hon. Mr. OGILVIE—Not in Canada.

Hon. Mr. MILLS—It has a name as a corporation, and it cannot come with an alias to this House. It has no right to come here under any other name than that name which, as a corporation, it possesses, for apart from its being a corporation, it has no existence, and it is the American Bank Note Company, known as such in the state of New York, known by the charter of incorporation which it holds. By that name it comes here and asks from us certain powers, and you propose to give it, not all that it asks, but to give it certain powers which are asked for in the bill, and what is the objection, apart from this which I have mentioned? My hon. friend from Montreal (Mr. Drummond) says there is a possibility of confounding this with the other name. I say it is a very remote possibility.

Hon. Mr. OGILVIE—Oh no, I can prove you are wrong.

Hon. Mr. MILLS—The one is known as the British American Bank Note Company, and the other is called the American Bank Note Company, and that is all the difference necessary to distinguish the one from the other. They are perfectly distinct. If you enter into a contract with the one, it is with the British American Bank Note Company. If you enter into a contract with the other, it is the American Bank Note Company, and this corporation seeks certain powers which are set out here in the clauses which follow the preamble. Has my hon. friend objected to any one of the franchises which we have proposed to confer upon this company? Does the hon. gentleman say that there is a franchise here that the bill proposes to bestow upon this company that it ought not to possess? The hon. gentleman did not mention one. He did not discuss the bill. He discussed the parties who were asking for the bill. He said their name is not a proper name to have, and that the preamble does not suit him, and so he proposes to deprive a foreign corporation that comes here to do business, that has invested a large amount of capital, which has invested capital in this city here, possessing a corporate existence—he proposes to deprive them of the right to transact business here under the name which they possess and which they had before they appeared here at all.

Hon. Mr. OGILVIE—They have not got the name here.

Hon. Mr. MILLS—If my hon. friend were to go to New York and ask for an Act of incorporation for himself as a corporation solely, does the hon. gentleman say that he ought to appear under some other name than that of his own?

Hon. Mr. OGILVIE—I say I would not

get the charter if I did not appear in a different name from the other.

Hon. Mr. MILLS—If John Smith and William Smith come, William Smith must call himself something else than Smith or he will not acquire any rights under the law. I think that is a preposterous contention which my hon. friend maintains.

Hon. Mr. DRUMMOND—The very case which the hon. gentleman thinks preposterous occurs every day. There was a firm in London of the name of Brinsmead who were actively engaged in manufacturing pianos, and they formed a joint stock company under their own name, giving the full initials and everything else, Brinsmead & Son, and it was held by the court that the name of Brinsmead as manufacturers of pianos was liable to be confounded with the well known Brinsmeads and they were obliged to change it.

Hon. Sir MACKENZIE BOWELL—I would not have addressed the Senate had not my hon. friend from Bothwell (Mr. Mills) referred to myself and the principles which we advocate as a party. I am glad to know that in advocating the policy of an export duty on logs and pulp wood, of preventing its exportation to another country and to establish an industry of this kind, has been confirmed at present by his own party, and those now in power. I should also like to call his attention to the fact that the Minister of Justice adopted a similar policy in the province of Ontario, when, in selling the timber lands of that country, he imposed a restriction that the parties purchasing should manufacture in this country, and not export to the United States.

Hon. Mr. MILLS—You are objecting to that rule here.

Hon. Sir MACKENZIE BOWELL—I am not objecting to anything just yet. If my hon. friend would wait a moment, perhaps he would be able to build a paper castle and then knock it down as violently as he has done in referring to my hon. friend to my right (Mr. Ferguson). He attributed to that hon. gentleman language he never used, and the inferences and deductions he drew from the remarks made by my hon friend to my right (Mr. Ferguson) were neither correct nor were they justified. My hon. friend (Mr. Mills) says there is a great difference between the names of the two corporations. One is the American Bank Note Company and the other is the British American Bank Note Company. I can give another illustration somewhat similar to that given by the hon. gentleman from Montreal a few minutes ago. There are two business colleges in the city in which I live (Belleville), one called the Ontario Business College and the other the Belleville Business College, and the communications which are taking place from all over the country, even from the West Indies, sometimes go to the wrong college, and people are confounding the two. The one college is constantly getting the letters of the other, through a misapprehension as to the distinction between the two. The hon. gentleman claims, because this is the American Bank Note Company, that therefore we must recognize it, no matter what company we may have in Canada of a similar character. Supposing there was a United States company under the name of the British American Bank Note Company, would the hon. gentleman say we would be justified in incorporating that company under the same name, precisely as the one that exists in this country? That is the only deduction that can be drawn from his remarks. He says this: here is a foreign company having a certain name under which it carries on business and operations in the United States, therefore it is entitled to be incorporated in this country under that name. Then he instanced the case of Jim Smith and Bill Smith, as if they had anything at all to do with it. From the fact that there are so very few Smiths in the world I suppose there would be no danger of any complication arising from anything of that kind. A foreign company desiring to do business in this country—and we desire to have as many as possible—should come in properly and legitimately to do business. What we contend is this, that that foreign company has no right to come here and assume a name somewhat analogous, and certainly which would be confounded with that of a company which has existed here for thirty or forty years. I am not going to attack the government or object beyond giving an expression of opinion as to the contract. That is not under discussion, nor have we anything to do with it at the present moment, further than to say this, that if the papers which have been laid before parliament are correct, then the contract was given to this company unfairly and improp-

erly, for the simple reason that it was changed, the arrangements were changed, altered and amended by the Finance Minister after the tenders had been asked for and the tenders put in. Beyond that I do not propose to go into the details of it.

Hon. Mr. MACDONALD (B.C.)—And the work will be done in a foreign country.

Hon. Sir MACKENZIE BOWELL—My hon. friend very properly says a large proportion of the work and some of the most expensive is to be done in a foreign country, when the advertisement asking for tenders made special provision that all the work should be done here and not in a foreign country. However, I do not desire to discuss that question at the present moment. If this company is to be incorporated, let it be incorporated under a name that will not conflict with any name we have in this country. My hon. friend talks a good deal about foreign capitalists. I hold in my hand a bill which has the approval of the ministers of the day. The premier himself, before attaining power, pledged himself, in order to secure a certain class of votes, that he would put this bill upon the statute-book, and it has come here for our approval, by which aliens are to be prevented from coming into this country, unless they become residents and citizens of the country. I will say this, however, that while I shall vote for that bill under the present circumstances, with certain amendments to it, I do not believe it is good policy to place any such law upon the statute-book, unless it be under extraordinary circumstances, such as are presented to-day in this country, owing to the legislation which exists in the United States.

Hon. Mr. POWER—I am afraid that our friends of the American Bank Note Company will form rather a low opinion of the hospitality of the Senate.

Hon. Mr. PROWSE—We are not particular.

Hon. Mr. POWER—No, I suppose we are not, but it reminds me of a story when the question was asked by one man with respect to another "Who is he," and the answer came "He is a stranger." "Heave half a brick at him." I do not think that is the sort of principle which should govern the Senate. The promoters of the bill have good reason to complain of the way in which they have been treated in this House. There are certain recognized rules of parliamentary procedure, and certain recognized rules of practice. One of the recognized rules is that if there is any objection to the principle of a bill, it shall be discussed at the second reading. One hon. gentleman did say a few words against this bill at the second reading, and of course that hon. gentleman is perfectly justified in opposing it now. There was no substantial opposition to this bill at its second reading. The bill went before the Committee on Miscellaneous Private Bills, and the committee is the place where any serious opposition to a bill is always offered. There was no opposition.

Hon. Mr. BOLDUC—There was some.

Hon. Mr. POWER—Some hon. gentleman may have said something, but there was no discussion as far as I know; there was only one negative vote in committee.

Hon. Mr. ALMON—I have heard quite a different account of it.

Hon Mr. POWER—My hon. friend may have given a negative vote.

Hon. Mr. ALMON—I have heard there was a very long discussion and a long speech against it. If you tell me there was not, I am mistaken.

Hon. Mr POWER—There was no long discussion.

Hon. Mr. FERGUSON—There was a long discussion.

Hon. Mr. POWER—I think the hon. gentleman confounds the Standing Orders Committee with the other committee.

Hon. Mr. PROWSE—No, there was discussion.

Hon. Mr. POWER—The two counsel were heard, but there was no discussion.

Hon. Mr. McKAY—My hon. friend to my left (Mr. Prowse) spoke a quarter of an hour.

Hon. Mr. POWER—Yes, the hon. gentleman who opposes the bill spoke in committee, but there was really no serious opposition, and the hon. gentleman from Rideau (Mr. Clemow), the promoter of the bill, and my-

self were rather surprised that there was no opposition in the committee. That was the right place to have the opposition. Without any notice whatever, at the third reading of the bill, the hon. gentleman moves the three months' hoist. That is a most unusual proceeding and I do not think it is at all creditable to the Senate. What is the position? The American Bank Note Company have been doing business for many years. I understand from the hon. gentleman from Prince Edward Island (Mr. Ferguson) that they are an older corporation than the British American Bank Note Company and have been doing business in the United States for half a century. They have acquired certain property here and have begun to do business here and have come to us for recognition. If it was not a corporation, if it was just an individual who came in here, he could do business without any Act of incorporation, but being a corporation they must have their standing as a corporation recognized by the parliament here to enable them satisfactorily to carry on their business, and that is all that this bill does. Of course, when profound lawyers like the hon. gentleman from Prince Edward Island (Mr. Ferguson) undertake to interpret statutes, the Minister of Justice and professors of constitutional law like the hon. gentleman from Bothwell (Mr. Mills) and inferior lawyers like myself have to hide our diminished heads. This section says:

> Whereas the said company is desirous of carrying on a general engraving business in the city of Ottawa, and desires to have its organization and the fact that it is a corporation in the United States recognized and confirmed by the parliament of Canada so far as is necessary to carry out this Act.

They are given no powers except such as are necessary to carry out this Act. In order to find out what the powers are we have to look at the enacting clauses: and those clauses are that it is to be a corporation as in the United States, and to have such powers as are necessary to enable it to carry on a lithographic business in all its departments, and manufacturing such machinery as is required for its own use, and also of acquiring and holding such real and personal property as, from time to time, is required for the convenient and proper carrying on of its business. Is there anything objectionable about that? These people have already erected an expensive building in the city of Ottawa, and given employment to a great many Ottawa workingmen when employment was not easily got elsewhere, and no one has objected to their doing that. The clause proceeds:

> Provided that when any such property is no longer required for the said purposes, the company shall forthwith sell and dispose thereof.

The next clause is simply with reference to the service of any process. This company being a foreign corporation, there might be some question as to the manner in which a lawsuit should be begun against them. The next clause provides that service is to be made upon the chief officer or manager of the company, or upon any adult person in charge of such office. So that any one who has a suit against the company has no difficulty in making service. And the last clause is about the books being *prima facie* evidence. The hon. gentleman, the distinguished legal authority who moved this hoist, said the property is no security to the poor man who may have a claim against the company. Supposing, for the purpose of recovering what was due, this body, or any other body, had been incorporated here in Canada, in what other way could the poor man get at them except by bringing a suit?

In connection with the question of the liability to confound the names, the hon. leader of the Opposition gave us an illustration which I think completely cut the ground from under his own feet and those of his friends who have taken this objection. He said in the city of Belleville there are two colleges totally unlike one another, and still there is confusion.

Hon. Sir MACKENZIE BOWELL—I did not say they were totally unlike.

Hon. Mr. POWER—Would you give the names.

Hon. Sir MACKENZIE BOWELL—Ontario college and Belleville college; but they are both in the city of Belleville. Notwithstanding the difference in the names, both being in Belleville created the confusion.

Hon. Mr. POWER—It shows how much force there is in the objection. I have not the slightest interest in this Bank Note Company; I only wish I had. I think it would be

a good thing to be a shareholder in; but for the credit of the Senate and the credit of the country, we should not refuse those people any facilities that are necessary to enable them to do business.

Hon. Mr. FERGUSON—I wish to say one thing which I omitted when on my feet, and that is to have apologized to the House for expressing any opinion on this bill in the presence of such an eminent lawyer as the hon. gentleman from Halifax.

Hon. Mr. POWER—I do not claim to be an eminent lawyer, but I could not help thinking——

Hon. Mr. FERGUSON—I concede you are the greatest lawyer in Canada.

Hon. Mr. PROWSE—The hon. gentleman who has just resumed his seat after a great deal of trouble might have spared himself the responsibility of looking so carefully after the credit of the Senate. This House is able to look after its own credit as a body, individually and collectively. The hon. gentleman would like to have the House believe that this bill was not opposed in the Private Bills Committee. If he had been there he would have heard a good deal said against the bill on that occasion, and he would have heard, too, a very long speech from his friend, the hon. gentleman opposite me, from Toronto, in favour of the bill; and there was quite a little discussion, although it came from one very humble member of the Senate and a humble member of the committee. It was opposed also by a gentleman from Quebec on that occasion. It must be borne in mind that the committee was very poorly represented in numbers. There was another committee of the Senate meeting at the same time and we barely had a quorum. When the question was put by the chairman they were not disposed to divide on it, and it was allowed to go by default. The objections that I raised in the committee have been raised in a much better way in the House to-day. The first objection I raised was to the similarity of names. It was represented before the committee that confusion had already taken place, and that letters intended for one company had gone to the other company. That was not denied. There may be men who want to do business with these companies who are not well educated, and who, nevertheless, may be doing a successful business. We know that a great deal of canning business is going on in this country to-day, and an almost unlimited number of labels must be prepared for the canneries. Supposing a canning company sent an order addressed to the Bank Note Company, which company would be entitled to receive it? It is a very natural thing for such an address to be put on a letter. Another objection that I raised was on account of the exemption that this company had from the Companies Clauses Act. We were told before that committee that it was not necessary that they should have this bill passed by this parliament—that they could get all the necessary powers from the Ontario legislature. Why do they not go there for it like all the rest of them, if it is only needed for the business to be carried on here? There must be some object in it. They probably could carry on the business without any Act being passed at all here. One objection, in addition to what I have already mentioned, is that I want to give an idea to the country of the sympathy I have for our own people. We have very little sympathy and very little chance of competition across the border. We know that there is a persistent effort in the United States to exclude every Canadian who crosses the line to earn a dollar there. I want to say this, from what I have heard and read, and what I believe in reference to the contract made between this company and the government, that there is something in it which is not creditable to the government. Tenders were called for certain work, and tenders were received. The only local tender that was received was rejected. What took place then? A private correspondence was opened up, a private dicker was made between the government and this company, and the man who made the honest and faithful tender never had an opportunity of competing with the party who got the contract. I say this, from the information I have, that the Canadian company, who had an establishment here for the last thirty years, have not had fair play in the awarding of the contract. I want to express my sentiments in favour of our own people, and give my sympathy to our own people in preference to a foreign corporation which has sought this legislation.

Hon. Mr. CLEMOW—Being unfortunately in the position of promoter of the bill,

I suppose it is nothing but right and fair to all parties that I should give my views with respect to the action taken the other day in the committee. The committee discussed this matter. Two able counsel also appeared, one for the British American Company and the other for the American Bank Note Company. The party advocating the cause of the American Bank Note Company produced several precedents where a similar course had been adopted by this country in legalizing corporations from the state of New York and other states. They also showed that when a company obtained a name, it was like a trade mark and could not be changed, and was recognized all over the world.

Hon. Mr. OGILVIE—No, no.

Hon. Mr. CLEMOW—That was the legal argument; whether it was right or not I do not know. I do not give it as my opinion. Under these circumstances the committee considered the matter. It is true that upon one occasion the hon. member for Toronto advocated, upon one side, the carrying of the first part of the bill, and the hon. member for Prince Edward Island (Mr. Prowse) was the only man who took an active part in opposing it in any way. I expected, from what had been said, that we would have had a pretty animated discussion in the committee, and I never was more surprised in my life than when we took the vote and no one said a word. I am in a peculiar position, because I do not approve of the bill in every respect. I do not approve of the name.

Hon. Mr. LANDRY—Why did you not say that in the committee?

Hon. Mr. CLEMOW—Because I was not a member of the committee.

Hon Mr. OGILVIE—You had a right to speak though.

Hon. Mr. CLEMOW—I think it would be perfectly right and proper if the company agree to put in, after the name of the company, the word "foreign." Would that be a sufficiently distinguishing mark to prevent confusion? It has been done in the case of the Yukon Company. If the Senate approved of incorporating this company as "The American Bank Note Company (foreign)" I hope they might allow the bill to pass with that change. A good deal of irrelevant matter has been introduced into this discussion with respect to the contract. The contract is not to my liking, but we have nothing to do with that now. We are merely to decide whether this company is entitled to legislation such as has been granted to similar corporations before.

Hon. Mr. McCALLUM—They can go to the Ontario legislature for it.

Hon. Mr. CLEMOW—It has been shown that several corporations from the state of New York have been granted legislation here, and I see no reason why there should be a distinction made in this instance.

Hon. Mr. OGILVIE.—I can tell the hon. gentleman from Rideau division of one case that would apply. The Sun Life Insurance Company of Canada went to England to do business. They certainly were not a foreign company in England; they were just as much a British company as the Sun Life Insurance Company there. The Sun Life Insurance Company of England took a suit against the Sun Life Insurance Company of Canada, and after a good deal of trouble and a great many thousand pounds sterling having been spent, the Sun Life Insurance Company of Canada were allowed to keep their name, but they had to add to it the words "of Canada," just the same as the hon. gentleman from Kennebec (Mr. Drummond) proposes in this case to add the words "United States" or "foreign" to the name of this company. I think it is very often necessary to do that. The hon. gentleman from Bothwell (Mr. Mills) always makes a nice speech. He says the government made a contract with this company, and is not going to make a mistake in the names, but there is no man in this House knows better than the hon. gentleman from Bothwell that it is not the government that we are thinking about at all, but the general public that the company deals with. Nine times out of ten the public will be mistaken in the names. I do think that it is a very strong point that a United States company is allowed to come in here and do business under the name of the American Bank Note Company. It will be a very great injustice to the British American Bank Note Company to have the name given to them by Act of parliament. I did not realize the injury it would do until I heard the hon. gentleman from Kennebec

(Mr. Drummond) suggest it. It would be taking away from the British American Bank Note Company its name and business amongst people who do not know anything about this new company. We are not bound, as an hon. member said a moment ago, to give the American Bank Note Company their title, or any title ; let them come in and ask for a charter under any name they may select, the same as a Canadian would have to do, and if they are treated as well as a Canadian company, they certainly have nothing to complain of. I do not see why we should be asked to give special privileges to a foreign company coming in here. We are told that they are going to invest a lot of capital in Canada, but a large portion of their money is spent in the United States to-day and their men are working to-day in the state of New York. That is where the work is being done and that is where all their expensive outlay is, and instead of $6,000 a year being spent there $60,000 would be nearer the amount.

Hon. Mr. COX—I think it unfortunate this discussion should have taken the course it has. I do not think there is much danger of any confounding of the names American and British American, and I cannot see how any great harm would arise if a mistake did occur by one party getting a letter intended for another. These things occur in names much more dissimilar than those to which we have been referred. The British American Assurance Company, a Canadian company, was admitted to do business in the United States, notwithstanding the fact that there is an American Assurance Company there. We would have all felt it was a very small piece of business if the British American Company had been refused admission to the United States because of that. The Canadian Bank of Commerce is admitted to do business in the city of New York, with the Bank of Commerce—an American bank —doing business on the same street.

Hon. Mr. FORGET—They are taxed on the capital they have.

Hon. Mr. COX—The American Bank Note Co. will be taxed here. If not, they ought to be, and undoubtedly will be. I simply wanted to point out that we are exhibiting a feeling about the similarity of the name that I am afraid arises from the fact that we are not altogether pleased that the American Bank Note Co. has been given this contract.

Hon. Mr. OGILVIE—Hear, hear. I acknowledge the corn.

Hon. Mr. COX—The danger is that we are influenced, whether we intend to be or not, by that fact, and I think this is a poor way of showing it.

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

Hon. Mr. COX—I am only giving my opinion. A great many of our Canadian institutions are doing business in the United States and a great many United States institutions are doing business in Canada to the mutual benefit, I believe, of all those institutions, and it would be a great pity to have any feeling arise or any discussion take place that would create a prejudice or want of friendly relations between the two countries.

Hon. Mr. OGILVIE—The alien labour law, for instance.

Hon. Mr. COX—We all deprecate that. We are ashamed of it. We have to pass a similar law here, and we feel ashamed of it. I think it is a small business for either country. I am afraid that this discussion is partaking of something of the same character—it is a feeling of prejudice because the American Bank Note Co. got the contract, and we are showing it in a way that does not do the Senate credit. I hope the bill will pass. It will not do this House or the country any harm to pass it now, and to throw it out would be displaying a feeling that would not be creditable to the dignity of this House.

Hon. Mr. LOUGHEED—I cannot acquiesce in much that has been said by many of my political friends on this side of the House with regard to this bill. I usually agree with them because I recognize their wisdom indisputably on many subjects they discuss. But on this matter I differ on two or three propositions that they have laid down. In the first place serious objection is taken to the passage of this bill by reason of its being alleged to be a novel act and without precedent. If we have precedents of this

character, and there is a line of precedents establishing this class of legislation, and there has been no abuse of charters of the kind in question I think we should not depart from the precedent which has been so long established in our statute books, in reference to this particular class of charter. Therefore I cannot agree with the objections which have been taken by many hon. gentlemen that this class of charter should not be accepted by this House, and that it is questionable in the extreme by reason of its not setting out the domestic regulations which must govern this company. My attention has been directed to three or four charters of a similar character which have passed the Canadian parliament. In 1882 an Act was passed by the Dominion parliament respecting the New York and Ontario Furnace Company, incorporated under the laws of New Jersey, United States of America, I find at that period the parliament of Canada passed a precisely similar charter to the one now before us. The charter obtained by that particular company in the state of New York was recognized by parliament, and a charter was given to them almost precisely in the language of the charter now under discussion. At a later period, in 1886, during that session of parliament two charters were granted to similar companies. One was under the Act respecting the Anglo-American Iron Company, a corporation incorporated under the general laws of the state of Ohio, one of the United States of America, in which almost the same language is used as we find in the Act before us. During the same session of parliament another Act was passed known as the Canada Copper Company, whereby an American corporation incorporated in Ohio received recognition by our parliament, and the Act passed in the language of the Act before us. Therefore upon that particular ground the argument is untenable. There are precedents governing the passage of a charter like this. Knowing as I do that there are several Acts on our statute books of a precisely similar character, I am bound in justice to the petitioner for this bill to support the measure on that particular ground. The next serious objection which has been urged is the use of the name American Bank Note Company. Of course this is a matter upon which the discretion of hon. gentlemen can be exercised and which cannot be arbitrarily governed by precedent. I would point out, however, a very serious consideration in connection with this particular branch of the question that if this parliament should not grant to the American Bank Note Company the name which they are now using and which I understand they have used for the last half century there is nothing to prevent the Governor in Council under the Letters Patent Act from granting them that particular name. That is to say, this company under the General Companies Act could have applied to the Governor in Council for letters patent asking for a charter of incorporation and asking for the sanction of the Governor in Council to this particular name and I am satisfied that the Governor in Council would have granted them that name. There is nothing, I presume at the present time, to indicate if we should throw out this bill and not permit them to use the name under which they have been doing business for so many years, the Governor in Council would not use the discretion vested in him and grant them the name which we would refuse. The throwing out of the bill in the Senate seems to be in the air. I have been recently made the victim of a bill being thrown out and the discretion of the Senate in doing so can of course be so exercised. But I think when the Senate exercises its discretion in refusing legislation, there should the best possible ground for doing so. I do not think, with due deference to the arguments advanced and objections taken by my hon. friend on this side of the House, that there is sufficient ground for the objections taken. So far as a conflict may be concerned in the user of the two names, I apprehend that the Dominion government will hardly make a mistake in the matter of their contract between the two companies. If the Dominion government should make a mistake and throw their work to the British American Bank Note Company, I fancy that company will make no objections. I cannot see, therefore, so far as the government is concerned, that there is any danger of their mistaking the entity of either company. So far as the public mistaking those two names is concerned, I do not think there is much probability of that arising for the simple reason that parties doing business with these two companies here, parties occupying a high position in the commercial world, and that they are not

likely to fall into confusion as would be the case with illiterate persons having business to do with them. The American Bank Note Co. has been doing business in the Dominion of Canada for a great number of years. I accept the statement of the solicitor of the company that for many years previous to the establishing of the British American Bank Note Co. the American Bank Note Co. did do business in the Dominion of Canada, and did it on a very large scale under the supervision or agency of the present president of the British American Co. I am also informed that the American Bank Note Co. have been doing business for a number of years with a dozen chartered banks of the country and under that particular name. Unless a more serious objection can be urged to the adoption of the name in question we should not conclude that confusion would result from the employment of this name as has been urged by the opponents of the bill. I would therefore submit to hon. gentlemen that unless very serious objections are shown to exist to this bill hon. gentlemen should divest their minds of all political phases of the subject and deal with the bill on its merits.

Hon. Mr. DRUMMOND—I would appeal to the mover of the amendment to adopt the suggestion which I threw out. It would be an extreme measure to throw out the bill at this stage of the session, and I therefore respectfully move that after the words "American Bank Note Company" in the title the words "U.S." in brackets be added. There could be no mistake made as to the title; and further in the preamble, after the word "mentioned" in the sixth line, expunge to the word "Act" in the ninth line, and make it read

Whereas the American Bank Note Company has by its petition, represented that it is incorporated under the general laws of the state of New York, one of the United States, and that it is desirous of establishing offices and works at the city of Ottawa, Ottawa, for the purposes hereinafter mentioned; and also to have the powers hereinafter mentioned, and has prayed for the passing of an Act for the purposes aforesaid.

We have been told that the preamble is a matter of no consequence, and there can be objection to making this change.

Hon. Mr. McMILLAN—I would suggest to the hon. gentleman to leave out to the word "aforesaid" in the eleventh line; it would read better.

Hon. Mr. SCOTT—Would the hon. gentleman suggest a change to the corporate name?

Hon. Mr. DRUMMOND—No, to the title.

Hon. Mr. SCOTT—The company under the first clause, assuming this bill to pass, would be incorporated as the American Bank Note Company, wholly apart from the title at the head of the bill.

Hon. Sir MACKENZIE BOWELL—You could insert "U. S." in the body of the bill too.

Hon. Mr. SCOTT—That would not do. They are known all over the world as the American Bank Note Company.

Hon. Mr. OGILVIE—It is their name; they are the United States company.

Hon. Mr. SCOTT—Their name in the United States is the American Bank Note Company.

Hon. Mr. OGILVIE—When they come to Canada they put "U. S." after their name in brackets so that they will be known.

Hon. Mr. SCOTT—They have been doing business in Canada for many years. The great banks of Canada—the Bank of Montreal, the Bank of Commerce and other banks have gone to New York to do business with them. Some hon. gentlemen appear to be of the opinion that it would be infinitely better to have them send their work to New York and have it done there, than to have it done in Canada. That is evidently the view of the House, and all for a matter of feeling which I think ought not to be introduced into a question of this kind. I have no recollection of a bill so restrictive as this bill coming before the Senate, consisting as it does of one single clause (because the second clause relates mostly to the service of processes). Of course the company can get letters patent; it is only a matter of six weeks' delay. If the House choose in this way to express dissatisfaction with the policy of the government, they have a right to do so, but they do not hit the Bank Note Company very hard, because all they have to do is to apply for letters

patent. Had they any idea that such an opposition would be offered they would not have come to parliament. Their establishment is known over Canada. The banks of this country have done business with them, and we certainly ought to invite them to come to Canada, wholly apart from the question of the contract with the government by which it is believed that $125,000 can be saved. Of course, I am not going to discuss that now, but there is that feature which hon. gentlemen should bear in mind apart from the fact that we are now sending a large amount of business to New York from various important institutions in this country which can be saved to Canada. That is something to be considered, wholly apart from the question of giving them the engraving of the Canadian notes. The bill confers less powers on this company than on any company that has ever been incorporated by the parliament of Canada, because an unusual clause is added. In the first place, their incorporating powers are for the carrying out of the contract. The moment they go out of that business they have to sell their property. There is a provision in the bill to that effect. Will any hon. gentleman point out where similar words are embraced in an Act of parliament? My memory does not recall a single instance where a limitation of that kind appears. They have asked for as little as it is possible to ask for. They have agreed that their business shall be carried on for certain limited purposes; and when those limited purposes are over they shall sell the property and no longer continue in existence.

Hon. Sir MACKENZIE BOWELL—Will the hon. gentleman tell us why that clause is there compelling them to sell the property?

Hon. Mr. SCOTT—I do not know. My attention was never called to it.

Hon. Sir WILLIAM HINGSTON—I wish to give my reason for my vote on this bill. I do not think we should approach this question in a narrow spirit, nor should we be influenced by the circumstance of any contract which may have been entered into recently. But it occurs to me that there are objections to the preamble, and very strong objections. First, there may be an injustice done to the Canadian Bank Note Company by the incorporation of another company with a name so nearly similar. Several hon. gentlemen seem to have the interest of those on the other side of the line very much at heart. But let us look to our own institutions and not permit injustice to be done to them. My other objection to the preamble is that we are asked to pass an Act "for the aforesaid purposes," and what are the aforesaid purposes? To recognize and confirm an organization with corporate powers of which we really know nothing. I should object to any preamble asking us to give unknown powers and to recognize an organization from any other country when we do not know the powers which we are asked to extend to our Dominion.

Hon. Mr. FERGUSON—As I understand, there is a disposition to accept some amendments to this bill, and I therefore beg leave to withdraw my motion, and let the sense of the House be taken on the amendment.

Hon. Mr. SCOTT—You kill the bill if you adopt the amendment. They cannot go on without their corporate title. It is too late in the session to pass the amendments through the House of Commons

The amendment was withdrawn.

The Hon. the SPEAKER—The question is on the amendment moved by the hon. member for Kennebec:

That after the words "The American Bank Note Company," the word "foreign" be put in brackets; and that all after the word "mentioned," in the sixth line, be expunged up to the word "and" in the ninth line, and the word "also" in the same line.

The amendment was adopted.

Hon. Mr. CLEMOW moved the third reading of the bill.

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

It being six o'clock the Speaker left the Chair.

After Recess.

THIRD READING.

Bill (92) "An Act respecting the Great Eastern Railway Company."—(Mr. Bellerose.)

CONTINGENT ACCOUNTS OF THE SENATE.

THIRD REPORT OF THE COMMITTEE ADOPTED.

Hon. Mr. KIRCHHOFFER moved the adoption of the third report of the Standing Committee on Internal Economy and Contingent Accounts of the Senate.

Hon. Mr. McKAY—Before this report is adopted, we should have some explanation with reference to some of the clauses. The principal clause which calls for explanation is the ninth. It is only a few years since this House deliberately made arrangements with regard to the party in whose charge the messengers were to be. At that time we placed the messengers of the House in charge of the serjeant-at-arms. This is about the only reform that has been made since the change of the committee and they must have had this in view when the committee was named. They took away the charge of the messengers from the serjeant-at-arms and placed a portion of them under the housekeeper. Some I notice are not under the charge of anybody. The newsroom keeper should be his own master, but I do not see why we should have the Speaker's messenger and the messenger employed to assist the clerk of stationery without any particular head. The messenger employed in the stationery department is employed only a short time during the recess, while the stationery is coming in. Under this arrangement he would be at liberty to be kicking his heels about the streets. He should be under the charge of somebody.

Hon. Mr. KIRCHHOFFER—As far as the item to which the hon. gentleman objects is concerned, the matter was debated before the committee, and they came to the conclusion that when the messengers were placed in charge of the head messenger we should not interfere with whatever control the Speaker had over his own messenger. We did not think it would be right for us to take him out of the control of the Speaker and put him in charge of anybody else. With regard to the other, he is under the control of Mr. Young, and he has special duties there. If it was shown that the messenger in Mr. Young's department had not enough to keep him employed all the time, or any time he was needed in the department to which he is assigned, there would be no objection to his services being used in the way of general messenger.

Hon. Mr. POWER—I thought the hon. chairman of the committee proposed to move that this report be considered clause by clause. That would be the better way.

Hon. Mr. KIRCHHOFFER moved that clauses 1, 2, 3, 4 and 5 be adopted.

The motion was agreed to.

Hon. Mr. KIRCHHOFFER moved the adoption of the sixth clause.

Hon. Mr. McMILLAN moved in amendment:

That the said paragraph be adopted except that portion which relates to the increase of salary of Edward Ashe, and that it be resolved that such increase be $100 instead of $50.

He said: As he is in charge of everything that belongs to the Senate restaurant, and is obliged to take stock now, and will be obliged also to take an inventory of everything there before the House meets again, and his duties are not very small. In fact, the responsibility is large and the sum of $50 for this service is considered too small. We ask for $100.

Hon. Mr. MILLER—If anything of that sort is to be done, the regular way to do it is, unless it is done by unanimous consent of the House, to refer it back to the committee to make the change. However, I shall not take the objection unless any other member of the House chooses to do so, but what I suggest would be the regular course to adopt.

Hon. Mr. KIRCHHOFFER—Such a course as that proposed by the hon. gentleman would necessitate another meeting of the committee. I do not suppose any member of the committee, when it is brought before him as it has been done by the hon. gentleman from Glengarry (Mr. McMillan), will have any objection to take the course which he proposes. I for one have no objection.

Hon. Mr. POWER—Mr. Ashe has been a very good messenger, but it will require a little experience to find out whether or not he is going to be quite successful in the new role which he has to play, and inasmuch as parliament is likely to meet, I suppose, six months from now, if Mr. Ashe so manages things during the recess of parliament as to

give satisfaction, the additional pay can be provided for at the next meeting of parliament.

Hon. Mr. McCALLUM—What duties has he to perform during the recess?

Hon. Mr. McMILLAN—We have the cheque of the caterer for $100 to make good all losses and breakages, and in order to discover how many articles have been broken and done away with, a regular inventory of the stock must be taken. That will entail perhaps three or four days' labour.

Hon. Mr. POWER—But while he is doing that he will not be doing anything else.

Hon. Mr. McMILLAN—He has been doing work for the Senate Restaurant Committee ever since the House met, and this amendment states that he is to get the increase from the 1st of July next. Before the House meets again he must take that inventory to ascertain what stock we have, so as to be able to tell exactly what breakages or losses have occurred between. Besides, he has charge of the stock and is responsible to the House for its safe keeping.

Hon. Mr. POWER—The point the hon. gentleman from Glengarry seems to lose is this: we are paying Ashe $600 a year. We are paying for his services for a certain number of hours a day, and if he is engaged attending to business for the Restaurant Committee he is not engaged at the other business for which he is employed; and I suppose when the House pays an officer a salary, the Senate is entitled to all his services as far as they are required for the purposes of the Senate. As I said before, we give him $50, because a portion of his time now is to be devoted to the Restaurant Committee instead of to the service of the Speaker. If it is found at the expiration of the recess that he has done things in such a way as to give perfect satisfaction, I should not object to giving him a further increase of $50; but I do not think we should be too liberal with the public money. Probably if Ashe were the employé of one of the individual senators, he would not feel called upon to increase his allowance in this way.

Hon. Sir MACKENZIE BOWELL—As I understand the question, the proposition of the committee is to relieve Mr. Soutter, who formerly did the work now relegated to Ashe. For that Mr. Soutter was paid $100. That is taken from him, and $50 recommended to be given to Ashe. The hon. gentleman from Glengarry (Mr. McMillan) proposes that the $100 formerly given to Mr. Soutter should be given to Mr. Ashe. I am informed, and speak with the consent of the Speaker, that Ashe has really been doing this work for a long time, and that he is, without exception, one of the most reliable men connected with his department; and whenever he has any responsible work to do, or places anything in his charge, it is well attended to, and that he has the most implicit confidence in him. It is not increasing the expenditure.

Hon. Mr. McKAY—Excuse me, it is increasing the expenditure, because the committee have only taken $50 off Mr. Soutter's salary. He did receive $100 for that work, but only $50 is taken off.

Hon. Sir MACKENZIE BOWELL—I cannot understand how that is done. Mr. Soutter occupies the position, I take it, of either a second or third class clerk, whatever his position may be, and the recommendation would have to be, if he is relieved of that work, to increase his salary by the amount of $50.

Hon. Mr. McKAY—No.

Hon. Sir MACKENZIE BOWELL—Yes, unless there is no minimum or maximum salary attached to the position which he holds. In the Civil Service Act the maximum pay of second class clerks is $1,400, and the maximum pay of a third class clerk is $1,000. However, when I made the first statement I supposed it was just transferring the duty from one to the other, and that it was carrying the extra pay which Soutter received for it. I quite agree with the doctrine laid down by the hon. gentleman from Halifax (Mr. Power), that in the case of a servant of the Senate or of the government under a salary, the government is entitled to all his time within certain hours and within a certain time, and that we should not recognize the principle which has prevailed to a very great extent in the past, to pay a certain amount, and if you ask him to do anything more, give him a little extra.

Hon. Mr. LOUGHEED—In answer to the remarks of the hon. gentleman who has just resumed his seat, it may be pointed out that Mr. Soutter, who formerly acted as clerk of the committee, was paid at the rate of $150 a year.

Hon. Mr. McKAY—$100.

Hon. Mr. McMILLAN—$150.

Hon. Mr. LOUGHEED—I thought it was $150 he was paid.

Hon. Mr. McMILLAN—I will read from the Journals of the House, vol. 28, page 252, 1894:

> The clerk of private bills shall perform all the duties of the clerk of the committee on the restaurant and render the necessary assistance and supervision of the restaurant and taking care of the furnishings thereof, your committee recommend that the salary of Mr. Soutter, clerk of Private Bills Committee, be increased from $1,500 to $1,600 per year, such increase to take effect from the 1st day of July, 1894.

Hon. Mr. McKAY—Previous to that date the practice was to vote $100 extra to Mr. Soutter for the care of the restaurant. That mode of paying him was objected to by the Auditor General, as being a payment outside of his salary. The committee intended giving him an increase of $50 to his salary, and in addition to that, they made him clerk of the Restaurant Committee and added $100 to his salary. He would have got $50 any way, and the allowance for the restaurant was only $100.

Hon. Mr. MILLER—This discussion shows the wisdom of the whole Senate resolving themselves into a contingencies committee to discuss these contemptible little things, as if a committee of 25 members of this House were not sufficient to attend to it. I will ask the House——

Hon. Mr. POWER—The hon. gentleman is out of order. The question has been put.

Hon. Mr. MILLER—I am not out of order. I take exception to the motion because it is out of order. The only amendment that can be made to this report of the committee would be an amendment to send the report back with instructions to amend it in a certain way, and if that motion is made the sense of the House can be taken upon it, but I object to the motion before the House as out of order.

Hon. Mr. POWER—I think the hon. gentleman's point of order is not well taken. The chairman of the committee moved that the report be taken up clause by clause, or rather paragraph by paragraph. When this House has a paragraph before it, the House is seized of it and can do just as it pleases with it. If the House chooses to refer any portion of the report, it can, but if it does not, it can deal with it here.

Hon. Mr. MILLER—I differ from the hon. gentleman. It does not follow, when the chairman moved that the report be taken up clause by clause, that he moves that it be taken up and dealt with in any way except by parliamentary rule. According to parliamentary rule the way to amend any portion of the report of a committee is to send that report back to the committee to amend it in accordance with the wish of the House. It does not follow that, because we take the report up clause by clause, we can deal with it in an unparliamentary fashion. It means that we shall take these clauses up one by one, and if it is the desire of the House, for instance, that clause 6 should be amended in any way, it is done by motion that the clause be referred back to the committee to be amended according to the wishes of the House, but it cannot be done by a vote of the House. If you put the motion that way, we will come to the same thing in the end, and we will understand clearly what we are at. The way to do is to move that this clause be sent back to the committee to amend it in any way we think proper.

Hon. Mr. SCOTT—There must be some misapprehension about it. My recollection of this item is that it was represented that Mr. Soutter's salary was $1,550, and that he got $100 increase for attending to the restaurant, and as the Auditor General objected to pay it in that way, his salary was finally made $1,650. It was to get over the ruling of the Auditor General. Then when we placed Mr. Ashe in charge of the work performed by Mr. Soutter, and it was discussed whether, considering the position he occupied, the addition of $100 would not really be more than was justifiable, it was decided that instead of taking the whole $100 off Soutter's salary, we should divide it and give $50 to Ashe and reduce Soutter only $50, and that seems to be approved of by

the committee. The $50 would seem to be ample for Mr. Ashe. I think it would be better to let it go as it is.

Hon. Mr. McMILLAN—I would rather withdraw the motion than divide the House on it.

The motion was withdrawn, and the clause was adopted.

Hon. Mr. KIRCHHOFFER moved concurrence in clause 7 of the report.

Hon. Mr. LANDRY—Is there a change in the salary in this clause?

Hon. Mr. KIRCHHOFFER—No.

The clause was adopted.

Hon. Mr. KIRCHHOFFER moved that the 8th clause be concurred in.

Hon. Mr. MILLER—I asked the committee to insert that clause. It does not increase Mr. Young's salary any. He was paid $1,400 as clerk of the routine and journals, and $200 as stationery clerk, but the Auditor General it seems, made some objection to allowing the two sums in two different capacities, and therefore the two sums were placed into one, and his salary was fixed at the sum of $1,600 in one item.

The clause was adopted.

Hon. Mr. KIRCHHOFFER moved concurrence in clause 9 of the report. He said:—I may mention that the clauses referred to, Nos. 16 and 17 in the report of July, 1894, are as follows, clause 16 reads:

With a view to improving the discipline in that branch of the service, your committee recommend that the doorkeepers, messengers and pages be placed under the supervision of the serjeant-at-arms, who shall have power to suspend any member of that portion of the staff for a fortnight, any longer suspension to be by the clerk.

No. 17 reads:

The housekeeper, or chief messenger, is to continue to direct the staff of messengers, subject to the control of the serjeant-at-arms.

When this matter came before the committee it was thought that a divided control was not advisable in dealing with these servants of the House, and it was better to have the control of the messengers consolidated under one man. It was thought that the head messenger himself would be the proper one to have control, as he is here the whole time, both during the sitting of parliament and during recess. He is the only one who is immediately in contact with all these different servants, and it was thought that the serjeant-at-arms would have no wish to have the responsibility of looking after these messengers and pages and all that sort of thing, and that the man who was individually responsible for them should be the housekeeper. The matter was discussed in that way in the committee, and there was not a dissentient voice raised against it.

Hon Mr. SCOTT—Oh, yes there was.

Hon. Mr. KIRCHHOFFER—Since then I have been interviewed by each servant in the House with a grievance, each man complaining that his standing had been lowered. The charwoman objected to being placed on a level with the doorkeeper, and the doorkeeper objected to being placed on a level with the charwoman, and so on down, and each one thought he was either being reduced or degraded, and not one of them thought he was promoted. I did not pay much attention to it, because I did not think it was consistent with the dignity of the committee to listen to every grievance coming from the servants.

Hon. Mr. ALLAN—I see it refers to the Speaker's messenger and the messenger to assist the clerk of stationery. There have always been two messengers in the Speaker's room.

Hon. Mr. KIRCHHOFFER—In the Minutes I can only find there was one Speaker's messenger referred to. In looking up the matter with reference to the Speaker's messengers I found a memorandum. It goes back to the 21st of April, 1887, Larose was appointed, and in June the appointment of Ashe was confirmed. On the 3rd of July, 1894, paragraph 17 of the report states:

No further appointment will be made until the number of such messengers be reduced to five and the Speaker's messenger.

It only refers to one messenger, and it was adopted the same day, and then there was a meeting of the Committee on Internal Economy and the Minutes of their report show as follows:

Ordered that the chairman is to issue instructions that during vacation the Speaker's messengers:

They used the plural on that occasion.

When not required for the Speaker, &c.

In the Minutes of the 15th of April, 1896:

The report of the sub-committee to whom was referred the report—clause by clause—

Clause 1 was adopted, and it was resolved to make no report thereon. I believe it was decided it was better it should not be made public, and clauses 2 and 3 were adopted in the same manner. The report proceeds:

The sub-committee further recommend that, after the close of the present session, the Speaker for the time being shall be entitled to the services of only one messenger, and at the close of the session the Speaker's messenger shall join the staff of the permanent messengers.

That is the authority I had to go upon. That made it very definite that there was only one messenger under the control of the Speaker. Other hon. gentlemen may have a different light upon it, but that is all I can find.

Hon. Mr. ALLAN—As the paragraph stands now, Ashe, the other messenger, would by this paragraph be placed under the control of the housekeeper. I can only speak from my experience as a Speaker: I must confess I should object strongly to have my messenger placed under the control of anybody. So long as he discharges his duties as efficiently as he has done, I do not think he should be placed under the control of the housekeeper.

Hon. Mr. SCOTT—My hon. friend is under the impression that that part of the report was adopted unanimously. I stated an objection to it. I thought it would be much better if the control of the messengers was left as it had been in the last two or three years, in the hands of the serjeant-at-arms. He would no doubt delegate to the head messengers special duties, but that there should be some sort of appeal to him in the event of any appeal being made to exercise an undue and unpleasant control; but the committee, I am sure, had their attention called to it, would not have adopted the resolution in the words in which it is now presented to us. It surely could not be contemplated that a messenger attending the Speaker during the session was to be under the control of the head messenger, nor do I think our doorkeeper should be under the control of the head messenger. I think he should be under our control. His duties are not germane to those of any other messengers.

Hon. Mr. MILLER—He is a special officer. He is not a messenger. He does not come within the rule.

Hon. Mr. SCOTT—Oh yes, I think so. If the rule were interpreted widely, as it now reads that would be the effect of it, and I am quite sure that would not be the intention, I would suggest that those two messengers be excluded from the operation of that clause.

Hon. Mr. KIRCHHOFFER—That is the intention. It was the intention of the committee that the Speaker's messenger should be excluded from the operation of the clause.

Hon. Mr. SCOTT—He is not excluded according to the report.

Hon. Mr. POWER—I think it is pretty clear that the effect of this 9th paragraph of the report of the committee was not as thoroughly understood by some of the hon. gentlemen of the committee as might be. What does it propose to do? It proposes that paragraphs 16 and 17 of the order of the House made on the 9th of July 1894 be rescinded. These paragraphs are as follows:—

17. The housekeeper or chief messenger is to continue to direct the staff of messengers subject to the control of the serjeant-at-arms.

That puts the whole staff of messengers under the head messenger, subject to the supervision of the serjeant-at-arms. Then paragraph 16 says:

With a view to improving the discipline in that branch of the Senate service, your committee recommend that the doorkeepers, messengers and pages be placed under the supervision of the serjeant-at-arms, who shall have power to suspend any member of that portion of the staff for a fortnight, any longer suspension to be by the clerk.

The committee adopted the practice of the House of Commons. In the House of Commons the serjeant-at-arms has the general supervision over the messengers. There had been difficulty in this House and confusion arising from the fact that no superior officer had charge of the messengers, and it was with a view to putting an end to that condition that this report was adopted by the House. The question is: how has that system worked? I have yet to hear that the first complaint has been made as to the action of the serjeant at-arms. He has been

an officer of this House for some twenty-seven years. He is an officer with whom no one has ever had any reason to find fault, and in his dealings with the chief messenger he has been most considerate, and I am satisfied that the housekeeper himself will be the last person to complain in any way whatever of the action of the serjeant-at-arms. It will be seen at once that the action of the committee, in the recommendation that they have made that the jurisdiction which was given in 1894 to the serjeant-at-arms should be taken away from him, is a reflection on that officer and an implication that he has not been discharging the duties assigned to him under that report in a proper way. For that reason I object to that portion of the report. When a system is working well I do not think it should be altered. Then the latter part of the paragraph is rather more objectionable than the first part. The committee could not have intended that an officer who was directly an officer of the House in its capacity of a legislative body, like our door-keeper, should be under the jurisdiction of an officer who has no jurisdiction within this chamber.

That the door-keepers, messengers and charwomen will be placed under the control of the housekeeper with the exception of the news-room keeper and the Speaker's messenger and the messenger employed to assist the clerk of stationery.

Let us look at the history of the matter and the effect of adopting this report of the committee. In 1894 it was thought an addition to the staff was necessary. Some hon. gentlemen thought so, and the housekeeper thought so, but the committee decided it was not. In 1896 the matter was again brought to the notice of the committee, and the report which the hon. chairman of the Committee on Internal Economy has quoted from was adopted. And what was the nature of that report? They did not decide that while parliament was in session, or while the Speaker required the services of his messenger, he should be under the jurisdiction of the chief messenger and liable to be taken away from the Speaker: but they decided that during the recess of parliament the Speaker's messenger was to be under the jurisdiction of the chief messenger, who was again, of course, under the general supervision of the serjeant-at-arms. It will be found on reference to the pay-list that the Speaker's messenger is getting $800 a year. Under this report he is to get $850. Is that $850 to be paid to the Speaker's messenger solely for his services during the session? Was it not intended that that sum was to pay him for his services during the whole year? And the same way with the messenger who is attached to the stationery department. The sub-committee of last year found, on inquiry, that there was very little to be done in the stationery office by the messenger, except on a very few occasions when the stationery was being opened up and placed in the trunks and it was necessary that there should be a messenger there, and on a few other occasions. The sub-committee recommended that that messenger should be in the messenger's room and under the jurisdiction of the chief messenger, and should be summoned to the stationery office only when he was required. What will happen under this report? As soon as parliament ceases to sit that messenger and the Speaker's messenger will be under the authority of no one. The jurisdiction of the serjeant-at-arms is taken away, and this paragraph proposes to take away the jurisdiction of the chief messenger, and you have those two messengers, who are paid for their services the whole year, walking about at large under the control of no one. Our staff of permanent messengers had been considered too small, and the committee of 1894 made those arrangements to avoid appointing permanent messengers. It seems to me there is nothing in this paragraph of the report which should commend itself to the good judgment of the House.

Hon. Mr. ALLAN—Are you referring to the last paragraph?

Hon. Mr. POWER—Yes, the 9th paragraph. In the first place I do not think we should reflect—as this paragraph will be understood to reflect—on an officer like the serjeant-at-arms, who has been 27 years here, and against whom there is nothing to be said; and while I voted against the chief messenger, I am bound to say that he is energetic and thoroughly honest and reliable. I do not see why any messenger should be taken away from his control and placed in the position of a gentleman at large, because that is just about what will happen. Feeling that way, I move that the 9th paragraph of the report be stricken out.

Hon. Mr. PERLEY—It will have to be referred back.

Hon. Mr. POWER—No; the hon. gentleman moved that the 9th paragraph be adopted, and I move that it be stricken out.

Hon. Mr. KIRCHHOFFER—In reply to what the hon. gentleman from Halifax has said, I wish to say a few words. In regard to the appointment of the chief messenger, it is needless for me to say that the committee did not intend, and did not make any reflections whatever on the serjeant-at-arms, and he must go out of his way if he attempts to find himself insulted by the action of the committee. With regard to the former condition of affairs working so admirably, I heard something entirely different. A great many of these messengers are employed for the year round, and have an easy time of it, and their services are often needed during recess; but according to the way it was reported to me, whoever looked after them during that time, there was no authority ever invoked; if these men were wanted to work they could not be found, and there was no way in which their services were used during the recess. That is the way the report came to us, and it was thought, consequently, that the party who was nearest to them who would have them under his immediate control, who was here the whole time, should be the one to have the authority over them. As far as the doorkeeper is concerned, I do not think he can be dignified with the title of an officer of the House. He does not spend his time in taking care of the Senate, but in taking part in other matters, some of which have been brought before the Senate. He has not been under the control of anybody. If anybody had had control of him, certain circumstances which have arisen would not have been allowed to arise. These matters were discussed before the committee, and after a full discussion, and after all the facts were brought out, it was thought better not to have divided authority, but to have it under the control of one man who would be responsible, and whom the committee could bring to book if he had not exercised his control in the proper way. I do not think it would be right to strike out that clause.

Hon. Mr. ALLAN—Is there any objection to adding an "s" to the words "Speaker's messenger?"

Hon. Mr. KIRCHHOFFER—Not the slightest.

Hon. Mr. McKAY—Is it understood that out of session these two messengers shall be relieved from duties altogether?

Hon. Mr. ALLAN—It makes no difference between session and out of session. I contend the Speaker's messenger during the session should not be under the control of the housekeeper at all.

Hon. Mr. McKAY—I admit that, and we should have it understood whether those two messengers are to be under the control of the housekeeper during recess. He has as much need of them during the recess as we have for them in the session. The pay-roll of this House has Larose as the Speaker's messenger, and the other man has been there continuously from year to year, and there has never been an attempt to take it away from him except during the recess. I do not think it is wise that these two messengers should be relieved from all responsibility as soon as the House closes, and that is the meaning of putting the two messengers in this place.

Hon. Mr. MACDONALD (P.E.I.)—I think it is the duty of the Senate to see that those messengers are under the control of an officer of the House. They were formerly under the control of the Usher of the Black Rod, and a couple of years ago they were put under the control of the serjeant-at-arms. There is no complaint at all, as far as I have heard, at the present time, of the way in which they were looked after by that gentleman, and considering that he is the proper officer to be in charge of those persons, I am in favour of the motion made by the hon. gentleman from Halifax that this paragraph of the report be struck out.

Hon. Mr. MILLER—I do not see the hon. gentleman here who made the motion on which the clause was put in the report. I do not agree that there was no complaint made as to the way in which the messengers were managed under the serjeant-at-arms. The head messenger did complain that during the recess, while he was in the building all the time in his office, the serjeant-at-arms was not there all the time, and that the messengers did just as they pleased, and he had no control over them; and it was

not with the intention of casting any reflection upon Mr. Lemoine that the motion was made or seconded, but because it was considered necessary that an employé of the House who was continually in his room and who was well qualified to have supervision of these inferior servants, and look after them that the motion was made. I may say, with regard to the chief messenger, I did not vote for his appointment; but I think, from the experience I have had of him since he was appointed, he is a very efficient officer in his position, active and useful, and tries to make himself as accommodating as he can, and to do his duties as well as he is able; and I think for the reason that the serjeant-at-arms is not here all the time during the recess, and that some supervision is required over these officers, it is well that the messengers who are in the messenger's room should be under his control. The reason the change was made two or three years ago was that our then chief messenger had then become old, and was considered not active enough, on account of his years, to look after these subordinates and it was for that reason they were placed under the control of the serjeant-at-arms. From the little experience I have had myself—although I did not move in making the change, I made no objection to it—I think ordinary messengers would be better under the control of the chief messenger who is always here.

Hon. Mr. BELLEROSE—I believe it was by my vote that the chief housekeeper got his appointment. There was a tie in the House, and my vote in favour of the present chief keeper got him the office. That officer is a most efficient one. No better officer can be found. While things are so, it is no reason why we should not follow the rule which is usually followed under such circumstances. An inferior officer has always a superior officer over him, and I feel that while the Speaker is away, there ought to be a superior officer who has supervision of subordinate officers.

Hon. Mr. MILLER—The clerk of the House is supposed to have supervision over the whole department.

Hon. Mr. BELLEROSE—I should think that it is better to have a superior officer who has the authority of this House than one who is only supposed to have it. In the present state of things if the serjeant-at-arms is absent during the recess, or in any other circumstance, this does not deprive the chief keeper from using his authority,—on the contrary, it is then that he ought to be more strict. I cannot understand how it can be stated that because there is a superior officer who has a general supervision, therefore, if that officer is absent, the chief keeper has no control—and I should think that if the messengers have refused under such circumstances to do their duty, they should have been dismissed. Surely the name of chief keeper ought to show what his position is—he is chief of the messengers. The serjeant-at-arms has not been appointed commander, but superintendent. So when the superintendent is absent the chief keeper is in command, and he has a right to force those messengers to do their duty. There is no use in advancing as arguments statements which are not arguments. The facts are these: let the House decide on them. If the serjeant-at-arms is set aside, I say no other superior officer of the Senate ought to have supervision, and the chief keeper ought not to be left alone, and that is the reason why, though favourable to the chief keeper, I believe it would be wrong to accept the 9th item of the report doing away with the arrangement of a few years ago, which was the wisest one the House could adopt.

Hon. Mr. FERGUSON—The reasons which have been cited by the hon. gentleman from Richmond (Mr. Miller) fully justify this clause in the report. For myself, and I think every member of the committee, there was not the slightest reflection intended to be passed on the serjeant-at-arms in making this change. Mr. Lemoine we regard as a most valuable officer in this House, who does his duty well, but, as the hon. gentleman from Richmond has stated, Mr. Lemoine does not live in this building even when the House is in session. I am here some times very early in the morning and late at night, and I have had occasion to trouble the chief messenger a good deal, and I have learned from what I have seen late in the evening and early in the morning, and also what, as has been stated by the hon. gentleman from Richmond, occurs during the recess, that upon the whole it would be better that the control of the messengers

should be in the hands of the housekeeper who is always here and who is very competent. I am quite satisfied that the proposed change will lead to efficiency. There will not be any divided control. The man who is here all the time, and is admittedly competent, will have control of the messengers. I do not understand these questions as well as the older members of the House and I was not aware of how the duties were divided between the messengers, and I would not have the slightest objection to amending the report as suggested if it is usual to have two of the messengers assigned to the Speaker.

Hon. Mr. PROWSE—I should like to support the report of the committee, because I think they are in a very much better position to judge of the propriety of making changes than the Senate is. At the same time, in this case, I am disposed to support the amendment because, if we adopt the report of the committee, there are two messengers who have no supervision whatever. The rule adopted some years ago is repealed by this clause, where all the messengers were placed under the supervision of the serjeant-at-arms. By adopting the report of the committee, we relieve them from the control of the serjeant-at-arms and we do not place them under the control of anybody else. Consequently, when the Senate prorogues these messengers are gentlemen at large. There has been no friction, as far as I know, I understand the serjeant-at-arms is here all the year round. He is not living in the building, but he is here to listen to complaints, and I understand there has been no friction whatever. In fact, I understand the housekeeper has practically had control of the messengers, and that is a good arrangement to make. The serjeant-at-arms has not interfered except on an appeal from the housekeeper. Then the serjeant-at-arms is a higher authority to settle the difficulty. Looking at it from this point, I am inclined to think the committee has made a mistake in removing the control from the serjeant-at-arms and placing it in the hands of the housekeeper. I have no fault to find with the housekeeper. He is an excellent officer, doing his duty well, but this change proposed by the committee will not work so well in the future and we had better strike out the clause

The Senate divided on the amendment, which was rejected by the following vote:

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Hon. Mr. McKAY—It appears to me that the sense of the House a little while ago was that there should be some change with regard to the Speaker's messenger. This change might be stated "with the exception of the newsroom keeper the Speaker's messenger during session." If I had my own way I would strike out the messenger employed to assist the clerk of stationery. With the consent of the House that change might be made. In order to test the sense of the House I move that the amendment be made.

The Hon. the SPEAKER—I believe the House is taking away the privilege which has been granted to Speakers before me. It was always understood that the Speaker's messenger was under the control of the Speaker. He may, for instance, come here during the recess, and my predecessors have always had the service of their own messengers, even during the recess. I see no objection to the Speaker's messenger rendering services as a messenger when he is not called upon to serve the Speaker, but I would suggest that the position of Speaker's messenger should remain as before. If you make this change the Speaker's messenger would now be in a worse position than he has been in under the old arrangement.

Hon. Mr. MILLER—I can corroborate what His Honour the Speaker says. It has

always been the custom of the Speaker to have control of his messengers, and several speakers have taken their messengers away from the seat of parliament—taken them to their homes and used their services during the recess as officers attached to them personally, whose actions and services they had the right to control. It will be just as well, as the Speaker has raised the point, to leave it as it is.

Hon. Mr. McKAY—I understand the Speaker to object to the amendment on the ground that it is making matters worse. My intention was to improve the position of the Speaker's messenger, but having heard the Speaker's view of it, I wish to withdraw the amendment.

The paragraph was concurred in and the report as a whole was adopted.

SAVINGS BANKS IN THE PROVINCE OF QUEBEC BILL.

FIRST READING.

Hon. Sir WILLIAM HINGSTON introduced Bill (N) "An Act to amend the Act respecting Savings Banks in the Province of Quebec." He said:—There are only two financial institutions affected by this bill—the Caisse d'Economie of Quebec and the City and District Savings Bank of Montreal. They both suffer, at present, from a plethora of cash—more money than they can dispose of, and this bill merely enables them to extend the list of securities on which they may lend, and the list of securities in which they may invest.

The bill was read the first time.

RAILWAY ACT AMENDMENT BILL.

REPORT OF COMMITTEE ADOPTED.

Hon. Mr. McCALLUM, in the absence of the chairman (Mr. Vidal), moved the adoption of the report of the Standing Committee on Railways, Telegraphs and Harbours, to whom was referred Bill (16) "An Act to amend the Railway Act."

Hon. Mr. LOUGHEED—As I had charge of the bill with which the report deals, I desire to say a few words before it is finally disposed of. I might say that the promoters of the bill until yesterday had reason to congratulate themselves upon their success with the bill through its various stages. They were successful in the different steps taken in the House of Commons with this bill until yesterday they met with disaster. They have intimated to me that, notwithstanding the defeat of yesterday at the hands of the committee, they are not disposed to abandon the bill without again bringing it before this House and presenting their case in as brief a manner as I possibly can. There may be many hon. gentlemen who were not present in the Railway Committee when this bill was considered by that body, and as the principle of the bill was not discussed in this House upon its second reading, it therefore may not be amiss on my part to outline and direct the attention of the House to the scope of the measure. It proposes, as hon. gentlemen who have studied the bill will observe, to simply declare that the Railway Act should be amended by stating that bicycles shall be regarded as baggage by the railway companies. The public seem to have fallen into what I may term an error in thinking the railway companies are obliged to carry baggage free, and the impression has also prevailed that this bill calls upon the companies to carry bicycles free of charge. I may say that that is a mistake. The Railway Act does not make it obligatory on railway companies to carry baggage free. Railway companies, catering to the public to secure their patronage, have made the concession of carrying for the public their baggage free. Now, the only section in the Railway Act which deals with the question of baggage is section 250, which this bill proposes to amend. That is as follows:

> Checks shall be affixed by an agent or servant to every parcel of baggage having a handle, loop or fixture of any kind thereupon, delivered to such agent or servant for transport, and a duplicate of such check shall be given to the passenger delivering the same.

We are informed by the Canadian Wheelmen's Association, a very influential and very numerous body, that until a year ago the railway companies of Ontario and Quebec carried bicycles as baggage and free of charge. At the present time the railway companies of the maritime provinces, the Intercolonial Railway and the Canadian Pacific Railway, carry bicycles free in those provinces, and in the western part of the Dominion I understand they likewise carry them free, but in these two very influential and thickly populated provinces wherein is the bulk of the population of the Dominion, bicycles are rendered subject to a charge and not carried

as baggage. The wheelmen of the Dominion feel that a very grave wrong has been perpetrated in subjecting them to a very onerous charge in connection with this particular subject. Consequently, upon parliament meeting at the present session, petitions signed by over 25,000 wheelmen, I am informed, were presented setting out their desire that parliament should intervene and pass the legislation now before the House. It was in deference, no doubt, to these petitions and to the strong feeling expressed by the public on this subject, and also strongly represented in the press, that the House of Commons deemed it their duty to recognize public sentiment upon this question and crystallize it in the shape of the bill which successfully passed that House, supported by a very large majority. That bill upon coming to the Senate, as I stated a few moments ago, met with defeat at the hands of the Railway Committee by the small majority of, I believe, three or four. The chief objection raised to the passage of the bill seemed to be that it was deemed an interference with vested rights, and an interference with those rights always exercised by the railway companies at their own volition and not impressed upon them by legislation. I should like to point out to hon. gentlemen who choose to look at the subject in this particular light, that under the Railway Act there are strictly speaking no vested rights. The power has been reserved to the Governor in Council to at any time interfere, on the question of tolls for instance, with railway companies. Upon subjects of this character, parliament exercises a sovereign right to at any time intervene and pass legislation, notwithstanding the contention so often urged against legislation, particularly of this nature. I had occasion to point out to the committee that during the present session parliament has exercised the right of interfering with the so-called vested rights of railway companies by passing legislation of a very important character, entailing upon the railway companies very large expense. If this argument should prevail in the particular instance now before us, then to a very much greater extent has there been a decided interference with vested rights in enforcing upon the railway companies the adoption of very costly appliances in the matter of brakes, and other changes in their rolling stock for the protection of life, as well, I presume, as for the convenience of the public. Now, the growth of legislation in this particular direction has been strongly accentuated in late years in parliament calling upon the railway companies to defer to public opinion upon all classes of subjects with which the public may have to do, and which may press in an onerous way upon the public. New conditions arise, and are arising every day, and we thus find it not an unusual thing, and not an unreasonable thing, that large railway corporations, or other corporations which have to do with the public interests, should be rendered subservient to the wish of parliament, particularly when their interests conflict with the interests of the public. Therefore, we find in the present session a precedent for the so-called interference with vested rights. The Wheelmen's Association felt justified in appealing to parliament for legislation upon this subject. Canada should be in the vanguard of progressive legislation, as well as the United States, particularly in regard to matters of this character. It may be that the legislation asked for by the wheelmen had its origin in the legislation which has passed many states of the union and has now become almost the general law of the United States of America. It has been pointed out in a circular which has been distributed in the Senate that no less than eleven of the most important states of the union have adopted legislation of this character, and most of the large railway systems of the United States are carrying bicycles, not only under this particular law, but in many instances voluntarily. I, therefore, think that under these circumstances it would not be unreasonable to suppose that the people of Canada should aspire to be equally progressive with the United States. In railway legislation the Dominion of Canada can well afford to follow the example set by the United States, because we know that the most advanced legislation in railway matters is to be found in the republic—I say it should not be deemed unreasonable that this legislation should be sought from parliament by the Canadian Wheelmen's Association. I also find that in the republic of France an order has been issued at the instance of the government by which bicycles are dealt with as baggage and are carried as such, and this by the intervention of the government. Hence we find two very progressive countries adopting the legislation which is here sought. Notwithstanding the many overtures made by

the wheelmen to the railway companies to secure a compromise upon this question, they have not been able to reach one. Since November last repeated attempts have been made by those gentlemen to induce the railway companies to accept various propositions which have been advanced, but without success. Counter propositions very truly have been submitted by the railway companies to the wheelmen, but they have not been of a satisfactory character. Hence all attempts at compromise or conciliation have failed, and since the introduction of this bill in the House of Commons attempts have been made to have a sett'ement, but without avail. The committee thought yesterday that if further time were given to the two contending parties a settlement might be reached. I hope, in the event of this bill not being carried this session, that before the next session of parliament a satisfactory compromise may be arrived at, but I must say I am very sceptical upon this point, and I base my conclusions upon the failures which have already been met with by the wheelmen in their various attempts to secure a settlement. I might say that the various sections of the press throughout the Dominion have taken up this subject, and the press of this country I consider a very safe exponent of public opinion, on public and non-political matters of this character. Such leading papers as the *Globe*, the *Mail*, the *Citizen*, and various other papers which might be named, take a very strong stand upon this question and have strongly urged the adoption of the legislation in question. I might say that also behind this movement there cannot be very much less than half a million young men constituting the——

Hon. Mr. McMILLAN—Draw it mild.

Hon. Mr. LOUGHEED—Constituting the muscle and the brawn and the hope of this country, and they certainly have not been idle in moulding that public opinion which has already expressed itself so strongly on this subject and which must eventually crystallize itself into legislation. I say to hon. gentlemen that you might as well attempt to stop the ebb and flow of the tide as to try to prevent this sought for legislation from becoming a law upon our statute book at an early date. Hon. gentlemen of the Senate might as well be progressive in passing legislation upon this question, as waiting for public opinion to express itself more strongly upon it, and then afterwards reluctantly conforming to that opinion. I do not wish to create any feelings of antagonism against this bill in this House, as I fully recognize the wisdom which hon. gentlemen of this House always bring to bear upon all questions. I know that reasons may be urged against the bill, but I do contend that very much stronger reasons can be urged for its adoption, and on account of those reasons I urge its adoption to-night. There are times when public opinion may express itself in an apparently arbitrary form. You cannot always meet with that element of what you may consider justice in all movements of this kind, but yet we never hesitate, when public opinion does express itself strongly, to accept that opinion as representing the wishes of the community, and although the principles of justice which it may involve may not be according to our opinion, yet we accept it as the opinion of the public and mould it into legislation. I therefore would respectfully urge upon this House the advisability of not adopting this report, but of sending it back to the Railway Committee, or of this House resolving itself into Committee of the Whole and amend the bill and give it a third reading. I might say that the promoters of this bill had very strong hopes of securing a majority of hon. gentlemen in this House to support the bill, and thus assist its passage, but the results of yesterday, though having a dampening effect, will not lessen the ardour which will be felt for ultimate success. While perhaps called upon to bow to the opinion of the committee upon this subject, yet under the present circumstances I would move that the report be not now adopted, but that the House form itself into a Committee of the Whole and deal with the bill.

Hon. Sir MACKENZIE BOWELL—That is rather a summary way of disposing of the report of the committee. A motion not to adopt it would be quite proper to those who hold the same views as my hon. friend does, but if it is not adopted it will have to go back to the committee for reconsideration, with instructions to report in its favour. Even if the majority of the House are in favour of the principle of the bill, that could not be very well accomplished this session; and for that reason I would suggest to my

hon. friend that he should not press that motion, but leave it for the next six or seven months, during the recess, with the railway people and the wheelmen. I make that suggestion because, from conversations I have had with those who represent the railway people, I have no doubt some equitable arrangement between the parties will be arrived at before the next session of parliament; and if that be not accomplished, it may have the effect of changing the opinion of some of those who voted against the principle of the bill, as introduced by my hon. friend. The bill as it stands is too peremptory in its character. The wheelmen themselves agreed to certain amendments which would make it less objectionable than it was as first introduced, and as considered before the committee, and I must call my hon. friend's attention to this fact, that though the committee did not adopt the bill as introduced, and did not accept the amendments which were proposed, the decision was to delay the consideration of the bill until the next session of parliament. It was not a total and final rejection even of the principle of the bill, and while that is the fact—and I speak for one who had very strong opinions against peremptory legislation of that kind—that if the railway people do not come to some arrangement with them, which is more favourable to the travellers with their wheels than at present, I do not say, speaking for myself, that I would not be prepared to insist upon placing those people in a position by which they will have a greater privilege than they have at present. Having pointed out that the principle of the bill was not totally opposed or denounced, by the action of the committee, but simply a postponement of its consideration, I would suggest that my hon. friend should not press, at the present moment his motion. If he does press his motion to reject the report and restore the bill to the order paper, it is utterly impossible to get the law placed upon the statute book during the present session.

Hon. Mr. McCALLUM—I did not think the hon. gentleman would bring this matter up in the Senate again. I feel that my motion will be carried, but I can say this, I am perfectly satisfied that if this House drop it now, we will never see anything more of this bill; this will be the last of it, because it is not desirable for any railway company in this country to be at war with the people. Their object is to be at peace with all mankind, and take their money and make all they can out of them. I hope the hon. gentleman will withdraw his motion. I am satisfied—in fact, I am pretty well informed—that before very long this will be settled between them, that is, if they are open to reason, and if they are not open to reason they will come back here again. There is no desire in the Senate to do injustice to anybody, and my opinion is that the hon. gentleman should not push his motion because he cannot get it through now anyway, and the bicyclists of the country will not suffer very much during the next two or three months and that is as long as they can use their wheels. When the ice comes they cannot use them. The wheels are used for sport and recreation, and it is well enough that those who own them should pay a few shillings to the railway companies for carrying them. A man should be willing to pay if he travels for pleasure, and I hope the hon. gentleman will withdraw his motion and let the matter drop, and let the parties who are most interested—that is, the railway companies and the wheelmen—settle the matter among themselves, which they will do. Of course, if they do not do it, as my hon. friend the leader of the opposition says, I do not know what course I may take another year. If the railway companies do any injustice to the people, we cannot allow it to continue. However, I cannot see the injustice yet myself; I may see it by and by. I hope the hon. gentleman will withdraw his motion.

Some hon. MEMBERS—Withdraw, withdraw.

Hon. Mr. LOUGHEED—I do not wish to force upon this House a motion which would meet with a measure of antagonism and thus sacrifice any sympathy with this bill. Owing to the rather hopeful and assuring remarks which have been made by the hon. the leader of the opposition, and my hon. friend from Monck, I am led to hope that there will be a more favourable reception given to this bill at the next session of Parliament. I desire to say, in the event of this bill being withdrawn—and it is my intention to withdraw it in view of the observations which have been made—and the railway companies not making satisfactory concessions to the wheelmen

during recess, that this bill will confront parliament next session and be pressed with all the vigour of which its promoters are capable.

Hon. Mr. MACDONALD (P.E.I.)—I would suggest that the wheelmen, instead of sending that petition to the Senate, should send it to the railway companies who are the parties interested.

The amendment was withdrawn.

The report of the committee was adopted.

THE YUKON MINING AND TRANSPORTATION CO.'S BILL.

SECOND READING POSTPONED.

The Order of the Day being called:

Second reading of Bill (118) "An Act to incorporate the Yukon Mining and Transportation Company (Foreign.)"

Hon. Mr. LOUGHEED said:—I hope hon. gentlemen will permit the second reading of this bill to-night. I admit the irregularity of its being on the order paper, but, owing to the very short time before us, and the fact that the Railway Committee will sit to-morrow, I ask to have it read the second time to-night.

Hon. Mr. McCALLUM—I thought you had come to an understanding about this bill. I know the parties interested in it, and they are not here.

Hon. Mr. LOUGHEED—Any opposition can be urged against it in committee. Whoever opposes the bill will not oppose it to-night. If the hon. gentleman takes that position, I ask to have the order discharged and placed on the order paper for second reading to-morrow.

Hon. Mr. McCALLUM—Yes, that was the understanding.

Hon. Mr. POWER—I am afraid that means practically killing the bill.

Hon. Mr. McCALLUM—I have no object in killing the bill.

Hon. Mr. MILLER—I fear I contributed somewhat to my hon. friend not getting the second reading of his bill to-night, but I did so simply when an objection was raised by the hon. gentleman behind me (Mr. McInnes, B.C.) as to the irregularity of the bill being on the order paper. Of that irregularity there cannot be the slightest doubt, and my hon. friend admits it. I think I have convinced him that the position I took at the time was a right position. The bill, after the first reading, should have been sent direct to the Standing Orders Committee to be reported upon, but it could not possibly have gone on the Minutes until committee had reported, because, the committee might have reported against it or for it, and such a thing as putting a bill on the orders of the day for second reading before the Committee on Standing Orders had reported on it, is unheard of. It is an exception to the general rule that a bill is allowed to go on the Orders of the Day for first reading before it has been passed on by the Committee on Standing Orders, because the regular course is for the Committee on Standing Orders to pass upon the bill and to pass upon the regularity of the proceedings connected with it before it receives the first reading. It is irregularly now upon the Orders of the Day; it should not be there. When a report came in it was quite competent for my hon. friend, after the adoption of the report, to move to put it on the Orders of the Day, but to move the second reading before it was on the Orders of the Day was out of the question, and I interfered so that the proceedings might be regular. I regret very much that my hon. friend cannot get his bill read to-night and referred to the committee to-morrow, but I do not think there is any help for it.

Hon. Mr. LOUGHEED moved that the Order of the Day be discharged and placed on the Order Paper for to-morrow.

The motion was agreed to.

CATARACT POWER COMPANY'S BILL.

The Order of the Day being called:

Second reading (Bill 124) "An Act incorporating the Cataract Power Company of Hamilton, Limited."

Hon. Mr. MACINNES (Burlington) said: This bill is in precisely the same position, and it is getting so near the end of the session that I hope the House will grant the indulgence of having it read the second time, more especially as there are some gentlemen here from a distance who are waiting for the result of the bill. With the permission of the House I ask that the bill be read the second time now.

Hon. Mr. McCALLUM—There is the same objection to this motion. If these people wanted legislation they had plenty of warning to come here and give notice and get their bills through. The bill incorporating the Cataract Power Company is a very important one—one of the most important bills before the House this session, as hon. gentlemen will see before we get through with it. Therefore, as far as I am concerned, I shall not consent to the second reading, because the bill is irregularly before the House.

Hon. Mr. MACINNES (Burlington) moved that the Order of the Day be discharged and placed on the Order paper to-morrow.

The motion was agreed to.

DEPARTMENTS OF CUSTOMS AND INLAND REVENUE BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (125) "An Act respecting the Departments of Customs and Inland Revenue." He said:—This bill in effect proposes to restore the Department of Customs and the Department of Inland Revenue to the position they occupied before the passing of the Act of 1887, which placed those two departments under the control of the Minister of Customs or the Minister of Trade and Commerce for the time being. At that time the argument used in making the important change was that those two departments would be subsidiary to the Minister of Trade and Commerce, and that the controllers were not to occupy seats in the Cabinet. Sir John Macdonald, in introducing the bill in 1887, used these words:

> I may say, in the first place, that the bill will provide that it shall not come in force until proclaimed—it will come into effect by proclamation. The two Departments of Customs and Inland Revenues are administrative departments merely; they are not suggestive departments, and it is intended that in due time these two departments shall, as it were, be sub-departments of the Department of Trade and Commerce. It is also provided that the heads of those sub-departments shall be under secretaries as it were—to go in and out, but not to be members of the Cabinet, and to have diminished salaries. That is the principle of the bill.

That view was enlarged upon at the next stage of the bill, and so it continued from 1887 down to 1895, when Mr. Wood and Mr. Wallace continued to act and were not members of the Cabinet. I am quite sure that the hon. gentleman, who has had a very large experience of the Department of Customs would have appreciated during that time that the absence of those ministers from the Cabinet Council was a very serious drawback to the satisfactory way of discharging the business of that department, inasmuch as the Department of Customs is the great revenue producing department of the government and one involving a very considerable knowledge of the tariff and the various changes that from time to time have been made affecting the tariff question, and so in 1895 or 1896, when Mr. Clarke Wallace resigned, never having been a member of the Cabinet, the member for Victoria was called to fill the position formerly held by Mr. Wallace, and assurance was given that he would become a member of the Cabinet and he and Mr. Wood were subsequently introduced and became Cabinet ministers, equal in power with the other ministers. It could not be considered that the moment they took seats at the Cabinet table they were subordinate to the Minister of Trade and Commerce, because the members present at the council table certainly are on an equal plane, and their views would be equally powerful with the Minister of Trade and Commerce whatever the original intention might be. This bill practically, therefore, by legislation places those two officers in the position which the late government considered they should occupy. Objection was taken to the mode of introducing them into the Cabinet, more particulary as Sir John Macdonald himself, when he introduced the bill, laid down the principle that they were not to be Cabinet Ministers, and it was contended that the spirit of the Act of Parliament under which those officers had been created was broken by their being made members of the Cabinet without further legislation. So that practically this legislation is quite in line with the policy of the late government, because although they are Ministers of Customs and Inland Revenue in the bill now before the House, their powers are really no larger and no greater than the powers that were exercised, at all events by the gentlemen who held those offices in the late government, after they became members of the Cabinet. The salary was fixed under the provisional statute, and that salary remains the same. There is, as was observed at the first reading

of the bill, a provision that when the number of ministers holding departments falls to the level of 13, that then the salary of the Minister of Customs or the Minister of Inland Revenue shall be brought up, as the case may be, to the level of the salaries of the other ministers. I quite agree with all that the hon. gentleman said at the first reading of this bill in reference to the duty performed by the Minister of Customs. I look upon it, myself, as really one of the most important offices in the government, because the Minister of Customs is called upon to exercise a judgment that involves day by day very large sums, defining the interpretation of the tariff of the country. He must be a man very familiar with the business of the country, and he must be exceedingly quick to come to a conclusion, and therefore, I entirely agree with all that the hon. gentleman said as to the position that the head of that department should occupy in the government, but we did not feel that it was well, at the present time, to depart from the rule in reference to the salary.

Hon. Sir MACKENZIE BOWELL—I expressed my opinions in reference to this bill very clearly upon its introduction, and I should not at the present moment have again referred to it had it not been for the misapprehension under which the Secretary of State labours, and the remarks which he made. While I admit, as I formerly did, that the opinion held by Sir John Macdonald as to the admittance of the controllers into the Cabinet, is quite correct, there is nothing in the constitution that prevented nor is there anything that compelled the succeeding premier to depart from the policy which he laid down at the time when he was premier, and at the time when he made the remarks that have just been read by the hon. gentleman, and when I pointed out what I considered the constitutionality of the course that was pursued at that time, it met with the approbation and approval so far as right was concerned, of the Minister of Justice. The hon. gentleman is wrong, however, in saying that while these gentlemen were made ministers of the Crown, they sat at the council board with the same power and the same authority as a minister of the Crown, other than the right to speak, to vote and to express their opinion upon the policy of the government on any question which came before the Cabinet for discussion, in the same manner as the gentlemen who occupy similar positions to-day who have no portfolio and consequently no departmental responsibility. The fact of making them ministers of the Crown did not change the provisions of the law which placed them under the control and direction of the Minister of Trade and Commerce at the time; or the Finance Minister, had he been made the head of the two departments. I know it may be said that, as a controller, sitting at the council board he would have the right to recomnend say the appointment of an officer, or the change of any regulation in the department—such is not the fact, all recommendations from either of the controllers coming before Council, would have to come through the head of the department and not from the controller as such; hence the incongruities of the position which was held and which led me to the conclusion that a course should be adopted somewhat similar to that proposed in this bill; but it did not alter, change, or affect in any way, their status or power as controllers, while they would have the perfect right of sitting at the Council board and discuss questions affecting each of their departments which such questions would come through the head of the department before the Council. I know there is a misapprehension that existed in the minds of a good many members, and I found the hon. Secretary of State was labouring under the same hallucination. These gentlemen, I repeat, were just in the same position, so far as their power and their authority to advise Her Majesty is concerned, as the gentlemen who held no portfolio at all.

Hon. Mr. POWER—I think at this hour of the evening, and with several private bills to be moved along a stage, it would not be proper to discuss this bill on the second reading at any length. I presume the hon. gentleman in charge of it has no objection to some observations being made on the motion to go into the Commtitee of the Whole. Of course, I can make them then, or now, but it would be more convenient to make them then.

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

RESTIGOUCHE AND VICTORIA RAILWAY COMPANY'S BILL.

SECOND READING.

Hon. Mr. MACINNES (Burlington) moved the second reading of Bill (99) "An Act

respecting the Restigouche and Victoria Railway Company."

Hon. Mr. BAIRD—As this bill seeks to incorporate a company to build a railway through the county which I have the honour to represent, I ask the indulgence of the House a few minutes while I say something with respect to the measure. I may say that in the year 1885, when I had the honour of a seat in the local legislature of New Brunswick—

Hon. Mr. POWER—Would not it be better for the hon. gentlemen to reserve his observations till the bill goes to the committee.

Hon. Mr. BAIRD—No, I think not. In 1885 this company got a local charter. In 1894, not having done much towards the survey of the proposed line, they came to the local legislature again and asked an extension of time. That time was granted them. They were given three years within which to complete the survey and three years further to complete the work. On the 21st April last, the three years' time had elapsed and the people of the county that it most interested, the county of Restigouche, being convinced that the company which had the control of that charter were not moving forward as rapidly as they desired, a meeting of the county council of that county was held at which it was unanimously decided that a new charter should be sought in order that the people might have that railway. Accordingly, a new charter was granted by the local legislature at its last session. This is an application to grant another charter for the same road. I think that this parliament should hesitate before they grant a Dominion charter to build a road over the same line. It is not disputed that the local legislatures have the right to grant charters to build railways. In fact, I may say that about all the railways in New Brunswick have been built on local charters and when a charter is now in existence granted by the local legislature, this parliament should hesitate before they grant another charter. It will certainly not tend to the building of the road. It will throw obstacles in the way of building it and the local government have acknowledged the charter which has been passed through the local legislature and have promised a subsidy, which I can verify in no better way than by reading a telegram from the Attorney General of New Brunswick and the leader of the government:

ST. STEPHEN, N.B., June 16th.

The provincial subsidy is promised to the Restigouche and Western Railway Company.

That is the name of the company which got a charter at the last session of the local legislature.

And we do not recognize any claim of the Restigouche and Victoria Colonization Railway.

With the local subsidy pledged to this company which got a charter at the last session of the local legislature, it would seem unfair and would not have a tendency to promote the construction of that road, if this House should grant a charter. The promoters of this bill had legislation for twelve years under which to construct this road, and in all that time they had not succeeded in even filing the necessary surveys in the office of the Provincial Secretary to keep their charter alive. They now come to this House and ask for a Dominion charter to do the same work. You will find, before this bill passes, that nearly every senator from New Brunswick is opposed to this legislation. The representatives of the province of New Brunswick should know what that province wants, and should know what company is in the best interests of the province, and will construct that road. This House should hesitate before passing such legislation. As to the proof that they have not filed the papers, I have here, from the Hon. Mr. Emerson, of the Board of Works, a statement that the papers have not been filed:

In reference to the Restigouche and Victoria Colonization Road, I can only say, the plans filed were not in conformity with the requirements of the case.

Mr. Wetmore, the engineer, also says:

The plans were entirely inadequate.

In twelve years this company has done nothing but barter its charter, and this House should not grant the legislation asked for. The publication was not proper either. The first notice was published on the 23rd April. That does not comply with the conditions, and such legislation as this should at least comply with the requirements of the House. Therefore, I move that this bill be not now read the

second time, but that it be read the second time this day six months.

Hon. Mr. POWER—I trust the House will not adopt this motion. It is a thin House. The course adopted is an unusual one; and I understand that most of the allegations which have been made by the hon. gentleman will be controverted or met in some way if the bill is allowed to go to the committee. The Railway Committee is clearly the right place to discuss statements such as those made by the hon. gentleman. For instance, the hon. gentleman has made the very serious charge against the people who are applying for this act of incorporation—that they have held a charter from the local legislature of New Brunswick for a great many years, getting it in 1885, and that they have done nothing under the charter. I understand that the people who are applying for this charter now, under the name of the Restigouche and Victoria Railway Company, are not the people who got the charter from New Brunswick in 1885, but that the people who now hold the other charter are substantially the same people who got the Restigouche and Victoria charter in 1885, that they held it for ten years and did nothing with it, and then sold it to the gentlemen who are now applying for this charter, and these gentlemen have had their plans made and spent some money, and have declared that they are prepared to go on with the work. This statement alone shows that there are two sides to this story, and that it is a matter which should be discussed before the committee and not in the House. With respect to the statement made by the hon. gentleman that there had been no proper notice given, the bill has been reported upon by the Standing Orders Committee, and it is too late to take that objection now. I trust the hon. gentleman will not push his motion. It is a very unusual thing to do with a private bill. I want him to understand that I am in no way pledged to support this bill, and I should like to hear both sides before I make up my mind.

Hon. Mr. MACINNES (Burlington). I have no interest whatever in this bill in any shape or form. I have been simply asked to take charge of it, and certain information has been placed in my hands which I think it will be much better to lay before the Railway Committee of the Senate, where both sides can be heard with reference to the merits of the question. I am informed that Messrs. Pritchard & Inglis, who are known to me as responsible contractors, have contracted to construct the line and have agreed to pay all just debts of the company. That appears to me to be a fair proposal. Therefore, I shall move that the bill be referred to the Railway Committee.

Hon. Mr. POWER—I hope the hon. gentleman from Edmundston (Mr. Baird) will not press that motion.

Hon. Mr. MACINNES (Burlington)—It is an unusual thing to try and stop the course of a private bill on the second reading. There is no just reason in this instance why it should be done. I believe the bill will be found to have merits, and whatever they may be will be discussed before the committee.

Hon. Mr. ALLAN—The reason why the House always takes that course is that many members of the House may not be aware of the facts, and may wish to hear them fully stated before making up their minds. If the bill is to be thrown out in this way, we cannot form an opinion on the merits of the measure.

Hon. Mr. BAIRD—I ask leave to withdraw my motion.

The bill was read the second time.

Hon. Mr. MACINNES (Burlington) moved that the bill be referred to the Committee on Railways, Telegraphs and Harbours.

Hon. Mr. WOOD—I do not propose, at this stage, to take up the time of the House but I have been looking over this bill also, and looking over a printed memo which, I believe, has been circulated among the members of this House, and it appears to me that there was one point which should be considered by the Senate before the bill is sent to the committee, and that is, whether this a bill which parliament should consider, or whether it is not, rather, a bill which should be dealt with by the legislature of New Brunswick. I know, personally, very little of this railway, or the proceedings in connection with it, but turning to the preamble of the bill itself, I see that this company obtained its charter originally

from the legislature of New Brunswick in 1885, that that charter was renewed in 1891, and renewed again in 1894, and again in 1896, and the hon. gentleman from Edmundston tells us that the local legislature of New Brunswick passed another Act incorporating a new company to build this road in 1897. As he has stated, and as I know to my own knowledge of the province, this is a purely local matter. Indeed, I find by referring to the statutes that until the Act of 1894 was passed, it was called a colonization road. In that year its name was changed to the present name, the Restigouche and Victoria Railway Company. It only passes over a portion of two counties in the province. It has always been dealt with by the local legislature, and the local legislature last session refused the very application here made by this company for an extension of their charter and powers, and granted a charter to another company to build this line. I see, in reading over the bill, too, that there is nothing whatever in it which necessitates the company applying to this parliament for legislation. The only clause which could possibly necessitate their making application here would appear to be the 9th clause, in which they ask power to enter into an agreement with the Canadian Pacific Railway and certain other railways to lease the line or to sell it, I suppose. To obtain that power, I presume it will be necessary for the company to come here, but even if they were obliged to come here for that legislation, there is no need whatever for their coming here at the present time, for that legislation can be of no effect until similar legislation is passed authorizing these other companies to negotiate, or enter into agreements with this company, either for the lease or the sale of the road. I mention this as the impression which I have formed. I wish to deal fairly in this matter. I do not wish to approach it in an unfair way in any respect, and if the parties who are applying for this charter have any rights, I do not wish to say anything to prejudice their rights; but, generally, looking at the matter as I have been looking at it this afternoon and evening while we have been sitting here, it appears to me to be a subject which should be left to be dealt with by the local legislature of New Brunswick, and it is only that phase of the case which I wish to press on the attention of the House before they come to a decision to send it to the Railway Committee where, of course, if the rights of these parties are dealt with we all admit it should be considered.

Hon. Mr. MACDONALD (P.E.I.)—I think it is the duty of the hon. gentlemen who are supporting this bill to refer it to the Committee on Standing Orders. I do nor think it has been reported on by that committee, or referred to them yet. It was read the first time yesterday, and has not yet been referred to the Committee on Standing Orders to whom it should go before going to the Railway Committee.

Hon. Mr. MACINNES (Burlington)—I believe it has gone through its regular stages.

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

NORTH-WEST TERRRITORIES BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (114) "An Act further to amend the Acts respecting the North-west Territories." He said:—At this late hour, probably the House would allow the bill to take its stage and permit explanations to be made in committee, because really it is largely made up of detail. It is giving increased power to the North-west Territories.

Hon. Sir MACKENZIE BOWELL—It extends the power and authority that the legislature of the North-west Territories had?

Hon. Mr. SCOTT—It is practically giving the Lieutenant Governor the selection of his council. It, in a measure, brings the North-west Territories legislature up in its powers and privileges.

Hon. Sir MACKENZIE BOWELL—Not the full powers of a province?

Hon. Mr. SCOTT—No, only for the appointment of minor officers, such as justices of the peace.

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

DOMINION LANDS BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (116): "An Act further to amend the Dominion Lands Act." He said: This is a bill dealing with the details of administration, and probably it would be more convenient to go into it at the next stage.

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

ALIEN LABOUR BILL.

SECOND READING.

Hon. Mr. CASGRAIN moved the second reading of Bill (5): "An Act to restrict the importation and employment of aliens."

Hon. Mr. POWER—This is a very important bill, and I think that there ought to be some explanation. If the hon. gentleman does not object, he might make his explanation when he proposes to go into Committee of the Whole.

Hon. Mr. SCOTT—Leaving the members free to vote on the principle of the bill.

Hon. Mr. CASGRAIN—I accept the hon. gentleman's suggestion.

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

The Senate adjourned.

THE SENATE.

Ottawa, Friday, 18th June, 1897.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THE HUDSON BAY AND YUKON RAILWAY AND NAVIGATION COMPANY'S BILL.

REPORTED FROM COMMITTEE.

Hon Mr. VIDAL, from the Committee on Railways, Telegraphs and Harbours, reported Bill (77) "An Act to incorporate the Hudson Bay and Yukon Railway and Navigation Company."

Hon. Mr. ALLAN—Under the circumstances in which we are placed, knowing how near it is to the closing, I hope that the House will consent to dispense with the rules in so far as they relate to this bill and allow it to be read the third time presently.

Hon. Mr. McINNES (B.C.)—I would ask the hon. gentleman why he wishes the rule suspended in this particular instance—is he afraid that the bill will not go through?

Hon. Mr. ALLAN—The hon. gentleman will remember that yesterday the Minister of Justice stated that there was a possibility that we might get through our business to-morrow.

Hon. Sir OLIVER MOWAT—There is no possibility of that now.

Hon. Mr. ALLAN—That may be, but that was the hon. gentleman's statement yesterday, and as he has only just now contradicted it, I think the House would have no objection to suspending the rule, as they have done on previous occasions, and allow the bill to go to the House of Commons at once.

Hon. Mr. McINNES (B.C.)—I wish the hon. gentleman to understand that I am not opposing the bill at all. I merely ask the question for this reason, that nearly all bills of the same character have been left to the dying hours of each session. If there is anything suspicious about a bill, it is generally left till the last.

Hon. Sir MACKENZIE BOWELL—Hear, hear.

Hon. Mr. McINNES (B.C.)—I hope the Senate will put its foot down and not allow these bills to be passed without proper discussion.

Hon. Mr. ALLAN—I hope the Senate will not put its foot down yet, but will allow this bill to be read the third time.

Hon. Mr. McINNES (B.C.)—If that is done, probably other hon. gentlemen will urge the suspension of the rules with regard to other bills which may be objectionable. Therefore I object to it.

Hon. Mr. ALLAN—I move that the bill be read the third time to-morrow.

The motion was agreed to.

PILOTS INCORPORATION BILL.

REPORTED FROM COMMITTEE.

Hon. Mr. VIDAL, from the Committee on Railways, Telegraphs and Harbours, reported Bill (67) "An Act to incorporate the Pilots serving between Quebec and Montreal," recommending that no further proceedings be taken with regard to the bill, as they considered it not in the public interest to pass the same. He said:—I do not know that it is necessary that I should give any explanation of the action of the committee. There was no amendment to any of the clauses such as would require explanation. It was the opinion of the committee, after hearing the bill very fully discussed by advocates and opponents, that the best interests of the country require that such a bill as that should not be on the statute-book.

Hon. Mr. DRUMMOND moved that the report be concurred in.

The motion was agreed to.

SOUTHERN COUNTIES RAILWAY COMPANY'S BILL.

THIRD READING POSTPONED.

Hon. Mr. MACDONALD (B.C.) presented the report of the Committee on Standing Orders recommending the suspension of the 49th and 50th Rules so far as the same relate to the petition of Treffle Berthiaume and others, praying to be incorporated as the Southern Counties Railway Company.

Hon. Mr. FORGET—I object to this motion, because it relates to a very important bill, to which all due consideration should be given. I object to the suspension of the rule.

Hon. Mr. BAKER—If it is objected to, it is more than probable that it will have the effect of entirely defeating the bill.

Hon. Mr. FORGET—I am very sorry.

Hon. Mr. POWER—That is what the hon. gentleman wants to do.

Hon. Mr. BAKER—Then it must stand as a notice of motion until to-morrow.

DISMISSAL OF PROULX AND POITRAS.

INQUIRY.

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

1. On the 28th September, 1896, answering a question on the subject of the dismissal of Messrs. Proulx and Poitras, employees on the Intercolonial Railway, the Honourable Mr. Blair, Minister of Railways, made in the House of Commons this declaration:

"THE MINISTER OF RAILWAYS AND CANALS (Mr. Blair). Proulx and Poitras have not been dismissed."

2. On the 1st September, 1896, Mr. J. B. Proulx had received the following letter from his immediate superior:

"INTERCOLONIAL RAILWAY,
"RIVER DU LOUP STATION,
"September 1st, 1896.

"To J. B. PROULX, Section Foreman, No. 133.

"DEAR SIR,—On and after the 15th of September your services will not be required as section foreman. You will give up all tools and books to the foreman that will be appointed to take charge.

"Yours truly,

(Sgd.) "JAMES YEO, *Track Master.*"

3. On the 5th October, 1896, Senator Landry received the following letter:—

"ST. PIERRE, 5th October, 1896.

"Honourable PH. LANDRY.

"DEAR SIR,—In answer to your letter of date 30th September, I have to say to you that there is nothing correct in the answer of the Minister of Railways to the question put with regard to me. You must have the order which I received and which I sent you. I am out of employment; I have been replaced by Beaumont and the two other section men are Martineau, of St. François, and Letourneau, son of Godefroy, of St. Pierre, consequently everything is incorrect.

"I wrote to the minister three weeks ago, asking him for an inquiry, but I have received no answer. I put the whole thing in your hands with the firm confidence of good success.

"Your obedient servant,

(Sgd.) "J. BTE. PROULX."

4. On the 4th January, 1897, Senator Landry received the following letter:—

"Mr. PH. LANDRY,

"SIR,—I have not yet had any news on the subject of my place. I really think that the Liberals will not remain long in power, and if the Conservatives come again into power I ask you not to forget me. I am out of employment and I have great need of my place.

"I remain with the greatest of respect,
"Your ever obliged.
"J. BAPTISTE PROULX."

5. On the 5th June instant, on the express request made by Senator Landry the Honourable Secretary of State sent him the following memorandum :—

(*Memorandum.*)

"DEPARTMENT OF THE SECRETARY OF STATE,
"MINISTER'S OFFICE, OTTAWA.

"J. B. Proulx was given fourteen days' notice in April, 1897, and died before his time was up on 14th April."

After having drawn the attention of the government to the preceding facts, the Honourable Mr. Landry will ask :—

1. Whether it is true that on the 28th September, 1896, Mr. J. B. Proulx had not yet been dismissed, as the Minister of Railways has officially stated, in his answer publicly in the House of Commons Debates, volume 43, column 847?

2. Whether it is true that in the month of April, 1896, M. J. B. Proulx had not been dismissed, as the memorandum given by the Honourable Secretary of State to the Honourable Senator Landry officially proves?

3. Whether it is not true, as a matter of fact that Mr. J. B. Proulx received from his immediate superior, Mr. James Yeo (track master) notice of his dismissal and an order to hand over his tools and his books to his successor on the 15th September, the said order having been given on 1st September, 1896?

4. Whether it is not true that on the 15th September, 1896, as a matter of fact, Mr. J. B. Proulx was replaced by one Beaumont, who since that date has occupied the place and has drawn the salary which Proulx formerly had?

5. Why did the Minister of Railways and the Secretary of State give information contrary to the facts?

6. Who suggested to them these fantastical answers?

7. May the government have been deceived by the denunciations of offensive partisanship brought against poor employés, as it has manifestly been in the answers which have been suggested to it and which it has given to the questions which have been put to it?

Hon. Mr. SCOTT—As to the first question, my answer is that I presume the letter from Mr. James Yeo, trackmaster, gives the correct date of dismissal, the 15th September. I have no reason to doubt it. The hon. gentleman has very much fuller information on the subject than I have been able to obtain. As to the second question, the information furnished me was evidently an unintentional error of the clerk having charge of the papers. I presume that is the way it arose. These mistakes will occur.

Hon. Mr. LANDRY—Is the death a clerical error?

Hon. Mr. SCOTT—I am not aware whether the man died or not. It is too serious a question to be trifled over. I gave the information as I got it.

Hon. Mr. LANDRY—I do not see how it could be a clerical error.

Hon. Mr. SCOTT—The hon. gentleman knows whether he is alive or not. I will accept his statement as to that. As to question three, as far as I have been able to ascertain, the answer is yes. As to question four, I do not know who replaced Proulx. As to question five, information such as the hon. gentleman asks for has to be filtered through a list of officials before we get it here. The request for the information has to go from the office here to a general superintendent, and from him I suppose to the superintendent of the division, and from the superintendent of the division probably to some local agent, and when the reply is received it is not at all improbable that a mistake might arise. As to the sixth question, I am quite unable to answer that question, and as to the seventh, I am unable to give any positive answer on the subject. It is a hypothetical question which I am not bound to answer.

INTERCOLONIAL RAILWAY DISMISSALS.

INQUIRY.

Hon. Mr. LANDRY rose to inquire :

Why did the Minister of Railways, in answer to a question, declare to the House of Commons, on 28th September, 1896, that Mr. Poitras had not been dismissed, when, as a matter of fact, the said Poitras had been really dismissed, as appears by the following documents :—

(*a.*)

"INTERCOLONIAL RAILWAY,
"RIVIÈRE DU LOUP STATION,
"September 1st, 1896.

"To XAVIER POITRAS,
"Section man, section 131.

"On and after the 15th of September your services will not be required as section man on No. 131 section.

"Yours truly,
(Sgd.) "JAMES YEO,
"*Track Master.*"

(*b.*)

"CAP ST. IGNACE, 7th October, 1896.

"The Hon. Senator LANDRY,
"Villa Mastaï.

"HON. SIR,—I have seen the answer of Mr. Blair to the question which was put him in the House of Commons on 28th September last. I find it really singular to see the response he gave, for I am well and truly dismissed as you can see by the letter which I have received from Mr. Yeo. I can then only attribute my dismissal to Mr. Choquette,

who puts me on the sidewalk out of a simple spirit of vengeance because I am a Conservative.

"Your obedient servant,

(Sgd.) "XAVIER POITRAS."

2. Who took advantage of the good faith of the Minister of Railways by thus giving him information manifestly contrary to the truth and the facts?

3. If the Minister of Railways has been deceived to the point of leading the public astray, may he not have been equally deceived to the point of dismissing poor employés without any form of trial?

Hon. Mr. SCOTT—When the Minister of Railways made his statement on the 28th September, he could not have heard of the action taken on the first September. He must have got his information from some official; according to the letters the hon. gentleman produces now he must have been mistaken. The dismissal was some days earlier than that. As to the second question, I assume the Minister of Railways obtained his information in good faith from the general manager, who would have received the report from the assistant superintendent, and the assistant superintendent probably from some minor official whom I cannot name. As to number three, I am unable to answer the hon. gentleman's question, it being entirely hypothetical and not such a question as I am bound to answer.

Hon. Mr. LANDRY—This is not the first time I have had erroneous answers given to me, and I will point out one here which was given by the Minister of Justice himself and one which cannot be explained by the few words that the Secretary of State has just uttered. When I asked, in the month of April, at what date Judge Routhier of the Superior Court of the province of Quebec was appointed, the Minister of Justice answered that he had been appointed in 1889, though he had been appointed in 1873, and when I pointed out the error when I brought up the question for a second time, the Minister of Justice turned the difficulty by saying "now that you ask, not for the district of Quebec, but for the province of Quebec, I will answer you the truth," but my first question was identically the same as the second one, and the second was the same as the first one. I had asked was Judge Routhier appointed judge of the Superior Court of the province of Quebec, and not for the district of Quebec. The distinction was not made by me, but by the Minister of Justice himself, just to explain the erroneous answer he had given me the first time.

I put another question the other day and the Minister of Justice said it was not a legitimate question.

Hon. Sir OLIVER MOWAT—Hear, hear.

Hon. Mr. LANDRY—I do not know that the Minister of Justice is the proper authority in this House to put out any question I may ask or to refuse to answer it on that ground. If the question is not legitimate the Speaker could rule it out of order, if the Minister of Justice or any other minister undertakes to decide whether a question is in order we do not want a Speaker any longer, and we could save his salary to the country. When I gave notice the other day calling the attention of the government to facts the Minister of Justice said he was not aware of certain facts. I am referring to facts imputed to Mr. Rattey. At the time the answer was given the Minister was aware I had brought that official under the notice of the government and the government could not say they did not know—they did—they might not have known when the question was put on the paper, but they were made aware of it by my motion. When I spoke of the Quebec bridge and of the fact that Mr. Choquette had made known the policy of the government on that subject, I asked the minister if Mr. Choquette had been authorized. This is a question which the hon. gentleman said was not legitimate. I think it is legitimate for us to know whether the government has authorized or not authorized a statement. I do not see why a question of that kind should be out of order. We should know from the government if they have authorized or not authorized a member of the House of Commons to make known their policy on that subject. If that question is not in order I am willing that the Speaker should rule it out of order, but I should like to have the decision of the Speaker on a point of that kind and not the decision of an interested party.

INTERCOLONIAL RAILWAY DISMISSALS.

INQUIRY.

Hon. Mr. LANDRY rose to draw the attention of the government to the following

declaration made on 1st September, 1896, to the House of Commons by the prime minister, the Hon. Mr. Laurier, and reported in the House of Commons debates, volume 43, column 506 :

The PRIME MINISTER—No minister would pretend to dismiss any official unless he had an opportunity to defend himself; but when the case is within the personal knowledge of the minister himself, under such circumstances there is no case for inquiry. When the minister is not cognizant of the facts himself, whenever the case is brought to him by extraneous evidence, those statements must be substantiated, and every man must be given an opportunity to defend himself. I do not want, for my part, and I am sure the government does not desire—and I can speak for the government on this matter—to act arbitrarily on this or any other subject; every one must be given a fair opportunity to be heard before he is dealt with

And will ask :

1. Are these words really those of the prime minister and of the head of the present government?

2. Whether the cases of offensive partisanship denounced by Mr. Choquette, M.P., which have brought about the dismissal of all the accused without any inquiry and without the accused having an opportunity of defending themselves, are cases of which the Postmaster General and the Minister of Railways had a personal knowledge?

3. If the Postmaster General and the Minister of Railways had not a personal knowledge of the facts denounced by Mr. Choquette, why were the accused dismissed without any form of trial, contrary to the doctrine enunciated by the prime minister himself?

4. Is it the intention of the government to make reparation for the injustice committed?

Hon. Sir OLIVER MOWAT—Before I answer the hon. gentleman's question I would just observe that most of his questions here contain illegitimate matter, though we have answered a number of things which there was no obligation to answer according to the practice in such matters. The hon. gentleman will find that what I say is correct if he will take the trouble to look into the English authorities on such matters. My answer to the hon. gentleman's question is :—I have no reason to question the accuracy of the official report of the debate and speech mentioned. 2. To the second and third questions, my answer is : Where a member testifies to the offensive partisanship of an officer or employé of the government on his responsibility as such member of the constituency, this has in some cases been deemed sufficient evidence of such partisanship and not to need further extraneous evidence. 4. The government is not aware of any injustice having been committed requiring reparation.

Hon. Mr. LANDRY—Does the hon. minister mean by "some" that it is the condition of all the cases that have been brought, or all that have been mentioned?

Hon. Sir OLIVER MOWAT—Some have been dismissed on the testimony of the member, and others have been dismissed on other evidence.

Hon. Mr. LANDRY—In all the cases that I have brought up, the dismissals have been on the member's denunciation.

Hon. Mr. PRIMROSE—It seems to me, from the constant iteration and reiteration of the name Choquette in connection with these dismissals, that that gentleman must be spending an immense amount of gratuitous energy in laying up for himself wrath against the day of wrath.

JUDGE PRENDERGAST'S APPOINTMENT.

INQUIRY.

Hon. Mr. FERGUSON rose to call the attention of Senate to the following extract from the Montreal *Witness*, of the 5th June instant :

ST. BONIFACE, MAN., June 5.—In the St. Boniface election petition case, discussed yesterday, it will be remembered that when the case came before the Honourable Mr. Justice Killam on April 29, for trial of the preliminary objection filed by Mr. Lauzon, against the prosecutors of the petition, it was proved that both petitioners, Roy and Berthiaume, had been guilty of corrupt acts. Roy admitted he had been promised money for driving electioneers to the polls by Mr. Prendergast, the present judge. The chairman of Mr. Bertrand's committee stated that he requested Mr. Prendergast on the day following the election to pay him, when Mr. Prendergast give him an order on Mr. J. A. Richard for the amount, which was paid by Mr. Richard. The other petitioner, Berthiaume, who supported Mr. Lauzon in the election the year before, admitted that a year before the election that Bertrand and Mr. Prendergast had promised to endeavour to procure him an office from the Dominion government, and he worked hard to secure Mr. Bertrand's election during the last week before the election. When this startling evidence was given Mr. Howell, counsel for the petitioners, applied for an adjournment to enable him to put Mr. Prendergast and Mr. Richard in the witness box, which was granted. Yesterday morning when the trial was resumed, Mr. Howell stated to the court that in view of the evidence given at the previous hearing, he was unable to ask that the preliminary objections should be over ruled. Judgment accordingly was given dismissing the petition.

And inquire if the government intend to take any action regarding the matter?

Hon Sir OLIVER MOWAT—I hope my hon. friend will not press this matter now. He wants to make an attack upon Judge Pendergast on a onesided statement, without giving ample opportunity to Judge Pendergast to show his side of the case. I do not know what object my hon. friend has in this. As long as he has an opportunity to to make his attack sometime in the session, that should satisfy him. I cannot imagine that my hon. friend does not feel how important it is that a judge, if attacked, should be allowed an opportunity to be heard at the same time. Is it not contrary to all that we know of precedent and to reason that an attack of this kind should go on before the judge attacked has an opportunity to defend himself? The notice has been very short—a week or ten days. That amount of time would be given in any court for any kind of offence, however slight it was, or however unimportant the individual. All I am asking is that the question should not be brought up until I have the means of answering it. Usually questions can be answered here but this is a case in which I have no means here of answering. The judge lives two days' journey from Ottawa, and from the difficulty of communication he has had no opportunity of taking advice here. I understood my hon. friend to say the other day that his only object was to have his statement made before the session closed. I have not the papers yet, though I have a telegram that the papers are on the way. It is quite certain that the House is not to prorogue on Saturday. It is quite certain that it will have to sit on Monday. That is quite certain now, but it was not certain before. My hon. friend when formerly asked to postpone this matter said that Monday would be a good day, and that he was willing to take it then. Then I was not sure whether the House would be in session on Monday, now we are sure that it will be in session Monday, and I am satisfied that my hon. friend would prefer to have the reply of Judge Prendergast when the attack is made. I hope the House will take the view which is the correct one, the only defensible one to take. If my hon. friend persists in pressing the matter I shall be astonished to find him doing so, my request is so obviously reasonable. Judge Prendergast may not be as diligent as the hon. member thinks he should be. Since telegraphing him I have had two telegrams about the illness in his family. It turns out, from the last telegram, that his wife is very ill and the doctors are afraid that she will not recover. To drive a man to greater expedition than he has used under these circumstances is something which I am sure the House will consider unbecoming. I do not want to exclude the hon. member's case from the public or from the Senate; I I only ask that the hon. gentleman shall not press the matter on the House until the facts are before us, and until I can state to the House what Judge Prendergast's answer is.

Hon. Mr. FERGUSON—I have only this desire that I should have the opportunity to make my statement before the very close of the session, when the rush of other business would make members impatient, and when it is possible that I would not have an opportunity, without trespassing on the patience of my colleagues to make the statement at all. I feel, therefore, that I should have been allowed to go on with it to-day and that my hon. friend should have been ready. This motion was brought up in the House last Monday.

Hon. Sir OLIVER MOWAT—How could I be ready?

Hon. Mr. FERGUSON—It is not necessry to refer to that again. Notice was all that was asked for then, and notice was given, and a week was allowed to intervene before I proposed to move in the matter—just one week from the time I first mentioned the subject and then my hon. friend asked to have time to get information. Some telegrams from Judge Prendergast have been shown me, and I know some of the statements contained in these telegrams are not correct, and I am strongly inclined to the belief that dilatory tactics are purposely being pursued in order to prevent this subject being ventilated on the floor of this House before the House rises. Judge Prendergast stated, in the telegram read on Wednesday, that his statement and evidence had been mailed. If that were correct they would be now in the possession of my hon. friend the Minister of Justice. Therefore that statement could not be correct, that his papers were sent at that time. This matter was started a week ago

last Monday, and my hon. friend telegraphed Judge Prendergast, and he pleaded in his telegram that he had only received the hon. the minister's telegram a week before that time. All this shows that dilatory tactics are being pursued to prevent a proper discussion of the subject on the floor of this House before prorogation. I would, however, feel myself at a great disadvantage in discussing this question if it could be pointed out to me that my hon. friend, the Minister of Justice, was not in possession of the fullest information. I want that he shall be in possession of all the information that can possibly be put in his hands, in order that he may be able to show that the facts I am going to put before the House are wrong, if they are wrong, and I shall, therefore, consent to this : if my hon. friend will give me and this honourable House the assurance that I will have the opportunity of making this statement before the Supply Bill and the Tariff Bill are disposed of in this House, I will resume my seat now and wait until, say to-morrow or Monday—until the hon. gentleman is in possession of the information he desires.

Hon. Sir OLIVER MOWAT—I think it extremely likely that we shall not receive the Tariff Bill or the Supply Bill until Monday, but they may come to-morrow, and in that case if the House wish to go into it at once, I should enter into an undertaking to discuss my hon. friend's motion to-morrow, but the great probability is that the bills will not be up. I wish my hon. friend would say Monday, and if Judge Prendergast has not by that time given me the information, I shall not ask any more delay. I will consider him too dilatory. It may be the very first thing on Monday.

Hon. Mr. MACDONALD (B.C.)—Supposing no charge was made in this House against Judge Prendergast, would the hon. minister think it proper to take any notice of what appeared in the Montreal "Witness," or what appeared in any paper, reflecting on a judge in this way? Should the paper be prosecuted or should the matter be dropped—a public charge in a public paper against a judge?

Hon. Sir OLIVER MOWAT—I do not know that I can answer a question like that. I am always a reader of the newspapers, and if information comes to me that I think should be considered and acted upon, I consider it and act upon it, but I do not think it is proper or reasonable that I should take notice of everything that appears in the papers. Even judges are attacked sometimes in newspapers.

Hon. Mr. FERGUSON—I consent to have my motion stand until to-morrow. We will then know if my hon. friend has the papers and we can proceed, or if circumstances permit of discussing it on Monday, we can take it up then.

QUALIFICATIONS OF LIEUTENANT SUTTON.

INQUIRY.

Hon. Mr. LANDRY rose to inquire :

1. Has Lieutenant F. H. C. Sutton, of "B" Squadron of the Royal Canadian Dragoons, stationed at Winnipeg, who has been recently sent to England by the present government, obtained in Canada a first-class long course certificate?

2. If not, what class course certificate does he hold?

3. According to regulations and precedents is it not true that the Militia Department has already refused and is bound to refuse to send to England for a course men who have not obtained the highest possible certificate in Canada?

4. Who recommended Lieutenant Sutton, and why was he selected?

5. Why was Mr. Sutton sent to England when he had not obtained the highest certificate in Canada to entitle him to go?

Hon. Mr. SCOTT—The answer to the first question is, no. To the second, he has first class short course grade B; first class short course grade A, and a second class long course grade A. Royal School of Cavalry. With reference to the third question, there is no regulation on the subject. Previous to the present year officers have been sent who had not the highest possible Canadian qualifications, but the policy of the department has now been changed in that respect. To the fourth, Lieutenant Sutton's application was approved by the Minister of Militia some two months before any change of policy was arrived at. The fifth question is answered above.

EMIGRATION TO DAKOTA.

INQUIRY.

Hon. Mr. KIRCHHOFFER—Before the Orders of the Day are called I should like to

direct the attention of the government to a paragraph in last evening's *Journal* headed "Gone to Uncle Sam." It reads as follows:

Winnipeg, Man., June 17.—A party of 150 Galicians left yesterday via the Northern Pacific for Dickinsons, North Dakota, where they will take up land. This is evidently the result of the visit of the North Dakota emigrant agent, who was discovered recently in emigration hall trying to persuade the foreigners to settle in the states.

When the Minister of the Interior took office, his advent was heralded with a flourish of trumpets, and great things were predicted as to what would be achieved by his vigorous immigration policy. Since then I have seen one of the results pointed out in the arrival of a large party of Galicians, and it was reported then that they had with them considerable money. It was stated that they had no less than $28,000 amongst them, and it was pointed out, with a great deal of pride, that the immigration agents who had been sent out by the present Minister of the Interior had in a short space of time achieved such admirable results. I should like to know if the government can give any explanation as to how, after having evidently expended a large sum of money bringing these people to the country, getting them to Winnipeg, they allowed foreign agents to come in and take the whole party away without any attempt to interfere with their doing so.

Hon. Mr. SCOTT—I saw the report referred to this morning, but I have not any official information on the subject. I am not aware that the Department of the Interior contributed in any way to the immigration of those Galicians. On the contrary, we have had a paragraph in the papers sometime ago from Winnipeg that they were regarded as paupers and being sent out of the country, and not regarded as a desirable class of immigrants. I am not aware that they were brought in any way by the Minister of the Interior. I speak without absolute knowledge on that subject, only what I have been able to gather. I may be wrong as to that, but I am inclined to think they were not brought here by the department.

Hon. Mr. KIRCHHOFFER— Surely it cannot be possible that a party of one hundred and fifty souls, taken as far as Winnipeg with the immigration agent of the government in charge of them—the party newspapers taking a considerable degree of credit for the Minister of the Interior having brought them into the country—it cannot possibly be said now that they are not brought in on the authority of the government and that the anxiety is to get rid of them instead of keeping them in the country. As a matter of fact, a number of these Galicians are already settled along the line of the Manitoba and North-western Railway, and those who came out were supposed to be taken over to join the settlement already made, and it is quite impossible they should have come out without doing so under the auspices of the government. If so, it is the first time a party have come out under those circumstances.

Hon. Mr. ALMON—Is it not possible that this is due to some portion of the national policy being left in the country? We were told that it was the national policy occasioned the loss of immigrants. Do you think if the country had been more purged of that policy that these people would have remained?

THE RESIGNATION OF JUDGE JONES.

Hon. Sir OLIVER MOWAT—In reference to the matter of the resignation of Judge Jones, and the petition referred to by my hon. friend, I informed him that I recollected no petition, and that I had not been able to find one. I have made further inquiries and taken a great deal of trouble, but it turns out my trouble was unnecessary. I find the facts are that there was a petition addressed to me, which had received a number of signatures, but before it was sent to me it was decided to drop that petition. Therefore it was not sent and I cannot produce it.

Hon. Sir MACKENZIE BOWELL—Probably the gentlemen who signed it were ashamed of it.

THE MANITOBA SCHOOL QUESTION.

INQUIRY.

Hon. Mr. LANDRY—Before the Orders of the Day are called, I would ask the government if they can inform the House whether there is any truth in the rumour that they have received a despatch from Winnipeg informing them that the Catholics

of that province had accepted the Laurier-Greenway compromise.

Hon. Mr. SCOTT—No, the government have not received any despatch on the subject whatever.

Hon. Mr. BERNIER—Has any minister received any such despatch?

Hon. Mr. SCOTT—No. I think if any minister had received any despatch I should have heard of it.

Hon. Sir MACKENZIE BOWELL—Well, will you inquire?

YUKON MINING AND TRANSPORTATION COMPANY'S BILL.

SECOND READING.

Hon. Mr. KIRCHHOFFER moved the second reading of Bill (118) "An Act to incorporate the Yukon Mining and Transportation Company (Foreign)."

Hon. Mr. McINNES (B.C.)—Explain!

Hon. Mr. KIRCHHOFFER—I have not a very clear explanation to give myself. I have merely been asked, in the absence of Senator Lougheed, to move the second reading of the bill. I would ask the House to pass the second reading, and the House need not be committed to the principle. I intend to move that it be referred to the committee.

Hon. Sir OLIVER MOWAT—If this bill does get its second reading and it is referred to the committee, I should be glad if the committee would look at the recital, which I am told is incorrect and from the examination I have given I think it is incorrect. It speaks of this company being incorporated under the Companies Act of the province of British Columbia, and also incorporated by an Act of the legislature of the province of British Columbia. I understand that that is not the case. It is material that the recital should be properly expressed. It appears that it is a United States company incorporated in the state of Delaware, and then there is a law in British Columbia by which foreign companies registered there have certain powers and rights, but they are not incorporated under that law. Then the bill is also referred to in another Act passed recently, and in looking at that also I find no incorporation by the laws of British Columbia. There is no reason why the real facts should not be expressed in the recital, and the committee, I have no doubt, will see to that in case they report the bill.

Hon. Mr. McINNES (B.C.)—I oppose this bill on two or three very important grounds. It is only some eight or ten days ago since we passed a bill entitled an Act to incorporate the British Yukon Mining and Trading Company, at the head of which is the Duke of Teck and a number of other very wealthy influential Englishmen, Scotchmen and I believe Irishmen.

Hon. Mr. POWER—Are you sure they are Irish?

Hon. Mr. McINNES (B.C.)—Yes and some Canadians. To-day we had in the Railway Committee, and here some few minutes ago, another Yukon bill that my hon. friend from Toronto had charge of. He wanted the third reading of that bill to-day for a line of railway from Hudson Bay to the Yukon. These are all good and proper bills, and they receive my unqualified support, but here is another company that ask for the same powers as the British Yukon Company, and their starting points on the Pacific coast are only seventy-five miles apart, the British Yukon Company starting from the head of Lynn Inlet or canal. This company proposes to start at the head of Tacu Inlet, a distance of only seventy-five miles from Lynn, and the powers asked are practically the same. Above all, I want to draw the attention of this honourable House to the fact that the country through which they asked those powers to be exercised is practically the same. For that reason, if for no other, I oppose the bill. Although there is a very large area of country to be opened up, yet the avenues of communication in that mountain country are solely confined to mountain gorges and valleys, rivers and lakes, so that if those two companies are incorporated and build railways and enter into mining and smelting and trading generally, they will come into contact with each other at almost every point in that vast region. I think hon. gentlemen will recognize the fact that it is scarcely the correct thing for this parliament to pass two bills practically of the same kind and of the

same nature for the construction of lines which traverse the same territory. It is true both of those companies have received powers from the local legislature of British Columbia. As the hon. Minister of Justice has pointed out, there is a very great inaccuracy in the title of the bill under discussion at the present time, and it will require to be rectified, even supposing it should become law this session. Apart from that I say, that we have already incorporated a company and given them powers to build a railway and enter into general mining and development in that region of the world, I think we ought to support them and do all we can to see that they open up the resources of that country. If this second bill is passed it will only have one of two effects, either that the present company, the British company, will be forced to buy them out, or it will be the means of preventing either of those companies going on and opening up that western region of our domain. I think that is a very undesirable thing. They have powers from the legislature there to go on and do certain things. If they are in earnest, if they intend to build railways to make their improvements there, they can go on and do it under the Acts they received from the legislature of British Columbia. It would be unwise and impolitic in us to give similar powers to this company that we have given to the British company. The second point is that this is a foreign company, as has been stated by the Minister of Justice. They come in here and ask for rights and privileges equal to anything that we ourselves enjoy. I do not think I am a narrow gauge individual; I believe in liberty to the fullest extent, but the treatment that our people have received by those in authority enacting laws in the neighbouring republic in the last few years has been to alienate the feeling of every true British subject, especially a Canadian, against the course pursued by that people. In the *Citizen* of Wednesday the 16th, hon. gentlemen may have observed a short paragraph which I think will confirm what I have stated. It reads as follows:

HEAD TAX ON IMMIGRANTS.

SENATOR TILLMAN PROPOSES CHARGING ALL ALIENS $100 EACH.

Washington, June 15.--Senator Tillman to-day gave notice of an amendment he will offer to the tariff bill, providing for a head tax of $100 on all immigrants to the United States. The amendment also makes it a misdemeanour, punishable by imprisonment, for any person to enter the United States for the purpose of engaging in trade or manual labour without intending to become a citizen.

It may be said that that is merely a notice of an amendment offered to the tariff bill, and that there is only one Senator Tillman, but unfortunately our experience within the last few years has satisfied us that there are a great number of Tillmans, not only in the Senate of the United States, but in the House of Representatives. It is high time that we should look after our own interests. We have been coquetting too long with our great neighbours to the south. Instead of treating us fairly, they have taken advantage of every concession we have made them, and they look upon us now as being so dependent upon them that we cannot thrive without their aid and assistance. It is high time that we should show them that we can live and prosper without them. In view of this, we ought to look after our own people and especially in that western portion of our Dominion, where English capitalists have been attracted in the last year or year and a half in particular. Money is pouring in there, and if we can demonstrate beyond a doubt that there are profitable openings for their investments, it will continue to pour in. I think we will not be doing any capitalists, and especially Canadian capitalists, the justice they are entitled to unless we give our own people the first opportunity. Some hon. gentlemen may take high and exalted ground and say if our neighbours do wrong that is no reason why we should do the same. That has been the course unfortunately that England and Canada have taken in the past and in consequence of taking those high grounds, what has been the result? A large portion of the state of Maine that legitimately belong to Canada we have been deprived of. Again, the Pacific coast, as far south as the Columbia River, belong to Canada, and ought to be a portion of Canada to-day. Only some twenty-four years ago that beautiful island, San Juan, in the Gulf of Georgia was improperly handed over from Canada to the United States. It is time for us to look after our own interests and if there is anything good let us have the benefit of it. If the company already chartered will carry out what they pretend to carry out, let them show it between now and next

session, and if they fail to do their duty I will support this measure, but until they do fail doing their duty, this House should reject the bill for the reasons I have given. I, therefore, move that the bill be not now read the second time, but that it be read the second time this day three months.

Hon. Mr. MACDONALD (B C.)—I do not deny the force of the argument made by my hon. friend. It is a very strong one, but this House cannot deal with a measure of this kind unless the maps are placed before them, showing whether the proposed line comes in competition with any other line. I ask the House to allow the bill to be read the second time and let us go to the committee where the bill can be dealt with on its merits.

Hon. Mr. MILLER—I rise to endorse the remarks which have fallen from the hon. gentleman from Victoria. For my own part, I have not sufficient information to attempt to vote on the motion of my hon. friend from New Westminster (Mr. McInnes), and I think the fairest way, and the way usually adopted in this House when there is any dispute in reference to a railway bill or any other bill, is to allow it to go to its proper committee, where information can be had on both sides and where an intelligent report may be made to the House. I do not think it would be acting fairly to discharge the bill in this summary manner.

Hon. Mr. CLEMOW—Particularly in the absence of the hon. gentleman who had charge of the bill, it would be unfair to take this extreme course. It has not been taken in any other case this session, and it would be better to let it go to the committee and we can come to a conclusion on their report. I want to see whether it interferes with the rights of any other company. The English company may be all my hon. friends says but this may be an equally good company.

Hon. Mr. MILLER—We do not know whether the interests are proper interests or not.

Hon. Mr. KIRCHHOFFER—I said I was unable to give an explanation of this bill which should be made to-day. No doubt the remarks of the hon. gentleman from New Westminster come with a great deal of force, he being a resident of the country and cognizant of the affairs of that country, but when he states that his objection to this bill is because he has lately advocated the passing of a bill in which the glamour is thrown around the names of the promoters by the Duke of Teck being incorporated in it, the hon. gentleman, by rubbing shoulders with royalty, must have abandoned the democratic ideas he has hitherto entertained. The fact of the Duke of Teck being incorporated in that company does not give it any moral effect. I would not consider if the Prince of Wales were included that the company would be any the better than if the names of good capitalists were incorporated. In our part of the country we always encourage all who are willing to provide facilities for developing the means of travel and facilitating the marketing of the produce of that country. According to the hon. gentleman, the Yukon country, large as it is, can only be reached by certain passes. Yet he tells us that these passes should be given to a monopoly—that one company and no one else should be allowed to enter in. I cannot understand how that corresponds with our ideas of how a country should be opened up. For my part, I should like to see the best access given, so that everybody who wants to get into that country can get there with the best facilities possible. We all know how difficult it is to go there now. It takes months for parties to reach their destination by the present channels. If these passes are to be possessed by one company, who will be able to charge what they please, it will lock the country up for a number of years. It would be a most unwise policy. As far as United States capital coming in here is concerned, the hon. gentleman's ideas are so different from the ideas enunciated by hon. gentlemen on that side of the House last night, on the subject of the American Bank Note Company, that they require some explanation, Last night he wanted to incorporate a United States company to do business here; now he says that United States capital should not be allowed to be introduced. I would ask the hon. gentleman if he does not know himself that the development of the mining industry in British Columbia is largely owing to United States capital, and if we had waited for Canadian or English capital, a great many railways and mines in that country would have been unconstructed and unde-

veloped. We merely ask to have the second reading of the bill now, and to send it to the committee, where its details can be fully considered. There will be before that committee gentlemen who have thoroughly looked into this question, and who will be prepared to deal with the legal aspect of the case. To throw out the bill without such an investigation would be most unwise and unfair.

Hon. Mr. McCALLUM—It strikes me that as we chartered two companies to go into that country already, it would be only justice to them to give them a little time to see what they will do before we give them competition. The hon. gentleman from Burlington wants a lot of companies. If we grant this, does he think it will assist the others?

Hon. Mr. McINNES (B.C.)—It is going to kill the project.

Hon. Mr. McCALLUM—I have no objection to the bill going to the Railway Committee, but at this late stage of the session do you think it will be properly considered. There are enough bills before that committee already to take the whole of their time. My own opinion is that you are only giving us more work that amounts to nothing. We may as well dispose of the bill now. If there are any advantages to be had I am in favour of giving them to British subjects and not to foreigners. When our neighbours are excluding us from their country, we should not be too generous to them. I do not object to Americans coming here. I do not object to trade with them and take their money if they have any to give us, but this is not the time to give them a preference over our own people and allow them to interfere with British subjects until we first give British subjects an opportunity to see what they will do to open up that country. My hon. friend says, give them a charter. For what? To embarrass the other company so that they will have to be bought out before anything will be done? The bill has my opposition, but I am not particular whether it goes to the Railway Committee or not. If the hon. gentleman pushes his motion I shall vote for the amendment.

Hon. Mr. McINNES (B.C.)—As a request has been made to let the bill go to the Railway Committee, I shall withdraw my amendment, I thought that owing to the late stage of the session it was just as well to dispose of it now, because I believe it is impossible that it can become law this session. It is just as well for my hon. friend to abandon the bill now.

Hon. Mr. MACDONALD (B.C.)—It is the fault of the promoters if it does not pass.

Hon. Mr. McINNES (B.C.)—That is just what I mentioned to-day, that people leave bills to the dying hours of the session and bring them forward just at the last moment. It is an insult to the House to bring them in under such circumstances, when we are all anxious to get to our homes. It would be only a proper rebuke to those people to throw out their bill and teach them to bring in their bills hereafter at a proper stage of the session.

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

SECOND READING

Bill (124) "An Act incorporating the Cataract Power Company of Hamilton, Limited," (Mr. MacInnes, Burlington).

DEPARTMENTS OF CUSTOMS AND INLAND REVENUE BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (125): "An Act respecting the Departments of Customs and Inland Revenue."

Hon. Mr. McCALLUM, from the committee, reported the bill without amendment.

Hon. Mr. SCOTT moved the third reading of the bill.

Hon. Mr. POWER—I do not rise for the purpose of opposing the bill, but to make some observations which have been suggested to me by the discussion which took place the other day. The position is this, that by Acts passed in the year 1887 the Departments of Customs and Inland Revenue, which had been under the control of independent ministers with seats in the cabinet, were taken from under the jurisdiction of those ministers and placed each under the jurisdiction of an officer called the controller, the under-

standing being that the controllers were not to have seats in the cabinet; and it was stated by the leader of the government of that time that they were to be something like the under secretaries in England. This Act, though passed in 1887, contained a suspending clause, and it was not put into operation during the lifetime of Sir John Macdonald, under whose administration it had been passed, but was put into operation, I think, in 1893. There were two or three discussions on the matter in the House of Commons, and looking at those discussions, one would have supposed that the view taken by the first minister of that day that it would be convenient to have officers corresponding with the under secretaries in England, was the correct view. Experience has shown that it is not so. Different reasons have been given. Some, I think, are not really very substantial. For instance, the hon. gentleman who leads the opposition in this House gave, as the strongest reason why the Controller of Customs should be a minister with a seat in the cabinet, that that officer had a great many matters to attend to. I do not think that that is a reason in itself why an officer should have a seat in the cabinet. The probabilities are that some copying clerks and typewriters and other persons in the very lowest offices in the service are very hard worked and have more to do than those standing near the head of the list. The character of the work has a great deal more to do with the advisability of the officer being in the cabinet than the quantity of work which he has to do. It was recognized in the discussion in the House of Commons in 1887 that the duties theretofore performed by the Ministers of Customs and Inland Revenue, and which, under the law now existing are performed by the Controllers are almost purely administrative. The Controller of Customs and the Controller of Inland Revenue have nothing to do with shaping the fiscal policy of the country; they simply carry out the laws respecting customs and inland revenue as they appear on the statute-books, and it is not necessary, for merely administrative purposes, that an officer should be a member of the cabinet. Of course it is understood, and the hon. leader of the opposition stated at the first reading of this bill, that the government of which he was the head had decided that these two controllers should be made members of the cabinet, as it had been found impracticable—I do not know that he used as strong a word as that, but at any rate it had been found exceedingly inconvenient that the Controllers of Customs and Inland Revenue should not have seats in the cabinet. When the present administration came into power they found things in that position. Their predecessors had actually constituted the then existing Controller of Customs and Controller of Inland Revenue members of the cabinet. Inasmuch as the ground taken by the members of the Liberal party had been that those officers could not with propriety be made members of the cabinet except by legislation, it followed, as a matter of course, that without a complete change of policy it was necessary that some such legislation as this should be introduced by the present government. I should not have said anything if nothing further had been said in connection with this measure, but further expressions of opinion have been given utterance to by gentlemen both in the House of Commons and in this House, and I wish to say a few words about those expressions of opinion. It has been intimated that the number of ministers, which will now, as I understand, be fourteen, is to be reduced; and either in this House or in the other House, or in both, it was suggested that some existing departments—some two of them—might be united into one, and it was indicated that the office now held by the premier —President of the Privy Council—and the office now held by the hon. gentleman who has charge of this bill—Secretary of State—should be consolidated. The ground was taken that these officers were not worked as hard as they might be. As I said before, the amount of work which is done by an officer has very little to do with the question whether he should be a member of cabinet or not If we consider the matter a little carefully, we shall come to the conclusion that the line indicated for the reduction of the number of ministers is not the most judicious line to take. It has always been felt that the premier of the country, whose time is largely occupied with questions of general policy, could not undertake to discharge the duties of any departmental office which involves very much labour. We have had examples to the contrary, as hon. gentleman know; and I think we have seen the evil results which have followed from the fact that gentlemen who had important and laborious departments had assumed also the duties

of premier. The tax imposed upon the physical and mental powers of a member of government who, in addition to discharging the trying duties of premier also undertakes to discharge the duties of a laborious department is too severe, and we have seen the evil results of the attempt to combine those duties. Consequently, I do not think it would be desirable that the Department of the Privy Council should be united with any other department. It is just the department which I think ought to be held by the premier of the country. Then as to the Department of the Secretary of State, that has existed from the very beginning in Canada. I do not know how onerous the duties of the department may be, but there is in almost every government some officer who corresponds with the Secretary of State. The Secretary of State is the channel of communication with the Imperial government and with all bodies outside of our own government. He is the Registrar General of the country; and we have had testimony from the first minister that the Secretary of State has quite sufficient to do as Secretary of State, and in addition to that is obliged occasionally to assume the duties of other offices; but as I say, the important point is that in every government you will find there is some officer whose title and general duties correspond with those of the Secretary of State. It seems to me that in the future, if it is desirable to reduce the number of departmental officers, as I think it is, we should look in some other direction. It will be remembered that when these controllerships were created there was also created a Department of Trade and Commerce, so that we shall have here in Canada, if this bill becomes law, four heads of departments dealing with the one subject of finance. There is the Minister of Finance, there is the Minister of Trade and Commerce, there will be the Minister of Customs and the Minister of Inland Revenue. I think that is something that is not to be found in any colony of Britain. It is not to be found in any foreign government that I know of. I presume in England, if you take the Chancellor of the Exchequer and the under secretaries of various kinds, that you will have about that number of officers dealing with the finances of the country, but we are not England; and I think it is perfectly clear that by the time reorganization is reached, there is no reason why the Department of Trade and Commerce should co-exist with the Departments of Customs and Inland Revenue.

Hon. Sir MACKENZIE BOWELL—Would the hon. gentleman tell me how the Minister of Trade and Commerce has anything to do with the financial departments? I can understand the other two departments, to which he refers, dealing with moneys, because they are really the collecting departments of the government, but in what way does the other?

Hon. Mr. POWER—The fact is that in this country, up to the time this Act of 1887 was put into operation in 1893, the duties which have of late been discharged by the Minister of Trade and Commerce were discharged partly by the Minister of Finance and partly by the Ministers of Customs and Inland Revenue.

Hon. Sir MACKENZIE BOWELL—And partly by the Postmaster General.

Hon. Mr. POWER—I think the portion of those duties discharged by the Postmaster General was not large, and looking back to the discussion which took place in 1887, it is clear the idea was that the Minister of Trade and Commerce was to take over the duties which had been theretofore performed by the Ministers of Customs and Excise, and if we put cabinet ministers at the heads of the Customs and Excise Departments it seems to me that there is no necessity for the continuance in existence of the Department of Trade and Commerce. This is a change which cannot be made at once; and I am speaking now of the future when these changes can be made. If any hon. gentleman will take the trouble to look through, for instance, the Statesman's Year Book he will find—I think I am correct in saying that—in no British colony is there any more than one member of the government who deals with the question of finance, and when I say that I mean trade and commerce as well as finance strictly so called. It has been recognized here in the past and it has been recognized in all the other colonies, that the duty of the Finance Minister is to lay down, of course with the consent of his colleagues, the financial policy of the country, and I cannot see why there should be four ministers in this country dealing

with a matter which, in all other colonies is dealt with by a single minister. Of course there was no necessity for my making these observations, but as the subject has been talked about a good deal, I thought there was no reason why I might not, at this stage of the bill, express in a very imperfect way, I am sorry to say, the views which I have entertained. I have not undertaken to put those views into shape at all. I have simply spoken without any preparation other than a little thought on the matter.

Hon. Mr. PERLEY—You do not propose to move a motion of want of confidence?

Hon. Mr. ALMON—I am very much obliged for the hints you have given, and as soon as the change of government takes place, we will put them into effect.

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

SENATE AND HOUSE OF COMMONS ACT AMENDMENT BILL.

SECOND AND THIRD READINGS.

Hon. Mr. SCOTT moved the second reading of bill (132) "An Act to further amend the Act respecting the Senate and House of Commons." He said:—I desire to bring under the notice of the House a request made by some members of the House of Commons, which I think, under the circumstances, may be considered reasonable. It is that the bill which is upon the order paper for to-morrow, to amend the Act respecting the Senate and the House of Commons, be passed to-day, as it will suit the convenience and interest of every gentleman of the House of Commons, and I presume there will be no objection to it.

The motion was agreed to, and the bill was read at length at the table.

Hon. Mr. SCOTT moved the third reading of the bill.

Hon. Mr. CLEMOW—I have no serious objection to the bill, but on previous occasions a great deal of trouble has arisen from this twelve days' provision. We have been left without a quorum almost, and there should be some provision for an emergency of that kind. On several occasions we have not had sufficient members at the committee meetings.

Hon. Mr. SCOTT—Wholly apart from the patriotism of the Senate—which I am sure would never permit us to leave the seat of government until the public business has been disposed of—it has been arranged that there will be no departure without consent.

Hon. Mr. POWER—There is a good deal of force in what the hon. gentleman from Rideau (Mr. Clemow) has said. A bill of this kind has been brought down every session since 1891. The more becoming course would be to have some permanent legislation on the subject. I do not think it is a thing which is calculated to raise the dignity of parliament to have bills of this character coming down every session. There are two ways of dealing with the matter. One way would be—and I think there is a good deal to be said in favour of it—to alter our present law with respect to indemnity altogether, and simply provide that each member shall have a thousand dollars a session, without any restrictions as to his absence or presence.

Hon. Mr. PERLEY—Half of them would not be here at all.

Hon. Mr. POWER—That is the solution following out logically the line which has been pursued. If it makes no difference whether a member has been absent 12 days or not, why should it make any difference if he was absent 30 days? That is one way of doing it, and another would be to pass an Act saying a certain number of days should be allowed in each session. I think there should be a provision in the bill that these days of absence should not be at the close of the session.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. POWER—It is all very well for the hon. gentleman to say members will not go away, but a number have gone away, and they have gone away relying on being paid for the days they are not here.

Hon. Mr. MACDONALD (B. C.)—How would you deal with a member coming here for two or three days?

Hon. Mr. POWER—We discussed that on former occasions, but my opinions on the subject did not meet the approval of the late government, and I am afraid they do not meet with the approval of this government.

Hon. Sir MACKENZIE BOWELL—The practice in the past has been a very disagreeable one. Of course I am speaking of the past, and I do not know what will be done now; but generally members go to the leader of the government of the day, and if he gives an order to the clerk, or intimates to the clerk, the propriety of paying the member it has been done. I know it has been found very inconvenient; in some cases you feel that you ought not to say to the clerk to pay these gentleman, because sometimes important bills were coming up. Upon other occasions, if nothing particular was going on, you would give it as a matter of course. but if you consent to one you cannot well refuse another. I am fully of the view held by my hon. friend from Halifax (Mr. Power), and would be glad to see the government take up this question, and make some provision with reference to it. If the calculation is made, it will be found that a large amount of money is paid to men who come here for a few days and go away. The principle suggested by the hon. gentleman from Halifax is that which prevails in the Australian colonies. They give the members from New South Wales £300 a year and pay him just the same as your hired man. You draw your £25 at the beginning of every month, whether you attend the parliament or not. When I was there one of the members of the cabinet accompanied me to this country, and he got his £25 a month just the same as if he were attending parliament. The hon. gentleman who came here for two or three days would get his $1,000, if the suggestion of the hon. gentleman from Halifax were adopted, unless you made some provision against that. It would be well if the hon. gentleman could induce his friends, who now have the power to change the law, to meet his views, and accept the restrictions which the hon. gentleman suggested when he was sitting in the seat behind me and I occupied a seat on that side of the House.

Hon. Mr. ALLAN—I very much wish some change could be made in reference to this matter. It makes it particularly unpleasant, in view of the observations made by the hon. gentleman from Ottawa, and others for those who may be obliged to go away just before the conclusion of the session, when a bill of this kind is brought up and passed a few days before the session terminates. There are some like myself who have, I think, been tolerably punctual, attending to their duties here during the whole session; but as hon. gentlemen know, the termination of the session was looked for long before this. It was stated at one time pretty positively that the House would be prorogued on the 10th of June, and then again that it would close on the 16th, and then a later date was mentioned. Honourable gentlemen can quite understand that business matters of great importance to individual members may have been put off under the impression that the session was just about to terminate, until at last they can be put off no longer, and finally a member is obliged to go away without being able to avoid it; I would rather see a bill of this kind introduced if it is introduced at all, the very last day of the session, because it could not be said then that gentlemen went away when they found there would be no deduction.

Hon. Mr. POWER—My view is that the present law as it appears in the Revised Statutes is an admirable one. It is calculated to guarantee the close attention of members, provided there is a slight amendment made in it, which has been discussed on more than one occasion, under which a gentleman who comes at the beginning of the session and remains for one day could not at the close of the session draw the greater part of the full indemnity.

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

NORTH-WEST TERRITORIES ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into Committee of the Whole on Bill (114) "An Act further to amend the Acts respecting the North west Territories."

(In the Committee.)

Hon. Mr. SCOTT—The bill proposes to grant to the North-west Territories some of the powers and privileges in a modified form that appertain to the provinces. Under the Act establishing the government for the North-west Territories, chap. 50, R.S., the Lieutenant-Governor administered the government under instructions from time to time given him by the Governor in Council

or by the Secretary of State. The Governor in Council was empowered to appoint six persons to be a council to aid the Lieutenant-Governor, and the number was subsequently, by the Act of 1894, reduced to four persons to be known as the executive committee of the Territories. Provision was made in the original Act that so soon as any district contained 1,000 inhibitants, it became an electoral district and entitled to elect a member of the council, of legislative assembly, and so on, as electoral districts came into existence and the population increased, the number of representatives kept pace until the number reached twenty-one, which number was subsequently increased to twenty-six by the Act of 1894, at which the representation was limited. They were to hold their seats for two years. In the bill before the House the Lieutenant-Governor in Council is substituted for the Lieutenant-Governor, and provision is made for the election of a legislative assembly, and the Lieutenant-Governor selects the members of the executive council. Under the original Act the Lieutenant-Governor in Council was authorized to make ordinances in respect to the mode of calling juries in criminal as well as civil cases, and under the bill the legislative assembly make the ordinances in respect to calling juries. Formerly the Lieutenant-Governor was authorized to appoint justices of the peace. Now justices of the peace must be appointed by the Lieutenant-Governor in Council. While the minor appointments rest with the Lieutenant-Governor in Council, the sheriff will be appointed by the Governor in Council. Clause seventeen explains the general scope of the bill, which provides that the government shall be administered by the Lieutenant-Governor and an executive council.

Hon. Mr. PERLEY—Do I understand the sheriffs will be appointed by this council?

Hon. Mr. SCOTT—Yes, the appointments still rest with the council. There is no change made in regard to the sheriff, but the minor appointments will be made by the Lieutenant-Governor in Council.

On clause nine.

Hon. Mr. PERLEY—Do I understand that clause to mean that when the Lieutenant-Governor may select a man to be a member of cabinet, that that man has to go back to be elected?

Hon. Mr. SCOTT—Yes. Under section 18 he must go to his constituents to be elected.

Hon. Sir MACKENZIE BOWELL—In addition to that must he be a member of the house.

Hon. Mr. SCOTT—Yes.

Hon. Mr. POWER—I do not see any provision in the bill that none but members of the assembly shall be members of the government.

Hon. Sir MACKENZIE BOWELL—I see no provision in the bill that a member of the executive must be a member of the assembly, nor is there any provision that I can see that if he is selected the principle of responsible government goes so far as to send him back to his constituency. We should know whether any person can be appointed a member of the executive.

Hon. Sir OLIVER MOWAT—What my hon. friend desires to accomplish is not a matter of statutory direction anywhere that I know of. There is nothing of the kind affecting us in our position in the Dominion. The practice stands very much in the same position as responsible government. There is no statute about responsible government, and still it is in force. It is a practice which is constitutional and yet not embodied in any statutory provision, nor is it expedient that it should be so. It is a settled principle that the Crown may call to the executive council any one, though at the time he is not a member of either House, but then by constitutional usage he must become a member. There is no fixed period for that. This is the same provision, as we have it here, which applies in all the provinces.

Hon. Sir MACKENZIE BOWELL—Then the understanding is that if a gentleman is selected as a member of executive who does not hold a seat in the assembly, he must seek one?

Hon. Sir OLIVER MOWAT—Yes.

The clause was adopted.

Hon. Sir WILLIAM HINGSTON, from the committee, reported the bill without amendment.

The bill was then read the third time, and passed.

DOMINION LANDS ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (116) "An Act further to amend the Dominion Lands Act."

(In the Committee.)

Hon. Mr. SCOTT—In administering so large a department as that of the Department of the Interior, we have found it necessary from time to time to come to parliament and ask for amendments. The changes in this bill involve matter of detail. No new principle is introduced. There are two clauses in the bill affecting individual interests. One is the case of a gentleman, a senator, who has put up a building on land near the border of British Columbia and built a mill upon it. It was found afterwards that it was a school section, and it was impossible to give him a deed for it. The mill was burned, but at the instance of the neighbours he was induced to rebuild the the mill, and under an Order in Council the land is to be sold to him at $1 an acre. It required, however, an Act of parliament to carry out the arrangement. Another was the case of a man named Edward Johnson, who was entitled to a patent and was unable to obtain it under the wording of the Act, and a special clause is introduced here to cover that case.

Hon. Sir MACKENZIE BOWELL—Do you make provision, where you divert the school lands, to set aside an equal area of other lands for school purposes.

Hon. Mr. SCOTT—Oh yes, it is the duty of the commissioner to set apart an equal quantity.

Hon. Sir MACKENZIE BOWELL—And of equal quality?

Hon. Mr. SCOTT—It rests with the minister, and I presume he would be guided by what is reasonable and proper. In the bill it speaks of an equal area. The amount in this case is only twenty-five acres.

Hon. Sir MACKENZIE BOWELL—That amount of land, with a valuable mill privilege on it, particularly in a country like the North-west, where mill privileges are not as numerous as they are here, the twenty-five acres might be worth more than a whole section and twenty-five acres of less valuable land would not be a fair equivalent.

Hon. Mr. SCOTT—I shall amend the ninth clause to provide that the land substituted shall be of equal value.

Hon. Sir MACKENZIE BOWELL—Those lands should be held as a sacred heritage, and no power should be vested in anybody to give a deed for a valuable piece of property on merely setting apart an equal area, which might be of less value somewhere else. I am not objecting to it, but I want to see it properly credited.

Hon. Mr. SCOTT—That is quite correct and you will find that it is so.

On clause 15.

Hon. Mr. PERLEY—I do not approve of subsection two. It is as follows:

2. In case of any entry obtained before the thirteenth day of September, one thousand eight hundred and ninety-one, the right of the person obtaining it shall be liable to forfeiture in the discretion of the minister if the application for patent is not made on or before the thirty-first day of December, one thousand eight hundred and ninety-eight.

A great many people do not know this law and they will not make application in time and in that case the minister could cancel the land on them. I think the parties ought to be notified, three months prior to taking such action, that the time would expire for their making application for a patent. They ought to have due notice before the land is cancelled on them.

Hon. Mr. SCOTT—The minister has the discretion. He is not likely to exercise it. There are many of those lands where the rights are likely to be cancelled and they stand fifteen or twenty years, without any cancellation taking place.

Hon. Mr. PERLEY—But the minister could do it if he wished.

Hon. Mr. SCOTT—The minister has large powers which he can exercise at his discretion, but he does not.

Hon. Mr. PERLEY—The man may be

away out of the district somewhere, and know nothing of the risk he runs.

Hon. Mr. SCOTT—He may be out of the country and how can the department give him notice?

Hon. Mr. PERLEY—Send the notice to his post office address.

Hon. Mr. KIRCHHOFFER—There ought to be a notice of that kind given, and provision should be made here as to how it should be given.

Hon. Mr. SCOTT—Would not the existing law cover that?

Hon. Mr. PERLEY—Not this. The law clerk agreed with me and wrote out an amendment which I have here.

Hon. Mr. SCOTT—I think it would be perfectly safe as it is, because no minister ever thinks of cancelling the rights of a settler except after many years, and then only for cause. I have had a long experience of that both as Minister of the Interior and as Commissioner of Crown Lands in the province.

Hon. Mr. POWER—With a virtuous government like the present one, we might trust the minister, but some other government of a different kind might come into office in the remote future. It is not unreasonable that the settler should have some notice before his land is forfeited. The Act itself may contain some provision with respect to notice, but if there is no such provision there should be some.

Hon. Mr. KIRCHHOFFER—The Secretary of State is wrong in supposing that a long time elapses before cancellation. Two months is the notice required now and the land is cancelled.

Hon. Mr. SCOTT—I have had hundreds and hundreds of cases under my own personal observation where it has gone on for ten and fifteen years. One of the things that I always objected to was cancelling a man's right. If he had any claim to land at all he was fully notified and given an opportunity of doing something.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman is of a very kindly nature, and he did not administer the law in a harsh manner.

Hon. Mr. SCOTT—I think that is the practice followed by the heads of all the departments. The only effect of that proposed provision would be to prompt the minister to avail himself of the opportunity to serve a notice.

Hon. Sir MACKENZIE BOWELL—As the clause stands here, it might interfere with an actual bona fide settler. We know there are many persons who settle on land, and do not think it of any consequence whether they apply for a patent or not, and they may not have the ten dollars to send for it. The Secretary of State has the management of those lands now, but he might be succeeded by the hon. gentleman from Halifax (Mr. Power) who might not be so kind-hearted.

Hon. Mr. KIRCHHOFFER—It is very hard that a settler, who may have performed his settlement duties, should be subject to having his land cancelled. In this case, after the settler has done his duty, what difference does it make to the government whether he takes out his patent or not? He might go to the old country and be away for years, and you might not be able to get at him for some time. As long as the man has performed his duties, the land should not be subject to cancellation.

Hon. Mr. PERLEY—If the time expires when a man should take out his patent, I suggest that three months' notice should be given before cancellation takes place.

Hon. Mr. KIRCHHOFFER—I would go further than that. I do not see the necessity for this clause at all. I want to be shown what necessity there is for a man to apply for his patent when he has complied with the requirements of the law. If anybody suffers by it, I could understand the reason. The man himself is the only one who could possibly suffer, because he cannot sell or mortgage the land. I move that the clause be struck out.

Hon. Mr. PERLEY—Prior to 1891, a man could get a pre-emption as well as a homestead; now the law requires that after he has made application for his homestead, in six months he must pay for his pre-emption or it is liable to be cancelled on him.

Hon. Mr. KIRCHHOFFER—The law as it stands now provides that if a man does not do his homestead duties, the land can be cancelled if application is made by another party for it, but that is only when a man has failed to perform his duties.

The clause was allowed to stand.

Hon. Mr. FORGET, from the committee, reported that they had made some progress with the bill.

SAVINGS BANKS IN THE PROVINCE OF QUEBEC BILL.

SECOND READING.

Hon. Sir WILLIAM HINGSTON moved the second reading of Bill (N) "An Act to amend the Act respecting certain Savings Banks in the Province of Quebec." He said:—The clauses are so few that we might pass this through Committee of the Whole at once.

Hon. Mr. POWER—No; better refer it to the Banking Committee.

Hon. Mr. ALLAN—The bill is one of such a character that it might well be dealt with by a committee of the whole House.

Hon. Mr. SCOTT—The bill has to go to the other House and it cannot pass this session unless it takes this stage to-day.

Hon. Mr. ALLAN—This bill has been gone through, and thoroughly approved of by the Deputy Minister of Finance, so that the House may feel quite safe that it contains nothing objectionable.

Hon. Sir WILLIAM HINGSTON—It has been prepared in large measure, by the Deputy Minister of Finance.

Hon. Sir MACKENZIE BOWELL—What new powers does the bill confer?

Hon. Sir WILLIAM HINGSTON—Under the existing law the savings banks of the province of Quebec are empowered to deposit twenty per cent of their money with the Dominion of Canada; in this bill we add "and any of the provinces thereof." As it is now we cannot deposit with the provinces nor in provincial securities for this purpose Then we wish to extend our investing powers. There are other securities in which we would wish to invest. Then, again, under section 20, we ask for the privilege of lending upon the securities mentioned in the last four lines of the bill. We want to lend directly to the companies and not through third parties, who may be men of straw, as we are obliged to do now. The company cannot borrow, but a man of straw can come and pledge those securities, lent him for the purpose, and we would rather deal with the principals than with third parties. Then the other change is this—we can now lend to municipalities of twenty thousand, but there are municipalities in Canada of two, three and four thousand which may be much better sometimes than many of twenty thousand, and as certain insurance companies in Canada have the privilege of taking the debentures of municipalities of two thousand we simply ask to be placed in the same position as those companies. We amend nothing; we simply ask for an extension of our powers to invest and to lend.

Hon. Sir OLIVER MOWAT—You ask to be allowed to lend on personal security?

Hon. Sir WILLIAM HINGSTON—No; personal security must be not only backed up by collateral, but in addition to that, the borrower, whoever he is, must pledge ten per cent more of collaterals than the amount of his loan. We cannot lend to individuals. We cannot lend upon property, but we can lend to an individual on collaterals. The two banks in question, the Caisse d'Economie of Quebec, and the City and District Savings Bank of Montreal, are suffering from a plethora of money. The Montreal institution has to-day three-quarters of a million dollars lying on deposit, a greater part of it at two and a half per cent, while it gives to its depositors three per cent. It costs one per cent for administration, so that the bank is out one and a half per cent on every dollar that is deposited. On the other hand, it is bound to give to a charitable fund six per cent on $180,000. So that where we may make only three or four per cent we are obliged to give six.

Hon. Mr. WOOD—I should like to ask the hon. gentleman if the last lines in the 20th section are not entirely new where he proposes to lend directly, as I read it, to

The corporation of any city or town in Canada with a population of at least two thousand inhabitants, or to any waterworks company, gas company, street railway company, electric light or power company, electric railway or street railway

company or telephone or telegraph company incorporated in Canada, if such company has no power to issue or does not issue debentures.

I understand those lines to authorize the bank to loan to any of these companies which have no debentures to give as security—merely lend on the personal security of the companies themselves. It appears to me, if that is the power asked for, it is an entirely new power.

I do not think I ever saw that power in any bill that has come under my notice with reference to an insurance company or any other company. I know in the section of the country where I live, there are a number of little telephone companies, and I think they are all incorporated under some general provincial Act for incorporating these companies; but I know some of them have an exceedingly small amount of capital, and it would not be very desirable for any company that wished to make good investments to lend them much money on their personal security, without any collateral whatever.

Hon. Sir WILLIAM HINGSTON—I may say that the banks merely ask permission to lend. On the other hand, there are ten directors largely interested in the success of those institutions alluded to. Some of the companies issue debentures, and some cannot issue debentures; but the banks wish that a resolution of the board of directors with its corporate seal will, to all intents and purposes, be accepted as a debenture: that is, of course, with the additional margin of 10 per cent which these institutions require from borrowers. Any company or individual wanting money, as it is now—and that law remains unchanged—for every $1,000 he gets he must deposit not less than $1,100; and if the stock goes down—we will suppose the stock is at par, and it goes down 5 per cent—this $1,000 becomes $950, and he has to keep up the margin or in 24 hours his security may be sold. Those are the terms upon which loans are obtained. What is the result? I say it with pride that those institutions have been carried on for thirty years without losing one shilling during the greater portion of that time. Now, however, they are suffering from a new condition of things, a plethora of cash, and wish to extend the line along which loans can be effected.

Hon. Mr. WOOD—I would like to say that as this matter presents itself to my mind, the argument which the hon. gentleman has just addressed to the House would apply to withdrawing any limit whatever, from the investing powers of these companies; that is to give them power to lend to any person, private individual or otherwise, any person the board of directors thought was a desirable sort of person to lend to. That is one line of policy, but hitherto we have adopted an entirely different line of policy. The only object parliament has in passing this Act in regard to insurance companies, investment companies, and savings banks is to guard the public who deposit their money with these banks by limiting the class of securities that these companies invest in to what are considered a tolerably safe class of security; and the point I have just now called the hon. gentleman's attention to is that if this policy was adopted, or the line of argument which he has addressed to the House is a sound one, it would lead to the logical conclusion that any limitation whatever should be removed, and that the whole matter should be relegated to the board of directors of the company to accept any sort of security which they thought proper. Having in view these two different lines of policy, I must say just at first glance—and of course we have had no time to consider this, or look at it; it has only been placed in our hands within the last few minutes—it does appear to me that the last two lines of section 20, give this company a power with regard to investments which I have never known to be given to any insurance or other company whose power of investment we have dealt with in any way.

Hon. Mr. CLEMOW—This is a very important bill, and I want to inquire into it. It may affect these two banks in lower Canada, but I want to see the effect it will have on our savings banks and other institutions, I do not think we can give it proper consideration at the present time; and therefore we should refer it to the Committee on Banking and Commerce, and let them ascertain what the effect of the bill will be. Banks have a good deal of money, and want to get rid of it; but other companies may not be in the same position.

Hon. Sir WILLIAM HINGSTON—These two institutions ask for nothing that other banks do not possess.

Hon. Sir OLIVER MOWAT—Yes, they do.

Hon. Sir MACKENZIE BOWELL—I do not think it would jeopardize the bill if the hon. gentleman would take the second reading now, and refer it to committee to-morrow.

Hon Mr. ALLAN—The hon. gentleman will really lose nothing by it, if he gets the second reading now.

Hon. Sir WILLIAM HINGSTON—Then I will move the second reading.

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

The Senate adjourned.

THE SENATE.

Ottawa, Saturday, 19th June, 1897.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

SAVINGS BANKS IN QUEBEC BILL.

REPORTED FROM COMMITTEE.

Hon. Mr. ALLAN, from the Committee on Banking and Commerce, reported Bill (N), "An Act to amend the Act respecting certain Savings Banks in the Province of Quebec," with amendments. He said:—The amendments to the bill are almost entirely verbal. As the hon. mover of the bill is present, I will allow him to move the adoption of the report.

Hon. Sir WM. HINGSTON moved concurrence in the amendments.

Hon. Mr. CLEMOW—As I said yesterday, I object to bills of this kind being introduced at this late period of the session without any notice at all. This bill came up yesterday evening at half-past six, and we had to consider it to-day at ten o'clock, and I do not think it gives the country a fair idea of what is going on in the way of legislation, and certainly it is not treating the members or the men responsible for this bill fairly. I took the opportunity this morning to consult some of the bank managers in this city, but they were in the same position as we are—they could not pronounce on the merits or demerits of this bill without consideration. The bill might be all right, but what I find fault with is that we have not had time to properly consider it; we have not given it the consideration it should have to pass this legislature. I do not offer any opposition to it. I believe that the general consensus of opinion is rather in favour of it, but I wish to enter my protest against bills being introduced in this hasty fashion and being rushed through, and I intend to protest in future against such a practice. It is not treating the Senate in the correct way to introduce this important measure so late in the session. Therefore I hope there will be an end put to this sort of legislation in the future, and as far as I am concerned I intend to raise my voice in protest against bills being introduced without members being given a fair opportunity of considering them upon their merits. I see some defects myself in this bill; but I do not wish to set up my opinion against the opinions of other members of the Senate who may be in favour of it, but I desire that this bill shall be considered by the people in the country who are interested and who will be affected by it, and then we will have opinions upon which we can rely, and we can come down to the House with confidence that we know what we are doing. I shall not oppose the bill further, but I simply say that I do not approve of bills of this character being introduced so late in the session.

Hon. Sir WILLIAM HINGSTON—I quite agree with the hon. gentleman in the abstract, but in the concrete sometimes an injustice might be done, and I thank him for signifying to us that he intends to withdraw any opposition to the bill after stating his objections. I beg to move the suspension of rule 70 so far as relates to this bill.

Hon. Mr. POWER—I shall object to the suspension of the rule, and I wish to direct the attention of the hon. gentleman from Sackville (Mr. Wood) to the fact that the bill with respect to Savings Banks in the

province of Quebec is now before the House and he may have an opportunity to express his views with respect to the measure. The views which I have heard him state to the House are my own. This bill proposes to put the savings banks in the same position as the ordinary banks of the country, and the hon. gentleman who has charge of the bill appears to think that they should be put in that position, but it will be seen that the cases are entirely different. The ordinary banker is dealing with his own money or with the funds of the shareholders who put their money in the bank, in a certain sense, as a business speculation, but the savings banks are dealing with the savings of poor people as a rule, whose money is put in there for safe keeping, and to my mind the directors of a savings bank are in a position not of ordinary business people, but in the position of trustees, and every hon. gentleman knows that the laws of the various provinces impose restrictions on trustees as to the manner in which they are to invest trust funds I think there is the same objection to giving unlimited powers of investment to a savings bank as there is to give unlimited powers of investment to trustees. Unless the hon. gentleman from Sackville and other hon. gentlemen have a strong opinion about it, I am not going to take advantage of the rule of the House to prevent the measure passing, but I really think it is a measure which should not become law.

Hon. Mr. WOOD—I did not intend to take up the time of the House with any further observations on this bill, but if there is time to devote to it I have no objection to expressing the strong opinions which I hold with regard to this measure. This bill proposes to extend the investing powers of these savings banks to a very considerable extent. To some of the extensions proposed I have no objection to make. The portion of the bill which I think is very objectionable is contained in the last four lines of sub-clause 20 of clause one in the bill. If this clause passes in its present state, it gives these banks the power to loan to waterworks companies electric light or power companies, electric railway, street railway companies, or telephone or telegraph companies incorporated in Canada, upon their own note, or obligation, or bond or whatever you may take from them where they have no power to issue debentures. It does not appear to me that a company belonging to any one of these classes incorporated in Canada, that has no power to issue debentures—or does not issue debentures because they have not sufficient capital and sufficient property to warrant the issue of debentures—is not a very good company for a savings bank to loan its money to. I do not wish to put up my opinion as a very high authority on this point, but so far as my own observation and experience go, in the section of the country where I come from, there are a number of small companies in country villages and towns incorporated mostly under the General Act of the local legislature for the purpose of establishing some short telephone communication or for establishing a little electric light plant which will serve the interest of a few leading people in the place or some small section of the community. There are, I know, a number of these small companies, and I think there are very few of them that issue any bonds or debentures, for the very simple reason that they would be utterly unable to sell any bonds or debentures on the market. The amount of capital which these companies have invested in these enterprises is very limited indeed, and in my opinion it would be a very undesirable class of investment for any savings bank to have power to make loans to these companies. It was urged in committee, in answer to this objection that I made, that, under the power granted by the preceding part of this section, those companies have already the power to lend to individuals on collateral security of the stock or debentures of these companies, and it was argued that if it was wise to allow a company to loan to an individual, who might be a man of straw, taking stock of one of these companies as a collateral, it was much better security to lend directly to the company itself and have the liability of the whole company whatever that may be worth, but I wish to point out this difference between those two modes of loaning money, and it appears to me it is this principal difference which has governed the legislature in the past in limiting the power to the one class of investments and not allowing it to accept the other. Where a person makes a loan to an individual, taking as security the stock of the company or the debentures of the incorporated company the amount of that loan is limited to the

amount of stock which the company can issue, generally I think to the amount that is paid up on that stock, although I have not had time to examine the clauses of the Acts of those loan companies, but they are limited I know. At least, to the best of my recollection, in the various loan companies, insurance companies and other companies, which make this class of loans, their power of loaning is limited in some way by the amount that is paid up on the stock of these various companies. So the House will readily see that where a loan is made even to a man of straw, on the security of the stock of this company, they are at least limited to the amount of capital that has been paid up in cash on the stock of that company. If they are loaning, and bound to loan, on the security of the debentures of a company, their power of loaning is limited in that way to the amount of the debentures which the company is authorized under its Act of incorporation to grant, and when that Act of incorporation is granted the legislature looks carefully to see that the power to issue debentures is proportionate to the amount of capital stock paid up, so that, so far as it is practicable by legislation, there is at least some safeguard or security to the public that a loan made in that way has some guarantee behind it of being paid, but if this power is granted, as expressed in the last clause, these companies can go to any of these electric light or telephone companies, be they big or small, and lend them on their own note, obligation or bond, or anything of that character, any amount at all. There is no limit whatever on it, so far as I can see. They can lend, just as though it were to a private individual, $100,000, if they saw fit to do so, when their whole capital stock might be $5,000 or $10,000. There is no limit whatever. These clauses appear to me to be removing every safeguard which in the past this parliament has attempted to place upon the public who deposit their moneys in these savings banks, to prevent the savings banks loaning to an undesirable class of persons. I can only repeat what occurred to me yesterday and am firmer in the view the more I consider the question, that the adoption of that clause as it stands here is simply wiping out, so far as these companies are concerned, all the limitations and all the safeguards that we have adopted in our legislation in the past, and giving them a free hand to lend to these companies to any amount they choose, leaving the matter wholly in the discretion of the directors of the companies, without limitation as far as the law is concerned. If that principle is to be adopted, we had better adopt it with all these loan companies, savings banks and insurance companies, and all the companies of that class, which in the past we have been attempting to restrict in their investments, and give them all a free hand to lend to whoever the directors think fit, whether it be an incorporated company or an individual. I should say, looking at it from a business standpoint, if you were to give such power to these companies, you had far better give them power to lend to individuals on their notes, because there is no doubt the argument which is presented in favour of these companies will apply to individuals. You will find plenty of individuals in Canada that it will be perfectly safe for these companies to make loans to, if the directors see fit. There is one other point in connection with these companies. As far as my experience goes, the small class companies to which I refer get incorporated. Some of them have respectable men in them. They get incorporated for the express purpose of limiting the liability of the persons who are connected with them. who are men of any substance or standing, and who are willing to subscribe $1,000 or $3,000 or $4,000 for the sake of getting these things going, but are not willing to be responsible for the financial success of the enterprises. They are willing to launch them in that way and let them try to work out their own salvation. It appears to me really that this is a very objectionable clause. It is taking an entirely new departure: it is entirely reversing the policy which has governed parliament so long as I have had the honour of a seat in parliament, and personally I hesitate very much about changing the policy of the past and sanctioning these few lines in the latter part of this bill. To the rest of the bill I have no particular objection.

Hon. Mr. COX—Since the bill passed the committee this morning, I have had communication with Mr. Lash, the solicitor of the Bankers' Association, who has been instructed by that association to object to these lines that the hon. gentleman from Westmorland (Mr. Wood) has already taken exception to.

Hon. Mr. ALLAN—Those are the last four lines?

Hon. Mr. COX—Yes. They also want an amendment in clause 18, leaving out the words "or in such securities as are accepted by the government of Canada as deposits from insurance companies." Under the present charter the savings banks have to hold twenty per cent of their deposits in Dominion securities or in deposits in chartered banks. They are now asking to have it increased by adding the words "provincial securities" and these other words that I have just read that the Bankers' Association want taken out. That is to say the Bankers' Association are willing that they shall have it in Dominion securities and provincial securities and deposits in chartered banks. That is giving extended power to what they now have. I have been discussing it with the promoter of the bill, and I think with these changes made, the powers will be very much enlarged and practically that will be satisfactory to him and it would remove the objections which have been urged by the hon. gentleman from Westmoreland.

Hon. Mr. ALLAN—Do I understand the hon. gentleman that the suggestions made by the bankers committee have been acceded to by the promoter of the bill? Because you will remember I pointed out what I thought was objectionable in the last four lines.

Hon. Mr. COX—I am not authorized to say that he does assent to it.

Hon. Sir MACKENZIE BOWELL—There is no reason given why the company should not be allowed to accept such securities as the Dominion government accept from insurance companies. Surely if the Dominion government think such securities are good enough to insure payment to those who may lose by the failure of any bank, they ought to be good enough for a loan society to invest their money in. That question has been discussed, I suppose scores of times before the treasury board and they have been very particular in restricting the quality and kind of securities which shall be accepted by the government, and in all municipal securities they only take 10 per cent discount.

Hon. Mr. COX—Clause nineteen gives them power to invest in all these securities. The change suggested is that they should not be the securities held as part of their reserve—that they should be excluded from securities held as reserve but not excluded as securities in which they shall be allowed to invest.

Hon. Sir MACKENZIE BOWELL—That is another thing.

Hon. Sir OLIVER MOWAT—This bill seems to require more consideration than it is possible to give it now, and I should like to give whatever relief is absolutely essential to these parties. Several things have been suggested now as to which there is a difference of opinion. On one point the committee took one view and the bankers took another view. Then again, while loans are allowed on the personal security of individuals providing certain collateral securities are taken in addition, there is no restriction as to the necessary amount of the latter. For instance, $50,000 may be loaned to a man on his personal security, and the additional security may not be worth more than $1,000. That is one of the defects of the bill. The restriction as to additional security is a mockery unless you fix in some way the proportion of collateral to the loan. I do not think any one would say it is a desirable thing that these companies should lend on personal security merely. The whole spirit of the law is against savings banks having that privilege. If we are to pass some bill on the subject in order to afford present relief to these banks, I would suggest that the Act be in force only a year, in order to give time to consider the whole subject. The bill, with my Ontario notions, certainly shocks me—that trustees should be at liberty to invest the money entrusted to their care, in all the ways provided in this bill. Still, making such changes as we can now, and with the additional limitation that the Act shall be enforced only until the next session of parliament, I do not see why it may not be passed. I am told that there are only two savings banks in Quebec now, and that they are both managed by gentlemen of great wealth, ability and experience. Other savings banks may be established however and they cannot be of the same standing—it would be almost certain they would not be of the same standing as the two companies in existence now. We may consider these amendments, and

I would suggest, instead of concurring in the amendment proposed by the special committee that the House resolve itself into a Committee of the Whole for the purpose of considering all the amendments, and we can go back to the Senate then and pass the third reading after all is done. We cannot make the amendments in any other way satisfactorily. I suggest, in lieu of concurrence in the amendment, that the House resolve itself into a Committee of the Whole on the bill.

The motion was agreed to.

Hon. Sir WILLIAM HINGSTON moved that the bill be referred to a Committee of the Whole presently.

Hon. Mr. FERGUSON—This bill is of an important character and it would be better that legislation on this subject should be deferred until next session.

Hon. Mr. MACDONALD (B.C.)—We can amend it in the House.

Hon. Mr. FERGUSON—The suggestion of the hon. leader of the House is that the bill should be in force only for a limited period—say until next session. If it once becomes law and these banks operate under it and take loans in this way, we will have given away the whole ground; no matter how much parliament may desire to go back to safer ground next session it would be difficult to do so. It would be really better, if the introducer of the bill could see his way clear to allow it to stand over till next session. If that were done, it could be considered as a general measure. Institutions of a similar nature all over the country may feel the same difficulty that the institutions represented by my friend do, and then it may be well and carefully considered as to whether this was proper legislation or not. If the amendment suggested by my hon. friend the leader of the House is adopted, we will be practically giving away the question, and the House will not be in the position to deal with the whole question that they would be in if we deferred the legislation until next session. Not only that, but as every one knows, the bill was brought up too late in the session and there was not an opportunity to consider it in the committee this morning as thoroughly as was desirable. The introducer of the bill would meet the views of the House and the general interests of the community by letting it stand over until next session.

Hon. Sir WILLIAM HINGSTON—The Bankers' Association, judging from the telegram which I saw a while ago, does not object to the whole tenor of the bill, but to certain portions of a couple of clauses of the bill, which can be dealt with if we go into Committee of the Whole and disposed of.

Hon. Mr MILLER—I do not think it has been shown to the House why this bill has not been introduced before. Here is a bill, certainly very important and sweeping in its clauses, and likely to be followed by very serious consequences, brought into this House in the very last days of the session and attempted to be forced through under a suspension of the rules in a manner in which I think a bill like this should not be forced through. We have had no reason given why this bill was not brought before us at an earlier period of the session. These banks have got on for a great many years without this legislation, and I think they can do a little longer without it. It would be far better to drop the bill than to rush it through with our eyes almost blindfolded as to its consequences.

Hon. Mr. MACDONALD (B.C.)—The financial men of the country agree to the bill with the exception of one or two amendments which they wished to have introduced now.

Hon. Mr. SCOTT—The points at issue are very well defined now. Those who have given the subject attention quite understand them. They are comparatively few, and I think while the subject is fresh in the minds of those who have studied it, we could reduce the claims and powers made in the bill and let it go.

Hon. Mr. POWER—Although this has been introduced as a private bill, it is really a public bill. In the past the House has dealt very carefully with legislation of such a character. It seems to me that if there is legislation of this kind to be introduced it should be introduced by the government on their responsibility. The government should have ample time to consider the effect of the language which they use in the bill. It is all very well for the hon. Secretary of State to say that it is all right and that

every body is satisfied, but I am satisfied that the hon. gentleman has not read the bill through carefully himself.

Hon. Mr. SCOTT—I have.

Hon. Mr. POWER—No one is in a position to give a reasonable and carefully considered judgment on the lines of this bill, and under the circumstances I think the best way is to let it go until next year.

The Senate divided on a motion to go into committee which was adopted by the following vote:

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Allan,	MacInnes (Burlington),
Almon,	McDonald (C.B.),
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Merner,	

(In the Committee.)

On clause 18.

Hon. Mr. COX moved that in section 18 the words in the 9th line "or any such securities, as are accepted by the government of Canada as deposits of insurance companies" be struck out.

Hon. Sir WILLIAM HINGSTON—I should like very much to accede to the wish of of the hon. gentleman, but it does not help us out of our difficulty. In fact, that is the essential part of the bill, to relieve us from the obligation of placing our money in banks that will not give us within one or one and a half per cent of what we have to pay to our depositors.

Hon. Mr. POWER—As I understand, this clause as amended, gives the savings banks the right to hold their 20 per centum in the securities of the provinces in addition to those of the Dominion. On reference to the Act of 1890, I find that is the case. This is an extension of their powers.

Hon. Mr. COX—A telegram has just been handed to me from the Bankers' Association of Montreal urging changes.

Hon. Mr. MILLER—That shows the inexpediency of taking up such important legislation and passing it through in this hurried manner.

Hon. Mr. WOOD—I was just going to remark, that if we wanted any conclusive proof of the impropriety of dealing with this bill at this period of the session in this hasty manner, when the members have hardly had time to read the bill over, it is furnished by these telegrams. The course that has always been adopted in dealing with bills of this kind is to send them to the Committee on Banking and Commerce to be carefully considered and for these banking institutions to be notified. They send a person here to represent their side of the case, and the committee has time and opportunity to consider the whole subject. I suppose that this bill has only reached these bankers to-day and therefore they have not had time to come here and represent their case, but have sent in telegrams at this late stage of the session and at this stage of the progress of this bill. I would also like to emphasize what the hon. gentleman to my left (Mr. Ferguson), called attention to a while ago, that this morning when we were in committee, the committee was most impatient. A number of its members got up and said they would not stay, that they had to leave and attend another committee, and the bill really did not receive the consideration it should have received in the committee.

Hon. Mr. MILLER—I should like to know whether this bill is to be considered as a public or a private bill. Being in the hands of a private member, I suppose it is a private bill.

Hon. Sir OLIVER MOWAT—In the technical sense of the word it is a public bill.

Hon. Mr. MILLER—It is in the hands of a private member.

The amendment was adopted.

Hon. Sir OLIVER MOWAT—I observe in the telegram just received attention is called to the fact that this bill omits the word "public" before the word "securities" in the 19th clause, third line. I see no reason why it should be left out. I move that the word "public" be inserted before the word "securities."

The amendment was adopted.

Hon. Mr. WOOD—Before clause 19 passes, I should like to call attention to line 25:

Or in the manner provided in the two sections next following, but not otherwise.

So far as this bill goes, there is only one section following.

Hon. Mr. POWER—That is substituted for a section in the existing Act.

Hon. Mr. WOOD—And the same word is in the existing Act, is it?

Hon. Mr. POWER—Yes, there is a question which arises under line 17:

Or in the securities of any municipal or school corporation in Canada.

Under the existing law they have the right to invest moneys in the securities of any municipal corporation. I very much question the wisdom of adding school corporations. The question is what sort of school corporation is it? There are incorporated schools whose securities would not be very valuable, some schools which are incorporated and dragging out a very miserable existence, and I do not think it is wise to give these banks the power to invest indiscriminately in the securities of school corporations.

Hon. Sir WILLIAM HINGSTON—This means Protestant and Catholic school corporations.

Hon. Mr. POWER—Then you should say "public school corporation."

Hon. Sir OLIVER MOWAT—I should insert the word "public" before the word "schools."

Hon. Mr. LANDRY—They are all public schools in Quebec.

Hon. Mr. POWER—This is the language objected to by the hon. gentleman from Sackville:

Any gas company, street railway company.

Well, those might pass.

Electric light or power company, electric railway or street railway, telephone or telegraph company incorporated in Canada.

Hon. Mr. MACDONALD (B.C.)—Those are all good securities.

Hon. Mr. WOOD—I do not object to that, and I am afraid the House has not understood the observations which I made a little while ago. Certainly the hon. gentleman from Halifax could not. I do not see any objection to lending on the security of the bonds or debentures of these companies provided they are companies who have power to issue bonds and debentures and do issue them, but what I do object to is the line in clause 20 which confers an unlimited power to give any amount of money to these people without issuing bonds or debentures.

Hon. Mr. POWER—I object to this language on my own account and independently of what was said by the hon. gentleman from Sackville (Mr. Wood), and I can give an instance. We have had in the city of Halifax, within my limited recollection, two street railway companies both incorporated under Acts of legislature, and both of these companies came to grief. If we had a savings bank in Halifax other than the government savings bank, and that savings bank had invested the funds of the poor people which were in its possession, in the debentures of these corporations, the funds would have been lost. I do not think the unlimited power to invest in street railway debentures is one that should have been given to the banks.

Hon. Mr. VILLENEUVE—You must bear in mind that the City and District Savings Bank of Montreal is a large institution, and conducted by the best business men of Montreal, to the number of ten, and that bank has been a credit to Canada. The parties who have placed their moneys there feel perfectly satisfied, and I believe the reason why the City and District Savings

Bank are asking amendments to their charter is because they have too much money. They do not know what to do with it, and to-day they want legislation to authorize them to lend it elsewhere, not to be forced to lend it according to their charter, by which they do not find sufficient investment. I can assure you the City and District Savings Bank of Montreal is considered one of the best institutions that we have, and well conducted. I have no doubt that if we give them sufficient powers they will use them advantageously for the bank and for the shareholders. Besides the money that is deposited there, they have a guarantee. There is a certain amount of money—the shareholders hold a large amount—there is a large capital, and I am surprised that anyone in Montreal should try to put obstacles in the way of this company obtaining these amendments, because I really believe there is not an institution in the country which is better conducted than the Montreal City and District Savings Bank.

Hon. Mr. POWER—We want to keep it that way.

Hon. Sir OLIVER MOWAT—But this is a general Act, and not an Act for those savings banks alone. It is a general Act for all savings banks that have been, or may hereafter be, established in the province of Quebec. If this was a bill for those two savings banks alone, one might agree to a number of things on account of their high character, but we are not dealing with them alone and must contemplate the case of any number of savings banks having been established and acting under this Act, and they would not be all of as good a character as this bank; and in case of a general Act applying to all savings banks in the Dominion, these provisions for Quebec would be taken as precedents in all cases. We may be getting bills from Ontario, Nova Scotia, New Brunswick and the North-west Territories, and they will insist on these provisions which we only incorporate here because of our high opinion of these two banks. The more I consider the bill the more difficult I think it is to concur in it. In the 35th line of the 20th clause, I suggest that after the word "taken" we should insert "to the same amount." I am proposing that for the reason already mentioned that, as the bill is drawn now, it requires when money is lent upon personal security, in addition to that you should have some other security, but it does not establish what amount. If you were lending $50,000 you might only take $5,000 or $10,000 additional security, and I propose to provide that the additional security be of the same value.

Hon. Mr. POWER—We should make it read "not less than the amount."

Hon. Sir OLIVER MOWAT—I have no objection to put it that way "to not less than the amount of the loan."

The amendment was adopted.

Hon. Mr. COX—The last lines of clause 20 read as follows:

> Or to any waterworks company, gas company, street railway company, electric light or power company, electric railway or street railway company or telephone or telegraph company incorporated in Canada, if such company has no power to issue or does not issue debentures.

I move to strike out all the words I have quoted.

Hon. Sir WILLIAM HINGSTON—We have that power and have enjoyed it for the past nine years. By this change we improve our position. Instead of accepting bonds, which would rank on the estate, we become first creditors by lending them directly, and instead of diminishing the security of the bank we increase it. The debentures and bonds do not come in until after the creditors are paid.

Hon. Sir OLIVER MOWAT—Have you that power now?

Hon. Sir WILLIAM HINGSTON—Yes we can lend to those companies now. Our charter reads:

> That the bank may lend on such securities upon the personal security of individuals or corporate bodies, provided collateral securities of the amount mentioned in the next preceding section or stock in some chartered bank in Canada, or stock in any building or loan society, or bonds or debentures of any incorporated company, or any such securities.

Hon. Sir OLIVER MOWAT—Have you not got those words in your charter:

> Do not issue debentures.

Hon. Sir WILLIAM HINGSTON—We contend under this clause we have the right to deal with them where they do issue debentures, but we wish to deal with them

where they do not issue debentures. Practicably we have been lending year after year to these companies upon bonds and debentures. I will give you an illustration. The gas company in Montreal, an enormous wealthy company, may issue bonds and debentures, and we may buy up the whole of them or lend upon the whole of them to the extent of a million if we want to, but we desire to have the privilege of lending to when they do not find it convenient to issue debentures upon the resolution of the board of directors signed by the president and the secretary and the seal of the company, which to all intents and purposes is a bond. In that way we come in before the bondholder. We are a first creditor in the case of difficulty, so that we improve our position so far as the depositors of the bank are concerned instead of adding to the risk.

Hon. Mr. CLEMOW—Will that be fair to the bondholder.

Hon. Sir WILLIAM HINGSTON—That is a matter for the gas company?

Hon. Mr. COX—The power that the hon. gentleman has now is the power that is conferred by clause nineteen, but if you read it carefully you will see that the last five lines of clause twenty give additional power to what they now have. It is to these words that the exception is taken by the Bankers' Association.

The motion was agreed to.

Hon. Mr. MACDONALD (B.C.)—Those who are moving these amendments should bear one thing in mind, that the directors of these banks are not idiots. They have been managing the affairs of their banks very successfully for many years.

Hon. Sir WILLIAM HINGSTON—Is it the intention to prevent a bank from lending to a street railway or gas company or telephone company, whatever may be the strength or character of that company?

Hon. Mr. CLEMOW—You have the power now.

Hon. Mr. POWER—The language in the first part of clause twenty should be reinstated to make the clause clear. As it stands now it takes away from those banks certain powers of lending which they now have, and I think the power ought to be left as it is.

Hon. Sir OLIVER MOWAT—It has been suggested by some hon. members that in consequence of the amendments we have made the powers of the banks may be in some respects more limited than they are now. With a view to meeting that objection, I propose to add the following clause as clause two:

Nothing in this Act shall be construed to prevent the banks from investing in any security in which the bank was authorized to invest before the passing of this Act.

Hon. Sir WILLIAM HINGSTON—I understand it is the deire of the government to omit the last line in clause twenty from the word "inhabitants."

The CHAIRMAN—Yes.

The motion was agreed to.

Hon. Mr. McKINDSEY, from the committee, reported the bill with amendments, which were concurred in.

KINGSTON AND PEMBROKE RAILWAY COMPANY'S BILL.

REPORTED FROM COMMITTEE.

Hon. Mr. VIDAL, from the Committee on Railways, Telegraphs and Harbours, reported that they had considered Bill (38) "An Act respecting the Kingston and Pembroke Railway Company," and found that the preamble of the bill had not been proved, and that it is not expedient to pass the bill. He said:—The committee makes no specific recommendation to the House; but having examined the bill (and I can assure the House we have examined it with the greatest care), and having heard able counsel on both sides, the decision which the committee came to was that the bill is of such a character that they could not recommend its adoption to the House. They considered the preamble was not proved. I move the adoption of the report.

Hon. Mr. MILLER—I do not know that it is necessary.

Hon. Mr. POWER—The House is supposed to dispose of the bill in some way. I did not care to second the motion because I have this feeling with respect to the matter:

this company was authorized to issue bonds. The danger is, that if the bondholders are not allowed to realize upon their securities, and the impression gets abroad in the money market in England, the effect will be rather to damage the standing of our railway securities in that market, and I trust that the government will, at the next session, introduce a general measure which will enable the holders of these railway securities to realize on them.

The motion was agreed to.

INTERCOLONIAL RAILWAY EXTENSION BILL.

FIRST READING.

A message was received from the House of Commons with Bill (142) "An Act to confirm a certain agreement entered into by Her Majesty with the Grand Trunk Railway Company of Canada and the Drummond Counties Railway Company for the purpose of securing the extension of the Intercolonial Railway system to the city of Montreal."

The bill was read the first time.

Hon. Sir OLIVER MOWAT moved that the bill be read the second time on Monday.

Hon. Sir MACKENZIE BOWELL—I hope the government will see that that bill is printed and distributed in time to allow us to understand it thoroughly before the second reading. It is scarcely fair to submit such an important measure without affording us an opportunity to give it proper consideration.

The motion was agreed to.

THE MANITOBA SCHOOL QUESTION.

INQUIRY.

Hon. Mr. BERNIER—Before the Orders of the Day are called, I should like to direct the attention of the government to the following statements which I find in the Ottawa *Citizen* of this morning:

> The statement in The *Citizen* that Mgr. Merry del Val had accepted the Laurier-Greenway settlement was a fruitful theme of discussion about the House yesterday. So far as can be learned there hangs a tale thereby which quite alters the situation pictured by this report. It appears to be true that the papal ablegate has approved the compromise, but in its general terms only, and asks certain modifications which Mr. Greenway is stubbornly resolved not to concede. He was urged in vain to do so by the government at Ottawa, and failing to obtain his consent by correspondence, the cabinet decided to send Mr. Sifton out west to endeavour to bring the Manitoba premier to terms.

I should like to know from the hon. gentlemen representing the government whether there is any truth in the statement which I have just read. Has Mr. Sifton left for the purpose indicated in that paragraph? Since the beginning of the session we have not been able to obtain any information from the government on this subject. I hope this time that they will consent to take the House into their confidence. We are close to the end of the session. All sorts of rumours are afloat, and a good deal of anxiety is the result of these rumours. I should be glad to be informed by the government that they have succeeded in obtaining for the minority satisfactory concessions from the Manitoba government. If that should be the case I shall be glad to congratulate them on their success. If there is any such thing as negotiation between the local government and this government, it is much to be regretted that in all those negotiations the representatives of the parents of the minority who before all should be consulted are not consulted in the least. It has been stated that the question is dead. I should like to inform the hon. gentleman that it is not dead, and it will not be dead until the rights of the parents, as vested in them by the constitution and by the law of nature, are fully restored to them. However, I hope the government is now in a position to state to the House that matters are in such a position as to afford hope of complete relief to the minority.

Hon. Mr. SCOTT—The only arrangements made by the government are those already in possession of parliament and the people of this country. The persistency with which the hon. gentleman brings this question under the notice of the House and the country is an indication that there is a desire to baulk any further advantages that might possibly be obtained. The hon. gentleman knows very well that delicate matters of this kind can only be advanced by confidential communication and by such influences as may from time to time be brought by personal intercourse, not by diplomatic correspondence, and the very fact of this question being constantly discussed

in the public press of this country creates an irritation necessarily, and creates obstacles to any further concessions that might, under ordinary and happier circumstances, be obtained. The hon. gentleman is aware that Mr. Greenway, in a public speech made in the city of Montreal, declared that in the administration of the law he would endeavour to remove, as far as practiable, any difficulties that might impede the minority in the exercise of their views in regard to school education, without at the same time conceding what was demanded, separate schools. That is all I know at the present time. The government, as a government, completed the negotiations they had made and gave them to the public. It is now for Mr. Greenway to deal with the minority in the spirit that he indicated on that occasion. I have every hope that he will do so. I am not aware that he has done so up to the present time, and I cannot inform my hon. friend any further than the information he gets from the public press.

Hon. Sir MACKENZIE BOWELL—I would like to call the hon. gentleman's attention to the fact that he has not answered the question at all. He has made a very nice little conciliatory speech which I should have been delighted to have heard falling from his lips a few years ago. Its contrast is so great that one cannot help complimenting him on the change of tone he has adopted on this important subject. The only question asked by the hon. member from St. Boniface was whether the statement was true that Mr. Sifton, the Minister of the Interior, had gone to Winnipeg as indicated in the paragraph which he read, and if he had gone there for the purpose of trying to impress upon the Greenway government the necessity of obtaining certain concessions which had been granted to the minority in the past. That is all the hon. gentleman asked. If Mr. Sifton had not gone, no, would have been the answer. If the hon. gentleman did not know why he had gone, all he had to do was to say so without reading a lecture to this side of the House. It was very ungracious—I say it with the full meaning of all the words imply—for the hon. Secretary of State knows the history of this question—to accuse any hon. gentleman on this side, of taking a course which would have the effect of baulking a question in which my hon. friend from St. Boniface has taken so deep an interest, ever since the matter has been before the country. Had that come from some other gentleman, I could have understood it, but falling from the lips of the hon. Secretary of State, it is not only ungracious—I was going to say unmanly—to attribute to the hon. member, who, whatever course he has taken in this matter, every one must believe has been from a conscientious conviction of right, to accuse him of trying to baulk that which he has been fighting so assiduously to obtain.

Hon. Mr. SCOTT—I do not think it is very consistent for the hon. leader of the opposition to make any charges in reference to the position of this delicate question. I have always held the view that when the year expired and the government declined to veto that bill, the power was then gone—that the rights of the minority were for ever sacrificed by the government of which the hon. gentleman was a member. They were afraid, as the elections were coming on, to face public opinion, and so they left the question to be settled by the courts. The courts blundered, as I have always maintained they did blunder—no man doubts that in the light of past history—in the attempt to get back to it. It does not come with very good grace for the hon. gentleman to lecture me. My course has been consistent from the very beginning. I recognized that the rights were as sacred as any Act of parliament that had ever been passed, that they had been ratified and verified during a long period of eighteen years. I recognized also that there was just one course to save the rights of the minority, and that was the disallowance of the Act. When that year was over and the Act was not disallowed, under our constitution—unless the courts came to the assistance of the minority—the privileges which they had enjoyed under the Manitoba Act were for ever lost and never could be restored except through concessions obtained from the Manitoba government. I have always thought myself that the late administration should have taken a firm stand from the beginning, before the public became possessed of this question and before irritating articles were written in the newspapers, and before the pulpits and platforms all through this country rang the changes on the question of separate schools and not on the question of whether the minority had been deprived of any rights, but on the abstract question of

whether separate schools were best or not—because the main issue was entirely forgotten and completely overshadowed by the abstract question whether separate schools were right or proper. If, in the earlier years, 1891, 1892 or 1893, any efforts had been made to settle the question in an amicable manner, there would have been some better hope for it. As years went on difficulties only increased, and I have said over and over again on the floor of parliament that if this question could be dropped by everybody, and nothing said about it for three years, it would settle itself. I have said that over and over again in this House, and I say it now. I have had forty years' experience in it, and I know how delicate a question it is to handle, and I know the more you talk about it the less chance there is to accomplish anything. That is the history of it. History is philosophy teaching by example, and there never was a better illustration of it than the history of the separate school question for the last fifty years. Any hon. gentleman whose memory goes back, as mine does, to the various occasions when this matter absorbed public attention, knows very well that the public men of this country have been met with difficulties in dealing with it, caused by the persistent efforts of people on one side and the other in bringing this question under public notice. Every time it goes into the public press, and every time it is mentioned in parliament, it produces a barrier to the future settlement of the question, and if it could only be let alone and the public mind calmed down, the people of this country are probably the most tolerant on the face of the globe. They are anxious to live together harmoniously. It is only the irritating politicians and people who have strong sectarian views on one side or the other that insist upon questions of this kind being brought up.

Hon. Mr. LANDRY—Hear, hear!

Hon. Mr. SCOTT—The hon. gentleman says hear, hear. I make the statement advisedly. I say the minority may be entitled to their rights, and the object ought to be to secure what they desire. They cannot obtain it by an Act of parliament. They may obtain it by diplomatic silence, as has been the case with other matters in the past. We know very well while this question was up in Prince Edward Island, and in New Brunswick and in Nova Scotia and it was up in Ontario——

Hon. Mr. LANDRY—Was it by silence that the question was settled in Ontario?

Hon. Mr. SCOTT—Yes, it was not discussed in the pulpits in Ontario. After the agitation commenced in 1855, '56 and '57, extending down to 1862, it was not discussed to the extent that it is to-day.

Hon. Sir MACKENZIE BOWELL—What has become of the hon. gentleman's memory?

Hon. Mr. SCOTT—I think I should know something about it. It was won by conciliatory meetings, that the question was settled, and the concessions then obtained were a mere bagatelle to those that were obtained as years went on without any public announcement being made about it, and so it would be in Manitoba if the question were left alone, but if it is repeatedly brought before the public and the newspapers are allowed a fertile subject to discuss, the settlement, no doubt, will be postponed. I have no answer to make to the question. The hon. gentleman knows as much about it as I do.

Hon. Mr. BERNIER—I cannot accept the reproach of the hon. Secretary of State when he says I have constantly brought this matter up before the House. During this session of three months this is only the second time that I have called the attention of the government to this very important question, and yet the hon. Secretary of State goes on to say that I have been constantly bringing this matter up before the House.

Hon. Mr. SCOTT—There is your colleague who brings it up every few days—the hon. gentleman sitting in front of you (Mr. Landry.)

Hon. Mr. BERNIER—The hon. gentleman addressed himself to me.

Hon. Mr. SCOTT—I will transfer the observations to my hon. friend opposite.

Hon. Mr. LANDRY—I will take them.

Hon. Mr. BERNIER—The remarks of the Secretrry of State were unfair. No more moderate course has been taken than the course I have pursued on this question. Although one of the representatives of the minority I have always discussed this question in such a way that I can appeal to the whole House and ask them whether I have ever offended anybody in his feelings or in his sentiments, and this is only the second time during this session that I have called the attention of the government to it. I did not do it in an unfriendly way, but extended them a friendly hand, expressing my readiness to congratulate them on any success they have achieved on this question. The hon. gentleman may be assured that we will not let this matter drop ; we will not let it alone, and if the moderate course which we have adopted up to the present time is not more appreciated by the government, I may inform the hon. gentleman that we may in the future change our tactics.

Hon. Mr. KIRCHHOFFER—I think it is inadvisable that so many questions should be asked the government in reference to this matter. The first thing they know, some measure will be defeated by the public press taking notice of it, and questions being asked in this House. It seems hardly a fair thing for the government to be questioned. Silence is the best course to adopt ; and I think in regard to two or three measures, if the public press and the House would remain silent, probably they would get them through. That is what they want.

Hon. Mr. LANDRY—Does the hon. gentleman refuse to answer ?

Hon. Mr. SCOTT—It is not in the public interest to answer more than I have answered.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman has spoken three times, and I wish to say one or two words in reply to his first remarks, particularly in reference to myself and the government of which I was a member. There is something very remarkable in the memory of the hon. gentleman. It is one of the most convenient ever possessed by a public man. The idea of that hon. gentleman telling us, that in the fifties and sixties there was no agitation on the separate school question, particularly when he introduced his bill ——

Hon. Mr. SCOTT—I said it was not what it is to-day.

Hon. Sir MACKENZIE BOWELL—I say it was worse than it is to-day. I contested an election in 1863 on this very question, and had the manliness, notwithstanding the charge which the hon. gentleman has made against me of cowardice, in a large Protestant constituency to stand up for what I believed to be the rights of the minority, occupying the high position which I did in a society which is supposed to be inimical to the liberties of mankind, and I was defeated, and yet the hon. gentleman tells us there was no agitation at that time.

Hon. Mr. SCOTT—The last Act was in 1863.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman's memory is at fault again. Did I not expose him here two or three years ago upon this very question, when he made the same accusation he does now ? The bill known as the Scott Separate School Bill was introduced in 1862, and he carried it through the House of Assembly in Quebec to the first and second reading, a large number of Protestants voting for it. The hon. gentleman opposite me (Sir Oliver Mowat) on every occasion voted against it, and he had not the courage to force it to its third reading in order to send it to the legislative council, because the moment the House was prorogued he had to go to the people, but just as soon as the election was over, the bill was re-introduced which is now known in Ontario as the Scott Act and was placed upon the statute-book. There are gray-headed men here, older than myself who remember all these circumstances. I remember them well, because I attended public meetings at that time, when the excitement ran to such an extent that heads were broken and clergymen had to run out of the public meetings ; and yet we are told at this date, because he fancies we are mostly young men and know nothing about it, that there was no excitement at that time. When the hon. gentleman said that, I will not say he did it deliberately to deceive this House, because I cannot conceive it possible he would do so, but he did it because of a defective memory of past events. The hon. gentleman may

send for all the statutes in christendom and they will only confirm what I have stated. I have all the votes which took place on that occasion in my scrap book, which I exhibited to the hon. gentleman a short time ago. The course pursued by the late government was strictly in accordance with the constitution, and was not only in accordance with the laws on the statute-book, but based upon a resolution suggested and introduced in the House of Commons by the then leader of the hon. gentleman whom he followed with as much servility as he ever did any man. It was moved by Mr. Blake and accepted by Sir John Macdonald, for the very purpose of avoiding the necessity of disallowance, and for no other reason.

Hon. Mr. SCOTT—He did not follow the resolution.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman's memory is just as defective on that point as it is on the other. When Hon. Mr. Blake introduced that motion he saw looming up in the future the very difficulty which arose in Manitoba, and in order to remove it as far as possible from the political arena, he moved a very wise resolution providing for the referring of these questions to the Supreme Court for adjudication.

Hon. Mr. SCOTT—Why did he not do it then? He did not do it until the next year.

Hon. Sir MACKENZIE BOWELL—The question had not arisen; it was only being discussed, and Sir John Macdonald accepted the proposition, reserving at the same time the right and power—or, rather, not surrendering the rights, privileges and powers vested in the ministers of the day, but he did accept the resolution; he crystallized it into law and placed it on the statute-book, and when the appeal came from the minority in Manitoba represented by the late Archbishop Taché, a conciliatory reply was sent to that government and they refused to act. I need not go on to establish that fact. The hon. gentleman says the decision of the court was a judicial blunder. He does not mean the Supreme Court of Canada, because the Supreme Court of Canada declared the Act *ultra vires*. It was the court of England which he has denounced on very many occasions in this House, and in not very respectful terms either.

Hon. Mr. SCOTT—Hear, hear.

Hon. Sir MACKENZIE BOWELL—And yet my hon. friend tells us that there was no agitation at that time, and that we were too cowardly to disallow an Act which he knows in his conscience—and which every man who knows anything of the circumstances knows—would have been re-enacted over and over again in the province of Manitoba, and the result would have been infinitely worse than it is to-day. I have no doubt the hon. gentleman would have liked the government under similar circumstances to disallow the Jesuit Act, in order to get his party, led by that pure man the late Mr. Mercier, to re-enact it again and throw the whole country into a blaze of agitation and discontent. The government took the correct course, and the best evidence that they took the right course is, that the highest courts in Canada decided that it was *ultra vires*, and if it were *ultra vires*, then there was no necessity for the government disallowing the Act. All that had been taken from them would have been restored, and the government only acted in order to restore those rights after the highest court in the realm had decided that the minority had been deprived of those rights. The hon. gentleman is neither consistent with his party predelictions, his party principles or professions, when he claims that the late government should have taken the extreme course of disallowance. One of the planks in his platform, which has existed for years and years, is that, except upon clear evidence—so clear that there could be no misunderstanding that no act of the local legislature should be disallowed. That there was a difference of opinion as to the powers of Manitoba in dealing with that question is proved by the fact of the different courts, from the Superior Court in Manitoba to the Supreme Court, and the highest court in the realm, have differed upon this question, and that being the case, it is the best justification there could possibly be for the late government in pursuing the course they did. Talk of cowardice forsooth! Why the hon. gentleman has had one of the ministers smuggled off in a hurry, at a moment when important questions are to be considered, to Manitoba. The fact that the hon. gentleman refuses to answer the hon. member from St. Boniface is the very best evidence that Mr. Sifton has gone there for the purpose indicated in the paper, and the hon.

gentleman dare not, he has not the courage to avow it so that the public may know what they are doing. Here is a government negotiating with another province for the purpose of settling one of the most disturbing questions that has ever agitated this country, and they come down and tell us when we ask for the correspondence that there is none.

Hon. Mr. SCOTT—No.

Hon. Sir MACKENZIE BOWELL—Who ever heard of negotiations taking place between one power and another where there was nothing but verbal conversations between them? Had Sir John Macdonald or Sir John Thompson's government, or any of his successors, pursued a course of that kind, I fancy I could have heard the indignation of the hon. gentleman sitting opposite me. Everything we did, we did above board. We placed it upon paper, and our opinions are there upon record for all time to come, and as one of that government, there is nothing I have done that I am ashamed of in this respect; but these gentlemen send up a deputation, or rather send for one, and enter into negotiations, and there is not one single line of record to hand down to posterity as to the course that the government adopted, or as to the result of their negotiations; and now they send their minister to the west to try and induce, so the newspapers say, the local government to make certain concessions.

Hon. Mr. MACDONALD (B. C.)—To please whom?

Hon. Sir MACKENZIE BOWELL—To please a foreign delegate under whose control they are at the present moment, and they dare not deny it, or act contrary to it; yet they expect to get a little éclat in the country for what they are doing, without having the moral courage to tell the people they have an existence as a ministry.

Hon. Mr. DEVER—The church of Rome is safe now.

SESSIONAL INDEMNITY.

AN OMISSION.

Hon. Sir MACKENZIE BOWELL—Before the Orders of the Day are called—it would be no use calling the hon. gentleman's attention to it when the estimates come before us—I wish to say that I observe that while there is a provision made in the supplementary estimates for the payment in full of the sessional indemnity to the premier, to Mr. Prior, to Mr. Domville, Mr. Tucker and Mr. Tyrwhitt. I see no provision made for Senator Boulton. I understand that Senator Boulton has gone over to England in the same capacity as the others. I take it for granted that the omission must be an error.

Hon. Mr. SCOTT—Yes, I thought it was in.

Hon. Sir MACKENZIE BOWELL—I call attention to it, so that it may be mentioned to the Minister of Finance.

Hon. Mr. SCOTT—It was dropped out by a clerical error.

Hon. Mr. LANDRY—All the government's errors are clerical.

THIRD READINGS.

Bill (77) "An Act to incorporate the Hudson's Bay and Yukon Railways and Navigation Company."—(Mr. Allan.)

Bill (32) "An Act respecting the Columbia and Kootenay Railway and Navigation Company."—(Mr. MacInnes, Burlington.)

Bill (31) "An Act respecting the Trail Creek and Columbia Railway Company."—(Mr. MacInnes, Burlington.)

Bill (22) "An Act respecting the Trans-Canadian Railway Company, and to change the name of the Company to the Trans-Canada Railway Company."—(Mr. Clemow.)

Bill (65) "An Act respecting the British Columbia Southern Railway Company."—(Mr. MacInnes, Burlington.)

SECOND READING.

Bill (110) "An Act to incorporate the Montreal and Southern Counties Railway Company."—(Mr. Prowse.)

DOMINION LANDS ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (116) "An Act further to amend the Dominion Lands Act."

(In the Committee.)

Hon. Mr. SCOTT—When we last had this bill before us, the committee rose while considering clause 15. It was suggested by an hon. gentleman that the powers given to the minister there to cancel the rights of a tenant were rather extreme, and that it ought to specify that notice should be given. I have accepted the suggestion and propose adding a proviso to that clause to carry out the suggestion, so that notice will be sent after the time has expired, and the owner will have ample opportunity to take out his patent.

Hon. Mr. AIKINS—It appears to me that clause 15 contains an extraordinary provision. A person may have completed all his improvements and yet his land may be cancelled.

Hon Mr. SCOTT—This provides that they shall be notified.

Hon. Mr. AIKINS—If they have completed their improvements why should the land be cancelled?

Hon. Mr. SCOTT—It has always been the law.

Hon. Mr. AIKINS—It makes no difference if it has been in the law. A man who has completed his improvements should not lose his land.

Hon. Mr. SCOTT—The clause is necessary. There are many cases where land has been taken up and practically abandoned, and it requires to be cancelled. There are lots of cases where parties perform a portion of the settlement duties, and not all.

Hon. Mr. AIKINS—If they have performed all their settlement duties why should their land be cancelled?

Hon. Mr. SCOTT—This bill is extending the period for another year and a half. That right of forfeiture has always been in the Dominion Lands Act, and has been carried along year after year.

The clause was agreed to.

Hon. Mr. SCOTT—We had a discussion on the fourth clause, where I had introduced the word "parent" in place of "father," to cover the case of a mother being entitled to the right of the homestead, and it was suggested that the word "settler" should be introduced. On consultation with the officials of the department, they say that that will not answer, and the hon. gentleman who made the suggestion recognizes now that "parent" would be a better word. I move to restore the word "parent" instead of "settler."

The motion was agreed to.

Hon. Mr. DEVER, from the committee, reported the bill with amendments, which were concurred in.

The bill was then read the third time and passed.

ALIEN LABOUR BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (5) "An Act to restrict the importation and employment of aliens."

(In the Committee.)

Hon. Mr. CASGRAIN—Living as I do on the border, I should be derelict in my duty if I did not call attention to the harsh and shameful treatment that Canadians are subjected to when going to the United States in search of employment, especially at Detroit and Buffalo. Not a day or week passes without some Canadians being deported to Canada. We on the frontier are indignant at the conduct of the United States authorities towards Canadians who cross to that country, and the appeal to fair play or neighbourly feelings so far had no effect, and I think that this policy of harassing our people should be met by a legislation of this kind, so as to meet our neighbours with their own weapon and give them a dose of their own medicine. If Canadians are to be expelled from the United States, Americans should not be permitted to come into Canada and underbid our own people. One would suppose that Congressman Corliss's amendments vetoed by ex-President Cleveland would put an end to all difficulties, but it does not; the same alien law prevails, is still on the United States statute-book since 1885, and it is the same law under which Canadians are deported. Now, I desire to bring before your notice the anti-Canadian nature of the United States alien labour law and its offensive enforcements, for that purpose let me read to you a few comments of the press on that

subject, which will impress upon you the objectionable treament, in some cases, to which our people have been subjected :

The customs and immigration officials of the United States government at Detroit are still pursuing their offensive conduct towards Canadians.

A few days ago a young Canadian arrived here from Toronto on his way to the United States in search of employment. He has a brother who is pastor of a church near Chicago and it was the intention of the young man failing to get employment in Detroit, to push on to Chicago or to Cleveland where he also has friends.

He was well dressed and highly respectable and had sufficient money for his present requirements and, if necessary, could draw upon his friends at home for more if required.

He took his ticket to Windsor and after remaining here with an acquaintance for several days, took his grip and started for Detroit, where he had worked for nine months in 1893 and where he had a number of acquaintances.

When he arrived at the customs-house at the dock on the Detroit side, he was stopped by an officer named Flummerfelt and taken into a room. Here this officer subjected him to an examination as to his intentions, the amount of money he had and other things. The officer conducted himself towards the young man in a most offensive way calling him a liar and insisting on reading his private letters. He informed the young man that they intended to keep Canadians on their own side of the river.

After this insulting and brow beating official had vented his spleen on Canadians to his heart's content, the young Canadian was told that he was on parole ; that he could go up town but must leave his valise in that office.

When the young man saw one of his friends up in the city he was advised to make application for his first naturalization paper. He did so and was asked by the clerk if he had been six months in the country and answered that he had. He paid fifty cents and received his papers. With his papers he returned to the customs office at the dock and asked for his valise.

He was told by Officer Flummerfelt that his papers were no good, and after more brow-beating he was hustled back to the city hall where he received his papers and the clerk who informed him that he had received his paper by misrepresentation by saying that he had been six months in the country, while he had only arrived from Canada a few days previously.

The young man explained that he understood that it referred to any time, and, as he had been in Detroit for nine months at one time, he thought he was answering correctly.

After some more unparliamentary language he was hauled before the great McLogan, the Canadian bouncer, to the immigration department. Here the young man was again threatened with prosecution for an alleged false declaration, and the prosecuting attorney's office was called up by telephone and consulted.

No prosecution followed, but the young Canadian was taken down to the ferry and given his valise and allowed so many minutes to get back to Canada and ordered to stay there.

He remained in Windsor for a few days with a friend and was then asked to accompany a young lady to Detroit. He did so but was met again at the landing by the same officer, Flummerfelt and again told to get out of the country and obliged to return, leaving the young lady to go on alone.

I have a letter here addressed to a young lady from St. Luke's Hospital, Duluth, who has been discharged from the hospital because she is a Canadian :

WEST SUPERIOR, Wis., June 7, 1896.

Miss FLORENCE CORBET,
St. Luke's Hospital,
Duluth, Minn.

Miss CORBET,—You are hereby notified that, by order of the Commissioner General of Immigration of the United States, the Hon. Herman Stump, you have been adjudged an alien, having come to the United States under contract to perform work and labour and that you must at once return to the country from which you came.

Very respectfully,

M. T. STOKE,
U.S. Immigrant Inspector.

The following despatch shows that similar acts occur at Buffalo :

BUFFALO, Dec. 18.—Immigration Inspector De Barry received from Washington, last night, notice of a new ruling by the Secretary of the Treasury on the Alien Labour Law. This ruling is on the question that was raised in this city, two years ago, as to whether the Canadian trained nurses who come to this country to work in hospitals do so in violation of the law.

The Secretary of the Treasury has ruled that these nurses can be deported. As soon as Mr. DeBarry received the notice of this new ruling he started out to get lists of the Canadian nurses in the hospitals. Mr. DeBarry said, last night, that all of these nurses would be deported.

Inspector Estell, of Ogdensburg, is now at Dansville, where he went to deport five Canadian nurses who are employed in a sanitarium there.

The latest instance of this unneighbourly conduct occurred some weeks ago at Detroit where 20 Canadians who were going to the Michigan lumber camps, were deported across the river to Windsor. Some legislation of this kind should be passed to prevent our people from being treated in this way. In December last, I wrote to the hon. Secretary of State. After this happened I was asked to do something and wrote as follows :

WINDSOR, 28th December, 1896.

DEAR SIR,—I consider that I, as a representative of the county, would be wanting in my duty if I did not bring to your notice the offensive conduct of the United States officials, at the port of Detroit, towards Canadians who pass over into that country seeking employment. Not a week passes without citizens of this country being sent back ; only a few weeks ago this unneighbourly conduct

occurred, when 20 Canadians, who were going to the Michigan lumber camps, were deported across the river to Windsor.

The latest instance was last Friday, when a young Canadian from Toronto, on his way to the United States, was stopped at the customs. The conduct of the officer towards him was most offensive. I send for your perusal the inclosed paragraph from one of our local papers, from which you can judge of the infamous manner our people are treated.

The present government is now engaged, I believe, with the United States government, endeavouring to bring about trade reciprocity between the two countries. I think the first step the Canadian government should take would be to emphasize the public disapproval of the action of the United States towards our citizens who go over the border to work. It would certainly be very unneighbourly and small to retaliate, but I suppose it would be the only way to bring the Americans to their senses, and meet them by some legislation of the kind. Hoping that you will bring this matter before your hon. colleagues, so as to prevent any further results towards our countrymen,

I remain respectfully yours,
CHARLES E. CASGRAIN.

To the Hon. R. W. SCOTT,
Secretary of State, Ottawa.

The following is the answer I got from the Secretary of State:

DEPARTMENT OF THE SECRETARY OF STATE,
MINISTER'S OFFICE.
OTTAWA, 4th January, 1897.

DEAR SIR,—I am in receipt of your letter of the 28th ultimo, with reference to the harsh treatment accorded by the United States authorities at the port of Detroit to Canadians crossing the boundary in search of employment.

With regard to the case you specifically cite, I may point out to you that you do not give the name of the person on whose behalf you write.

I observe by the newspaper cutting you inclose that a sworn statement in this case has been forwarded to the authorities at Ottawa. No communication on this subject, other than your letter, however, has reached my department. If you will procure and send me a sworn statement of the person aggrieved setting forth, over his own signature the facts of the case, I will take the necessary steps to bring the matter to the attention of the United States authorities at Washington.

Believe me,
Yours truly,
R. W. SCOTT.

The Honourable
CHARLES E. CASGRAIN,
Windsor, Ont.

At the time I wrote this letter the young man was gone and I could not get the evidence from him, but I could read statements of any number of outrages perpetrated on our people at Windsor and Buffalo. I think that it is low and contemptible to talk of retaliation. We desire to live in peace and harmony with our neighbours to the north of us. Retaliation is a measure to be deplored, but becomes a necessity for a nation, which has a sense of its own dignity and of the protection due to its citizens. If this obnoxious American law is to be maintained by the United States authorities, then the time has come for the Canadian parliament to enact a similar law for Canada, and in its terms it should be word for word the same as the United States alien labour law.

On the first clause.

Hon. Mr. SCOTT—Canada will be the second country to take action such as we are now considering on this question, and it certainly is not in line with the nineteenth century. All nations deplore and condemn the action taken by the United States in passing the alien law, and we must all recognize that the enforcement of it has been quite contrary to the spirit of the present age—contrary to the spirit which prevails in every other civilized nation. However, I doubt very much the propriety of our following suit. If we put this on our statute-book, it is an announcement of what our intentions are. Do we propose to follow them up? I do not think we do. I notice our Act is in no way similar to that of the United States. There the officers, such as DeBarry, stationed on the line between Canada and the United States, at Buffalo, Detroit, Ogdensburg, Niagara and several other points, have arbitrary powers and can deport a man without the intervention of a police officer or any judicial authority. We do not propose to lay down any such rule. On the contrary, no action can be taken under this legislation except by the Attorney General for Canada. Even the provincial authorities have no power to act.

Hon. Sir MACKENZIE BOWELL—That is not passed yet. I propose to move to strike that out.

Hon. Mr. SCOTT—Something should be done, because to enforce a law like this, it ought to be done promptly and directly. Persons coming into a large country like Canada are absorbed in our population and cannot be traced after they enter the country. It is absurd to suppose that the persons who wish to enforce the law can apply to the authorities at Ottawa to do so.

Where is the alien labour law enforced against Canada? I know it has been in some cases. I know it has been in the case of nurses and labourers and others.

Hon. Mr. CASGRAIN—It it done every day.

Hon. Mr. SCOTT—I should like to ask the hon. gentleman whether at Detroit and Windsor and Walkerville, there are not every day hundreds of workingmen passing from Canada into the United States and hundreds of workmen passing from the United States into Canada, who are entirely unmolested. I have seen them myself in the docks at Walkerville, Windsor and Detroit. They go simply in hives there morning and evening, and return. That is so on both sides. If my memory serves me right, a newspaper man with the energy and enterprise characteristic of newspapermen, actually made a count of the number.

Hon. Mr. MACDONALD (B.C.)—Is that recently? It used to be so years ago, but I doubt if it is so now.

Hon. Mr. SCOTT—Oh, yes, recently. About the time the hon. gentleman brought this particular case under my notice, there was a kind of understanding along that frontier—I do not know that it exists to the same extent elsewhere. Of course there are points on the frontier where the law is not observed at all. On the line in the province of Quebec the law is not in force nor is it on the line between the United States and Nova Scotia and New Brunswick. It is a fact that many labourers or woodmen of Quebec and New Brunswick work every year in the forests of Maine in the winter months, taking out timber and contracting, and they are not disturbed. What I fear is that by our adopting a law of this kind we will only make matters worse. They will say: "You adopted a similar law, and it is a justification for us to go on and enforce ours to the extreme letter that we are authorized to do." That might be the effect of it; and I do not think it would be really wise to pass this Act. I do not think it is likely to be enforced, and when it is not enforced it is a pity to place it on the statute-book, because it is not on a line with the views of the people of Canada. They are hoping for a better state of things, and we hope the time is not far distant when the alien labour law in the United States will break down. It is a disgrace to the United States. It is toadying to the labour vote for political purposes, and not intended to be enforced. De Barry has made himself very prominent in sending back Canadians in very many instances. There was an instance at Niagara Falls where a man had been living in the United States for three or four months, and they were afraid he was going to be a charge on the town; and the matter was brought under my notice. I thought it my duty to bring it to the attention of the authorities. But they took no action. The argument was that this man had no visible means of support, and the winter was coming on, and he would be a charge on the municipality, and they sent him back to Canada.

Hon. Mr. ALMON—Our paupers are sent back to us in Halifax.

Hon. Mr. SCOTT—In cases which have come under my notice, except those in reference to nurses, they have not been followed up. They have had that excuse, that the parties might be a charge upon the United States, and that was their justification, just as we sometimes send back emigrants who are not able to support themselves, and we compel the steamers to return them.

Hon. Mr. MACDONALD (B.C.)—Because they are paupers.

Hon. Mr. SCOTT—But there are instances where the law is carried out to the full extent in the United States, but not to the extent that it might be brought into operation. I should like to ask my hon. friend from Windsor whether it is not a fact now that hundreds of men cross and re-cross every day, Canadians working in Detroit, and people from the United States coming to work in Walkerville?

Hon. Mr. CASGRAIN—Yes, a good many cross.

Hon. Mr. SCOTT—With the knowledge of the officers?

Hon. Mr. CASGRAIN—Yes.

Hon. Mr. SCOTT—The authorities wink at it, I suppose. Perhaps when a man has a contract they will follow him up. But there is a kind of understanding about it, and it runs all along the frontier, and that is the

very thing that breaks down the alien labour law. If it were observed to the full extent it would be a shocking thing, and would mean the turning back of 500 men. However, it is winked at, and it is known they go over there to work and return in the evening. That is also the case along the St. Lawrence River and that section of the country. If we put ourselves on the low level of the persons in the United States who prompted this kind of legislation, we will not be in an equally strong position to condemn their legislation, and it is for that reason I think it is not wise to approve of it. That is my own judgment, and I should be sorry to see it on the statute-book, because I know it would be an idle Act. It would be an announcement that we were going to do it, and we would not do it.

Hon. Mr. CASGRAIN—I promised to support the bill, and I have done my duty in presenting it to the Senate.

Hon. Sir MACKENZIE BOWELL—What course does the hon. Secretary of State take with reference to this bill?

Hon. Mr. SCOTT—I advise that it be dropped, because it is not a bill which should be enforced, unless there was machinery provided, unless we authorized somebody with arbitrary power to act where a man, for instance, crosses from the United States into Canada over the suspension bridge. If we had an officer there who would say: "you are coming to work in Canada: we have a law against it, and will force you to go back," there would be something effective about it. But under this Act persons can come in by the thousands, and it is only when a report is sent to the Attorney General and he makes inquiry that any action would be taken; and of course the party would by that time be absorbed in the community, and that would be the end of it. It is something which we do not propose to carry out.

Hon. Mr. MACDONALD (B.C.)—I admire the sentiments of the hon. Secretary of State to a certain extent. But why should we take all the buffets and all the insults, and get our people turned out of the neighbouring country and keep perfectly still, saying nothing at all? I do not think it is dignified in us. In a nation of seventy million people, in the home of the brave and the land of the free, they do a thing of this kind to protect their people, and should not we do something to protect our people? It is well known that United States contractors come into this country and employ Americans instead of Canadians. In the mines of British Columbia the United States mine owners prefer to have Americans work for them, and it is unfair to our people. When I first saw this bill I thought it interfered with European immigration and labour, but you will see that it only refers to such countries as enact legislation against us, and I would not give to the United States one single thing. To-day the government have put an export duty on logs and pulpwood. I hope they will have the backbone to enforce that law. If this duty on lumber is to prevail, I hope the government will do their duty and let the duty on logs and pulp wood prevail also. I should certainly like to try this bill. It can be repealed afterwards if the Americans do the correct thing and leave their country open to us as it has been in former years, and as ours has always been to them, but I should meet them with blow for blow.

Hon. Mr. MACDONALD (P.E.I.)—I think if this Act was drawn up as the similar law in the United States, I should be disposed to give it my support. I am aware that it is not only at Windsor, Detroit, and at those points that this alien law is enforced by the United States, but at almost every point where the people cross the line. Coming into the province of New Brunswick by the Canadian Pacific Railway, where people pass into the state of Maine, we see at different seasons of the year in the press, reports of various persons who have been returned from there to New Brunswick, Nova Scotia or Prince Edward Island, as the case might be, who were not allowed, because they had not a sufficient amount of money in their pockets to keep them for a month or so in the United States, to go enter the country. These men were labourers, or persons having a trade or occupation by which they could earn sufficient to support them wherever they went. They could go to the lumber woods of Maine or engage in any other employment in the United States and were not persons at all likely to become a burden to any country to which they went. It seems a very unfriendly act on the part of the

United States to enforce such a law against the people of the British provinces—their next-door neighbours, and the place from which many of them emanated, perhaps, a few years ago. If this bill had been one that could be made as effective in the Dominion as the other has worked in the United States, I should give it my support, but in its present shape this bill would be totally inoperative. So far as I can see, it would be of no benefit whatever. Therefore, I should not vote in favour of the measure in its present shape.

Hon. Mr. ALMON—I should be very sorry that this measure should pass without a provision that it should not be put into operation until the government used every effort with the government of the United States to endeavour to persuade them to repeal their law.

Hon. Sir MACKENZIE BOWELL—The suggestion is a good one if you were dealing with a government that had any control. The late government used all the persuasive power it had to induce those in authority to take steps for the repeal of this obnoxious law. When Sir John Thompson Mr. Foster and myself were in Washington we called Mr. Blaine's attention to the Act, and his answer was "we have no power as a government. This was introduced by an independent member of the House of Representatives and placed upon the statute-book and that any recommendation we might make would be treated with contempt unless they were in favour of it." We know very well what the opinion of the House of Representatives would be, from the fact that the most objectionable clause of the late bill was struck out by the Senate and immediately re-enacted by the House of Representatives, so that any representation to the United States government would be utterly valueless. But what I understood the hon. Secretary of State to say was that he did not think that in passing this law there was any intention of carrying it out or putting it in force, and that he thought the 8th clause with reference to communication with the Attorney General of Canada in Ottawa before you could prosecute, was nonsense. I think that is what he said.

Hon. Mr. SCOTT—It is not a government bill. It was introduced by a private member.

Hon. Sir MACKENZIE BOWELL—I understand that you object to that clause?

Hon. Mr. SCOTT—No; what I objected to was that there was really no power to enforce it on the same line as the United States law.

Hon. Mr. CASGRAIN—Why not?

Hon. Sir MACKENZIE BOWELL—What I want to call the attention of the House to is that this is another illustration of that unanimity which exists—I know the hon. Secretary of State does not like to hear it, but he shall—between the members of the government. The premier pledged his word over and over again, that if returned to power, he should take the first opportunity to place an Act of this character upon the statute-book. I do not say provisions of that kind, because I agree with my hon. friend that it is to a certain extent inoperative; but the government as a government were pledged as much to that as they were to anything. It is somewhat singular that the gentleman who insisted upon placing this clause on the statute-book, was one of his own colleagues. It was not the gentleman who introduced the bill nor those who supported it. It was neither the gentleman from Welland, nor was it Mr. Taylor who had had this matter in hand. The bill was so mutilated by Mr. Davies, from Prince Edward Island, who insisted upon that clause being placed in the bill, that he has rendered it inoperative, and this is what the hon. Secretary of State has objected to so much. One of the strongest advocates of an Act of this kind, said in the House of Commons, that the government had so mutilated it that it was unworthy of further support. Now, as an additional evidence of hardship, my hon. friend from Windsor read some communications. Take a case of this kind: A few weeks ago a young man in Colborne received a telegram from a merchant in Los Angelos to come on and take a situation at $65 a month, and he gave up his position in the village of Colborne, Ontario, which is about seventy miles west of Kingston, and proceeded westward. All went well until one day a man walked into the store where he worked and remarked, "you are from Ontario?" The young man said "Yes." Then he was asked, "well, how did you happen to come here?" The stranger was told the truth and immediately

disclosed his identity. He was an officer and he told the youth that he must return to the country from which he came. In addition to that his employer was served with a writ for $1,000, and the young man was forced to return home, losing his situation and $107, in passage money. The citizens of Canada can see plainly how Canadians are treated in this wonderfully free country across the line. Has not the time come when retaliation is necessary? The hon. gentleman is right, to a very great extent, in reference to the number of people resident in Canada crossing over from Windsor to Detroit, and crossing over to Niagara Falls, because the Grand Trunk Railway there has works on both sides, but it is a fact that Canadians living on the Canadian side, working for the Grand Trunk Railway, having to cross the bridge every morning to their work, have been sent home by the alien labour officer, and they have been obliged to become citizens of the United States or lose their employment. That has been done in Windsor, as my hon. friend knows well, over and over again. It is only perhaps where there is a very exacting and imperious alien labour officer that this is put into force. It is not so much the case in the lower provinces as in Ontario. The question is, why an exception should have been made in this case. You profess to adopt the principle of preferential trade against the United States because they will not reciprocate. Why should not we do it in this matter? I am fully in accord with the hon. gentleman from Victoria, that the sooner we act as they do in matters of this kind, the sooner our people will be satisfied. I admit at the same time the full force of the argument of the Secretary of State; sumptuary laws of this kind are not in accordance with the civilization of the age, but when we are met as we are in the United States, we ought to pass it. If we go on with the bill I shall move that this 8th clause be struck out of the bill.

Hon. Sir OLIVER MOWAT—I concur in the general observations of the hon. gentleman. I quite sympathize with the object of the bill under the circumstances in which we are placed. It would be out of the question if we were not treated as we are by the people on the other side; but, being treated as we are, it is entirely legitimate and expedient for us to pass some legislation of this kind. It is said that this clause is inoperative. I do not agree to that; I say it is not inoperative. I would be glad if we had a clause here which would make it more imperative than it is, and in that respect it would correspond more with the United States law. But I do not know that that would be on the whole more desirable, because the matter might get on this side, as it is on the other side, into the hands of an unscrupulous agency, who would use the power in a very objectionable way. Then, there are points on our long frontiers where our own people do not desire to have this law. It is not convenient for them; it does not answer their purpose so well; and the clause which is objected to enables these people who do not desire the benefit of such law to be free from its operations for the present. My hon. friend interprets that clause as though no person could be dealt with until that persons is reported to the Attorney General. That is not the meaning of the clause. What are the words of it?

No proceeding under this Act or prosecution for violation thereof shall be instituted without the consent of the Attorney General for Canada or some person duly authorized for him.

The Attorney General does not manage these transactions personally; it is done by others. He appoints the person who is to attend to it. I am not anxious about it, but by having this clause you enable some discrimination to be exercised in carrying out the Act where it is in the general interest of our own people that there should be that discrimination, that it may not be left in the hands of some ill natured or ill tempered man who might carry it out in an objectionable way. If we want to pass a bill this session, it being so late, it will be necessary to pass it very nearly if not entirely in its present terms, and I would ask hon. gentlemen who are in favour of the bill and would like to see it pass, not to move amendments which they do not think absolutely necessary, because it may have the effect of the bill being lost. I am satisfied the clause has not the meaning attributed to it, that on the contrary it would be a useful clause as it is.

Hon Sir MACKENZIE BOWELL—Would not it be better for the hon. gentleman to make it the Attorney General in the province in which the offence is committed?

Hon. Sir OLIVER MOWAT—If the Senate would prefer to leave the responsibility with them, I would be glad to be free from it; but being our own law it is natural that our own officer should be the one to exercise it.

Hon. Sir MACKENZIE BOWELL—My only object was to make it operative and workable. Take the case of Ontario, where it would occur oftener than anywhere else; it would be easier to reach the Attorney General of Ontario than it would be to come here.

Hon. Sir OLIVER MOWAT—Personally I have no objection, but I think it is not desirable to amend the bill, as we run the risk of losing it altogether.

Hon. Sir MACKENZIE BOWELL—Rather than lose it, I withdraw my objection.

Hon. Mr. CLEMOW—This alien labour law has been in operation for a number of years. They have certainly had time during that period to modify its terms. If they can carry out such a law in the United States I do not see why we cannot do it here, but I did hope, when the present government came into power, that all these grievances would have been removed and that we would have heard no more of the difficulties between the United States and this country. We have found by this time that what they prophesied in the past has not been fulfilled. They are just as much opposed to the people of this country as they were a number of years ago. We were told that the United States were all against the Conservative party, but they are just as much against the Reformers. We thought we were going to have everything as nice as a rose as soon as this party came into power, we were going to have reciprocity and neighbourly treatment, but they were greatly mistaken. This law has been in operation for some years. Why have they not changed it? I know of many cases of injustice. I know young men who have left this country to obtain situations in New York, in the mercantile business, who have been compelled to return to this country because they were Canadians. There are a great many such cases, and I think it is time now for us to show a bold front and to tell the Americans that if they intend to act in that manner towards us, we will do likewise, and as soon as you do that they will change their course, because these people in the United States look after their own interests and the more you try to coax them the less you get. I would say to meet fire with fire and say we will fight you in your own way. If you adopt that course they will relax and take a more sensible course and remove the grievance. We do not want these obstructions. We would rather see people come into this country. We have always been willing to lend a hand to people coming from the United States, but when a Canadian goes over there he will find every one against him, I think it is time to show our hand, and if they are determined to continue their present poliey, no other course is open to us but retaliation. The sooner we put this law on the statute book and show that we are determined to act in our own defence the defence the sooner the United States will come to terms.

Hon. Mr. POWER—We had better pass this bill, and it can be further discussed on the third reading.

Hon. Mr. PROWSE, from the committee, reported the bill without amendments.

SAVINGS BANKS IN THE PROVINCE OF QUEBEC BILL.

THIRD READING.

Hon. Sir WILLIAM HINGSTON—I have already asked, privately, the consent of hon. members, and they have very kindly consented to the suspension of rule 41, in order that a matter of form may be gone through with. I move the suspension of the 41st rule, in so far as it relates to Bill (N): "An Act respecting certain savings banks in the Province of Quebec."

The motion was agreed to.

Hon. Sir WILLIAM HINGSTON moved the third reading of the bill.

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

The Senate adjourned.

THE SENATE.

Ottawa, Monday, 21st June, 1897.

THE SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THE RESTIGOUCHE AND VICTORIA RAILWAY COMPANY'S BILL.

REPORTED FROM COMMITTEE.

Hon. Mr. VIDAL, from the Committee on Railways, Telegraphs and Harbours, reported that they had considered Bill (99), "An Act respecting the Restigouche and Victoria Railway Company," and had found that the preamble was not proved to the satisfaction of the committee, and recommended that no further action be taken with regard to this bill, as in their opinion its passing would not benefit the district or the line of railway therein mentioned.

Hon. Mr. BAIRD moved the adoption of the report.

The motion was adopted.

THE ST. BONIFACE ELECTION CASE.

INQUIRY.

Hon. Mr. FERGUSON rose to call the attention of the Senate to the following extract from the Montreal *Witness* of the 5th June instant:—

ST. BONIFACE, MAN., June 5th.

In the St. Boniface election petition case, discussed yesterday, it will be remembered that when the case came before the Honourable Mr. Justice Killam on April 29, for trial of the preliminary objection filed by Mr. Lauzon, against the prosecutors of the petition, it was proved that both petitioners, Roy and Berthiaume, had been guilty of corrupt acts. Roy admitted he had been promised money for driving electioneers to the polls by Mr. Prendergast, the present judge. The chairman of Mr. Bertrand's committee stated that he requested Mr. Prendergast on the day following the election to pay him, when Mr. Prendergast gave him an order on Mr. J. A. Richard for the amount, which was paid by Mr. Richard. The other petitioner, Berthiaume, who supported Mr. Lauzon, in the election the year before, admitted that about a week before the election that Bertrand and Mr. Prendergast had promised to endeavour to procure him an office from the Dominion Government and he worked hard to secure Mr. Bertrand's election during the last week before the election. When this startling evidence was given Mr. Howell, counsel for the petitioners, applied for an adjournment to enable him to put Mr. Prendergast and Mr. Richard in the witness box, which was granted. Yesterday morning when the trial was resumed Mr. Howell stated to the court that in view of the evidence given at the previous hearing, he was unable to ask that the preliminary objections should be over-ruled. Judgment according was given dismissing the petition.

And inquire if the government intend to take any action regarding the matter?

He said: In pursuance of notice given two weeks ago to-day, both verbally and by the usual notice on the order paper, I wish to call the attention of the House to some very important matters connected with the administration of justice in the province of Manitoba. It may be necessary, before stating my views on this subject, to refer very briefly to the history of the case. It begins with an estimate, submitted to the House of Commons in September last, to increase the number of county judges in the province of Manitoba by the appointment of an additional judge. The sum of $2,000 was then placed in the estimates for the purpose of providing the salary for an additional judge. It seemed a very extraordinary thing to do under the circumstances, as there were already five county court judges in the province of Manitoba, which seemed to be quite sufficient, taking into consideration the population of the province and the requirements of the administration of justice there. Nevertheless, this item of $2,000 appeared in the estimates. It is very well known, hon. gentlemen, that provision for a judge's salary should not be made simply in this way, that if it is proposed to increase the number of judges in any province in Canada, the proper way to do so is by a separate bill making the salary a permanent charge upon the consolidated revenues of the country. I could very easily quote authorities to show that this is the proper course; in fact it has been the practice of Canada all along to do this as soon as the legislative provision has been made in the province and as soon as the department resolves that it is necessary to add another judge. As soon as that step is decided upon a bill is introduced. This is the usual constitutional course, and authorities are very strong on the point that the position of a judge should not be made dependent on the annual estimates of parliament. I refer to Bourinot on this question. He says:

The independence of the judiciary has been for many years recognized in Canada as one of the fundamental principles necessary to the conserva-

tion of public liberty. The judges are not dependent on the mere will of the executive in any essential respects, nor on the caprice of the people of a province for their nomination and retention in office, as in many of the states of the American Republic. Their tenure is as assured in Canada as in England, and their salaries are not voted annually but are charged permanently upon the civil list. In case it is necessary to provide a salary, or increase of salary, for a judge, the proper course is for the government to proceed by a bill.

This course was not pursued in regard to this matter, and that in itself was sufficient to excite suspicion. Up to the present moment no bill has been passed through parliament. I understand that since this matter has been started in this House, a bill has been introduced in the other branch of parliament, providing for a permanent salary for the judge in question, but up to the present time, this bill has not been passed. It has not, I believe, come to this branch of the legislature yet. I do not know what progress has been made with it in the other House, but my point is that this appointment should have been started properly; that a bill should have been passed providing for the payment of this judge's salary, and making it a permanent burden, like the salaries of other judges, upon the revenue of the country. If that were done the person appointed, whoever he was, would be in an independent position. He has not been in that position so far, and that is the first point of objection. When this vote was before the House of Commons last year the Solicitor-General made a very extraordinary statement in regard to it. He said:

> The appointment is of necessity of a provisional character. I do not say that we cannot proceed to make the appointment after this item has been voted, but it will still continue in the control of this House, because, until such times as the statute is amended, the appointment is essentially provisional. Therefore, at any time until the statute is amended, by dropping this item in the estimates, the appointment will cease.

This extraordinary statement was made by the Solicitor General when the item came before the House. Notwithstanding this, the government went on and voted this $2,000. They said there was great necessity for the appointment of another judge. It was urgent, and that was the reason it was not provided for by bill, and that the item should appear in the estimates at that particular moment, it was in the estimates of the next fiscal year. As I remarked a moment ago, it provides for six county court judges in the province of Manitoba. By the last census the population of the province was only, I think, 160,000, which gives one judge to less than every 30,000 of population. In the province of Nova Scotia there are only seven judges with a population of nearly 450,000; in New Brunswick there are six county court judges where there is a population of nearly 350,000, and in the province of Prince Edward Island there are only three county court judges with a population of 120,000, and the greater subject for surprise in what has been done in this matter is that almost one of the last acts which my hon. friend, the Minister of Justice, did before he left the province of Ontario, where he was Premier and Attorney General, was to introduce a bill, which he passed into law providing that in any county or union of counties, over which a county court judge presided, no second judge should be appointed where the population did not exceed 80,000. My hon. friend leaving the province of Ontario, where he was responsible for the administration of justice by putting on the statute book an Act declaring that in future no second judge should be appointed for a district unless the population exceeded 80,000, comes into this parliament and one of the first things he does here is to provide that there shall be an additional judge appointed in the province of Manitoba where they had five judges already, making six altogether for a population of less than 200,000. There were rumours at the time this item appeared in the estimates that it was intended for a gentleman then in the legislature of Manitoba. Rumours connected his name with it, which have since been amply verified. Mr. Prendergast was then a member of the local legislature. A few months afterwards this gentleman resigned his place as a member of the House of Assembly of Manitoba, and an election took place for the district of St. Boniface, which he had represented in the legislature of Manitoba. There were two candidates in the field, one of whom was Mr. Bertrand the Liberal and the other was Mr. Lauzon the Conservative candidate. Mr. Prendergast was chairman of the committee for Mr. Bertrand during this election. Mr. Lauzon was elected by a very large majority, and a petition was filed against his return by two men, one of whose name is Joseph Roy and the other Joseph Berthi-

aume. Preliminary objections were filed to the petition and on the 29th of April the matter was brought up before Judge Killam, of the Supreme Court of Manitoba, and these objections considered, and these two men who filed the petition, Joseph Roy and Mr. Joseph Berthiaume, were placed in the witness stand. They were examined with regard to those objections, and I have in my hand the evidence of these men as given in the court. This evidence is certified as correct by William Perkins, official stenographer of the Court of Queen's Bench of Manitoba. What I propose to read to the House is the official report of the evidence taken in relation to these preliminary objections urged to the petition against the return of Mr. Lauzon in the district of St. Boniface. I will read first the direct examination of Joseph Roy, one of the petitioners. He was examined by Mr. Phippen, and his examination reads as follows:

Q. Do you speak English, Mr. Roy?—A. No; not much.

Q. Do you remember the election in St. Boniface?—A. Yes.

Q. That was held on the 20th of last February?—A. Yes.

Q. And Mr. Lauzon and Mr. Bertrand were the two people who were running—they were the candidates?—A. Yes.

Q. You remember that?—A. Yes.

Q. Did you vote at that election?—A. Yes.

Q. Did you afterwards sign some papers in Mr. Howell's office?—A. Yes.

Q. Is that your name (showing witness petition and notice)?—A. Yes.

Q. Did you write that?—A. Yes.

Q. That is your signature to the original petition?—A. Yes.

Q. You signed that?—A. Yes.

Q. Have you a horse?—A. Yes.

Q. What did you do on election day on the 20th February?—A. I drove a single horse—one horse.

Q. Whose horse was it?—A. It belongs to me.

Q. What purpose did you drive the horse for—what were you doing with the horse? Driving people to vote?

[Witness does not answer, but speaks to an interpreter.]

His Lordship.—Can't you tell us in English what you did that day?—A. No; I can't understand all. I can understand some, but I can't understand all.

Mr. Phippen.—What were you driving the horse for that day—what were you doing with the horse?—A. I brought the people to vote.

Q. Were you to receive any money for driving people to vote?—A. Yes. On that day, do you mean?

Q. Yes. Were you to receive money for driving people to vote—for driving voters on that day—for driving a horse?—A. Yes.

Q. Whom did you hire it with?—A. Mr. James Prendergast, the president of the committee.

Q. Whose committee?—A. Mr. Bertrand's committee in St. Boniface.

Q. When did you make that arrangement with Mr. Prendergast?—A. The day previous to the election.

Q. Were you to be paid for that?—A. Yes.

Q. What?—A. I have a team to earn my livelihood.

Q. How much were you to be paid?—A. That day for she single horse, $5.

Q. That was the arrangement with Mr. Prendergast?—A. It was.

Q. Were you paid?—A. Yes.

Q. When?—A. I was paid on the following day.

Q. After the elections?—A. Yes.

Q. Who paid you?—A. Mr. Richard.

Q. Who is Mr. Richard?—A. The one that keeps the liquor store.

Q. How did he come to pay you?—A. I cannot say, Mr. Prendergast sent me there and I was paid.

Q. After the election you went to Mr. Prendergast?—A. Yes, and he gave me a paper for Mr. Richard.

Q. You took the paper to Mr. Richard?—A. Yes.

Q. And he paid you $5?—A. Yes, Mr. Richard paid me for my day.

Q. That was for election day?—A. Yes.

Q. Providing the horse?—A. Yes.

Q. And what you did with the horse was to take voters to the polls?—A. Yes. I did not bring many because I went and brought one in the forenoon very far and I did not get back very early.

Q. That was all you did that day?—A. Yes.

Q. Did any one instruct you where to go for the voters?—A. They told me only to go and take one from a distance.

Q. Who told you that?—A. Mr. James Prendergast.

Q. That is the present judge?—A. Yes, that is the man, Jim Prendergast.

That is the whole of the direct evidence of Joseph Roy. There was a good deal of cross-examination, the material point of which turned on the point whether the man could speak English. The other witness, Jos. Berthiaune, was put on the stand by the petitioner's counsel, and there was a very long cross-examination. I will just read from the cross-examination the parts that bear materially upon the matter at issue:

Q. You have always acted with the Conservative party until recently?—A. Only once.

Q. When was that one?—A. Well, I think it is on Mr. Lauzon's election.

Q. How long ago?—A. Two years or one year ago I suppose.

Q. So within a year you called youself a Conservative, didn't you?—A. No, I never called myself a Conservative.

Q. You voted Conservative?—A. Yes.

Q. Deeds are better than words?—A. Yes.

Q. You worked for Mr. Lauzon?—A. I voted for him, but I do not believe I asked anybody, but I am a man to mind my own business if I can.

The witness is now asked about his motives for signing the petition against the return of Mr. Lauzon.

Q. You told him the reason you wanted to sign or you told Cyr you would sign it was because you told Cyr it would help you to get a government position?—A. Yes, that is and was my own idea. I do not remember whether I told Lauzon that, but that were my own mind too.

* * * * * *

Q. Did you tell Mr. Senecal that Cyr told you that signing that petition would help you to get the position?—A. Yes, he said so after I had signed it.

Q. Did you tell Mr. Senecal that he told you before you signed it that if you signed it it would help you to get this position?—A. Well, I may have said so.

Q. You said at once that you would sign the petition when he asked you to sign it?—A. Yes, because that came into my mind myself and he never asked me in the first place.

Q. You thought your opportunity had come, I suppose, to help you to get your government position?—A. What do you mean, please?

Q. You thought it was fortunate for you that Cyr had come to you so that you could get the position in the government through this petition?—A. Yes.

Q. Through this petition?—A. No, not through this petition.

Q. You thought it would help you?—A. Yes.

Q. You were a good deal interested in getting this position, were you not?—A. Yes, I was a little anxious.

Q. You had done some little writing?—A. Yes.

Q. You had written some letters?—A. Yes.

Q. After the last general election you thought you would write your Liberal friends down in Quebec?—A. Yes.

Q. You had some communication with Mr. Tarte?—A. Yes.

* * * * * *

Q. Who did you go to see? You spoke to Mr. Prendergast did you about that office—did you not?—A. Yes.

Q. What did Mr. Prendergast tell you?—A. He told me many things.

Q. That he would help you?—A. Yes.

Q. Did Mr. Bertrand tell you that he would help you?—A. No, he said that he would see Mr. Prendergast about it.

* * * * * *

Q. When was the last election in St. Boniface? A. Mr. Lauzon's election I think was in October.

Q. I am asking you about this election just over?—A. That was in February.

Q. The 20th February?—A. Yes, 19th or 20th.

Q. Tell me how long before that it was that you saw Mr. Prendergast about this position?—A. I can't tell you how long about; I can't tell you exactly what date or what month, but still it was before the election. * * * * * * I went to his own office in Main Street and I asked him if he was willing to help me to the position that I were asking and he told me that he would do what he could. I never was promised. I never received any promise.

Q. He said that he would do what he could?—A. Yes.

Q. Was that two weeks before the election that you saw Mr. Prendergast? A. Well, say about two weeks. Under oath I have to tell the truth but I can't remember exactly.

Q. Mr. Prendergast was taking a pretty active part in the election helping Mr. Bertrand all he could?—A. Yes, I guess he was.

Q. And he thought you had better go and have a talk with Mr. Pendergast, he being a prominent man and helping Mr. Bertrand all that he could?—A. Yes.

Q. Mr. Pendergast said that he would do all that he could for you?—A. Yes.

Q. How do you know he was taking a prominent part in Mr. Bertrand's election?—A. I saw him acting. I knew he was chief of the committee rooms.

Q. You saw him moving about the committee rooms pretty actively?—A. Yes.

Q. You knew that he would have a good deal of influence down at Ottawa to get you this position?—A. Yes.

Q. Because he was acting prominently for Mr. Bertrand? A. Yes.

Q. When did you talk about this position? How long before Mr. Bertand's election, a week or ten days before the election had you spoken to Mr. Bertrand?—A. It was about on the same day that I spoke to Mr. Prendergast—no, it was about ten days before that I asked him if he was willing to help me to that position and he told me yes, but he says I will see Mr. Prendergast.

* * * * * *

Q. Mr. Bertrand was the candidate for that constituency then?—A. Yes.

Q. Who else did you go to see about this office that day?—A. I guess that is all. I may have seen a great number of others, but I did not ask anybody else to help me that day that I remember.

Q. How long did you go to the committee rooms before the election.—A. I guess I went to the committee rooms for a whole week before the elections, nearly every night, I guess I did. * * * * * * A. I spoke to Mr. Bertrand and Mr. Prendergast together. I spoke to Mr. Prendergast two or three times.

Q. You went to see both of them on the same day?—A. Yes.

Q. Did you leave your work to come over that day to see Mr. Prendergast and Mr. Bertrand?—A. No. I was not doing anything that day; in the winter time we do not work.

Q. What induced you to go over and see both Mr. Bertrand and Mr. Prendergast that day?—A. Because I had it in my mind to get all the people I could to help me.

This is the evidence, as far as it relates directly to the charges that Mr. Prendergast was guilty of corrupt acts in connection with the St. Boniface election. It was on the 29th of April last that this evidence was given. At the conclusion of the hearing of the case, Mr. Howell, who was acting for the petitioner in the matter, is reported in the official report which I have and from which I am still reading, as saying:

I will have to ask that this case stand over for a

little, I want to get witnesses here to contradict this man.

That is Roy, the first witness whose evidence I have read. He continued:

I want to call Mr. Prendergast, and he is in Ottawa, I think, at present.

HIS LORDSHIP.—I think, as I said in the Carillon matter, when matters are brought up in this way without notice, counsel should have an opportunity to meet them.

Mr. HOWELL.—Yes, especially under the suspicious circumstances.

HIS LORDSHIP.—I do not know that there is anything suspicious about it. It is a fact that you can easily disprove if it does not seem to be the truth.

Mr. HOWELL.—I want to go into the box myself, as I wish to contradict nearly everything this witness has said, and I wish to get counsel to conduct the case while I am a witness.

The matter was now adjourned to come up at a time to be agreed upon between counsel.

That was on the 29th April, and it seems that counsel agreed, and the court did not resumed its sitting on the 4th day of June, a few days over a month later. All this period intervened from the time the evidence was given. The counsel for the petitioners obtained an adjournment in order to put Mr. Prendergast and witnesses on the stand to contradict the evidence. The court gave him the time and on the 4th day of June the court resumed, and what happened is, I believe, correctly reported from information that I have from many reliable sources. I am in a position to establish that what is reported in the newspapers, and which is included in the notice I have submitted to the House, is a correct statement of what occurred. Mr. Howell, counsel for the petitioner, rose and said that after the evidence which had been given when the court adjourned he was not in a position to ask that the case be proceeded with and he consented that the petition should be dismissed. The point I wish to make here is this, that it was the duty of Mr. Prendergast, whose integrity had been assailed in the most extraordinary manner by the evidence given by two men who were the witnesses of his own friends—the men who had signed the petition asking that Mr. Lauzon be brought into court to answer to charges of corruption—these two men had themselves, on the witness stand, distinctly sworn that offences had been committed against the law, that one of them had received the sum of $5 as a consideration for driving voters to the polls, which is a distinct offence constituting bribery under the laws of Manitoba, and the other had received promises with regard to his appointment to an important government position, which constitutes another offence of the same character. Now, I say it was the duty of Mr. Prendergast at that time, if he valued his integrity, knowing as he must have known that he was, if not then actually a judge, to be placed on the bench in a short time afterwards, to have gone to that court, even if the counsel for the petitioners had not intimated he would do so, and gone on the witness stand and contradicted these witnesses if he was able to do so. He did not take that course, and therefore the impression remains against him. A strong *prima facie* case was made out in open court and the matter stands in that way still. I shall be told, I dare say, in reply, that these offences committed by Mr. Prendergast with regard to these two voters in the St. Boniface election were offences that occurred before he was appointed to a seat on the bench, and that that being so, it is not proper or necessary to discuss the matter at all before the public. I am not aware of the exact date of the appointment of Justice Prendergast to his position in Manitoba, but I assume that he was not appointed on the 20th February, the date of the election, for I can scarcely think it possible that a man who was appointed as a judge could have acted as chairman of an election committee, as he did on that occasion, to say nothing of these other offences that he was charged with having committed. I assume that the date of his appointment is after that of the election. I have not been able to see his appointment gazetted, but I think it is very likely that Judge Prendergast was appointed before the 29th of April. I hope, for the sake of my hon. friend the Minister of Justice, that that was the case, for if the appointment was made after the 29th April, the very serious charge would lie against my hon. friend that after that evidence came out, he consummated the appointment before the matter could be cleared up. But whatever the date of Mr. Prendergast's appointment may be, we know that he was not sworn in at the time that this evidence was given. We know that he was not sworn in on the 29th April, or during the whole time from the 29th April to the 4th June while the court was waiting for his evidence, and we knew he was sworn in on the

day following the announcement of counsel for the petitioner, that in consequence of this evidence the petition would be withdrawn or they would submit to the petition being dismissed. On the 4th June counsel withdrew the petition, and on the very day following, the 5th June, Mr. Prendergast appeared before one of the judges of the province and was sworn into office. I am very much surprised that my hon. friend was not advised, as I assume he was not, between the 29th April and the 4th June that this evidence came out. Had he been, I am safe in concluding that my hon. friend would have delayed matters. Even if the appointment had gone out, he would have prevented this judge being sworn in until the matter was properly investigated. However, he was sworn in on the 5th of June, and is now one of the judges of our country. I am prepared to hear offered as a reason why this matter should not be discussed in this House, or perhaps discussed at all, that Judge Prendergast is now a judge of the county court of Manitoba, and that this offence, whatever may be the gravity of it, was committed before he became a judge. In regard to that matter I wish to submit the law of Manitoba with regard to offences of this kind. In looking over the election law of the province of Manitoba, I will read the parts of the statutes that relate to offences of this nature. The first section is sec. 214, and that section provides that an act or offence done under any of the provisions of the 215th and 226th sections shall be corrupt within the meaning of this Act and the Manitoba controverted election law. Sec. 215, subsec. *b*, says:

> Every person who directly or indirectly, by himself or by any other person on his behalf, causes or procures or agree to give or procures, or offers or promises any office, place or appointment, or promises to procure or endeavours to procure any office, place or appointment to or for any elector to or for any other person in order to induce such elector to vote or refrain from voting, or corruptly does any such act as aforesaid on account of any elector having voted or refrained from voting.

Sec. 215 B, therefore, is pointed directly at the offence of promising an office to a voter with a view of influencing his vote at an election, Sec. 226 says:

> The hiring or promising to pay or paying for any horse, team carriage or cab, or other vehicle by any candidate or by any other person on his behalf to convey electors to or from the poll or to or from the neighbourhood therein or at any election or the payment by any candidate or by any person on his behalf of the travelling or other expenses of any elector in going to or returning from any election are unlawful acts, and whoever so offends shall be liable to a fine of one hundred dollars and to imprisonment for three months in default of payment. The mere hiring of a team from a voter is a corrupt offence without reference to the motive of the offender.

Then for the penalties, Sec. 235:

> Any person other than the candidate who is guilty of any corrupt practices in any proceeding which after notice of the charge he has had an opportunity of being heard shall during the eight years next after the time at which he is so found guilty be incapable of being elected to or sitting in the Legislative Assembly of Manitoba or of voting at the election of any member of such House or of holding any office in the nomination of the Crown or the Lieutenant Governor of the province.

That is the clause in the Act which refers to a corrupt act by any person not being a candidate. Then there is another provision in a later section in this Act. Section 262 provides:

> Every prosecution concerning a penalty imposed by this Act may be brought for hearing and determination by any person before any two justices of the peace or a police magistrate.

And 267 provides:

> Every proceeding or prosecution brought in virtue of this Act shall be instituted within twelve months next after the commission of the offence, and not later unless the defendant by absconding withdraws himself from the jurisdiction.

I submit this statute of Manitoba with this view: in the first place, I want to show the House that these two offences, of hiring and paying for teams and of promising to procure or endeavouring to procure an office, with a view to influence the vote of an elector are both under the law of Manitoba set down as bribery; that the prosecution by any private prosecutor may take place within twelve months after the commission of this offence. That is where a penalty is imposed, as in the matter of the driving of teams. In that case any person may prosecute and Judge Prendergast is liable to prosecution within twelve months from the commission of the offence and the penalty, as I have already read, is a fine of one hundred dollars or imprisonment for three months and disqualification. I submit, therefore, that although these offences were committed possibly before Mr. Justice Prendergast was

appoint as a judge, the consequence of these acts follows.

Hon. Sir OLIVER MOWAT—I do not think you mentioned the day of the election.

Hon. Mr. FERGUSON—The 20th of February. I assume, however, out of regard for my hon. friend, the Minister of Justice that he was not aware even on the 5th of June of the nature of the evidence that had been given, or Judge Prendergast would never have been sworn in, but assuming that he was not a judge at the time that these offences took place, I still contend that the consequences of these offences are of such a nature that, if not controverted, the consequences follow him to the bench and make it impossible that he can remain on the bench. What, for instance, if any person—and it is open to any person to do it—were to prosecute Judge Prendergast for hiring the team and paying five dollars in violation of the law? If that offence were proved before two magistrates in the province of Manitoba, and these magistrates should impose one hundred dollars fine, or in default of payment three months imprisonment in jail, can it be supposed for a moment that these are not circumstances of such a nature as would affect his integrity and usefulness as a judge, even though the offences which became punishable in this way had been committed before his elevation to the bench? If I were to state an extreme case, I would ask what would be the result if a judge had committed a felony—if the prosecution of the felony began in some way or another and he had been appointed after the offence and before the prosecution, would it be possible for him to continue in that position, if the crime was brought home to him afterwards? I therefore submit it is no answer to the complaint I am making against Judge Prendergast in this matter to say that the offence was committed before he became a judge, and therefore this parliament has nothing to do with it. I want to say a word or two upon what I consider to be the indecency of the appointment, and my remarks on this head will have more to do with the government and with the administration of justice than with the gentleman who received the appointment at their hands. As I have already stated, this amount of $2,000 was put in the estimates for the payment of the judge's salary. If was made on the allegation that there was urgent need of this appointment, that it was important that it should be done, yet nevertheless we observe no appointment was made for a great many months afterwards, and it was only within the present month of June that it has been finally consummated by the judge being sworn in. The appointment itself was indecent, in view of the circumstances surrounding it, no law being passed to make it a permanent burden on the revenues, and there being apparently no necessity, apart from political necessity, for the appointment at the time. Whatever may be the date of his appointment, it is certain that Justice Prendergast had a very strong assurance—it is almost certain that he had an assurance long ago—that he was to receive this appointment. Public rumour associated his name with it when the $2,000 was placed in the estimates, and as time went on his name was associated with the appointment and associated with it in connection with the Manitoba school question. It was alleged that Mr. Prendergast, who had been a very strong supporter of the rights of the minority in the province of Manitoba so strong that he was really their champion on one occasion and delivered a speech no less than seven hours long against the Manitoba, School Act of 1890. It was observed after the $2,000 was voted that he began to change his views and that he began to favour the settlement which the government of which my hon. friend is a member were reported to be making with Mr. Greenway and the province of Manitoba on this question. I shall read a few words of the peroration in the speech of seven hours made by Mr. Justice Prendergast in 1890 in the legislature of Manitoba:

> He had no doubt the bill would receive some majority in the House. The question will then be brought before the courts; they would appeal to every possible tribunal. They would not submit to the bill unless more tangible proof of its constitutionality were forthcoming. They would not submit. The consequences ahead might be most serious. For himself he declared that he would not submit to such taxation as was intended; and he would resist all efforts to distrain till they had the decision of the very highest tribunal of the land. When the Government could come back and say "This is the decision of the highest authority," then he, for one, and believed the whole Catholic people of Manitoba, would submit—sad but resigned; conscious that they had contended for the most elementary principles of Christianity; and they would look for homes in

other countries where, perhaps, they would not find more favourable condition of things, but where the principle will not have been laid down that all contracts may be ruthlessly trampled upon; that right means something only when it is in the hands of the majority; and that the most solemn privileges are mere trifles in the hands of politicians to be used for party purposes.

This was the declaration of Mr. Prendergast in the Manitoba Legislature when he was opposing the passing of the school law in that province, about which there has been so much trouble since that time, but shortly after $2,000 appeared in the estimates, Mr. Prendergast was observed to change his views, and there is a long interview with that gentleman reported in the Toronto *Globe* of the 29th of November last, in which he announced a very great change in his views on the Manitoba school question. I merely state the facts. I am not going to state that this change of views was produced by this sum of $2,000 placed in the estimates providing the salary of a judge and promises held out to Mr. Prendergast that he would be appointed. I have no evidence such as would warrant me in saying that Mr. Prendergast acted from such very base motives as these. But I think that in another sense we have very strong evidence that this sum of money was put in the estimates with a view to affect Mr. Prendergast's public action on the question, and that the judgeship was held dangling before that gentleman for many months with a view to influence his action. I am sure, whatever we may say upon that subject, that we are all agreed upon this, that if Mr. Prendergast had not changed his views on that question, my hon. friend and his colleagues in the government would never have appointed him a judge. They have not been in the habit, since they came into power, of pouring favours upon those who are opposed to their policy, and it would be a very natural conclusion for us to come to that they were not acting upon a very different principle in this matter. The appointment was made when, I consider, it was unnecessary. It was made indecently, urging that there was an absolute necessity for the appointment. It was made without the authority and sanction of this parliament, placing the salary a permanent burden upon the revenues. It was held actually for months and months until Mr. Prendergast had announced his support, and until he became an active supporter of the government of my hon. friend in the policy they were pursuing with regard to the Manitoba school question, and I will say this much, whether Mr. Prendergast's public actions were influenced—they changed we know that—whether they were influenced by the prospect of this appointment or not, I must say I think it was extremely indecent—to say nothing of the charges made against him of committing offences against the election law—that he should in that by-election that was held to fill his own seat after he had resigned to accept a judicial position—continue to act as a violent partisan and be chairman of the committee of a political party. The appointment, as I have said, was indecent under the circumstances. I remember very well a case that came up in the other branch of this parliament a little more than a year ago. It was the appointment by the late government of Mr. Justice Masson to the County Court of Huron. While there was nothing in the world to show that that appointment had been held out to influence his political action—he had been a lifelong Conservative and remained so, and there was no change looked for by his friends—nevertheless he was appointed at the end of the first session of 1896, and his appointment called for some very strong comments on the part of gentlemen connected with the present administration who were then in opposition. I notice that no less an eminent constitutional authority than Mr. Edgar, the Speaker of the House of Commons, said in regard to this appointment:

> Why this sudden recommendation and sending Mr. Masson up to be sworn in on that particular day? Why, sir, it is because he had earned his reward, and he demanded his pound of flesh. If he had not made a bargain with the Minister of Justice—and the Minister of Justice denied it, and I believe him, of course. I do not think he would personally make such a bargain. But the facts prove it, and any jury on their oath would find there had been a bargain from the circumstances of the action and the results.

Then we see what Sir Richard Cartwright says. He is not generally disposed to mince matters, and he was not out of his usual way of feeling on this question. He says:

> This is a particularly attrocious job. In the first place, it is a piece of practical bribery of members, and that of the very worst sort. It is as clear as daylight that the late hon. member for North Grey had a pledge and a promise of that office, and he sat in the House with that promise in his pocket.

And I could read in the same strain from Mr. Mulock. Mr. Davies, the present Minister of Marine and Fisheries, said :

> The appointment under the circumstances * * * * is a crime on the part of the government, and a shame and a disgrace to them. I say that Mr. Masson never can hold that independent positian which the county court judge of Huron ought to hold.
>
> I cannot exonerate him (the Minister of Justice) from being a party to an act which I say is a disgraceful act, of appointing a gentleman to a judicial position after the appointment has been kept dangling before him for 12 months—for the purpose of unduly influencing his political conduct.

I submit that whatever criticism may have been directed against that appointment, that the strong objections that are now directed against the action of this government, did not apply in the case of Mr. Justice Masson. There was no question of change in Mr. Masson's political views associated in any way however remote with the appointment. His name had been associated with the office. That was the only point of resemblance. His name had been connected with the appointment for some months before that time, and he sat in parliament during the time and after it was believed he had received this promise, although there was not very much evidence that he had received any such promise.

But in this case the complaint we make is that the office itself was created—was indecently created—not for any necessity that existed in Manitoba that there should be an additional judge, for we have the Minister of Justice's own law in the province of Ontario, limiting the number of judges to one for every 80,000 of the population, and the very action of the government up to within a month ago in not filling the appointment showed it was not any urgency in the public service that called for putting that amount in the estimates on that occasion. The further indecency is associated with it that Mr. Prendergast not only changed his views on a great public question, but that he remained an active partizan long after he resigned his seat in the local house, which resignation, it is well known to-day as it was then was to prepare the way to an appointment to the judgeship. He remained chairman of a party committee in St. Boniface election in February last, to say nothing of the offences with which he is charged in the sworn evidence which I have read. I want to say a few words as to what right or power parliament has in dealing with such cases as these. On that subject we have had a good deal of precedent in Canada. In 1893 or 1894 a very long debate took place in the House of Commons upon certain charges against the judiciary of New Brunswick in reference to the imprisonment of Mr. Ellis, for contempt of court. On that occasion Mr. Davies, a member of the present government, moved a very long resolution, which it is not necessary for me to read or give to the House in full, but I want to read the closing paragraph of that resolution as indicating very clearly the whole tenor of it. It is as follows :

> That the punishment inflicted by the Supreme Court of New Brunswick upon John V. Ellis in the month of October, 1893, for an alleged constructive contempt of court, contained in an article published by him on the Queen's County election herein referred was arbitrary, excessive, inimical to the public interest and deserving of censure and in so far as it added costs to the fine and imprisonment, without precedent.

This resolution was submitted and received the support of a large number of members in the House of Commons, in fact it was only defeated by the strictly party vote, the present premier of the country and all his friends voting for this resolution on that occasion. Mr. Laurier in discussing that resolution said among other things :

> I say that the theory of the British Government is that there is no power in the land, judicial or otherwise, that is above the review of Parliament.

Mr. Mills, our colleague from Bothwell in this House, who I am sorry is not present to-day, said :

> I find everywhere in the community a feeling that judges like other men ought to rest for their protection on these principles of law administered in the ordinary way which are regarded as adequate for every other class in the community. If there is special protection afforded to the courts, however proper that might be in a former period, except in very rare instances, it will be regarded with jealousy in our day.

I find that another very important debate occurred in the House a year previous to that, in 1893, they were known as the Tarte charges, when Mr. Tarte made very serious charges against the judiciary of Quebec. Mr. Tarte said, among other things :

> Is it not a fact that to-day the whole judicial system of Quebec is saturated with political partisanship.

Mr. Tarte continued :

> And, sir, when I see that among the judges that are acting to-day as commissioners, some of these judges have been tools in the hands of my hon.

friends on the other side. I thought I was within parliamentary rules in saying that they were paid for their services, I may be wrong and I call the attention of the hon. Minister of Justice and the acting Prime Minister to-day to that state of things.

And he continued to say a great deal more in that strain. Mr. Laurier said :

It is with the bench as with every other class of the community—the judges will be treated, not all with the same respect ; there will be some degree in the respect which is given them, but all will enjoy the respect, I believe, to which they are entitled and which their conduct deserves. * *

I say unhesitatingly that the present government have appointed men who have no other qualification for the position than that they have been party hacks. * * * * *

It is asserted, and I believe the truth will be forthcoming some day, that judges contributed to the election fund of the Conservative party at the last election. * * * * *

It is asserted, and hon. gentlemen know the names as well as I do, that judges of the province of Quebec have paid for their appointments.

I produce these extracts to show what a strong position our friends of the other side have taken in regard to these matters in other years. I could bring up other cases besides these I have cited to show the course pursued by the political friends of the Minister of Justice in the past with reference to the conduct of judges. A very large number of the members of the House of Commons voted for this resolution to censure and condemn the judge who sentenced Mr. Ellis. Sir John Thompson and Mr. Dalton McCarthy agreed, in that case, on the line of conduct which parliament should pursue. When two such authorities agree it is a pretty clear indication that their views are about right. Sir John Thompson says :

The hon. member has mentioned eight or ten instances in British history in which in the Imperial House of Commons the conduct and language of judges, or their demeanour on the benches, or their fitness to serve upon the bench has been brought in question. But I ask the House, I ask every member who listened to the hon. gentleman if the cases which he cited, and which show the range of discussion with regard to the judiciary in parliament do not prove that that range has been absolutely limited to these questions, the fitness of the judge—his deportment on the bench, the partisanship of his conduct, or his expressions in addressing juries as showing that he was departing from his business of laying down the law and that he was dealing with politics instead of law. That is the entire range which the discussion of the judiciary has taken in the British Parliament.

Then I find that Mr. Dalton McCarthy, following Sir John Thompson, expressed himself in almost a similar way :

The case in our own opinion that was referred to by my hon. friend, as he will see in a moment, was not in reference to the judgment of a judge. In that case the judge was accused of sitting on the bench while under the influence of *liquor*. That had reference to the conduct or *misconduct of a* judge, not to his judgment, *and, therefore, did form a proper subject of investigation in this House.* What I say is that with regard to matters of judgment, it is not wise or prudent for this House to attempt to review what we have not the power to rectify or set aside while on the other hand, we have full power and authority when the proper case arises to investigate, to consider and to rebuke the conduct or misconduct of a judge.

The view of Mr. McCarthy and Sir John Thompson as against that of Mr. Davies and Mr. Laurier and other gentlemen, was simply this : We have no right, said Sir John Thompson and Mr. McCarthy to sit in judgment on the judicial decisions of the bench. The administration of justice is wisely set apart from the work we have to do. Our work is legislative, and theirs is judicial. We have not the means, the evidence, the opportunity of hearing both sides. We have not the means of forming a judgment as they have. The duty has been assigned to them. We have a right to constitute the court to give decisions, but we have no right to sit in judgment on the decisions themselves. They agreed in this view as against that of Mr. Davies and others, and they were equally strong and decided on the other opinion, that parliament had the right and power to review the conduct of a judge as to his fitness for his position, and, in fact, his conduct in every respect, apart from the judicial decisions which he had rendered. I have also an opinion given by the Hon. Mr. Blake, when the Bothwell case was before the House in 1882. Mr. Blake said :

I have no quarrel with the statement of the hon. the first minister in part when he declared that a judge's conduct ought not be attacked at any rate with a view to an inquiry such as this unless the charge against him be one of serious impropriety—a charge I think the hon. member said, which if true would warrant his dismissal from office.

I come to another point, and that is with regard to the remedy. In my notice I have asked the government what they propose doing—if it is their intention to take any steps in regard to this subject, I have come to the conclusion, from the authori-

ties I have quoted and from the investigation I have given to the subject, that the Senate and House of Commons of Canada are not empowered to move an address for the removal of a county court judge from the bench. I turn to the British North America Act, section 99, and I find there that such a remedy is provided in the case of the superior judges, and only the superior judges. I find that is the opinion of Sir John Macdonald, and the same may be found as the opinion of Bourinot on page 135. The foot note there says the proceeding by impeachment does not apply to county court judges. By referring to the Act of 1882, I find ample constitutional provision has been made for dealing with charges and complaints against county court judges for incapacity, misconduct or any other cause. The Governor in Council is clothed with complete power to institute inquiries, and it is for the purpose of putting the view I entertain on this case fully and fairly before the House that I have taken the step I have taken in order that the Minister of Justice may put in motion, as I conceive it to be his duty, the machinery provided in our law for the purpose of inquiring into this matter and finding whether the offences alleged to have been committed, and the misconduct in this instance, are of such a nature as would warrant the removal of Judge Prendergast from the bench of Manitoba by the Governor in Council. On this subject, in case there should be any doubt about it, I shall read what Sir John Macdonald said in regard to the Bothwell case in 1883 :

> He (Mr. M. C. Cameron) says that I knew that no complaint should be made against a judge unless it was by petition. He was quoting a case where a petition must be presented. Why? Because all these petitions were presented against a judge whose tenure of office depended on a vote of both Houses. But neither this House nor the other House, nor the two Houses together, can by any action of theirs remove a county court judge. That is another and a different tribunal.

That was his view, and I find that view is entirely in accord with Bourinot's opinion, and that the British North America Act only extends the power to proceed by address in the case of superior court judges and that an Act was provided in 1882 for inquiries into the conduct of county court judges and their removal for cause. The provisions of that Act are very wide in their reasons for removal. It is only necessary that a commission of judges of the superior court should be appointed to inquire into the matter, that they should give notice to the party accused of the charges made against him, and that he should have every opportunity of being heard in his own defence. My view is that the duty devolves on the Minister of Justice. There is no high court before which we can bring the hon. gentleman for making the appointment excepting this House, and here we can bring my hon. friend to account for having made such an appointment, for his own connection with that appointment under the circumstances. This is the only place where we can criticise my hon. friend and inquire into his conduct, but there is provided in the law an inquiry of such a nature as will bring Mr. Prendergast before his accusers, and where he will have every opportunity of clearing his character from the imputations which have been made against him if he is innocent. I could support my position by reference to a number of English cases I have notes of them here, and I have the books at my hand to which I could refer if it were necessary. I thought, perhaps, from observations which were made on a previous occasion, that my right to discuss this question freely might be challenged, and I was therefore prepared, should that position be taken, to support the course that I am taking, by authorities. However, as objections have not been raised, it is not necessary for me to produce these authorities. I dare say the point may be raised, that as we have no right in this House to move an address for the removal of a county court judge, and as my notion does not provide for an inquiry by this House, there may be some objection to the course which I have pursued in that regard. On another occasion my hon. friend from Bothwell (Mr. Mills) referred to the case of Baron Smith. In that case Mr. O'Connell made a charge against Baron Smith and moved for an inquiry with a view to remove him. Earl Grey, who was a leading member of the government, suggested to Mr. O'Connell that the ends of justice might be served by limiting his motion to a censure on the judge, as the offence was not of so serious a nature as would call for his removal. That view was concurred in by the government and was accepted and carried. Sometime afterwards Sir Robert Peel brought up a motion to rescind the vote of censure, holding that a vote of censure should not be permitted to remain on the minutes unless the judge

was removed. I do not feel that I would be justified in moving a vote of censure. We have not both sides before us, and possibly an injustice might be done. I, therefore, decided to put the facts that I know of before the House and ask my hon. friend, the Minister of Justice, to have a thorough and proper inquiry instituted in this matter under the provisions of the Act of 1882. It is a matter of very great regret, as I have already said, that Mr. Justice Prendergast did not avail himself of the opportunity that was given him, between the 29th April and the 4th June, of appearing before the court and giving his evidence in that matter. To that fact is due the public attention which has been drawn to this question and my own action in this House. Had he gone on the witness stand and been able, on his oath, to contradict the material allegations of these witnesses, there would then have been his evidence against theirs, and there would not rest that strong case which now exists, in the minds of the people, for an inquiry. But having failed to take advantage of that opportunity, which any man of honour would have taken, he has laid himself open to all the strictures and condemnations that have followed from that time forward, and this matter cannot be set at rest until the Minister of Justice takes what I conceive to be the proper course under the law, of appointing a commission of superior judges to inquire into this matter.

Hon. Sir OLIVER MOWAT—I understand my hon. friend to read some extracts from the evidence of both of the persons named in the notice?

Hon. Mr. FERGUSON—Yes, both of the parties who were examined.

Hon. Sir OLIVER MOWAT—This morning I received some papers from the learned judge. They appear to have been put on board the train, which may perhaps be the reason I did not get them more promptly. The papers refer altogether to one of the cases named, namely, Berthiaume. In his letter to me the judge states, to account for his delay:

I supposed from the telegraphic news contained in the press of the same morning, that this referred to the question brought by Hon. Mr. Ferguson concerning my participation in the late St. Boniface election, and on this somewhat vague information I wired in reply that I would send a full statement without delay.

I, however, tried in vain to procure the issue of the *Witness* you refer to, although I applied for the same at the Parliament Library and searched the files of the City Hall, which was the cause of some delay. It also took me some time to procure from the court stenographer, copy of the evidence at the trial in question, the exact nature of which I had not even taken the trouble to ascertain before. And lastly, most serious illness, the end of which my physician cannot foretell and which is prevailing still unabated in my family, was the next uncontrollable cause of some further delay in my reply.

I gather from such information as I could procure that I am charged (1st) with having corruptly approached one Berthiaume and promised him a government position whereby I secured his support in favour of Mr. Bertrand, the Liberal candidate in the St. Boniface election held in February last; and (2nd) with having hired one Roy to team electors to the poll on election day, and given him on one of my friends (Mr. Richard) order for money, which was paid by the latter. And it is boldly alleged that these charges are proved by the evidence which these very men, Berthiaume and Roy, gave as petitioners at the recent controverted election case relating to the said election.

I deny these charges, and I oppose to the same not only my own statement of the case, but also the very evidence adduced against me, a copy of which I have procured from the court stenographer at the trial, Mr. Perkins, and I now inclose herewith.

First as to Berthiaume:

I may say that I was, up to a few months ago, the only Liberal French Canadian in active politics here, and it was generally known amongst our section of the population, that I had several personal friends amongst the Liberal members of the Commons as well as amongst the members of the government.

Months and months before the elections, and during the election, and since the election, in fact ever since the 23rd of June last, parties in and outside of the constituency have come to me to the number of perhaps fifty or seventy-five, asking me to help them in securing some position or other in the civil service of the Dominion.

Mr. Berthiaume was simply one of these. I did not approach him as represented by some newspapers; it was he, as he himself states under oath, who came to me at my office in Winnipeg. It could not be ten days or two weeks before the election, as some would have him say; nor one month before, as he states—as I was at the time in Ottawa, as Hon. Mr. Sifton and others know, and I only returned here the second day before nomination. As a matter of fact, it was a month and a half before the election, long before the writs were issued.

Mr. Berthiaume sat down in my office and opened the conversation by saying he had come to ask me a favour. I asked him what it was. He replied that before telling me he wanted one thing to be understood—that was that his father and his family were all life-long Liberals, that he himself had always been a Liberal, and voted Liberal except once, in 1896, when he had voted for Lauzon against me upon personal grounds connected with a suit in my office; but, that as far as the next election was concerned, he would vote with his party, as he had always done with that one excep-

tion, and had fully made his mind as to that. Then, in two or three different forms, without one word on my part, he repeated that he did not want to have matters mixed, nor to be taken for what he was not; that the vote he was to give was one thing and the favour he wanted another; that as far as his vote was concerned it was assured to the Liberal party, and that it would not be altered in any way if I told him that I could not or would not grant him the favour he wanted.

He then proceeded to say that he wanted some situation connected with the Dominion Department of Public Works, as he was a builder of considerable experience and could satisfactorily inspect and superintend any kind of work in his line. He added that the party was indebted to his father, that he knew Mr. Monette, the member for Napierville in the Commons, and other prominent Liberals, to whom he had already written or was about to write. He spoke for about a quarter of an hour, with intervals of silence, during which time I did not put in a single word of any significance, busying myself chiefly, as he spoke, in revising a document which was before me on my desk.

I replied to him in a way which was little encouraging, pointing out the fact that these positions were very limited in number, and that even prominent Liberals to whom the party was particularly indebted had been unable to secure any appointment in spite of their very special claims. I then closed the conversation with the very non-committal expressions that I would try and help him, or do what I could or something to that effect. I did not even mention Mr. Bertrand's name, nor refer in any way whatsoever to the approaching election nor to the vote he was to give therein.

Such is the nature of that so-called corrupt bargain between Mr. Berthiaume, one of the petitioners, and myself.

I next saw him about two months later in Mr. Bertrand's committee rooms, when, of his own motion, he once or twice at the most told me that a couple of voters would likely go for Mr. Bertrand; but never did I ask him to see any one, or to take any part whatsoever in the election, nor did I consult him in any way concerning the same.

Now, you have the evidence, such as I procured it from the court stenographer. It is the very identical report coming directly from him. It bears out in every respect and particular the statement which I have made. Here are some extracts from his evidence:—

I have been a Conservative once in my life; that is, I have voted for the Conservative party once in my life. I never called myself a Conservative. I spoke to Mr. Prendergast about that office. He said many things. He said he would help me. This was a long while before the election; it was a month before, sure—It was more than a month—I went to his own office on Main street, and he told me that he would do what he could. I never was promised. I never received any promise. I don't think he asked me if I was going to vote for Mr. Bertrand; no, I don't think that he did ask me—No, he never asked me if I were voting for Mr. Bertrand. I don't think he ever asked me to help Mr. Bertrand all that I could. He did not tell me what he had done to get me this position in the government, He did not mention that—I was not on Mr. Bertrand's committee—As to doing any committee work for Mr. Bertrand, I spoke to some body, may be, about my own idea. I told my own idea to different people—I was not out going from house to house asking people to vote for Mr. Bertrand—I had not any canvassing book—I moved about very actively during the last week of the campaign—I went to the committee room for a whole week before the election, nearly every night—I did some canvassing—I did not offer any one any inducement to vote for Mr. Bertrand—I did not ask any one to take a drink with me over Mr. Bertrand's election—nor to take a meal with me—I never asked any one to work on that account—I was not employed anywhere in connection with that election—I was employed by the returning officer, Mr. Paradis, as poll-clerk—I did not handle any money during the election—nobody gave me any money to use during the election, not a dollar. During the last week of the fight, I guess that I went to Mr. Prendergast to tell him that so and so were voting for Mr. Bertrand, and so and so were voting against him. I went to see Mr. Bertrand and Mr. Prendergast, because I had it in my mind to get all the people I could to help me—I spoke to Mr. A. F. Martin about this position; my own idea is it was after the election—also to Mr. Chevrier—also to Mr. Paradis, after the election."

Now, sir, without commenting on the evidence you have in your hands, I will only ask Mr. Senator Ferguson and every fair-minded man of the Senate and Commons: what is there in this to incriminate me? When did I *approach* Berthiaume? When did I *ask him to work or vote* for Mr. Bertrand? *What promise did I make* to him? When, where and how did *a corrupt bargain pass* between us?

My wife is at this moment almost lying at the point of death, as Dr. A.F. Dame, my attending physician can certify, and I must ask you to be allowed to defer until the next mail my statement of that part of the case relating to the other petitioner Roy. I must also ask to keep until then the copy of his evidence for reference, although having announced above that I was inclosing it herewith.

Regretting that the present unfortunate circumstances under which I am labouring do not allow me the time and liberty of mind which I would require for a further statement.

I have the honour to remain, &c.,

That letter puts a different complexion altogether upon the case, as one would suppose it to have been from the extract my hon. friend read from the evidence. That letter relates to the one party (Berthiaume), and as to the other (Roy) I have not yet received the papers.

Hon. Mr. FERGUSON—You will never receive them.

Hon. Sir OLIVER MOWAT—Mr. Prendergast says, with reference to the other case explaining what he had done to be in a position to answer me:

I must ask you to be allowed to defer until the next mail that part of the case relating to the

other petitioner Roy. I must also ask to keep until then the copy of the evidence for reference.

I can say nothing about Roy, because at present I have no information in regard to it. My hon. friend thinks that Mr. Prendergast had plenty of time to answer. I must say, in my own dealing with the officers of my own department not residing in Ottawa, I never in a single case confined them to ten days or any such time, when more time was required. My hon. friend has limited Mr. Prendergast to some such time as that and has rendered it very difficult to get the information in time to have his statement here. My hon. friend quoted from Bourinot and other books for the purpose of showing the proper course to pursue. I find this general statement in Bourinot in reference to all the cases, as a summing of them all :

> The speakers of the English House of Commons now always interfere to prevent as far as they can all personal attacks on the judges and the courts of justice. They have always felt themselves compelled to say that "such expressions shall be withdrawn" and that "when it is proposed to call in question the conduct of a judge the member desiring to do so should pursue the constitutional course of moving an address to the crown.

My hon. friend says that there was no necessity for this judge. The reason he was appointed was because one of the other judges, whose junior he is now, had reported that he could not possibly get through the business, that he had given the matter a fair trial and could not possibly get through the business. I do not know this judge. Judge Walker is his name. It was in consequence of that, I understand, and the personal knowledge which the members of the government had, that the Order in Council was passed by the Manitoba government to add another judge. I do not know that there was any other reason to provide for the appointment of another judge than the necessity created by the need, in the administration of justice, that another judge should be appointed. The appointment of Judge Prendergast was made on the 2nd of April, and the occasion that my hon. friend referred to when the petitioners were examined was the 4th June, and on the 5th June he tells us the judge was sworn in. I assume that to be correct, although I have no information in regard to it except what my hon. friend has just given me. I heard nothing whatever of the charges my hon. friend is now making until he made them. No communication was made to me previous to the 2nd of April on the subject, and none on that day, and no communication was made in reference to what took place on the 4th of June. The first time I heard anything of the kind was when I saw the notice my hon. friend gave here. Therefore if it was not proper, under the circumstances—I do not say anything about that either way—to appoint Mr. Prendergast to the judgeship I had, and I have no materials to judge whether it was proper or improper. My hon. friend says that at all events I should have prevented the judge from being sworn in. I had no reason to prevent his being sworn in; otherwise I should have considered the matter after possessing myself of all the facts, and after giving an opportunity to the judge to give his statement as is done in the case of magistrates against whom complaints are made. When I was premier of Ontario there were complaints made against magistrates, and my invariable practice, which I thought was the proper practice in reason and according to precedent, was to call upon the magistrate complained of for an answer to the charge, and to give plenty of time for that purpose. If he could not get ready in ten days, he had a fortnight, and if he could not get ready in a fortnight, he had a month, or whatever time was necessary; and after getting his answer I came to a conclusion whether it was a proper case for removal. It is not in every case where a judge or magistrate is charged that a formal inquiry should take place. He may give such an explanation as shall satisfy the Minister of Justice or Attorney General, that there is no ground for the charge. My hon. friend says that Judge Prendergast changed his views in regard to separate schools, or the Manitoba School Act, and he tries to make out that it was in consequence of that change, or to induce that change, that he got the judgeship. My hon. friend knows very well there are very many Roman Catholic gentlemen in the various provinces who regard with indignation the school law passed by the Manitoba legislature, and yet are of opinion that it is better, under all the circumstances, to adopt some peaceful solution, who are not in favour of going on with a fight between the provinces of Canada upon this question, who think their own religion will be advantaged by avoiding a course of that kind. I believe that is the

position of my hon. friend the Secretary of State. Nobody could feel more strongly than he does in regard to the impropriety of the Manitoba School Act. He has shown that throughout, from that time until now.

Hon. Mr. LANDRY—Hear, hear.

Hon. Sir OLIVER MOWAT—He is of opinion that a peaceful and tentative settlement is better than to have a war arising out of religious differences. I have not the slightest reason to think, notwithstanding all the hon. gentleman has said, that the position which Judge Prendergast took in regard to the Manitoba schools, first and last, was anything else than a conscientious judgment that the course was the correct one. My hon. friend asks—and that is the whole object of his long notice—if the government intend to take any action in regard to the matter. My answer is that I do not intend to consider the matter until I am in possession of all the facts, which I am not at present.

Hon. Mr. LANDRY—That will be on the last Day of Judgment.

Hon. Sir MACKENZIE BOWELL—I think the House will be somewhat astonished at an eminent jurist, like the leader of the government in this House, taking the position that he has upon so grave a question as that which has been brought before him by my hon. friend from Prince Edward Island. If I understood him correctly, his position is that he read from the stenographer's statement as sent to him by Judge Prendergast, and the explanation of the judge himself as to the actual occurrence which took place during the election and his conduct throughout. Am I correct in that?

Hon. Sir OLIVER MOWAT—That is the only course.

Hon. Sir MACKENZIE BOWELL—Then my hon. friend's position is, that the stenographer's statement given to the accused, and the explanation of him who has been accused of the grave charge of having violated the election law, are quite sufficient to justify the Minister of Justice of Canada in holding him guiltless, notwithstanding the fact that my hon. friend read from a certified copy of the evidence which was given at the election trial.

Hon. Sir OLIVER MOWAT—I said nothing about holding him guiltless.

Hon. Sir MACKENZIE BOWELL—My hon. friend says he said nothing about holding him guiltless. I admit that in words he did not say that, but no one listening to his remarks could have come to any other conclusion. The hon. gentleman said, after reading the judge's statement, that that put a different complexion upon the case.

Hon. Mr. LANDRY—Hear, hear!

Hon. Sir MACKENZIE BOWELL—That is the case established by the Minister of Justice, after reading a statement of the man who had been accused of doing a wrong. I was very glad to hear the hon. gentleman say, that he was not aware of Mr. Prendergast's violation of the election law when he had him appointed, but it is somewhat singular to me that no one in his department or in the government should have been made aware of it, or that the Minister of Justice himself, who, I take it for granted, is a constant and attentive reader of the newspapers—that he and all his government should have been utterly ignorant of the charges which had been made, and which had been proved, and yet in the face of that, in the face of the sworn evidence and the certified copy taken from the records as read by my hon. friend who has just spoken, we are told that the mere statement of Mr. Prendergast is quite sufficient to counteract any effect which might prevail in the public mind upon this charge. My hon. friend says that sufficient time was not given for Mr. Prendergast to answer and to send him a copy of the evidence which was taken in court Judge Prendergast had the same opportunity and precisely the same time to obtain the evidence from the record of the court in Winnipeg, as my hon. friend from Prince Edward Island had. My hon. friend had no knowledge other than what appeared in the newspapers when he put the question upon the notice paper, and called the attention of the House to the fact. The statement made in this House in reference to Judge Pendergast was sent to the public press in Manitoba, and the next day an answer was sent to the hon. gentleman stating, that a certified copy of the evidence which was given before the election court, before Judge Killam, would be mailed

to him at once, and it was copied and sent to him. My hon. friend admitted a few days ago that he had wired the judge two or three times before he could get him to act. If he were as guiltless as the Minister of Justice, from the remarks which he has made, would have the world believe him to be, he should have taken the same course as the gentleman did who sent the copy of the official records to the hon. gentleman. who moved in this matter. Were my hon. friend occupying the eminent position of a judge in the Superior Court of Ontario, I scarcely think, having heard his judgments repeatedly when he was on the bench, that he would have committed himself as a judge, with the whole of the responsibility upon his shoulders, to the statements which he has made here today, and it only convinces me of the difference there may be and is, and is exhibited on every occasion by an hon. judge sitting upon the bench, adjudicating upon difficult questions of this kind; and when he becomes a politician and desires to serve his supporters. There must be a marked difference. If this gentleman was as guiltless as he says he is, why did he not, as soon as his lawyer, Mr. Howell, asked for an adjournment of the court in order to put him and the gentleman who was accused of corrupt practices in the witness box, and prove under oath the falsity of the charge, rather than by the mere statements which he makes here to be read in the Senate chamber—why, I ask again, did he not go at once to the court and contradict the statement made by these two men, who swore positively and distinctly, not that he gave them money, but that he gave them an order —and mark the ingenuity with which he makes the statement that he handled no money upon these occasions. No one accused him of handling money. What he is accused of is, being chairman of a committee, of promising a man his support for a certain office, which he proposed to obtain for him from the Dominion government, that he hired a man under the circumstances mentioned to the House and gave an order upon the treasurer of the committee to pay him. That is the evidence. The hon. gentleman is altogether in error in reference to this 226th clause of the Manitoba Election Act, when he says that there must be a motive. It matters not whether there is a motive or not —the law is plain, distinct and positive. It says that if a man did a certain thing—hires a team, or promises an office in violation of this law—he is guilty of an infraction of the law and subject to fine and imprisonment. It is not necessary to prove a motive in case of a violation of a law of that kind. Perhaps it may be considered presumption in me, as a layman, to discuss questions of this kind, but the law is so plain and distinct that any layman, even though an illiterate man, if he can read at all, cannot come to the conclusion that you must establish a motive for such an infraction of the law. His motive was to win the election and in order to do so, paid for taking voters to the polls. Now the hon. gentleman's defence of Mr. Prendergast in the position he took on the school question, is well worthy of his ingenuity. I must confess I could not help smiling when I heard it. Here is a gentleman forming one of Mr. Greenway's government. The school question arose, became a burning question among the different parties in Manitoba, and he, being one of those who believe the minority had certain rights taken fro n them, resigned his position in the cabinet. He made a most inflammatory speech —much more earnest, I am sure, in condemnation of the act of the government than my hon. friend could make in his defence. He remained in that position until, by some process or other—I do not desire to throw out any insinuations, I am only taking the facts as they occurred—a sum was placed in the estimates of last session of parliament to provide for the payment of an extra judge in Manitoba. As soon as that appeared, and as soon as it was decided to appoint a judge, although no bill was introduced to give them the power and authority for making that appointment. When the government was attacked upon that point the Solicitor General, the Hon. Mr. Fitzpatrick, said the appointment was only temporary, and, as a matter of fact, no law exists yet which justifies the appointment of that judge, so that in fact he occupies only a temporary position; but a marvellous transformation took place in the opinion of Mr. Prendergast almost immediately on that estimate being passed by parliament. He then began to see new light, to see the impropriety of raising sectarian questions; he then began to think that it was much better that these sectarian divisions should be removed from the political arena, and he was prepared, after the Minister of Public

Works visited Winnipeg, and after the premier, Mr. Laurier, had been in that country, to accept the compromise.

Hon. Mr. LANDRY — And Judge Routhier?

Hon. Sir MACKENZIE BOWELL—I know nothing about Judge Routhier, who seems to haunt the hon. gentleman day and night. We find all at once that this man Mr. Prendergast began to adopt a moderate course, and to our astonishment, he finally became an ardent supporter of the Greenway candidate who was running in opposition to Mr. Bertrand, who condemned the settlement of the school question and pledged himself positively to oppose the government which Mr. Prendergast had left, and which he had condemned with equally violent language. It would be improper for me to say here that Mr. Prendergast was actuated, in the conversion which took place in so short a time, by a prospect of a judgeship in the future, but we do know this, that after this election trial—after the evidence had been taken—after it had been proved in court that he had violated the law—after the lawyer who was prosecuting the case asked for an adjournment in order to put Mr. Prendergast and Mr. Richard in the box to answer the distinct and positive declaration that had been made by these two witnesses—Mr. Howell, the lawyer instead of placing Mr. Prendergast, who was not then a judge and Mr. Richard, who is a merchant in Winnipeg, in the witness box, came to the court and said:

> Since I have read the evidence given by the two witnesses, I think it would be useless to go on contesting the case and I desire to withdraw all our objections, leaving Mr. Lauzon in peaceful possession of his seat in the Legislature of Manitoba.

Then, what follows? This evidence was before the country two months before Mr. Prendergast was sworn into office. Then it became known to the public that Mr. Prendergast was to be appointed as judge. The press called attention to the violation of the law, a violation which subjected him to a penalty and imprisonment. Next followed the motion of my hon. friend, who called the minister's attention to it; and then the government, after their attention had been called to it, allowed this man to be sworn into office as a judge. That is the position my hon. friend the Minister of Justice occupies to-day. I am surprised that my hon. friend (Mr. Ferguson), who is a close student of politics, should express any astonishment whatever at this course. If he knew anything of the actions of the government of Ontario in the past, he would know this: that the greater the political crime committed by a supporter of that government, the greater, apparently, the recommendation for appointment to office by the hon. gentleman opposite. Does he want a few illustrations? While my hon. friend was premier of Ontario a gentleman known as Major Walker ran against my hon. friend behind me (Sir John Carling) in London. In the election trial that man was put in the witness box and gave evidence of what he had done. What did Justice Haggarty say? "After hearing your evidence, you might as well ask me to believe that a man dipped in Lake Ontario would come out dry, as to make me believe your statement," or words to that effect, and he disqualified Major Walker during that parliament. Then what followed? My hon. friend appointed him to one of the most lucrative offices in Ontario, that of registrar of the county of Middlesex. That is one case. Do you want another? There was a gentleman named Currie, who represented Lincoln, who embezzled the money of widows and orphans to such an extent that, when he was brought before the bar of Ontario, he was disrobed. My hon. friend gave him a good office. Then take the Apjohn case in Algoma. His conduct, with that of two or three others, was of such a character that they were prosecuted and Apjohn was condemned to pay a sum of $1,000 penalty. A law was introduced removing the penalties from the other violators of the law. There is another very interesting case. My hon. friend is very sensitive, and justly so, when his administration is attacked. I should not drag the Ontario politics into this arena.

Hon. Mr. POWER—Hear, hear.

Hon. Sir MACKENZIE BOWELL—My hon. friend from Halifax says hear, hear, but when a similar question comes up, and when the policy is being pursued in the Dominion which is exactly in accord with, and analogous to, that which has been pur

sued in Ontario, I have right to call the attention of the House to what we may expect in the future when questions of this kind come before us. My hon. friend will not forget the case in Renfrew lately, where there was an election, and a certain gentleman who ran for the constituency was beaten, and he desired to protest the election of the successful candidate. My hon. friend knows that he pleaded most earnestly with the party who was seeking an office, which he told him he could not give unless he had the approval and recommendation of Mr. Dowling, the man whose election was contested; but he begged him in the most pathetic manner, with that plausible tone which he adopts in this House, not to prosecute the poor fellow—that if he knew anything against him and the member was unseated, it would only hurt the party, and no matter what the offence against the laws of the country was—no matter how corrupt the act committed in the interest of the political friend, if it was going to hurt the party, rectitude and political honesty might fly to the winds. That I may not be misunderstood, and that it may not be said that I am stating what is not strictly correct, I shall read the two letters which the hon. gentleman wrote to this applicant for a position under the Ontario government. The hon. gentleman on March 15th, 1883, when the case was about going to court, wrote to Mr. Hickey of Renfrew as follows:

TORONTO, March 15, 1883.

MY DEAR SIR,—I have your letter of the 12th March. From what you say of your services to the Liberal party you certainly are entitled to every consideration. As your letter is marked private, I cannot without your permission communicate its contents to Dr. Dowling. The appointment must be made on his recommendation, though his nominee must be a fit person. With regard to your taking steps to unseat him, do not forget that by unseating Dr. Dowling, if this should be in your power, you accomplish something much more important, and that is you do an injury to the cause which you have so long supported. I have not seen the copy of the Pembroke *Observer* which you mention in your P.S. as having sent to me.

Yours truly,

(Sgd) O. MOWAT.

JOHN A. HICKEY, Esq.,
Eganville, P.O., Ont.

P.S.—Since the above was written, I have received and answered your telegram.

Then, in reply to the second communication—it is to be regretted we have not the whole record of this transaction in order that the country may be in a position to judge of the matter. My hon. friend wrote:

TORONTO, April 2, 1883.

MY DEAR SIR,—I have your letter of the 26th which, partly through absence from the city and partly from pressure of business, I have not before acknowledged. It is really impossible to deal with the inspectorship except through Dr. Dowling. I am extremely sorry for the trouble that has arisen about it. I think it possible that I may before long have an opportunity of recognizing your continued services (as I have learnt from you) to the party, though there is no opening in any of the departments just now.

I hope that in the general interest you will do what you can to defeat the petition, which I see has been filed, and thereby afford another proof of your good feeling towards us.

Yours truly,

(Signed) O. MOWAT.

JOHN A. HICKEY, Esq.,
Renfrew, Ont.

That there may be no misapprehension as to the authenticity of the letters, I give the following from the officer of the court:

I hereby certify the above to be true copies of the letters of the Hon. O. Mowat, filed at the trial of the South Renfrew (local) election petition against the return of John Francis Dowling, M.M.P.

C. C. ROBINSON,
Registrar of Court.

AURORA, Aug. 12, 1884.

No matter what Mr. Dowling may have done, that was a matter of very little consequence, but if it were going to hurt the party, you must not under any consideration take any steps to have him unseated; and if you will only behave yourself for a little while, and get Mr. Dowling's consent, I will appoint you to an inspectorship as a reward for having failed to give evidence of a violation of the law, which was the duty of the attorney general to have punished to the fullest extent. That was the position of the present Minister of Justice. The question of party intervenes, and that was of infinitely more importance than that the law of the land, or justice between man and man, should prevail. A case occurred the other day in Winnipeg. Perhaps my hon. friend is not aware of the circumstance. I shall give the facts as they have transpired, and shall then listen with a good deal of interest for an ingenuous defence of this appointment.

The other day in Winnipeg Mr. Sifton appointed a man by the name of King to an immigrant agency. King had been accused of and convicted of having committed an act which is tantamount to, if not actually direct perjury, yet Mr. Sifton did not hesitate to justify the appointment, and, what is still worse, justify the action of this man King. Under the circumstances Sir Charles Hibbert Tupper asked how it came that Mr. King, an immigrant agent in Winnipeg appointed by Mr. Sifton, had been accused of an offence tantamount to perjury? He referred to the case of King vs. Roche, the Marquette contested election case, in which Mr. King, after charging Mr. Roche by affidavit, with all the offences in the Code, admitted in the court that he knew nothing about any of them, evoking from the bench the censure that it was an abuse of the process of the court. Mr. Sifton was surprised that an ex-Minister of Justice should brand a man with perjury because on cross-examination he had not been able to show knowledge of the various allegations in an affidavit which his solicitor had advised him to make. The thing was common enough, and every lawyer knew it. He admitted Mr. King had been wilfully careless.

This was another election case: in which perjury would be justifiable if it only happened to hoist a member of the Commons who was a conservative. I do not believe that my hon. friend, the Minister of Justice, would deliberately draft an affidavit charging another man with all the crimes in the political criminal calendar, and then ask a man to swear to that deliberately and positively as having knowledge that he believed him to be guilty of all those crimes, without first asking the man whether he had any knowledge of the contents of the affidavits and of the statements made therein. I should be very sorry to believe that he would do a thing of that kind. Then Mr. Sifton says what is still more astounding to a layman like myself, "the thing was common enough and every lawyer knew it." He admitted King had been "wilfully careless"—wilfully careless in doing what? In making a solemn affidavit that the member for Marquette had been guilty of crimes which would not only have unseated him, but would have subjected him to heavy pecuniary penalties, and also to imprisonment. Sir Charles Tupper very properly said in reply, that he was pained that Mr. Sifton should take such a light view of so serious a case. He would defy him to lay the facts before Sir Oliver Mowat and get such an opinion as he expressed. Nor did he think that after the denunciation of the Court of Queen's Bench, the Attorney General of any province other than Manitoba would have allowed such a man to go unpunished. Not only was King guilty of culpable carelessness, as Mr. Sifton admitted, but having acknowledged that he knew nothing of any one of the charges against Mr. Roche, to which he had sworn to, and that he didn't even know why he had made them, King was clearly guilty of everything that constituted the crime of perjury. It was all very well for Sir Oliver Mowat in the Senate to try to improve the criminal law, but what would his efforts amount to with a colleague in the Commons who says that making a false affidavit is excusable because the man was told to do so by his solicitor—and Mr. Sifton, too, a member of the bar? To this vigorous roasting Mr. Sifton answered not a word. Had his case come under my notice lately, when the criminal code was under consideration, I should have deemed it my duty to move, whether the House would have accepted it or not, an addition to that code which would make it punishable by fine and imprisonment for any minister to appoint a man who had been guilty of an act of this kind, to any responsible position under the government; and I am inclined to think that that act would justify the government in adding a clause to the criminal code to that effect; and if they would not, they have sunk low in political morality. I apologize for bringing this under the notice of the House, but I have done so, because I was surprised and astonished—I would say astounded, not at the open and declared defence of Judge Prendergast, but at the ingenious apology of my hon. friend who knows so well how to turn a corner when it is necessary to befriend a friend,—I am surprised that he should have adopted a course in this House which he followed in his own province, of rewarding those who had been proved to be guilty of grievous political offences. I could instance a dozen more cases, but I do not think it is necessary. We were told the other day, and that, too, by the Minister of Justice, that because a man's father-in-law said to the Postmaster General, "if you appoint my son-in-law to this office,

I shall resign," that that was a violation, if not of the word, at least of the spirit of the Criminal Code, and therefore dismissed him, without a particle of evidence to show that the man had been appointed to the office or had had anything to do, directly or indirectly, with the correspondence that took place between his father-in-law, the member from Annapolis, and the Postmaster General; but it was quite sufficient for the government to know that the postmaster asked to have another man appointed and that then he would resign, to justify his dismissal from office. While we have these cases to which I have called the attention of the House of appointing persons guilty of flagrant violation of the law, I hope they are not to be repeated.

I do not accuse my hon. friend, or the government of which he is a member, of rewarding other criminals. It is only when a political offence is committed that it is done. I hope the day will soon come when the government, and the hon. Minister of Justice in particular, will take steps to punish to the fullest extent of the law, any one, I care not who it may be, who is found guilty of violating the law. He might well take a leaf out of the book of the late Sir John Thompson, who, immediately upon violations of the criminal law being called to his attention, and that, too, by some of his own party, did not hesitate one moment to bring the offenders before the courts and have them tried legally, and convicted and punished. I know the statement has been made—"Oh, yes; but when you put them in jail you let them out." But the law was vindicated. It matters not whether they remain in jail one month or six months, it proved this fact, that the Attorney General of Canada, when a violation of the law was brought to his notice, did not hesitate one moment to perform the duty which devolved upon him as Minister of Justice and Attorney General, and insist on having them prosecuted. And my hon. friend opposite helped him in doing so by appointing, if my memory serves me right, a lawyer to prosecute on behalf of the Crown (he being then Attorney General for Ontario), in addition to the lawyers and barristers selected and paid by the Dominion Government for prosecuting. That is a course I should like to see every Minister of Justice take.

Hon. Mr. POWER—And after they had been sent to prison I understood that the then Minister of Justice ordered their release.

Hon. Sir MACKENZIE BOWELL—I referred to that fact. I stated that that had been the case. I do not desire to go into a defence of that action. The Minister of Justice ought to know that they had been there for months before they were released—that it was done on the certificate of physicians; one of them, I believe, furnished by Dr. Landerkin, a supporter of the present government in the other House.

Hon. Mr. McMILLAN—And one of the men released died soon after.

Hon. Sir MACKENZIE BOWELL—I was going to say that; proving the correctness of the doctors' certificates. What I did say was that no matter whether they were reprieved or not, the law was vindicated in its majesty. The attorney general at the time, instead of making a plea in their defence, had them tried and sent to jail, and whether they were in prison for one month, two months or ten months, the law was vindicated, and it was a warning to all men in the future not to do as they had done. That is a question that I might argue for an hour, but I do not propose to do so. I felt that it was my duty, under the circumstances, when I saw that the same policy is being pursued by the present government in connection with violations of the election laws, as was followed by my hon. friend in Ontario while he was premier of that province, to call the attention of the House and the country to the fact that we are to have a continuation of it here, and to try and induce, if I possibly could by any word of mine, the law officers of the Crown not to interfere on behalf of criminals—not to appoint them to lucrative positions, but to punish them and send them to jail on every occasion when the law provides that they shall be so punished. If the government did not know that Judge Prendergast had been guilty of this offence, their attention having been called to it, it is their duty to see that he has full opportunity to defend himself in such a manner as to justify his retention on the bench. You could scarcely expect him to punish another man who will be brought before him for an

offence which he himself has committed and for which he has been rewarded. I leave the case with the hon. gentleman, and if he has no better defence for violations of the law than he has given to-day, the sooner he reforms and adopts the principles of his party—or rather the name of the party, I withdraw that word principle—and plays the part of an actual true reformer, the better it will be for justice and the good of this country.

Hon Sir OLIVER MOWAT—I certainly did not expect to be the object of vituperation such as the hon. gentleman has delivered himself of on this question. During the two sessions that I have been in the Senate this is the first time that I believe any member of the Senate has been made the object of personal attack.

Hon. Sir MACKENZIE BOWELL—I deny making a personal attack, it was a political not personal.

Hon. Sir OLIVER MOWAT—The hon. member has been hunting up old election stories told of me during my quarter of a century of public life as premier of Ontario. Every one of the cases which the hon. member refers to has been the subject of discussion on platforms during the elections, and what has been the result? The people of the country in every instance negatived every charge made against me. In every instance during that long period I had the support of the people of this country, notwithstanding all charges that were made against me. There were circumstances which justified every appointment which was made, and to which the hon. gentleman has referred, and those circumstances were laid before the people. It would take a long time to discuss them now—my course was endorsed by the people on every one of these occasions. My hon. friend says I defended Judge Prendergast. I have neither defended him nor attacked him; I have neither said he was guiltless nor guilty; but I have said that I did not mean to consider the case until I had all the facts before me. That is the principle upon which I always act. That is the ground upon which every judge should act, and upon that ground I am bound to act in the position which I occupy in regard to such matters. I do not want now to discuss them. I do not want now to say how far a man is guilty of a crime which should disqualify him for the bench because he has paid a cabman at an election four or five dollars, or because a voter comes to him and asks for his help, and he says he will give him his help; I do not want to discuss whether those are such serious crimes as to disqualify, because I do not know all the facts. They may be better than stated here or they may be worse. If they require consideration they shall receive consideration, and the best judicial ability I can bring to bear on them. My hon. friend read with great emphasis a couple of letters of mine as if they condemned me for ever before the public of this country and this House. He has misinterpreted those letters. He has given them a meaning which they do not possess. My hon. friend is an old politician. He knows that many things upset elections which are not fraudulent and not corrupt, but mere informalities. I had no doubt there was nothing corrupt in the election of Dr. Dowling. I had no doubt, from what I knew of Dr. Dowling and what I knew of the election, that he had done nothing culpable in a moral sense. Sometimes an election is set aside without any moral guilt connected with it, and we all feel when such cases occur that a man—a friend—should not set up such irregularities, but the hon. member chooses to give to my letters the construction that I was endeavouring to keep back proofs of corrupt conduct which this man had in his possession. There is no foundation for that charge. The hon. member referred to Sir John Thompson's course in certain cases. I do not intend to go into those cases. I have respect for his memory. He is gone from us now and I am not disposed to call to mind what may be said with regard to the cases referred to. Many things were said at the time which I might repeat if I were to follow the example of the hon. member in speaking of me, but I do not choose to do that. These are all old matters. My hon. friend has brought up here and occupied the attention of the House in discussing dead issues which had been slain long since when submitted to the people. One of these cases the hon. gentleman has given us the date of. Some of them are older than that one, but that one he gave was in 1883. He has gone back fourteen years to find something against me; but whatever he and his friends endeavoured to do in that respect when I was premier of Ontario, they failed

entirely; and I venture to say that I will stand as well with the Senate, notwithstanding the observations of the hon. gentleman, as if those observations had not been made. I have no apprehension of being lessened the respect of the Senate by these observations which the hon. member has made, and the charges which he has brought causelessly against me.

Hon. Mr. SCOTT—In the last few minutes I have been casting my eye over the examination of Mr. Bertrand, one of the official documents we have here, and the only one, and I am amazed at the shallow basis upon which an attempt has been made to found a charge against Mr. Prendergast. I venture to say you will not find a parallel to it in the whole history of Canada. Mr. Prendergast was an old politician of many years' experience. In the month of January last, or December—the time seems somewhat uncertain from the papers—a man who knows he had been working with him says he wants to get some employment or to get some office, and he asks Mr. Prendergast if he will not help him. Was Mr. Prendergast wrong to say that he would help him? It is said that this action was to change his politics. I find this man states on oath that he has been a Liberal all his life, and only voted Conservative upon one occasion, and yet Mr. Prendergast is to be condemned because he says he will help this man. How did he help him? Simply made a promise to help him. It was not consequent upon his voting one way or the other in the slightest degree, and it was six months ago that Mr. Prendergast met this man.

Hon. Mr. FERGUSON—No; not six months ago.

Hon. Mr. SCOTT—Yes; he says it was in the month of January.

Hon. Mr. FERGUSON—The election was in February.

Hon. Mr. SCOTT—One month before the election.

Hon. Mr. FERGUSON—He came down to two weeks.

Hon. Mr. SCOTT—That is splitting hairs. That was in the month of January or the month of February—the idea of a transaction occurring then—and what the man asked was that he would help him to get an office, or to get some employment, I believe, were the words. Is there a man in this chamber that has not, over and over again, when he was before the people and when he has been asked if he will not help a man or voter to obtain some employment, promised to do it? I have done it a thousand times in the last forty years.

Hon. Mr. ALMON—Hear, hear.

Hon. Mr. SCOTT—And I would not be worthy of being in the position I hold if I did not promise to do it. I believe in the cause which I am advocating, and I think it is fair and reasonable, and there is not an hon. gentleman in this House who has ever appeared to a constituency if he was asked "I want to get some employment, will you help me?" who would not say "Certainly, I will." If that is to be an offence, everyone of us is committing an offence. If that is an offence and the whole of the statement here—

Hon. Mr. LANDRY—Why did he not defend himself.?

Hon. Mr. SCOTT—Because he had an utter contempt for the charge that was made. He did not suppose that a body of intelligent men would regard that as a charge, because there is nothing in the nature of the charge about it. Did this man Bertrand get any employment? No, he did not. The whole thing is visionary and based on air. All that is said is that in January last, when Mr. Pendergast was perfectly free to make any statements he pleased, he told this man he would help him. Did he mention any particular office? No.

Hon. Mr. LANDRY—What about the carters?

Hon. Mr. SCOTT—I have not the papers before me. I have no doubt those charges were as hollow as the other. I did not take any stock in the charges, because I thought they would turn out to be baseless and I paid no attention to the matter until the papers were handed to me, a few minutes ago. I know the hon. gentleman's feeling in the matter, and it is quite unnecessary for him to interrupt me. If any hon. gentleman would take up the papers and read them it would not be necessary to make any further inquiry,

Hon. Sir MACKENZIE BOWELL—What are you reading from?

Hon. Mr. SCOTT—It is the stenographer's report I am reading from.

Hon. Sir MACKENZIE BOWELL—That is the one from which the hon. Minister of Justice read?

Hon. Mr. SCOTT—Yes, he says he never was promised or never received anything. Why? Mr. Prendergast was not in any position to give him an office. There was nothing corrupt in Mr. Prendergast making a promise. My hon. friend may read the law, but do you suppose any judge and jury in Canada would stultify themselves to that degree by conjuring up a case against a man because one individual asks another "Will you help me"? If he got a position there might be something in it, but it does not appear to have gone any further. He says "Will you help me," and the man says "Yes, I will help you," and there is the whole thing in a nut shell, and Mr. Prendergast was perfectly free to say this, because he was not a judge for some little time after that. The thing is so perfectly idle that I can not conceive how any hon. gentleman can for one moment torture statements of that kind into a charge. I do not think it is fair to Mr. Prendergast. I did not follow the dates because I did not look at the papers until they were put into my hands a few minutes ago, but he is now sworn in as a judge. Is it a right thing to attack a judge as he has been attacked to-day, and slander him as he has been slandered, and to say he has been guilty of a corrupt practice and a crime? Is it fair, or is it honest or proper, or has it ever been done before in this Senate? It has never b en done. I am glad to say the records of this chamber are too pure to be soiled by a charge made against a judge without some kind of foundation. I have before me any amount of authority, if it is necessary to quote it, showing that we ought to be exceedingly sensitive about making charges against judges. It should be only on petition and then only when the facts have been stated, and when he has had the charge laid before him and asked to explain. He is on the level of a county court judge and the statute which would govern this case provides that a

judge of the county court may be relieved from office by order of the Governor in Council on the ground of ill-health or any other cause or misbehaviour established to the satisfaction of the governor provided the circumstances respecting the inability, incapacity or misbehaviour have first been inquired into by virtue of and under an order of the Governor in Council and that the judge had been given notice of the time and place appointed for the inquiry, and have been offered an opportunity by himself or by his council of cross examining the witness and adducing evidence on his own behalf. Has that been done?

Hon. Mr. FERGUSON—That is the inquiry I am asking the government to make.

Hon. Mr. SCOTT—The hon. gentleman makes a charge and does not give the accused an opportunity. There is the law. The Governor in Council has not the power to trump up a charge against Judge Prendergast. The law does not authorize them to do it. The law says that before any action is taken, the circumstances—the inability, incapacity or misbehaviour must first be inquired into by virtue of and under an Order in Council. That is the first preliminary stage, that an Order in Council must first issue and an inquiry be made at which the witnesses shall be examined, and a judge or jury shall have an opportunity of cross-examining him. Has that been done? No.

Hon. Mr. FERGUSON—Why do not you do it?

Hon. Mr. SCOTT—There is not any charge that a Governor in Council would for one moment listen to.

Hon. Mr. McCALLUM—I do not desire to take any part in the discussion. I do not know anything about it. But I want to understand it. I believe the ground taken in the case of this gentleman is that he should not have been appointed judge because he committed an illegal act before he was appointed. What the hon. gentleman is reading, about promising to help to get an office, is perfectly legitimate.

Hon. Mr. SCOTT—That is the illegal act.

Hon. Mr. McCALLUM—No; do not get away from it. The charge is that he paid a man $5 to a voter at an election, and that is the corrupt act. That is the way it strikes me; but I wish to understand it. The charge is that the hon. Minister of Justice appointed this gentleman to office after he knew that he had been guilty of this corrupt act.

Hon. Sir MACKENZIE BOWELL—Hear, hear.

Hon. Mr. SCOTT—No; there are two charges. In the papers which I have read there is only the one charge, that he promised to help the man named Bertrand to get some position. As to the other charge, I have not seen the papers. They are not before me, and I have never had an opportunity of examining them—that is, the paying of some four or five dollars to a cabman. I take the ground that it is not the proper method of laying the charge. We are trying him on mere report.

Hon. Mr. LANDRY—It is not Judge Prendergast that we are trying but the government.

Hon. Mr. SCOTT—I think that is really what it is, because he sees that it was no use fighting with an impossibility, and with the exercise of common sense and judgment he has decided that the proper way to obtain relief is in a particular direction, and that is why the attack is made. There is no doubt about it at all, otherwise the gentlemen who are so keen to destroy his reputation would not show the feeling they do at the present time. There are two charges. I analyzed one of the charges, and the other we have not before us. I understand the other one is based on the payment of four or five dollars.

Hon. Mr. McCALLUM—Did the Minister of Justice know that Mr. Prendergast was guilty of that when he appointed him to office?

Hon. Mr. SCOTT—No; he knew nothing about it.

Hon. Mr. McCALLUM—If my understanding is wrong, I wish to correct it. My understanding is that they were aware at the time that he was guilty of this offence, and he is disqualified from being appointed judge.

Hon. Mr. SCOTT—I was present at the meeting of the council when he was appointed, and I never heard of its being brought up. But what I lay down as a principle is, that the law is clear that before any publicity is given to it or charge made, the circumstances shall be inquired into by an order of the Governor in Council, and the Governor in Council shall require an explanation, and before the charge is culminated the judge will be called upon to give his answer and examine the witnesses. I do not know what the other papers may disclose, but I confine my observations to the documents before me, and I say it is unworthy of any gentleman to attempt to defame the character of a judge upon the slender pretext that an old politician applies to a man and says can't you do something for me, and the man says, Oh, certainly I will. But he does nothing. The man was satisfied. We all have to say: "Oh, I will help you." It is perfectly legitimate and perfectly proper, and the idea of trying to build up a charge of corrupt practice on a mere verbal statement of that kind is as hollow and baseless as any charge I have ever heard of.

Hon. Mr. LANDRY—I wish to say a few words in answer to what the hon. Secretary of State has said, and I will endeavour to make him understand the difference between a charge made against a judge and a charge made against a government. He has not come to that point yet. He did not understand the question put by the hon. gentleman from Prince Edward Island (Mr. Ferguson). The question put by the hon. gentleman from Prince Edward Island was: "What will the government do in this matter." The hon. gentleman did not understand the question and he does not want to understand it. He brings up now this assertion that there is an accusation against a judge, and says "you are accusing a judge here and that is not the proper way to deal with the question." We are not accusing the judge, but charging the government with not taking the proper step to vindicate the law when a judge is accused here, not by any member of this House, but by testimony given in court. And what is Mr. Prendergast's defence? The charge was made in court, and on two points; first on a charge of promising a position, and secondly on the charge of hiring carters. Mr. Prendergast takes up one of the two charges, where a motive of his action must be proved in court, and says, "I had not that motive imputed to me; I had no corrupt motive, so give me the benefit of the doubt." But on the other point, where there is no necessity of proving any motive, where the mere fact of hiring a

carter is a corrupt practice, what is the defence of Mr. Pendergast? He has no defence, and he cannot bring in a defence, and the hon. Minister of Justice will wait till the end of the session and the day of last judgment before getting an answer. He will never get it. But the session will be over and the Minister of Justice will say that the public interest requires the government to go no further. Unable to defend Judge Prendergast themselves, they endeavour to come out of the difficulty and accuse the hon. gentleman from Prince Edward Island (Mr. Ferguson) of doing what he is not doing, of attacking the judge, while he is really charging those who do not vindicate the majesty of law violated by Judge Prendergast.

Hon. Mr. KIRCHHOFFER—When I heard the remarks made by the hon. Secretary of State I asked myself whether he really was acting in defence of Judge Prendergast or not. I do not know whether his remarks were intended as a defence, but it seemed to me that if that was all the defence he had to offer, and if that was the only way in which he was able to defend himself, if the hon. gentleman has had much experience in criminal matters, he must have succeeded in getting off very few criminals. I can quite understand that my hon. friend has sympathy with Mr. Prendergast in this matter, because they both had the same views on one question which was before them, and they both took opposite views about the same time in different ways. I would not make the accusation that the hon. Secretary of State would be influenced in his change of views, but I think the people who know Mr. Prendergast and all connected with him are perfectly satisfied about what has influenced him in his change of views. There is no doubt among those in the province of Manitoba and those who have known Mr. Prendergast for a long time that the change in his views was influenced by the promise of a judgeship. It is all very well for the hon. Secretary of State to read the evidence of Mr. Berthiaume and to say there was no promise made by Mr. Prendergast in that way.

Hon. Mr. SCOTT—Supposing a promise had been made, what did it amount to?

Hon. Mr. KIRCHHOFFER—I heard the letter of Mr. Pendergast read by the Minister of Justice, and I saw how carefully he guarded himself when he discussed what was done with Mr Berthiaume. Berthiaume came to him and said:—"You must recollect I was always a Liberal until the last time, and the last time I voted Conservative."

Hon. Mr. SCOTT—He said he voted Conservative only once?

Hon. Mr. KIRCHHOFFER—Yes, but now he says "I want you to do something for me: you just obtain a position for me, but recollect it is not to influence you or me whether you do it or not. I am going to vote for you whether you give me anything or not," and I thought to myself of what Shakespeare says, methinks the hon. gentleman "doth protest too much." That is the way Mr. Prendergast guarded himself. But why should we take this case of Mr. Prendergast only? Fifteen days elapsed since Mr. Prendergast was asked to make a return with regard to this, and he sends down the evidence which is least likely to incriminate himself; and he has not sent yet, and the Minister of Justice is not able to take up the evidence as to the actual point where he was proved guilty of corrupt practice, and how can we expect this matter to be gone into when the Minister of Justice states he will not take the matter up and will not ventilate it until such time as Prendergast chooses to furnish him with the evidence in regard to the other matter? He might have furnished both depositions together, and as I cannot believe from what the Minister of Justice has said, that he has had that information in his hand; if it is not here it has been held back by Mr. Prendergast, because he knows if he had all the evidence here it would incriminate himself in every way.

It may be that we deserve the stigma the Secretary of State has cast upon us, that we are not an intelligent and enlightened body if we cannot see the matter through the same spectacles as he does. Perhaps that is so. But a number of us are in that position, that we cannot see the matter in the same light as he does. By the evidence taken in court Prendergast was proved to have been guilty of a corrupt practice.

Hon. Mr. SCOTT—No.

Hon. Mr. KIRCHHOFFER—He was given an opportunity by his own counsel, who

apparently could not imagine he was guilty of corrupt practices, and who asked to have the case put off to permit him to come and deny it; but when the case was called he was afraid to appear and deny the charge, because he knew he could not deny it. With regard to the law which the hon. Secretary of State read in regard to this matter, he read the law only as it governed his own actions. His government has to take the initiative. We cannot force them to do so if he says, "We won't pass the Order in Council, we cannot force them; and he shelters himself under that.

But I say, the evidence produced by my hon. friend from Prince Edward Island is most disgraceful as regards Prendergast, and he only asks the government one single question, whether they are going to take any action in this matter. I have heard our leader pitched into, but I have failed to hear them say whether, in the event of the evidence being brought down, if the Minister of Justice ever does insist that that evidence should be produced before him, and that evidence warrants him in taking action —I have yet to hear him say whether he will take such action as the evidence warrants.

BILLS INTRODUCED.

Bill (143) "An Act to consolidate and amend the Acts with respect to the duties of Customs"—(Mr. Scott.)

Bill (144), "An Act further to amend the Inland Revenue Act"—(Mr. Scott.)

Bill (145), "An Act respecting export duties"—(Mr. Scott.)

Bill (139), "An Act further to amend the Petroleum Inspection Act"—(Mr. Scott.)

Bill (140), "An Act further to amend the Acts respecting the Judges of the Provincial Courts"—(Mr. Mowat.)

Bill (141), "An Act respecting cold storage on steamships from Canada to the United Kingdom, and to certain cities in Canada"—(Mr. Scott.)

THE INTERCOLONIAL RAILWAY EXTENSION BILL.

Hon. Sir OLIVER MOWAT moved that the House do now adjourn.

Hon. Mr. McCALLUM—I think we should have the sense of the House on this motion. We should meet to-night. The business of the country should be carried on. I do not see why we should adjourn now, because we could do a lot of work between now and twelve o'clock. I call for the yeas and nays.

Hon. Mr. ALMON—I ask for the yeas and nays.

The motion to adjourn being put to the House, it was declared lost on the following division:

CONTENTS:

Hon. Messieurs

Clemow,	Power,
Cox,	Scott,
Dever,	Snowball,
McKindsey,	Thibaudeau
Mowat (Sir Oliver),	(de la Vallière),
O'Donohoe,	Villeneuve.—12.
Pelletier (Speaker).	

NON-CONTENTS:

Hon. Messieurs

Almon,	Macdonald (P.E.I.),
Arsenault,	Macdonald (Victoria),
Baker,	McCallum,
Bernier,	McDonald (Cape Breton),
Boucherville, de	McKay,
Bowell (Sir Mackenzie),	McMillan,
Carling (Sir John),	Merner,
De Blois,	Montplaisir,
Dobson,	Perley,
Ferguson,	Price,
Forget,	Primrose,
Kirchhoffer,	Prowse,
Landry,	Temple.—26.

It being six o'clock, the Speaker left the chair.

After Recess.

THE MANITOBA SCHOOL QUESTION.

Hon. Mr. LANDRY—Before the Orders of the Day are called, I apprehend that the House is anxious to know whether there is any truth in the rumour that Mr. Sifton has left Ottawa to proceed to Winnipeg to confer with the Manitoba government in reference to the Manitoba school question.

Hon. Mr. SCOTT—The hon. gentleman has had a notice on the paper pretty persistently during the session as to the movements of the papal delegate and the various phases of the Manitoba school question. I do not think the constant bringing of the question before the public will help it. The hon.

gentleman knows my views. A delicate matter of that kind is not helped by discussion. The negotiations—if there are any negotiations in progress — are always embarrassed. It creates irritation. If the hon. gentleman is sincere in his desire to see any reasonable arrangement, his own judgment and discretion will prompt him not to be constantly catechizing ministers, because there are questions which ministers are not obliged to answer. For instance, if negotiations are in progress that in the interest of the public should be confidential, it is recognized that ministers ought not to be catechized. We all know that the object of those negotiations is often defeated if it becomes public—I am merely speaking generally now. So far as Mr. Sifton's movements are concerned, as you all know, he is an old resident of Winnipeg. Mr. Sifton was desirous of seeing some persons in Winnipeg, I do not know who they were, and he left Ottawa on Friday. I have no doubt he will do as other members of the government have been endeavouring to do, to solve as far as possible the difficulties which impede the way. It is well known that there is a very considerable element of the Catholic population that are not satisfied with the result of the negotiations concluded last fall, and think that more ought to be done for the minority. Mr. Greenway, as you all know—you know just as much about this as I do—has promised that in the administration of the law we should endeavour to meet the objections that were urged against the regulations. How he is going to do it, or in what way, I am really unable to inform my hon. friend, because I am not aware of it. It is not a hard and fast programme that can be settled by being presented, because you know very well that in the administration of a law of that kind it is always better to get the two parties together and know what one is prepared to accept and the other prepared to concede. It can only be done by friendly interviews—by an anxious desire on both sides to effect a settlement and a disposition to give and take. That is the only way to accomplish it: I have really no more information for my hon. friend than what he sees in the newspapers.

Hon. Mr. LANDRY—Has the hon. minister sent in a report?

Hon. Mr. SCOTT—Oh, no, I have not heard anything of it.

Hon. Mr. LANDRY—I make the inquiry for this purpose.

Hon. Mr. SCOTT—I quite appreciate the purpose. Apart from that, I know the public feel a great interest in it. The public are not concerned about these delicate features of it to which I have adverted. They do not reflect on the injury to the progress of the negotiations that is caused by constantly bringing it before the public. I am quite unable to say whether anything is being done. All I can say is there is nothing on record and nothing official.

Hon. Mr. LANDRY—In making this inquiry I am acting on precedent. I will give one to the hon. gentleman which will convince him that the construction which he puts on my conduct will apply better to his chief. Last year Mr. Laurier, on the 23rd March, 1896, said this, I have just copied his words.

Hon. Mr. SCOTT—He did not say it 19 times.

Hon. Mr. LANDRY—No, because he was answered immediately and answered in a very civil way. The question and answer are as follows:

MR. LAURIER—Before the Orders of the Day are called, I apprehend that the House is anxious to know from the leader of the House whether there is any truth in the rumour that a Commission has been appointed to proceed to Winnipeg to confer with the Manitoba government in reference to the school question?

That is the question put by Mr. Laurier. I have just copied his words. Sir Charles Tupper's answer is as follows:

Sir CHARLES TUPPER—I may say that a delegation has been appointed, consisting of the Hon. Minister of Justice, the Hon. Minister of Militia and the hon. member for Montreal West (Sir Donald Smith) and that they proceed to-day to Winnipeg for the purpose of opening negotiations with the government of Manitoba who have, as the House is aware, been good enough to adjourn the Legislature of Manitoba until the 11th day of April, instead of proroguing as they had intended before this arrangement was made; and I take this opportunity to say how glad the government will be to have the kind co-operation of the hon. leader of the opposition and his influence with his friends, the government of Manitoba, in doing what he can to facilitate the object of that mission.

Later on the Hon. Mr. Laurier stood up again in the House of Commons and reiter-

ated his demand, and asked if there was a report, and the government said yes, and they were very glad to bring in a report. We see the different way pursued now by the present government. We can get no information from this government.

Hon. Mr. SCOTT—That was a formal proposition. Our formal proposition was closed long ago. This is a matter of administration that some dissatisfied Catholics were anxious to have explained by Mr. Greenway. There is no formal proposition made to-day at all.

Hon. Mr. LANDRY—So that when one of the ministers leaves Ottawa in great haste and goes to Winnipeg, it is nothing formal and nothing to be relied on.

Hon. Mr. SCOTT—No, it was not done by Order in Council.

Hon. Mr. LANDRY—Oh! Mr. Sifton is absent without leave.

Hon. Sir MACKENZIE BOWELL—The answer given by the Secretary of State is constitutionally correct, provided he had stopped with an answer. Whenever a question of that kind is put, if I might be permitted to suggest to the hon. gentleman, the answer of the Minister should be that there are no negotiations going on, or that there are negotiations going on, but that it is not in the public interest that they should be divulged. That is an answer, no matter where or when given, whether in the Imperial parliament or in our own, which is always accepted. While the hon. gentleman made a nice little speech which could not evoke any serious reply, he failed to answer the simple question which might have put an end to the whole of it. If he had said Mr. Sifton has gone home on his own business, and is not deputized to enter into any negotiations, there would have been an end to it. Or if he had said, yes, we hope to get the Manitoba government to give greater concessions than any that have been given, but the matter is not in a state that I can tell the hon. gentleman what we are doing, that would have been more statesmanlike than to get up, as the hon. gentleman did the other day, and read us a lecture on the impropriety of our conduct, and to-night read us another lecture, and tells us how bad the results would be from these constant questions. One simple word from the hon. gentleman would have put an end to it at once, and our impetuous friend from Stadacona (Mr. Landry) would have been satisfied.

Hon. Mr. O'DONOHOE—The hon. Secretary of State should return thanks to the hon. gentleman who has just sat down for his lecture on the performance of his duty.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman knows that the suggestion I made was strictly constitutional, and that the course pursued by the hon. Secretary of State is not constitutional or according to British practice.

ALIEN LABOUR BILL.

THIRD READING.

Hon. Mr. MACDONALD (P.E.I.) moved the third reading of Bill (5) "An Act to restrict the importation and employment of aliens."

The motion was agreed to and the bill was read the third time.

On the question shall this bill pass,

Hon. Mr. SCOTT—It is not now of course the proper time to take exception to this bill, but as it is receiving its final stage here, I cannot allow the bill to pass without expressing my very great regret that the parliament of Canada should have taken the step it has with regard to this measure. It would have been much more consonant with our history and associations in the past that we should have extended the olive branch rather than returned a blow given by the United States Congress. They are more under the influence of popular feeling than we are. This House, particularly, is far removed from anything like popular sentiment. If we do not approve of a measure we are not bound in any way to give effect to it. We know, as a matter of fact, that this law is not intended to be put in operation. The manner in which it is drawn shows that it is really not a practical measure, and it is giving blow for blow to the feeling of those who originated the measure in the United States. Our neighbours have fallen very much in the estimation of the civilized world by the action they have taken in this regard. We are follow-

in their footsteps, I think, to our very great discredit. The sixth clause provides :

The collector of customs at any port in Canada, in case he shall be satisfied that an immigrant has been allowed to land in Canada contrary to the prohibition of this Act, shall cause such immigrant within the period of one year after landing or entry, to be taken into custody and returned to the country from whence he came, at the expense of the owner of the migrating vessel, or, if entered from an adjoining country, at the expense of the person previously contracting for the services.

You can all see that in a great country like this, with four thousand miles of frontier, if the attorney general has to be appealed to in every important case, there is no serious intention of putting the law into operation. It is one of those laws which, if enforced, must be enforced promptly when occasion for action arises, as it does when an emigrant is landing from a car or boat, or walks across the imaginary line which separates us from the United States. Therefore that clause must have been introduced by some person for the very purpose of throwing ridicule on the bill. We are putting on the statute-book the statement that we propose to retaliate against the United States. If retaliation is to be carried on, we are hit nine times to their being hit once, because I venture to say there are nine who go from Canada to the United States to be employed to one who comes into Canada. We know that in large sections of the country there are numbers of men who go at regular seasons of the year into the United States to get employment. They are not interfered with. It is only an occasional instance when the deportation of the Canadian labourers is brought out prominently in the press. It is discussed in the newspapers and brought under the notice of the government, and the attention of the Washington government called to it: but it is only one case in a thousand. When I catechised my hon. friend Mr. Casgrain on the subject, he admitted what I said, that there is not a day of the year in which thousands do not cross the frontier, both ways, to earn their living. Is it desirable that we should stop that and build up a Chinese wall between the two countries?

Hon. Mr. McCALLUM—There is nothing before the House.

Hon. Mr. SCOTT—The bill is now at its final stage on the question of His Honour the Speaker, shall this bill pass? Some years ago I defeated a bill after the question had been put by the Speaker, shall it now pass?—one of the most important bills that ever came before this chamber. After the third reading had been carried and the question had been put, "shall the bill pass," I made such an appeal to the House that it did not pass. I do not propose to take this course now, because the House seems committed to it, only I did feel that, as we were taking this final action, I should like to put myself on record as being opposed to the spirit of the bill.

The bill passed.

THE INTERCOLONIAL RAILWAY EXTENSION BILL.

SECOND READING POSTPONED.

The Order of the Day having been called for

Second Reading Bill (142), "An Act to confirm certain agreements entered into by Her Majesty with the Grand Trunk Railway Company of Canada and the Drummond County Railway Company for the purpose of securing the extension of the Intercolonial Railway system to the city of Montreal."

Hon. Mr. SCOTT said: This bill is in charge of Sir Oliver Mowat, who desires to continue in charge of it, and as I was coming into the chamber a few minutes ago I received a note from him saying that he was not well enough to come up this evening. For that reason I move that the order be discharged, and that it be put on the paper for Wednesday.

Hon. Mr. ALMON—Would the hon. gentleman read the note to us, if he is really in earnest, because we are very anxious that this bill should be disposed of one way or the other? Unless the Minister of Justice is very seriously ill, I should prefer to go on with it.

Hon. Mr. SCOTT—He says he is not well enough to come up here this evening. He was not well when he left here at six o'clock.

Hon. Mr. LANDRY—He is running after Mr. Sifton.

Hon. Sir MACKENZIE BOWELL—What does the hon. gentleman propose to do? Will the hon. gentleman go on with

any other measures? There is the Crow's Nest Pass measure before us.

Hon. Mr. SCOTT—We will take up these measures on Wednesday.

Hon. Sir MACKENZIE BOWELL—To-night, I mean? You have kept us here to-night, and surely we have not been brought here for nothing to-night.

Hon. Mr. SCOTT—If I had proposed to take up any other measure the hon. gentleman would have a good right to say that a bill only coming up from the House of Commons to-day should not be taken up without time for consideration.

Hon. Mr. BERNIER—I do not know what course will be taken on this measure, but I rise to protest against this delay. We have been kept here for three months and have had very little before the House until to-day. Now we are asked to postpone a measure because one of the ministers does not feel well. For those who live in Ottawa it is all very well, but for hon. gentlemen who live some distance from the capital, it is not fair to keep us for months with little to do, and then when there is a bill on the Order Paper, to ask that it be postponed for two or three days more. For my part I am ready to go on to-night.

Hon. Mr. AIKINS—It appears to me to be extraordinary, if it was the intention of the Minister of Justice not to be here to-night, that we did not adjourn at six o'clock until Wednesday, so that members could have made a different disposition of their time.

Hon. Mr. POWER—These complaints do not come with a good grace from hon. gentlemen who voted against the government's motion to adjourn. There is some reason in what the hon. gentleman from St. Boniface (Mr. Bernier) says, but illness is one of these things which we cannot be responsible for, and I never heard of such a thing as raising a question about going on when the minister in charge of a bill is prevented from being in his place. The mere statement of the fact ought to be enough to satisfy hon. gentlemen.

Hon. Mr. ALMON—It might be the same thing when we meet on Wednesday. It shows that our leader in the Senate does not treat us with the consideration he should.

Hon. Mr. POWER—He should have taken medicine, I suppose.

Hon. Mr. McCALLUM—He should not treat us with contempt. If he was not able to go on, the Secretary of State is here, and is quite able to take charge of the measures. We could reach a vote to-night and it would be much better that we should go on. I could see before six o'clock that it was intended not to meet to-night at all. The object was delay. We can see the object, and it makes people dissatisfied. I do not like to be treated in that way. I am very sorry the leader of the House is sick, but he may be worse by next Wednesday, I hope that the vote we gave him before six o'clock did not make him sick. He is treating us with contempt in not coming here if he is able to come.

Hon. Mr. SCOTT—Oh no.

Hon. Mr. McCALLUM—The Secretary of State is here, and we should go on with the bill. Is parliament to be kept in session doing nothing because a member of the government is sick? If we are to give way on this thing to-night, I hope it will not happen again—that we shall go on on Wednesday, and not be brought here for nothing. The idea of keeping members away from their homes! We come here to do the business of the country, and when we come the leader of the government is not here, and the Secretary of State says he cannot go on. He should go on. I shall have much pleasure in listening to anything he has to say on this measure. I will listen to him until twelve o'clock if he can say anything in favour of the bill, and support it. On the contrary, if he does not show that it is a measure that will be of advantage to the people of this country, I cannot support it. I do not speak from a party standpoint. The leader of the House should have told us at six o'clock that the government would not do any business to-night. I hope, if Sir Oliver Mowat's health is not so far recovered that he can proceed on Wednesday, that the hon. Secretary of State will take charge of the bill himself.

Hon. Mr. SCOTT—Oh, yes.

Hon. Mr. McCALLUM—I hope so, because it is not treating us fairly. I think I can see just as far into a millstone as the man who picked it, or any other man. I am not going away from here, if it takes until fall, until I see what advantage the country is going to have from this large expenditure of money. I want to see that, because the public are looking to us very much, and any man who leaves here and does not do his duty will be a marked man.

Hon. Mr. POWER—Hear, hear.

Hon. Mr. McCALLUM—I suppose my hon. friend enjoys that. From his former independence in this House and his sticking up for economy in every branch of the public service, I hope he will not put the glass to the blind eye when he looks at this bill.

Hon. Mr. POWER—It is a good bill.

Hon. Mr. McCALLUM—If the hon. gentleman calls it a good bill, he will have to justify it. He is here, and when Sir Oliver Mowat is here he can defend the bill. I am sorry the Minister of Justice is ill and cannot be here to-night. I hope it will not occur again. I know there are many hon. gentlemen in this House who feel on this question as I do, but they do not say it. When we meet on Wednesday, I hope he will get through with this business without any more jockeying, keeping one bill back until another is passed.

Hon. Mr. ALMON—I think that this measure would be very well in the hands of the Secretary of State—that it will suffer no loss through the absence of the Minister of Justice. We ought to go on with it.

Hon. Mr. MACDONALD (B.C.)—I hope the Secretary of State will not stop the work of the House at this late period of the Session. Many of us have been here three months, and the bill is before the House. There may be a long discussion on it—there probably will be, and why not take a part of the discussion to-night. It will not alter the effect of it in any way.

Hon. Mr. SCOTT—I have already explained that the bill is in the hands of the Minister of Justice (Sir Oliver Mowat.) He was particularly anxious to have charge of the bill, and I will explain to the House that he did not desire to come back this evening, as he was not feeling well. Still, I thought as the Speaker left the chair we would see him here when we met this evening' Under the circumstance, it is a matter of ordinary courtesy, when the leader of the House who has charge of a bill states that he is unable to be present this evening, and asks to have it postponed until Wednesday, to grant his request.

Hon. Mr. PROWSE—I am sure the Senate would treat the leader of the House with all the courtesy that is possible, and we have always been disposed to do that since the hon. gentleman has had a seat in this chamber; but it seems to me this House has a little courtesy to expect from the government. There should be courtesy on both sides. There is more than courtesy expected from the government on a subject of this kind. The interest of the country—the fate of a measure involving an expenditure of millions of money, ought not to be kept back until the last hours of the session before giving the Senate an opportunity of expressing their views on the subject. I submit we are not being treated with that courtesy which the chamber is entitled to in this measure being kept back. In the last few hours left us, we have not an opportunity of discussing the question to-night after being brought back here. There must be something wrong with the measure—something that this House should be very careful and cautious about before they decide to pass it. I live in the lower provinces, which are more interested in having direct communication with Montreal than other provinces, and I say it does not look as though the interests of the country were at heart in bringing such a measure before us. In view of that fact, this House ought to have ample time to discuss the question, and we should have had it weeks ago if it was intended to ask the country to engage in such a large expenditure.

Hon. Sir MACKENZIE BOWELL—I must confess that I feel myself in a very difficult position individually, after the expressions of opinion by many of those who are desirous of going on with this bill, yet I feel that it would be rather a want of courtesy, after the statement of the hon. Secretary of State, if we do not accede to

the suggestion for the reasons he has given. But I should like to call the attention of the senior member for Halifax to the fact that when the House voted by a two to one majority in favour of meeting to-night, it was for the purpose of going on with this measure, and had the Minister of Justice then said that he did not feel able for the task, that he was not well enough to come back, I have no doubt the House would, at that time, have acquiesced in the adjournment. I have not the slightest doubt about that, but the adjournment was voted down by a very large majority. I am not speaking without knowing what I am saying, that it was known—and many were led to believe—that this adjournment is to meet the views of those who are most deeply interested in that scheme, and who expect to put the most money in their pocket by it, because they have been talking around the lobbies that they wanted this matter put off, for what purpose I do not know. They must know; but that is the fact, and I am not speaking now at mere random. It appears to me that this House ought to know whether the promoters of the bill, who expect to make large amounts of money out of its passage, are to dictate to the Senate and the Parliament of Canada when and how we should proceed with measures of this kind. There is a great deal of force in what my hon. friend from Prince Edward Island (Mr. Prowse) has said. Here we have measures brought down about two days before the expected prorogation, involving expenditures amounting to from ten to fifteen million dollars. It is all very well to say, "It was your duty to follow the debates in the House of Commons, and make yourself acquainted with what was being done, in order that you could give your vote when it came here without any further consideration." But that is not a reason why we should act in accordance with that suggestion, and if that is to be the policy pursued in the future it would be better to abolish the Senate at once, and leave the whole management of the country in the hands of the popular branch, where the great corporations can affect the different constituencies and frighten representatives, from party reasons, to vote for measures which, in their conscience, they know are not in the public interest. I daresay my hon. friend will say "oh, you used to do the same thing." Well, supposing we did; the hon. gentleman condemned it, and condemned it in very virulent and energetic terms, and we thought when he came to occupy his present position that he being a Reformer, was going to end all what he termed iniquitous proceedings of the past; but the Reform government are ten times more than the unfortunate Tories, whom he used to condemn so vehemently in the past. I really do not know myself what to suggest. I feel the difficulty in this way; the hon. gentleman says the health of the Minister of Justice will not permit him to come here, and he declines to take the bill up himself. I will make a suggestion to the hon. gentleman; supposing I take the bill in charge, move the second reading, and ask some of my friends to move the six months' hoist; I should be very much inclined to vote for it, and we could settle the question at once. We could test the sense of the House without any debate at all. If he will move the second reading, and promise not to say anything, as far as I am concerned—and perhaps I can speak for my friends round the House—we will take the hint and vote on the bill, because most of us have made up our minds to vote on it.

Hon. Mr. McCALLUM—Take a vote now.

Hon. Sir MACKENZIE BOWELL—That is a fair proposition. Shall I move the second reading?

Hon. Mr. SCOTT—No, it is rather a serious matter to be jocular about.

Hon. Sir MACKENZIE BOWELL—Might I ask the hon. gentleman if he thinks he is treating the Senate properly and with respect? If the hon. gentleman had said before recess that neither himself nor his leader, from physical inability or from any other reason, could go on with it to-night, it would have been altogether different: but there was no reason given further than a desire to postpone it. I frankly tell you I feel a little annoyed, because I had very important duties to perform in my own city, and I was in hopes that I should be able to get away. I suggested this course when the House met this afternoon, and I am here now to sit till day-light, if need be.

Hon. Mr. POWER—Perhaps the hon. gentleman will not think I am violating any confidence, after what he has stated, when

I say that before six o'clock I went over to the hon. gentleman and informed him that the leader of the House was not well, and was not really in a condition to go on with this measure, and that we had better adjourn at six o'clock.

Hon. Mr. AIKINS—Why did not the leader state that to the House?

Hon. Mr. POWER—He did not state it to the House, but he stated it to me, and I went over to the leader of the Opposition, which I thought was the correct thing to do. I had not intended to make the matter public, but I think it only fair, as the hon. gentleman has referred to the matter in a pointed way, to state what took place. I thought that the hon. leader of the Opposition consented to the adjournment, and I was surprised when he voted against it. Although I do not speak for the government, I may say that the majority of the Senate have the business in their own hands, and if they require a week to discuss this measure, they can take it. It is anything but gracious, on the eve of the Diamond Jubilee of Her Majesty, when all should be peace and good will, that we should be showing disrespect to the leader of the House.

Hon. Mr. ALMON—After what the senior member for Halifax has said, that Sir Oliver Mowat told him before the adjournment that he did not feel well, I withdraw what I said and think we should not go on with the business.

Hon. Mr. MACDONALD (B.C.)—Have you made your mind up?

Hon. Mr. ALMON—I have made up my mind to that, and I apologize to the senior member for Halifax for agreeing with him. I know I am treading on very treacherous ground, and in all probability may get into the mire, but still I shall run the risk this time, I think the hon. gentleman is right.

Hon. Sir MACKENZIE BOWELL—With reference to the remarks made by the senior member for Halifax (Mr. Power), he did come over to me and speak to me, but I have no recollection of his speaking of Sir Oliver's illness. I will not say that he did not, but what I remember distinctly his saying to me was, "would it not be better to put the bill off till Wednesday," and that Sir Oliver did not want to go on to-night? I said I would have no objections to that, but I said I was just as ready to go on with it to-night as any other time.

Hon. Mr. POWER—I began the observations by saying the hon. leader of the House was not well.

Hon. Mr. FERGUSON—After the explanations which have been made, there is nothing open to us but to accede to the request of the government. Apart altogether from what has happened now, I must enter my protest against the way the Senate is treated by the government. As a matter of fact, it is known now that formal preparations for the closing of parliament are going on, cards are being sent round, and everything indicates the close of the session soon, and I have been taxing my memory to find the important bills that we ought to be considering that are not yet sent down to us. There is the Crow's Nest Pass Railway bill.

Hon. Mr. BOWELL—We have got that; it is on for the second reading.

Hon. Mr. FERGUSON—No, it has not come to the House yet at all. The Intercolonial and Drummond Railway deal is here, but the government is not ready to go on with it. The fast line contract is not here, the tariff is not here, and the estimates are not here.

Hon. Mr. SCOTT—The tariff is here; it is fixed for Wednesday.

Hon. Mr. MACDONALD (B.C.)—Does the fast line contract come before the Senate?

Hon. Mr. SCOTT—No. On former occasions I know the Senate made a very strong protest because contracts of that kind had been confined exclusively to the House of Commons, and in looking up recent legislation on the subject, I find that in the first Session of 1896, in April——

Hon. Mr. FERGUSON—I was not through speaking. Then, the tariff is here. I did not know that. Of course it will go on the Order Paper for Wednesday. The estimates are not here, and then there is another measure that was submitted to the House of Commons, I do not know what its fate is—in fact, I think two resolutions were submitted to the Commons, one proposing

to allow the province of Manitoba to draw $300,000 from the school funds. If that measure is alive in the minds of the government, it is not here. There was another resolution granting better terms to the province of Manitoba, and I do not think that is here. Then again there is a fifteen million dollar loan in the air—a proposition is made about that. All these measures appear to be in the hands of the government, and they are going to ask us, within a few hours of progation, to give our assent to all these importtant measures. I think it will have to be admitted we are not fairly treated. My hon. friend was just going to say, as he usually does when fault is found with the government, that some other government was just as bad. I think my hon. friend was then about making his old excuse—that if this government is bad, other governments were bad.

Hon. Mr. SCOTT—Probably worse.

Hon. Mr. FERGUSON—I am not experienced enough in the affairs of Parliament to venture the statement very strongly, but I think it is doubtful if in all the different parliaments we have ever had, such a lot of important measures have been held over till the end of the session like this. If it ever occurred, it was reprehensible. It is a pity the members of the government have not shown more respect to the Senate by pushing some of these measures at an earlier time in the session and sending them down in detail, instead of holding them till the last and sending them in a batch. It is not fair to the Senate or to the country. My hon. friend, the leader of the House, will see that since he has been a member of the government, although the majority of this House is opposed to him, we have shown every desire to facilitate public business, and there has been no factious opposition on this side of the House, but, I think, we would be stretching moderation and good nature too far, if we did not complain when we are treated in this way by the government in regard to these measures.

Hon. Mr. SCOTT—I am exceedingly sorry it has not been possible to have important measures down early. But it seems to have been the history of this country from the very beginning that the House of Commons retained important measures up to the very last. Hon. gentlemen will recollect that we have had the estimates come down when we were all ready for prorogation. That has been the usual time. After the desks were all cleared away and the Governor General was expected, the estimates have been brought up from the House of Commons, and other important measures have been kept till the last moment. It is not so very far back when the Governor General came down to prorogue parliament and he found me speaking at the time the aide-de-camp came to the door, and I was asked if I would not desist from speaking. On that occasion His Excellency was asked to postpone the prorogation for another day, and he did so. I regret the delay, but I have no apology to make on the subject. It seems to me certainly we might have had the tariff; but there is the fact that it was an important measure, and the government had to listen to people up to the last moment, and it has been kept back very much longer than I think is proper or defensible.

Hon Mr. MACDONALD (B.C.)—It is the last measure generally.

Hon. Mr. SCOTT—The speech made by the leader of the opposition contained observations that have fallen from myself on very many occasions, and not only myself, but other members of the chamber who felt that the Senate was not properly treated. I hope in future business will come down at an earlier period, so that hon. gentlemen will have ample opportunity to discuss it. Of course no arrangements have been made for prorogation, and none will be made until this House has thoroughly disposed of all the business.

Hon. Sir MACKENZIE BOWELL—We need not be under obligation to the hon. gentleman for that promise, because the government cannot prorogue till this House is ready.

Hon. Mr. SCOTT—The hon. gentleman's own party arranged the date of prorogation before we were through on one occasion.

Hon. Sir MACKENZIE BOWELL—No, except where it was simply a question of the estimates, with which this House never interferes, no matter what government is in power. That was the only question left to be disposed of in that way. The hon. gen-

tleman remembers the Hudson Bay Bill very well, and his actions thereon, but that was more of a private character. So that the case he refers to is not at all analogous. I hope the Senate will take upon itself the responsibility of declining to pass the estimates until these other measures are properly considered. If the estimates were once obtained, I have no doubt as to the course the hon. gentleman would pursue.

Hon. Mr. FERGUSSON—Among the important measures that I understand are on their way to us, is a re-arrangement of the terms with Manitoba, and the granting of money to Manitoba from the trust money, the interest of which, under the law, was to be given to the province of Manitoba for education. I should like to know whether those measures are on their way to us, or whether the government have abandoned them?

Hon. Mr. SCOTT—I do not remember the position of them. I do not remember what stage they have reached. One of them is before the House of Commons.

The motion was agreed to.

The Senate adjourned.

THE SENATE.

Ottawa, Wednesday, 23rd June, 1897.

The SPEAKER took the Chair at Eleven o'clock.

Prayers and routine proceedings.

THE MANITOBA SCHOOL QUESTION.

INQUIRY.

Hon. Mr. LANDRY—Before the Orders of the Day are called, I would inquire from the hon. Minister of Justice if it is the intention of the government to lay on the table of this House the correspondence that they have received from Mr. Sifton, now in Winnipeg.

Hon. Sir OLIVER MOWAT—My hon. friend has not mentioned in respect of what this correspondence is. I am not aware of any recent correspondence.

Hon. Mr. LANDRY—I might say on the school question.

Hon. Sir OLIVER MOWAT—I am not aware of any correspondence on the school question. Of course if there was any it would be confidential, but I am not aware that there is any.

A QUESTION OF ORDER.

Hon. Sir MACKENZIE BOWELL—I would like to call the attention of the leader of the House to the Order Paper. I find that the important bill we were to have considered on Monday evening is put down at the foot of the list. I must confess my ignorance of any rule of the House that would place that order in the position in which it appears on the notice paper to-day. I find that there are set before this not only the consideration of the amendments, but also the second reading of the Customs Act, the Inland Revenue Act, the Export Duties, the Petroleum Inspection Act, the Judges of the Provincial Courts Act and the Cold Storage Act. Now if these Acts are to be discussed, they all are subjects which will secure a greater or less attention from the members of the House, more particularly the Tariff. Although we may not be in a position to change any of the items, still the principle involved in the tariff is of such a character that it will call forth some remarks and an expression of opinion from some of those who disapprove of its provisions, if nothing more than that. If this is to be the order which we are to pursue to-day, it certainly is misleading. I say frankly that I did not come here this morning prepared to discuss the tariff question, although I shall have some few words to say upon that subject when it comes up. I came with the expectation that the equally important question of the extension of the Intercolonial Railway was to be considered. Perhaps the older members of the House, who are better acquainted with the rules than I am, will explain why that order is placed in the present position. I think I am safe in saying that every member of this House went away last Monday night with the impression that this question was to be the first on the orders of the day, and it is only fair to the members interested, that the hon. leader of the House should make it the first order and that we should go on with it now.

Hon. Mr. POWER—The statement of the hon. gentleman is perfectly correct. I think the understanding was that this matter, the extension of the Intercolonial Railway into Montreal, should be taken up the first thing to-day.

Hon. Mr. MACDONALD (B.C.)—That was the understanding.

Hon. Mr. POWER—The placing of that item where it is must be the result of some oversight on the part of some of the officers whose duty it is to make out the Orders of the Day, according to rule 12. I happen to know particularly about this rule, because it was at my own instance that the special committee appointed by the House some three years ago altered the previous rule. The rule before that time was that the Orders of any day which had not been disposed of were to be taken up after the Orders of the Day which were put on at the next day, and the committee thought it was a very inconvenient and unfair arrangement that the Orders of the Day which had not been proceeded with at the previous sitting should, instead of going before, come after the regular Orders of the Day, and rule 12 says :

> The Orders of the Day, which at the adjournment have not been proceeded with, are considered as postponed until the next sitting day, to take precedence of the Orders of that Day unless otherwise ordered.

Hon. Mr. MILLER—How does this order come to be at the foot of the list to-day?

Hon. Sir MACKENZIE BOWELL—That is just what I was asking.

Hon. Mr. MILLER—Has the hon. gentleman made any motion in regard to it?

Hon. Sir MACKENZIE BOWELL—No, I merely called the attention of the hon. leader of the House to the fact, as being contrary to the understanding.

Hon. Mr. MILLER—Not only contrary to the understanding, but contrary to the regular course of procedure in the House, This order should be at the top of the list, and I presume the hon. leader of the House will put it there.

Hon. Mr. MACDONALD (B.C.)—The House can order it there now.

Hon. Mr. MILLER—It was understood that the House should proceed with this order the first thing on meeting this morning, and I presume the House will see that the wishes and understanding on Monday last will be carried out. I do not know who attempted to tamper with the notices, whether anybody has, or whether it was by accident.

Hon. Mr. COX—A number of bills were referred for second reading to-day before that item was reached, and I suppose it would naturally follow that way in the minutes. In saying this I am not objecting to taking up the last order first, but I can quite understand that the Minutes would appear that way, because the Intercolonial Bill was the last thing referred.

Hon. Mr. MILLER—I cannot understand anything of the kind, and I have a more extended acquaintance with the Minutes of this House than the hon. gentleman who has just resumed his seat. I cannot understand how, by anything but design, that order should appear in the place it is to-day on the Order Paper. I say it advisedly, and I do not suppose the House will submit for a moment to be so treated.

Hon. Mr. POWER—Let us hear what the government has to say about it.

Hon. Mr. MILLER—I don't care what the government has to say about it.

THE SPEAKER—The assistant clerk has just informed me that he put it there thinking he was right, and the reason was that the order for that item came last, taking the other bills up read the second time; but it is clear that by rule 12 the item should have been first.

Hon. Mr. MILLER—Is it understood the order takes it proper place now?

Several hon. MEMBERS—Yes.

Hon. Sir OLIVER MOWAT—I have not looked into the forms with reference to this matter. If I were satisfied that the rules of the House were consistent with its being in its present place, I would not ask that it should remain there, as my hon. friends around me say there was an understanding that the bill should be taken up the first thing. In that case, even if, as a matter of

strict right, it stands where it is, I would not insist upon that.

Hon. Mr. SCOTT—There was no understanding that I heard of on Monday that this was to be the first order. I am not going to dispute it, but I certainly was not under that impression. Of course, if the rule required it, that is the end of it. I asked the clerk whether it was to go to the head or the foot, and I was informed it went to the foot.

Hon. Mr. MACDONALD (B.C.)—The hon. gentleman will remember that the House was prepared to discuss the bill on Monday night, and at his request it was postponed until to-day, and it should be the first order for to day

Hon. Mr. MILLER—It is understood it stands at the head of the list now.

GRAND TRUNK RAILWAY, DRUMMOND COUNTY AND INTERCOLONIAL RAILWAY BILL.

SECOND READING.

Hon. Sir OLIVER MOWAT moved the second reading of Bill (142) "An Act to confirm certain agreements entered into by Her Majesty with the Grand Trunk Railway Company of Canada and the Drummond County Railway Company for the purpose of securing the extension of the Intercolonial Railway system to the city of Montreal."

He said: In moving the second reading of this bill I desire to state that the government, in making that agreement, subject to the decision of parliament, made it upon strictly business grounds. They made it in the belief that it was, on business principles, a right agreement to enter into, that it was of great importance to the country that the Intercolonial road should have an entrance into Montreal, that the best method, the most effectual and economical method of accomplishing that object would be by the agreement which has been entered into: that every alternative had disadvantages which this line had not, and which the purchase of this line has not; that the purchase agreed upon is better than the building of a new road would be, better than making an agreement with those who are interested in what is called the South Shore Line would be, and better than any agreement entered into with the Grand Trunk Railway with respect to their road from Lévis. I would be hopeless of any correct conclusion on the part of this House if honourable members were to enter into the discussion of the question, or were to act in voting upon it, on any other than business principles. The opposition in this House, of course, is largely in excess of the supporters of the government, and if party should govern in this House, I should despair of our constitution. The only hope of its working well is because the members of this House forget their party predilections as every bill comes up, and as every motion is made, upon which an opinion has to be expressed. I therefore purpose confining myself to the business consideration of the whole subject. I myself have come to the conclusion, the more I have studied this, that the Minister of Railways made no mistake in studying up this question—made no mistake in recommending to council that this agreement should be entered into—that the government made no mistake when they heard what he had to say and when they discussed the matter in council, in assenting to the proposals which the Minister of Railways made and in adopting the conclusions at which he had arrived. The first thing to be considered was, and the first thing to be considered now is, whether there is any good reason why we should provide for the extension of the Intercolonial Railway to Montreal. I do not think many persons can have any doubt with regard to that. The practical effect of there being no present extension of the Intercolonial Railway from Lévis to Montreal is, that hardly any of the through freight from Halifax, if any at all, comes by the Intercolonial Railway. The want of any connection at Quebec is a bar which makes it desirable for shippers to take the other lines if they have the choice of the two. Then it is a well known principle, a first principle in railway management, that access should be got by railway at or near to large cities where there are any. It is considered of immense importance to a railway that its terminus should be in a large city. The Grand Trunk Railway itself spent millions in order to have a terminus in Chicago and the shareholders and officers of the company do not doubt that it was wise to spend those millions. The same has been the practice with all railways. We should deal with our Intercolonial

Railway, if we can, in the same way, and on the same business principle that other railways are dealt with which are under the management of companies; and the same reason why a company would have considered it utterly out of the question that this railway should be without an extension from Lévis to Montreal ought to be our guide in this matter. Here we have a road on which $50,000,000 have been spent and which has hardly ever, if it has ever any year, paid for the running expenses. There is, apparently, an inevitable deficit every year of from $50,000 to $100,000. There may have been some difference made in one year or another by economical management, and by increased skill and ability in the management, but with all the economy, skill and experience that can be brought to bear on the matter, our experience shows that we cannot hope to make this road pay unless some new method is adopted for that purpose; and what a private company would say, as probably the only way of accomplishing that purpose, is by getting an extension to the commercial centre—Montreal. Experts say that on that point there can be no difference of opinion. I do not know whether a different opinion will be expressed here. I cannot imagine any one, who has given attention to the subject at all, having a doubt upon the point, though I believe some speaker elsewhere did oppose that view. However, I assume it here to be correct, and then the question is what is the best method, or one of the best methods, by which that object can be accomplished. There may be a difference of opinion on that point, an honest difference of opinion, but I suppose this House will not negative a measure brought forward by the government and supported in the House of Commons because there may be a difference of opinion in regard to it. I assume the Senate only will negative this measure if there is a clear objection to it—if the measure is clearly one which is against the interests of the country and ought not to be entered into. What we have done is this: we have made a bargain, subject to the approval of parliament, by which a road, partly belonging to the Grand Trunk Railway Co. and partly to the Drummond County Railway Company, should become practically the property of the government of Canada, in order to provide the extension which we seek to the city of Montreal. That portion of the road from Montreal to Ste. Rosalie belongs to the Grand Trunk Railway. Then the remainder extending to the Chaudière, belongs to the Drummond County Railway Company—about seventy-three miles, I think, is the exact distance so far as it can be measured by us with exactness, now in operation; and the remainder of the line, forty-two and a half or forty-three miles, is not yet built, but by the agreement the Drummond County Railway Co, who own the road, are to build that portion by the 1st November next. Indeed, I believe they have entered upon the building of it already, not apprehending any difficulty in the confirmation of the agreement by parliament. There is a short distance between the Chaudière and Lévis which belongs to the Grand Trunk Railway Company. We are to pay for the use of that short distance the amount which the Drummond County Railway Company had agreed to pay the Grand Trunk Railway for it, namely, $6,000 a year. In regard to that, I believe no difference has arisen in the discussions elsewhere. There has been some in reference to the westerly part of the road which belongs to the Grand Trunk Railway, and also in regard to what is to be paid for the right of crossing the Victoria bridge, and for the use of the station grounds and terminal facilities generally in Montreal of the Grand Trunk Railway. But I do not think much need be said in regard to that portion of the road. If we are to get into Montreal at all, it must be either under an agreement with the Grand Trunk Railway or by building a new road; and everybody can understand how enormously expensive it would be to build another bridge across the river and to provide station and other terminal facilities in the great city of Montreal, where land is so expensive. Instead of paying what we have agreed to pay the Grand Trunk $134,000 a year, it would cost us probably $25,000,000. It is said that what we have done involves a debt of $7,000,000, which I deny; but if it involves $7,000,000, to attempt to accomplish the object by building a new road and bridge and obtaining station grounds of our own instead of using the Grand Trunk Railway from St. Lambert to Ste. Rosalie, and then the Victoria bridge and the station and other facilities in Montreal, the cost would be enormous and would amount to a sum which no one would think of investing, notwithstanding the great importance of getting this entrance

into the city of Montreal. We may have something more to say on that point if there is really any question raised in regard to it, but the chief question is as to the portion of the road which belongs to the Drummond County Railway Company. What we have provisionally agreed to in regard to that portion is that it shall be taken as of the value of $1,600,000—that we shall pay four per cent on that sum, or $64,000 per year for 99 years. At the end of that time the road and all belonging to it shall become absolutely the property of Canada. Is that sum a reasonable one? Is $1,600,000 a reasonable sum? That is the business question in the matter. You may bring in other things, either of a party or a personal character, but that is the question for us to consider if we want to decide this matter on business principles and no other. Then, again, in regard to the value there may be always some difference of opinion. Something more than a mere difference of opinion should influence the Senate in considering whether to pass this bill. The propriety of taking this road was under consideration by the late government, and the engineer was asked by the then Minister of Railways and Canals to make an estimate of what the road was worth and what it would cost to complete it—I am speaking of the road from Ste. Rosalie to Lévis. He made a report, which we have, finding the amount to be very nearly $1,600,000, and that was exclusive of the land. That was what might be the cost of building the road. We got no estimates—it was found impossible to get any satisfactory estimate that you could put in figures—with regard to the amount we would probably have to pay for land and land damages, but no doubt it would be a considerable sum. All experience shows that. The amount that had to be paid for the purchase of right of way from Rivière du Loup to Levis is an example of what those damages are likely to be. The $1,600,000 which has been the basis of the agreement now under consideration includes land damages as well. We have to pay no land damages beside, so that if the engineer came to a right conclusion, and there is no reason to doubt that he did, we are evidently getting the road for considerably less than it would cost to build a new road. Then I need not say that the engineer who made the estimate is a man of very great ability and experience, and has the confidence of all parties. He does not belong to our party, but all in the government have a high estimate of his ability in dealing with such matters. I have mentioned the value which he stated to the late government. He has again been asked the same question and has again come to the same conclusion. On the general question I meant to say a word or two which it occurs to me now I omitted to say. To satisfy the House that the amount is a reasonable one I mean to point out that our object is to make the Intercolonial road pay, and we hope to have an amount of business done, if the road is extended to Montreal, which will not only pay the running expenses and pay the rentals, but afford a margin in addition, and perhaps a considerable margin. This is not a mere guess on our part—not a mere assertion on our part that it will be so, but we have taken the best means which the case admitted of to find out the probability of the case. The man who could give us more assistance than any other on that point is the manager of the Intercolonial Railway. A report from him has been asked for and his opinion obtained.

Hon. Sir MACKENZIE BOWELL—Might I ask the hon. gentleman who made the report?

Hon. Sir OLIVER MOWAT—I was referring to Mr. Pottinger, who has been manager for a great many years He was appointed, I believe, by Sir Charles Tupper, and we have continued him, knowing very well his ability and the great advantages the country possesses from his long experience in railway matters and from his knowledge of the Intercolonial Railway.

Hon. Sir MACKENZIE BOWELL—He was appointed by Sir John Thompson to the position he now holds when Sir Charles Tupper was not a member of the cabinet. It makes no difference, only I desire to put the hon. gentleman right.

Hon. Sir OLIVER MOWAT—I have all the more confidence, perhaps, because he was an appointee of Sir John Thompson's. There is no doubt of the gentleman's ability and fidelity, and if we are to get an opinion from anybody on

this point, I do not think we could do better than ascertain what his view was. He has given us the figures. I have them here, and if it is necessary to turn to them, I shall do so. Taking the number of tons of freight going over the road now, and the number he is satisfied would go over the road if extended to Montreal, the result shows a considerable excess of revenue over the rentals and the running expenses.

Hon. Mr. FERGUSON—Was there any report from Mr. Pottinger on that?

Hon. Sir OLIVER MOWAT—I suppose my hon. friend does not doubt that he gave the estimate I have mentioned, it has been stated in the other House that it is so. I do not know that we need be less believing in this House about it than they were in the other House. The matter was discussed there with great vigour, perhaps I might say in some cases with virulence, but I do not think a question was raised by anybody as to the fact after the Minister of Railways made that statement. If my hon. friend is informed that the statement is not correct, I shall be glad to learn on what grounds he says so. I assume that the statement is correct, and I assume that we may all take it to be correct.

Hon. Mr. SNOWBALL—Mr. Pottinger is now in Ottawa in the department, and can be questioned, if necessary.

Hon. Sir MACKENZIE BOWELL—What difference does that make?

Hon. Sir OLIVER MOWAT—My hon. friend would not doubt the correctness of his statement?

Hon. Sir MACKENZIE BOWELL—I said nothing that would imply such a doubt. I have a higher respect for Mr. Pottinger, perhaps, than the hon. gentleman has.

Hon. Sir OLIVER MOWAT—I do not know that. I have as high a respect for him as I could have for any one of whom I have the same knowledge.

Hon. Mr. WOOD—The point to which the hon. gentleman is referring now is a very important point, and one upon which I, as one, should be glad to obtain information, and up to the present time I have not been able to obtain any report or any definite information as to the estimated increase of traffic from the extension to Montreal. I should like very much, if the hon. gentleman has these figures, if he would place them before the House.

Hon. Sir OLIVER MOWAT—I have the figures, but I have not any report. I may give them later on, to avoid delay at present. We have the great advantage, in taking this road instead of building a new road, that this road has always paid its running expenses and something more, and if we were to build a new road we would only get for our new road a portion of these profits. This Drummond County road being the first road there, having made its arrangements, having secured the traffic would probably get more of the local traffic than the government road would. And at all events, in discussing the matter on business grounds, it may fairly be assumed that we would not get more than half the freight which the present company is getting. That company has had a surplus over and above running expenses from the very first. The whole length of the line which is opened at present has been running for something like three years, and figures have been given—I have them here also—to show how much had been earned over and above all expenses each year. The present year is not quite out yet, but the period is such that we can pretty well estimate that this year there will be a surplus of $35,000. We have all those advantages over what the government would have if they took the South Shore Line and over what the engineer says it would cost to build a new road. We save all claims for land damages, and we get the whole of the local business of that territory. It was said, in the early discussion of this subject, that the road of the Drummond County Company was a very poor and insufficiently built road. I do not know whether any of my hon. friends now assert that, for the evidence is overwhelming that the road is in a very good condition, and has been well built. Not only were the objections made which I have mentioned, but the roadway was also described as a very crooked road. All that has been negatived by the evidence, and the very interesting fact came out in the course of the debates, and in other ways, that this road originally was intended and expected to be purchased by the Grand Trunk Railway. The authorities here were of opinion that it would be in the

interest of the Grand Trunk Railway to have this road, and consequently the road was designed by, and the building of it for some time was under the supervision of the Grand Trunk Railway authorities here, but the English shareholders did not take the same view. They did not want to spend any more money, and, therefore, the idea was abandoned, but it is some indication that the road is a proper one, it having been originally designed to be purchased by the Grand Trunk Railway and the parties here were interested in having it properly located and properly built. I have mentioned what the profit is upon local traffic on this portion of the road. It stands to reason that when the road is completed from Moose Park it will have a larger amount of freight and a larger amount of profit. If we obtain considerable through traffic, after getting the extension to Montreal, that will of course increase further the profits of this portion of the road. Looking at the proposal apart altogether from any feeling, and as a business man would look at it, there seems no reasonable doubt that the road would pay very largely in addition to all running expenses, and then we shall also have the profit on the freight from Halifax to Lévis, for which we get little or nothing now. We ought to bear in mind, too, that the amount of freight we may well calculate will be constantly increasing from year to year. There is an enormous amount of exports and imports as compared with what there was a few years ago, and we all feel no doubt that as our country has made progress in the past, so she is going to make progress in the future—progress in the matter of products and so on. It is very reasonable to count on that, and I suppose all persons engaged in railway matters do count on a large increase in the amount of business done; so that we have not to consider the present state of matters as being perpetual, but we have to consider the future as well. It is said that the Grand Trunk Railway would never agree that we should compete with it for the trade of the west, that it is absurd to suppose that the Grand Trunk Railway would do anything of the kind. The argument is one which demonstrates how much struck the writer was with the great advantage of this bargain, if it is carried out. He thinks it is so good a bargain for us that the Grand Trunk Railway would never enter into it; but the Grand Trunk Railway has entered into it, and has agreed to provisions which are of the most satisfactory kind possible in regard to the transfer of freight and so on, at Montreal to the Intercolonial Railway. Under this agreement, if it goes into effect, our agents will go through the west securing the freight, just as the agents of the Canadian Pacific Railway and the Grand Trunk Railway do. By the proposed agreement the Grand Trunk Railway is under obligation to give us equal advantages in regard to freight which comes from the west. That freight will come over their line to Montreal, but if it is to go by the Intercolonial Railway we have arranged careful provisions that it is not to be intercepted by any other road at Montreal; that the Grand Trunk Railway is not to carry it over its own road beyond Montreal, but that it is to go from Montreal by the Intercolonial Railway. The provisions of the agreement are extremely strong, clear and satisfactory upon that point. The fortieth provision of the agreement reads:

> That notwithstanding anything contained in any agreement between Her Majesty and the company heretofore made and now existing, all traffic offered the company at any point on its lines west of Montreal which the shipper desires to ship via the Intercolonial at Montreal shall be billed by the company for shipment in such manner, and the company shall deliver all such traffic to the Intercolonial Railway at Montreal, and passenger tickets for any point on the Intercolonial Railway east of Montreal shall be sold by the company's agents at all stations and agencies on its lines west of Montreal on request via Montreal by the Intercolonial Railway, and such ticket holder shall be entitled and shall be permitted to take the trains of the Intercolonial Railway at Montreal for such points easterly on the Intercolonial Railway.

Then the forty-first clause reads:

> That in respect of all traffic originating throughout the company's system west of Montreal and offered for shipment for any point on the Intercolonial Railway via the Intercolonial at Montreal, the company shall not ask, impose or exact any rates or tolls from the point of shipment to Montreal which shall discriminate or tend to discriminate in favour of the company and against the Intercolonial Railway taking or receiving such business at Montreal, or which shall induce such shipment via the company's lines to Lévis or Chaudière for delivery to the Intercolonial at either of such points in preference to Montreal.

Clause 42 reads:

> That in order to facilitate and develop the business of the Intercolonial Railway and the company, every effort shall be made to cause close and suitable train connections to be made at Montreal between the trains of the company west of Montreal and the Intercolonial Railway.

Any possible method by which a company that thinks of its own interests only might deprive us of the advantage which we contemplate, has been prevented by express agreement. On the whole, the Grand Trunk Railway consider that it is well worth while giving running powers over their road to the Intercolonial on the terms which have been agreed to, those terms corresponding with what has been paid for similar privileges on other roads by private companies. Indeed we have some advantage over what private companies usually have in such cases, because we are at liberty to have the local traffic without paying anything for it beyond the agreed rental. I am referring to the road between St. Lambert and Ste. Rosalie. Usually the company having the running powers is not at liberty to take local traffic, or has to pay a large percentage of the receipts from it, sometimes eighty per cent, but here we get that advantage without paying any additional sum. There are clauses besides those which I have mentioned bearing upon the same point.

Hon. Mr. MACDONALD (B. C.)—So that after all this outlay the Intercolonial Railway does not get into Montreal?

Hon. Sir OLIVER MOWAT—We are to have running powers over the Victoria bridge.

Hon. Mr. MACDONALD (B.C.)—But you have running powers now.

Hon. Sir OLIVER MOWAT—No, the hon. gentleman is quite mistaken, we have not.

Hon. Mr. MACDONALD (B.C.)—How does the freight come to Montreal?

Hon. Sir OLIVER MOWAT—The Grand Trunk Railway take it from us at Levis for their own benefit. It will be remembered that this Drummond County road is intersected by several other roads and by various rivers as well, all which help to bring business from all quarters. Between St. Lambert and Point Lévis there are no less than six lines running to the south bank of the St. Lawrence. These are feeders to the main line and afford great facilities to these sections of the country.

Hon. Mr. MACDONALD (B.C.)—Does the Drummond County Railway pay any dividends at present?

Hon. Sir OLIVER MOWAT—I have mentioned that they will have made this year about $35,000 profits over and above expenses—net earnings amounting to that sum.

Hon. Mr. LANDRY—Are the dividends in the expenses?

Hon. Sir OLIVER MOWAT—No, not dividends. The amount named is the whole profit, out of which any dividend is to be paid, if one is paid. What we have to consider is the net earnings of the company in order to guide us in determining whether the proposed transaction is a good one. The town of Drummondville is on this road, with three thousand people and an immense undeveloped horse-power equal to three hundred thousand horse-power besides what is used; and just now there are manufacturers preparing to build mills there to take advantage of a portion of this water power, which will involve the employment by them of twelve hundred hands, and will mean a large amount of business for the road. There is a large amount of business now in agricultural products and also in lumber, and there are many thousand car loads of lumber now ready to be moved. There seems no reason to doubt that the lumber business will afford for very many years a great deal of employment, and then the country, generally, is a very fine farming region. That portion of it that is cleared and occupied and settled upon is very fine farming land, and the remainder, when the timber is removed, can be settled and will be profitable to those engaged on it. On the portion of the road which has been constructed, the rails are fifty-six pounds to the yard; on the Intercolonial Railway they are seventy; but on the new part of the road the company agree to put on the same weight of rails as on the Intercolonial, which is seventy pounds. The present rails are in first rate condition. The evidence shows that they will answer all the purposes of the road for probably many years to come. For the satisfaction of those members of the House who have no sympathy with the present government it is fortunate that we have so many able and competent officers, who got their appointments from the party of my hon. friend opposite, to give us information in regard to the road and assist us in forming a judgment as to what it is best to do. The minister had also an oppor-

tunity of conversing on the subject with those who are familiar with the roads at all season of the years, persons belonging not only to our own party but to the party of the hon. gentleman as well, and he learned from them all that the road was a very satisfactory line. Later in the season, further reports were obtained from engineers in the department, men we found in the department and who had the confidence of hon. gentlemen opposite. Mr. Schreiber said:

In compliance with your request for information as to the general character of the road constructed by the Drummond County Railway Company from Ste. Rosalie Junction on the Grand Trunk Railway via Drummondville and St. Leonard to Moose Park, a distance of 73 miles, together with a branch of 17 miles in length from St. Leonard to Nicolet, and also my views as to the standard on which the balance of the road from Moose Park to its junction with the Grand Trunk Railway near Chaudière bridge should be built, assuming that the line was to form a section of the Intercolonial Railway, I have to report:

That 73 miles of the road are built and in operation, that the gradients and alignments are favourable, there being only one grade exceeding 53 feet per mile, and that one is 64 feet to the mile; that with one exception there is no curve of a less radius than 1,433 feet, and that the one exception is a curve of 953 feet radius.

That the roadbed is well and substantially built, the cuttings being 20 feet and the embankments 15 feet wide at sub grade. Ample drainage is provided by substantial steel structures resting on massive masonry spanning the larger rivers, and steel plate girders resting on strong well built masonry spanning the streams of a lesser magnitude, whereas the general drainage throughout the smaller rivulets has been passed through culverts constructed of sound cedar timber 10 x 10 inches square. The larger portion of the line through the cleared land is inclosed by a substantial post and board fence, whereas on a small portion of the line, a wire fence has been erected. The permanent way is laid with 2,600 ties to the mile, the steel rails weighing 56 pounds to the yard connected with steel fish plates.

The road is well ballasted with a very fine quality of gravel, the station buildings are neat buildings of what I consider sufficient capacity for the requirements of the road, and the water service is good.

I think you will agree with me from the description I have given of the works that a really good road has been secured, fully up to the general standard of railways in Canada. At the same time, I think, you should insist on the 64 feet per mile grade being reduced to 53 feet, in making an arrangement for the acquisition of the road, if such be your intention, which I assume to be the case.

I may say the grade is to be reduced under our agreement with the company. Mr. Ridout, an engineer of the department, reports:

I found the line in excellent condition, fully ballasted with the exception of about three miles near the St. Francis River, the location of which is to be changed in order to reduce the gradients to 53 feet per mile—the track throughout is in very good condition the rails being 56 pounds steel—and in good order, new ties were being put in where required.

All the bridges are of steel superstructure on very good cement masonry abutments and piers. At the St. Francis River there is at present 60 feet of trestle work which is to be replaced with a permanent structure.

The station buildings and sidings are amply sufficient for the traffic, some of the buildings require repairs and painting, which I was informed is to be done at once.

Mr. Johnson, another engineer, of the department, was also directed to inspect and report. He says:

I found the roadbed to be firm and in very good shape throughout, and, with the exception of three miles purposely left without ballast, in view of a contemplated change of alignment, well ballasted, the material being of exceptional excellent quality.

The rails are all in good condition weighing 56 pounds to the yard.

The grades are not excessive, the only point at which 1·00 per hundred is exceeded being at the St. Francis River, the approaches to which, on either side, are now 1·20 per 100. I understand the company are to reduce this grade before the road is taken over by the government.

That is part of the stipulations of the contract, that the grades which are now objectionable shall be improved. Then he refers to the present percentage of curvatures, as follows:

The percentage of curvature is exceptionally small, the curves with one exception (one of 6°) not exceeding 4°, or a radius of 1,433 feet.

I may say, in this connection, that on my return journey, the train, consisting of an engine and combination car, made the distance of 68 miles in 90 minutes, including two stoppages, the last 28 miles being run in 30 minutes, without the least discomfort to the passengers on the train.

The principal bridges are those over the Black River, the two branches of the Nicolet and the Becancour. These are all fine, substantial, steel superstructures, resting on massive, well-built masonry abutments and piers.

Mr. Kingsford, another engineer, reports to the same effect:

It will thus be seen that in these 73 miles there is a good roadbed, well ballasted; the rails in line; the ditches freely carrying off the water, with regularity of different grades;—the whole in efficient and satisfactory working order.

So that there is no room for any doubt whatever that the road is a first rate road. We are not buying a useless road, but a first rate

road, and wherein it is defective, the defects are to be remedied before we take over the road. One might go into all these things more fully. I have done so for my own satisfaction, and the more fully I entered into the subject the more clear did it seem to me that to a business man the contract will appear a good one. It has been mentioned, truly enough, that subsidies were given towards the building of this road, and that is suggested to be a reason why we should not pay the full value now, but I submit there is no force in the argument. The subsidies were given absolutely to the company; the money became theirs quite as much as money raised in any other way, and I see no ground why we should refuse a good bargain because of those subsidies. If we were to insist on deducting the subsidies, the company would not agree to the bargain. In fact, the company asked more than we are agreeing to give, but the final result of the negotiations was what is now embodied in the agreement. Then it has been said that we should have made a bargain with what is called the South Shore Road, a part of which is now built from St. Lambert to Sorel. That road is longer and more expensive. The bridges across the rivers are much more expensive, because they are nearer the mouths of the rivers where these are widest. Then, there are deep gulleys which are avoided on the other route. I do not know whether it is seriously said now, though originally it was said, that we should have bought the line of the Grand Trunk Railway to Richmond and have running powers from Richmond on. It was not found that any satisfactory arrangement of that kind could be made. The road itself is more objectionable, a great deal, than the one which we have taken, because there are some heavy grades on it which would interfere with the profits to be made by the carriage of freights. The Grand Trunk Railway wanted an enormous sum—two and a half millions of dollars—and we are paying now $1,600,000 and getting all the advantages which I have mentioned. I do not know that I need trouble the House with any further observations. I proceed entirely upon the transaction being a good business transaction, the object being to get an extension to Montreal. On the whole, I claim that the bill sets forth a contract which it is in the interest of the country should be confirmed and adopted, and which I hope this House will not obstruct.

Hon. Mr. LANDRY—Will the hon. gentleman allow me to ask a question or two in regard to this point: what is the capital stock of the Drummond County Railway Company?

Hon. Sir OLIVER MOWAT—I do not know.

Hon. Mr. LANDRY—What is the real amount paid by the shareholders of the Drummond County Railway?

Hon. Sir OLIVER MOWAT—I do not know that either.

Hon. Mr. SCOTT—By the official returns, the stock subscribed and paid is $400,000.

Hon. Mr. LANDRY—Is it really so?

Hon. Mr. SCOTT—So I believe. I have just the official source which the hon. gentleman has access to.

Hon. Sir OLIVER MOWAT—The road has been built, not only by stock subscribed, but by borrowing money—issuing debentures.

Hon. Mr. LANDRY—What is the real amount paid by the shareholders on their stock?

Hon. Sir OLIVER MOWAT—I cannot tell that, and it is quite immaterial for our present purposes.

Hon. Mr. LANDRY—I am asking what was the real amount paid up by the shareholders on their stock?

Hon. Sir OLIVER MOWAT—I have said I do not know, and I say it is immaterial.

Hon. Mr. LANDRY—What amount has been paid to the company as government subsidies?

Hon. Mr. SCOTT—It is all in the blue book. I will send for the blue book.

Hon. Sir OLIVER MOWAT—That is entirely immaterial. I have answered that in advance; it is entirely immaterial how they got their money, whether they got part of the money from Canada or not; it was theirs wherever it was got. We could only

make a bargain on the basis of what the road was worth itself and what it was worth to us.

Hon. Mr. LANDRY—The hon. gentleman said the amount to be paid annually to the Drummond County Railway Company is $64,000.

Hon. Sir OLIVER MOWAT—Yes.

Hon. Mr. LANDRY—On page 16 of the Act it says, "Yielding and paying therefor seventy thousand dollars of lawful money of Canada."

Hon. Sir OLIVER MOWAT—The difference is this: the $64,000 is what the Drummond County Railway Company is to receive; but they have a binding arrangement with the Grand Trunk Railway Company for the use of a portion of their road, between the Chaudière and Lévis, for which they pay $6,000, and we get the advantage of that. It makes the $70,000.

Hon. Sir MACKENZIE BOWELL—I have listened with a great deal of attention to the hon. gentleman who has moved the second reading of the bill now under consideration, and I am very much pleased to hear him say that he desires to discuss the question exclusively on business and commercial principles; but, unfortunately, the next moment he appealed to the Senate not to be influenced by party considerations, and intimated that the Senate, after having studied this question so far as it was possible for them to study it with the papers before them, should not allow their party predilections to interfere in any decision to which they might come. The intimation was so clear that no one who listened to him could by any possibility have misunderstood it. Had he studied the history of the Senate, he would have come to the conclusion that upon very important questions, the Senate, though composed of a large majority of a party that he himself says is opposed to him, have asserted their independence and proven to the world that they were above party prejudices in the votes they gave and the decisions at which they had arrived. While I had the honour a short time ago of occupying the position which the hon. gentleman now occupies, the Senate asserted its right, and had I not withdrawn one of the most important commercial bills—I say it advisedly—ever presented to a legislative body, that dealing with bankruptcy, and affecting the whole of the Dominion, I should have been defeated on the second reading. That was intimated to me clearly and plainly, and while I was very strongly in favour, and while the government of which I was a member at the time, was very strongly in favour of placing on the statute-book a law regulating the distribution of bankrupt estates, this House, notwithstanding every board of trade in the whole Dominion had passed resolutions in favour of the bill, and notwithstanding the pressure that was brought to bear upon almost every member of the Senate, in the public interest, declined to place that law on the statute-book; and I was obliged to withdraw it or submit to defeat. That is one of the instances in which the Senate, though largely Conservative, acting on the principle on which the Senate is founded, that of calm, deliberate revisers of whatever may be brought before them, acted strictly in accordance with their consciences and what they believed was right. However, I shall not discuss this question to any great extent. But I may add that while I was a member of Sir John Macdonald's government I remember distinctly a bill being brought before this House to provide for the short line which was to have been built by the Canadian Pacific Railway Company, so as to secure a shorter route to Halifax. The Senate then asserted its right and threw it out. These are two very important questions which have come before the House, strongly Conservative, as my hon. friend says it is, and while a Conservative government was in power, at the head of which a man presided who had certainly more personal magnetism, and, I hesitate not to say, was held in greater esteem as a politician by the people of Canada than any other statesmen who have lived in the Dominion, yet those measures were killed in the Senate. I might enlarge on this subject for some time, but I will leave that question and the defence of the Senate, on that point, to older and more experienced members than I am, so far as this House is concerned. The hon. gentleman has told us a good many things which are new. He has told us that the chief engineer, Mr. Schreiber, had made a report to the late government. If that be the case, which I do not attempt to deny, it was after I left the government. No such report was ever made while I was there,

nor was this question ever discussed during the seventeen and a half years in which I was a member of the cabinet, other than the ordinary discussions which take place between railway people, the Minister of Railways, and individuals. When I say it was never discussed, I may say it was never discussed as a cabinet question. I wish that to be distinctly understood: the question of extending the western terminus of the Intercolonial Railway has been discussed I think almost ever since it has been built, but it was not discussed while I was a member of the cabinet, as a question which the government had taken in hand. What was done after I left the government I do not pretend to say, but this is the first I have heard of it. Except some rumours in the lobbies and corridors of the House—I never heard of the report to which my hon. friend has referred. If there is such a report, and if it is of such a favourable character as the hon. gentleman says it is, why has it not been laid before parliament in order that the House and the country might know what the opinion of that eminent engineer, Mr. Schreiber, is? Then he tells us that Mr. Pottinger has made a report. I was in the government when Mr. Pottinger was made chief superintendent of the Intercolonial Railway. I know that he had the full confidence of every member of the late government. I believe him to be a safe man in the performance of his duty. My hon. friend tells this House that he has made a report and has made calculations.

Hon. Sir OLIVER MOWAT—I did not say made a report. The information was got from him; I do not think it was in the form of a report.

Hon. Sir MACKENZIE BOWELL—Was it given orally?

Hon. Sir OLIVER MOWAT—I did not say that either. There may not be a formal report and yet it was made in writing I have no doubt. It was not a formal report, so far as I know.

Hon. Sir MACKENZIE BOWELL—If the information to which my hon. friend has alluded was given in writing to his superior officer, that was to all intents and purposes an official document and contains information which this House and the country are entitled to see and to know. After referring to these two new points that have not yet, so far as I could learn, been before the public, I want to point out to this House and the House of Commons that the people of Canada have not received any information in reference to this very question. Why was the information, which was in the hands of the government, held back from the people? If you look at the different reports which we have—and I wish it to be distinctly understood that I am now discussing only those points which have been laid before parliament—what information they may have in their own breasts and which is not to be given to the public I know not, and consequently cannot deal with it. Now, Mr. Schreiber made a report, to which the Minister of Justice has referred, on the 2nd day of February, 1897, and Mr. Schreiber made the statements to which the hon. gentleman referred, but he went further. My hon. friend would have done more justice to himself and certainly more justice to Mr. Schreiber had he read another paragraph which he dexterously omitted. Mr. Schreiber says, in making the report to which the hon. gentleman referred:

> Should you finally decide to acquire the road, before the matter is absolutely closed I suggest it would be prudent to have an examination made into its condition. Of course, this season of the year is not favourable for making such an inspection, nor do I think it desirable that it should be made during the spring freshet or when the frost is coming out of the ground, but later on in the season when the roadbed is settled down into place, and any damage, which may have arisen from the spring freshets may be seen, is to my view the proper time to have the road looked over.

Now, that is just such language as I would expect to come from a gentleman occupying Mr. Schreiber's position, and more particularly from the intimate knowledge I have of that gentleman's character and the care with which he commits himself in making a report of that kind. We shall see presently, as we proceed, whether they acted in accordance with the suggestion made by Mr. Schreiber and obtained the facts which he said were absolutely necessary before they could come to a proper consideration of the subject. It will be found, on looking at these reports, that the Minister of Railways and Canals made his report to Council recommending entering into arrangements with the Drummond County Railway and

the Grand Trunk Railway Company on the 20th of March, 1897. That was before there was a possibility of acting in accordance with the suggestion and recommendation made by the chief engineer.

Hon. Mr. POWER—At what date did the hon. gentleman say the agreement was entered into?

Hon. Sir MACKENZIE BOWELL—The report to Council was on the 20th of March.

Hon. Mr. POWER—Not with the Drummond County Railway.

Hon. Sir MACKENZIE BOWELL—I said the Minister of Railways and Canals made his report to Council on the 20th of March, recommending the purchase. The Order in Council was approved by the Governor General on the 24th of March, giving power and authorizing the Minister of Railways and Canals to enter into such arrangements as he might think best. Parliament was called together on the 25th day of March, just one day after the Order in Council had been approved by His Excellency, and these words were put into His Excellency's mouth, as you will all remember:

> I have much satisfaction in informing you that arrangements have been concluded which, if approved, will enable the Intercolonial Railway system to reach Montreal.

On the 20th the recommendation was made to the Council; on the 24th it was confirmed and approved by Council and by His Excellency the Governor General, and on the 25th the Governor General is made to tell the people of Canada that an arrangement had been entered into by which they were to secure an extension of the Intercolonial Railway westward into Montreal. Yet you will find, if you have paid any attention to what took place in the other chamber, that the Minister of Railways and Canals more than once—two or three times I think—informed the House, when the questions were asked as to why the contract was not laid on the table, that the final arrangements had not yet been completed. Then when the contract was laid on the table we find that the contract was signed on the 15th of May, but withheld from parliament until some time afterwards, to which I shall call attention in a few moments. I wish to direct the attention of the House particularly to show, shall I say the prevarication of ministers in giving their replies—probably that would be unparliamentary; I will not use that expression; I will say the unfair treatment which has been dealt out to representatives of the people in the lower House and to this body. Now, the engineers reports, to which my hon. friend referred, and on which he places so much reliance to justify the action of the government in entering into this contract, were signed by Mr. Kingsford on the 2nd day of June, just 17 days after the contract was signed. Mr. Kingsford, bear in mind, is the engineer, I so understand it, in charge of the road, and consequently in the pay and under the direction of the Drummond County Railway Company. Mr. Johnson's report is dated the 14th of June, 1897, just twenty-nine days after the contract was signed. The report of Mr. Ridout, an officer of the Railway and Canals Department, was made on the 15th day of June, just one month after the contract was signed; and yet this House is told with a good deal of earnestness and solemnity, that on the strength of these reports the government came to the conclusion that this road was in a state that would justify its purchase, and the enormous expenditure to which they put the country in order to secure that western outlet. I leave that with the Senate without further comment. Let us pursue this line a little further. That contract which was signed on the 15th of May was not laid before the House of Commons, in order to give them an opportunity to judge of its contents and its merits, until the 11th day of June, nearly a month after it was signed and nearly three months after the passing of the Order in Council, and one month after the contract had been signed and the number of days to which I have already called the attention of the House before the engineer's report—which they say justified them in entering into the contract—was made at all. The Order in Council authorizing the entering into this bargain was only laid before parliament on the 16th of June, two months after it had been approved, and yet parliament was in session all the time, and the House of Commons moved into committee to consider the question on the 16th of June, the very day on which it was laid before them. We come now to our own House. This bill was introduced on the 19th of June, and we are asked to consider it upon its merits,

its business benefits and its commercial advantages to-day. Taking the whole of these facts into consideration, can any reasonable man come to any other conclusion, than that these papers were designedly kept from the public eye so as to prevent the possibility of coming to a correct opinion on the merits of the whole transaction? I do not think that requires much further consideration. My hon. friend referred to the necessity of extension. I suppose it is a general principle laid down by all railway corporations that the covering of a larger area going from one part of the country to another so as to take the trade from any portion of the Dominion would be an advantage. We all admit that, but the question arises and must suggest itself to every member and to every man in the country, as to whether the present arrangement is one which is justifiable on its merits, and whether an entrance into Montreal westward could not have been obtained at a cheaper and much more advantageous rate. You are dependent upon eight miles of the road from Point Lévis to the Chaudière, which will be leased if confirmed under this contract. You are then subject to the whims—I will not use that word whims, I will withdraw that—you are subject to the control of the Grand Trunk Railway Company for thirty to thirty-five miles from Ste. Rosalie near St. Hyacinthe, until you reach the bridge at Montreal, and then the crossing of the bridge to Point St. Charles. Could not running arrangements have been made with the Grand Trunk Railway Company in the same way that running arrangements have been made with the Grand Trunk Railway Company by the Canadian Pacific Railway Company from Toronto to Hamilton? Could not, I ask, running arrangements have been made without involving the country in this expenditure and placing in the pockets of certain railway speculators, as I will show before I get through, a very large amount of public money, just as well from Point Lévis to Montreal as the Canadian Pacific Railway Company did with the Grand Trunk Railway Company in the west? If that could not be done advantageously, could they not have built a bridge or assisted in building a bridge, at Quebec, thereby making connection with the Canadian Pacific Railway, actually having then two competing lines to operate with in order to secure all the traffic that they possibly could. We are told that in addition to this very large expenditure which is to be incurred in this arrangement if approved, we are to pay out of the public revenues of this country $1,000,000 to assist in building the bridge at Quebec. That, I think, has not been denied. We assist them to build a bridge in order to make connection across the river to divert as much traffic as the Canadian Pacific Railway can possibly divert from the line which we are now attempting to acquire. There is another fact which my hon. friend must bear in mind, when he talks of the advantageous position in which the Intercolonial Railway will be placed in arriving at Montreal; does any reasonable man suppose for a moment, that the Grand Trunk Railway will not use all its influence and all the power that it possesses, from Chicago and eastwards down to Montreal, to secure all the freight possible, just as much as they do now, and send it to their seaport, Portland? They are not going, through pure love for the Dominion of Canada, to allow the freight, if they can prevent it, being diverted from their present line, and when you consider that line is about 480 miles nearer to Portland than it is to Halifax, that is one of the disadvantages that will present themselves in attempting in the west to secure traffic for the Intercolonial Railway. We have had agents in Toronto and Chicago and through the whole western portion of Canada and the western portion of the United States, doing what? Securing the very traffic which the hon. gentleman says they are now going to secure by the means of this road. Freight arrangements have been made, and if the Grand Trunk Railway Company would not make freight arrangements, let me say parenthetically, there are powers under the Railway Act to make them give equitable and fair rates over their road. It is only during the winter season that they can avail themselves of this advantage, because if you take a cargo of wheat or grain from Duluth or anywhere west, it can be sent through to Quebec by water, and there transhipped to the Intercolonial Railway, just as grain has been shipped in the past and will continue to be shipped in the future. Then we have another competing line in Montreal. The Canadian Pacific Railway will not relax one iota of its influence to secure all the western traffic that it possibly can to go down by the North Shore Road, and if they had the bridge to

which I have referred, the running arrangements would enable you to cross and go on to Halifax if it were necessary to do so. Then we must bear in mind that the Canadian Pacific Railway Company has a line running from Montreal to St. John, just as good a shipping point for grain or freight as there is upon the western Atlantic shore, and that is about 226 miles shorter than via Halifax. If you take the whole Canadian Pacific Railway, it has an advantage over this new route to Halifax of about seventy-four miles. You are involving this country, for the opening up of this new route, in an amount of six or seven million dollars, notwithstanding the denial my hon. friend has made upon that point. Let us look for a moment at the terms of these contracts and see what we are receiving, and what we are paying for the privileges to be obtained through the ratification of the contract. We secure running powers from Montreal to Ste. Rosalie, over the Grand Trunk Railway, a distance of thirty to thirty-five miles. I am not positive as to that. Then we have the right to run over that branch which extends from Chaudière to Lévis, and the use of the Victoria bridge and terminal facilities at Point St. Clair, for ninety-nine years with right of renewal. Those are the rights which we acquire under the contract with the Grand Trunk Railway Company for which we pay $140,000 a year for ninety-nine years, in monthly payments of $11,666, or to be exact $11,666.66. If you capitalize that amount at an investment of three per cent, it means $4,996,600. Then you must bear in mind that in addition to that we give to the Grand Trunk Railway an actual bonus of $300,000 to aid in the enlargement and improvement of the Victoria bridge. Taking that at three per cent, that is an additional sum of $9,000 per annum. So that, in reality, for the advantages which we acquire under this contract, instead of $140,000, we are paying a little over $149,000 per annum. In addition to that, we have to pay our proportion of all the improvements and all the repairs and keeping that portion of the road which we lease in such order as to accommodate the traffic upon it. But a most extraordinary point in connection with this clause is that the country is not to pay its proportion in cash, which would be certainly, as I will point out to you in a moment, a somewhat more equitable mode of dealing with the question, because the government could borrow the money at from two and a half to three per cent, while we are bound by this contract to pay for ninety-nine years five per cent for every dollar that the Grand Trunk Railway Company thinks proper to put into the repair of the road.

Hon. Mr. SCOTT—No; not what it thinks proper. It must obtain the consent of the minister.

Hon. Sir MACKENZIE BOWELL—Yes, I understand that. I rather think when the Grand Trunk Railway goes to the government and says it is necessary to rebuild a bridge, it is necessary to rerail the road, that it is necessary to do the repairs on a portion of the road which may have been washed away or worn out, that there is no government which would hesitate to say "we will assist you in doing that." There is no company which would, unless it gets its money for nothing, put improvements on a road that were not required. The Grand Trunk Railway Company have the right to establish passenger and freight rates over that portion of the road, by this contract, which gives them greater power. Has any hon. gentleman taken the trouble to look into this question as to how that affects the country? The government can raise its money, and so can the Grand Trunk Railway Company, with the pledge which it has, under this contract, of about $150,000 a year, as much money as is required to repair the thirty miles when necessary at a rate of three per cent, extending over ninety-nine years. Take an illustration. The Grand Trunk Railway Company require $100,000 to put the road in repair. They would borrow at three per cent, and that would involve an interest of $3,000. Canada has to pay one-half of that, $50,000, and she would pay out of that $2,500 interest, leaving the Grand Trunk Railway to pay $500, and if by an extended time it went over the full ninety-nine years, they would get it at two and a half per cent, in which case the country would pay the whole of it, and the Grand Trunk Railway not one cent. Any school boy can make the calculation for himself and ascertain whether what I have stated is correct. How any one having any knowledge of the raising of money, or financing, could have entered into such a transaction is a marvel to me. I com-

pliment the Grand Trunk Railway Company, and find no fault with them for taking as much advantage as possible of the inexperience of those who entered into this arrangement with them. It shows at least the keen appreciation of the ability of the western railway managers, on the part of Sir Rivers Wilson, when he selected the present Mr. Hayes to manage the road. And if he, with his astuteness, got an advantage in the bargain, it is legitimate enough. I find no fault with him, but I think we should hold the government responsible for entering into an arrangement by which they virtually pledge themselves to keep that portion of the Grand Trunk Railway over which we are to run for ninety-nine years, with the right of renewal, for a second ninety-nine years, and so on to eternity, in repair. My hon. friend called attention to another clause in which he said that they had attained very great advantages and from which they were to acquire a revenue from the running of this road, and that was the local traffic. It is not for me, as a layman, to place a construction upon a clause which involves a question of law, but this question was fully discussed in the lower House and some of their own friends, prominent among them, one of the members from Toronto, gave it as their deliberate opinion that the wording of this clause which refers to the through traffic (because it says nothing about the local traffic) would prevent them from taking a passenger or one pound of freight between the two ends of the road—Montreal and Ste. Rosalie. My hon. friend stated—and he took some five or ten minutes to point out—the advantages which would accrue and the financial advantages which would arise from this bargain through the local traffic. It is not a very populated part of the country, although I believe that a portion of it is tolerably well settled, but the local traffic there, we must bear in mind, would be only competitive, because the Grand Trunk Railway runs over the same ground; and there is another extraordinary thing in this clause in connection with this same line. The Grand Trunk Railway Company reserved the right to lease that portion of the road to any third or fourth party, and the provisions are that if a third party obtained permission or authority by lease or otherwise to run over that road, they are to pay their proportion of the expenses attending the management, and any repairs in proportion to the mileage which they use and the number of cars they send over it; but there is this proviso in it which is most extraordinary: it goes on further and says they may make this arrangement with another company free if they please. They can enter into an arrangement on the western branch of thirty miles with any railway in the states with which they are connected, or with any portion of a road in Ontario and Quebec in consideration of the use of another road, and shall pay them nothing for running over this portion of the road in the province of Quebec from Montreal to Ste. Rosalie; and if they get nothing, then the country will have the pleasure of paying their proportion in proportion to the use which they give to it in running over that road to the extent of the deterioration of the property by the third party running over it. I think it is necessary, in connection with that, to show what the real effect of these clauses is and then you will find, on reference to another of the clauses, that the Grand Trunk Railway Company has the right also to establish the rates, and the Intercolonial Railway has to submit to them. I shall not further waste the time of the House because I think the probabilities are that every man has given as much attention as I have in discussing the different clauses, but shall confine myself as much as possible to the bargain made with this company.

The debate was adjourned.

It being one o'clock the Senate then adjourned.

SECOND SITTING.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

I. C. R. EXTENSION BILL.

THE DEBATE RESUMED.

Hon. Sir MACKENZIE BOWELL—Before continuing my remarks on the subject before the House, I will take this opportunity, with the permission of the House, of congratulating the hon. Minister of Justice upon the further recognition by Her Majesty of his long services to the country. Whatever our political differences of opinion may be, there is one thing on which we are united, a

sincere and ardent love of country and devotion to the Crown. The hon. gentleman has displayed it upon all and upon every occasion where an opportunity has presented itself, and where he has been called upon to express his views as a British subject. I refer particularly to the time when we had under discussion the questions of commercial union and unrestricted reciprocity and other questions which were likely, if adopted, to impair the connection between Canada and the mother country. The hon. gentleman never hesitated to express, in the most unreserved manner, his devotion to his country and his antagonism to any policy which would tend to the separation of Canada from the empire. all have a sincere feeling of gratitude that Her Majesty's government has, of late years recognized the services,—perhaps I should not say that, as it might be construed as referring to myself as well—of representative men of all political parties in this country, when they have, in the opinion of those who represent Her Majesty here, rendered services to the Crown and to the country.

I desire now to call the attention to one or two points which I omitted this morning in reference to the Grand Trunk Railway. I do so because I think that in all probability advantage may be taken of the omission of these points by hon. gentlemen who may possibly reply. In the report of Mr. Schreiber, he mentions the fact that there are heavy grades of sixty-four feet per mile on this line and intimates in very clear language that in case any arrangements are made for the acquisition of that railway, stipulations should be made for the reduction of the grades. Provision has been made in the contract for that reduction, but what I desire to say is this, that the grades on the Grand Trunk Railway, had the Intercolonial Railway obtained running powers from Lévis to Montreal, could have been reduced just as well as the grades upon the other. I desire also to emphasize the portion of my remarks in which I called attention to the fact that whatever had to be done could be done with very little expense, if any, to the Grand Trunk Railway, and that the expense would fall upon the revenues of this country. In order to substantiate my position on that point, I desire to call attention to the important fact that Sir Charles Rivers Wilson, when addressing his directors not long ago, in London, intimated to them the great improvements which were to take place upon certain portions of the line between, as I understand it, Montreal and Quebec, and the increased facilities that were to be provided on the Victoria bridge, and that it was not going to cost the company anything. Now I can easily understand, when he knew that the company was to have a subsidy of $300,000, and to receive five per cent upon half of the improvements to be made upon the Grand Trunk Railway, after this contract had been ratified, that they would have nothing to pay, particularly if they obtained their money at two and a half per cent; and even if they obtained it at three per cent, which I contend they could do as well as the government, by pledging the rent which we have to pay, at most, all they would have to pay for all those repairs would be one-half of one per cent. If the House will permit, I will for a short time call attention to that portion of the arrangement which refers to the Drummond County Railway. I find by looking at the report of the Department of Railways and such other documents as I could obtain, that the length of the road, including the Nicolet Branch, would be ninety and a half miles. Thirty to thirty-five miles to be built in order to connect the road at the Chaudière with that short portion of eight miles, to carry them to Point Lévis. Now, if you take the rental of $70,000 a year, payable $35,000 half-yearly, you will find the country is paying for this road, very nearly $17,500 per mile. And, mark you, that does not include the rolling stock which we are bound, under the contract, to purchase from the Drummond County Railway at a valuation, or at such price as may be agreed upon by the parties, so that there is to be an additional investment for rolling stock. Taking the whole mileage constructed, and including the rolling stock, it has cost the company, so far as we can ascertain, from the limited knowledge of the documents put before us, about $1,366,485 or about $15,000 per mile. Now, the company, in order to enable them to accomplish what they have done, received from the Federal government in cash $287,936, they obtained from the Quebec government $300,445.

Hon. Mr. DEBOUCHERVILLE—And free right of way through the government lands.

Hon. Sir MACKENZIE BOWELL—My hon. friend says that in addition to this they had free right of way through the government land; that is something that I was not aware of before. In addition, as I was pointing out, they received some $15,000 from municipalities. That makes a total sum of $603,381 of bonuses. Now the hon. leader of the House, in referring to this fact, stated that we had no right whatever to consider this point when discussing the question of purchase. That may be logically correct, but in computing the amount of money which these gentlemen are to put into their pockets, it is a very good argument, and a very fair position for us to take, to say you have received just so much money to assist you in this undertaking, and you have expended just such an amount, and the balance you put into your pocket if you sell it at a profit. The cost to the company, therefore, is just about $8,500 per mile after deducting the bonuses, and the government pays to the parties who have entered into this speculation, about, as I have already intimated, $17,500 per mile, for a road which cost the actual promoters, the actual builders, that is the company, about $8,500 per mile. And then in addition, as I have already intimated, we have to pay for whatever rolling stock they may have in their possession, thus showing the net profit to the railway manipulators, the promoters, speculators or whatever you think proper to call them, of about $1,084,800, to be divided among the speculators. These are figures which nobody can controvert. You may manipulate them as much as you please, but so far as the information which is laid before us shows, that will be the net result to the parties who own the Drummond County Railway, if they succeed in having this contract ratified. I may also point out that, in addition to the $603,381 of bonuses received from the government and from municipalities, the company obtained $141,686 of other capital not taken into account in the above estimate and statement. I have been unable to discover, in looking through the papers, from what source that $141,686 came, and consequently I am not in a position to give any explanation as to its receipt or as to its expenditure. I merely mention the fact as being shown in the papers, that in addition to the amount to which I referred they received this extra sum. Then I find the company has a floating debt of $221,000.

Hon. Mr. O'DONOHOE—Would my hon. friend allow me to ask, for information, upon what principle it is that he says that the bonuses they had received should be taken into consideration in any disposition of this road by its owners? They received over $600,000 as bonuses from both governments, but still, when they had received those bonuses and built the line, the road was theirs, and why should any account be taken of that in the disposition of the road by those who received the bonuses? Because, I take it, the moment they got the bonuses and completed the work, the road was theirs, to do with it just as they liked. Do I make myself understood?

Hon. Mr. LANDRY—Yes; but the hon. gentleman is waiting till the hon. member from Toronto sits down.

Hon. Sir MACKENZIE BOWELL—I have been waiting until the hon. gentleman from Toronto had resumed his seat before answering his question, not because I did not understand him. I do not think my hon. friend followed closely what I stated.

Hon. Mr. O'DONOHOE—I have been trying to.

Hon. Sir MACKENZIE BOWELL—I have no doubt about that. I stated that the Minister of Justice, in referring to that point had stated that we had no right to take the bonuses into consideration. I conceded that, so far as the sellers were concerned, but what I did say, was that in pointing out the profits which were to accrue to the promoters and those who sold the road, we had a right to consider that, and more particularly as this money and these bonuses was public money and not private money. If it had been the donation of a parent to a son, and he was selling the property, then I recognize the full force of the statement and the inference which my hon. friend desired the House to draw. But I make a distinction between a case of that kind and where a company has received out of the revenues, out of the pockets of the people, a certain amount to assist them in their enterprise. I hope my hon. friend understands my position. I was referring, when interrupted, to the fact that this company had a floating debt, as shown

by the papers, of $221,000, and it has a bond issue of $1,000,000. What has been the result of the bond issue and what proceeds have been received from that issue, I have been unable, in looking through the papers, and in examining the documents so far as they came under my notice, to find out until reading one of the speeches in the Lower House. I ascertain, as I supposed, that this million dollars of bonds is invested in a bank as security for the advances which have been made, and of which I presume—I cannot speak positively—the $221,000 is a portion. This inference may or may not be correct. Where I have to deal particularly with a question of figures and accounts in which I could not trace them to the legitimate and proper source whence they came, I do not desire to speak positively upon a question of that kind, but I think the inference which I have drawn is very clear that they have never been sold, and that the bank holds them as security for the advances which have been made, so that it would show that with a nominal capital of $400,000, which they have upon their books, whether paid up or not is not known, but we will take it for granted that it is paid up, I think if an examination took place, it would be found that the documents would show that this $400,000 had been paid, not in cash or in money by the stockholders, but in consideration of the promotion, or what is called "to the promoters," and the promoters are generally the stockholders in an enterprise of this kind. It is plain, therefore, that this capital of $400,000 and the proceeds, if there were any, of the million dollars, did not go into the construction of the road, but, on the contrary, whatever was obtained by the sale of these bonds, went into the pockets of the promoters of the road. It is not necessary for me to point out to this House, because I am sure every man knows it, that there are certain promoters connected with all companies of this kind—not with all companies, because I was connected with one myself, and was years at it and never got a dollar, so that I am out of that ring—but what has come under my observation is, that there is a class of people called promoters who generally absorb whatever amount is received from stock. How this money was spent it is difficult for us to know, and we can only draw inferences from what we see published in papers and in investigations. We do know how a portion of this money was spent, because if hon. gentlemen will only turn their attention for a moment to the evidence that was given in the Baie des Chaleurs investigation, they will find these items:

> Drummond Counties Railway subsidy—$7,762 reached Mr. Beauvais, a brother-in-law of Count Mercier, and $5,000 credited to Mercier personally for election accounts.

Now, those are the only developments, so far as I can find, that came to light during the investigation, in connection with this railway, so that we can easily understand how portions of the money obtained from the Dominion treasury, the provincial treasury, and municipal treasury, were disposed of, and that was to aid in certain elections which were going on at the time in the lower provinces, and the Dominion elections. I do not know how true the inferences may be as to the expenditure of another large amount of this money, but I shall take the opportunity, and crave the indulgence of the House, while I read for a few minutes some portion of an article which appeared in the Montreal *Star* of the 19th. It may be said that this is pure imagination. It may be said that these charges are unfounded.

Hon. Mr. SCOTT—Hear, hear.

Hon. Sir MACKENZIE BOWELL—All I have to say is, Mr. Hugh Graham, the proprietor of the *Star* is a responsible man, and there are the courts of justice in which the character and reputation of those who are assailed can be easily justified if they dare to go into court. The *Star* says in the leading article, which is double leaded:

> In looking into this question in an impartial spirit—

Hon. Mr. SCOTT—"Impartial spirit," hear, hear.

Hon. Sir MACKENZIE BOWELL—My hon. friend says "hear, hear." I think he has a vivid recollection of the time when he moved the six months' hoist to the Pacific Railway Bill before he was employed as solicitor by that company.

Hon. Mr. SCOTT—Hear, hear.

Hon. Sir MACKENZIE BOWELL—When he endeavoured to throw it out of

this House. That is the particular time in which he displayed his impartiality. Let me hope he will exhibit the same impartiality and the same candour and the same desire to vote and work in the interest of the country as he did upon that occasion.

Hon. Mr. SCOTT—So he will.

Hon. Sir MACKENZIE BOWELL—I will begin again :

In looking into the question in an impartial spirit, it is desirable but most difficult to discriminate between what are obviously facts bearing upon the case and what are only surmises, inferences or even vague suspicions. But neither inferences nor suspicions can safely be ignored by a government jealous of its honour, when they are matter of common talk, when they harmonize with indisputable facts, and when they have an appearance of extreme improbability. They cannot be laughed down nor can they be voted down by the mere brute force of majority.

Then the article goes on to say :

The critics further say "that the agreement was entered into ——"

—that is the agreement to which he refers.

"before any official reports had been made upon the property"

The documents which I have read, and the dates which I have given, prove the correctness of that statement.

and that the Order in Council authorizing the deal was actually passed before the government had been in power a month.

That statement is not verified by the date of the Order in Council, but if he had said that this arrangement had been entered into between the Drummond County Railway Company and the Government one month after the election, and that the question had been discussed and decided by Council what they would do—

Hon. Mr. SCOTT—Never heard of it.

Hon. Sir MACKENZIE BOWELL—I have not the slightest doubt it would then be correct. It has been my painful duty, upon another occasion, not long since, to refer to the lack of memory on the part of my hon. friend. I am tolerably well acquainted with the past history of my hon. friend, hence his interruptions enable me to refer to that which I otherwise would not do. Then the article proceeds :

That on the strength of this agreement, a bank in this province discounted notes for a large amount the proceeds of which were applied partly to paying the Liberal expenses in the Quebec provincial elections, partly the Liberal expenses in the Dominion by-elections, partly to paying the deposits in the contestation of Conservative seats and partly subsidizing heavily certain Liberal newspapers. It is alleged to be within the absolute knowledge of the Railway Department that a first-class road to connect the Intercolonial Railway with St. Lambert should be constructed for less than two million dollars.

That is a fact which the government themselves ought to be in possession of, and should be able to say whether it is correct or not.

Hon. Mr. LANDRY—Greenshields made the deposit in the Champlain protested election.

Hon. Sir MACKENZIE BOWELL—Very likely. We all know how much was deposited—although that was not connected with this point—in the fifteen counties after the elections in 1891 ; that may be a matter of consideration hereafter. The article proceeds :

It is interesting to note that the contract bears date the 15th May, just four days after the provincial elections. The public will find it difficult to determine just how much of positive fact and how much of surmise there may be in all these allegations, but parliament certainly should not ratify the bargain without making an effort to find out, and it is not in the interest of the government to have this contract passed under a cloud of suspicion. The House of Commons has committed itself so thoroughly that the only practical method now would appear to be an inquiry by a committee of the Senate as in the Baie des Chaleurs case. The Senate did the country a good service in that instance, and now as then would have the moral support of the country. It is impossible to conceive of the government interposing any obstacles in the way of such an investigation, and it is equally impossibly to conceive of the Senate assuming the responsibility of endorsing the contract without making the necessary inquiry.

With these sentiments I must confess that I am fully in accord. Now I must refer for a few moments to the character of this road of which the hon. minister gave such a glowing description. One would have supposed after reading or hearing his remarks that it was a road which had been in existence as long as the Intercolonial Railway or the Grand Trunk Railway ; and that, therefore, its bed was in such a condition as to enable the trains to run at the rate of fifty or sixty or more miles per hour. I have only to point out what Mr. Schreiber says in reference to the road. He gives no opinion as to its stability or its permanency except in connection with the bridging, but he says

distinctly that before entering into any contract a thorough examination should take place in the summer, when the frost is out of the ground, to ascertain what the true character of the road was. As I have also pointed out, the three reports upon which the government profess to have based their contract were made and sent to the government days and weeks after the contract was signed. Now I shall read the report of an engineer whom, I dare say, many of the residents of Quebec may know, and they may be able to judge of his reputation and the dependence that should be put on anything that he would say. Mr. F. A. Salisbury, a civil engineer, who, I believe, has been employed on the Eastern Counties Railway for some time past, having gone over the road, makes the following report:

This road commences at Ste. Rosalie.

Hon. Mr. POWER—That is Mr. Armstrong's engineer?

Hon. Sir MACKENZIE BOWELL—I do not know that he is. It makes no difference if he is. It is the truth of his statement with which we have to deal.

Hon. Mr. POWER—It makes all the difference in the world.

Hon. Sir MACKENZIE BOWELL—Be that as it may, I give this report for what it is worth, whether it be Mr. Armstrong's engineer or whether it be an independent engineer. When the hon. gentleman says this is from Mr. Armstrong's engineer, I do not know what Mr. Armstrong has to do with this contract. I do not see that his name has anything to do with it at all. I might just as well infer that the government engineers were instructed to make improper reports.

Hon. Mr. POWER—Mr. Armstrong is the promoter and manager of the Eastern Railway Company who are anxious that the government should have taken that means of getting access to Montreal, and naturally being a competitor with the Drummond County people, he would be anxious that the Drummond County road should look as bad as possible.

Hon. Sir MACKENZIE BOWELL—Mr. Greenshields is the president and those associated with him are the promoters of the Drummond County Railway, and it is their interest to make Mr. Armstrong's road look as bad as possible—to throw discredit on those who differ from them as much as possible; so that that argument is just as applicable to one as to the other. Mr. A. F. Salisbury's report is as follows:

This road commences at Ste. Rosalie, in the county of Bagot, a point on the Grand Trunk Railway, 38 miles distant from Montreal; thence to Drummondville, a place of some importance in the county of Drummond, on the St. Francis River. From Drummondville the line extends to Forestdale, in the county of Nicolet, through a country the most of which is uncultivated. From Forestdale to Moose Park, 8 miles, the line is in operation, but in an incomplete state.

This railway has been constructed in as cheap a manner as is possible. The grade of the line to a very large extent is a surface one, consequently having bad grades that would have been avoided in a first-class line by accepting heavier work.

Grading has been done in a great many cases in a very injudicious manner. In most places where the banks have been made from side work, the ditches have been made too close to the bank, leaving no berm, consequently allowing the slopes of the embankments to reach into the ditches. The banks are so low that in numerous cases the water in the ditches is only a few inches lower than the rail, keeping the embankment in such a wet condition that it must be very difficult to keep up to its proper shape and causing sags in the rail.

Another defect is that drainage has not been properly arranged for, the water lodging in the culverts not having proper outlet by tap drains, as are usually provided.

The track is very good in places, but there are stretches where the lining and lifting is not what it should be. The rails have not been bent on the curves, and a great number of rails are getting badly worn. There are several places on the line where the tangents have bad bents in them, notably just west of Aston Junction and close to St. Winceslas. The curves on the line as a rule are light, there not being many of a very heavy degree of curvature. Some of them, however, are badly in need of lining, one in particular just going into Forestdale being from six inches to a foot off centre by their track centres. The rails are the 56 lbs. section joined together by common fish plate.

The ties are chiefly hemlock mixed with a few cedar, etc.

Between Aston Junction and Waddington Falls the right of way has only been partially cleared up, the logs and brush being only partly burnt, and there is quite a stretch of the line not fenced.

The culverts are chiefly wooden beam, built mostly of hemlock. The workmanship on them is rough. The culverts not having the proper deck are without any guard-rail, as the common tie is used.

In addition to the wooden culverts there are some masonry beam culverts in good condition, as also some masonry boxes.

The pipe culverts on the line are not protected at the ends as they should be. This is a source of danger, as the banks at outlet and inlet are sure to be damaged in high water by scouring.

The quality of the ballast on the line is, as a rule, fairly good, with the exception of some few places, but the whole line needs a good lift.

Between St. Leonard and Carmel there is a great deal of ballast of a very sandy nature.

The track in that district is also entirely too low, needing a heavy lift of ballast to make a good track.

At Drummondville station the track is in bad condition, ties bedded down in the mud, badly lined, and heaved with frost.

At Blake's Mills, between Mitchell and Carmel, there is a very heavy grade, which necessitates the cutting of the trains when they consist of more than ten cars, making two trips to surmount the grade.

This defect in the line can be got rid of by building to the north of the present line.

The bridging on the line is very good, the masonry, iron work and timber superstructure being in good condition. The principal rivers crossed are :

The St. Francis at Drummondville, four spans.

West Branch Nicolet, near Mitchell, one span.

East Branch Nicolet, near St. Leonard, steel trestle.

Becancour River, near Waddington Falls, four spans.

There are some other small bridges in good order with the exception of one just east of Forestdale, which is a small girder, probably thirty feet, resting on timber abutments, which seem to be of a weak description.

At the bridge over the East Nicolet there is a very heavy sag in the grade, which should have been avoided by keeping up the grade, especially as a trestle bridge has been used there.

The fence on the road is built of the cheapest kind. The bulk of it is the common four-wire fence, with one board on top. The posts are mostly split ones, and placed too far apart to make a good solid fence without an intermediate small post to brace the wire. Between Drummondville and St. Hyacinthe there is a considerable stretch of board fence four boards high. This is in bad condition, as it is badly heaved by frost, consequent to the post being insufficiently sunk in the ground.

The station buildings on the road are mostly of a very cheap nature—small, unfinished and unpainted. This is accounted for by the bush country through which the road runs.

Drummondville has the best station on the line, and also a repair shop, which is a building 75 or 80 feet long with a single track running through it. It is a very inexpensive building.

The water supply is provided by tanks at Drummondville, St. Leonard and Forestdale.

The main defects in the line are the narrowness of the banks, the need of another lift of ballast before any fast running can be made and the condition of the wooden culverts and cattle guards. Ties also need replacing, but new ties are already distributed in many places.

This report has been published in the Montreal newspapers for some time. If it is of the character which the hon. senior member from Halifax (Mr. Power) indicates, it was the duty of the government to have had a second survey made of the line and prove to the country and to parliament, when it is asked to ratify this agreement, the incorrectness or falsity of that report, and if they have failed to do so, they have tacitly admitted the truth of it.

Hon. Mr. POWER—Engineer Ridout has surveyed the line since that.

Hon. Sir MACKENZIE BOWELL—Mr. Ridout says nothing of the kind, if the hon. gentleman will permit me to make such a positive declaration. I was a little astounded, if one can be astounded at statements which are made when a question of this kind is before the House—at the statement made by the hon. Minister of Justice in reference to the earnings of this road. There is not a man in Canada who has given any attention to this subject that does not know that the Drummond County Railway was originally conceived, and the construction commenced for one purpose solely, and that was to take out the inferior quality of lumber that there is in that country, and the immense amount of tan bark which exists there, and just as soon as that tan bark is finished and the traffic from it ceases there will be consequently a decrease in the earnings. There are gentleman in this House who are lumbermen, who know all about that section of the country, and know that a large portion of it is unfit for settlement and never will be settled. In a large portion of it there are no inhabitants and I am safe in saying will not be any for a century. I do not know where the hon. gentleman got his figures, but the only figures which I can lay my hands on are those which appear in the official records of the country, and these official figures give the earnings and expenditure of the road, for the last year. The statement shows that they earned $14,774, from passenger traffic, and $74,117 from freight, principally consisting of tan bark and the lumber which is obtained in that section of the country along the line of the road, or in its near proximity; and $9,904 for carrying the mail, making the total earnings for the year $92,795. Now, the cost of operating the road which brought to the company the gross revenue of $92,795, was no less than $63,728.

Hon. Sir OLIVER MOWAT—That is for 1895?

Hon. Sir MACKENZIE BOWELL—No, this is for 1896. My notes show last year.

Hon. Sir OLIVER MOWAT—It is a mistake. It must be July, 1895, to July, 1896.

Hon. Sir MACKENZIE BOWELL—It shows the net revenue to be $29,067. I think, if I remember correctly, the hon. gentleman said very nearly that sum.

Hon. Sir OLIVER MOWAT—That is the correct sum for that year.

Hon. Sir MACKENZIE BOWELL—Then my figures are right?

Hon. Sir OLIVER MOWAT—Yes, for that year.

Hon. Sir MACKENZIE BOWELL—The net earnings were $29,067 for which we are to pay $70,000, or nearly $40,000 more than the net earnings of the road.

Hon. Sir OLIVER MOWAT—I do not catch the idea.

Hon. Sir MACKENZIE BOWELL—I say the net earnings last year were $29,067.

Hon. Sir OLIVER MOWAT—Not last year—the previous year. From July, 1895, to July, 1896.

Hon. Sir MACKENZIE BOWELL—Of course we could not have this year's until July, 1897?

Hon. Sir OLIVER MOWAT—But we have it for ten months of the present year, and the net profit is at the rate of $35,000 for the twelve months.

Hon. Sir MACKENZIE BOWELL—Here is further evidence of the manner in which facts have been kept from the House which are necessary to form a correct opinion. I am dealing with the figures to July, 1896. Has my hon. friend shown that the revenue has increased and the expenses have diminished during the ten months of 1897. My hon. friend may be quite correct; I do not know about that. I am dealing with the facts which have been made public, and I prefaced my remarks with a denunciation of the government for having kept facts from the public which are necessary to come to a correct conclusion.

Hon. Sir OLIVER MOWAT—Mr. Blair stated them.

Hon. Sir MACKENZIE BOWELL—With a net revenue of over $29,000, we pay a rent, to begin with, of $70,000 a year, being nearly $40,000 over and above the net revenue, as shown by these figures. I have no doubt my hon. friend will argue that that does not cover the whole road. I admit that, and the argument will be this: that as you extend the road to Quebec, so in proportion will the earnings increase; but I venture this statement, that in proportion as the earning power increases will the expenses of running and operating it increase—I am speaking in all sincerity, when I say there is no prospect of that road becoming a paying concern. The hon. gentleman has called attention to the fact that another interest is claiming that its road is shorter. I believe there is a shorter road. Might I, before I go any further, ask the hon. Minister of Justice whether there is any report in the department from Mr. Schreiber, the chief engineer, as to the probable cost of a new road from Montreal to Point Lévis. I have been told—I do not vouch for its accuracy—that there is a report, and that that report, if made public, will show that it would not cost nearly as much as we are involving the country in if this scheme were adopted.

Hon. Sir OLIVER MOWAT—I have no doubt that is a mistake.

Hon. Mr. DEVER—Could we not tell that by asking how much the Intercolonial Railway cost per mile?

Hon. Sir MACKENZIE BOWELL—No, that has nothing to do with it. You might just as well ask how much the Grand Trunk Railway cost per mile. The Grand Trunk Railway was built when labour was two or three times higher than now, when rails cost five times more than they cost now, and at a period when people of this country knew nothing at all about building railways; consequently that road cost three or four times more, I venture the assertion, than it could be built for to-day.

Hon. Mr. DEVER—Labour was cheaper then than now.

Hon. MEMBERS—No, no.

Hon. Sir MACKENZIE BOWELL—I understood my hon. friend, the Minister of

Justice, when upon this point to say that Mr. Schreiber did examine this road and had reported to the government that in order to obtain the facilities for extending the Intercolonial Railway that are secured by this contract, it would have cost this country about twenty-five mil ions of dollars.

Hon. Sir OLIVER MOWAT—I mentioned that amount, but I did not say that Mr. Schreiber said so. I said it was estimated, but it was not estimated by Mr. Schreiber. I quoted no such figures from him.

Hon. Sir MACKENZIE BOWELL—Then the statement made by my hon. friend was not authoritative. It was merely a statement made by somebody, I fancy, who knew nothing about it. I wonder if he ever took the trouble to calculate what that means per mile. I notice, by looking at the distance by one of the routes now contemplated, from Montreal to Point Lévis, that it is 173 miles. Now, if you divide that into $25,000,000, you get $165,000 per mile.

Hon. Sir OLIVER MOWAT—The amount that I mentioned included the bridge and the terminal facilities required in Montreal, not the road independently of these.

Hon. Sir MACKENZIE BOWELL—We still give you the benefit of the bridge and terminal facilities, and then you will have it about $100,000 a mile. When I said $165,000 a mile, I referred to the Grand Trunk Railway. By the route mentioned by the hon. gentleman, at the price mentioned by him, it would give $170,000 a mile. That would acquire terminal points and build a bridge. The Victoria bridge cost five or six millions of dollars, if I remember correctly, but the Canadian Pacific Railway bridge, very nearly the same length at Lachine, did not cost two millions of dollars. With facilities for building bridges, and the inventions of recent years, and the light that science has brought to bear on these questions, the construction of those great bridges is fifty to seventy-five per cent cheaper than forty or fifty years ago.

Hon. Sir OLIVER MOWAT—Then there is the station ground in Montreal.

Hon. Mr. SNOWBALL—What amount did the hon. gentleman give as coming from the Minister of Justice?

Hon. Sir MACKENZIE BOWELL—Twenty-five million dollars.

Hon. Mr. SNOWBALL—It would take $20,000,000 of it to get into Montreal.

Hon. Sir MACKENZIE BOWELL—That depends altogether on circumstances. I admit the force of the statement as to the cost of land damages. There are two ways of constructing roads. There is, unfortunately, I admit it, a desire on the part of property owners to put a value upon property when the government want it that they would not think of asking under other circumstances, and I am sorry to say that when you go into the Exchequer Court you find witnesses prepared to justify, under oath, the claims of the owners. There is another point in reference to this question, and that is the character of the country through which the line runs, and which is, I think, a very important one. I have before me, compiled from the last census, a statement showing the inhabitants of the sections of the country through which this road, and what is contended by some to be the shorter road along the south shore of the St. Lawrence, which would certainly give accommodation to a greater number of people. The population along the line of the Drummond County road of 120 miles amounts to about 16,658 souls, all told, and that includes Nicolet, Iberville, Drummond and Bagot. The only large villages and towns, so far as I am informed, along the route, are some of them eight or ten miles from the line of the road. Now, the South Shore Line runs through a population of 48,677. Whether that is a consideration or not I must leave the House to judge. I have a very few remarks to make in reference to the necessity for the construction of this road.

Hon. Mr. McMILLAN—Is the South Shore Road the Armstrong Road?

Hon. Sir MACKENZIE BOWELL—I think so. It is the one in connection with which the Quebec government passed an Order in Council, I believe, to guarantee the interest upon certain bonds which they were to place upon the English market. The House must not misunderstand me. They were to make a certain loan. They were to depo-it with the Quebec government a certain amount of money, which would be

equal to the interest upon the amount which they would guarantee, or in other words, a similar transaction to that of the Dominion government, guaranteeing the bonds of the Canadian Pacific Railway. It has been stated that the Senate is an independent body, an irresponsible body it has been termed, and not dependent upon the will of the people and therefore has no right to interfere with the will of the people as expressed through their representatives. Now, to a certain extent, I admit that proposition; but I ask whether this deal with the Drummond County Road was ever submitted to the people? And I ask further, with the facts before the people of this Dominion, whether they would ever think of ratifying this contract if they knew its contents and knew what they were paying for the accommodation which they were to receive. Let me refer to the House of Lords. The same argument was used against the House of Lords for daring to reject a bill granting certain concessions of Home Rule to Ireland. They threw out that bill by an immense majority, and they were denounced by all the Radicals throughout the country as an irresponsible body, and the same threats were made against the House of Lords that have been made to-day against the Senate of Canada if they dare have an opinion upon a public measure which affects the interests of the country. What was the result? Lord Rosebery, appealed to the people on this very question, and what followed? Not in our own history has there been such a complete revolution of public opinion as there was on that question. Lord Salisbury took this ground, that the Upper House was there as a protector of the Crown and the rights of the people; that this question of Home Rule was not submitted to the people of the British Islands when the election took place; that, on the contrary, Gladstone studiously avoided giving any opinion as to what he would do, but told the people that when he was elected and his party returned to power, he and Lord Rosebery would deal with the question. And upon that ground Lord Salisbury moved in the House of Lords to eject the bill, and they went to the country upon the question of Home Rule. The action of the House of Commons, which pretended to represent the opinions and feelings and desires of the people of Great Britain, was condemned; and the result was, as I have already intimated, that he came back to power, overturning the Rosebery government, and is now governing the country with a majority almost unprecedented in English history. I do not know that I should make any prophesy, but we are, in a smaller way, in precisely the same position as Lord Salisbury and Lord Rosebery were when that question was before the people of the British Islands. An opinion upon this question has not been expressed by the people of this country. This is an arrangement, I firmly believe, arising out of what took place during the last election, and as a result of the last election, and now it is hurled upon the people of this country at the very first opportunity, in the hope, as one of the gentlemen in the Commons said to me the other day, that it would all be forgotten before the next election came round. Is public opinion so far as we can ascertain, in favour of this bill? I have a telegram from the mayor of Nicolet, a town that is deeply interested in this and other roads, a town that has connection with the Drummond County road by a branch, and what does the mayor say? This is dated the 17th June, Nicolet, Quebec. To the Honourable Sir Mackenzie Bowell, Ottawa:

> At a special meeting of Nicolet town council held this day it has been resolved that said corporation disapproves and condemns the deal of the Drummond Counties Railway by Federal government as absolutely disadvantageous to the country generally, and for the south shore of the St. Lawrence particularly. GEORGE BALL, Mayor.

I suppose those gentlemen ought to know what their interests are, and whether that or another line would be in their interest. Then take the press of Montreal, the city in which it would be supposed that they would be deeply interested in the proposed extension of the Intercolonial Railway. The Montreal *Gazette*, the leading commercial paper in that city, denounces it in unmeasured terms. *La Presse* with a daily circulation of over 54,000, condemns it equally as strongly as the *Gazette*. The Montreal *Star*, with a circulation daily of nearly 50,000 and about 87,500 of a weekly circulation condemns it in still stronger terms than any of the other papers. Following in their wake come *Le Monde* and *La Minerve*, and my hon. friend says the *Witness* too.

Hon. Mr. SCOTT—No.

Hon. Sir MACKENZIE BOWELL—Would you allow me to finish. I was going to accede to that point. I have an extract here from the *Witness* in which they condemn the terms. I have an extract of an article a few days ago in line with the government policy and now supporting it, and that is all. The *Witness* has always pursued that course. The hon. gentleman knows that very well, and his pet organ the *Globe* is in precisely the same position, as I will point out in a few moments. They condemned the project before they knew what the government was going to do. I would particularly call their attention to an editorial which appeared in the Toronto *Globe* last September, in which they wrote an admirable article on the matter of railway subsidies, an article which met my approval exactly; and I was in hopes, from the tone of that article, that it was speaking by authority of the government, and that bills such as we have before us at present, were at an end for ever. But if you read the article of last Friday, the 15th, you would find that it, like a true party paper, condemned though it has been repeatedly by the hon. Secretary of State as unworthy of the confidence of the Liberal party, wheels into line and now publishes a very strong article in favour of the bill, and did me the honour to devote nearly a column of condemnation of myself, for which I have to thank them. I have put the question as fairly as I can and I think it is unnecessary to say more to convince this House—that they should not ratify this contract. Attempts have been made to influence the members of this House by promises and by threats, which I think they will find, before they get through with the Senate, will be treated with contempt. First of all we hear around the lobbies promises that purchases are to be made of certain roads in the maritime provinces, as branches of the Intercolonial Railway. There is one running to a little place called Chatham. I do not know whether my hon. friend from Northumberland knows where it is—which includes, if I am correct, what they call the Fredericton bridge, which owes to the country a good sum. I do not know how true it is, perhaps the hon. gentleman can tell us.

Hon. Mr. SNOWBALL—I can tell you all about it if you want to know.

Hon. Sir MACKENZIE BOWELL—I know something about that very road and so does my hon. friend. He and I have discussed that matter often, and it is just possible that these railway claims are to be settled. I would not think for a moment that any man's vote could be influenced by anything of that kind, but I do not know that there are certain claims, because they have been in existence since I was acting Minister of Railways and Canals. I know, I thought them of such a character that I felt obliged to reject them, and I know other claims have been made of the same character. From what has transpired around us, and what is indicated in these very resolutions that are in this bill before us, I am beginning to get suspicious, great as is the confidence I have in the politicians who control the destinies of the country at the present moment. However, that may or may not be proved. Let me refer to the threats. We have, first of all, the whip of the lower House, who is supposed to speak the sentiments of the government, telling members of this House that if we dare—no, I do not think he used that word—that if we rejected this bill they would appeal to the home government to appoint additional Senators. A minister has threatened to withdraw the Crow's Nest bill if we rejected the bill before us. What has the Crow's Nest Pass in the Rocky Mountains to do with the extension of the Intercolonial Railway from Quebec to Montreal? I cannot understand it, but there is a method in their madness and when they have gone to members of this House and made these threats for the purpose of influencing members of the Senate who are known to be favourable to the construction of the Crow's Nest Pass Railway and who are friends, as I trust every man in the House is, of that great enterprise, the Canadian Pacific Railway, but I say this, that it is disreputable—and that is a strong word—on the part of any member of the other House, whether he represents the government or not, to hold out such threats to an independent body of gentlemen like those who compose the Senate of Canada. The next threat we have is from the newspapers. It has been intimated—and I am sure this will have a marvellous effect on the members of the Senate—that if we take an independent position upon this question, if we dare to have an

opinion of our own, our sessional indemnity is to be decreased just one-half. I hope the time is coming when we shall be in the same position as they are in England and in some of the Australian colonies, when we will refuse to take any money at all, but a threat of that kind is beneath contempt. I think I have said quite enough on that point.

Hon. Mr. MACDONALD (B.C.)—The Grits will not agree to that.

Hon. Sir MACKENZIE BOWELL—No. They would be the first to kick. *La Patrie* has made threats against us if we dare to refuse to reject measures. I will not say much about Mr. Tarte's paper or the *Globe*. I will, however, just refer to an article in the *Globe* of the 21st, and those of you who have not read it will be able to form an opinion as to how far you should be influenced or cajoled into taking a position that your conscience and your belief as to what is in the interests of the country suggests or dictates. The *Globe* of the 21st says:

> Mere hostility to Mr. Tarte, because he has done so much to overthrow Conservatism in Quebec, or to Mr. Blair, because he has dismissed a few Conservative partisans, will not justify the Senate in opposing the measure, nor will these mere general charges of corruption afford any basis for hostile action by the Senate.

Had it stopped with these remarks I think every member of the House would have said Amen, you are quite correct. Then he proceeds:

> It is hardly too much to say that ever since confederation the upper House has been merely registering the decrees of the Conservative membership of the Commons.

Hon. Mr. McCALLUM—That is not so.

Hon. Sir MACKENZIE BOWELL—I leave that point to gentlemen who will follow me, to contradict:

> There was no proposal too extravagant, no job too flagrant for the Senate to swallow when Conservatives had control of the affairs of the country; and if now, without the most substantial reasons, the Senate should undertake to continue Conservative administration by blocking the measures of the Liberal government, a new issue will be raised that can only be settled by the smashing of the institution that stands in the way of the declared will of the people.

I think I have already pointed out, so far as the will of the people is concerned, that they have never been consulted on this question, and as for the "smashing" of the Senate, all I can say to that is, that I think there are gentlemen here who will have something to say before they will allow themselves to be smashed. That is my impression at least. But fancy, in all sincerity, a presumed organ of public opinion, a paper of such standing as the *Globe* of Toronto, occupying the position that it does as the exponent of the opinions and principles and policy of the Liberal party, holding out over the heads of independent members of the Senate a threat of that kind! It might affect such gentlemen as sit before me, the Minister of Justice and the hon. Secretary of State, but I can assure them—and I think I speak for the party to which I belong—that threats of that kind are not very apt to make them depart from the path of rectitude, and a policy they believe to be in the interest of the country. The reference to myself I do not propose to discuss more than to say, they altogether misstate my position in this House. The *Globe* says:

> We believe that Sir Mackenzie Bowell, as leader of the Conservative party in the Senate, will set a better example to the country.

I propose, so far as my humble ability and my position in this House is concerned, to set an example to the people of this country by preventing one of the grossest jobs that I believe has ever been attempted to be perpetrated in this or any other country. I have no more power in this Senate than any other hon. gentleman. I have the power, I hope, of expressing my own individual opinions, and I shall not hesitate to express those opinions on every occasion when it may be necessary, without any reference whatever to the gentlemen who are leaders of the government at the present day. It it is our duty as a Senate to forget for the moment partisan feeling, and to look as the Minister of Justice stated in his opening remarks at the merits of the question before us. If, as I believe, and as I am satisfied I have shown, this whole transaction is neither upon a business nor a commercial bases, it is the duty of this House to reject it. I should like to place a motion upon the records of the House giving the reasons why I think the House should reject the measure in toto, but as has been intimated to me, if I attempted a motion of that kind, your at-

tention, Mr. Speaker, would be called to the fact that it had a preamble, and therefore would be entirely out of order. I should like to place upon the records of the Senate a resolution declaring that this bill is improvident in its character and that it is not based upon commercial principles.

Hon. Mr. DEVER—As bad as the Harris job.

Hon. Sir MACKENZIE BOWELL—Yes, infinitely worse than the Harris job. If there was any job in the Harris matter, it was considered by the best men that you have in the city of St. John, who represented that it was worth from twenty-five to fifty thousand dollars more—

Hon. Mr. DEVER—I deny that they were the best men.

Hon. Sir MACKENZIE BOWELL—They were just as reliable men as my hon. friend. They were men like Mr. Fairweather and Everett, and others, from whom I obtained the information and the valuation. I took particular care about it, and I am sorry my hon. friend interjected that expression, because it is just possible that my hon. friend is right so far as the value of the property was concerned I was acting Minister of Railways and Canals at the time, and I have knowledge of every particular in connection with it. I know the pressure brought upon the government of that day to obtain more room at St. John. I knew from experience that additional room was necessary, and before I consented to take a single step in the matter, I referred it, as I believed, to the best men in St. John at the time, for report as to the actual value of the property which it was intended to acquire, and after the report came we cut it down, if my recollection serves me properly, over $25,000 before we made the purchase. It is just possible that we gave too much after all. I am not prepared to combat that with the hon. gentleman. He ought to know, but it is the first time I have heard a St. John man make that statement. I have stated what I should like to place on the records of the Senate—and I have given the reasons why I have not taken that course—the fact that the bargain into which the government have entered is extravagant in its character, and that the road is not worth what they are giving for it, that the advantages which are to be derived from it are not such as have been indicated by the hon. Minister of Justice in his opening remarks: that, as a whole, it is improvident, involving a charge directly or indirectly upon the revenues of this country of the interest on about $7,000,000—but after consideration I have deemed it better to adopt the course pursued by my hon. friend from Richmond (Mr. Miller) when he moved to reject the bill that was laid before the Senate by the Right Honourable Sir John Macdonald's government in reference to the Short Line via Harvey—the hon. gentleman knows what I refer to—and that is by moving a plain, straightforward motion for the rejection of the bill. I therefore move, seconded by the Hon. Mr. DeBoucherville, that the bill be not now read a second time, but that it be read this day three months.

Hon. Mr. WOOD—May I ask the hon. Minister of Justice if he has that report of Mr. Pottinger in regard to the increase of traffic on the Intercolonial Railway resulting from the extension to Montreal?

Hon. Mr. SCOTT—I will give the House the benefit of it, until I saw the statement in the Conservative press last week, I was not aware that there was anything in the present bill that was going to evoke opposition in this chamber. Hon. gentlemen may smile at what I am stating; and I can only account for the threat which appeared in the papers, or the improper articles written in the various papers in reference to the condition of the Senate, by the fact that that report had gone abroad before the bill had been considered in this House. Under no circumstances was the action taken by the various papers which my hon. friend has alluded to defensible or justifiable. At the same time, I mention that as one of the reasons why they were probably influenced to write in the spirit in which they did. I think I am quite right in saying that this Senate had judged of this case before the bill came up; because it is an undeniable fact that before the bill came into the Senate it was repeated in a number of papers published over this country, originating in the city of Montreal, that the Senate intended to throw out the bill.

Hon. Mr. MILLER—Is that justification for you——

Hon. Mr. SCOTT—No, no justification; I am stating it as a fact, because on the present occasion I feel extremely embarrassed at the spirit which has been shown before this measure has been fairly considered by the Senate. I do not propose to follow the hon. leader of the opposition in the line of argument he has taken against this bill. He has highly coloured a number of imaginable statements which have been made, and exaggerated in other cases. He has quoted from authority which I dispute, statements which I am prepared to show are indefensible and unwarrantable. And I think before I sit down I shall be able to satisfy the House if they look at it from the standpoint which the hon. gentleman said it was the duty of the Senate to regard it, that it is a fair question whether it is in the interest of Canada to ratify this agreement—that I shall be able, if it is approached from an impartial standpoint, without a preconceived and predetermined disposition to throw out the bill, that the majority of the senators here would give their assent to the measure before the House. I do that because I feel just as the hon. Minister of Justice felt, that the more one looked into this case, not only the more defensible and justifiable does the action of the minister appear, but it was the best thing in the interest of Canada. It was the best method of obliterating for ever those deficiencies of the Intercolonial Railway that appeared year by year, for the last twenty years, when they brought in the report of the Minister of Railways and Canals. I presume every hon. gentleman in this chamber will at least recognize this proposition, that the Intercolonial Railway will do a larger amount of business if it has one of its termini in the city of Montreal than if the terminus is at Levis. I do not think it is necessary for me to go into the question of the advantages that will flow from it. They are too apparent. Originally the Intercolonial Railway terminated at Rivière du Loup. It was a very heavy drag upon Canada. There were deficits year by year and the government thought it was improving the road to bring it up to Levis at a very large expense, very much larger than we are paying for this extension to Montreal.

Hon. Mr. FERGUSON—No.

Hon. Mr. SCOTT—I beg my hon. friend's pardon, I will show figures just now. Hon. gentlemen will get them all in such a way that they are not to be disputed. They brought the road to Lévis and terminated it there. It was brought, I believe, eight or nine miles from Lévis to Chaudière Junction. It became a branch of the Grand Trunk Railway subject to any terms for its traffic the Grand Trunk Railway might choose to impose. It had large terminal advantages at the Atlantic coast, but it was unable to utilize them, and had to take its traffic at any rate the Grand Trunk Railway choose to gave it. The Grand Trunk Railway had its outlet at Portland. It had an ocean line from Portland to the Maritime Provinces, so it only sent traffic over the Intercolonial Railway when it suited its purpose, and at figures which suited the Grand Trunk Railway. The hon. gentleman has said why did not they make the same arrangement with the Grand Trunk Railway that were made between the Canadian Pacific Railway and the Grand Trunk Railway between Hamilton and Toronto. It would have meant the payment of at least seventy thousand dollars a year more than the present arrangement, because the line is so much longer and the mileage which is ordinarily paid under these conditions without the advantages of terminal facilities is recognized as being on a fair basis at one thousand dollars a mile, so that going either over the Grand Trunk Railway or over the Canadian Pacific Railway on the north side would have resulted in an increased annual expenditure, not a payment of two hundred and ten thousand dollars a year, but of two hundred and seventy thousand dollars a year. Sixty thousand dollars would be the difference, calculating the running arrangement over the Canadian Pacific Railway or over the Grand Trunk Railway into the city of Montreal.

Hon. Sir MACKENZIE BOWELL—Might I ask if that was the amount asked by the Grand Trunk Railway? I understood the hon. gentleman to say we pay $140,000 now to the Grand Trunk Railway and $70,000 to the Drummond County road.

Hon. Mr. SCOTT—Yes; $210,000.

Hon. Sir MACKENZIE BOWELL—Do I understand the hon. gentleman to say it would have cost $60,000 more?

Hon. Mr. SCOTT—Yes: if we had made arrangements with the Grand Trunk Rail-

way and the Canadian Pacific Railway, based upon the terms agreed upon between Hamilton and Toronto.

Hon. Sir MACKENZIE BOWELL—Did the government negotiate on that basis?

Hon. Mr. SCOTT—No. I stated as a fact, based on the ordinary mileage paid in other cases, that the cost would have been more than by adopting the policy we have in purchasing the Drummond County Railway. The hon. gentleman, in making his calculations of last year's profits, did it on the assumption that this was a finished road, whereas the line from Ste. Rosalie runs to nowhere in the woods. I ask him if it is a fair test of the capacity of a railway to earn anything when one end of it runs into the woods—an uncompleted line? Yet it was quoted as evidence of what the road is going to earn.

Hon. Mr. LANDRY—It must go into the woods for the tan bark.

Hon. Mr. SCOTT—The arrangement is this: at the Chaudière bridge, and the terminal in the east end there was an agreement between the Drummond County and the Grand Trunk Railway to pay annually a sum of $6,000. That is, of course, transferred to the government of Canada in connection with the Drummond County Railway. The Drummond County Railway is 132½ miles long, and for that we pay $64,000 a year, terminable in ninety-nine years—that is, the whole amount is paid up at the end of that period. That makes $70,000. We will deal with that question first. In reference first as to the railway, a good deal has been said of the condition of it, and it has been assumed that this road was not to be put in condition when the government took it over. On the contrary, the agreement is that the curves are to be made equal to those of the Intercolonial Railway and the gradients are to be reduced and very considerable changes are to be made in the road to put it in a first class condition. The 42½ miles yet to be built are to be built on the standard of the Intercolonial Railway, with rails of seventy pounds to the yard. So that we shall practically take over a finished railway, equal in all particulars to the Intercolonial Railway for the 132½ miles for which we pay that $64,000 per annum. A good deal has been said to belittle the condition of this road, and the evidence of an engineer whom I have never heard of, has been quoted. It has been said that this evidence comes from the engineer of a rival company. There is no doubt about the facts, and I am not disclosing any secrets of the cabinet when I say that a very considerable pressure was brought to bear on the government to take the road on the south shore of the St. Lawrence, but it would have cost a very much larger sum for a road which would not have been as advantageous to Canada. It would have involved the building of a bridge at Montreal, and altogether the proposal was not one that could at all be compared with the proposition that the government have entered into, subject to the approval of parliament. I desire just to quote for the information of the House some points in the evidence that have been laid before us in the reports of the engineers as to this railway. I may say it has been assumed here, and I think stated, that this was a corrupt transaction—that it had its origin during the late election, that funds were advanced by parties interested with a view to the transfer of this road which were used for corrupt purposes. I deny absolutely and positively any such statements. I never heard of this road until the month of February last. It was not brought under the notice of myself or my colleagues. Some of my colleagues may have known about it, but I am breaking no confidence when I say it was some time in January or February when this matter was first submitted to the consideration of the government, and the negotiations occupied a considerable period, because the terms first proposed were far in excess of those afterwards secured. I mention that, because it is placing my colleague and myself in a very invidious position to make charges, as they have been made to-day, without any foundation or justification for them. They have been hurled across the floor that it is a corrupt transaction, the result of a bargain made at the last election, that we dare not have submitted it to the people last election, that it is not in the interests of the people of Canada, that the Senate is going to receive a large amount of applause by throwing out this bill. I doubt very much, should the Senate throw out this bill, if a year hence the applause will be as loud as they think. The Senate is asked to judge this agreement,

not on the government proposals, but on the statements of a rival company, jealous of the superior advantages which the Drummond County Railway possessed. They are making statements that are false. When I read the *Star* the other day I was astounded —I could scarcely believe that a paper which is reasonably fair, would make statements which, if true, ought to force this government out of office, and yet they are read here to-day as if there was any foundation for them. Hon. gentlemen's minds are prejudiced against the proposition of the government. I do not think the Senate, as a rule, approach ordinary matters in that spirit, and I trust, before this debate closes, that they will at least feel, when the figures are all submitted to them, that there is in this transaction a good deal more to recommend it to their judgment than they at first supposed. Mr. Schreiber says :

That 73 miles of road are built and in operation, that the gradients and alignments are favourable, there being only one grade exceeding 53 feet per mile, and that one is 64 feet to the mile.

It was understood in the agreement that the grade is to be reduced in order to correspond with the grades on the Intercolonial Railway. The report continues :

That with one exception there is no curve of a less radius than 1,433 feet, and that the one exception is a curve of 953 feet radius.

That the roadbed is well and substantially built, the cuttings being 20 feet and the embankments 15 feet wide at sub-grade. Ample drainage is provided by substantial steel structures resting on massive masonry spanning the larger rivers, and steel plate girders resting on strong well built masonry spanning the streams of a lesser magnitude, whereas, the general drainage throughout the smaller rivulets has been passed through culverts constructed of sound cedar timber 10 x 10 inches square. The large portion of the line through the cleared land is inclosed by a substantial post and board fence, whereas, on a small portion of the line, a wire fence has been erected. The permanent way is laid with 2,600 ties to the mile, the steel rails weighing 56 pounds to the yard connected with steel fish plates.

The road is well ballasted with a very fine quality of gravel, the station buildings are neat buildings of what I consider sufficient capacity for the requirements of th · road, and the water service is good.

I think you will agree with me from the description I have given of the works that a really good road has been secured, fully up to the general standard of railways in Canada. At the same time, I think, you should insist on the 64 feet per mile grade being reduced to 53 feet, in making an arrangement for the acquisition of the road, if such be your intention, which I assume to be the case.

This was before the contract was made.

Hon. Mr. MACDONALD (B.C.)—Read on to the last part of the report.

Hon. Mr. SCOTT—The hon. gentleman has the report before him. He can be governed by his own judgment in the matter.

Hon. Mr. MACDONALD (B.C.)—There is no use concealing it.

Hon. Mr. SCOTT—I am not concealing it. I had this book distributed this morning as soon as it was published.

Hon. Mr. McCALLUM—We have it and can read it.

Hon. Mr. SCOTT—We do not take over that road until it is all put in order. The parties are to-day spending a very large sum of money upon it. I understand they made arrangements some time ago for $200,000 that is being now expended on this in order to bring it up to the government standard.

Hon. Mr. MACDONALD (B.C.)—What is the use of holding back that part of the report that refers to the necessity of further examining the road?

Hon. Mr. SCOTT—I am not holding it back ; the hon. gentleman has it before him.

Sir MACKENZIE BOWELL—My hon. friend only gave it to us an hour ago.

Hon. Mr. SCOTT—I found it had not been distributed here, and I at once went to the proper source to have it distributed, because I wish the Senate to have every information necessary to form a judgment on the subject. Mr. Kingsford, who has been represented as the engineer of the road, and therefore prejudiced, is not the engineer of the road. Mr. Kingsford was sent there by the government, and he reports :

On the condition of the road-bed it is my duty favourably to report. The ballast is of an excellent character, and there is plenty of it. It is not very neatly dressed off, as on older lines, but that is more a matter of appearance affecting the finished look of the work than in any way a detriment injurious to the safety and character of the track. I have myself been on a train which travelled forty miles an hour, and I never felt the slightest anxiety as to the propriety of this speed.

That cannot be an inferior road if it is in that condition. Of course, if hon. gentlemen find it distasteful to hear the government side of the question I shall stop, but I claim in a matter of this importance hon.

gentlemen should allow the government to state the case to be submitted. The Mr. Johnston who is referred to here is one of the oldest officers of the railway department. He has been there for a good many years. He says:

I found the roadbed to be firm and in very good shape throughout, and, with the exception of three miles purposely left without ballast, in view of a contemplated change of alignment, well ballasted, the material being of exceptional excellent quality.

The rails are all in good condition, weighing 56 lbs. to the yard.

The grades are not excessive, the only point at which 1·00 per 100 is exceeded being at the St. Francis River, the approaches to which, on either side, are now 1·20 per 100. I understand the company are to reduce this grade before the road is taken over by the government.

The percentage of curvature is exceptionally small, the curves with one exception (one of 6°) not exceeding 4° or a radius of 1,433 feet.

I may say, in this connection, that on my return journey, the train, consisting of an engine and combination car, made the distance of 68 miles in 90 minutes, including two stoppages, the last 28 miles being run in 30 minutes, without the least discomfort to the passengers on the train.

The principal bridges are those over the Black river, the two branches of the Nicolet and the Becancour. These are all fine substantial steel superstructures resting on massive well-built masonry abutments and piers.

The same evidence comes from Mr. Ridout, a gentleman who for very many years has been the officer delegated to examine the railways when they were paid their subsidies. I presume he examined the Drummond County road before the company got their subsidy The late government would not pay subsidies until the road was inspected and Mr. Ridout's certificate was furnished. I will just say a word or two as to the cost we are paying for the 132½ miles—that line with stations, sidings, tanks, land damages, and all $15,000 a mile, and that is the road that this Senate is asked to say forms the basis for a job. I ask this House, has any government in Canada at any time ever built a line of railway for $15,000 a mile, or been able to purchase a railway at any such figure? At $15,000 a mile it would cost $1,987,500. The interest at 3¼ per cent—that is certainly as low as it is possible to put it, because even at 3 per cent we cannot negotiate a loan under one-eighth, I have never known one to be negotiated for less—the interest on the amount would be $64,593,75 which is in excess of the annual payments to the Drummond County Railway, and you must recollect those annual payments cease at the expiration of the term. There is the statement, and figures will not lie and cannot be got over: we are paying only at the rate of $15,000 for that railway, and I ask you whether any similar road has been built in Canada for any such figures, or whether any government in building roads on its own account has been able to build a road for any such amount.

Hon. Mr. McCALLUM—It is too much if we do not want it.

Hon. Mr. WOOD—I do not understand what report the hon. gentleman is reading from?

Hon. Mr. SCOTT—I am taking the figures as they are. We are paying $64,000 for the 132½ miles of road. At $15,000 a mile the cost of the whole line completed, with stations tanks and everything of that kind, would be $1,987,500. I say that the interest on that amount at 3¼ per cent is $64,593.75 which is more than we are annually paying for the road. Our annual payment is $64,000. That would be leaving less than a fourth of one per cent for the sinking fund. Now I would ask hon. gentlemen what other roads have cost the government of this country? When the late government thought it was in the interest of the people of Canada to take over the Rivière du Loup line I am not aware that the Senate or any one else questioned the propriety of the government doing so. The road was run down, it was not in a fit state to be operated and yet the government of the country paid $12,000 a mile for it in the condition it was. The repairs on the road cost $1,076,939, making, together with the sum paid, $2,576,939, which is equal to $20,615 per mile. Nobody questioned the propriety of the government doing so. They were with the best possible motive endeavouring to raise the Intercolonial Railway from the annual deficits. I wrote the chief engineer to know the particulars of that purchase and I got this reply from him:—

DEPARTMENT OF RAILWAYS AND CANALS,
OTTAWA, 23rd June, 1897.

DEAR SIR,—In answer to your letter of this morning's date inquiring for details of the purchase from the Grand Trunk Railway Company of the Intercolonial Extension from the Rivière du Loup to the town of Levis, a distance of 125 miles, I

beg to inform you that the purchase money was $1,500,000.

The road, however, had previously been allowed to run down and was not in good condition, and after taking possession of it, it was found necessary to spend a large sum upon it, in ballasting it, relaying it with steel rails, improving the road bed and rebuilding some of the structures. The amount expended in bringing the physical condition of the road up to the standard of the Intercolonial was $1,076,939, paid Grand Trunk Railway Company $1,500,000; total $2,576,939: which is equal to $20,615 per mile.

Yours, &c.,

(Sgd.) COLLINGWOOD SCHREIBER.

The Honourable R. W. SCOTT,
Secretary of State.

Now, that transaction was not challenged. Nobody thought of challenging that and accusing the government of purchasing it from any improper motive. The government brought the road round to join the Grand Trunk Railway near Chaudière Junction. Later on, some time after that, the government were asked to build a direct line to Levis; so the government, at the instance of the people, who believed some advantage would grow from it, consented to build the fourteen miles known as the St. Charles branch. Did the Senate challenge that? The government built the branch I presume, from the very best motives, but still it did not give any important advantage. That fourteen miles cost as much or more than the 132½ miles we are buying, yet this House did not enter a protest because the government spent such a sum in building that road. Here is a letter from Mr. Schreiber on the subject:

OTTAWA, 23rd June, 1897.

The Hon. R. W. SCOTT,
Secretary of State. Ottawa.

DEAR SIR,—Answering your letter of this date on the subject of the St. Charles branch of the Intercolonial Railway, I beg to inform you that the land and land damages in the said branch, a distance of 14 miles, were estimated at about $320,000. The actual sum paid therefor was $935,777.86. The cost of construction was $822,763.39—altogether $1,758,541.25.

Yours very truly,

(Sgd.) COLLINGWOOD SCHREIBER.

The cost of construction of the 14 miles of the St. Charles Branch is about equal to the amount proposed to be paid for the 132½ miles of the Drummond County Road. One would have thought that, if anybody had been disposed to protest against unheard-of extravagance, this House would have been prepared to challenge that, yet it went by without a challenge—nobody said a word about it; and if the Conservative government had effected the purchase of the Drummond County Railway, do hon. gentlemen, in all fairness, mean to say that the Senate having approved of such extravagant projects as the St. Charles Branch without challenge, they would not confirm a transaction that can be defended before any fair audience in Canada from the Atlantic to the Pacific—a road that is to be made an extension of the Intercolonial Railway at a cost of $15,000 per mile, including land damages, sidings, stations and all the other et ceteras connected with it? Hon. gentlemen cannot point to any single instance where any government—I care not what government—has made so advantageous a bargain. The government of which I was a member, tried railway building, and found that it was a very dangerous thing for the government to attempt to build a railway—that the cost was also in excess of the estimates, and that it was a good deal cheaper to buy a road after the parties who built it were unable to sustain it. I have quoted the experience of the late government showing that it cost to build fourteen miles $1,758,541, while we are purchasing 132½ miles for a sum equivalent to $15,000 per mile. Is that a matter which should cause hon. gentlemen to pause before condemning this Drummond County Railway contract?

Hon. Mr. WOOD—I have a little difficulty in following the hon. gentleman. I understand him to say that the government in buying this Drummond County Railway consider they are buying 132½ miles of railway which they value at $15,000 a mile.

Hon, Mr. SCOTT—That is what t will cost us.

Hon. Mr. WOOD—That is, $64,000 a year for ninety-nine years that the government pay amounts to about $2,000 000?

Hon. Mr. SCOTT—Yes, the figures I gave my hon. friend.

Hon. Mr. SNOWBALL—Is it too high a price?

Hon. Mr. WOOD—I want to know what the price is. The reason I am asking the price is this: I do not wish to embarrass the hon. gentleman, but I understand the hon.

leader of the House to say when he was dealing with this question that the price they pay for the Drummond County Railway is $1,600,000.

Hon. Mr. SCOTT—He was taking it at four per cent.

Hon. Mr. WOOD—I understand the hon. Secretary of State now to say it is $2,000,000, and I want to know which is right.

Hon. Mr. SCOTT—It is a question of interest. My hon. colleague was estimating the interest at four per cent. He thought that would be a fair sum to pay. I am taking it at a different rate of interest. I am now giving the Senate the benefit of what I consider is the lowest rate of interest that could possibly be arrangedi.i a financial transaction of that kind. As far as my information goes, even in making our best loans we have to pay one-eighth commission.

Hon. Mr. LANDRY—If I understand the hon. gentleman, the $64,000 per annum will be paid during the period of ninety-years?

Hon. Mr. SCOTT—Yes.

Hon. Mr. LANDRY—What portion of that annuity is allowed for the payment of interest and what for the payment of sinking fund?

Hon. Mr. SCOTT—That is the whole amount.

Hon. Mr. LANDRY—The annuity comprises two portions, the interest and the sinking fund, and I want to know what is the difference between the two.

Hon. Mr. SCOTT—We made no calculation of that kind. Hon. gentlemen can do that if they please. I am making a calculation myself to show what it would result in if you take the amount at $15,000 a mile. Supposing you could build that road and equip it at $15,000 a mile the cost would be what I have said. Three and a quarter per cent on that makes the sum of $64,593.

Hon. Mr. LANDRY—What I want to know is if that sinking fund put out at compound interest during the ninety-nine years, would make up that $1,500,000 or a larger amount

Hon. Mr. SCOTT—It is pretty hard to tell that. I allow one-eighth per cent for the sinking fund. That is as little as one can allow—at all events I think that is a very fair proportion from my experience of transactions of that kind. The cost of the road has been variously estimated at—I think my hon. colleague quoted from the Minister of Railways and Canals—$1,600,000 and they were calculating that 4 per cent on it would be equal to $64,000. That cost I understand was independent of the land damages. It would appear that in 1894 the question of purchasing this road was being considered, although no action was taken, still it may be well to call attention to the fact. In order to pay a subsidy, the government require that the road shall be up to a certain standing. We have to assume that the road came up to the standard or the subsidy would not have been paid. If the land damages were to be anywhere on the basis of the land damages for the fourteen miles of the St. Charles branch, the land damages alone would amount to considerably over $1,000,000. At all events at that time the road was only opened for the seventy-two miles including the branch to Nicolet. In regard to the agreement, I desire to say a word or two, because it was asserted here this morning that the Grand Trunk Railway Company had the advantage in this contract that it had a superior position, so far particularly as the local traffic was concerned, and the opinion of Mr. Lount was quoted. I have been endeavouring, since I heard the statement, to find some basis or authority for that, and I failed up to the present time to do it. I would not need to ask Mr. Lount his opinion, or any hon. gentleman in this chamber. If he would only read the paragraphs affecting this question he would not need to refer to any lawyer as to the interpretation to be placed upon it, because I may here say that the Intercolonial Railway from Ste. Rosalie to the bridge and from there on to Bonaventure Station will stand in the same position as the Grand Trunk Railway. The Intercolonial will have the right to half the privileges, not only of the railway and bridges, but half of those terminals which to-day could not be replaced in the city of Montreal for ten million dollars. I do not know the exact figures, but other hon. gentlemen will know. The Grand Trunk have machine shops there and connections with the canals and a

vast amount of sidings and the government railway is to enjoy equal privileges in every way, even so far as local traffic is concerned. The Intercolonial between Ste. Rosalie and Montreal will stand just in the same position as the Grand Trunk Railway. The 15th clause reads as follows:

That the Intercolonial Railway shall have the right to carry in and on its through trains traffic to and from and between all points on the line of railway extending from Ste. Rosalie to Montreal, both inclusive, and in the conducting of its business between and including these stations shall have the right of conducting this business in as full and complete a manner as the company itself.

That is very plain. Nothing could be plainer than that. Then it goes on:

That the rates and fares charged between points on the joint section shall be those established by the company and to and from points on the Intercolonial Railway shall be the same by the company and the Intercolonial Railway.

It makes no difference in that case whether they are collected by Grand Trunk officials or not:

That all moneys collected in the vehicles and trains of the Intercolonial Railway at any and all points between and including Ste. Rosalie and Montreal shall belong to and be deemed to have been earned by Her Majesty, and the company shall not be entitled to receive any portion thereof: and that all money collected and received by the station masters, freight agents, ticket agents, baggage masters and any and all persons who may, from time to time, be authorized or instructed by the proper officials of the Intercolonial Railway to collect and receive money between and including Ste. Rosalie and Montreal for Intercolonial Railway business and traffic, including among other things car rental, storage of freight in cars and storage of goods in the company's warehouses and freight sheds, or collected and received for any other business in any way connected with the Intercolonial Railway, belongs to Her Majesty.

That is perfectly clear, that even moneys collected for travelling in cars belonging to the Intercolonial Railway, although collected by the ticket agents of the Grand Trunk Railway, shall be paid over to Her Majesty for the Intercolonial Railway.

That local tickets issued by either of the parties hereto for passage between and including Ste. Rosalie and Montreal or any intermediate station shall be accepted on all trains of either party hereto between said points, and the party who issued the tickets shall, on presentation of the ticket so used and collected, pay to the party who carried the passengers the full amount received for the said ticket.

That is a perfectly mutual arrangement. If the Intercolonial Railway carry the passengers they are paid. If the Grand Trunk Railway carry the passengers, although the ticket may be issued by the Intercolonial Railway, the Grand Trunk Railway get the money. Nothing could be fairer than that. Nothing could be on a more mutual basis than that arrangement, and that is the spirit of the whole arrangement, including all the advantages that will flow from having those terminals in the city of Montreal. What are those advantages of the terminals in Montreal? It is that the Intercolonial Railway is then on an independent foothold, that it can compete for travel between the cities of Montreal and Quebec, that it would have the advantage in that traffic and that I think is a very important point that it is a shorter line than the Canadian Pacific Railway on the north side and a shorter line than the Grand Trunk Railway on the south side.

Hon. Mr. CLEMOW—What is the mileage?

Hon. Mr. SCOTT—By Drummond County Railway, Quebec to Montreal is one hundred and sixty-one miles, and by the Canadian Pacific Railway it is one hundred and seventy-fonr.

Hon. Sir MACKENZIE BOWELL—It is one hundred and seventy-three.

Hon. Mr. SCOTT—It will be seen that the Intercolonial Railway will have an immense advantage in the traffic between those two cities.

Hon. Sir MACKENZIE BOWELL—How much shorter do you make it by the Drummond County Railway between Montreal and Quebec?

Hon. Mr. SCOTT—It would be eleven miles shorter than the Canadian Pacific Railway and thirteen shorter than the Grand Truuk Railway.

Hon. Sir MACKENZIE BOWELL—I make it fourteen miles shorter.

Hon. Mr. SCOTT—I might be wrong a mile or a mile and a half—I cannot tell. I took the figures from the time-table, but it is quite clear, so far as the mileage is concerned between those two cities, that the Intercolonial will have the advantage, and

that they must reap a very large advantage from being the shorter line. The Intercolonial management can go into the market and compete for the travel, just as the Canadian Pacific Railway and Grank Trunk Railway do, and the important part of this arrangement is the fact that all over the Dominion, wherever the Grand Trunk Railway and its branches extend, the agents of the Intercolonial Railway have a right to make contracts for travel over the Intercolonial Railway from Montreal to Halifax. They have that right, and the Grand Trunk Railway is bound to carry their traffic to Montreal and give it to the Intercolonial Railway. Is not that an immense advantage? Is not that placing the Intercolonial Railway where it never was before? It never had the opportunity of securing any traffic outside its immediate vicinity, and I need not quote the past history of that road. It has been year by year simply heaping up deficits. An hon. gentleman asked what were the advantages. It did appear to me that any one familiar with traffic arrangements must have seen that the arrangements contained in this agreement were so manifestly valuable that it did not require any argument. The Intercolonial Railway is to be placed at the foot of navigation of the St. Lawrence and great lakes. The Intercolonial Railway will obtain traffic that comes west of Montreal over the Grand Trunk Railway, and, not only that, but they are on a level with the Grand Trunk Railway and the Canadian Pacific Railway in the city of Montreal in the enormous traffic that comes from the great lakes to Montreal, and for the enormous traffic that goes out and comes into the city of Montreal from the maritime provinces. The hon. gentleman should not require any argument to recognize the immense value that that is. I have under my hand the report of Mr. Pottinger and Mr. Schreiber, who are probably in the best position to know whether there are to be any benefits, and what they will be. They are two gentlemen who have been prominently connected with the Intercolonial Railway for many years and have no doubt been endeavouring to devise means by which that deficit could be removed, because it was always a reflection on the officers having charge of the road that the annual report shows a loss. There has been no interest paid on capital account, and in addition there has been this annual loss charged to the people of Canada. Here is the estimate made by Mr. Pottinger and Mr. Schreiber, not a hasty estimate, but one that they have taken time to consider and to think over, and they have judged it by the traffic of the last few years. You know very well that the first year in which a railway gains access to any point where there is competitive traffic is never as good as it subsequently obtains—that they have got practically to bid for the business. Here are the official returns for 1895-96:

ESTIMATED traffic on the Intercolonial Railway for the first full year of operation after being extended to the City of Montreal.

—	1895-96.	After extended to Montreal.
Length of road in miles...	1,142	1,295
Gross earnings.....	$2,957,640	$3,885,000
Working expenses.....	3,012,000	3,365,000
Profit..		$520,000
Loss	$ 54,360	
Tons of freight carried...	1,379,618	1,698,000
No. of passengers carried..	1,471,866	1,700,000

(Sgd.) COLLINGWOOD SCHREIBER,
D. POTTINGER.

The estimate is based on a full knowledge of the subject; they must be in a position to know what the working expenses will be of the additional one hundred and sixty-one miles. They put down working expenses including extra mileage to Montreal, $3,365,000.

Hon. Sir MACKENZIE BOWELL—What are the working expenses?

Hon. Mr. SCOTT—$3,012,300, and when extended to Montreal they estimate the working expenses $3,365,000.

Hon. Mr. MACDONALD (B.C.)—And to that you add the yearly rent $212,000.

Hon. Mr. SCOTT—Yes. The tons of freight carried last year were 1,379,618. They estimate that if the road is taken to Montreal the tons of freight carried—and you will agree with me that that estimate is not certainly an extravagant one—will be 1,698,000. The number of passengers

actually carried on the Intercolonial Railway last year was 1,471,866. They estimate that when extended to Montreal they will carry 1,700,000. That is on the average in round numbers of about 1,300 passengers to the mile, and I ask hon. gentlemen whether the average number of passengers between Montreal and Quebec will not be far in excess of the number of passengers carried on those sections of the Intercolonial on the east side of Quebec. Yet basing it on that standard, taking the estimate as a low estimate, every one will admit that the passenger traffic will be larger pro rate per mile, and how does the profit and loss come out on this transaction? Last year the loss was less than on some previous years, but it amounted to $54,367, and they estimate that bringing the Intercolonial Railway to Montreal on the terms now proposed by the government, the profit will be over $500,000, and that proposal the Senate is asked to condemn.

Hon. Mr. MACDONALD (B.C.)—Is that less rent?

Hon. Mr. SCOTT—I do not know whether it includes rent or not.

Hon. Sir MACKENZIE BOWELL—Your own figures show it includes it. It estimates the probable increase in passenger traffic and draws the result.

Hon. Mr. SCOTT—What will be the profit? Three hundred and ten thousand dollars. That would be the difference supposing you charged it up to two hundred and ten thousand dollars that we are going to pay, yet they show a profit of three hundred and ten thousand dollars. That is the estimate of Mr. Pottinger and Mr. Schreiber. Those two gentlemen have discussed it together. They are familiar with the traffic and charging it with the two hundred and ten thousand dollars, and yet it leaves a profit of over three hundred and ten thousand dollars, instead of a loss, and this is the project which we are told is a corrupt bargain, and done, not in the interests of Canada, but proposed to further the interests of some gentleman who has been subscribing to some of the funds in connection with the late elections—a pure business transaction which we thought we were entering into for the benefit of the country, has not only been met in a hostile spirit, but we are denounced as corrupt, though the road has been bought for a less figure than has ever been paid for any railway before. You can point to no transaction in Canada which will at all compare with the economical features of this transaction, and yet the Senate is asked to throw out the bill and say to the people of Canada, "You shall not get the benefit of this transaction." It is quite true that the best authority that can be quoted, the only authority that can be quoted—not politicians but business men and experts, and whose reputations are at stake in this matter — say, "If you adopt this arrangement, you will be saving to the people of Canada nearly half a million dollars," because if you add the deficits to the three hundred and ten thousand dollars you bring it up to nearly half a million, which is saved to this country by this transaction which the Senate is now asked to condemn. Is there a fair basis for that condemnation? Is there on the face of the papers we have submitted to you any justification for the action which it is proposed that this House shall take to throw out this bill? Will the people of Canada think you have acted for their best interests if it can be made to appear by officers who are in no sense political allies, who have had charge of this work, who are most interested in showing a credit instead of a debit annually on this road, who come forward with figures showing us the tonnage in the past and the tonnage they know will be obtained by this extension, and that they say to us there will be an advantage to the people of Canada of nearly half a million dollars annually by the adoption of this proposal, and we are asked to throw it out because, forsooth, somebody inspired the Montreal *Star* and some other Tory papers to take up the hue and cry that this was a corrupt arrangement instigated by whom? By parties who were unable to unload a project on the government, although some of them were friends and allies and supporters of the government, yet because we would not accept their job in preference to a business arrangement, they by subsidizing the person circulating those reports endeavour to destroy the character of gentlemen in this country who never heard of this road until a few months ago when this arrangement was projected.

Hon. Mr. POIRIER—Does the hon.

gentleman wish us to infer that these papers that spoke against the bill were subsidized?

Hon. Sir MACKENZIE BOWELL—The hon. gentleman said so.

Hon. Mr. SCOTT—It is quite likely they have some motive, perhaps political. It was certainly done for a purpose. Some papers took up the cry and they never examined the items and never saw these reports of the road. They killed the bill before it came to the Senate. I was amazed when I read in the papers last week that there was any such feeling in this House. I was not aware of it.

Hon. Sir MACKENZIE BOWELL—You never laid those reports before the Senate until the 16th. How could they condemn it?

Hon. Mr. SCOTT—The matter was not thought to be of that supreme importance. Here the House of Commons were engaged in a task that absorbed and monopolized all the attention of that House in connection with the tariff and with the estimates, and it was impossible.

Hon. Mr. McMILLAN—It was of sufficient important to be mentioned in the speech from the Throne.

Hon. Mr. SCOTT—Yes, and there were other measures which were mentioned in the speech and only taken up the other day. It was a commercial matter involving the outlay of money and had to be brought up first in the Commons, but I never heard the government condemned because they did not bring it down earlier. It has not been the principle in the past to do that. I am not going to defend the withholding of measures, because I have complained of that myself, but it is sometimes impossible to get measures down early in the session.

Hon. Mr. ALMON—If my hon. friend would prove the statement that the papers were subsidized, it might have a great effect on the vote we are about to give.

Hon. Mr. SCOTT—What did it cost to build the North Shore Railway?

Hon. Mr. ALMON—That is not an answer to the question I asked.

Hon. Mr. SCOTT—It was built by a good Conservative government. It is reputed to have cost $7,000,000 and we know the Canadian Pacific Railway paid $4,000,000 for the road without those terminal advantages. It had only a small station in the east end of the city of Montreal, and yet they paid $4,000,000 for it without any of the advantages offered under this arrangement.

Hon. Mr. OWENS—The Canadian Pacific Railway obtained the greatest possible advantages in Montreal.

Hon. Mr. SCOTT—They had to pay for them wholly apart from the four million dollars paid for the North Shore. In the first place, it cost seven million dollars, and the Canadian Pacific Railway paid four million dollars for it, and they have since paid about five millions in Montreal for terminals.

Hon. Mr. OWENS—Did the four millions include the terminals?

Hon. Mr. SCOTT—Would seven million dollars purchase the terminals of the Grand Trunk Railway at Montreal, taking the large area at Point St. Charles and the works at the canal, and the sidings? What would be the use of building to Montreal if we had to build a bridge and buy terminals there? It would be absolutely ruinous. It would be very proper, I think, then, for the Senate to condemn the government because the expenditure would be so enormously in excess of any value. We do not propose to add to the debt of this country. We propose to pay so much annually, and we tell you what we are going to give and we say give us access to the city of Montreal by the Grand Trunk Railway and we will give you two hundred thousand dollars a year without adding one cent to the debt, whereas, if we ourselves undertake to build that railway, it would cost a large sum of money with the terminals—it might cost ten or fifteen million dollars. That two hundred and ten thousand dollars we pay annually will be more than covered by the increased earnings of the Intercolonial Railway, and Canada will not be called upon to pay one fraction of it.

Hon. Mr. MACDONALD (B.C.)—That is hypothetical.

Hon. Mr. SCOTT—I have given you the basis upon which I form my judgment, and

my hon. friend will not challenge that statement made by Mr. Pottinger and Mr. Schreiber.

Hon. Sir MACKENZIE BOWELL—Have you that report of Mr. Pottinger?

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—Mr. Blair stated in the House that they had no report.

Hon. Mr. SCOTT—I wrote to those gentlemen and told them I must have the report. I will lay the report on the Table in a few moments. I do not know that there is any other point to which I need call attention. I can bring, in addition to the evidence before the House, innumerable instances where the government of this country have paid very much larger sums than we are paying for this project. I have taken as an illustration the line adjoining, and I have shown that you have paid not fifteen thousand dollars a mile but fifty thousand dollars a mile for a connecting link, for fourteen miles of the St. Charles branch to Levis, but you are now asked to approve of the present agreement for the one hundred and thirty-two and a half miles for a very much less rate. Hon. gentlemen may smile, but these are facts which cannot be got over, and it will be for the people of Canada to say whether the government have produced evidence which will justify this House in refusing to accede to the action of the House of Commons.

Hon. Mr. PROWSE—With nineteen thousand of a minority of the people of Canada.

Hon. Mr. SCOTT—I do not catch what the hon. gentleman says. The vote was taken on the 23rd of June last. The people of Canada voted to change their confidence.

Hon. Mr. FERGUSON—Was this question before the people?

Hon. Mr. SCOTT—The general administration of the affairs of this country was before the people. This question was not particularly discussed.

Hon. Sir MACKENZIE BOWELL—Hear, hear.

Hon. Mr. SCOTT—The people of Canada would have the right to censure the government if they could make no better showing on the Intercolonial Railway than the late government have done. That is one of the arguments brought over and over again, that the Intercolonial Railway had not been properly administered, and was a drag on the people of this country and a great expense to the government. That was a question before the people at the polls, and it was a question that was repeatedly brought up, and it was the duty of the government at the earliest possible moment to devote their attention to the points which would enable them to consider in what way the Intercolonial Railway should be managed so as not to be a heavy charge on the people of the country. They have arrived at a solution, and they have shown hon. gentlemen, on the statements of men who are best able in the whole of Canada to make a report, that if this project is carried out, instead of a deficit, there will be a gain to the people of Canada of nearly half a million a year. And yet, if I correctly judge the spirit of a large number of gentlemen in this chamber, they will say that rather than give the government authority to go on and complete the proposal and remove the deficits, that that deficit shall continue to exist on the Intercolonial, that it shall be made tributary to the Grand Trunk Railway, and that it will be a charge of from $50,000 to $250,000 a year on the people of Canada. I do not think the people of Canada will endorse any such action. I think the people of Canada will be prepared to say that for nearly 20 years the late government failed to bring the accounts of the Intercolonial Railway up to a level year by year, and large deficits were shown, and here is a proposal by which, on the authority of the only two gentlemen who are capable of expressing an opinion, the deficit is to be removed and a large profit assured to the people of Canada. And yet the Senate will say "No, rather than pass this bill in the Senate we will continue to see deficits on the Intercolonial Railway." That is the verdict this House is asked to give. That is the appeal that is made to them to throw out this bill, to teach the government the lesson that they have no right to interfere with the Intercolonial Railway management by bringing it to Montreal before it was submitted to the people. I say that we did submit to the people at the last election that we should, by the adoption of some policy

which we would inaugurate, change the accounts of the Intercolonial Railway; and we have submitted a business proposition to you, which, if submitted to the people, would be endorsed by them to-morrow. Until the articles appeared in the Montreal papers about this matter I had not heard one single gentleman in this Senate express a hostile opinion. The opinion might have been expressed by some one, but I did not know it.

Hon. Mr. McKAY—We did not know anything about it.

Hon. Mr. ALMON—I told you if you proved what you said it would have a great influence.

Hon. Mr. SCOTT—I have given a plain statement of the facts and I trust and believe that the calmer judgment of this House will say that it is infinitely better to pass this measure than to defeat it: that if the anticipations of the government, based as they are on reports, are wrong, that you will have an opportunity of criticising the conduct of the government better than if you throw out the bill. It is not at all likely that there can be deficits in the future. But of course Mr. Pottinger and Mr. Schreiber may be mistaken.

Hon. Mr. ALMON—Mr. Schreiber gave an opinion as to the Curran Bridge which I think was perfectly right, and the judges so found, but your party, through the newspapers, said his judgment was not at all reliable. Am I correct in that?

Hon. Mr. SCOTT—I cannot understand what the hon. gentleman is driving at. I cannot understand what he wants me to infer. He talks about Mr. Schreiber and the Curran Bridge.

Hon. Mr. ALMON—Mr. Schreiber gave an opinion of the Curran Bridge which your party said was a swindle and fraud and scandal. He examined the work and said the work was perfectly good. I understand it was referred to judicial authorities and they said Mr. Schreiber was right. Your party did not think Mr. Schreiber was correct, but still you want to force him on us now. I believed him then.

Hon. Mr. SCOTT—I do not propose to make any apology for the Curran Bridge. I know nothing of it except what appears in the blue book. Some hon. gentlemen wish to see this report of Mr. Schreiber and Mr. Pottinger's. I now lay it on the table for their inspection. I hope hon. gentlemen, before expressing any final opinion on this matter, will really disabuse their minds of any influence that may be brought to bear by the newspapers. The newspapers are not good authority for this House to quote. We know that newspapers are always in the interest of political parties, both on one side and the other. I do not claim for the papers on the Liberal side any greater immunity from reproach than the papers of the Conservative party. They act from influences which they think are going to benefit their party, but it is not always safe for us to be guided by inspirations of that kind, and I say, in view of the facts and figures which I have submitted to-day to the Senate, this House will make a very grave mistake if, on the present occasion, they act on the suggestion of throwing out this bill.

It being six o'clock the Speaker left the chair.

After Recess.

Hon. Mr. WOOD resumed the debate. He said: I desire to say at the outset of my remarks that in the observations which I may address to the House, I desire to be governed by the rule which the hon. leader of the House himself laid down, that is, to treat the question which is now under consideration as a business question, and to deal with it on business principles. So far as I am concerned, I do not wish to judge it from any other standpoint. With regard to the observations which the last speaker addressed to the House, I have very little to say. He referred to some newspaper report. I can only say, with regard to these, that until I heard them read in the House to-day by the hon. leader of the opposition and by the hon. Secretary of State, I had not seen them. They have had no influence upon me whatever. I believe that I am not as regular a reader of newspapers as some of my friends who sit around me. The hon. gentleman criticised these articles that had appeared in the newspapers. The criticism that he offered was that he thought the editors had written those articles without having fully understood them or studied the

question. If I were to criticise the speech of the hon. Secretary of State, I think I should feel like making a somewhat similar comment. I judge from the nature of the observations he has addressed to the House that he had not given this question very full or careful consideration. The hon. gentleman referred to some other matters which perhaps I should mention, but which I do not wish to refer to, as I consider they are entirely foreign to the subject we are discussing. The hon. gentleman referred to the large amount which the government paid for the acquisition of the Rivière du Loup branch of the Grand Trunk Railway in 1879. As I understand that transaction, the amount paid was not considered the fair market value, if I may use the expression, of that portion of the road at that time. There were certain conditions attached to that purchase, that an amount of money was to be retained by the government and to be expended by the Grand Trunk Railway Company on extensions of their line in other directions, chiefly, I believe, for the purpose of obtaining a connection with Chicago, and that these extensions were to be made with this money subject to the approval of the government. However, I do not intend to discuss that question, nor to discuss the cost of building the branch line at St. Charles—the branch from the Intercolonial Railway to Point Lévis, opposite Quebec. I admit that the cost of that branch seems to me to be an enormous sum. Why it cost such an extravagant sum I am not able to say. I thought that the real object which the Secretary of State had in adverting to these matters at all was to call the attention of this chamber to the fact that these measures, when they were submitted by the late government to the Senate, were passed in the Senate because the majority were in sympathy with the general policy of the late government, and that if the majority of the Senate in this case threw out the measure which is now submitted for our consideration, he would infer that they were influenced purely by party motives in doing so. If that was the argument which the hon. gentleman intended to make, I simply wish to say, that so far as I am concerned I do not intend to be, and I hope I shall not be influenced by party feeling in this matter. I assume that when these matters to which the hon. gentleman made reference were submitted to this House they received due and careful consideration, and if they met the approval of the House they no doubt were sanctioned in this chamber. I propose that this measure now before us shall be dealt with on its merits and on the principle which the hon. leader of the House himself laid down, that is, the business features of this transaction. The hon. Minister of Justice in submitting this bill for our consideration said that he did not think that the policy of extending the Intercolonial to Montreal would be questioned by any person. That is a pretty broad and sweeping assertion. I am not prepared to say whether the general public may approve of this extension or not. I believe it is a somewhat new question. While it may have been discussed in some newspapers in parts of the Dominion, and while individuals may have discussed the project or expressed opinions upon it, I am not aware that it has ever been a question for general discussion throughout the country, or that there has been any very pronounced public opinion expressed upon that point. Certainly, during the long years that the Intercolonial Railway has had its terminus at Point Lévis, if there had been any very strong public opinion in favour of having it extended to Montreal, it seems to me a rather remarkable fact that it has never found expression, in some way up to the present time. However, on the question of policy, I have just one or two observations to make, and I desire to say at the outset that on general principles I am opposed to the government owning and operating railways. I think the general policy adopted in this country in the past, of allowing private companies to own and operate the railway system of the country, and where it has been found necessary to do so, to grant them subsidies and aid in the construction of those works, is a far better policy than placing these great public highways under the ownership and control of the government. When the Intercolonial Railway was constructed there were exceptional reasons why it was built as a government work. At the time of confederation there was no railway communication between the maritime provinces and the great provinces of Quebec and Ontario in the west. One of the terms upon which those provinces entered the union was that railway communication should be established between them, but at that time it was generally ac-

knowledged that a railway constructed between the maritime provinces and the great centres of the west would not be a property in which any capitalist would be willing to invest his money. No capitalist, I venture to say, could be found, either in this country or in any other country, that would be willing to risk one dollar in that undertaking at that time as a commercial enterprise. In deed, so doubtful was the government at first as to what might be the result of the operation of that railway, that they appealed to the Imperial government for aid and assistance, and the Imperial government aided the construction of that road by guaranteeing the interest upon a large loan to be used for its construction. These were the reasons which operated at that time to have the Intercolonial Railway constructed as a government work. The policy of enlarging the government ownership of railways, or extending the system of railways which the government own and control is, therefore, a new policy, and to my mind, it is a policy which, while it may in this case have something to be said in its favour is, on general principles, open to grave objections. It is not a policy which should be hastily entered into, but a policy which should be very carefully discussed and very fully considered. The grounds upon which this policy has been advocated, so far as I have been able to discover from the observations which have been addressed to this House and the observations which have been addressed to the other branch of the legislature by the Minister of Railways and Canals, are, first, that the Intercolonial Railway, by being extended to Montreal, and having its terminus in that great commercial centre, will be in a better position to compete for freight. I endeavoured to get some estimate of the probable increase of freight. We only obtained that a few moments ago, and have not been able to give it careful consideration. I can only say with regard to it that I am disappointed in the nature of the report which has been submitted to us. It is of a very general character indeed. It gives us the gross earnings and operating expenses last year of the Intercolonial Railway, which is 1,100 or 1,200 miles in length. It tells us what, in the opinion of Mr. Pottinger and Mr. Schreiber, the earnings and operating expenses during the first year, after this extension is completed to Montreal, will be. They give us an estimate of the number of additional tons of freight and the number of additional passengers which they think the railway will carry after this proposed extension is completed. The number of tons of freight carried in 1895-96 was 1,379,618. The number which they estimate would be carried after this road is extended to Montreal is 1,698,000, the increase amounting to about 320,000.

Hon. Mr. POIRIER—Carried from where to where—from Montreal to Quebec or Montreal to Halifax?

Hon. Mr. WOOD—That is the point to which I was about to refer.

Hon. Mr. SCOTT—Of course, it would be different points.

Hon. Mr. WOOD—I was about to say that this statement is a bald statement of what, in their opinion, would be the additional number of tons of freight carried, locally or otherwise, over the whole length of the Intercolonial Railway after it was extended into Montreal. What I should have liked to know, and what would have aided us in forming an opinion in regard to the wisdom of this policy, would have been a statement showing what we might expect to derive as local freight or through freight from this extension to Montreal. This report, unfortunately, gives us no details with regard to that. The number of additional passengers they estimate at something like 200,000. It is evident, however, in regard to both freight and passengers, that they must be principally local. I have not had time to make the estimates, but if any hon. gentleman will take the pains to make the estimate he will see that it is utterly unreasonable to suppose that there will be anything approaching that increase of through traffic between Montreal and the Maritime Provinces, either in passengers or freight. That calculation might be made by showing how many passengers that would be per day and how many tons of freight it would be per day. We have all travelled over the Canadian Pacific Railway to St. John, and the Intercolonial Railway to Moncton, and know about the average amount of travel and freight that go over those two lines at the present time. But leaving aside the question as to what may or may not be the increased traffic, as

the result of the extension of this line to Montreal, to my mind there is a far more important question than that involved. The simple fact of increase of traffic is not, to my mind, a sufficient reason to justify the adoption of this policy. It depends on the nature of the traffic that is to be acquired rather than its amount. If this traffic is to be simply local traffic between Montreal and the maritime provinces, and if the Intercolonial Railway being extended to Montreal creates no new traffic, it does seem to me that to divert local traffic from existing lines owned and operated by private corporations, is no justification for extending the government railway. The government propose to use the credit and means of the country to extend the railway to Montreal, to enter into competition for local traffic with existing lines controlled by private companies. As a matter of policy, if those are the grounds on which they seek to justify the arrangement, it cannot fairly be justified. By using the same argument we would justify the extension of the Intercolonial Railway to Toronto and the other great centres in the west. No one will dispute that if that policy were adopted the Intercolonial Railway might be, and no doubt would be, successful in diverting a considerable portion of traffic from the west to the maritime provinces from the existing lines which carry it at the present day. There is one reason which might have been given in support of this policy, and which I admit would have had very great weight in my mind. If the government had been able to show that by extending the Intercolonial Railway to Montreal they would be in a position to divert to the Intercolonial Railway, not local traffic from other lines, but a considerable portion of the through traffic from the west to the ocean which now finds its outlet over the railways running to Portland and Boston they would have furnished us with an argument which would have had a very strong influence upon my judgment with regard to this matter.

Hon. Mr. SCOTT—The contract provides for that. I read the contract.

Hon. Mr. WOOD—Will the hon. gentleman point out the clause to me? I have been unable to find it.

Hon. Mr. SCOTT—The Grand Trunk Railway Company undertake to carry any traffic that may be picked up by the Intercolonial Railway agent in Ontario and western points.

Hon. Mr. WOOD—Which is the clause?

Hon. Mr. SCOTT—I think it is clause 40—that is one clause. I think 40, 41 and 42 all make provision for that.

Hon. Mr. WOOD—I must take issue with the hon. gentleman upon that point. Clause 40 reads as follows:

40. That notwithstanding anything contained in any agreement between Her Majesty and the company heretofore made and now existing, all traffic offered the company at any point on its lines west of Montreal which the shipper desires to ship via the Intercolonial at Montreal shall be billed by the company for shipment in such manner, and the company shall deliver all such traffic to the Intercolonial Railway at Montreal, and passenger tickets for any point on the Intercolonial Railway east of Montreal shall be sold by the company's agents at all stations and agencies on its lines west of Montreal.

Hon. Mr. SCOTT—Go on.

Hon. Mr. WOOD—The balance of the clause is as follows:

—On request via Montreal by the Intercolonial Railway, and such ticket holder shall be entitled and shall be permitted to take the trains of the Intercolonial Railway at Montreal for such points easterly on the Intercolonial Railway.

That clause simply provides, if hon. gentlemen will note it carefully, that the Grand Trunk Railway, in selling tickets from any point west ——

Hon. Mr. SCOTT—And freight too.

Hon. Mr. WOOD—Selling tickets or receiving freight at any point west for some point east on the Intercolonial Railway local traffic, for points on the Intercolonial Railway in the maritime provinces, shall bill that traffic over the Intercolonial Railway between Montreal and Lévis, and not bill it over the Grand Trunk Railway between those two points. That is all that the clause provides. It does not refer to one carload of through freight.

Hon. Mr. POWER—Will the hon. gentleman look at clause 44?

Hon. Mr. WOOD—The hon. gentleman calls my attention to clause 44, which I shall read:

That as regards traffic shipped to and from Europe and the British Isles through Halifax per

Intercolonial Railway, the rates of the company for the carriage of such traffic west of Montreal shall not be higher per passenger per mile, and per ton of freight per mile, than the amount per passenger per mile, and per ton of freight per mile, charged by the company on similar classes or descriptions of traffic carried by it for others to and from the same places, and intended for or coming from the same place in Europe or the British Isles. In ascertaining such rates of freight, all drawbacks or deductions allowed are to be taken off before fixing the rates.

If the hon. gentleman can find anything in that to support his contention, I should like to have it pointed out. There is nothing in it whatever to prevent the Grand Trunk Railway from using all its powers and all its influence in every possible way to send every car load of through traffic which it receives in the west, or which it can obtain, to Great Britain via Portland, over its own line in preference to the Intercolonial Railway.

Hon. Mr. LANDRY—Hear, hear.

Hon. Mr. WOOD—When the hon. Secretary of State interrupted me, I was making this argument, that if the government had shown, or could show, that by extending the Intercolonial Railway to Montreal it would be in a position to divert any considerable portion of travel or traffic to the Intercolonial Railway and to our maritime seaboard which now finds its outlet via the United States through Portland and Boston, it would be a strong argument in support of the policy which they are advocating, but I say, and the interruption of the hon. Secretary of State only confirms the point I am making, that no provision of that kind whatever has been made and no reason has been advanced by either of the gentlemen representing the government who have addressed the House, why we should expect such a result to follow. For my own part, I have studied this question with such care as I have been able to give it since the facts were submitted to the House, and after careful consideration of the question, I can see no reason whatever to warrant me in reaching a conclusion that the Intercolonial Railway, by extending its line to Montreal, will succeed in diverting from other lines any portion of the through traffic between the west and Europe. In support of my position, let me just call the attention of the House for one moment to the origin of that traffic, to the lines which control it, and to the course which it would naturally take in reaching its destination. I think we all will admit that the through traffic which comes to Montreal from the west comes principally through three great channels, the Canadian Pacific Railway, the Grand Trunk Railway and the water borne traffic which comes via the lakes and the canals. So far as I can see, the Intercolonial Railway, by extending its line to Montreal, will not be in one whit a better position to get through traffic from any one of these three sources than it is to-day. Take first the traffic which comes via the canals and lakes. That is water borne traffic which comes through the season of open navigation, when ocean steamships are lying at Montreal ready to carry that traffic to its destination on the other side of the ocean. That through traffic is invariably transferred from the craft which bring it to Montreal via the canals and lakes, to the ocean steamships which carry it to its destination on the other side. There is no intervention by any railway company. Take the traffic which comes by another great channel, the Canadian Pacific Railway. At the present time, through traffic coming to Montreal by the Canadian Pacific Railway, is forwarded by the same line over its own road, via St. John to a seaport in the maritime provinces. No member of the House, I venture to say, will assert that when the Intercolonial Railway is extended to Montreal, the Canadian Pacific Railway will be any more willing to transfer through traffic to the Intercolonial Railway, at Montreal than it is to-day. Then, take the traffic which comes by the other channel, the Grand Trunk Railway. If this extension has any influence whatever upon the traffic coming over the Grand Trunk Railway, it will be to divert it, not to the Intercolonial Railway, but to Portland. When the through freight coming over the Grand Trunk Railway—I am speaking altogether of through freight now—was transferred at Lévis, the Grand Trunk Railway received a larger percentage for carrying that traffic and the inducements were larger for sending through traffic that way. The Grand Trunk Railway had greater inducements for sending through traffic via the Intercolonial Railway to Halifax or St. John, when it transferred that traffic at Lévis than it will have if it transfers that traffic at Montreal, for, as I said before, its pecuniary interests lie to a greater extent in sending it in that

direction, because it had the long haul and received a larger percentage of the through rate for carrying that traffic. When the Intercolonial Railway is extended to Montreal, that will be changed, and the provision which the hon. gentleman has just referred us to in this agreement only increases the difficulty, for if that provision has any force whatever it is a provision that even if the Grand Trunk Railway desired to send through traffic via Halifax, they could not send it over their own line from Montreal to Quebec but would have to transfer it at Montreal. The effect of that provision, if it has any effect at all, will be to place greater inducements before the Grand Trunk Railway than they ever had in the past to divert every possible carload of freight that they can from the seaports of the maritime provinces and send it over their own line to Portland. I have said this much with regard to this great question, this question of the wisdom of the policy of extending the Intercolonial Railway to Montreal, and I propose to leave it with the simple observation that, in my opinion, no sufficient reason has yet been given in justification of that policy, that on general principles I am opposed to the government ownership of railways—I am opposed to the government extending its present system of railways, unless some amply reasons can be given why that policy should be adopted. I will now turn from that point, for I do not wish to occupy the attention of the House at too great length, and offer a few observations upon the terms of the contract which have been entered into. At the outset I may say that this contract, as we all observe who have read it, is lengthy and somewhat complicated in its details, and the time at our disposal since it has been placed in our hands has not been sufficient to give it that careful consideration which its importance merits. I shall, therefore, not detain the House by going through very many details of this contract. I propose merely to express my opinion with regard to some prominent features of it, and I shall confine my observations to those features in regard to which the data given us and the information in our possession enable us to reach an intelligent conclusion. The first part of this contract is an agreement between the government and the Grand Trunk Railway Company, and the main provisions of this contract are that the government acquires an undivided one-half interest or equal running rights whichever we choose to call it, over the portion of the Grand Trunk Railway between Ste. Rosalie and Victoria bridge. It acquires also the right of running the Intercolonial Railway trains over the Victoria bridge, and the right of the use of Bonaventure Station and all the terminal facilities which the Grand Trunk Railway Company has in the city of Montreal. For these properties and rights which it acquires under this contract the government undertakes to pay the Grand Trunk Railway Company annually the sum of one hundred and forty thousand dollars. That is certainly a pretty large amount. It represents if we estimate the interest at five per cent, a capital expenditure of $2,800,000. If we estimate interest at three per cent, which the government would have to pay in England, it represents a capital expenditure of $4,666,000. These are large sums, and it is perhaps, difficult for a person who has not a large experience in these matters, to hastily come to a conclusion as to whether this is an extravagant sum to pay for the property and rights acquired, or whether it is not. We have to form the best judgment we can from the details, and from the data which have been placed before us. So far as I myself am concerned I must say that I think in assenting to the payment of this large sum, the government have manifested a degree of extravagance which this parliament will not justify. I will give the reasons which have led me to that conclusion. They may commend themselves to the judgment of the House or they may not. According to the report of the Minister of Railways, in the little blue book which has been laid upon our desks to-day, this sum of $140,000 is distributed as follows: $37,500 represents the rental of this portion of the line from Ste. Rosalie to Victoria bridge; $40,000 represents the rights which the government have acquired of running Intercolonial Railway trains over the Victoria bridge; $62,500 represents the rental of the privileges and rights which the government acquire in the use of Bonaventure station and the terminal facilities of the Grand Trunk Railway in Montreal. Take first the piece of road between Ste. Rosalie and Victoria bridge, thirty-five miles long. For this the government propose to pay a rental of $37,500. If we estimate interest at five per cent—and I think, if I read aright what has been said

in the other House by the Minister of Railways and interpreted aright what has been said by the hon. gentlemen who represent the government in this House, they arrive at this sum by fixing the value upon this 35 miles of railway and fixing the rental at five per cent on one-half that value. If I am wrong in this I shall be very glad if the hon. leader of the House will correct me. $37,500 at five per cent represents a capital investment of $750,000. If that represents half the value of the line between Ste. Rosalie and Victoria bridge, the whole value of that line would be $1,500,000, which represents a cost of $42,857 per mile for 35 miles of railway. I do not know what the judgment of other people may be, but my judgment is that that is a very high price to fix as the value of that road at the present time, and upon which to base a rental valuation of five per cent. But this is not all: Section 35 of the contract or agreement must also be read in connection with this transaction, and section 35 provides:

> That if at any time hereafter the business or traffic shall, in the opinion of the parties hereto, necessitate or warrant the laying of double tracks between and including Ste. Rosalie and St. Lambert, or the making of more extensive yard improvements at Point St. Charles or intermediate points between that point and Bonaventure station, or the laying of additional tracks between such points, or shall warrant or necessitate any further expenditure—

and so on. Perhaps it is not necessary for me to read the whole of the clause:

> Her Majesty shall pay annually for the use of any such works and improvements five per cent upon one-half of the actual cost to the company of the construction of said works and improvements.

I do not think there is any hon. gentleman here who will not admit that the time has come, or will come in the very near future, when the Grand Trunk Railway between Ste. Rosalie and St. Lambert will need to be double tracked, and we are safe, too, in assuming that when that necessity arises the government will be obliged to assent to it, and if they do they will be obliged to incur an annual obligation equal to five per cent upon half of the money actually expended. I have not at hand any very correct data to enable me to determine what the cost of double tracking that line of railway might be. I think, however, from such information as I have been able to obtain from different sources, that I am safe in assuming that it will not be less than $6,000 per mile, and probably it will not exceed in any case $10,000 a mile. That is quite a wide margin, but, as I say, I have no data for arriving at a correct conclusion. I propose, for the sake of the argument which I am making, to allow the doubt, if there is any doubt, to be on the right side, and assume that it can be double tracked for the small sum of $6,000 per mile. That would represent, for 35 miles of railway, a capital expenditure of $210,000 and under this contract the government will be obliged to pay interest for all time to come on one-half of that sum, or $105,000. The interest upon that at 5 per cent amounts to $5,250, and, when this is added to the $37,500 which they are obliged to pay at once under the present contract, we have a total annual obligation, when this road is double tracked, equal to $42,750. I said that I had come to the conclusion that that was an extravagant sum to pay, and the reason I come to that conclusion is that $42,750 represents to the government, who can borrow money at 3 per cent, a capital expenditure of $1,425,000. That is within $75,000 of the value which I understand from the government they place upon the Grand Trunk Railway between those points as it stands to-day, or $1,500,000; but this $1,425,000 is equal to $40,714 per mile for that 35 miles of railway. In my opinion this is an extravagant sum, because, whatever may have been the cost of the Grand Trunk Railway in the past, I do not believe there is a gentleman listening to me who will venture to assert that a line of railway could not be built between Ste. Rosalie and St. Lambert for less than half that sum to-day, and my argument is that if the government desire to have railway communication between St. Lambert and Ste. Rosalie, a more economical and far better policy to pursue would have been to go to England to borrow the money that was necessary, and build an independent line of road.

Hon. Mr. MACDONALD (B.C.)—Hear, hear, those are my sentiments.

Hon. Mr. WOOD—What would have been the cost of such a line? We have the statement of the chief engineer of government railways, in the pamphlet which has been laid upon our desks to-day, that the cost of building a line from Chaudière to Ste. Rosalie would be covered by $1,600,-

000. He says he thinks that this sum—I think these are the words he used, I am quoting them from memory—would cover the cost of construction by the government of a line between Chaudière and Ste. Rosalie, and he tells us that the length of that line would be 115 miles. If hon. gentlemen will take the trouble to make the calculation they will find that is a little less than $14,000 per mile. I can see no reason why the cost of a new line of railway between Ste. Rosalie and St. Lambert would exceed the cost of the new line of railway between the Chaudière and Ste. Rosalie. So far as I know—and I think the knowledge of other hon. gentlemen who sit around me is perhaps better than mine—the portion of the Grand Trunk Railway between Ste. Rosalie and St. Lambert is principally within the valley of the St. Lawrence. The land is level and the construction is easy. There are no engineering difficulties, and in my opinion $14,000 a mile would be an ample sum. Indeed, I have pretty good reason to believe that from $10,000 to $12,000, exclusive of rolling stock and terminal facilities, would build to-day a new line of railway between Ste. Rosalie and St. Lambert; but the point may be raised that they would have land damages to pay. I cannot speak definitely as to that. It does not appear to me, from my knowledge of the country, that the land damages could be very excessive, but suppose they are added, one, two, three or four or five thousand dollars, if you choose, per mile to that cost, make it if you choose twenty thousand dollars per mile for building a new line of railway between Ste. Rosalie and St. Lambert, what would be the cost of that thirty-five miles of railway? At $20,000 per mile it would be $700,000. The government could go to England and borrow $700,000 for 99 years at three per cent, and the interest would represent $21,000 a year. That would be the annual charge incurred, and I wish to call the attention of the House to this fact that it is less than one-half the annual charge which they, under this contract, undertake to pay the Grand Trunk Railway Company for the use of that line for all time to come. I say that, judging the transaction in that light, I for one feel that the government have not made, as the hon. leader of the House claims they have, a good business arrangement in concluding this contract with the Grand Trunk Railway Company and the serious error which the government appear to have fallen into is this—they have based the amount of rental which they were justified in paying at five per cent upon the cost of construction of the line over which they intended to operate their railway. They made another error in placing—in my opinion at least—too high a value on that line, and the result of these two errors, when they could go to England and borrow the money on their own credit at three per cent, is that the government could have built a new and independent line of railway between these points by incurring an annual obligation of $21,000, while under this agreement they incur an annual obligation of upwards of $42,000. The same line of reasoning, I may say, applies to the use of the terminals in Montreal. They have fallen at least into one of the same serious errors. They have based the rental value of the rights and privileges which they acquire at five per cent upon the estimated capital cost, when they could go to England and on their own credit borrow money at three per cent. The hon. leader of the opposition called the attention of the House to the advantages which the Grand Trunk Railway Company would derive from this operation. He dealt with that point, and I do not propose to discuss it. Having said this much with regard to the contract with the Grand Trunk Railway, I now propose to offer a few remarks with regard to the contract with the Drummond County Railway. The second part of this agreement contains the contract which has been entered into between the government and the Drummond County Railway, and under this part of the contract the government acquire that portion of the Drummond County Railway which is now completed, and contract with the Drummond County Railway Company to complete the remaining portion of their line to the connection at Chaudière bridge. For this the government undertake to pay, according to the terms of the contract, $70,000 per year in half yearly instalments of $35,000 each on the first days of May and November in each and every year during the term aforesaid. I understand, however, that $6,000 of that $70,000 represents the contract which the Drummond County Railway Company has with the Grand Trunk Railway Company for the annual use of the Chaudière bridge, and for the use of the

branch line between Chaudière bridge and Point Lévis, and that the government, in entering into this agreement, take over that contract and therefore assume this liability of the Drummond County Railway, and are in future to pay that $6,000 to the Grand Trunk Railway Company, for the use of the Chaudière bridge and the line to Lévis: that the other $64,000 per year represents what they are agreeing to pay for the remainder of the line—the line between Chaudière and Ste. Rosalie, with the little branch down to the town of Nicolet. The Minister of Railways, in his report to Council, which is in the little blue book laid upon the Table to-day, on page 4 represents that the sum, as I read it, which the government propose to pay the Drummond County Railway for the property and rights which they acquired is $1,600,000, and that $64,000 represents interest upon that amount at four per cent. There seems to be some little confusion to-day between the remarks of the hon. leader of the House and the remarks of the hon. Secretary of State as to what the government really did intend to pay for the property and rights of the Drummond County Railway Company which they acquired.

Hon. Mr. SCOTT—Sixty-four thousand dollars.

Hon. Mr. WOOD—As I understand it, they fixed the value of that property at $1,600,000, and I understood from the hon. Secretary of State to-day that they acquired one hundred and thirty-two and one-half miles of railway, that if this sum was reduced to cash at the present time on the basis of three and one-quarter per cent——

Hon. Mr. SCOTT—That was my own calculation. I gave you that as my calculation.

Hon. Mr. WOOD—You assume it is right, I suppose.

Hon. Mr. SCOTT—Oh, yes, but the $64,000 is a fixed sum, and you can make your own deductions.

Hon. Mr. WOOD—I would like to understand the hon. gentleman, because I do not want to misrepresent anything in regard to this matter, but if I understand the hon. gentleman the calculation which he has submitted to us to-day was simply a calculation of his own.

Hon. Mr. SCOTT—Yes, that's all.

Hon. Mr. WOOD—I am glad to hear it. It does not, in that event, require any further reference from me. A point which I was anxious to know and which the observations of the hon. gentleman entirely settle, was this: that the price which the government, upon the advice of their chief engineer, or after they had the estimate of the chief engineer, intended to undertake to pay the Drummond County Railway Company for the property and rights which they acquired was $1,600,000.

Hon. Mr. SCOTT—No. We pay $64,000 a year for ninety-nine years. The terms are stated and you can make out what it represents in capital if you like.

Hon. Mr. WOOD—I am aware of that.

Hon. Mr. SCOTT—I take the road to be cheap at $1,500,000, and I found, as that worked out, it did not work out to $64,000.

Hon. Mr. WOOD—I told the hon. gentleman that that was his calculation, and I was not interested in dealing with it.

Hon. Mr. SCOTT—The contract is plain enough.

Hon. Mr. WOOD—Yes; and I think the statements of the hon. Minister of Railways to Council are plain enough, and the remarks which the minister addressed to the House of Commons are plain enough; and if I can understand plain English at all, the government, when they bought that railway, estimated its fair value to them, estimated the sum to be paid for this railway as $1,600,000. I have read the report of the Minister of Railways, and I have read some of the remarks in the discussion of this question in the other House, and from all these sources I arrive at these conclusions—and I think I am right, and I think I understood the hon. leader of the House to make the same statement in his opening remarks to-day—that the government, when they were considering how much they were justified in paying the Drummond County Railway Company for the property they were purchasing from them, decided that $1,600,000 was a fair sum, and they proposed to pay it by paying $64,000 a year for ninety-nine years.

Hon. Mr. SCOTT—The contract is perfectly plain if the hon. gentleman will read it.

Hon. Mr. WOOD—I told you I had read it.

Hon. Mr. SCOTT—The contract reads "holding and paying therefor yearly the sum of $64,000."

Hon. Mr. WOOD—That is just what I have been stating to the House; I do not know that the hon. gentleman alters my statement.

Hon. Mr. SCOTT—A man convinced against his will is of the same opinion still. The contract speaks of two sums that are to be paid for ninety-nine years, and it says $64,000 for ninety-nine years.

Hon. Mr. WOOD—I stated that a while ago.

Hon. Mr. SCOTT—You state something different now.

Hon. Mr. WOOD—I stated this, that under this contract the government agrees to pay $70,000 for ninety-nine years; that $6,000 of that represents the rental paid to the Grand Trunk Rrilway, therefore the government propose to pay $64,000 a year for ninety-nine years to the Drummond County Railway Company for the property which they are purchasing from them, that the government arrived at that decision from a report of the chief engineer of railways, and from a report made by the Minester of Railways to Council, that it would cost the government $1,600,000 to construct a new line over the same route, and that they considered that was a fair price to pay the Drummond County Railway Company for the property they were purchasing from them. That is as I understand it, and if the hon. Secretary of State desires to correct that, I shall be very glad to have him do so, but that is my understanding of it. I only wish to know what value the government did place on that railway. I am not particular—and it will make no difference whatever for the purpose of my argument—whether they say they fixed the value of that railway at $1,600,000 or whether they fixed it at $2,000,000. I merely wish to know what value the government did place on that railway when they purchased it, and the only value which appears to have been mentioned, and the only sum which appears to have been discussed by the Minister of Railways and his colleagues in Council, was $1,600,000 and the hon. the Secretary of State has just now said that this $2,000,000, which he figured up at three and a quarter per cent, was a calculation which he himself made to-day and which has never been discussed before. If we may assume anything, it is fair to assume that the value which the government considered this railway represented was $1,600,000. At all events, until I can get some further light upon the subject, I will proceed upon that assumption. My first observation, with regard to that contract, is this: that if the government placed a value of $1,600,000 upon the property and rights which they were acquiring from the Drummond County Railway Company when they agreed to pay them $64,000 for ninety-nine years, they agreed to pay them $400,000 too much; that when they entered into an agreement with the Drummond County Railway to pay them $64,000 a year for ninety-nine years, they placed in their hands a contract what they could take to the London market and sell for $2,000,000 cash and upwards, and I therefore say, if they fixed the value at $1,600,000 when they entered into that contract, they paid the Drummond County Railway $400,000 too much. In order that this point—and I feel that it is a most important one—may be made perfectly clear, I will ask the House to follow me in a calculation which I have undertaken to make and which has convinced my mind at least, on the subject.

Hon. Mr. SCOTT—The Minister of Railways in stating that in the House, stated that they did not include land damages. In the estimate he was furnishing of the cost of the railway, it did not include land damages. He could not tell what they would be.

Hon. Mr. WOOD—Did the government propose to pay the Drummond County Railway $1,600,000 and pay them land damages besides?

Hon. Mr. SCOTT—No, nothing of the kind. If the hon. gentleman will not take the explanation, I cannot make it any clearer. It did not form the basis of the operations with the government.

Hon. Sir MACKENZIE BOWELL—How much is that $64,000 capitalized?

Hon. Mr. SCOTT—The minister stated that a report had been made, and the esti-

mate in round numbers was about $1,600,000. It did not include land damages.

Hon. Mr. WOOD—So far as my argument goes, I do not see that the question of land damages has anything to do with it. I may be exceedingly stupid, and I must apologize to the hon. Secretary of State if I cannot understand his explanation, but I must confess that the remarks he has just now been making, so far as I can understand them, have no bearing whatever on the argument I am trying to present to the House. My argument is this, that the only sum which appears to have been discussed in Council—and if any other sum was discussed in Council I should be glad if any member of the government should state it on the floor of this House—was the value of that road, the sum which the government were justified in paying for that road, and they decided that the cost of the construction of a new line by the government would be $1,600,000, and they undertook to pay that sum by paying $64,000 a year for 99 years, and when they did that they paid $400,000 too much, for they placed in the hands of the company a contract which they can sell for $2,000,000 cash. I will put this in another way, and perhaps it will make it clear between the hon. Secretary of State and myself. We will suppose that the government had gone to the Drummond County Railway Company, and instead of offering to pay them $64,000 a year for ninety-nine years had told them, "we will give you $1,600,000 in cash for your railway," is there a man in this House who doubts they would have accepted it? If the government knew that they would not have accepted it, I shall be glad to have them state so. If that course was open to the government, they could have pursued it. If they did not adopt that course, they should have done it, for if they had gone to the Drummond County Railway Company and purchased that road for $1,600,000 what would have been their position as compared with what it is to-day? They could have gone to the London market and borrowed $1,600,000 for niney-nine years at three per cent.

Hon. Mr. POWER—The hon. gentleman asks a question and I think it is only right that he should get the information. In this report submitted to the Council by the hon. Minister of Railways, he makes this remark with respect to that question of the purchase and loan:

> So far as the Grand Trunk Company is concerned, the sale could not, for obvious reasons, be contemplated perhaps by either party. But as to the property of the Drummond County Company, he would have favoured a purchase in preference to a lease, had the company been disposed to enter into negotiations on that basis, being unwilling to do so, the only remaining alternative to the acceptance of the company's offer if the extension to Montreal is to be proceeded with, would be for the government to undertake the construction of a new line of railway, which would not only be parallel, but throughout its entire length would run contiguous to that of the Drummond County Company.

Hon. Mr. WOOD—I should like the hon. member from Halifax, if he can answer the question which I asked the House a little while ago, to give an answer to my question, and that is, whether if the government had offered the Drummond County Railway company $1,600,000 in cash for the property which they desired to acquire, the Company would not have accepted it? Is the hon. gentleman prepared to say that?

Hon. Mr. POWER—I have not had any communication with the Drummond County Railway Company, and I cannot tell what they would have done.

Hon. Mr. WOOD—As I said before, if the hon. gentlemen on the other side will take either one of the two positions, it is quite immaterial to me which they take. If they say they were prepared to pay the Drummond County Railway Company $1,600,000, then they have paid them in entering into this contract $400,000 too much. If they say they intended to pay them $2,000,000 for the railway, they are willing to pay them an excessive price. I do not care which horn of the dilemma they take. What I desire to get, and have not been able to get, is what value the government placed on that property when they agreed to purchase it from the Drummond County Railway Company? I should like to call the attention of the House to this other point, and it would be better to do it here because it will perhaps enforce better upon the minds of hon. gentlemen who compose this chamber the point I am trying to make; we will assume, if you choose that the Drummond County Railway Company were not willing to accept $1,600,000—that they said,

"No, we want $64,000 a year for ninety-nine years." The government could say to them, "If we give you that, it amounts to an equivalent of $2,000,000 cash to-day. It is too much for your road. We can, from the report of our own engineer, build and own an independent line of our own from Chaudière to Ste. Rosalie for $1,600,000. Therefore, if you ask $2,000,000, or the equivalent of $2,000,000, for that road, you ask $400,000 too much. We will not buy it; we will build a road of our own." I do not care which position the hon. gentlemen take: they can take either; I am basing my argument on the assumption that the value they placed on the road was the cost of building a new road—$1,600,000—and that that is what they were willing to pay, and no more. If they were willing, when they could build a road for $1,600,000, to pay $2,000,000, they were willing to pay $400,000 too much—$400,000 more than they were justified in paying under any circumstances. I am satisfied that the government would not be so regardless of the interest of their country as to pay $2,000,000 for that road when they could get it for $1,600,000; and I prefer to return to the position I took some time ago, that the value the government intended to pay for that road was $1,600,000, and that the error into which the government fell was in arranging a method of payment by which they entered into a contract on which the Drummond County Railway Company can realize $400,000 in excess of the amount which the government felt they were justified in paying. To illustrate to the House the serious consequences of falling into an error of this kind, let me call the attention of hon. gentleman to what this involves. Suppose the government, instead of buying the Drummond County Railway, had said "We cannot afford to pay more than $1,600,000 and we will build a road of our own," they had gone to London and borrowed $1,600,000 for ninety-nine years at three per cent, involving an annual charge of $48,000. They would effect an annual saving of the difference between $48,000 and $64,000, which is $16,000 a year. In ninety-nine years, or hundred years, $16,000 amounts to $1,600,000 for interest alone that they would save in building the road themselves. But that is not all: if they would take that $16,000 a year which they would save under that arrangement and invest it in the bank as a sinking fund, where it would accumulate at three per cent, they would have saved in ninety-nine years the enormous sum of $9,418,000—enough to pay the whole cost of constructing the road and some millions of dollars besides.

Hon. Mr. POWER—Does the hon. gentleman calculate compound interest?

Hon. Mr. WOOD—Yes, the same as if they had deposited it in any savings bank where you get three per cent, compounded for ninety-nine years, it will amount to that sum. The government, therefore, in my opinion, have fallen into a most serious error, either in paying $400,000 for the road more than they could have built a new road of their own for, or else in adopting a mode of payment which places the company in a position to go to the London market and realize $400,000 more than the government considered the value of the road when they were buying it. The government have fallen into another serious error in this transaction in estimating the value of this road which they were acquiring at $1,600,000; they have estimated the value upon the cost of construction of a new line. That would be a proper mode of estimating the amount they were justified in paying, so far as any unconstructed portion of the line was concerned, the forty-two miles which are yet to be constructed between Moose Park and Chaudière Bridge, but so far as the completed portion of the line is concerned, the government have fallen into a most serious error in basing the value of that line upon the cost of construction and not upon its market value. I maintain that any railway company, any number of gentlemen who enter upon any enterprise in this country, are only entitled to receive the market value of the property which they own or the enterprise which they control. That market value may be determined in various ways. It may be determined by the earning power of the road. We have some means of testing the market value of this road upon that basis. There was some discussion this afternoon as to the annual earnings of this road. I see by the statements of the Minister of Railways in the House of Commons that the net earnings of this road for 1895-96 amounted to $29,000, and the hon. leader of the House tells us that for 1896-97 they estimate an increased traffic, and the net earnings might reach $35,000. Any capitalist who was

willing to invest his money in that enterprise on commercial principles would certainly expect to realize six or seven per cent from his investment, and on that basis the value of that property would be something between $400,000 and $500,000. There is another way of estimating the market value of an enterprise of this kind, and that is the price which its bonds and stock will bring in the market. I am not aware that we can arrive at the market value of this enterprise in that manner, for so far as my knowledge goes, the bonds and stock of this company have never been sold in the open market, and there is no quotation on the stock exchange for them. But we have other data by which we may arrive at the market value of this enterprise and that is, by the amount of money which capitalists have been willing to loan upon the security of the enterprise and in addition to that I suppose the amount of money which the company itself have been willing to invest in the enterprise. If we turn to the report of the Minister of Railways for the year ending 30th June, 1896, we will find that this company have a debt of $221,692.99. This represents the amount of money which they have been able to borrow upon the bonds which they have issued upon their undertaking and they have invested in that enterprise capital from other sources amounting to $141,-686.61 in all a money expenditure of $363,-379.60. But I must call the attention of the House to the fact that this sum represents not merely the road bed which the government buys, but it represents all their rolling stock, and the government in entering into this agreement undertake to take over their rolling stock at what may be considered a fair valuation, so that from this amount, if we wish to know the value of the property which the government acquire, we must deduct the amount of the rolling stock. From the sworn statement of the company as published in these railway returns, I find that the rolling stock on the 30th June, 1896, amounted to five engines, one first-clas car, two second-class cars, one express car, twenty platform cars, besides two snow ploughs and flanger. I have endeavoured to ascertain the fair market value of this stock, provided it is in good condition, and as far as I can ascertain, it represents a value of $50,000 or $60,000. Deducting this from the figures I have read a few minutes ago, the total cash this company have been able to raise on their bonds, and which they have been willing to invest themselves in this undertaking, amounts to about $300,000. In addition to this there appears from the returns to be $400,000 of ordinary capital stock, but as the hon. leader of the House himself remarked to-day, we all know this $400,000 capital stock does not represent cash actually invested in the undertaking, but is distributed among the stockholders for promoting expenses and—.

Hon. Sir OLIVER MOWAT—It was not I who said that. It was my hon. friend opposite (Sir Mackenzie Bowell).

Hon. Mr. WOOD—I may have misunderstood the hon. gentleman.

Hon. Sir OLIVER MOWAT—I said nothing like it, but my hon. friend said exactly that.

Hon. Mr. WOOD—If the hon. gentleman did not say it, I withdraw that part of my remark, but I hope he will corroborate my statement when I say that it is the usual custom of railway companies, when they are incorporated and launching their enterprises, to distribute capital stock among the promoters and shareholders for their promoting expenses—for expenses of organization and expenses of that kind—and that very little, if any, of that money is ever actually expended in the construction of the line. But even supposing it is, we have $300,000 of cash besides this. Even supposing that some part of that $400,000 did find its way into the construction of this line, the market value which I have already mentioned—$400,000 or $500,000—would, even on that basis, represent the fair market value of this road at the present time. What I said was that the government, in purchasing the completed portion of the Drummond County Railway, were bound to purchase it at its market value, at the price which any capitalist would be willing to loan upon the security of that undertaking at a sum which represented not very much in excess, at all events, of the sum which capitalists were willing to invest in the undertaking, added to the sum which the company themselves were willing to invest in the undertaking. That instead of doing that, they bought that portion of the road at a price based upon the cost of construc-

tion, and the cost of construction included not only the market value, as represented by the amount of money invested in the undertaking by the company themselves and the money which they were able to borrow, but it represents, besides, the subsidies and aid from various sources which the company had received, and in this case it represented subsidies from the Dominion government to the amount of $297,920; from the provincial government, $300,170; from the town of Nicolet, $15,000, and for the land subsidy, $42,250—in all $655,000. These form the two principal features of this transaction to which I am opposed, and I say, to sum up, the government, in this transaction, has fallen into two serious errors, first in paying more, by $400,000, for the road than they could have built a new one for, or else, if they bought the road at $1,600,000, by entering into a contract which represented $2,000,000 or $400,000 in excess of that price, and secondly falling into the even more serious error of buying the completed portion of that road at a price based upon the cost of construction, when the cost of construction represented over $600,000 of subsidies in addition to the market value of the road. It will be observed, as the hon. leader of the opposition remarked, that the result of these serious errors into which the government has fallen, has been to give the Drummond County Railway Company an enormous profit upon their enterprise. We have in the public returns data by which we can form a very accurate estimate of the amount of profit which the Drummond County Railway Company will receive out of this venture, under the sale proposed in this agreement. I have estimated in this way: the amount of their floating debt secured by their bonds, as I have already stated, is $221,692.99; capital from other sources $141,000. From this I deduct the rolling stock, making $300,000 as I said a short time ago, money actually invested by the company up to the 30th June, 1896, according to the sworn returns of the company itself, published in the report of the Minister of Railways and Canals. But the company undertake, in addition to that, for this $64,000 a year for ninety-nine years, to construct the portion of the road yet to be built—the 42 miles to Chaudiere bridge. We have data from which we can form a tolerably accurate idea what that will cost the company in cash. If we estimated the cost to the company by the cost of the construction of ninety and a half miles which they had completed on the 30th June, 1896, the cost would be about $10,000 a mile. The 99½ miles which the company had built on the 30th June, 1896, according to their own sworn return in the report of the Minister of Railways, amounts, exclusive of the $400,000 stock, just to about $10,000 per mile. We have the estimate of the government engineer of railways that to construct a new road through that country would cost about $14,000 a mile, that is for 115 miles, $1,600,000. I venture the opinion that $10,000 would be nearer the actual cost to the company than the estimate of $14,000; but for the purposes of my argument, and as I wish, as I said before, to show the advantage of every doubt against my argument, I am willing to estimate that this 42 miles of road will cost the company in cash for construction $14,000 per mile. If it does, that will amount to $588,000, and added to the amount of money they had previously invested, their total investment, when this road is completed and ready to be handed over to the government, will be something less than $900,000. But in case this $400,000 of stock may represent some value, or in case there may be some incidentals which we may have omitted, I propose for the purpose of my arguments to add another $100,000 or a little over, and call it $1,000,000. We will suppose that the company have, when this road is completed and ready to hand over to the government, actually invested in that undertaking, $1,000,000. The hon. Secretary of State has furnished calculations to-day to show that the company, when this contract was signed, can take it and realize $2,000,000. It will herefore be seen that the actual profit which the Drummond County Railway Company are to derive out of this transaction, owing to the serious errors into which the government have fallen, in negotiating this business, amounts in all to $1,000,000 in consequence of the mode of payment which they adopted, paying $400,000 in excess of the price they should have paid and $600,000 which they paid them by fixing the value for the constructed portion of the line upon the cost of construction and not upon the market value. The hon. leader of the government, in introducing this bill, asked us to judge of

this transaction on business principles, and it is that I am desirous of doing. I am aware that some of the newspapers—I have not read it myself in the newspapers—have characterized this transaction in strong terms. I have spoken of it as an error of judgment on the part of the government. Possibly some hon. gentleman who sit here think I should denounce it in stronger terms. I do not wish—I certainly would hesitate long before I would charge the hon. gentleman who leads this House, or his colleague who sits beside him, with corrupt motives and dishonest actions, but I think that hon. gentleman himself will pardon me if I say that I think it puts a very severe strain upon the credulity of an honest ordinary business man to believe that gentlemen, possessing the acknowledged ability of the leader of the government in this House and the acknowledged ability of the Minister of Railways, and the Minister of Trade and Commerce and the Minister of Finance and the Minister of Public Works, could have made such serious errors in negotiating a transaction of this kind and should not have discovered that, as the result of those errors, they were enriching the Drummond County Railway Company to the extent of $1,000,000 at the expense of the Dominion Treasury. If the hon. gentleman desires to look at it as a business transaction, he will admit that it is at least a pardonable curiosity that impels one to inquire who are the stockholders and the bondholders of this Drummond County Railway Company. Where does this sum of money go? How is it to be distributed? Into whose pocket is it ultimately to find its way and for what purpose is it to be used? I shall not detain the House with any further argument on that feature of the question. There was one other point raised by both the gentlemen who addressed the House on the other side, upon which I wish to say a word, and that was that in coming to the conclusion that it was wise to purchase the Drummond County Railway, they had carefully considered the alternative which the government might have adopted, and they concluded that this was the best. The hon. gentleman referred to the proposal which had been made in some quarters to purchase the Grand Trunk Railway via Richmond, and another proposition to purchase the South Shore Railway. So far as those proposals are concerned, I am not in a position to say anything with regard to them. I do not know the merits of either proposition, but I desire to submit that there was at least one alternative which the government might have adopted, and which would I think have been more satisfactory to this House and to the country generally than the course which they have adopted. If hon. gentlemen who care to follow this will take the report of the Minister of Railways for the year ending 30th June, 1896, and open it at map No. 4, they will find traced on that map the completed portion of the Drummond County Railway. This map shows that the completed portion east of St. Leonards lies almost in a direct line from Chaudière bridge to Victoria bridge—that from St. Leonards to Drummondville it takes a southerly course for a distance of nineteen miles, that from Drummondville to Ste. Rosalie it takes a south-westerly course for a distance of 26½ miles: that from Ste. Rosalie to Victoria bridge it takes a westerly course for 35 miles. This portion of the road is not a direct line, but follows a somewhat circuitous route. The alternative which, I submit the government might have adopted, was to have built a direct line from St. Leonards to Victoria Bridge; to have acquired the portion of the Drummond County line which was completed east of St. Leonards, and to have completed the other 42 miles to the Chaudière Bridge. The length of such a line would not have exceeded 135 or 140 miles. The air line on the map is about 130 miles, and allowing for curvatures a line of railway could no doubt have been built there not exceeding in length 140 miles. I have been informed, on what I consider good authority, that an actual survey has been made through that country, and a line could be obtained which would be only 138 miles in length, but we will call it, for the purpose of my argument, 140 miles. Now, the one alternative which the government might have adopted was, if they considered it desirable to carry out this policy of extending to Montreal, to have built a line of their own from Chaudière to Victoria Bridge acquiring the portion of the Drummond County Railway which lay in the direct line of that route, provided, of course, that they could have acquired it on reasonable terms. The cost of constructing 140 miles of railway, at the estimate of the government engineer $14,000 a mile, would be $1,960,000, or allowing for contingencies

say in round numbers $2,000,000. The cost to the country would have been this. The government would have been obliged to go to London and borrow that $2,000,000, which they could have borrowed for ninety-nine years at three per cent, which would represent an annual charge for interest of $60,000. Supposing they add to that a sinking fund of $4,000—if they wish to pay off the principal in ninety-nine years—that $4,000 would be sufficient to pay off the capital invested, so that for an annual charge of $64,000 the government could have constructed a direct new line from Chaudière to Victoria bridge at least 10 miles shorter than the present one and involving, as I say, an annual charge for ninety-nine years to extinguish both principal and interest of $64,000. That is just the amount which they propose to pay to the Drummond County Railway under this contract. If they had adopted that alternative, and I can see no possible reason why they should not have adopted it they could save the entire amount, which under this arrangement, they propose to pay the Grand Trunk Railway Company for the use of its line from Ste. Rosalie to Victoria Bridge, which at the present time amounts to $37,500 a year, and which, when the line is double tracked, will amount to upwards of $42,000 a year. This saving represents, capitalized, a sum of $1,425,000, and in 99 years would have represented an enormous saving to the country of upwards of $25,000,000. I have some other calculations here, but I do not propose to detain the House any further. I think I have said enough already to place the House in possession of reasons why I feel myself impelled, under the present circumstances, to vote for the amendment moved by the hon. leader of the opposition. I have felt it, on this occasion, my duty to lay my views before the House at greater length, and to give the House more clearly the reasons which influenced my action, as it has been already suggested that it might be inferred that the gentlemen who do not sympathise with the government of the day in their general policy were influenced by political motives, and were not judging this transaction upon its merits as a business transaction.

Hon. Mr. SNOWBALL—I thought when I came in here an hour or two ago that I knew something about building railways, and something about how people went to work to build railways, but really at the present I am doubtful after what I have heard from the hon. gentleman opposite. He has asked us repeatedly what is the cost of the railway, and what it should cost. As he has had some experience as well as myself, I imagine that he knew and could put one in full possession of the information possessed by him. I suppose I had better confine my remarks to the Drummond County Railway, because this is the railway that is now directly before us, and it will be more easy to come to a speedy decision as to what it is worth and how far the government are to be praised or censured for the arrangement they have made. The hon. gentleman opposite (Mr. Wood) has dwelt a very long time on the arrangement the government have made. They have bought the road at a rental of $64,000 a year. I can find nothing else. That is all that has been put before the House. Different individuals have undertaken to capitalize that amount in different ways. The hon. leader of the House capitalized it at four per cent and said in that case it represented a debt of $1,600,000. The hon. Secretary of State capitalized it rather differently. He said he put the value of the road at $15,000 a mile; and that, in so doing, it came to $1,900,000, and that the amount capitalized then would be three and a quarter per cent. I would not like to bewilder my hon. friend opposite and get him muddled, but I would capitalize it in a different way. But at the same time, the capitalizing of the leader of the House, or the capitalizing of the Secretary of State, or my capitalizing is not going to affect the question that the government have agreed to pay $64,000 a year for ninety-nine years, and at the end of that time the railway is to become the property of the crown. If at the expiration of ninety-nine years the railway is to become the property of the crown, it is necessary to put by a sinking fund to buy that railway, if we are going to capitalize it——

Hon. Mr. LANDRY—What is that amount?

Hon. Mr. SNOWBALL—I would say the proper amount would be three and a quarter per cent.

Hon. Mr. LANDRY—Including the sinking fund?

Hon. Mr. SNOWBALL—Three and a quarter per cent annual interest, and three-quarters per cent sinking fund would just about bring it out; probably you would have a little surplus. And that is about the position the railway was in. My hon. friend opposite said: "What is the value of that railway?" I would ask my hon. friend what is the value of a mile of railway? Would he undertake to give me the reply to that question?

Hon. Mr. WOOD—If the hon. gentleman wishes my view on the subject, I would say a mile of railway in some sections of the country would perhaps cost from $7,000 to $10,000 a mile for the construction, and that in other sections it would cost double that sum, and in others perhaps three or four times that sum. It all depends on the country, and the engineering difficulties and other difficulties you have to meet.

Hon. Mr. SNOWBALL—I find by the railway returns that there is a railway down in New Brunswick called the New Brunswick and Prince Edward Island Railway, 35 miles in length: it is put down that that railway is worth $525,000. There are 35 miles of it, and at the rate I make out that that railway is worth over $15,000 a mile. There are no iron bridges on it, there is no heavy ballasting, there are no cuttings and no embankments: so that I assume that that is about a fair value of a railway. Put the Drummond County railway down at even less than that, and make any reasonable valuation: I would put it in this way: that this railway evidently had been capitalized at $12,000 a mile. My hon. friend opposite and several hon. gentlemen opposite say it is too much. If it is too much, where is there a railway in the Dominion of Canada which has cost less money? Give us a sample of such a road, a good road: because my hon. friend opposite, the leader of the opposition read a report from an engineer, evidently a hostile one, who was sent to report on that road. What was the report of that engineer? A few minutes before he read, from the blue book put in our hands, where Mr. Schreiber recommended that it should be again looked over, that it was not a proper season to look it over; that they would have to wait till the freshets subsided, and later on in the season they could make a report. This report of Mr. Salisbury evidently was made just at the season of the year when Mr. Schreiber said it would not be prudent to make a report; and the only thing he did report against the road was that there was considerable water in the ditches, and that it came up high on the embankments. The culverts were stone, and first class, and the bridges were good steel structures, the road was, in many places, well ballasted, but he said it would require one good lift of ballast. One lift of ballast would make the road good, and it is not a very expensive thing to do. Here is a new road that has only been constructed three years, and the larger portion of it is still under construction, and that road only wanted one lift of ballast. An expenditure of about three hundred dollars per mile would make it a first class road, according to the report of an engineer who was actuated by anything but friendly motives in making that report. What better report could you have of the character of that road than the report of that gentleman? I would not ask any better report than the report of that gentleman, whose feelings were rather hostile than otherwise. I will deal a little further on with the value of the road, and I would say that $12,000 a mile is a very, very low value for any road. What did the Intercolonial Railway cost? Take for instance, the extension that was bought by the government from Rivière du Loup to Point Levis: there was a road bought for a million and a half, and it is a cheap piece of road in a country where labour and materials are cheap, and it cost $20,116 per mile. The Intercolonial Railway including that road, which was a cheap piece and brought down the average of the other parts of the Intercolonial Railway, cost $48,000 per mile. I find by the Statistical Record here that the average value of the principal roads in the Dominion is given at $61,000 per mile—that is of the principal roads. I was glad to hear the hon. leader of the opposition say that he was favourable to the extension of the Intercolonial Railway into Montreal, but he was not in favour of the present mode of getting in; and certainly the people in the lower provinces and the people that know the circumstances of the Intercolonial Railway are anxious that it should be extended somewhere. If my hon. friend held those views, why in the eighteen years during which he sat

in authority was not some better progress made in extending this road into Montreal?

Hon. Sir MACKENZIE BOWELL—I said owners of railways generally were anxious to extend their roads, but I gave no opinion upon it.

Hon. Mr. SNOWBALL—If the hon. gentleman is satisfied that the people of the country want the extension, then he wants it too. The Intercolonial Railway has been extended from Rivière du Loup to Point Lévis, and afterwards from Point Lévis to St. Charles, fourteen miles, at a cost which astonished me, namely, $125,610 per mile. Supposing it extended further at the same cost to Montreal, where would the country land? This little book contains statements with reference to this Drummond County road; and every one who knows how this book is got up understands that the different railway officials in the Dominion are compelled, under penalty, to send in a sworn statement: and according to the sworn statement in reference to the Drummond County road, we find that up to the time this report was made in June, 1896, that there was expended on that road $1,366,000. We find there is still 42 miles of railway to be built. The construction of that 42 miles of road will cost $20,000 or $22,000 a mile. It has to be a first class road; it has now to be built under the directions of the Dominion engineers and it must be first-class in every respect. This extension can reasonably be put down as value for another $1,000,000. The road cost, according to the railway returns for 1896, $1,366,000 so that it is going to cost that company two and a half millions. The hon. gentleman is enjoying it very much. What is wrong about this estimate?

Hon. Mr. WOOD—What would that 42 miles cost?

Hon. Mr. SNOWBALL—I said $20,000 a mile or $880,000 to $1,000,000.

Hon. Mr. WOOD—When you say $20,000, I say you are estimating twice the cost.

Hon. Mr. SNOWBALL—Can the hon. gentleman name one road that has cost less than $20,000? If he will name one, I will tell him the character of the road. We have a good many branch roads, one in his county, but some of them have no bridge at all. Again, the earnings of the Drummond County road are extraordinary, according to these same reports, and that is all that any hon. gentleman in this House has to deal with. The earnings of that road are over $90,000, and have been for a couple of years, in spite of the fact that it is an unfinished road. The hon. gentleman opposite has said that the business of the road is carrying tan bark, and that the tan bark has been pretty much removed, and there is nothing now but a little waste material. That is entirely different from any information I have been able to get in reference to the character of the road. I am told that a small portion of that road, some 30 or 40 miles, is very well wooded, and the remainder of it is cultivated country. Now, the waste in a growing country, in a good young growth, is just about the most valuable portion of it. If there was originally hemlock there, when they take the bark they have got the hemlock trees, which are not altogether despisable. Then there is pulpwood, which is looked upon as a valuable asset to any person who has exhausted timber limits, where the better class of timber is taken off. But if that Drummond County road had not one stick of timber or one inhabitant on it from one end to another, I maintain this country needs that road to get into the city of Montreal if for through traffic only.

Hon. Mr. PROWSE—And Toronto?

Hon. Mr. SNOWBALL—Yes, and Toronto.

Hon. Mr. PROWSE—And Winnipeg.

Hon. Mr. SNOWBALL—I would not care if there was not one article of freight on it: but the freight is there, and that road can be locally a self-sustaining road, and an assistance to the Intercolonial Railway from the day it is opened. I am told that there are large settlements, and that there is a large passenger traffic, and that the people generally do their marketing in Montreal. But what is wanted for the Intercolonial Railway is connection with the railway system of the west. This country has undertaken to build, and we did build, 1150 miles of railway, called the Intercolonial Railway, leading from Halifax and from St. John to Lévis in the province of Quebec. Hon. gentlemen say, why cannot we continue to run over the Grand Trunk

Railway? We have done so for many years, and we have found it impossible to make the Intercolonial Railway pay, as appears from the reports. So far it has paid the country nothing, but I do not think it is impossible to make it pay. They talk of connection with the Canadian Pacific Railway in Quebec. The Canadian Pacific Railway has no connection with it in Quebec. In the first place there is the river. When the bridge is built the Canadian Pacific Railway has its termini in Boston and in St. John, New Brunswick, and certainly it will not bring freight down and give it to the Intercolonial Railway if it can avoid it. The Grand Trunk Railway has its terminus in Portland, in the state of Maine, and it will take the freight there so as to get all the freight instead of part. My hon. friend was referring to the freight coming down the Grand Trunk Railway, and asks will that company hand over freight any more than they did before the Intercolonial Railway gets into Montreal, and if they did would it be on the same terms? Certainly not on the same terms. The Intercolonial Railway will be to all intents and purposes absolute owners of the road into Montreal where the eastern freight goes, and western freight originates, and the merchants of Montreal control the freight and send it by the road by which they can do it most conveniently and best, and it will be largely by the Intercolonial Railway. The Intercolonial Railway will be in a position to have their agents all through the west to solicit freight and send it via Montreal. They will bill it to Montreal and then over the Intercolonial Railway, whether it is for Europe or the lower provinces. The idea of building the Intercolonial through Quebec was to have it a purely British road, one not connected with the United States in any way. Here we are asked to refuse to build a road to Montreal to give us command of the freight of the west to assist the west in getting an outlet. Supposing the United States put in force their threat to stop transit in bond, where would we be? The Canadian Pacific Railway and the Grand Trunk Railway would only be too glad to have this outlet, but at the same time it would give the whole country better facilities. I find that in the principal railways in the Dominion there is $822,000,000 invested, and I suppose including the minor roads there is $1,000,000,000 invested in railways in Canada. A very small portion of that only is in the lower provinces. Possibly, of the 16,000 miles of railway there is not 3,000 east of Quebec. This country has expended $80,000,000 in canals, and those canals are all west of Montreal. And what have we done? We have brought our Intercolonial Railway up to Quebec and our canals down to Montreal, and we have left 150 miles of a gap, over which we are entirely dependent on rival roads to give us the benefit of freight. To look at it as a business enterprise, it is astonishing how that road has been allowed to stay there, the butt of everybody, and treated as if it did not belong to anybody, because it belonged to the government. I find the same idea entertained by many members of this House. What do they say to-day? They build up the road! What for? To take traffic away from the Canadian Pacific Railway? Have not we nursed the Canadian Pacific Railway from its inception? Have not we done for the Canadian Pacific Railway what we never did before for any railway? If they want further assistance let these subsidized roads come openly and ask for it, but put us in a position to make the $55,000,000 we have invested in the Intercolonial railway profitable and pay its working expenses. It is time we stirred ourselves to make this road pay. As to running over a portion of the Grand Trunk Railway and getting into Montreal, what better bargain could possibly be made? Supposing some portion of it did cost $40,000 per mile if capitalized, even then it is as cheap as we have been building railways. But what are we going to do after we get into Montreal? The whole amount capitalized which we are paying to the Grand Trunk Railway would come to $4,666,000. What are we to get for that? We are to get privileges in the city of Montreal which, if the government had to build them and build a bridge to go into Montreal, could not be obtained for $12,000,000. Then, again, what effect would it have? We see that all over the world the larger cities are concentrating the business in Union stations and keeping the railways from doing an injury to cities, which they have to do when they are scattered here and there, and it is just exactly the principle which has been carried out by the government of the day in making this suggestion to get into the city of

Montreal, where there are immense facilities and where they will have all the advantages just as freely as if they owned the Grand Trunk themselves. There is a slight misapprehension in this matter. According to the bill put before us, the government, if the agreement is carried through, are in as full possession of the Grand Trunk Railway into Montreal with their stations, tanks and sidings, as the Grand Trunk Railway Company is itself, and every dollar they collect for terminal facilities will go to the savings of the Intercolonial Railway. So that in every respect, as regards the station at Montreal, as regards the railway bridge, as regards the approach to the railway bridge, the government own it as fully as it is owned by the Grank Trunk Railway Company themselves and all revenues they receive are derived directly for themselves.

Hon. Mr. DEBOUCHERVILLE—They have to pay for the use.

Hon. Mr. SNOWBALL—We have got to pay $140 000.

Hon. Mr. DEBOUCHERVILLE—You have to pay for the use of the road.

Hon. Mr. SNOWBALL—No, we have to keep it in repair or rather pay half the cost of doing so. Of course we must do that. There is no further use to pay for. Another thing that has been said against this road is "Why did they not make arrangements with the Grand Trunk Railway Company and use the Grand Trunk Railway to Point Levis?" We have been doing so as fully as we are able to do so, but it has been a failure. Besides that, there are some grades on the Grand Trunk Railway which are so severe that it is impossible to take such loads as the Intercolonial Railway are able to take over their own road. Something has been said about the Canadian Pacific Railway Company having a shorter route to St. John. They have a shorter route, but I maintain that the Intercolonial Railway is so much better built, and the curves and grades are so superior, that the Intercolonial Railway can carry a train over twenty five per cent more mileage and do it for less money: 50·80 is the maximum grade on the Intercolonial Railway and on the Canadian Pacific Railway Company grades as high as 90 are to be found. One train may take a few hours longer, but when it gets there it has double the amount of freight. The Intercolonial Railway is not handicapped by the greater distance. It is shorter by the Canadian Pacific Railway they say to Halifax by seventy-four miles than it is by the Intercolonial Railway. What do they gain by that? If it is seventy-five miles shorter, they have to go over 275 miles of the Intercolonial Railway to get there, and when they take that way of going to Halifax they are placed at the same disadvantage as we are, not being able to get into Montreal. So that there is no advantage by the shortness of the different routes. If you bring the Intercolonial Railway to Montreal, for six months of the year we virtually have a road right through to Chicago through our canals. The whole canal system is open to us, and when we get to Montreal we are so far hemmed in that we only have the two roads, the Canadian Pacific Railway and the Grand Trunk Railway, but if we find when we get there that we are still hampered—which I do not believe that we will be—the Intercolonial Railway will have to stretch out to Coteau or as much further west as will secure connection with other roads. I claim that the province of New Brunswick has done more of itself to build roads than any other province, and I am astonished at the hon. gentleman from Westmorland (Mr. Wood) being unfavourable to the government building roads and unfavourable, I suppose, to giving assistance to all roads. However, I know what would be the interest of the county of Westmorland and the whole of Nova Scotia and the whole of New Brunswick, and that is to have the Intercolonial extended—not that we will receive any advantages as regards freight rates, but that the Intercolonial Railway will be in a better position to transact its business than it has ever been before.

Hon. Mr. MACDONALD (B.C.)—Did you ever think of it before?

Hon. Mr. SNOWBALL—Ever since confederation we have been thinking of it, and have been advocating it in the province, and as soon as we got a provincial man in the cabinet he attempted to carry out what the province desired. The Intercolonial Railway to-day carries more passengers per mile and more freight per mile than the Grand Trunk or the Canadian Pacific Railway; but it is so hampered on account of doing its business heretofore at such a low rate of

freight that it has been impossible to make it a paying road. The Grand Trunk Railway Company, from Lévis to Montreal, has been in the habit of charging the Intercolonial Railway a high rate on coal, which was carried cheaply, and a very small margin was left for the Intercolonial Railway. It was the unfair division of freight that made it unprofitable. It has been said on the other side, "Why don't you build an independent road entirely?" What is the width of country from Richmond, on the Grand Trunk, to the St. Lawrence? It is not very great, yet we have the Grand Trunk, the Drummond County Railway, and the South Shore Railway. Are these hon. gentlemen serious in asking that a fourth line should be put down in that narrow strip of country? They know very well that they would not do it, and they feel that this is the very best bargain that could be made in the interests of the country, and they do not feel disposed to let the present government get the credit of such an extraordinary good bargain.

Hon. Sir MACKENZIE BOWELL—Hear, hear.

Hon. Mr. SNOWBALL—The transaction can be defended on its merits before the severest tribunal which could be named, if the tribunal is an impartial one.

Hon. Mr. LANDRY—Will the hon. gentleman allow me to ask him one question? The hon. gentleman said just now that the $64,000 represented interest at 4 per cent on the $1,600,000; that ¾ per cent would represent the sinking fund. That would be $12,000 per annum for a sinking fund.

Hon. Mr. SNOWBALL—That is only my version.

Hon. Mr. LANDRY—I want to see if the hon. gentleman is in earnest when he says that that will be ¾ per cent.

Hon. Mr. SNOWBALL—Three-quarters of one per cent.

Hon. Mr. LANDRY—Three-quarters of one per cent in that transaction represents $12,000. One per cent would be $16,000, and ¾ per cent would be $12,000.

Hon. Mr. SNOWBALL—Yes.

Hon. Mr. LANDRY—Did the hon. gentleman calculate what that would bring the sinking fund to, if it was placed at compound interest, at 3 per cent during 99 years? It would represent $7,063,645. That is what you are paying.

Hon. Mr. SNOWBALL—I do not know how many dollars it would make. The hon. gentleman is evidently unable to make a calculation. If he will come over to me, I will teach him a lesson in arithmetic.

Hon. Mr. COX—If we had under discussion a proposal to construct or purchase a railway from Halifax to Montreal I should be quite in accord with the views expressed by the hon. gentleman from Westmoreland as to government ownership of railways, but that is not the question we now have to decide. We have to deal with matters as they exist, for over twenty years nearly $56,000,000 of this country's money is locked up in 1,142 miles of an incomplete railway project. I say incomplete, because it now terminates at a point 160 miles distant from Montreal, its natural western terminus and the greatest freight distributing centre in the Dominion. If it had been completed to Montreal there is every reason to hope that instead of an average annual deficit of $230,000 there would have been a surplus in the operation of the line. It was the duty of the late government to have completed this line long ago, if the same aggressive and enterprising policy upon the part of hon. gentlemen opposite that assisted the Canadian Pacific Railway Company to complete their line to the Pacific seaboard, and assisted the Grand Trunk Railway to complete their line to Chicago had been manifested in the completion of the government line to Montreal, instead of annual deficits of a quarter of a million of dollars, we should probably have had a substantial surplus each year. Hon. gentlemen, members and supporters of the late government having so long neglected this important duty, now oppose the present government in their efforts to carry out this extension so unmistakably in the interests of the country. I am glad that many gentlemen opposite approve the completion of the line to Montreal but regard the present proposal as unsatisfactory in its terms, especially that part of it referring to the Drummond Counties Railway. I regard it as highly

satisfactory, it will bear rigid examination and I submit it is the duty of this hon. House if it is not satisfactory to them to try and make it so, and not reject it altogether.

Hon Sir MACKENZIE BOWELL—The same suggestion was made in the Commons and the Hon. Mr. Blair, the Minister of Railways, said that not a word in that contract could be changed or altered, they would have to accept it as it was. But when it was pointed out to him that the word "east" meant nothing, and that the word "west" must be substituted for it, he called the parties interested in it together and, as I understand they all consented, because it was merely a clerical error; but beyond that they would not submit to any change.

Hon. Mr. COX—If this hon. House makes an effort in that direction and fails, it will at least have done its duty, for instance the hon. leader of the opposition objects to that clause in the agreement whereby the government agrees to pay 5 per cent interest on one half the cost of any improvements that may be mutually agreed upon between the government and the Grand Trunk. Surely that could and should be changed. It would be much better for both contracting parties to try and reconcile any difference of opinion as to the details of an agreement in carrying out such an important work, when nearly every person admits the desirability of having it done. The importance to the province of Ontario and to all the western country of having this alternate route from Montreal to the Atlantic seaboard cannot be overestimated. The late government purchased from the Grand Trunk Company 125 miles for the purpose of this same extension at a cost of $20,615 per mile, they constructed an additional fourteen miles for the same purpose at a cost of $1,758,541.25. It is now proposed by the agreement under consideration to purchase 132½ miles from the Drummond County Railway Company, at a cost of $15,250 per mile, even if you convert the annual payment of $64,000 upon a three per cent basis, it must be admitted these figures bear a favourable comparison with those paid by the late government, over $5,000 per mile less than was paid for the Rivière du Loup line. Then we have the estimate of Mr. Pottinger, the manager, and Mr. Schreiber, the chief engineer, that the completion of this extension will convert a deficit last year into a surplus of $520,000, or after deducting the total annual payment of $210,000, a net saving to the country of $310,000 plus last year's deficit, how can this House reject an agreement so clearly in the interest of the country.

Hon. Mr. ALLAN—I cannot give my vote without protesting as strongly as I can against the remarks which were made by the Minister of Justice in moving the second reading of this bill. In those remarks the hon. gentleman, as I understood him, most certainly indicated that in his opinion the members of this House who might vote against this measure were actuated, not by considerations as to whether it was a good business transaction or not, but by partisan motives.

Hon. Sir OLIVER MOWAT—That is exaggerating what I said. I did not say they were; but I expressed a strong hope they would not be. They are two very different things.

Hon. Mr. ALLAN—The suggestion that the House might take such a course is almost as bad, and I protest strongly against any such suggestions. I desire to say that, as far as I am concerned, I have given to this subject anxious consideration, endeavouring to understand it as far as I have had information within my reach, and I am most anxious to give what I feel in my conscience would be an honest vote on this question; and on behalf of this Senate I would protest against any such insinuation as that we are actuated in dealing with great and important questions before the country by partisan motives. The history of the Senate on various occasions shows that that has not been the case—that they have always been willing to give full and impartial consideration to any measure coming before them, no matter from what government it came. I have listened with no little astonishment to the speech of the hon. gentleman who has just sat down. He has also advised us that we should not consider this measure in a partisan, but in a patriotic spirit, and decide upon it in a business like manner—that if we are of the opinion that it is not a business transaction we should endeavour to amend it and make it so. I can hardly conceive that he is serious in such a proposition. If I believed for a moment that the govern-

ment were prepared to go through this contract and allow it to be altered or amended in such a way as, in the opinion of this House, might be suitable, then I should be rejoiced to adopt that alternative, and I would very much rather see such a course adopted than that this House should be forced to vote yea or nay upon the question of a three months' hoist. My hon. friend (Sir Mackenzie Bowell) will bear me out when I say that I expressed the opinion to him when the bill was first introduced, that I would rather adopt a resolution to withdraw the bill for the present session in order to give hon. gentlemen an opportunity to consider it than be obliged to vote for the three months' hoist. If the government however, are prepared to reconsider the matter, that is a different question, but I do not suppose for a moment that at this period of the session the government are prepared to go into a discussion of that kind, or that the House of Commons would be prepared to reconsider their desision in any respect, or that the gentlemen who are parties to that contract would be prepared to discuss changes now. It appears to me to be a thing entirely out of the question, at this period of the session, and it just shows the mischievous effect, to use the mildest term, of the government bringing down important measures in the last days of the session when it is impossible to discuss them deliberately and give them that consideration which their importance requires. If this matter had been brought down at an earlier period of the session, we would have been prepared to discuss the whole thing and see what could be done to make the contract, as we consider it, a more business-like contract, and then there would be nothing to say against it; but as it is now, unless the Minister of Justice is prepared to make some statement in answer to the hon. gentleman from Toronto to the contrary, I suppose we have no alternative but to either vote for the second reading of the bill or to vote for the three months' hoist.

Hon. Mr. McCALLUM—My hon. friend says, supposing we amend this contract, would the company accept it? I should think not. They did not consult us before they entered into it. It appears to me the only object in view is to get an outlet for the Intercolonial Railway to Montreal. If this is going to cost us seven and a half million dollars and may be ten million dollars before we are done, I would vote to-morrow to give aid to build the bridge across the St. Lawrence at Quebec. I believe we should give a million dollars for that purpose, and then you have the Canadian Pacific Railway Company and the Grand Trunk Railway Company allowing them to come to Quebec and Montreal, and giving competition for the Intercolonial Railway. That is very easily done. There is more cry than wool about this matter. I cannot see any trouble about it, but to say we are going to adopt this bill I would be ashamed to go home if I voted for such a proposition. The government should say nothing about party politics. They appealed to the country and got a snap verdict on false pretenses. They appealed to the country on the pledge of economy in every branch of the public service. The very first thing, on a falling revenue, they ask for this expenditure of $7,000,000. I try to be non partisan.

Hon. Mr. POWER—Hear, hear.

Hon. Mr. McCALLUM—I wish my hon. friend would be as non-political as I am. I am not such a politician as he is. I could not go home and explain to anybody in the country, if I so far forgot my duty as a senator, that I vote away the people's money, and how can the government go and face the people of the country. We have been told that the country is with them because they have a majority in the House of Commons. If the majority there were polled without political feeling they would be opposed to this contract. The Senate of Canada may save some of them by throwing out the bill. What has the country been paying us for? We have been here waiting for legislation; to allow the government to fritter away $7,000,000 at the last stage of the session is something I cannot sanction. I am not built that way.

Hon. Mr. DEVER—At this late hour I feel that I would be inflicting on you something which you would not receive with pleasure, if I were to occupy your time at any length. This afternoon the question has been so thoroughly debated that I think hon. gentlemen understand it very correctly, but inasmuch as I am from one of the lower provinces, I feel it is my duty to state to you the way we look at this matter from our standpoint. You are all aware that thirty years ago the question of confederation came up, and we were induced to enter the union.

One of the conditions of that arrangement was that we were to have a national road known as the Intercolonial Railway extending from Halifax to the commercial heart of Canada. Now, what is the fact? The fact is that we have borrowed money and sunk some $55,000,000 in that road, which begins at Halifax and terminates in the woods somewhere in the neighbourhood of Quebec. That road is sinking $50,000 annually, yet some hon. gentlemen oppose a measure designed to bring that railway into the commercial heart of Canada, thereby placing it in such a position that it will pay henceforth. At all events, it will give the Intercolonial an opportunity of moving freight between Halifax and St. John, to and from Montreal. There is another consideration. We are led to believe that we would have this independent national road in case of any trouble arising between ourselves and our neighbours. That was one of the great considerations which led us to locate it along the banks of the St. Lawrence instead of adopting a more southern route. After waiting 30 years for commercial results coming out of confederation, we find to day in the lower provinces this road is perfectly worthless to us as a commercial railway. In fact, we are wholly dependent to-day on a road built by a private company going through a foreign country, at any time liable to be interfered with in case of trouble with our neighbours, and still the great national highway of Canada is kept in a position that we cannot utilize it as a national road to any advantage.

Hon. Mr. PROWSE—Why?

Hon. Mr. DEVER—The reason is that it begins at Halifax and terminates at Point Lévis or, in other words, in the woods, and is in a position that before we can get business for it we have to make terms with a company whose interests are that they drain Canada and ship all the products by way of Portland, in the state of Maine. If this state of things continue, in my opinion, confederation will lose its great hold on the people of the maritime provinces. If we must come to a conclusion that after the Pacific Railway was built to British Columbia, then when it comes to the time that we expect some return for the money we pay interest on, we are left at the mercy of two roads, both going through a foreign country, and that our own road is placed in a position that we are not to receive any benefit from it, it is time to consider how serious the position is. The Canadian Pacific Railway Company owns a road down to the city of Quebec. It has been argued that a bridge should be thrown across there, and in that way the Canadian Pacific would be utilized. Then, what would we have? We would have the Canadian Pacific on one side and the Grand Trunk on the other, both interests combining against us. We do not feel disposed to be placed in that position, and, as you are all aware, for six months of the year navigation is closed by climate, we contend that something should be done. This proposed route may not be the best that could be furnished, but, in my opinion, taking as a basis the cost of the Intercolonial Railway, and placing it against this 132 miles, we have a very good bargain, and I am satisfied the country would think so. It is a much better bargain than if the country ran the risk of extending the road. No doubt, by the same process under which the Intercolonial was built, the cost of buying land and other things requisite for the railway, and borrowing money to construct the road, it would cost at least five or six million dollars. The argument has been used against this contract that the interest, $210,000, is a very large amount. But when you come to take into account a road of the same length costing $5,000,000 or $6,000,000, I cannot see how it can be argued that the government had made a bad bargain. I have confidence in the present government and I believe the country has confidence in it, as was shown by the last election, and I believe also that the people expect that the government will undertake this work, and when they find out that it is only checkmated in this Senate, which is not responsible to the people, —in fact not responsible to anybody at present, because the government who appointed the majority had their heads cut off at the last election—I cannot see how they can urge hon. gentlemen to throw out this bill. I think the public will find a means of reaching them if they do, because in my opinion the people are set on the extension of the Intercolonial to Montreal and in such a manner that in the future it will be a paying and independent line. Some hon. gentlemen talked of extending the line to Toronto. There is no necessity to extend

it to Toronto, because between Montreal and Toronto there are two competing roads, and we know that in consequence of that competition the freight going by the Intercolonial will necessarily and naturally be offered at such a rate as will be satisfactory. Therefore, the argument for extending the Intercolonial to Toronto falls to the ground. The very fact of coming to Montreal will satisfy commercial men that a great trade will be had for the railway—such a trade as it is likely will stop the leak and loss of $50,000 per annum that we are suffering from now. I can see the hostility there is to this measure. I do not think it is creditable to men who profess to be honourable.

Hon. GENTLEMEN—Oh, oh.

Hon. Mr. DEVER—I do not hesitate to say so. I have been hearing for a week that a combine has gone forth against this bill, a combine that will not redound to the credit of the Senate.

Hon. Mr. POWER—It is in the discretion of the House to adjourn or not.

Hon. GENTLEMEN—Go on.

Hon. Mr. POWER—If I had time to condense my remarks and put my views in a systematic form, I think I might get through in an hour.

Hon. Mr. LANDRY—We will allow you two hours.

Hon. Mr. POWER—Speaking in the discursive manner in which I shall have to speak, it will take me some time.

Hon. Mr. LANDRY—That is all right.

Hon. Mr. POWER—Of course it is all right. Hon. gentlemen have been loud in their denunciation of the government for not giving time to discuss the subject, and now they want to take a vote on this bill without fully discussing it. As the hon. gentleman from Peterborough (Mr. Cox) has said, we have $56,000,000 invested in an unprofitable road, a road which, with its connections, extends about 1,200 miles, and this measure proposes to try and make that investment profitable; and the Senate should hesitate—that is the drift of his remarks—before it interposed an obstacle in the way of bringing about that desirable result. It is just as well to look a little at the history of this question. I feel that I would not be justified in allowing this vote to be taken without expressing my views distinctly on the question. The city of Halifax and the whole province of Nova Scotia, have been from the year 1867 very much interested in the Intercolonial Railway. They have felt that the railway has not done all for them that it should have done. The road was finished through to Rivière du Loup in 1877, or late in the year 1876, and was first used as a means of through traffic in 1877. We congratulated ourselves that this connection had been made with the upper provinces, but a very short time only had elapsed when it was discovered that this connection was not of a very satisfactory character, and in the year 1879, the government, of which the hon. leader of the opposition was a member, brought down a measure to improve the condition of things. They brought down a measure to take over a section of the Grand Trunk Railway lying between Chaudière and Rivière du Loup, a section 125 miles in length. As has been stated, that railway cost the government in absolute money paid as the purchase money of the road, $1,500,000, and it has been shown that in addition to that the government were obliged to expend immediately something over a million dollars on the road, so that in that case we spent two and a half millions of dollars practically for the purpose of affording better communication between Rivière du Loup and Chaudière. A great deal has been said about the want of respect which the present government have shown to the Senate in introducing this measure at this late stage of the session; but I wish to direct the attention of hon. gentlemen to the fact that in 1879 the bill to take over the Rivière du Loup section—a bill which involved the expenditure of $2,500,000 was introduced on the last day of the session. The bill was introduced on the 14th of May, and there was no business done on the 15th of May beyond the formal business of prorogation. It received its first, second and third readings without any intermission, and the debate which took place on it covers about four pages of the Official Debates of that year.

Hon. Mr. MACDONALD (B.C.)—What did the hon. member say about that?

Hon. Mr. POWER—The hon. member did not say anything. We recognized the fact that it was a desirable thing. The hon. leader of the opposition of that day recognized that it was a desirable thing to do, and he did not devote hours to try and find out just how much there was for the Grand Trunk Railway in this transfer, although as a matter of fact, the country, for the money that they paid for that road, merely got the road bed. The sleepers were nearly all decayed. The rails were nearly all iron rails. There were very few steel rails on the road, and the Grand Trunk Railway, under the agreement, took the iron rails.

Hon. Mr. ALLAN—Is it worth while to bring up what may have been a very bad bargain or improper proceeding which took place under another government, when that question cannot possibly affect the measure now before us. We may be quite ready to admit all that, but how does it bear on the present question?

Hon. Mr. POWER—I hope the hon. gentleman will allow me to make my speech in my own way. If we were to eliminate from the Debates of this House the references to what took place under former governments in former years, much less would be said than is said in our discussions. What I am saying now is germane to the question. I want to show a good example for what the government propose to do now. I want to show that the government formerly supported by hon. gentlemen opposite undertook to do something similar to this and gave the Senate no time at all to consider it—that a measure was brought down the last day of the session, and it was passed without any inquiry into the minute details of the matter and that we assumed that the government of that day was fairly honest and not actuated by any improper motives. I quote a little from the longest speech made on that bill, one delivered by the hon. gentleman from Richmond (Mr. Miller), a speech which deserves to be quoted. He said:

> I think that, whatever the country may have paid in times past for that portion of the Grand Trunk Railway, and whatever claim the country may have had for it, that claim is now, unfortunately, barred by the statute of limitations. I do not think that my hon. friend from Hamilton would like to take an assignment of that claim as a valuable asset. There can be but one opinion on the subject in this country, we have no legal claim —none that can be considered in the nature of an asset—and, therefore, we have to deal with the Grand Trunk Railway Company as though we never had advanced a dollar on that road. On the main question I congratulate the government for having taken a very wise step in the right direction. Since the completion of our magnificent Intercolonial Railway—one of the finest roads on the continent—in consequence the ownership of that portion of the Grand Trunk Railway between Rivière du Loup and Quebec, and the bad state of repair in which it has been kept by the present owners for some years past—owing, no doubt, to the unprofitable character of the work—the full value of the Intercolonial Railway has been lost to our people. The Intercolonial Railway from Halifax to Rivière du Loup has always been in such a condition as to enable travel and traffic to pass over it at a most rapid rate, but on several occasions—in fact for the last year—it has been felt that no matter what condition the Intercolonial Railway may be kept in, no matter how perfect the arrangements may be from Halifax to Rivière du Loup, there is no certainty of rapid transit on the branch between Rivière du Loup and Quebec. I have heard complaints of parties who desire to carry on trade between the maritime provinces and the upper provinces—in fresh fish, for instance—that there is no safety for perishable goods on that branch. If the line was good through to the upper provinces as between Halifax and Rivière du Loup there would be no trouble in carrying on a valuable trade all the year round in fresh fish, but after freight of a perishable kind arrives at Rivière du Loup the transit is so tardy that a cargo is liable to be lost. Two or three speculations in fresh fish having failed on that account, it has discouraged people from embarking in such a trade ever since. It is absolutely necessary that the intercommunication between these four great provinces of the Dominion should be as perfect as possible. We are by nature sufficiently separate to render it very often inconvenient to transact public business and unprofitable to carry on trade and commerce between the upper and lower provinces. No effort should be spared in order to facilitate intercourse between the Maritime provinces and the rest of the Dominion, and that could never be done without acquiring this Rivière du Loup branch from the Grand Trunk Railway Company. The government are entitled to the thanks of the whole country for the prompt manner in which they have taken hold of this matter, and I think it is highly complimentary to the Minister of Public Works, and quite characteristic of the energy and ability which distinguish him in the discharge of his official duties. He has placed the whole country, and no part of it more than the lower provinces, under a deep obligation by the businesslike manner in which he has dealt with this matter. That the transaction will receive the sanction of this parliament, I have every confidence. When this line is acquired by the government and put in running order, on an equality with the Intercolonial Railway, we will then have between the maritime and the upper provinces as fine an intercolonial highway as there is on this continent, and when, ultimately, that highway is connected with the line on the northern side of the St. Lawrence, and up the Ottawa valley, connecting, as I hope it will at some future day, with the Pacific Railway, we will

have what everybody who desires to see British power consolidated on this continent—that iron band which will unite us from ocean to ocean and make us one in sympathy as we are politically.

There was no dissent at the time that that bill was passed here. One hon. gentleman from Hamilton did demur rather, and the hon. gentleman raised an objection very like that which has been raised here by the hon. leader of the opposition and some other gentlemen. Senator Hope is recorded as saying :—

I understand that the government is to allow th Grand Trunk Railway Company about $15,00 per mile for the Rivière du Loup Branch. Th original subsidy was equal to that, and it appears to me as if the government had paid for it in the first instance, and now they are called upon to pay for it the second time.

That was the only word raised against the arrangement between the government of that day and the Grand Trunk Railway Company, and no hon. gentleman endorsed that statement of the hon. gentleman from Hamilton, and it was not suggested by anyone that the ten thousand dollars a mile which was paid to the Grand Trunk Railway Company for their Rivière du Loup section by the government of Canada should be deducted from the amount which should be paid to them, and why should hon. gentlemen who endorsed that arrangement urge that in dealing with another railway company or adding another section to the railway we should not treat them in the same way that the Grand Trunk Railway Company were treated. Why should the comparatively small subsidies to the Drummond County Railway be deducted from the amount paid to them when the ten thousand dollars a mile was not deducted from the amount paid to the Grand Trunk Railway? I was going on to say that with certain slight changes the position to-day is just the same as it was then. It was thought—and I confess I was one of those who agreed with the hon. gentleman from Richmond—that if the Intercolonial Railway were extended to Levis we should be placed in an altogether different position from the one in which we then were. We thought, as the hon. gentleman said in a portion of his speech, that we should have connection across the river with the railway on the north shore of the St. Lawrence, and that we should in that way have competition. We should have the company which owned the North Shore Railway competing for the Intercolonial Railway business with the Grand Trunk Railway, which ran on the south shore; but it has not happened that way, and one of the reasons why it has not happened is that not very long after this transaction took place the Canadian Pacific Railway Company, which owns the road on the north shore of the St. Lawrence, became the owner of a much longer road running from Montreal to St. John, N.B., and it has become the interest, and consequently the policy, of the Canadian Pacific Railway Company, instead of sending business to Quebec to cross over and take the Intercolonial Railway at Lévis, to send it by their own line to St. John and get a long haul; and for all practical purposes we are no better off than we were before. Of course, we are somewhat better off than we were at Rivière du Loup. We come to Lévis in quicker time than we did before, and can go over to Quebec if we choose, but the change is not very great, and one might say, for practical purposes, we are nearly as badly off as we were at Rivière du Loup. The complaint made of the delay in perishable freight is loud to-day, and it is found that the freight which should go from Montreal to Halifax or any other point on the Intercolonial in forty-eight hours takes a fortnight to go through.

Hon. Mr. SNOWBALL—Always.

Hon. Mr. POWER—It takes a fortnight to get from Montreal to Halifax or any point on the Intercolonial Railway, because the Grand Trunk Railway give the preference to their own Richmond branch, and cars intended for the Intercolonial Railway are left standing at Richmond and other stations while other cars are being pushed forward, and the object of this agreement is to put an end to that condition of things and provide that freight to and from the lower provinces over the Intercolonial Railway shall reach Montreal, which is the distributing centre of this country, with the least possible difficulty and delay. Freight, instead of taking a fortnight, would take only forty-eight hours, or at the outside sixty hours, and every hon. member who comes from Nova Scotia or Prince Edward Island, or the North Shore of New Brunswick must feel that it is desirable, as to passengers, that a change should be made. Extend the Intercolonial Railway to Montreal and one can

leave Halifax one afternoon at half past two and be in Ottawa next evening about nine o'clock, instead of having to stop over all night in Montreal, as is the case now. Some hon. gentleman said it was a remarkable thing that no one has asked for this change. I am well aware that the newspapers have been crying out for a change of this sort. I know that the Board of Trade of the city of Halifax has passed resolutions and sent memorials, and I think sent deputations to Ottawa, asking for an extension of the Intercolonial Railway to Montreal. We know that resolutions have been passed in numbers of places in the province of Quebec in favour of the same extension.

Hon. Mr. MACDONALD (B.C.)—Freight from the Grand Trunk Railway.

Hon. Mr. McKAY—Mr. Dwyer, of the Halifax Board of Trade, protested against it, and said it was no good to Halifax.

Hon. Mr. POWER—I am aware Mr. Dwyer is opposed to it. Will the hon. gentleman pin his faith in matters of every kind to Mr. Dwyer?

Hon. Mr. McKAY—He is a Halifax citizen.

Hon. Mr. POWER—I am perfectly aware of that, and I want to say here, as far as I am individually concerned, speaking for the business men of Halifax, I do not think that the extension of the Intercolonial Railway to Montreal will be, or that the construction of the Intercolonial Railway beyond Moncton has been in the interests of the business men of Halifax. It would have been better for the business men of Halifax that there was no railway connection between Montreal and Nova Scotia at all; but we have the Intercolonial Railway. I cannot, here in my place, look at the Intercolonial Railway purely from the point of view of a merchant doing business in Halifax. I say that in the interest of the lower provinces, not of the merchants of the city of Halifax, but in the interest of the people of the lower provinces, who, I presume, are anxious to get their goods as cheaply as they can, and in the interests of the people who have to travel to and from between Montreal and points in the lower provinces, it is desirable that the Intercolonial should have the best possible connection, and in the interests of the Intercolonial Railway, which stands us in $56,000,000, it is most desirable that something should be done to enable that road to pay its way. So much by way of preliminary. That is the position, that it is desirable—it is felt at any rate by the people in the lower provinces and it is felt by the business men of Montreal and the west generally, that it is desirable that the means of communication between Montreal the trade centre of the upper provinces and the lower provinces should be made, and consequently that in some way the Intercolonial Railway should be extended to Montreal, and then the question comes as to just the best way to do it. I confess, hon. gentlemen, that at first my own view was in favour of the extension of the road from Sorel along the south shore of the St. Lawrence to Chaudière or Lévis, but when it was pointed out to me that in the first place that line is ten miles longer than the line which is provided for in the bill now before the House, when it was pointed out that the bridges crossing the Yamaska, the Richelieu, the St. Francis and other rivers, being near their mouths, would be very much heavier than up above, and when it was pointed out that as there were numbers of depressions running down to the St. Lawrence, it would mean more expensive work, I felt that it was not desirable that this line should be chosen. The truth is that the bridges on the Shore Line alone would cost almost if not quite as much as the government propose to pay for the Drummond County Railway. And then there was another circumstance: supposing these objections were counted for nothing, there is another circumstance in connection with the South Shore Railway. I was made aware of the fact that the land damages for the fourteen miles of the St. Charles branch amounted to about one million dollars. I know that a great part of the South Shore Railway would run through cultivated land, through some of the longest settled portions of the province of Quebec, and that if the government undertook to build that railway as a government railway they would have to pay as much for land damages alone as the government will have to pay now for the whole of the Drummond County Railway. Under these circumstances, I felt that the line along the South Shore was out of the question. Then hon. gentlemen wanted to know why we did not take the Grand Trunk Railway. I do not see that there was any more reason why we should select

the Grand Trunk Railway then the Drummond County Railway. To begin with, the Drummond County Railway is admitted to be at least 13 miles shorter and the grades on the Drummond County Railway are not as serious as those on the Grand Trunk Railway, and the only offer I think the Grand Trunk ever made was an offer to sell their road to Richmond for two and a half million dollars. Under these circumstances, I think it would have been out of the question to have undertaken to deal with the Grand Trunk Railway Company; and the assistant general manager, Mr. Wainwright, stated that the rent the government would have to pay for the road from Richmond into Montreal would be $50,000 a year more than they are paying for what they are getting. So that I think it was quite out of the question that the Grand Trunk Railway could be taken. It seems to me that unless there is something very unreasonable in the contract that has been entered into, the Government have made the best choice. They have taken the shortest line and the one that is the most advantageous. The hon. gentleman who spoke a little while ago (Mr. Cox) said that, not being familiar with the practice of parliament, if this five per cent which is mentioned in the thirty-fifth paragraph of the agreement between the government and the Grand Trunk Railway Company were looked upon as objectionable, the agreement might be amended. We could not amend the agreement in this House, but I wish to direct the attention of the House to the fact that the payment of that five per cent is optional. If hon. gentlemen will read the clause they will see that the government is not obliged to pay the five per cent. It is only in this case, after the improvements have been made :

> If Her Majesty should determine to use any such works or improvements and the minister should so declare such works and improvements are hereby understood and agreed to form part of the leased premises and Her Majesty shall pay annually for the use of any such works and improvements five per cent upon one-half of the actual cost to the company of the construction of said works and improvements.

Hon. Mr. MACDONALD (B C.)—Under the bill they would use the works of course.

Hon. Mr. POWER—That is the contract which is ratified by the bill. The government lease certain things from the Grand Trunk Railway Company. If the Grand Trunk Railway Company think it desirable to double-track the road, the government are not bound to pay five per cent of half the cost.

Hon. Mr. MACDONALD (B C.)—I believe they are.

Hon. Mr. POWER—No, not unless they make use of it.

Hon. Mr. MACDONALD (B.C.)—And they would use it.

Hon. Mr. POWER—And the same way with respect to stations. The government can take just what they are taking now, and if they do not wish they need not pay for more.

Hon. Mr. MACDONALD (B. C.)—Would not the government be sure to use the double track if it was there?

Hon. Mr. POWER—That is a matter in their own discretion.

Hon Mr. MACDONALD (B. C.)—They could not help themselves.

Hon. Mr. POWER—Yes, if they do not think it to their advantage they need not use it. I should like to know what the speech from the hon. gentleman from Westmoreland was. He spoke an hour and a half, but was it not all detail?

Hon. Mr. MACDONALD (B. C.)—It was not much, but he made some very good points.

Hon. Mr. POWER—The question is as to the nature of this agreement. That has been explained by the hon. Secretary of State. It was put also by the hon. leader of the government in this House, and it was put by the two hon. gentlemen who have spoken on this side of the House. I do not think it is necessary to go into that at any length, but my attention has been directed to one matter which has been referred to by the hon. leader of the opposition. That hon. gentleman intimated that there never had been, as far as he knew, any intention on the part of the previous government to extend the Intercolonial Railway to Montreal. It is a rather singular thing that I find that in another place the hon. gentleman who was Minister of Railways, under the present leader of the opposition when he was leader

of the government, stated that he had had some negotiations with the Drummond County Railway, and the hon. gentleman who was Minister of Railways in the late administration differed altogether from the hon. gentleman from Westmorland. He thought it was much better that the government should own the road. He did not think the road should be operated by private companies. He took a totally different view, and he admitted that he had been thinking of taking over this Drummond County Railway.

Hon. Mr. LANDRY—When was that opinion expressed?

Hon. Mr. SCOTT—In 1894.

Hon. Mr. POWER—It is out of order to quote the Debates in the House of Commons, but if the hon. gentleman will look at the Commons *Hansard*, 19th June, 1897, and will carefully read through the speech of the Hon. Mr. Haggart, he will find a great deal of information there which would be valuable to the hon. gentleman, because it seems to contain information which is not possessed by hon. gentlemen on the other side of the House.

Hon. Mr. LANDRY—Is that all the answer I can get?

Hon. Mr. POWER—Well it has been said—I shall not quote the opinion about the kind of people who ask questions that wise men cannot answer. I have referred to the fact that the hon. gentleman who was formerly Minister of Railways did discuss this matter, and I find that, altogether unlike the hon. gentleman from Westmorland (Mr. Wood) the hon. gentleman who was Minister of Railways under the late Administration—I presume by the way that as the relations between that hon. gentleman and his leader some year and a half ago were very much strained he may not have communicated his intentions to the gentlemen who led the government at that time—but I find the gentleman who was then Minister of Railways did not put the value of the road down quite as low as hon. gentlemen here put it. He recognized the fact that without the 42 miles which have to be built, and built to the standard of the Intercolonial Railway, this road was worth $14,000 per mile from Ste. Rosalie.

Hon. Mr. CLEMOW—That it cost that.

Hon. Mr. POWER—Yes, and then he admitted that the cost of the additional 42 miles was nearly $600,000—$570,000, and that gentleman then made the cost of this road $1,970,000. I commend that calculation to the hon. gentleman from Westmoreland, who, I think, quite paralyzed most of the members of the House by his wonderful calculations. It was the business of the Minister of Railways at that day to keep himself familiar with that matter, and that is the result at which he arrived. I do not propose to go over this contract in detail. It has been done already, but there are a few points which I think it well to refer to. I notice that the hon gentleman from Westmoreland is not in his place, and I am very sorry he is not here, as I listened with a great deal of attention and considerable patience to his speech. I notice that that hon. gentleman did not appear to know what land damages had to do with the price of a railway. If the hon. gentleman had to build a railway along the south shore of the St. Lawrence River, he would find that the land damages had a good deal to do with it. It sometimes means half the cost of the railway, and the calculations show that this Drummond County Railway without any allowance for land damages, would cost the government $1,600,000 to build, if they built the road in the same place and of the same character, without the land damages, and the probabilities is that the land damages, although not so great as in the other region, would amount to about $400,000 any way; so that the road which the government are getting for $1,600,000 would have cost the government probably $2,000,000. I do not attach any importance to those fine drawn calculations as to how cheaply a government can build a railway. I have heard these things before, but the experience is that no government railway is cheaply built and that every government work has cost a great deal more than it had been estimated to cost. It is quite out of the question, and quite impossible for the government to acquire or construct a railway like the Drummond County are Railway for anything like the money they paying for it. The hon. leader of the opposition was rather facetious over the character of the Drummond County Railroad. If I am not mistaken, he made some reference to it as being a tan-bark railway and so on, or perhaps it was some other hon. gentleman said

that, but when that hon. gentleman was in office and leader of the government, his engineer went down and inspected that road for the purpose of ascertaining whether it was entitled to the payment of the subsidy which had been voted by parliament, and the hon. gentleman and his engineer thought that the road was good enough for that. It was quite up to the desirable standard. Now it suits the hon. gentleman to talk about it as a tan-bark road and a road not good for anything. In his vigorous speech, in moving that this bill be read a second time this day three months, the hon. gentleman wanted to know why the arrangement for running powers with the Grand Trunk Railway Company could not have been made similar to that made by the Canadian Pacific Railway for running powers from Toronto to Hamilton. I think if the hon. gentleman will look into that agreement he will find that it would not be a more advantageous arrangement than the arrangement which has been made. The arrangement between the Grand Trunk Railway Company and the Canadian Pacific Railway between Toronto and Hamilton is an arrangement under which the Canadian Pacific Railway pay for the mere right of running on the road the sum of $1,000 a mile a year, and then they have no right to wheelage, and they have not the privileges which the government have from the Grand Trunk Railway Company at all. If the government had made such an arrangement as that the hon. gentleman would probably have condemned them and wanted to know why they could not make an arrangement similar to the one they have made. He wanted to know if a bridge could not have been built at Quebec to get competition. I have already pointed out that you cannot get it through the Canadian Pacific road. The Canadian Pacific Railroad will send their freight over their long line to St. John. They will not send it to Quebec to be transferred to the Intercolonial Railway, and I presume if the government had brought down a proposition to spend $5,000,000 to construct a bridge at Quebec, he would have wanted to know why they could not spend a much less sum and get to Montreal by doing what they are doing now. I do not think that the government could have any arrangement with respect to the extension of the Intercolonial Railway to Montreal, affording better connection with the Intercolonial Railway that would have met with the approval of the hon. gentleman. He is perfectly aware that people most competent to judge of questions of this kind do feel that the government have made a very good and business-like arrangement. It was suggested by some hon. gentleman that advantage might have been taken of the necessity of the Drummond County Railway and that the bank's claim against them might have been bought out. That would have been a sharp trick which I do not think would have been worthy of a government, and that I am satisfied the leader of the opposition would not be a party to himself. A great deal of stress was laid by the hon. leader of the opposition on the fact—and I notice that the leader of the opposition in another place laid a great deal of stress on the same fact—that the new line would be seventy-four miles longer than the Canadian Pacific Railway to Halifax. That is true, or nearly true. The difference will be something like that. As it is now, owing to the fact that the Intercolonial Railway is a better road, has a better roadbed and more favourable grades and curvatures, trains make better time over it with less expenditure of power than they do over the Canadian Pacific Railway, and I am satisfied that if the railway is extended to Montreal by the method proposed, one can go from Halifax or Moncton or any point east of Moncton and get to Montreal just as rapidly as they can get there by the Canadian Pacific Railway. The difference now is only three hours, and that difference will be made up by the improved road. A great deal has been said about the rate of interest. It has been said that the government can borrow money at three per cent, but hon. gentlemen must remember that the Drummond County Railway Company and the Grand Trunk Railway Company are not the government, and that the four per cent bonds of the Grand Trunk Railway are selling at 85 cents on the dollar.

Hon. Mr. MACDONALD—But with this contract they could borrow?

Hon. Mr. POWER—The hon. gentleman think so? Possibly; but I doubt it. The hon. leader of the opposition laid a good deal of stress on the fact that the subsidies should be deducted. I have said something about that already, but I wish to call attention to the

fact that in addition to the Grand Trunk Railway's Rivière du Loup section, the Conservative government in former years took over the Canada Central, a road which had been largely bonussed, and they did not take back any of those bonusses or deduct them from the price. It has never been done in any case.

Hon. Mr. MACDONALD (B.C.)—That is a private affair. It was handed over to the Canadian Pacific Railway.

Hon. Mr. POWER—The hon. gentleman laid some stress on a telegram which he had received from a Mr. Ball, who is, I think, mayor of Nicolet. I desire to call attention to the fact that Mr. Ball, in addition to being mayor of Nicolet, is a director of the Armstrong Company, which has been disappointed about getting this contract. Then the hon. gentleman thought it desirable to give us an extract from *La Presse*.

Hon Sir MACKENZIE BOWELL—No; I did not. I read no extract from *La Presse*.

Hon. Mr. POWER—The hon. gentleman did not read the extract, but he referred to the fact that *La Presse* took the same view as that conveyed in the extract he did read. I have in my hands a newspaper which is recognized as reflecting as accurately as *La Presse* does the Conservative opinion of the province of Quebec, that is *La Minerve*, and I shall read from *La Minerve* of to-day an opinion with respect to the proper action for the Senate to take.

Hon. Mr. LANDRY—That is this morning's issue.

Hon. Mr. POWER—Yes.

Hon. Mr. LANDRY—Read it a few days ago.

Hon. Mr. POWER—I prefer to read its latest utterances. I do not generally read this paper, but I read it to-day and I find it contains advice of an excellent kind.

Hon. Mr. LANDRY—Like the *Witness*.

Hon. Mr. POWER—I have not read the *Witness* either. Speaking of this railway arrangement, *La Minerve* says:

> It is an Act of the Laurier government. The majority of the House of Commons approved of it and it is to be presumed that the whole country, which for the time is Liberal, it has approved of the job.

He does not like it but thinks the Senate should endorse it. The article continues:

> On the other hand, the amount of public funds affected by the consummation of this affair does not make a sufficiently large sum to affect the credit of Canada. Our theory as to the role of the Senate is different from that expressed by several of our confreres. This branch of parliament has for its principal mission the hindering of all hasty legislation which the House of Commons, under the influence of public opinion, violently excited, might adopt without having taken time to measure all its consequences. The role of the Senate is essentially the role of a meditator. It is enough to say that the Senate should not nullify the action of the House of Commons except in extremely grave circumstances. The Senate should, in order to preserve intact its prestige and political usefulness, guard with jealous care, itself from ever intermeddling in the question of the hour for which the party in power for the time being assumes all the risk and all the responsibility. To act otherwise would be to misunderstand the august character with which the constitution and the nature of things clothes the Senate. We believe in a wide and restraining action and in the necessity that the Senate shall assume a thoroughly national attitude. The affair of the Drummond Railway does not seem in any way to justify anything more than the ordinary discussions of an objectionable law. For that reason, we are of opinion that the Senate, while appreciating as it ought to do, this improper transaction, should not go any further.

Hon. Mr. LANDRY—Who wrote that?

Hon. Mr. POWER—As I say, I think *La Minerve* is probably as good a representative of public opinion in the province of Quebec as *La Presse*; and *La Minerve*, while taking the same view with respect to this transaction—a view which is not justified by the fact at all—which the hon. leader of the opposition takes, adopts a different view from his, as to the course which the Senate should take. I think that it is a matter for grave consideration. Of course, we have the constitutional right to throw out this bill, just as we have the right to throw out the supply bill. The question is whether on the whole it is a judicious or proper thing for us to exercise that right. I must say that my own impression is rather the other way. If this transaction were clearly and essentially bad—if there were no good about it—if it were not likely to bring about good results, then I say the Senate might be justified in throwing out the bill, but no one has denied that the extension of the Intercolonial Railway into Montreal

will have good results. It has been said by some hon. gentlemen that some other way might have been found to do it, and that this company might be induced to take something less than we are paying for the road, but after weighing the pros and cons, whether or not the bargain is the best that might be made, this House would not be justified in throwing out such a measure. This is a measure which is essentially a money measure—it is a proposal to pay a certain amount of money. It is the kind of measure which comes almost within the exclusive jurisdiction of the other branch of parliament. We cannot amend it. It is not our business; and the Senate, in throwing out this bill under the circumstances, would be taking as extreme a step as that of throwing out the supply bill. That is a step which I think the members of this House should consider very seriously before they take it. I do not think that the hon. leader of the opposition, or any other hon gentleman, has made out a case sufficiently strong to justify this House in going out of its proper sphere and undertaking to throw out a measure for which the other House is exclusively responsible. We are not responsible. It is purely a money matter, and as *La Minerve* says, the other House which represents the popular sentiment for the time being, are responsible; and I think the country will probably not approve of our interfering in this way. I am satisfied that the people in the lower provinces, who will find their hope of getting better access to Montreal cut off, will not approve of the action of the Senate, and the people who would be employed in the work that would be rendered necessary by the passing of this bill, will not be thankful to us for having cut off the work. I presume, however, anything that I could say would not in the slightest degree affect the vote, and I simply feel it my duty to state, in this hasty, unconsidered way, my opinions on the subject.

Hon. Mr. MILLER—I do not intend to prolong the discussion, nor did I intend to address the House upon the motion or the amendment before us, but I understand during my absence my hon. friend from Halifax has made some allusion to me and quoted a speech which I made some years ago in this House in connection with the transfer of the Rivière du Loup branch to the government of Canada, and also quoting from remarks of mine in favour of the extension of the line from Point Levis to Montreal with a view, I suppose, to show inconsistency on my part.

Hon. Mr. POWER—Not at all. I simply read the speech with a view of showing that his argument, which we all concurred in then, applied to-day to the further extension. There was no desire to reflect on the hon. gentleman in any way, and I am sure every one who heard me will confirm what I say.

Hon. Mr. MILLER—If there was any inconsistency in my conduct I would not complain of my hon. friend showing it up to the House, because it would be a legitimate argument and I would not consider he was doing anything unfair. I left the chamber, not through any disrespect towards my hon. friend, but in consequence of the extreme heat in the chamber from the large display of gas we had here in the evening—of course I have no reference to my hon. friend—and I am somewhat subject to headache. For another cause, I did not care to follow very closely the arguments of the hon. gentleman, because I had studied the question very closely myself and made up my mind not to occupy any time of the House in participating in the discussion. But I can only say, as I am on my feet now, and I assure the House I will detain it but a very short time, that when the transfer of the Rivière du Loup branch took place I entertained the strongest desire to see the Intercolonial Railway extended to Montreal, and I feel on that point just as strongly to-day as I did on that occasion. I think it would be for the benefit of that great national work to have the Intercolonial extended to Montreal, and any feasible scheme towards that end I should support as readily as any man in this House, but it does not follow, because one may be in favour of a certain policy or idea that we are committed to the details by which that policy or idea may be carried out. What I am called upon to-day to do is to support the policy which is best intended to carry out my desire to extend the Intercolonial Railway to Montreal. I frankly admit that I have no ideas on the subject to-day different from those I had in 1879. At that time, when the River du Loup branch was taken over by the government of Canada from the Grand Trunk Railway Company, we had no

Pacific Railway on the north shore. To-day we have. My idea now with regard to connection of the Intercolonial Railway with Montreal is this: I think the true policy of this country would be the construction of a bridge over the St. Lawrence at Quebec and securing running powers over the Canadian Pacific Railway to Montreal. The Canadian Pacific Railway has running powers over the Intercolonial Railway between St. John and Halifax, and there is no reason why a similar arrangement could not be made by the government with the Canadian Pacific Railway, to have running powers over the Canadian Pacific Railway track from Quebec to Montreal. In every sense in which we can look at this question, that would be the true policy of this country at present. I regret that time does not permit me to go into details to support this view, but I asssure my hon. friend of one thing, that if a policy of that kind was inaugurated by the government although I am not looked upon as a supporter of the government, I shall be happy to give it my most cordial support. With regard to the scheme before the House, I think in the first place the bargain is an improvident one. The terms on which we are asked to secure the extension of the Intercolonial Railway to Montreal are terms not in the interests of this country. I believe that we are asked to pay an excessive price for what may be in itself a benefit, and I do not agree with the hon. gentlemen who say that the results likely to accrue from the policy propounded in the bill would be realized if it went into operation. I believe that instead of reducing the deficits, when we come to reckon the large amount to be added to the expenditure of the Intercolonial Railway by the policy before the House, the probability would be that the deficits in the Intercolonial Railway would be larger afterwards than they are to-day. Then, again, with regard to the bargain which has been asserted by a leading member, who ought to speak with authority, in another place, that twelve months ago, before these negotiations were entered into by the government of Canada with the Grand Trunk Railway and Drummond County Railway, the property for which we are asked to pay now $1,600,000 could have been purchased perhaps for $400,000 or $500,000. Besides, in the public press it is openly stated that at the bottom of this transaction there is a very heavy layer of corruption—that there is a deal—that there is a job. I do not mean to say that there is any truth in these assertions, I have no evidence whatever on which I would be justified in coming to the conclusion that there is the slightest foundation for these charges, but I do say this, in the face of these circumstances, we should not be asked at the closing hours of the session to pass this bill, not alone for the amount of money involved in it, but for the character of the legislature of this country which is also involved. The Senate of Canada, in my humble opinion, would be recreant to one of its first duties if, in view of the charges which have been made in respectable newspapers in this country against what is called the Drummond County deal, we did not see that the matter was fully ventilated before we crystallized the negotiations founded upon that deal into law. If this bill had come to us a month or two ago, we would have spent time to have sent it to the Committee of Railways and there investigated it. It is true the negotiations were not completed in time for that, but if we reject it now, next session it can be introduced early in the year, and we will have an opportunity of referring it to the Railway Committee where all those charges can be ventilated, and we can act upon the evidence, which we will be able to obtain by such a course. It is in the interests of the country on these two grounds that we should not hastily adopt the bill before the House, and that we should give time for investigation of those serious charges which are calculated to do so much injury to the public men of the country and the government. My hon. friend has alluded to a newspaper just now, which I thought stood very high in the estimation of the party to which it belongs. As a journal conducted with marked ability it stands high in my estimation, although I do not agree with everything I see in it, and I see lately it has taken a short turn on the subject before the House. I allude to the Montreal *Witness*. I may say such articles as this in such a respectable paper as the *Witness*—because although I differ politically from the *Witness* I believe it to be a respectable paper conducted with marked ability—are enough to arouse in any man's mind, which is not sluggish indeed, a desire to inquire into the facts concerning which a presumably impartial paper would use such lan-

guage as this. I quote from the Montreal *Witness* of June 12th, 1897 :

The arrangement entered into will certainly benefit the Grand Trunk Railway, which by it secures the urgently necessary reconstruction of the Victoria bridge at small cost to itself. The Drummond County Railway will also be a great, a very great, gainer. That the Intercolonial will greatly benefit seems doubtful. But if it be admitted that the extension of the Intercolonial to Montreal was a wise policy, Mr. Blair's explanation of the arrangement seems to show that it was more prudent to secure the agreement entered into than to construct a new south shore railway or secure running powers over the whole distance of the larger route of the Grand Trunk Railway. The late government, also, seems to have entertained the project of extension, and had also, it appears, considered in this connection the purchase outright of the Drummond County Railway. But the extension of the Intercolonial Railway is a very doubtful policy, and to create an annual charge of $210,000 for such a project at a time when economy and retrenchment were necessary, and while expenditures upon the fast Atlantic service, upon rapid deepening of canals, and upon the Kootenay railway and other public works to which the government was committed, had just increased the cost of public works by about a million dollars annually, seems unwise, especially in view of the fact that there was no public demand for the extension of the Intercolonial.

Hon. Mr. POIRIER—That is a subsidized paper.

Hon. Mr. MILLER—Which ?

Hon. Mr. POIRIER—It has been asserted that those papers which had anything to say against the project, were subsidized papers.

Hon. Mr. MILLER—It is reading such articles as this in the better class of journals in this country that induced me to ask myself if there was any necessity for forcing this doubtful scheme upon the country at the present session, and I had no hesitation, after a full investigation of the whole question, in coming to the conclusion that there was no necessity for haste, that it would be a great deal better for parliament to postpone the consideration of this question to another session, when there will be ample time to give it the fullest investigation. I am afraid I am breaking my promise of not occupying your time too long, but there is one point upon which I wish to make an observation, and it is as to the power of this House to deal with a question of this kind. This House has power to deal with any bill that is presented to it, whether it emanates here, or whether it comes from the other branch of the legislature. We have one restriction with regard to money bills that we cannot amend them, but with that simple qualification we have ample power—just as much power to deal with any measure, I care not of what character, I care not whether it may be a bill involving fiscal considerations or whether it may be a bill involving the franchise of the House of Commons, which is more domestic to that House than any other question—I care not what the question is, this House has absolute power under the British North America Act to deal with it, and the man who asserts to the contrary is, in my humble opinion, ignorant of the first principles of the constitutional system given to this Dominion. I say, therefore, it is useless, and the argument ought never to be heard in this House—I do not like to hear a member of this House utter any language which would go to weaken the authority of the House, because I think, if experience has proved anything at all, it has proved that it might have been in the interest of good government to a great extent if the powers of this House were not confined and limited in some respects as they are, because since the passage of the Act of 1867 creating this Dominion, I feel that this House has a record of which every member of it should be proud, Never has it been proved to be factiously hostile to any government in power, and always has it been shown to be on the side of every great measure of public policy—every one of those great measures of public policy which have made Canada what it is to-day, the boast and pride of every true Canadian. I say this House has a record which, if demagogism should raise its head against us in this country, we can well submit and say to the people of this country look at our record, where have we attempted to thwart your wishes, where have we stood in the way of the national will, point to the instance in which this House has proved unfit for the high duties with which it has been invested, and they will point in vain. I say while that record lasts this House has nothing to fear from the threats or insolence of demagogues, either in the House or out of it. One word more. This House is called upon, on the present occasion, to vote for this bill, that otherwise we would be running contrary to the other branch and thwarting the will of the people. I say if the government to-day

exercise the constitutional power they possess, supposing this bill is cast out, as I believe it properly will be by the vote shortly to be taken, let them appeal to-morrow against this Senate and I venture to say there is not a man among us who shall vote against this bill who will not be vindicated by the verdict which will be rendered by the people. Therefore these idle threats are useless, to a body composed of men who know their duty, and have the courage to perform it.

The amendment being put to the House, was declared carried on the following division :

CONTENTS :

Hon. Messrs.

Aikins,	Macdonald (Victoria),
Armand,	McCallum,
Arsenault,	McDonald (Cape Breton),
Baird,	McMay,
Bellerose,	McKindsey,
Bernier,	McMillan,
Bolduc,	Merner,
Boucherville, de	Miller,
Bowell, (Sir Mackenzie),	Montplaisir,
Carling (Sir John),	O'Brien,
Clemow,	Owens,
De Blois,	Perley,
Dobson,	Poirier,
Drummond,	Price,
Ferguson,	Primrose,
Forget,	Prowse,
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Landry,	Wood.--37.
Macdonald (P.E.I.),	

NON-CONTENTS :

Hon. Messrs.

Cox,	Scott,
Dever,	Snowball,
McInnes (N. Westminster),	Temple,
O'Donohoe,	Thibaudeau
Pelletier (Speaker),	(de la Vallière).—10.
Power.	

Hon. Mr. ALLAN—I paired with the Hon. Sir Oliver Mowat at his request.

Hon. Mr. SCOTT moved that when the House adjourns to-day it stands adjourned until eleven o'clock to-morrow morning.

The motion was agreed to.

The Senate adjourned.

THE SENATE.

Ottawa, Thursday, 24th June, 1897.

The SPEAKER took the Chair at Eleven o'clock a.m.

Prayers and routine proceedings.

THE TOBACCO INDUSTRY.

MOTION.

Hon. Mr. LANDRY moved :

That an order of the Senate do issue for a copy of all petitions on the part of the cultivators or preparers of tobacco in relation to the new tariff, and also of all correspondence exchanged on this subject between the government and these producers.

The motion was agreed to.

THE MANITOBA SCHOOL QUESTION.

INQUIRY.

Hon. Mr. LANDRY—Before the Orders of the Day are called, I should like to inquire of the hon. minister if there is any report whatsoever coming from Mr. Sifton on the Manitoba school question.

Hon. Sir OLIVER MOWAT—None.

THE DRUMMOND COUNTY RAILWAY.

INQUIRY.

Hon. Sir MACKENZIE BOWELL—Before we proceed with the business of the day, I should like to call the attention of the Senate—it may be somewhat unusual—to the Supplementary Estimates laid before the House of Commons—

Hon. Sir OLIVER MOWAT—Had we not better leave that until we have to do with it practically ?

Hon. Sir MACKENZIE BOWELL—Under the circumstances the hon. gentleman would be quite right. What I propose to ask the hon. gentleman is the meaning of an incident which occurred last night in the House of Commons, after twelve o'clock. It will be remembered that this House rejected the proposition that was laid before it in resolutions for the ratification of an agreement between the government and the Grand Trunk Railway Company and the Drummond County Railway Company, which involved the

expenditure of a large amount of money. As I am informed, and the proceedings of the House of Commons indicate, after the rejection of the policy involved in these resolutions, the government deliberatly laid upon the table a supplementary estimate asking for a sum in order to enable them to carry out the provisions of that contract which had been rejected. If any satisfactory explanation can be given it might enable the Senate to form some opinion as to the course they ought to pursue in the future. The proceeding in the Lower House occurred after twelve o'clock, because the date is Thursday (that is to-day) which is the regular course to pursue with reference to any proceedings which take place after twelve o'clock, and hence I infer, as the newspapers state it was one of the last things done, about two o'clock in the morning; that the government in the Lower House must have been informed of the action of this House in rejecting that policy when they laid on the table estimates asking for a sum to enable them to carry out the conditions of that very contract, and it appears that they also have the Governor General's warrant for so doing. The proceedings read:

Mr. Fielding delivered a message from His Excellency the Governor General, which was read by Mr. Speaker, as follows:—

ABERDEEN.

The Governor General transmits to the House of Commons, further Supplementary Estimates of sums required for the service of the Dominion for the year ended 30th June, 1898, and in accordance with the provisions of the "British North America Act, 1867," the Governor General recommends these Estimates to the House of Commons.

GOVERNMENT HOUSE,
OTTAWA, 23rd June, 1897.

I have not those estimates before me and I cannot speak as to their contents further than what appears in the newspapers.

Then, just at the last moment, the government played the card which it evidently had kept up its sleeve against the rejection of its Drummond County deal by the Senate. Mr. Fielding it was who did the trick, by laying on the table, as the committee rose, "further Supplementary Estimates" for the year 1897-98, headed as follows:

"Intercolonial Railway extension to Montreal. To pay rental to the Grand Trunk Railway and Drummond County Railway companies for the railway from Chaudière to Montreal, to be operated as part of the Intercolonial Railway for nine months, $157,500."

This will, of course, be added to the Supply Bill, so the Senate cannot reject it without throwing out the bill as a whole. After this stroke the Commons adjourned at 2.15 a.m.

I do not desire to express any positive opinion on this matter until we have the government's explanation, but I will say this, I cannot conceive it possible that His Excellency the Governor General authorized the placing of this item in the estimates before parliament with the knowledge of the rejection of the whole policy by the Senate. I can only infer, that, in the ordinary mode of doing business, this message from the Governor General was obtained prior to the rejection of the bill, and that it was held quietly in the desk of the Finance Minister for a *coup d'état* in this House. I await the explanation of the hon. gentleman before deciding what the Senate should do to maintain its own independence and dignity.

Hon. Sir OLIVER MOWAT—I am not able to say when His Excellency sent the recommendation in regard to this matter to which my hon. friend has referred. I left the House before the conclusion of the proceedings, having paired with the hon. gentleman opposite (Mr. Allan), finding the burden of sitting here any later in this bad atmosphere too much for me. With regard to the item referred to, it was at one time intended to have it in the estimates, I do not say that particular sum, but a sum which would be required for the year under the proposed agreement if it had been sanctioned. Of course the agreement is abandoned, and now the item is replaced in the estimates for consideration. I believe the object is this, that hon. members having doubt, or more than doubt, whether the business to be done would warrant the expenditure, it was felt desirable that there should be an opportunity to us all to know by actual experiment how that would be. Then, also, there would be an opportunity of considering whether there could be any modification made in the details such as might make the permanent agreement more satisfactory and suitable to the members who are now opposed to it. The matter will probably be brought up in the House of Commons to-day and a more full statement of the object of introducing it will be there given. I did not expect the question would be put to me,

so I am not prepared to say anything further on the subject at the moment.

Hon. Sir MACKENZIE BOWELL—Before discussing this matter further, might I ask the hon. gentleman if he would make inquiry and let us know at three o'clock what course the government intend to pursue? The hon. gentleman says the question has only just been put to him. I was not aware of it, nor had I seen it until I came to the House at ten o'clock. He will be in a position to tell us at three o'clock after meeting his colleagues, what the intention is with regard to this matter.

Hon. Mr. MILLER—The explanation of the Minister of Justice is satisfactory as far as it goes, and was what I should expect from a statesman of his high reputation as a constitutional lawyer. I know my hon. friend cannot but view with alarm such a step as was taken in another place last night when the result of the decision on the Railway Bill was known from this House. Imagine for a moment such a thing occurring in England. Imagine in the House of Commons, under similar circumstances, if the Upper House had rejected a bill, the Chancellor of the Exchequer bringing down to the House estimates in violation and defiance of the will of that branch of parliament! It could not possibly occur. I believe that we are in a crisis in our constitutional history—I believe the time is at hand, or very near at hand, when it has to be decided whether this Senate is to occupy the position it was intended to occupy under the constitution or not. I believe we are shortly to be brought face to face with the fact that we must either be content to allow our constitutional privileges to be overridden by the arbitrary wish of the ministers in another branch of the legislature, or must take a stand which may shake perhaps the constitution itself. We may be compelled to subject the constitution to a wrench, the consequences of which may not, perhaps, at the present time be foreseen. For I take it for granted there is no member of this House, who voted with the majority who will, by any manœuvering adopted elsewhere, consent to have the deliberate decision of this House set aside and laughed at. If this can be done it would be better that the Senate should be abolished at once. If we are afraid to exercise our constitutional privileges, or afraid to take steps to meet efforts to deprive us of those constitutional privileges, then this body will have no need for an existence and should not be continued an incubus and an expense on the country. If, after the deliberate vote of this House last night, the estimates contain any provision for the Drummond Railway deal as contemplated by that bill, I for one, shall be prepared to consider the propriety of rejecting the estimates.

Hon. Mr. POWER—The speech of the hon. gentleman is a very good illustration of what is called leaping before you come to the stile. The hon. leader of the opposition very properly asked for an explanation of the government's intentions. The hon. leader of the government intimated he would give the information when the House met at three o'clock, and consequently it is absurd——

Hon. Mr. MILLER—In your opinion, of course—a wise man like the hon. gentleman!

Hon. Mr. POWER—I am stating only my humble opinion. I know my opinion is not worth nearly as much as that of the hon. gentleman, but I do state that in my opinion to talk about a crisis in the constitution and of throwing out the Supply Bill until we know what the government propose to do and on what ground they are doing it, would be very unusual. I do not wish the Senate to occupy a position which is inconsistent with its dignity, and I think it is much more consistent with our dignity to wait, to be calm, and not, to use a vulgar phrase, to go off the handle at once.

Hon. Mr. MACDONALD (B.C.)—I hope the hon. minister will consider the gravity of these circumstances. His Excellency has been asked to sanction a proposition to override the will of parliament. The government is asking parliament to appropriate money for a purpose which has been condemned by this House. It is a most grave thing, and the ministers ought to consider whether they are going to recede from the position they have taken or not. If they do not recede, they raise a very grave question. They put His Excellency the Governor General in a very awkward position, that he should override the will of parliament, before knowing what parliament is going to do.

Hon. Mr. MILLS—I do not see the grave crisis which hon. gentlemen have referred to. The majority of the Senate last evening exercised, no doubt, a constitutional right in discussing the measure submitted to this House by the administration. The majority of the Senate voted to reject that measure. Now, one of the items of expense associated with that is included in the Supply Bill. Is not the House of Commons exercising its undoubted constitutional right in so doing? Will any hon. gentleman in this House say that the House of Commons has not the right to do what the House of Commons is undertaking to do at this moment? Does any hon. gentleman forget that when the House of Lords rejected the proposed abolition of the paper duties, that that abolition was included in the Supply Bill, and that which the House of Lords had rejected when proposed as a separate measure, they acquiesced in when included in the Supply Bill? The House of Lords, in rejecting the proposed abolition of the paper duty, exercised their constitutional discretion, did what they undoubtedly had a right to do under the circumstances—I am speaking of the legal right—and they were checkmated in that course by the subsequent action of the House of Commons.

Hon. Mr. MILLER—But at that time the system in England was different from what it is at the present time. It was the habit then to bring down separate Supply Bills in connection with each service, and the House would have an opportunity of meeting each case as it arose. Here, where all the appropriations are in bulk, we have not that opportunity.

Hon. Mr. MILLS—The hon. gentleman is mistaken. It was included in the general Supply Bill—what the House of Lords had rejected as a separate measure—and that bill was carried through parliament. Take another instance where the action was the action of the executive authority. It was the abolition of the purchase of commissions in the army. Mr. Gladstone proposed a bill for the abolition of that system. That bill was rejected by the House of Lords. The practice had existed under an order in council, and there had been no previous legislation on the subject, and after the rejection of that measure by the House of Lords, the government advised the Crown by Order in Council to abolish the system, and it was done without legislation, and although there was a discussion on the subject undoubtedly, I do not think that any one successfully maintained in either House that the government had not the power to do what it proposed to do under these circumstances. If hon. gentlemen in this House think that the administration had not the power to advise the Crown in respect to supplies on this subject, and if they think the House of Commons has not the legal and constitutional right to entertain that proposition——

Hon. Sir MACKENZIE BOWELL—Nobody is denying that.

Hon. Mr. MILLS—Then there is nothing illegal and nothing unconstitutional in the course that has been proposed.

Hon. Sir MACKENZIE BOWELL—Nor will there be, I suppose, if the Senate rejects the estimates. They have the power to do it.

Hon. Mr. MILLS—No doubt they have the power, and they know what responsibility they assume in pursuing such a course. I was addressing my observations to what my hon. friend from Richmond (Mr. Miller) had said with regard to the action that was taken. It is an action within the constitutional discretion of the other House, just as the action taken last night was within the constitutional discretion of this House.

Hon. Mr. MILLER—The two cases cited by my hon. friend are not applicable to the position I have taken. The instance before us in this House is that of the Senate rejecting a measure for the expenditure of a large sum of public money upon public works, and after the deliberate decision of the Senate on a bill sent from the other House to that effect, the Minister of Finance in the popular branch submits estimates in direct defiance of the deliberate action of this House. This is a very different case from either of the two cases mentioned by my hon. friend. A principle was involved, but it was not a question of imposing taxation—not a question in connection with the expenditure of public money. The other was also not a question involving the expenditure of public money. Although we have not the initiation of money bills in this House, we have the right to reject them, but we cannot amend them, and it is taking an unfair advantage of the position of this House to put an item

of supply in the general bill which has been condemned already by this House, and send it to this House to pass upon, giving us the alternative of either ignoring our previous action and accepting the charge which we had rejected, or rejecting the whole Supply Bill. I say the two cases are not analogous at all. If my hon. friend could cite a case where a bill had been sent up from the House of Commons proposing a heavy expenditure of public money on fortifications or public works of any kind, and that that bill had been rejected by the House of Lords, and after the rejection of such a bill by the House of Lords, that then the money intended to meet the object of the bill had been placed in the Supply Bill, he would have cites a case in point, but the two cases which he cited are not in point, and I defy him to get a case in English history on all fours with the case before us.

Hon. Mr. MILLS—The first case I gave is exactly the same as this in principle. There the House of Commons proposed to abolish the paper duties. It was proposed as a separate measure. It was sent to the House of Lords and the Lords in the exercise of their constitutional discretion rejected that measure. The House of Commons included at the instance of the government of course, that abolition in the general Supply Bill, and the House of Lords had the alternative of rejecting the entire Supply Bill or acquiescing in a principle that is exactly the same as this, except that the one is imposing a tax and the other is withholding it, both in the imposition and the abolition, the House of Commons is the paramount body.

Hon. Mr. MILLER—The cases are not in point. I recollect the case of the paper duty very well, because members who have sat in this House as long as I have, recollect that in a very important discussion, on the initiation of the national policy on the motion of Sir David Macpherson, I had occasion to bring up that case and quote it as a precedent for the position I then took. There is not only the difference which I have already stated between the position of the Senate at the present time and the position of the House of Lords on the paper duty—that is that the bill was not a bill for the expenditure of a large sum of public money upon public works which had been rejected by the House of Lords—but it was not even a case of the imposing of taxation. It was a case of relief from taxation, which makes a very great difference. With regard to the remarks which fell from the hon. gentleman from Halifax (Mr. Power), I do not think anything I said justified the tone in which he chose to speak. Still I do not complain. I say now, and I believe every hon. gentleman who hears me believes, we are in the face of a crisis. We have to deal with bold and determined men who have objects, perhaps, that we cannot fathom and who have reasons, perhaps, for the bold stand they are taking that we do not understand. They will go any length and I should not be at all surprised to see a provision for the payment of the annual subsidies of these two railways in the Supply Bill when it comes down, but I warn the government they will have to bear the consequences before the country, because I believe we represent the country on this question. They will have to take the consequences before the country that I believe will inevitably ensue if that turns out to be the case.

Hon. Mr. FERGUSON—I agree with the hon. gentleman from Richmond.

Hon. Mr. POWER—I rise to a question of order.

Hon. Mr. FERGUSON—The hon. gentleman spoke himself, but he denies the right to others.

Hon. Mr. POWER—There is no motion before the House.

Hon. Mr. FERGUSON—I am accustomed to this sort of interruption from my hon. friend.

Hon. Mr. KIRCHHOFFER—I move the adjournment of the House.

Hon. Mr. FERGUSON—I agree with the hon. gentleman from Richmond (Mr. Miller) that there is a very distinct and very wide difference between the case of the paper duties and the matter now engaging our attention. In that case it was relieving the people of a burden and in this case it is proposed to impose a burden, and in addition to that I have not had time to look up the authority but I had occasion to look up the question of the paper duties not long ago—I found that the action of the House of Commons on that occasion was condemned very strongly and the action of the House

of Lords has been vindicated and supported. This matter stands in this position : the advisers of His Excellency propose to enter into this contract, and they made it a part or a condition of this contract that it should receive the sanction of the Senate as well as that of the House of Commons. They came to the conclusion that such sanction should be obtained for that contract, and they submittted it to both Houses. Having failed to secure the assent of this House to that contract, they turn round and do evidently what they thought would not be right to do when they sought the sanction of the Senate—they turn round now and propose to carry out the spirit, at all events, of their original proposition without the sanction of the Senate, which they considered necessary only a short time ago. I do not know that this matter involves so grave a crisis as my hon. friend from Richmond appears to think it does. Of course the action itself shows a disposition to treat this House very unfairly and discourteously, but on first blush, at all events, I am not at all inclined to think that it will be anything more than just an exhibition of feeling on the part of the government of the day in bringing down this amount in the estimates, for the most they can do is to vote an annual amount. Annuities such as are included in the contract cannot be voted, and they will find in the end they would have been much wiser men had they not given such an exhibition as they have done by bringing in that vote when this House had, after due and careful deliberation, rejected the Drummond County Railway Bill as a measure not in the best interests of the country.

Hon. Sir OLIVER MOWAT—I wish to make clear one or two things before the motion is withdrawn. I meant to explain before, but I do not appear to have been understood, that the object of this item was not to compel, in effect, the adoption of the agreement, but it was thought that hon. members who oppose the agreement as a whole would feel there were good reasons why this particular item for a nine months' experiment should be approved—that there was no inconsistency between the two things. There was no thought, I am sure, of getting this House to sanction in one way what they were rejecting in another way. This House may not agree in that view. The House may choose to think and say and act upon the view that the two things are identical. But they are not proposed with the view that they are identical or that they are accomplishing the same purpose. The item is merely suggested in order to afford an opportunity of making an important experiment in this matter, the government believing that the profits will be so large as to satisfy this House that the bargain is a very good one, while at present the majority of this House do not take that view of the matter. It is said we are in the face of a crisis between the Senate and the House of Commons. I hope we are not. I should be very sorry to see any such crisis brought about, and I hope some way will be found by which all appearance of a crisis may be removed. I seem to have been misunderstood upon one point personally. I think I was understood, by what some hon. gentlemen opposite have said, to have undertaken that when the House met at three I would give full information after seeing my colleagues. I did not say so. We are dealing with a matter here in advance of the item being entertained in the House of Commons, and for all I know my colleagues may take the view that this House have not to do with the matter until it comes before them regularly. It may not come in the form in which notice has been given of the item, and the amount may be different, or the item may not be passed in the Commons and may not come here at all. It is quite possible my colleagues may take the view that I should not make any further statement here. I did not promise to make a statement, but the Council is to meet between now and three o'clock, and I shall be able to say at three o'clock, if the House desires it, whether a statement is to be made here in advance of any statement that the government may make in the other House.

Hon. Mr. LANDRY—At all events, could we know if the Governor General gave his assent before or after midnight?

Hon. Sir OLIVER MOWAT—I have no personal knowledge on the subject.

Hon. Mr. LANDRY—We could know it.

Hon. Sir OLIVER MOWAT—I think perhaps it would be fair to say that I have no idea that the Governor General did give his assent after the vote here. I do not

think he did. I have no personal knowledge, but I do not at all suppose he gave it after that.

Hon. Mr. MILLER—Perhaps there is no member of the House who gets more of the indulgence of the Senate than the hon. member from Halifax (Mr. Power). He speaks when he pleases, and I hardly can recall an instance in which the rule has been attempted to be enforced against him. I recollect when he was in the habit of speaking half a dozen times a day and no one called him to order: I have myself tried to speak twice briefly when he has called me to order. My hon. friend from Charlottetown (Mr. Ferguson) had not spoken once on this occasion when he was called to order by the hon. gentleman who had himself spoken twice on the subject. That sort of treatment is not calculated to engender liberal treatment from the other side of the House, and if it is put in practice against the hon. member he will be called to order half a dozen times a day.

Hon. Mr. POWER—Hear, hear.

The motion for adjournment was withdrawn.

YUKON MINING AND TRANSPORTATION COMPANY'S BILL.

THIRD READING.

Hon. Mr. VIDAL moved concurrence in the amendments made by the Standing Committee on Railways, Telegraphs and Harbours to Bill (118) "An Act to incorporate the Yukon Mining and Transportation Company (Foreign)." He said: I move the consideration of this report, merely to give an opportunity to members of the House to see in print the alterations which have been made in the bill in committee, so that they can compare them with the original bill, and see their character and extent. Although occupying a good deal of space, there is very little change made in the bill. I do not think it is necessary that I should enter into an explanation of them. The promoter of the bill will no doubt give the reasons why those amendments should be accepted or disagreed to. I may explain briefly one of the essential features that it was considered necessary to amend. The original bill spoke of that company as an incorporated company. On investigating the bill, it was found that there was no incorporation whatever. It was simply extending to Canada the powers given to the company incorporated in the United States, and it was necessary therefore that some changes should be made in the phraseology of the bill, showing that we do not incorporate the company but merely recognize a foreign corporation and extend to them certain powers in this country, but not dealing with their stock or the amount of it, or their internal management. That is one of the principal alterations. They imperfectly described the geographical position, which hon. gentlemen could not understand without a map showing the country. It is a region which is not yet surveyed, and there is a vast difference of opinion about the location of some of the lakes mentioned there. We have no way of deciding between the conflicting authorities and to meet some of these difficulties the phraseology of the described line of railway was somewhat altered. Beyond that I do not know that there was any great amendment made in the bill. The promoters of the bill agreed to the amendments which were made; they considered that it improved the bill.

Hon. Mr. KIRCHHOFFER moved the adoption of the report.

Hon. Mr. McINNES (B.C.)—I must confess that yesterday, when I inquired if the bill had been reprinted, I was very much surprised to find that it had not been reprinted. The chairman of the Committee on Railways and Canals, when he presented this report a couple of days ago, stated that the alterations were so numerous that he would not ask to have them read—that the bill was practically a new one and, as I and a number of other hon gentlemen around me understood him, the bill was to be reprinted.

Hon. Mr. McKAY—The amendments were to be reprinted.

Hon. Mr. McINNES (B.C.)—That was not my understanding at all. If there had been any such understanding, I should have moved that the bill be reprinted. I have in my hand the bill as amended, and I submit that it is impracticable to take up the amendments which appear in the minutes and put them in their proper places and have an in-

telligent knowledge of the bill. As was very properly stated by the chairman a minute ago, the Yukon is a new country. Even before the committee, one of the companies contended that the lake that was represented to go by a certain name was not the lake at all, that the lake referred to was over one hundred miles further south and therefore, instead of accepting the amendments, I shall move, before I resume my seat, that the bill be reprinted. With all due respect to the hon. gentleman who has charge of this bill, and who is pushing it to a conclusion—a gentleman for whom I have the greatest respect, a liberal, broad-minded man, and as jolly a fellow as any that stands in this House—I think I have a little more interest in that portion of the Dominion than he has. I may state here, for the information of the House, that there are no politics in this bill. The man that introduced it in the other House, is one of the Liberal members from British Columbia, although not representing that portion of the province through which the proposed railway will be built and the other improvements are supposed to be made.

Hon. Mr. ALMON—Good men come out of Gallilee.

Hon. Mr. McINNES (B.C.)—Yes, and even out of Halifax. I would draw the attention of the House to the fact that the gentleman in the House of Commons who represents that district, Mr. Maxwell, is opposed to the bill.

Hon. Mr. MACDONALD (B.C.)—He is crazy.

Hon. Mr. McINNES (B.C.)—I have had an interview with him, and he is distinctly opposed to it. The bill will affect the Burrard district and Vancouver Island more than any other portion of the province of British Columbia. But apart from that, I am opposed to the passage of the bill under any circumstances. I care not how you amend it; and I agreed with the senior member for Halifax (Mr. Power), when he suggested in the committee that the bill should be remodelled. I do not know who these men composing this foreign company are, and the hon. gentlemen here do not know who they are—I am informed they are a lot of Yankee speculators. This company has been incorporated where? In West Virginia. I am informed on the very best authority that they are nothing more or less than an off shoot of the North American Trading and Transportation Company, which now has a monopoly of the United States portion of the Yukon country and now desire by this bill to extend their operations into the Canadian Yukon. It is for trading purposes that they wish to extend their powers away into that portion of British Columbia and into the North-west Territories. I agree with what the hon. gentleman from Halifax said the other day, that a foreign company coming in here and taking advantage of their foreign incorporation are placed in a very much better position than our own people. They have no personal responsibilities such as our own people assume when parliament grants them charters: and, as I said before, every man of this company, as far as I am able to judge, is a foreigner.

Hon. Mr. McCALLUM—We do not know who they are.

Hon. Mr. McINNES (B.C.)—They were not willing to submit their names. We have not the slightest knowledge who they are, and I claim, under the circumstances, that they have come in under false pretenses. They claim in the bill that they have certain powers and privileges from the legislature of British Columbia which, on investigation, was proven to be untrue. The preamble of the bill had to be altered: and I am astonished at my good natured friend from Brandon insisting on having the bill passed in the dying hours of parliament. The reason why I am opposing this bill is that I am satisfied that instead of opening up that country it will have the reverse effect. It will have the effect, probably, of stopping the operations of the other company who are now, I may inform the House, engaged on their trails and surveys, and building wharfs. They are at work now, and this bill, if passed, will have one of two tendencies; if this company can get what they ask for, the other company will be compelled to buy them out, because there is not room for two companies there now. The hon. gentleman says, "Oh! I know what I am talking about," but I do not think the hon. gentleman knows anything about it. If I were to dictate to members of this House as to the local conditions and what would be contrary to their interests away down in Nova Scotia

or New Brunswick, or some remote portion of our Dominion————

Hon. Mr. SNOWBALL—He did not say that.

Hon. Mr. McINNES (B.C.)—I have to a great extent a local knowledge of the condition of affairs in the Yukon country, and I say it is not in the interest of British Columbia or the North-west Territories or the development of that portion of the country, that this legislation should be granted. If the present company which obtained a bill from us the other day, fail to do their duty and construct the works they have agreed to construct, then if this foreign company should come here next year and apply for a charter and place their names before the public and ask for the same rights and privileges as this other company above board, not under the shadow or wing or shield of any United States company, then I do not know that I would oppose it. The chances are I should support it, but at the present time I ask the Senate not to pass this bill. In a few months we are to meet again, and if they come to us at any time and ask for legislation which we would be justified in granting, I for one shall not oppose it. I ask the hon. member not to press this legislation further this session. I move that the report be not now adopted, but that the bill be reprinted so that every hon. gentleman can see the full meaning of the legislation asked for in the bill.

Hon. Mr. McCALLUM—We ought to have the amendments printed.

The motion was declared lost.

Hon. Mr. McCALLUM—I should like to have the bill printed so that I may see what it is. I do not like to speak of what takes place in committee, but they could not tell within hundreds of miles where they were going, and it appears to me a strange thing that we should grant a charter to people when we do not know who they are. They have a charter from the legislature of West Virginia, and they come in here for legislation, and we are not to ask any questions of them as to who they are. The fact that the legislature of British Columbia has recognized them is no reason why we should not be allowed to ask any questions.

Hon. Mr. MACDONALD (B.C.)—The printing of the bill will not give you all that information.

Hon. Mr. McCALLUM—But it will tell us what we are doing. The hon gentleman may be satisfied with it as it is, but it does not satisfy me at all. We want to know to whom we are giving these powers. We want some responsible parties. We do not want a lot of foreigners to come in. Who are they? Are they black or white? We do not know anything about them. I desired that the bill should be reprinted, but that motion was lost. If my hon. friend wants to move the six months' hoist I will second it, or if he does not, I shall move it myself. It takes me a long time to make up my mind on questions of this kind, and I want to have a chance to record my vote against it, even if I stood alone. This old man's vote will never be recorded in favour of foreigners unless he knows what they are. Therefore, I move that this report be taken into consideration this day six months.

Hon. Mr. MACDONALD (P.E.I.)—I second my hon. friend's motion. We are too ready to grant charters to foreigners before we know who they are. I do not know that it is going to be any benefit to the Dominion of Canada to have foreigners coming in and taking up the trade and work of the Dominion when there are so many in the Dominion who are ready to do that work if they consider it for the advantage of the Dominion generally. I know very little indeed about the merits of the bill which has been submitted, as there has been very little said here in advocacy of the measure itself and from the small part of the discussion that I heard respecting it in the Railway Committee, I am decidedly opposed to passing that bill, and shall support the motion made by my hon. friend from Monck.

Hon. Mr. MACDONALD (B.C.)—The hon. gentleman who has just spoken and the hon. gentleman from Monck are under a misapprehension. The province of British Columbia chartered the company to do certain work in the Cassiar and Yukon district, and this company finding there is a certain point which they wish to reach that may be beyond the limits of British Columbia, come here and ask power from the Dominion to reach that place.

Hon. Mr. McINNES (B.C.)—There is no British Columbia charter.

Hon. Sir OLIVER MOWAT—No.

Hon. Mr. MACDONALD (B.C.)—Time and again we have extended provincial charters, though we had not got the names of the incorporators before us, and there are hundreds of bills on the statutes of the country similar to this one. We merely extend provincial powers and make the bill a Dominion bill, because they go beyond the boundaries of the province. That is all that this bill asks. I am in favour of the first company which got th charter, the Duke of Teck's company, and I hope they will proceed, but I am not in favour of monopoly. I do not wish to lock up that enormous territory for any one company. There is room for half a dozen companies there. While I wish every success to the first company, I do not wish to block out any one, and therefore we give these people rights to go to a certain lake out there and that is the whole object of the bill. My hon. friend knows that the amendments proposed are all technical. The law clerk of this House discovered little flaws in the bill as it came from the House of Commons, and to rectify those he proposed some amendments striking out some sections which referred to British Columbia which were not quite in accordance with the facts, and the committee struck them out. It does not alter the route or the incorporators, and does not alter anything except little technicalities to cure the defects in the Act of British Columbia.

Hon. Mr. McCALLUM—Does it conform to the laws of this country to recognize incorporators when you do not know who they are?

Hon. Mr. MACDONALD (B.C.)—You do it hundreds of times.

Hon. Mr. McCALLUM—Then we should stop doing wrong.

Hon. Mr. MACDONALD (B.C.)—Companies incorporated under provincial bills come to this parliament over and over again for Dominion legislation and in such cases we have not got the names of those who apply.

Hon. Mr. McCALLUM—Is the hon. gentleman ashamed to give the names of the people?

Hon. Mr. MACDONALD (B.C.)—With regard to foreigners, I should like every foreigner, be he Russian, German or American, to bring all the money he can to this country, and if this company, or any other company, from any other part of the world want to bring in money let them bring it in. The progress British Columbia has made up to this date is entirely due to United States capital. I know what I am talking about. In the town of Victoria in 1858, when the discovery of gold was made, we had about one hundred people in the whole place. In two months 20,000 people came in with pockets full of gold, and a town lot which you could have bought for $50 before, would bring $7,000. From that time Americans have been greatly instrumental in building up that province in order to enrich themselves it is true, but at the same time they helped the province. That is the effect of it. The Americans came into Rossland and they first got charters to drain certain lands, and but for the United States capital which came into the Rossland mines they would not be known to-day. The only things I have against the Americans is that they prefer employing United States labourers to Canadians, but now we have an Act to prevent them doing that, to a certain extent. But let foreigners bring all the capital they can into the country and open up the country. That has been the effect of it in days past. Although we are a British colony, the British government has never spent one shilling in carrying the mail to us. Although we have had mails brought to us, they were carried by Americans, and what did the English government do? They carried the mails to the West Indies, Chili and Peru and other parts of the world, but they did not spend one shilling in carrying the mails to our colony. All that work was done by the enterprise of the Americans. There is a great difference between a United States company coming in and carrying the money out like the American Bank Note Company, and a foreign company coming in and bringing money into the country.

Hon. Mr. VIDAL—The hon. gentleman is entirely incorrect in stating to the House that this company is incorporated in British Columbia. The very fact that it is not incorporated in British Columbia made it necessary to strike out all reference to being incorporated in that province.

Hon. Mr. MACDONALD (B.C.)—It should be incorporated.

Hon. Mr. McCALLUM—The hon. gentleman appears not to know what he is talking about, and he tells us all about that country and about the Americans carrying the mails, but I do not know that that has anything to do with the bill. He cannot tell us the names of the incorporators but he is willing to vote for their incorporation, because the Americans conferred some benefit on the province of British Columbia formerly. He thinks we ought to take that into consideration. I feel an interest even in that country, though I am a long distance from it. What is the object of this company? There is a company working there now, trying to carry a railway into the Yukon and make improvements, and if you charter this company the first company will have to buy them out. We do not know what the responsibility of these men is, or anything about them. They appear to be here from the state of West Virginia and because they are incorporated there we are asked to grant them what they want here. My hon. friend lays great stress on that, and refuses now to have these amendments put in proper shape so that we can see them. I am not prepared to adopt the bill as it is, and I now move that it be considered six months hence. I have already given my reasons for making this motion. It is not that I am against the improvement of the country, because I am always in favour of that, but I prefer that it should be done by British subjects, and not by foreigners whom we do not know. How are we going to reach them in another country? I want to charter people in this country and get their names and know who they are. We do not desire to give people vested rights in this country until we know them. It may cost this country a large sum of money to get rid of that vested right by and by.

Hon. Mr. MACDONALD (P.E.I.)—How far is it north?

Hon. Mr. McCALLUM—I do not know how far north it is, and I do not care—not desiring to give you a short answer. I am opposed to foreigners coming in here and asking parliament to give them a charter to interfere with companies of British subjects incorporated by this House. This has been sprung on us at the eleventh hour, and we are asked to give them a charter and force the others to buy them out.

Hon. Mr. ALMON—The great objection to the company is that they appear to be foreigners. We do know who the other company is. The Duke of Teck is an Austrian, and all the money he gets is the pension he receives from Austria, and the money he receives for marrying a cousin of the Queen. If the objection is simply to foreigners, perhaps the hon. gentleman would make his argument over again and apply it to the Duke of Teck. I shall be very happy to hear it.

Hon. Mr. POWER—What the hon gentleman from Victoria (Mr. Macdonald) says is substantially true. Most of the amendments made to the bill were purely formal amendments, or almost purely formal, made at the suggestion of the law clerk; but there is one amendment to which the attention of the House has not been directed, and which deserves attention. Page 2, line 20, leave out "Teslin Lake," and insert "a point on Teslin Lake not further west than the one hundred and thirty-third meridian." It was claimed on behalf of the British Yukon Company—and with a certain amount of truth—that under the wording of this bill, as it was originally introduced, this company might come and undertake to lay their railway tracks and do their other work in places on the line which had been selected by the British Yukon Company, but under the bill as it stands now that is impossible. This company begin their railway at a point which is distant I think about one hundred miles from the point where the British Yukon Company begin their work, and then they are obliged to go eastward to Teslin Lake. There was some question as to which lake was called "Teslin" and in order to make that clear and prevent this company interfering with the other company the amendment which I have read was inserted. If this company go to Teslin Lake, they must go to a point not further west than the one hundred and thirty-third meridian, and the other company do not go further east than the one hundred and thirty-third meridian, so that there is at least forty miles between the works of the companies, and I think that is not an unreasonable thing. The promoters of this company propose to begin at the head of Taku Inlet, running east, and the other company begin at the head of Lynn Inlet

and run nearly due north. I think it is absurd to talk of there not being room for two companies in an immense country like that, and I agree with the hon. gentleman that it is not desirable that it should be monopolized by any one company.

Hon. Mr McINNES (B.C.)—I wish it to be distinctly understood that I am not opposed to any foreigner coming into Canada to engage in any business enterprise whatever. I will hail them with the greatest delight, but I would want to know in the first place who those foreigners are, and I do not wish to have foreigners placed in a more advantageous position than our own people. With all due respect to what has fallen from the hon. gentleman from Victoria (Mr. Macdonald) about the developments in our colony in the early days which he attributes greatly to the Americans —and I give the Americans credit for what they have done—the conditions to-day are totally different. Within the past few years, as my hon. colleague knows, English capital has been seeking investment in that country and will continue to pour into the United States and develop the resources of that great country. Some of it has now been directed to British Columbia and I am satisfied that all the capital that we require for the development of our natural resources can and will be obtained from England, and we can get on very well indeed without aid or assistance from foreigners. I wish to see my province and the Dominion generally prosper. I believe if this bill is passed it will have a tendency to retard the improvements that are going on and to be prosecuted within the next few years. If I believed that by allowing this bill to pass it would have a tendency to open up that portion of the country more quickly, I should be the first to raise my voice in favour of their getting in there, but this company is in direct opposition to those who made the first application for a charter to go in there, and although in railway construction thirty or forty miles may appear a great distance between starting points in this level country, allow me to inform hon. gentlemen that you may go twenty, thirty, forty or one hundred miles before you can get a sufficient space between the mountains through which to pass to reach a certain point in the Yukon region. What does this bill ask for? Is it for the construction of a railway? Look at the marginal note.

Hon. Mr. MACDONALD (B.C.)—I call attention to the fact that the hon. gentleman has spoken twice on this motion. The hon gentleman has no right to speak further on the motion.

Hon. Mr. McCALLUM—I think the hon. gentleman is perfectly in order. This motion is to throw it out, and he is at liberty to explain all about the whole of the bill. The hon. gentleman from Victoria spoke four times.

Hon. Mr. MACDONALD (B.C.)—I spoke once on the subject; that was all. The hon. gentleman has spoken a dozen times.

Hon. Mr. McINNES (B.C.)—I am much obliged to my hon. colleague, but I have not spoken to the motion now before the House.

Hon. Mr. MACDONALD (B.C.)—What is the motion before the House?

Hon. Mr. McINNES (B.C.)—That this report be taken into consideration this day six months. It is on that motion I am now speaking, and I hope my hon. colleague will not get so excited over this matter. When interrupted, I was drawing the attention of the House to the fact that this bill asks for all manner of things. It is not to build a railway; it is to go in there and build telegraphs and smelters, and to engage in trade generally, and own vessels and wharfs ——

Hon. Mr. MACDONALD (B.C.)—I could show you twenty bills with the same provisions.

Hon. Mr. McINNES (B.C.)—But this bill asks for privileges and rights which will overlap those of the other company. It is true that their starting points on the Pacific are about seventy-five miles apart, but when they get into the interior about seventy-five or one hundred miles, if they are to take advantage of the lakes and the tributaries that flow into the Yukon River, they are bound to come into contact. I ask this House to postpone the consideration of this bill until the next session of parliament. I do not think, even if this House should pass this motion, that it is possible for the bill to pass the other House. If it goes down there with the amendments, practically a new bill, certain rules and regulations have to be observed there, as well as in this House, and I know

of several hon. gentlemen there who opposed it in the strongest possible way when it was before the lower House who will continue to oppose it and take advantage of every legitimate means they have of defeating this bill. I would ask my good Christian colleague from Brandon not to proceed further with this bill, but allow it to drop, and if, as I said before, the company we have chartered fail to do their duty and show any tendency towards monopolizing that territory,—if we find that they are not doing that which is right for the development of the country, he will have my support.

The House divided on the amendment which was lost on the following division :—

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Bowell (Sir Mackenzie),	Power,
Clemow	Temple,
Dickey,	Villeneuve,
Forget,	Wood.—18.

The report was adopted.

Hon. Mr. KIRCHHOFFER moved the third reading of the bill.

Hon. Mr. McINNES (B.C.)—I object to that. It cannot be done without the suspension of the rule, and we must be unanimous before the rule can be suspended.

Hon. Mr. POWER—Rule 70 says :

No private bill shall be read the third time on the same day on which it is reported from a committee.

This bill was reported three days ago.

Hon. Mr. McINNES (B.C.)—That means when it is acted upon. You may report it six months beforehand, but the meaning is when it is acted upon. I submit that to His Honour the Speaker.

The Hon. the SPEAKER—In my opinion rule 70 does not apply to the present bill. I certainly gave the opinion that no private bill shall be read the third time the same day on which it is reported from committee. This bill was reported from committee two or three days ago, and I think the question of order is not well taken.

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

THE TARIFF.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (143) "An Act to consolidate and amend the Acts respecting the duties of customs." He said :—The subject of this bill has been so thoroughly threshed out in the public press and at public meetings, not to speak of the debates in the House of Commons, that I doubt whether the Senate would feel obliged to me if I were to enter into a very full explanation of all the incidents connected with this measure. It is of course within the recollection of hon. gentlemen that for many years the main issue between the two great political parties in Canada has been the question of protection—in the abstract, protection and free trade. Practically, it has been admitted that free trade was too far in the distance to be thought of in Canada under present conditions, for many years to come ; that we must at all events adhere to a tariff for revenue, if we do not go any further. The people of Canada are scarcely educated up to the propriety of paying direct taxes for the administration of affairs, and therefore our revenue must be raised by what might be called incidental protection. The course pursued by the present administration in the preparation of the measure now submitted to parliament, has been on very similar lines to that followed by their predecessors. They adopted the same plan by the ministers who were particularly charged with the consideration of the fiscal policy of the government meeting the people at various points throughout the Dominion and taking suggestions and opinions from them as to their views on this important subject. The result of that has been that this bill was prepared probably more on lines and views that were gathered than on the abstract views of the members of the government. The various industries in this country that had, I may say, been subsidized under the system of protection, had assumed

such vast proportions that the government did not feel that it would be proper to take the responsibility of practically wiping out these industries, as the result would be if a tariff exclusively for revenue were introduced, and therefore, considering the position of those industries and considering the vast interests that were affected by them, the banks of the country and persons who had large sums of money invested in those industries, while we recognized that it was contrary to sound principle, yet it was one of those questions regarding which you had to adopt a modified view. The tariff as prepared now really does not make the material changes that we had expected it would. There are particular lines in which material changes have been made, and those are especially in relation to what is known as the iron duties, iron being looked upon as the basis upon which so many other industries were dependent as raw material. As raw material for those industries it was deemed advisable to reduce the duties largely on iron. If hon. gentlemen have the bill before them, I shall briefly go through it and explain the changes. The duties on ale, beer and wine have not been altered. The duty on spirit has been changed the increase being from $2.12½ to $2.40 per gallon. Then page after page of the present bill might be passed over where no increase or no reduction has been made. I call attention to one or two items which are not of themselves very important. The most important item would be that of Indian corn which has been placed on the free list. That is an item which has been discussed a great deal, and upon which a very wide difference of opinion has prevailed, inasmuch as during the last eight or ten years Indian corn has been grown much more extensively than in former times, and counties in the western part of Ontario to-day raise very considerable quantities. Canada, however, is a very broad country, and a tariff that apparently suits one section of the Dominion is not favourable to another. To the east of Kingston, or perhaps even of Toronto, through to the Atlantic coast, the quantity of Indian corn produced is quite insignificant, and therefore the demand for free corn among farmers of Eastern Ontario, the province of Quebec and the maritime provinces was universal, whereas naturally in the western section of Ontario a contrary feeling prevails, because it is a well recognized principle that every man is a protectionist so far as his own interests are concerned, and a free trader in everything where he has no interest. That may be regarded as a principle that is extremely broad. We are all naturally very selfish, and I suppose we all like to introduce into even matters of this kind what benefits self, and that is quite apparent in the arrangement of the tariff. Every person giving an opinion on the tariff speaks entirely from how it is going financially to affect himself, but it was thought that the largest number would be benefited by placing free corn on the list. It had been a debatable subject for very many years, and there were changes from time to time, but the general conclusion was that the larger number would be benefited by putting corn on the free list, except so far as the distillers are concerned.

Hon. Mr. AIKINS—It is pretty hard on the farmers of Ontario.

Hon. Mr. SCOTT—I quite admit there are portions west of Toronto where it might work that way.

Hon. Mr. AIKINS—Yes, and east of Toronto. It comes in competition with coarse grain.

Hon. Mr. SCOTT—Yes, that would be taking the protectionist's view, that the farmer would want protection in order that he might get higher prices for his pease, oats, barley and grain. The distillers do not get their corn free. Of course it can be argued with great force that there may be opportunities for frauds on the revenue. I think it will be difficult—although some persons do profess to say it is discernible in many instances—to classify United States and Canadian corn. There must be varieties of corn grown in both countries quite similar, and probably the same, and therefore it has been argued that the distillers will buy imported corn from the farmers. It is open to that objection. As a rule, however, distillers purchase in large quantities and import their corn. Of course the officers of the Inland Revenue Department and Customs Department have ready access to the books of the distillers and can keep some check, at all events, upon them, but whether it is effectual or not I am not prepared at this moment to discuss. One item, which has been very much discussed indeed, in which changes have been made from time to time in

another branch of the legislature, has been the duty upon rice. It was one of those particular articles in which it was alleged that it was a mistake to protect the industry in Canada, inasmuch as there were so few people engaged in it. I believe it is limited to less than a dozen, and yet they pleaded for a further existence and the tariff as introduced originally would have had the effect of wiping them out, so to speak, and a change in the opposite direction has been made. The duty on uncleaned rice is now half a cent a pound. It is one of the subjects which, though not important, was debated very much in another place and has been discussed in the press, a very considerable number of people believing that the revenue would be benefited to the extent of eighty or ninety thousand dollars if we put the duty entirely on the cleaned rice, and gave no protection to the uncleaned rice. If I am correctly informed, there is one rice mill in Montreal and another in British Columbia. I have heard they were owned by the same party. Their business was not very large, but they pleaded for some degree of protection, and after the item had been passed over in the House of Commons, it was reconsidered and they were given some degree of protection.

Hon. Sir MACKENZIE BOWELL—Oh don't acknowledge that.

Hon. Mr. SCOTT—The rice, uncleaned, was half a cent per pound. It was formerly three-tenths. It was estimated that if the protection was entirely withdrawn, all our rice would be imported as cleaned rice, and the revenue would have got the benefit of uncleaned rice that is now brought in at the lower rate. There is a slight reduction on wheat of from fifteen to twelve cents, and a corresponding reduction on flour from seventy-five to sixty cents a barrel, but the other items in that class do not seem to have undergone very much change. There is, I believe, no change in fish, and the products of fisheries, except item 112 "Anchovies and sardines when imported in any other form, thirty per cent ad valorem." That was formerly a specific duty of five cents a box. Whenever specific duties could be removed they were removed, and an ad valorem system adopted, and in many instances where the ad valorem and the specific existed, an effort has been made to strike out the specific and, if thought prudent and proper, to increase the ad valorem perhaps not to a full corresponding amount, but still to give them some degree of benefit and the former protection they enjoyed; but it was felt, and the argument was an irresistible one, that the imposition of two classes of duties, an ad valorem and a specific, was exceedingly misleading, that under it duties as high as seventy-five and eighty per cent were given and people could not appreciate it. They might appreciate it in principle if they inquired into it, but in purchasing an article subject to those duties, they were not aware of what the duties were in consequence of the specific and ad valorem being united and being an undefined amount. In books and papers there has been a change which has been discussed very naturally in the press. Books were formerly six cents a pound and the item now reads:

Novels or works of fiction or literature of a similar character, unbound or paper bound or in sheets, including freight rates for railway and telegraph rates bound in book or pamphlet form, but not to include Christmas annuals or books commonly known as juvenile or toy books, twenty per cent ad valorem.

That has undergone two or three changes in the House of Commons from time to time under the influence no doubt of the press, who perhaps more thoroughly understood that subject than ordinary politicians.

Hon. Mr. ALLAN—Is that twenty per cent limited to works of fiction or novels, or what is the "literature of a similar character?"

Hon. Mr. SCOTT—It is unbound novels and books and pamphlets—unbound or paper bound. It specifically states it, but it does not include juvenile toy books or Christmas annuals. They are exempted from it.

Hon. Mr. ALLAN—The books printed are only ten per cent.

Hon. Mr. SCOTT—Yes.

Hon. Mr. ALLAN—And novels or works of fiction are twenty per cent. I have not the slightest objection to it, but what does "literature of the same character" comprehend?

Hon. Mr. SCOTT—I do not know myself really, unless it includes biographies.

Hon. Mr. POWER—Fairy tales.

Hon. Mr. SCOTT—They would be works of fiction. As my hon. friend who sits alongside of me is well aware, there are many puzzles in any Customs Act you may draw up, and I have no doubt he has devoted a good deal of time to inquiring what the intention of parliament was when they passed the words in that paragraph. Item 126 is as follows:

Advertising and printed matter, viz.:—Advertising pamphlets, advertising pictorial show cards, illustrated advertising periodicals; illustrated price books, catalogues and price lists, advertising almanacs and calendars; patent medicine or other advertising circulars, fly sheets or pamphlets; advertising chromos, chromotypes, oleographs or like work produced by any process other than hand painting or drawing, and having any advertisement or advertising matter printed, lithographed or stamped thereon, or attached thereto, including advertising bills, folders and posters, or other similar artistic work, lithographed, printed or stamped on paper or cardboard for business or advertisement purposes, n.o.p., fifteen cents per pound.

That formerly stood at six cents per pound and twenty per cent ad valorem and it was found necessary to depart from the principle that was laid down, of an ad valorem duty and that was fixed at fifteen cents per pound. Then labels for cigar boxes had a combined duty before of fifteen cents per pound and twenty-five per cent and it was thought to reduce that to the standard by putting up a duty of thirty-five per cent. It was not desirable to reduce it on those particular items and thirty-five per cent was thought to be equivalent to fifteen cents a pound and twenty-five per cent. Printed music was formerly ten cents a pound and it is now ten per cent ad valorem. I do not know whether it has affected the value.

Hon. Mr. MACDONALD (B.C.)—What would blank books and copy books be?

Hon. Mr. SCOTT—There is no change in that. Then books, printed, periodicals and pamphlets or parts thereof, not to include bank account books, copy books, or books to be written or drawn upon, ten per cent ad valorem.

Hon. Mr. MACDONALD (B.C.)—Would blank books come in free?

Hon. Mr. SCOTT—No, I think not.

Hon. Mr. MACDONALD (B.C.)—There is no duty fixed for that.

Hon. Sir MACKENZIE BOWELL—All articles not mentioned in the tariff are 20 per cent.

Hon. Mr. MACDONALD (B.C.)—It is not to include blank books or copy books. I should think they would come in free as far as the tariff goes now. These goods are mentioned, and they are exempted.

Hon. Mr. SCOTT—Then as to chemicals and drugs, there are very few changes in that. Acid sulphuric, twenty-five per cent ad valorem. It was formerly four-tenths of a cent per pound, and a specific of two cents. Paraffine wax, thirty per cent ad valorem. It was formerly two cents per pound. In the next division, colours, paints, oils and varnishes, there are very few changes. I think the first change is in 161. Paints and colours, ground in spirits, and all spirit varnishes and lacquers, $1.12½ per gallon. I think what was formerly twenty-five per cent ad valorem. Putty of various kinds is twenty per cent, formerly it was fifteen. There is a change in olive oil reducing it from thirty to twenty per cent. Oils, coal and kerosene distilled, purified or refined, naphtha and petroleum and products of petroleum, five cents per gallon. That was formerly six cents and it is reduced to five cents.

Hon. Mr. ALLAN—Why do you give a relief to those who use coal oil?

Hon. Sir MACKENZIE BOWELL—Have you changed the standard on coal oil affecting its liability to explosion?

Hon. Mr. SCOTT—There is a bill which alters the flash test now on the order paper. Slack coal remains the same, 20 per cent ad valorem. It comes through a half-inch screen, subject to regulations to be made by the Controller of Customs. Bituminous coal, round and run of mine, was 60 cents formerly, and is now 53 cents per ton.

Hon. Sir MACKENZIE BOWELL—Would you inform the House why an exception was made in favour of coal, and the duty taken off corn—upon general principles, I mean? I can understand if you tell me that you want to supply corn to feed cattle, and at the same time to protect the coal industries in Nova Scotia.

Hon. Mr. SCOTT—The duty on coal is reduced from 60 to 53 cents a ton. These

have been the subject of compromise. They have run very much together.

Hon. Sir MACKENZIE BOWELL—There is no compromise in this.

Hon. Mr. SCOTT—No, I am aware of that. It gave to the government a great deal of consideration and trouble.

Hon. Sir MACKENZIE BOWELL—That is not the only matter which gave the government trouble.

Hon. Sir OLIVER MOWAT—I move that the Senate do now adjourn.

Hon. Mr. POWER—The motion is that the House do now adjourn. I think if that motion carried without some qualification, that it will adjourn us over until to-morrow at three o'clock, because at the close of the sitting yesterday, the minutes show that the the hon. Secretary of State moved that the House do now adjourn and it was not stated in the motion that each sitting should be a separate session.

Hon. Mr. SCOTT—Then I move that the House meet at three o'clock, the afternoon session to be a separate and distinct sitting of the House.

The Senate adjourned.

SECOND SITTING.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceeding.

THE TARIFF BILL.

SECOND READING.

Hon. Mr. SCOTT resumed the debate on Bill (143) "An Act to consolidate and amend the Act respecting the Duties of Customs." He said: When the House arose at its last sitting I had been making some comments and pointing out the important changes in the new tariff. We had reached the item of earthenware, cement, slate and stoneware in which there are some changes that I desire to call the attention of the House to. The first item, "earthenware and stoneware viz.: demijohns, churns or crocks, 30 per cent ad valorem." The duty was formerly three cents per gallon: it now goes into the 30 per cent list with items of the same character.

Hon. Sir MACKENZIE BOWELL—How much reduction would that be in the protection of that industry?

Hon. Mr. SCOTT—It is following out the rule, as far as possible, putting it in the ad valorem column. I do not know if it makes any change: I presume it does not, because the desire of the officers was, in changing items of that kind from specific to ad valorem to base the ad valorem as nearly as possible on the specific, reducing them to a slight degree. That occurs also in item 187 which has been a good deal discussed and commented on and which is practically just where it was before, except that cement is 12½ cents per 100 pounds instead of 40 cents per barrel. The argument used in reference to that was this, that barrels of cement were not always of the same size, that there were barrels of 250 pounds and barrels of 350 pounds; in fact the gradual tendency, as the duty was so much per barrel, was naturally to increase the size of the barrel until the duty, as I am advised, was not operating fairly in that way. An importation of barrels containing 250 pounds each paid just as much duty as an importation of barrels containing 350 pounds each.

Hon. Sir MACKENZIE BOWELL—Still you retain the specific duty?

Hon. Mr. SCOTT—Yes, it is now 12½c. per 100 pounds, so that if a barrel weighs 350 pounds, the duty is practically the same as it was before.

Hon. Sir MACKENZIE BOWELL—Why have you retained this obnoxious principle, as you have described it, on this article instead of making it ad valorem?

Hon. Mr. SCOTT—It is ad valorem—it is twelve and a half cents per 100 pounds.

Hon. Sir MACKENZIE BOWELL—If you said twelve and a half per cent it would be ad valorem, but twelve and a half cents per hundred pounds is a specific duty, which you condemned.

Hon. Mr. SCOTT—That seems to be the easiest way to get at it in order that all parties should pay a fair proportion. We had this difficulty to deal with—the 40c. per barrel was an arbitrary way of fixing the rate of duty, and it did not operate equally in all cases. We thought the fair way was to put the duty on the quantity.

Hon. Sir MACKENZIE BOWELL—I quite approve of the change, but it does not meet the difficulty at all. If you had said an ad valorem duty, you would have adopted what you have always represented to be the right principle. What I want to know is why a specific duty is continued upon cement when it is taken off everything else.

Hon. Mr. SCOTT—Not everything else.

Hon. Sir MACKENZIE BOWELL—Mostly everything else?

Hon. Mr. SCOTT—There is no doubt the argument is a strong one, but in that instance, as in several other cases to which notice might be drawn, it was found that the law would be much more easily interpreted.

Hon. Sir MACKENZIE BOWELL—That applies to all specific duties.

Hon. Mr. SCOTT—There would be less difficulty of evading the law, I quite recognize that. The next item is "Plaster of Paris, or gypsum, ground, calcined or manufactured, &c., 12½ cents per one hundred pounds." The old duty was 40 cents per barrel of 300 pounds. There it was specifically defined, although that had not been done in the case of cement. Marble and granite, finished and polished and all manufactures of marble and granite, n.o.p., 35 per cent ad valorem. That was formerly 30 per cent.

Hon. Sir MACKENZIE BOWELL—Will you tell me where these quarries of marble and granite are and give me a reason why you increase the duty 5 per cent?

Hon. Mr. SCOTT—I regret that I am unable to say.

Hon. Mr. POWER—There are marble quarries in Cape Breton.

Hon. Sir MACKENZIE BOWELL—The reason I ask that question is this: it is one of those cases where there has been an increase in the duty, and it is an increase in the direction of protection as to which I am fully in accord with the hon. gentleman. I wanted particularly to know whether in this case, as in many other cases that I know of, the representatives of the district where the quarries are, happen to be supporters of the government? Their interests have been taken care of.

Hon. Mr. MILLS—Were they not before?

Hon. Sir MACKENZIE BOWELL—No, we acted from principle.

Hon. Mr. SCOTT—The hon. gentleman, as we go on, will find that we have been obliged, in several instances, to increase the duty on articles over the former duty—a very slight increase—and that is due to this fact, that when the twenty-five per cent cut was considered in the possible event of other countries—for instance Germany and Belgium—coming in, more particularly in reference to the items we are now discussing, we felt that to reduce the duty and at the same time apply the twenty-five per cent cut would be going very much further than the government thought would be quite fair to the parties who had their money invested in certain industries of the country, and consequently, as you will observe in this particular branch, the duties have been raised on an average of two and a half per cent on a number of articles made in Canada, so that if the cut applied, the twenty-five per cent reduction would not apply with the same force as if the duty had been left as before.

Hon. Sir MACKENZIE BOWELL—That is, you did not wish to destroy all the industries?

Hon. Mr. SCOTT—We had a little mercy on those we could save. Item 203 "plate glass not bevelled in sheets or panes, not exceeding 25 square feet each. The duty now is 25 per cent ad valorem. It was formerly 9 cents per square foot. Item 204, plate glass, not bevelled, in sheets or panes, n.e.s., 35 per cent ad valorem. That was 4 cents per square foot before. Here is an item to which the remark I made a few moments ago would apply, and it is quite obvious that the reason is a very sound one. Item 206, "silvered glass, bevelled or not and framed or not," that was formerly 32½ per cent. That duty is now 35 per cent. That is glass, I believe, that comes largely from Belgium. German looking glass plate in silver, &c., 20 per cent ad valorem. That was formerly 17½ per cent under the old tariff. The reason for the increase I have already explained.

Hon. Sir MACKENZIE BOWELL—In the rearrangement of these duties, making them ad valorem instead of specific, I note the 20 per cent will after the reduc-

tion of 25 per cent, leave it nearly as it was before. I do not know whether the government, or the Minister of Finance who is principally responsible for these changes, was aware of the fact that these changes will be in the interest of the German and Belgium manufacturers and directly against the British, because in adopting an ad valorem duty upon this class of goods, the duty which will be paid by the Belgian and German manufacturer will be a good deal smaller than that paid by the English manufacturers, from the fact that the plate glass of all classes which comes from Germany and Belgium is an inferior and consequently much cheaper class of goods, and the ad valorem applied to them will discriminate against the better class of goods coming from England.

Hon. Mr. SCOTT—They were before in the ad valorem class.

Hon. Sir MACKENZIE BOWELL—Some of them.

Hon. Mr. SCOTT—The silver glass was, and the German looking-glass plate was. That was 17½, it is now 20 per cent. Although in framing the tariff we had in view the probability of Germany and Belgium taking advantage of the favoured-nation clause, we quite appreciated that it was a question which would have to be considered without depending, of course, on the views that might be entertained on the subject; our own opinion at the time, after fully considering it was that when the treaties of 1863 and 1865 were made, a reciprocal element was not in contemplation. We received, as one of the colonies of Great Britain, certain privileges in Belgium and Germany in common with Great Britain and gave certain favours in return. In the clause which stated that any advantage given to the mother country in the colonies should be shared by Germany and Belgium, we thought at that time that the reciprocal element now introduced into our tariff was an element not then considered. The hon. gentleman knows that in the United States, in making treaties, the favoured-nation clause has been held not to apply where the reciprocal element was brought into operation.

Hon. Sir MACKENZIE BOWELL—I understand that the United States have never been a party to any treaty containing the favoured-nations clauses. The tariffs which have been introduced by the United States government have made special provision for reciprocal trade with certain countries on certain conditions, but they never became a party, so far as I know, to any of the treaties which were entered into with Great Britain in reference to favoured-nations clauses.

Hon. Mr. SCOTT—Oh no, not with Great Britain.

Hon. Mr. MILLS—But they have had treaties containing the most favoured-nations clause.

Hon. Sir MACKENZIE BOWELL—We have nothing to do with that.

Hon. Mr. SCOTT—I was taking the view from the international standpoint, not having any idea that the hon. gentleman understood me as indicating that there was a favoured-nations clause between Great Britain and the United States. There never was, but there was between the United States and other nations. I was bringing it forward as an illustration of the reasons on which we based our conclusion with regard to those treaties. Of course the matter is open to discussion and will be discussed in the future.

Hon. Sir MACKENZIE BOWELL—I will not open the discussion.

Hon. Mr. SCOTT—No, it is not worth while. We cannot accomplish anything by it. In the next classification of articles there are very few changes. The changes are in the direction that I indicated a few moments ago and for the same reason. The first change comes in item 215, japanned, patent or enamelled leather, and morocco leather, 25 per cent ad valorem. It was formerly 22½ per cent. The next item, leather board, leatheroid and manufactures thereof, n.o.p., 25 per cent ad valorem. It was formerly 20 per cent. In the two items which relate to india-rubber boots and shoes and all manufactures of india-rubber and gutta percha, the change is in rubber boots and shoes. All manufactures of india-rubber and gutta percha are 25 per cent ad valorem. Boots and shoes were in the 30 per cent column. We come to that portion of the tariff where the changes were more

material and important than in any other clauses—that is the duty on metals and manufactures of metals. "Iron or steel scrap, wrought, being waste or refuse, including punchings, cuttings or clippings of iron or steel plate, or sheets having been in actual use; crop ends of tin plate bars, or of blooms or of rails, the same not having been in actual use." The duty formerly was $4, and on some items $3 per ton. In the present tariff it has been reduced to $1 per ton. Iron in pigs, iron kentledge and cast scrap iron, the duty was formerly $4 per ton; it is now reduced to $2.50 per ton. On "iron or steel ingots, cogged ingots, blooms, slabs, billets, puddled bars and loops or other forms, n.o.p., less finished than iron or steel bars but more advanced than pig iron, except castings"—in this class there is a material change. Formerly the rate was $5 a ton. It is now reduced to $2 a ton. Railroad iron remains where it was before. In bar iron there is a material change. That was formerly $10 per ton. It is now reduced to $7. In item 233 "skelp iron or steel, sheared or rolled in grooves, when imported by manufacturers of wrought iron or steel pipe for use only in the manufacture of wrought iron or steel pipe in their own factories," I suppose the greatest change has been made. That was formerly $10 per ton and it is now reduced to an ad valorem duty of five per cent. It was thought very important to make that concession to the manufacturers. In item 239 there has been a change from $10 to $8 per ton. The duty on iron and steel bridges was formerly 30 per cent; it has now been made 35 per cent. That may be for the reason I gave before, to prevent the competition of outsiders. "Forgings of iron or steel of whatever shape or size or in whatever stage of manufacture, n.e.s.; and steel shaftings, turned, compressed or polished; and hammered iron or steel bars or shapes, n.o.p.," formerly 35 per cent, have been reduced to 30 per cent. A change has been made in stove plates and stoves of all kinds. The duty was formerly 27½ per cent; it is now 25 per cent ad valorem. There is an important change in the item respecting spring axles, axle bars, n.e.s., and axle blanks and parts thereof of iron or steel, for railway or tramway or other vehicles. They were formerly $20 per ton; they are now 35 per cent ad valorem.

Hon. Sir MACKENZIE BOWELL—Can you give me the probable reduction?

Hon. Mr. SCOTT—I am not sufficiently familiar with the trade values of springs and axles. Of course there is a great deal of labour expended on them and probably 35 per cent may be not very much less than $20 per ton. They are of course very weighty articles.

Hon. Sir MACKENZIE BOWELL—Is not that an article that has been increased since the original introduction of the tariff?

Hon. Mr. SCOTT—I know that changes have been made, but I could not tell my hon. friend exactly what the changes were. I think in the debate in the other House the item was, after very considerable discussion, changed once or twice.

Hon. Sir MACKENZIE BOWELL—To make it equal, these articles should be worth about $65 to the ton. At 35 per cent it would give about $20 per ton. I have forgotten what the prices of these articles are and whether this is a reduction or increase. I should like to know.

Hon. Mr. SCOTT—I am inclined to think it is a reduction. They preferred having it as it was before, but 35 per cent was thought to be a reasonable protection for the industry. Wrought iron or steel boiler tubes, n.e.s., including flues and corrugated tubes for marine boilers were formerly seven and a half per cent. They are now five. Tubes of rolled steel seamless, not joined or welded, not more than one and a half inches in diameter and seamless steel tubes for bicycles, were formerly 20 per cent. They are now 10 per cent ad valorem. In wrought iron or steel tubing, plain or galvanized, threaded and coupled or not, two inches or less in diameter, n.e.s., were formerly under a combined duty of five-tenths of a cent per pound and 30 per cent ad valorem. They are now 35 per cent ad valorem. Iron or steel cut nails and spikes and railroad spikes were formerly ¾c. per pound are now half a cent a pound. There is a cut there of a quarter of a cent. Another item that has caused a good deal of discussion is that of wire nails of all kinds, three-fifths of one cent per pound. It is said they are very cheaply made now. The duty was formerly one-tenth of a cent a pound. There was another item that was said owing to a cheap method of making, to be enjoying considerable protection, that is item 259, iron or steel shoe tacks, &c.

They formerly paid one cent per 1,000. The duty is now placed at 35 per cent. It will be observed where the duty was considered too high before they have all been placed in one column.

Hon. Sir MACKENZIE BOWELL—It sounds like a good free trade tariff.

Hon. Mr. SCOTT—It does not conform in any sense to my ideas of free trade.

Hon. Sir MACKENZIE BOWELL—Or anybody elses. I am satisfied.

Hon. Mr. SCOTT—One does not like to create a crisis in the country. It is very unfortunate that, after eighteen years of growth and development, those industries are not able to stand without this continued aid and assistance.

Hon. Sir MACKENZIE BOWELL—We have often heard that.

Hon. Mr. SCOTT—Wood screws also are placed in the 35 per cent ad valorem column. Item 262 is an important one—barbed wire; and galvanized wire for fencing, numbers 9, 12 and 13 gauge, 15 per cent ad valorem until 1st January, 1898; thereafter free.

Hon. Mr. PRIMROSE—I wish to make a remark or two on the duty on iron before leaving that part of the list. I confess at once that I am not sufficiently posted in the minutiæ of these duties as applied to each article enumerated, but I do know this that the course which has been adopted by the government in the changes which they have proposed and carried out in the tariff with regard to iron, is, in the county from which I come, very materially and injuriously affecting the interests of very large iron industries. I cite now specially the Nova Scotia Steel and Iron Company, located in New Glasgow, which is a very large manufacturing establishment employing some 600 hands and which is the means of distributing a great deal of money in the neighbourhood in which it is situated. I know that the changes which have been made by the government in these iron duties, have made it, in the minds of gentlemen who are managing that institution, a very serious consideration whether they shall or shall not be able to continue their manufacture under the present arrangement. As I said at the outset, I am not sufficiently acquainted at the present moment with the minutiæ as applied to the different articles, but I have it on reliable authority that that is the result in regard to this large manufacture in the neighbourhood of which I speak. The hon. gentleman said a few minutes ago, in reply to the remark made by the hon. leader of the opposition, that after 18 years of experience these infant industries ought to be able to stand upon their own basis. I should like to ask the hon. gentleman if it was not for a very much longer period in that great free trade country, England,—which is so often cited as an example for us—if it was not a much longer period than 18 years before her industries were able to stand alone? I regret that I am unable to specify the particular items which are objected to, but I know what the effect of this tariff has been, as I have mentioned, on the industry I refer to. In regard to the manufacture of other iron articles, I see by the newspapers that many of these manufacturers are seriously considering whether it would not be advisable for them, under the circumstances, to close their establishments.

Hon. Mr. PROWSE—I quite agree with a good deal that has been said by the hon. gentleman who has just resumed his seat. While I am not opposed to all the reductions in the way of cheapening iron, because it is, to a large extent, the raw material for a good many manufactures of the Dominion, I cannot divest myself of the idea that the pig iron itself is a raw material which deserves the fostering care of the government to a very great extent. I consider that the mining industry is of very great importance to this Dominion: there is no mining industry in the world that is of more importance than the iron mining industry. When we take into consideration the fact that you can take a ton of iron and make the product of it more valuable than its weight in gold, one can see the importance of it. What makes that addition to the value is simply the labour put upon it. If we can develop our iron industry, especially our mining industry, it is of much more value than the coal, because after the coal is taken out of the ground there is no more labour put on it, but in the case of iron, the labour is put on it until it is greatly increased in value. As I said, I am not very strongly opposed to the reducing of the duties on common iron, but I say in proportion as the duties on iron

are reduced, the best policy the government can follow is to give a bounty to the companies that mine the iron ore and take it out of the earth and manufacture it into a valuable article—giving them a bounty to correspond equally with the duties they take off. As has been said very properly by the hon. gentleman who has resumed his seat, it took a great many more years than eighteen to develop the iron industry in England. With the cheap labour they had it was only developed by a high protective duty. What do we see to-day? We find even that country, which has so completely developed all its mining industries, has to compete with the raw material which comes from the United States and other countries. While that is the case, I think the proper policy for the government to adopt is to be careful not to allow infant industries, such as the Nova Scotia Steel Company, which is giving employment to a great many people furnishing traffic to the Intercolonial Railway and other roads, and giving employment to shipping industries in carrying ore and other articles—I say the government would be doing right in giving them such a bounty as will compensate them for the duties they have taken off.

Hon. Mr. SCOTT—The hon. gentleman is quite right in calling attention to that fact, but he omitted to point out to the House that there is a bill before parliament with a view to putting a bounty on iron and steel. The principle of bounties is being continued to a very considerable extent. Of course, the whole system is so complicated, and in my judgment so illogical, that it is very difficult to frame a tariff which will give each person his share of protection, and it is only in a spirit of compromise that any Act at all can be passed. It is all open to objection from the fact it is so difficult to equalize the rates of duty that ought to bear on each individual industry.

Hon. Mr. MACDONALD (P.E.I.)—Are the different items of the bill coming up for discussion, or are we to wait until the hon. Secretary of State is through?

Hon. Mr. SCOTT—The usual course in this House has been that the bill is read the second time and third time. It is not referred to committee and it is open to the House to discuss any item of the tariff at any time.

Hon. Mr. PRIMROSE—Does the hon. gentleman consider the system of bounty has been carried out sufficiently to encourage the production of raw material in the country?

Hon. Mr. SCOTT—My own opinion on the subject would be worth very little.

Hon. Sir MACKENZIE BOWELL—We do not want your individual opinion. The government is responsible for this tariff, and we want their opinion. What I want to know is why the hon. gentleman has changed his opinion.

Hon. Mr. SCOTT—I have not changed my opinion, only—

Hon. Mr. ALLAN—Under stress of circumstances.

Hon. Mr. SCOTT—I have not changed my opinion at all, but the responsibilities of the government are very great, and you have to recognize conditions which have grown up and for which we are not responsible. I protested against it for the last eighteen years. My protests were disregarded. Hon. gentlemen were so patriotic that this idea of the national policy captivated their judgment, carried them away and so we find ourselves in this sea of difficulties at the present moment, trying to improve matters, and no doubt in many cases where the general public derive considerable benefit from it, individual interests are considerably affected by it.

Hon. Mr. MACDONALD (P.E.I.)—A good many items have been passed over that I should like to discuss.

Hon. Mr. POWER—I rise to a question or order. The hon. Secretary of State is making his speech and it will be open to every hon. gentleman to speak afterwards, but it is most irregular to interject speeches into the speech of the minister. There will be every opportunity to discuss the tariff after he is through.

Hon. Mr. MACDONALD (P.E.I.)—The hon. Secretary of State has just referred to the fact that that has not been the case with respect to the tariff; that it is usually discussed, each item as we come to it on the second reading. That is the reason why I rose to speak at all now. But if it is to be understood that this can be taken up after-

wards and discussed by every member and senator who wishes, I am satisfied to wait until that time arrives.

Hon. Mr. SCOTT—Any time that is convenient to hon. gentlemen will suit me, but as the hon. gentleman from Halifax has said, I am now moving the second reading and I am asked to explain the particular items. It is quite open, when any item is mentioned, for any hon. gentleman to discuss it or to discuss it afterwards when I am through with the items.

Hon. Sir MACKENZIE BOWELL—The point of order might be very well taken under ordinary circumstance, but it has always been the practice, not only here but in the House of Commons, to ask for an explanation on each item. Unless the minister who is making the explanation objects to these questions, they are quite legitimate and quite proper, because they would save time by preventing the questions being put again after he is through with his explanations. I agree with the hon. gentleman, however, that the general discussion of the principle of the tariff should not be introduced while the Secretary of State is making his speech.

Hon. Mr. SCOTT—As hon. gentlemen are aware, the farmers have been crying out for cheaper barbed wire, and I see these two items are, after a limited period, to be put on the free list. Until the 1st of January, 1898, the duty will be reduced to 15 per cent ad valorem, then barbed wire will be placed on the free list.

Hon. Mr. PERLEY—Is not this wire imported plain and afterwards manufactured?

Hon. Mr. SCOTT—No, I think not. Of course there is plain wire imported and converted into fence wire.

Hon. Mr. PERLEY—I understand from the manufacturers of barbed wire in Winnipeg, we have three or four, that they complain that they have to close up their industries from the fact that there is a duty on the wire which they have to use in manufacturing, while the barbed wire is to be admitted free. The barbed wire is two strands of plain wire twisted, with spurs to form the barb. They have machines by which they take and twist the two strands together, putting the barbs in to make the barbed wire. Now I understand this finished article is to be on the free list, so that barbed wire can be sent into this country free, while the plain wire has a duty on it. If that is so, I cannot understand the policy of the government in keeping the duty on the raw material and letting the manufactured article come in free. If they had reversed it and taken the duty off the plain wire and placed it on the barbed wire, they would have protected that industry in the country.

Hon. Mr. SCOTT—The difficulty is this, if the wire was placed on the free list, the wire that is used for barbed wire is also used for a variety of purposes and there would be no possibility of discriminating. Every importer would say this wire is introduced for the purpose of manufacturing barbed wire. That is, as I am advised, where the trouble would arise. The demand has been very general to put barbed wire on the free list. Barbed wire and binder twine were two items on which there was a great deal of discussion in past years. The farmers were clamouring for some benefit out of the tariff, and they got those two items at all events.

Hon. Mr. PERLEY—Under this tariff you place us entirely at the mercy of foreigners.

Hon. Mr. SCOTT—The reason for postponing the operation of it until January, 1898, was to enable them to get rid of their stock, and then if they could go on and compete with the United States manufacturers well and good. The duty on the wire, as the hon. gentleman will see by the next item, will be 15 per cent ad valorem. Whether they could pay that duty and compete in the home market I am unable to say.

Hon. Mr. PERLEY—As it stands now, I am under the impression that the farmers will not get any benefit from the change. I remember some years ago that wire brought into Wolseley by the carload cost seven and eight cents per pound. The other day I bought wire to fence my farm with for three and a quarter cents laid down in Wolseley—for considerably less than half what was asked for it four or five years ago. I might state the same thing about binder twine. I wrote

to the manufacturers of barbed wire before I left my home, to ask them what reduction they would give me, having in expectation building some eight miles of fence on my farm. I refused to buy my barbed wire anticipating the policy of the government would be to place it on the free list. That is what we have been educated in our country to believe the government would do. I refused to buy my barbed wire except under the condition that I should have the benefit of any reduction in the duty. When I came here I corresponded with certain firms in Winnipeg, and they told me that they had to go out of the trade—that they could make no reduction, that the trade would go out of the country altogether—that they had to close up all their establishments and go out of the manufacture of barbed wire.

Hon. Sir MACKENZIE BOWELL—I think the hon. Secretary of State scarcely knows what the tariff is, I do not say that disrespectfully—when he tells us that difficulties might arise from the importation of this wire and the use of it for other purposes. That is always the case where there are special concessions made, and I recognize at once the difficulties in carrying out a policy of that kind, but if the hon. gentleman will turn his eyes to the free list he will find that provision is made in numerous cases for the importation of certain articles free when used for special purposes. That is the point to which my hon. friend (Mr. Perley) has called attention. Why should not this wire be admitted free for manufacturing barbed wire, thereby protecting and sustaining that industry. If you turn to items 590, 591, 592, 593, 594, 595, 596, 597, 598 and 600 and a number of others which read in this way: take as an illustration. Items 592, 592*a*, steel wire number 11 and 12 gauge or under when imported by the manufacturers of wire mattrasses to be used in their own factories in the manufacture of such articles—that is free. The same principle could be applied in the case to which the member for Wolseley (Mr. Perley) has called attention, so that the reason advanced by the hon. Secretary of State for not applying that principle to the item under discussion certainly has neither force, logic nor reason. This barbed wire, as I understand it, is going out of use to some extent.

Hon. Mr. PERLEY—Not in the Northwest.

Hon. Sir MACKENZIE BOWELL—I was under the impression that barbed wire was the cause of so many accidents to horses and cattle when they ran against it, that it was going out of use a good deal in Ontario. However, it is only to be free from and after the 1st of January next. I was going to suggest to the hon. member for Wolseley that if he was buying on condition of having a large reduction, he should make his paper payable after next January and then there would be no duty attached to it, but his misfortune is that the clause itself prevents the possibility of any manufacturer bringing wire into this country paying $15 on every $100 worth, and then manufacturing it and adding to its value fifteen per cent more and competing with the German wire. The United States is becoming a competitor in this particular article. The German buckthorn is so low that it is almost as low as you can manufacture the wire in this country. That was the case, I know, when I was dealing with questions of this kind. Is it not a fact that this wire fencing was placed upon the free list when the tariff was first introduced? That is my recollection, and it was the strong pressure of manufacturers, and particularly the manufacturers of the county of Essex, that induced the hon. gentlemen to give those manufacturers an opportunity of getting rid of their stock during the present year, thereby punishing the farmers, if punishment it is, for this summer and giving them a salve to heal the wound next year. That is now the object. I think I shall be able to call attention to that point presently and I will show that there are a number of cases of that kind.

Hon. Mr. SCOTT—My remark applied to wire generally. There are classes of wire out of which barbed wire may be made and other fencing wires which are on the free list to which I will draw attention now. "Strip fencing, woven wire fencing and wire fencing of iron or steel, fifteen per cent ad valorem." There are others where the gauge is mentioned. If you turn to 602, "Steel strip and flat steel wire when imported into Canada by manufacturers of buckthorn, to be used in their own factories." That will be free. There is no reason, if they can use that wire in the

manufacturing of wire fencing, why they should not avail themselves of it.

Hon. Sir MACKENZIE BOWELL—It is a different kind of wire altogether.

Hon. Mr. SCOTT—"Iron galvanized wire, twelve and thirteen." These gauges were selected because it was thought they could be used by the manufacturers of Canada.

Hon. Sir MACKENZIE BOWELL—No, they were placed in there because they were not manufactured in Canada and in order to give the farmers the advantages of a free article not manufactured here, and not interfering in any way with the factories in Canada, they were allowed to be imported free so that they could furnish the farmer with a cheaper article.

Hon. Mr. SCOTT—"Steel strip and flat steel wire." In the condition they are imported on the free list they are not available for the farmer. They are made up into panels and sections and disposed of to the farmers in that way, so that the raw material in that sense is really free.

Hon. Sir MACKENZIE BOWELL—It says "for that purpose," for the manufacture of what? Buckthorn and strip fencing. And that can only be imported free when the article is to be used in the importer's own factory.

Hon. Mr. PERLEY—I do not object to barbed wire being free, but I object to the material out of which it is made being free.

Hon. Mr. SCOTT—I do not know whether steel strip or flat steel wire are capable of being made up into barbed wire.

Hon. Mr. PERLEY—No, I am informed that they cannot.

Hon. Mr. SCOTT—The object in placing those particular wires on the free list was to give the manufacturers an opportunity of making up fence wires from those particular brands. There is a slight change in item 267 "woven wire, brass or copper." The duty was 20 per cent, and that was made 25—a change in the wrong direction There is a change in the duties on lead, item 272: "lead, old, scrap, pig and block, 15 per cent ad valorem." It was formerly 40 cents a hundred pounds.

Hon. Sir MACKENZIE BOWELL—Is that a decrease on that item?

Hon. Mr. SCOTT—I think it is a slight decrease, I cannot tell. There is an instance where we have been obliged to adhere to the principle that we endeavour to get away from, and that was allowing in one or two cases the ad valorem and specific to prevail. "Lead pipe, lead shot and lead bullets, 35 per cent ad valorem." It was formerly four-tenths ad valorem and 10 per cent. Item 279 "Iron and steel nuts, washers, rivets and bolts with or without threads, and nut bolt and hinge blanks and T and strap hinges of all kinds." They were formerly one cent per pound, and 20 per cent ad valorem. They have been reduced three-quarters of a cent per pound.

Hon. Sir MACKENZIE BOWELL—You retain the specific there?

Hon. Mr. SCOTT—Yes, we allowed it to stand. In the item 280, "Builders, cabinet-makers, upholsterers, harness-makers, saddlers and carriage hardware, including butt hinges, locks, curry combs or curry cards, horse boots, harness and saddlery," that was formerly 32½ and it is reduced to 30. Item 281, "Skates of all kinds, roller or other and parts thereof 35 per cent ad valorem." They formerly had ten cents a pair on that article and 10 per cent ad valorem, which was considered rather a high duty.

Hon. Mr. PRIMROSE—Does the senior member for Halifax know how that item affects the trade in Halifax?

Hon. Mr. POWER—I was not paying attention.

Hon. Mr. SCOTT—I am afraid it affects it injuriously. They had a high duty; they had ten cents per pair and 30 per cent ad valorem.

Hon. Sir MACKENZIE BOWEL—That would make it 7 cents and three-quarters on a 25 cent skate. There are plenty of skates imported from Germany which come in at 25 cents.

Hon. Mr. PROWSE—They ought not to have been brought in at all.

Hon. Sir MACKENZIE BOWELL—That is one reason why the late government

put this high duty upon them, which was equal in many cases to 50 per cent.

Hon. Mr. MILLS—They cost too little; you get too much for your money.

Hon. Sir MACKENZIE BOWELL—No, you do not. There is such a thing as buying an article which is worth nothing, and you get too little for your money, no matter what you give.

Hon. Mr. SCOTT—Still if people want to buy an article which is cheap and poor they can get it. Then 288 "files and rasps," there has been a reduction of 5 per cent; it was 35 before and it is now made 30.

Hon. Mr. PERLEY—Do the other articles not enumerated remain the same as before?

Hon. Mr. SCOTT—There was an item of cutlery in the old tariff; I did not find the corresponding item here. It has been reduced.

Hon. Sir MACKENZIE BOWELL—You leave it about the same when the reduction takes place. It would be 22½ if you take 25 per cent off.

Hon. Mr. SCOTT—Item 289 "Adzes, cleavers, hatchets, saws, wedges, sledges, hammers, crow-bars," etc. The same remark applies to that. Item 290, "Axes, scythes, sickles or reaping hooks, hay or straw knives, edging knives, hoes, rakes," etc. They were 30 per cent formerly, and now they are 25 per cent. The next item 291, has had a great deal of protection, "Shovels and spades, iron or steel," etc. They were formerly protected by 50 cents a dozen and 25 per cent ad valorem; and they are now placed in the 35 per cent list, still a pretty high protection. The next item is 296, Carbons over 6 inches in circumference, 15 per cent ad valorem. They were formerly two and a half per thousand. I presume they are getting cheaper each year. Item 297, "Lamps, side-lights and head-lights, lanterns, chandeliers, gas, coal or other oil fixtures," etc., formerly 27½ are now 30. I presume they were raised for the reason I have already given. Item 306, "Guns, rifles, including air-guns and air-rifles," etc., formerly in the 29 per cent list are now in the 30 per cent list.

Hon. Sir MACKENZIE BOWELL—So that when you take the 25 per cent off it will still be higher. Those are not manufactured in this country. I suppose that we may consider that a revenue tariff.

Hon. Mr, SCOTT—To get a revenue out of them I suppose The next item where a change has been made is 315, steam engines, boilers, ore crushers, etc. All the items enumerated in 215 are now placed in the 25 per cent list. Some of them were in the 27½ per cent list, and others were in the 30 per cent list. There is a change in 323, "Buggies, carriages, pleasure carts and similar vehicles."

Hon. Sir MACKENZIE BOWELL—Is there no change in 322?

Hon. Mr. SCOTT—No. Buggies, carriages and so on were formerly $5 each, and 25 per cent ad valorem, and they have been placed in the 35 per cent list.

Hon. Sir MACKENZIE BOWELL—I fancy it is a slight reduction, but not very much.

Hon. Mr. SCOTT—The price of a good buggy would be $70.

Hon. Sir MACKENZIE BOWELL—The buggies from Cincinnati cost $25, $30, $40 and a $50 buggy is a very high priced one.

Hon. Mr. SCOTT—It is a pity the people should be allowed to buy such cheap buggies.

Hon. Sir MACKENZIE BOWELL—That is not the matter we are discussing. $5 on $50 would be 10 per cent.

Hon. Mr. SCOTT—We have raised them 10 per cent on the ad valorem duty.

Hon. Sir MACKENZIE BOWELL—When you take off the 25 per cent it will be a very great reduction.

Hon. Mr. SCOTT—Coming from the United States they would not get the benefit of the 25 per cent.

Hon. Sir MACKENZIE BOWELL—Why?

Hon. Mr. SCOTT—It will not apply certainly to the United States, unless they revolutionize their tariff.

Hon. Sir MACKENZIE BOWELL—It will only affect the gentlemen's carriages in England.

Hon. Mr. SCOTT—The 25 per cent reduction will never apply to the United States.

Hon. Sir MACKENZIE BOWELL—Then you give them up as hopeless protectionists.

Hon. Mr. SCOTT—I do not. I think there will be a revolution on that subject in the United States in a few years. Coming now to that class of articles under the denomination of "Manufactures of wood, cane and cork," the changes are very few. Item 326, "Cane, reed or rattan, split or otherwise manufactured, 15 per cent ad valorem." It was formerly 17½. Item 331, "Veneers of wood, not over three thirty-seconds of an inch in thickness, 7½ per cent ad valorem." Some of the articles were in the 5 per cent list and others were in the 10 per cent list; and we have put them all together in the 7½ per cent column.

Hon. Sir MACKENZIE BOWELL—That leaves them about the same?

Hon. Mr. SCOTT—Yes, and there is no change in the rest of them. Item 345, watch cases, 30 per cent ad valorem. Watch cases were formerly 35, and they are put in the 30 per cent column. "Jewellery for the adornment of the person, including hat pins, hair pins, belts or other buckles, and similar personal ornamental articles commercially known as jewellery, n.o.p., and all manufactures of gold and silver, n.e.s., 30 per cent ad valorem." They formerly were in the 25 per cent column.

Hon. Sir MACKENZIE BOWELL—How is it you did not put a heavy duty on precious stones? I used to hear a good deal when I was sitting on the treasury benches in the lower House about letting stones come in free; while all that was necessary for the poor people came in taxed. You are pursuing the same course in allowing stones in free. Can you tell me why you departed from that principle?

Hon. Mr. SCOTT—On reflection we thought we had better have some regard for people's eternal welfare; and we thought this was one of the cases where men would probably commit perjury.

Hon. Sir MACKENZIE BOWELL—I never knew you were ministers of that character before.

Hon. Mr. SCOTT—In minerals there is no change. There is a slight change in musical instruments. Pianos which were formerly in the same class with organs and musical instruments are all put now in the one column, 30 per cent. Pianos were formerly 35 per cent and organs 30, and we put them all in the 30 per cent column.

Hon. Sir MACKENZIE BOWELL—That is an article of luxury.

Hon. Mr. SCOTT—Yes, we wanted to reduce the number of items as much as possible. In textiles there are some changes made.

Hon. Sir MACKENZIE BOWELL—Not very much.

Hon. Mr. SCOTT—Cotton batts, batting and sheet wadding, cotton warps and cotton yarns were formerly 22½ and are now 25 per cent, and for the reasons which I gave before. It was thought that probably would be subject to the 25 per cent cut, and it would be rather a serious blow to them. Cotton fabrics, 359, were formerly in the 22½ column, and they are now 25.

Hon. Mr. PERLEY—What is the object of the 25 per cent cut, when you raise the duty on the article?

Hon. Mr. SCOTT—It is this: by and by we shall probably come to a decision on the proposal that articles coming from certain countries whose tariffs are on the whole not higher than the Canadian tariff, would be entitled to come in at the 25 per cent cut on the tariff we are now considering; that all the articles in the tariff—except certain definite articles, such as wine, bear, ale, sugar, tobacco, which are exempt—will be subject to a reduction of 25 per cent when the products are manufactured in a country that will be entitled to what is known as the reciprocal trading clause; so that those cottons would probably come from countries that would be able to avail themselves of that reduction in the duty. And therefore, in order that the reduction might not be too serious, or affect the industries existing in Canada at this time, the rate was raised from what it formerly was.

Hon. Mr. PERLEY—A good deal of unnecessary work.

Hon. Mr. SCOTT—Item 361, with the exception of towels, was formerly in the 25 per cent list, and is now 30. Embroideries, enumerated in 362, were formerly in the 30 per cent column, and they are now in the 35 per cent list. Item 364, "Jeans, sateens and coutils, when imported by corset and dress stay makers for use in the manufacture of such articles in their own factories, twenty per cent ad valorem. They were formerly 25 per cent. There is a change in the next item, 365, collars and cuffs of cotton, linen, xylonite, xyolite or celluloid. They were protected by a duty of twenty-four cents per dozen and also 25 per cent ad valorem. Now they are placed in the 35 per cent list. Cuffs, however, were in a different position. They were not in the same category. They were four cents a pair and 25 per cent ad valorem and shirts costing more than $3 per dozen had a protection of $1 per dozen and 25 per cent ad valorem.

Hon. Sir MACKENZIE BOWELL—Now you have made them thirty-five, and I would call the attention of the hon. gentleman to the fact that thirty-five per cent on shirts of a superior quality would be higher than the specific and ad valorem duty. It would make it just about equal when you make the cut of twenty-five per cent. I have made the calculations, and in very many cases it is a higher duty than it would be under the old tariff, but changes have taken place since the tariff was first introduced, but this item in particular I know would give a higher protection than under the old tariff, except on a very cheap article. My hon. friend from Bothwell (Mr. Mills) says the cheaper and dirtier it is, the greater facilities are given for people who wanted cheap goods.

Hon. Mr. SCOTT—There were very serious items to consider.

Hon. Sir MACKENZIE BOWELL—That was after the strong deputation came from Montreal. I congratulate the hon. gentleman and his colleagues on having yielded to the pressure.

Hon. Mr. SCOTT—I do not know that we yielded.

Hon. Sir MACKENZIE BOWELL—Oh yes you did, because you made the change.

Hon. Mr. SCOTT—We tried to make them uniform with other articles. Then there is no change until you come to item 376 "all manufactures of hemp, flax or jute, n.e.s., or of flax, hemp and jute combined twenty-five per cent ad valorem." Formerly it was twenty per cent Then item 378 "Felt, pressed, of all kinds, not filled or covered by or with any woven fabric, twenty per cent ad valorem." It was formerly seventeen and one-half per cent. In item 381 the same change has been made "Cloths, not rubbered or made water-proof, whether of wool, cotton, unions, silk or ramie, sixty inches or over in width and weighing not more than seven ounces to the square yard, when imported exclusively for the manufacture of mackintosh clothing, under regulations to be adopted by the Governor in Council, fifteen per cent ad valorem." They were in the twelve and a half per cent column and are now in the fifteen. In item 385 the same change was made, "Oiled silk oiled cloth, and tape or other textile india-rubbered, flocked or coated, n.o.p., thirty per cent ad valorem." That was formerly twenty-seven and one-half, and is now thirty. Item 386 "Women's and children's dress goods, coat linings, Italian cloths, alpacas, orleans, cashmeres, henriettas, serges, buntings, nun's cloth, bengalines, whip cords, twills, plains or jacquards of similar fabrics, composed wholly or in part of wool, worsted, the hair of the camel, alpaca, goat, or like animal, not exceeding in weight six ounces to the square yard, when imported in the gray or unfinished state for the purpose of being dyed or finished in Canada under such regulations as are established by the Governor in Council, twenty-five per cent ad valorem. They were in the twenty-two and a half per cent column, and are now placed in the twenty-five per cent for the same reason I have explained. Socks and stockings of all kinds formerly had the double duty of ten cents per dozen and twenty-five per cent ad valorem, and they are now placed on the thirty-five per cent list. Shawls of all kinds, railway or travelling rugs, were formerly in the twenty-five per cent column and are now thirty. Item 393, "Yarns, composed wholly or in part of wool, worsted, the hair of the alpaca, goat or

like animal, costing thirty cents per pound and over, when imported on the cop or tube or in the hank by manufacturers of woollen goods for use in their products. They are now in the twenty per cent column and formerly, in addition to twenty per cent, they had five cents per pound of protection. I suppose that is a concession to the woollen manufacturers. Item 394, "Fabrics, manufactures, wearing apparel and ready-made clothing, composed wholly or in part of wool, worsted, the hair of the alpaca, goat or other like animal, n.e.s.; blankets, bed comforters, or counterpanes, flannels, cloths, doe-skinks, cassimeres, tweeds, coatings, overcoatings and felt cloth," are all in the thirty-five per cent column. Those items down to the third line, n.e.s, were formerly thirty per cent, but other articles, blankets, bed comforters or counterpanes, flannels, cloths, doeskins, cassimeres, tweeds, were formerly twenty-five, but had this additional protection of five cents a pound. They have all been put in the thirty-five per cent column. Item 396, "carpeting, rugs, mats, and matting of cocoa, straw, hemp or jute, carpet linings and stair pads," were formerly twenty and are now twenty-five per cent.

Hon. Sir MACKENZIE BOWELL—You made a mistake. You are going to destroy that industry.

Hon. Mr. SCOTT—Clothing is the article which will suffer most probably. There is no change in boots and shoes, furs and capes and hats and caps. No change until you come to glycerine, item 415. That is simply a change in the mode of imposing the duty, "glycerine, when imported by manufacturers of explosives, for use in the manufacture thereof in their own factories." It it now ten per cent ad valorem, and it was formerly four cents per pound. I do not know how it worked, I fancy it is very much the same. Item 426, buttons. Those buttons had a varied duty according to the material of which they were made, and they have all been placed in the thirty per cent column. I presume buttons, under the old tariff, were not changed since 1894. They were four cents per gross and twenty per cent ad valorem, and now we have put all buttons in the ad valorem column at twenty-five per cent. That item is "Buttons, viz.: pantaloon buttons wholly of metal, and shoe buttons, n.e.s., twenty-five per cent ad valorem. Buttons of all kinds covered or not, n.o.p., including recognition buttons, and cuff or collar buttons (not being jewellery), thirty-five per cent ad valorem." Under the old tariff buttons of vulcanite and composition, etc., were two cents, buttons of pearl, ivory, etc, were eight cents per gross and eight per cent ad valorem. We have made a different classification and divided them into two classes, one at the rate of 25 per cent and the other thirty-five per cent. Those in the 35 per cent were buttons that came in under item 469 of the former tariff, "buttons, pantaloon and all other buttons, twenty per cent ad valorem," so that we have given that item a protection of twenty-five per cent.

Hon. Sir MACKENZIE BOWELL—Have you had any representations from the button manufacturers of Berlin?

Hon. Mr. SCOTT—Yes, I think their industry was discussed a good deal in the west. There is no change until you come to item 432, "Rove when imported for the manufacture of twine for harvest binders, five per cent ad valorem." It was formerly ten per cent.

Hon. Sir MACKENZIE BOWELL—Does it not strike the hon. gentleman as a most extraordinary thing to put a duty of five per cent upon the raw material of an article which you have made free? That is just as flagrant a violation of the principle upon which any tariff should be established, as that to which the hon. gentleman for Wolseley (Mr. Perley) referred. You declare the binder twine—on which we shall have some discussion hereafter—shall be free after a certain date, and yet you put the rove, which is one of the raw materials used in the manufacture of harvesting binder twine, at a duty of five per cent. Why?

Hon. Mr. DEVER—He has done that on whiskey.

Hon. Sir MACKENZIE BOWELL—That is not a raw material and not used for manufacture—except to manufacture a drunken man out of a sober one. I quite understand allowing clothing to come in free and charging a duty on the cloth out of which it is manufactured, and that is precisely the case to which I have called the attention of the House.

Hon. Mr. SCOTT — Item 433 reads: Binders' twine or twine for harvest binders of hemp, jute, minillia or sisal, and of manilla and sisal mixed, ten per cent ad valorem until 1st January, 1898; thereafter to be free."

Hon. Sir MACKENZIE BOWELL—You have given no reason for that change.

Hon. Mr. SCOTT—There are inconsistencies in tariffs which I cannot explain. We have had these things a great many times. The hon. gentlemen made a great many changes in the tariff in the eighteen years they were in power and they never got it to suit. It is perfectly impossible to so arrange the various items that they will bear the fair proportion to each other that the industries which they represent deserve.

Hon. Sir MACKENZIE BOWELL—None of these complications to which the hon. gentleman refers are applicable to these items.

Hon. Mr. PERLEY—The result will be to close down the manufacture in Canada.

Hon. Mr. SCOTT—Binder twine is one of the articles which will be free after the 1st of January. Up to that time it is protected by a duty of ten per cent. The next item we come to is sugars, syrups and molasses.

Hon. Mr. PERLEY—What about the duty on binder twine?

Hon. Mr. SCOTT—It was twelve and a half per cent under the old tariff. It has been a good deal higher but was reduced two or three years ago.

Hon. Sir MACKENZIE BOWELL—It was twenty-five per cent and it was reduced three years ago. Nearly all the articles out of which it is made are free and this rove—I do not know whether it is one of them or not.

Hon. Mr. SCOTT—Rove was in the ten per cent list.

Hon. Sir MACKENZIE BOWELL—Because it was partially manufactured.

Hon. Mr. SCOTT—In sugar, syrup and molasses hon. gentlemen will probably recognize that the one change we have made in that was the reduction of the fourteen cents per hundred which the refiner enjoys. The duty now is one cent a pound on the refined.

Hon. Sir MACKENZIE BOWELL—You make a difference between the raw and the manufactured just one-half per cent, without taking into consideration the waste in the refining of the raw sugar. That is the protection that you have really taken away from the sugar refiner.

Hon. Mr. MILLS—That is a very small tem.

Hon. Sir MACKENZIE BOWELL—I forget now. I know it is not very large.

Hon. Mr. SCOTT—I tried some years ago to make a study of this question, but I confess I had to give it up. I followed very closely the evidence given in the United States by Havemeyer and those interested with him in the trust in that country.

Hon. Sir MACKENZIE BOWELL—You can congratulate yourself; you are not alone.

Hon. Mr. SCOTT—The difficulty was, what was a fair protection? It ranged from thirty up to one hundred, and now they are getting a very much higher duty than that. There was very great difficulty in ascertaining what would be a fair sum for the protection of the refiner. We have taken fourteen cents per hundred pounds off it.

Hon. Sir MACKENZIE BOWELL—That has been the United States duty.

Hon. Mr. MILLS—It depends on what sugar the refiner uses.

Hon. Mr. SCOTT—Yes. The polariscope, I suppose, is the only way of testing the saccharine in the sugar.

Hon. Mr. MILLS—When you use the centrifugal and use the aniline dyes they do not lose a half per cent.

Hon. Sir MACKENZIE BOWELL—That would arise from the frauds committed on the revenue by the colouring with aniline dyes of the raw material. I have tested sugar which under the Dutch standard, that is by colour, would pass as low as No. 9 and yet when you would analyse it you would find there was 95 per cent of saccharine in it, and

the only deterioration in the quality of the sugar, so far as the strength was concerned, was the colouring. That was one reason which induced the late government, on my own recommendation, to adopt the polariscope system.

Hon. Mr. SCOTT—The next articles are tobaccos. The duty has been increased on cigar, and cigarettes from two dollars a pound to three dollars, and cut tobacco is raised fifty-five cents.

Hon. Sir MACKENZIE BOWELL—That is where you have made another mistake.

Hon. Mr. SCOTT—Then manufactured tobacco and snuff, fifty cents per pound. It was formerly thirty-five and twelve and a half per cent ad valorem. That completes the list of articles subject to duty. The next items are those on the free list,

Hon. Sir MACKENZIE BOWELL—Can you tell us what additional articles have been placed on the free list?

Hon. Mr. SCOTT—The first item, 479, "Artificial limbs," has been placed on the free list and mining machinery formerly stood in the same position. My hon. friend recognizes that he had a great deal of difficulty in settling what articles ought to be admitted under the clause in the late tariff which allowed mining machinery not manufactured in Canada to come in free. It was a very difficult question to settle, and at the instance of those engaged in mines it was suggested that a special list should be framed to avoid all confusion in the future, and the list in 555 was agreed upon as embracing the articles of mining machinery not made in Canada, and which might very properly be placed on the free list. It is a long list and some of the articles are only used in special cases. I am not sure whether items 602 and 603 were on the free list before. That is the special kinds of wire that were allowed to be put on the free list for the manufacture of fences.

Hon. Sir MACKENZIE BOWELL—No, they were on the old list.

Hon. Mr. SCOTT—Having gone through the list the only clause in the bill before you to which I think it is my duty to call your attention would be clause 17, which reads as follows:—

> When the customs tariff of any country admits the products of Canada on terms which, on the whole, are as favourable to Canada as the terms of the reciprocal tariff herein referred to are to countries to which it may apply, articles which are the growth, produce, or manufacture of such country, when imported direct therefrom, may then be entered for duty, or taken out of warehouse for consumption in Canada, at the reduced rates of duty provided in the reciprocal tariff set forth in schedule D to this Act.

That reduction is twenty-five per cent on the articles to which attention has been drawn while I have hastily gone through the items in this tariff. It was thought, however, it would be unfair to apply that cut at once, and therefore the twenty-five per cent was divided and half of it was to apply between the twenty-second of April, or the day on which the tariff was introduced in the House, and the first of July next year. After that, the whole twenty-five per cent would come into operation.

Hon. Mr. McCALLUM—The first of July coming?

Hon. Mr. SCOTT—No, the first of July, 1898. It would extend over a year. Of course the main purpose we had in view in this clause was to endeavour to develop trade with the United Kingdom. We felt that the door had been slammed in our faces by the United States, and it became necessary to look abroad to increase our trade with those countries who were trading with us on terms more favourable than the United States. We had been buying very largely from them, giving them an immense benefit in our trade, and it was a perfectly legitimate and proper thing for us to do, wholly apart from the natural preference we had to deal with Great Britain, that our tariff should have been arranged in order to accomplish that purpose. There were two ways of doing it: either by the introduction of the principle set forth in this tariff, or by the reduction on those classes of goods which could be imported from Great Britain cheaply. They would be on certain classes of iron goods and on nearly all the classes of woollen goods, but it was found that in recent years other countries had been developing their iron industries very materially, more particularly Germany and the United States, and, therefore, although we might have reduced the duties on those classes of goods we had been importing from Great Britain more than on goods we had been importing from Germany and the United States, yet, owing

to the increased development of those particular branches of industry in these two countries the object we had in view might possibly fail, and therefore we adopted the scheme of making a direct cut of twenty-five per cent on articles coming from the countries that would be entitled to consideration under this tariff; and although we had in view only the mother country at that time, still it was recognized that there were other countries that might possibly come in. The tendency is towards free trade in many countries at the present day. We know that one of the Australian colonies had already adopted the free trade principle and no doubt that colony would be entitled to come in on the same terms that the mother country did, and it is quite possible that after our drawing attention to it, other countries may eventually come in, but the immediate object was, of course, to give substantial preference to the mother country and hon. gentlemen need not be reminded that that movement has been highly appreciated by the British people. They have recognized that an advance has been made towards closer unity between the colony and Great Britain than ever before, and it has placed Canada in an exceptionally good position, as is quite apparent from the whole trend of opinion at gatherings of public men and the whole trend of opinion in editorials in newspapers and in other ways. I might remind hon. gentlemen of the position Canada has been placed in at the recent Jubilee celebrations in London to indicate that the attention of the British people has been more particularly directed to Canada through the action taken by our parliament in giving to the mother country a preference. An argument against that is that other countries enjoying with Great Britain the most favoured-nation clause may come in, and in that way gain some advantage that we do not ourselves contemplate. We fully recognized the possibilities of that. We believed, however, at the time the treaties were entered into that Canada was not really a contracting party, though we had acquiesced for years; still we had an independent autonomy, and there was this reason, from an equitable standpoint, to justify our position, that when those treaties were entered into, there was nothing in view of a reciprocal element in them. Great Britain and her colonies conceded to Germany and Belgium certain privileges, and they conceded certain privileges to us, and we availed ourselves of them. Our shipping had some considerable advantage from the Belgium treaty in the way of tolls and other duties that were of considerable value, but there was inequality in the concessions mutually granted, and we considered if we now proposed to ask an alteration in our fiscal policy, offering something new, something that had not been contemplated when the treaties were entered into, that they fairly could not come within the benefits, that they were not offered to a nation or to nations that were placing our products in a different position from the position they enjoyed under the favoured-nations clause. That was the view we took. It is within the bound of possibility that that view may be overruled. We of course are unable to say, but we clearly think that if it were held that Canada was compelled to admit the products of those countries under the conditions which I have referred to, that then we had a fair claim on the mother country to say that those treaties ought to be denounced—that we have placed the mother country in a position of considerable advantage as far as trade with Canada was concerned, and that we did not, in giving them that advantage, intend that other countries that were not entitled to any special privileges from Canada, should come in and share that advantage. I think our ground is a substantial one. I think the arguments are very strong. I do not propose now to elaborate it. I merely draw the attention of the House to arguments which presented themselves to our minds when we deliberately placed that reciprocal clause in our tariff: that we fully recognized the possibility of the favoured-nations clause applying, but we felt that we gave reasons why it should not apply and if those reasons were overruled that then we would be in a position to say to the mother country: "Well, we having offered you special advantages under conditions such as we thought did not exist as far as those other countries were concerned, you ought certainly to denounce the treaty or you ought to say to those countries, Germany and Belgium, unless you yourselves come in and place your tariff, as far as Canada is concerned, on an equally favourable basis, then Canada should be allowed to withdraw from that treaty."

Hon. Mr. POIRIER—Is not that the tariff of Belgium now under these con-

ditions? It is more favourable than ours, so far as the tariff is concerned.

Hon. Mr. SCOTT—Then it would come in, but I am advised that it is not. I have not analysed that part of it. I am merely giving the principles which actuated us in the framing of this reciprocal proposal. I do not know that there is any other point of the tariff to which I should refer.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman has given us another evidence of that want of unanimity of opinion as expressed by himself and his colleagues. The explanation given to us is in direct contradiction to that of the premier in his late speeches in England.

Hon. Mr. SCOTT—I do not think so.

Hon. Sir MACKENZIE BOWELL—The premier has stated distinctly that what is termed the zollverein or preferential treatment between England and her colonies is the thin edge of protection, and that that is not what his government has in view, that the object was to establish as far as possible a system of free trade with all parts of the world, because some of the English press and others have commented rather severely on this opinion, as being in direct contradistinction to the sentiments of the Colonial Secretary in favour of a preferential tariff between the colonies and the mother country. However, that is a matter I am not going to quarrel with the hon. gentleman about.

Hon. Mr. SCOTT—I do not recognize that there is any inconsistency. I have read Sir Wilfrid Laurier's speeches very thoroughly and I cannot recognize that there is the inconsistency the hon. gentleman has drawn attention to. He has pronounced himself a free trader, but he recognizes, as he has repeated over and over again, that it was an impossible state of things in Canada.

Hon. Mr. ALMON—The Hon. Sir Oliver Mowat promised to give us important information at three o'clock to-day with regard to the tariff.

Hon. Mr. SCOTT—Before coming to that I move the formal reading of the bill.

Hon. Mr. ALMON—But the Minister of Justice made a promise.

Hon. Sir OLIVER MOWAT—I explained that I made no promise—that I could make no promise about it until I could have an opportunity of conferring with my colleagues.

Hon. Mr. ALMON—Then I misunderstood the hon. gentleman. I understood him to say that three o'clock was the time he would give us the information.

Hon. Sir OLIVER MOWAT—I was afraid from some observations which had been made, that some hon. members did take the view that I was making that promise, and therefore, before the matter was parted with, I was explicit in saying there was no promise of the kind. I have conferred with my colleagues, and they agree that there should be no statement in this House in advance of the matter being taken up in the House of Commons and an explanation given of the item where, in the first place, it properly belonged. They think that it would not be fitting that a statement should be made on the subject in this House now, and I concur in that view.

Hon. Sir MACKENZIE BOWELL—My hon. friend forgot one very important clause in these tariff resolutions, and that was the 18th, what is termed the combines clause. I have read that three or four times, and it is somewhat difficult to arrive at a conclusion as to what it means.

Hon. Mr. SCOTT—The language I think is very plain and very expressive:

That whenever the Governor in Council has reason to believe that as respects any article of commerce there exists any trust, combination, association or agreement of any kind among the manufacturers of such article, or the dealers therein, or any number of them, to unduly enhance the price of such article or in any other way to unduly promote the advantage of such manufacturers or dealers at the expense of the consumers, the Governor in Council may commission or empower any judge of the Supreme Court or Exchequer Court of Canada, or of any Supreme Court or High Court in any province of Canada, to inquire in a summary way into and report to the Governor in Council whether such trust, combination, association or agreement exists; with power to such judge to compel the attendance of witnesses and examine the same under oath, to require the production of books and papers, and with such other necessary powers as may be conferred upon him by the Governor in Council for the purposes of such inquiry, and if such judge reports that such trust, combination, association or agreement exists, and if it appears to the Governor in Council that such disadvantage to the consumers is facilitated by the cus-

toms duty imposed on a like article when imported, then the Governor in Council may place such article on the free list, or so reduce the duty upon it, as to give to the public the benefit of reasonable competition in such article.

The Governor in Council may make such regulations as may be deemed advisable for the effectual conduct of such inquiry.

It will be in the recollection of hon. gentlemen, it is not many years ago since committees were formed in another branch of parliament te endeayour to prevent combines in restraint of trade. From time to time legislation was suggested to meet those combines, and it has been found that they were almost like invisible bodies—that they were hard to reach. The House of Commons on two or three occasions passed a bill that if combines were formed they should be illegal. When it came up to this House we inserted a very important word "unduly," which it was thought, in the minds of many, nullified the action that the House of Commons sought to accomplish. It is well known that there are in all countries, more particularly the United States, trusts formed that do accomplish a large amount of individual financial advantage at the expense of the consumer. I need not go further to illustrate it than the present sugar trust in the United States. It is a generally admitted fact that that trust has become so powerful that the Senate and House of Representatives are controlled by it. Hon. gentlemen will remember—it is only I think four years ago—when the sugar bill was up in the United States Congress, and it was kept there three months, from October to February, and in the meantime it was alleged, and never successfully contradicted, that senators were in the combination with the trust and that stocks rose from 85 to 125.

Hon. Mr. FERGUSON—Is this explanation of my hon. friend intended to show how this clause will affect trusts in the United States?

Hon. Mr. SCOTT—No, I am merely illustrating. Many hon. gentlemen wish to know what the purpose of the clause is. I was illustrating that under certain conditions those trusts will form. They are formed, I dare say, in all countries, and it has always been found necessary that there should be some superior power, when those trusts are formed, that will defeat their object. No hon. gentleman will for a moment take the ground that any action that is proper on the part of the government in instituting an inquiry as to whether a trust had been formed would be unparliamentary or improper. If they are an illegal combine, surely we ought to be empowered to defeat their purpose, which is to extract a larger sum from the pockets of the consumer than is reasonable or fair. Therefore, it is felt that powers of that kind could be safely entrusted to the government in Canada. They depute to an independent body the taking of evidence and the inquiry as to the truth of the allegation that a trust really existed. It was a matter of proof, or evidence. The judge would report the evidence, and if it was found that there was a trust—that it was a combine and a great injury to the consumer, it seems very proper, under the authority of parliament, that the Governor in Council should be authorized to so reduce the duty as to defeat the object of the trust. We authorize the Governor in Council—we have had it on our statute-books for very many years either to reduce or to impose duties. We have had on our statute books authority to impose export duties under certain conditions. It comes uuder cases of that category and it is highly improbable that any improper exercise of that power would take place. The very fact of it being there will be a protection to the public.

Hon. Sir MACKENZIE BOWELL—Not a bit of it.

Hon. Mr. SCOTT—Because if those who unite feel that they can be reached they are less likely to make a combine. Hon. gentlemen must admit that. The government of the day can only exercise action of that kind subject to public opinion—subject to the approval of parliament when it meets, and it is highly improbable that there will be any undue exercise of such power, more particularly when the inquiry is made by a court of justice and where the result, if it proves the existence of that combine, is simply to authorizes the reduction of the duty on the article which forms the subject of the trust.

Hon. Sir MACKENZIE BOWELL—I suppose it is just as well, upon the motion for the second reading of the

bill to make whatever remarks may be necessary on this tariff. The hon. gentleman has referred to a great many changes in the tariff, but he has given us very little information as to the principle on which the tariff is based. If I may be permitted, I shall refer in my first remark to this clause to which he has just called the attention of the Senate; and let me say that I do not think, nor will anybody else who reads the tariff as it stands on the statute-book to-day, think, that this clause, giving certain powers to the government in reference to these combines, is at all analogous to existing legislation. The one gives the power to place an article which is considered a raw material upon the free list when imported for the purpose of being manufactured into some other article. The combine clause, to which he has referred, gives the power of punishing those who have entered into a combine and thereby violated the provisions of the clause. That is totally different from the placing of an article on the free list, which is within the power of the Governor General in Council, after the question has been examined and reported upon, and decided as being for the use and purpose of manufacture, by the treasury board; then they have the power to aid the manufacture of an article by allowing the raw material that enters into such manufacture to be put on the free list. In this case the government have arrogated to themselves the right to inflict punishment; they become the judges to inflict a penalty upon those who violate the law. The House will agree with me, that there is no analogy whatever between the power which the Governor in Council has under the Customs Act at the present time, and that which they propose to exercise under certain circumstances under this 18th clause. As a matter of principle I think the clause is vicious in every respect. While we all agree that combines for the purpose of extracting more from the consumer than is a legitimate profit on the article manufactured is not right, the question of whether that power should be vested in the executive, is another matter. If any one will read attentively that 18th clause, and tell me how it can be put into force, and be of any effect, for the purpose for which it is intended, he will have accomplished more, I confess, than I have been able to do. If you read it carefully, you will find that whenever the Governor in Council has reason to believe—they are the first persons who are to form an opinion, as to whether a combine exists or not, and that will have to be brought under their notice, I presume, by those who think themselves aggrieved by it. That having been done, they then have to decide as to whether the manufacturers in this combine have adopted a course which "unduly enhances the value" of the article which they are selling. The House of Commons, I remember distinctly, and so will the hon. member from Bothwell (Mr. Mills), objected to this word "unduly" very strongly, but I see the government have adopted it in two cases—"unduly enhance the value," and in any other way "unduly promotes" the advantage of the manufacturers or dealers at the expense of the consumer. Then, after that has been ascertained, the Governor in Council may commission—they "may," they are not obliged to do it—or empower any judge of the Supreme Court or Exchequer Court of Canada, or any Superior Court of any province of Canada, to inquire in a summary manner as to the truth of the allegation of unduly enhancing the price of an article. They give power to the courts to make the investigation. The courts having investigated the question have no authority or power to punish. If the clause gave the power to the courts to impose a penalty, then I think there would be a very great deal of force in the argument of the hon. gentleman who has just spoken, and it would give effect to the clause which we are considering. But it does not. All that the court has to do is to consider whether anything has been done which unduly enhances the price of the article.

Hon. Mr. MILLS—It reports the fact.

Hon. Sir MACKENZIE BOWELL—Yet it goes a little further. The court has to inquire in a summary way and report to the government whether such trust, combine or association or agreement exists. Having done that, it is referred to the Governor in Council. Then it says: if the judge reports that such trust, combine or agreement exists, and if it appears to the Governor in Council that such disadvantage to the consumer is facilitated by the duties of customs imposed on a like article, then they can put it on the free list. If they desire this clause to have any effect to punish these combines when it

appears to the Governor in Council from the evidence which has been adduced in court, and reported to them, why should it be left discretionary with them to punish? That is a question which I should like to have answered. It places the power in the government of the day to hold it in terrorem over the heads of all the manufacturers of this country, whenever any vicious person thinks proper to make charges against them, and by that means exercise an influence over them which no government ought to exercise or have the power to exercise. Let me give an illustration of one or two things which suggest themselves to me. If you look at the tariff, for some unexplained reason the duties in favour of the combine which exists in Nova Scotia on coal have not been interfered with. We all know there has been a combine to keep the price of coal in the United States at a certain rate, and we know that those combines have existed among the retailers in the different cities of the country. Whether it is in Ottawa or not, I am not prepared to say, but I know in my own city it is. The coal dealers—there are not many of them—meet together and say: "We will not sell except at a certain price." We have established the fact that they are taking more from the consumers than they should pay, and the government would have the right to reduce the duty. Does any one suppose that if a case were made against the coal miners in Nova Scotia who retain their protection, while corn is put on the free list, will have their combine interfered with? They have retained protection on that particular article, which is really and to all intents and purposes, if you adopt the principle of raw material, the most expensive raw material that is used in the country. Do not understand me to advocate free trade in coal, because that would be an encroachment on the principles which I believe should govern this country, and that is protection. While I admit the statement made by the Secretary of State a short time ago, that in a vast country like the Dominion, extending over such an immense area, when you adopt any fiscal system it must interfere with the interests, to a greater or less extent, with some portions of the country. That which would be advantageous to one imposes a tax upon another section of the country. Any one who has studied the tariff of the United States, or who has watched and paid any attention to their fiscal policy, must have come to that conclusion. The interests of the east are not identical with the interests of the centre, nor the interests of the centre with those of the west, nor the interests of the west with those of the extreme west on the Pacific Coast. You cannot adopt a system for one part that will not sometimes interfere with the interests of another. As an illustration of what I mean, the Hawaiian treaty gives a free entry for all sugars from the Hawaiian Islands, while it imposes a high duty on all other sugars imported on the Pacific Coast. This was an instance in which the United States used this argument, and there is much force in it, they say that freight by railway across the continent is so great that the admission of Hawaiian sugar free into the ports of the Pacific Coast would not interfere with the protection given to the industry in the southern and eastern portions of the country. We can easily understand that. I simply give that as an illustration of the working of the protective tariff, and the circumstances which may exist which would justify the action taken by the United States government, and which would justify a similar action in this country, having a territory quite as extensive from the Atlantic to the Pacific, as that of the United States. We all know that protection on bituminous coal is to the advantage of the coal producers and coal miners of Nova Scotia; this the free trade government admit, although they pledged themselves in the most solemn way to put coal on the free list. The Finance Minister and the maritime provinces ministers in the Cabinet had sufficient power to induce and compel their colleagues not to fulfil the promise which they had made to the manufacturers of the province of Quebec and the province of Ontario, just before the election. It is true the hon. Secretary of State says that the duty has been reduced. It is not reduced upon the principle of free trade. It is not reduced upon the principle of a revenue tariff, but it is reduced from sixty cents to fifty-three cents, because the United States did not impose a 75 cents per ton duty. That was the reason of the reduction as given by the Finance Minister in another branch of parliament. What I contend is this, and every man who has given this subject the slightest study must come to the conclusion, that you are empowering the executive of the day to exercise the authority given them in this clause

or to not exercise it, as the case may be. I venture this prediction although prophets are seldom appreciated in their own country, that from the wording of that clause and from the powers which are vested in the executive, you will never use them, and if I could conceive for a moment that under this clause it would be used, I should move to strike it out of the Tariff Bill; but believing it to be just one of those clauses--I would say buncomb clauses only it might not be considered parliamentary—adopted for the purpose of impressing on the minds of consumers that you had taken the power to protect them which I believe under no circumstances will you ever exercise the power.

Hon. Mr. McKAY—It is humbug.

Hon. Sir MACKENZIE BOWELL—That is the best word to use. It partakes to a very great extent of the character of the Alien Labour Bill which we considered the other night, and which the hon. Secretary of State declared had no meaning, which he believed was vicious in principle and was put on the statute book for no other purpose than to humbug the labour people—I do not believe he used the words "humbug" but to deceive the labour people. I regretted that the Minister of Justice was not present, because judging from the remarks which he made the night before, in which he took exception to his colleague's interpretation of that Act as to its effect on those who come into the country and as to its practicability —I regretted that he was not here in order that we might have the pleasure of listening to, and witnessing another difference between two members of the cabinet on a grave question, which has agitated the country for some time, and as to which his leader promised to place a law on the statute-book on attaining to power. Taking the view that I do of the impracticability of this clause, I have made up my mind, so far as I am concerned, not to take the responsibility of moving to eliminate it from the statute-books. The hon. the Secretary of State smiles; I suppose he thinks that under the constitution we have not the power to do that. I have been studying the constitution lately, and have come to the conclusion that we have full power to do so, but it is better to leave it on the statute-book just to see what nonsensical clauses can be put into the Tariff Act without the slightest intention of ever putting them in force. I make a further prediction, that no matter what combine is proved to exist in this country, whether it be upon coal, binder twine, or any other combine, that the hon. gentleman will never have the courage to put those articles on the free list. My hon. friend behind me (Mr. Dever) very often refers to the extreme duties or liquor. Supposing we prove to the satisfaction of the government that there is a combine among the distillers to keep up prices, I suppose my hon, friend (Mr. Scott) would argue no matter how high the price would be, it would not be any great disadvantage to the consumer, and therefore they would not interfere; but take the article of coal, will they ever do it? I believe not. I desire to have my opinion put on record on this question, that the taking of power of that character to impose a penalty for a crime, as the law has declared it to a crime—my hon. friend from Bothwell (Mr. Mills) shakes his head. If we have a law on the statute-book which declares that a man is to be punished for any act that he commits, then they make that commission of that act a crime. If these combines are not a crime to be punished by a loss of money, it ought not to exist. The subject of a zollverein is a prolific subject. It is the first time, in my recollection, that I have heard so plain and distinct a statement made as that which has been given by the hon. the Secretary of State to-day, that the cabinet in adopting the principle of what he calls preferential trade, that these treaties were discussed at the Cabinet Council when they framed that clause. I have come to the conclusion that they could not have discussed the favoured-nation clause; if they had, they could not very well have come to the decision they did. I might give another reason. They know very well what the feeling of Canada is to the mother country. They know that the House of Commons has affirmed over and over again the principle of preferential trade if we could possibly get it with England. We know also, because it is on record, that the hon. gentleman's party have affirmed over and over again, that if they could get reciprocal trade, or continental free trade with the United States they cared not one rap for England, that they were quite willing to adopt a principle of that kind, however much it militates against or was a discrimination

against England. That is an undisputed fact, and how often has the Conservative party been condemned, in not at all mild language, for what has been termed their dislike to the United States, because that country would not reciprocate with us. We heard it over and over again in this House from the hon. Secretary of State himself, that our course has been one of annoyance, rather than conciliatory to the United States. In that respect they have now come to the conclusion that discrimination is the best policy and have adopted it. I congratulate them on having stolen another plank from the platform of the Conservative party.

Hon. Mr. MILLS—Stolen?

Hon. Sir MACKENZIE BOWELL—Yes, stolen.

Hon. Mr. MILLS—That is a crime

Hon. Sir MACKENZIE BOWELL—Well, it is a political theft. The misfortune is, and I intimated to the hon. Minister of Justice a few days ago that had I thought of it during the time the Code was under consideration, I would have introduced a clause to punish people for appointing to office people who had committed a crime; and I would go a little further, if the hon. gentleman thinks it would be an advantage, and make it a crime for any one to steal the political opinions of their opponents to which they had professed to be opposed.

Hon. Mr. MILLS—My hon. friend when he did this stealing, did it across the border. He went into a foreign jurisdiction. He appropriated the political sentiments of the other side.

Hon. Sir MACKENZIE BOWELL—Not at all. Does the hon. gentleman think, because France, Germany and other countries have a protective policy, that therefore people in any other country, holding the same views and trying to put them on the statute-book, steal those opinions?

Hon. Mr. MILLS—Suppose my hon. friend applied that in this case?

Hon. Sir MACKENZIE BOWELL—No, there is just this difference. That is the usual dexterity of a lawyer. If from your childhood you have been a free trader and have come in contact with me, who has been professing protection all my life, you still adhere to the opinions you formed in your younger days and I go over to your views in order to attain power, then that would be stealing your views. There is all the difference in the world.

Hon. Mr. MILLS—That is not a theft. It is a case of enlightenment.

Hon. Sir MACKENZIE BOWELL—I am very glad indeed that my hon. friend is becoming enlightened. I congratulate hon. gentlemen opposite on the rapid advance they have made in twelve months, and if they go on in the same ratio they will soon be higher protectionists than I am. The hon. Secretary of State said that the cabinet had discussed this question and that they had read the treaty. My hon. friend from Bothwell asked me the other day whether we ever received any answer from the Colonial Secretary as to preferential trade.

Hon. Mr. MILLS—Oh, yes, I have read that.

Hon. Sir MACKENZIE BOWELL—I hold in my hand the despatch of Lord Ripon in reply to the Intercolonial Conference resolutions, bearing date June, 1894, in which he explains the different treaties and calls our attention to them. He goes further than that: he lays down the principle that if any law is passed by a colony, or one of the dependencies of Great Britain, which interferes with these treaties, that that ought to be reserved by the Governor General for the sanction of the Crown.

Hon. Mr. MILLS—I do not think that is good advice.

Hon. Sir MACKENZIE BOWELL—I admit it is not good advice, but it only shows the difficulties, and I recognize them fully, in dealing with this question of preferential trade, where it interferes, or is supposed to interfere, with the treaty relations between Great Britain and other countries to which they have made the colonies a party. Hon. gentlemen talk about the autonomy of this country. Why, the autonomy of Canada was just as great in 1865 as it is to-day, so far as responsible government is concerned. I admit we are advancing continually, but we have never got to that stage yet where we could induce the British government to abrogate those treaties. I should be delighted, and will congratulate my hon. friends, if by

the step they have taken they can get that concession from Great Britain, because it will place us in a position to do precisely what my hon. friends say they have done, and which their leader in England says they have not done, give the mother country a preference in our markets over foreign countries. I shall not waste the time of the House in reading the despatches to which I refer.

Hon. Mr. SCOTT—We have already read them. I thought his language was very strong.

Hon. Sir MACKENZIE BOWELL—Yes, because it says that, "the produce or manufactures of Belgium shall not be subject, in the British colonies, to other or higher duties than those which are or may be imposed on similar articles from Great Britain." Then there is still stronger wording than that in which it declares positively and distinctly that no advantage shall be given to England other than that which is given to the favoured nations. It is a very prolific subject, but might I ask the hon. gentleman, before going further, whether he can give us information as to the negotiations which have been going on in England on this question, or whether there is a probability of the interpretation put on these treaties by the government as indicated today, by the Secretary of State, being accepted by the Colonial Secretary; and, if not, whether they have any despatches which would lead to the conclusion that they must give, while these treaties exist, the same rights and privileges to those countries which are a party to the favoured-nations clause as we give to England, or whether there is any intention whatever to ask for the denunciation of those treaties, because really these are the principal points which we have to consider in connection with this tariff. I simply want a reply, yes, or no.

Hon. Sir OLIVER MOWAT—I did not know that my hon. friend desired an answer at the moment. There has, of course, been correspondence. It is incomplete, and, therefore, correspondence that we cannot produce. The British government has not taken ground against the view for which we contend with regard to the favoured-nations; neither has it accepted the other view. The whole matter is still a subject of correspondence.

Hon. Sir MACKENZIE BOWELL—It is in abeyance?

Hon. Sir OLIVER MOWAT—Yes; in abeyance.

Hon. Sir MACKENZIE BOWELL—I have a few remarks to make with reference to the tariff. I did not intend to discuss the other question.

Hon. Mr. MILLS—There is an instance in which the Portuguese government gave a special preference to France after adopting the most favoured-nation treaty, and after a discussion of a treaty being negotiated between France and England. This action on the part of Portugal was referred to one of the ministers, and the reply to the party who mentioned the matter, that Portugal having made the special treaty with France in respect to matters of trade, what she had conceded to France could not be considered a violation of this favoured-nation treaty she had with England.

Hon. Sir MACKENZIE BOWELL—I have an indistinct recollection of the circumstance to which the hon. gentleman refers, but not sufficiently clear to enable me to discuss it with him. What particular form it took afterwards I do not know.

Hon. Mr. MILLS—It is an instance in which England adopted the United States doctrine, that a reciprocal arrangement does not come within the purview of the most favoured-nation clause as generally adopted.

Hon. Sir MACKENZIE BOWELL—That might arise from the particular wording of the treaty with Portugal, and there may have been this distinction between them—I will mention this as it suggests itself to my mind—there may have been a difference between two foreign powers, one of which was not a party to the favoured-nation clause and a country that took upon itself and had the right at the time to bind a portion of her own empire. There may be a distinction in that respect. Portugal was dealing with another foreign power; England dealt with a foreign power in arriving at certain terms which were embodied in the treaty, and to which she bound the different dependencies of the empire. I can draw the distinction without considering the matter fully. It strikes me as being a reason at once why there might be a great

difference in the working of the favoured-nation clause as between two foreign countries, and between one country and another, in which one party to the treaty had bound her colonies, though they might have that autonomy which enabled them to carry on the ordinary affairs of trade and of business. My hon. friend, I admit, has given more study and consideration to those questions than I have, but that seems to me a reason why the difference would exist. I may be wrong in that, however. With reference to this tariff, my hon. friend has laid down the principle of preferential trade with England, and that it is to be of a certain benefit to England, that it is not to the United States. I thought when this proposition was first made that we should hear a good deal of denunciation of the proposition which had been made by the Canadian government from the United States press and statesmen, but those who read the articles published in the United States press, written by men who have some knowledge of the workings of the tariff, and who have an intimate knowledge of the trade relations between the two countries, will find that they laid down this doctrine, that notwithstanding the apparent discrimination against them, there is really none in fact, and will not prove to be any in practice, and for this reason, that the articles which we import from the United States are not of the character of those which we import from England, and vice versa. The advantage to England, as pointed out in these articles, is in the matter of woollens particularly, and scarcely anything else. It will not affect manufactures of iron, though cottons it may to a certain extent. Perhaps this view could be better placed on record than I could possibly explain it by a well written article headed "The New Era in Canada," published in *Harper's Weekly* of June 5, which deals with the question in the following manner:

> The new tariff must give many advantages to England as concerns woollens, cottons, linens, silks, gloves and glassware, but on close examination it is not clear that it will largely curtail American trade with Canada. The United States exports more goods to Canada than England does, but the gain over England is principally in respect to articles on the free list. Instead of the free list being cut down it is enlarged by the addition of corn for stock-feeding, binder-twine, and fencing-wire, so that the United States, which last year sent into Canada goods of the free list class of the value of $21,000,000, three times the value of those of the same class received in the Dominion from Great Britain, are, so far as the free-list is concerned, in an even better position than they were under the old National Policy which turned the cold front of protection alike to Great Britain and the rest of the world.
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> The new arrangements between Canada and Great Britain may result in some troublesome smuggling of the better class of British goods into the United States, but taking the free list and the dutiable list together, the bulk of the Canadian import trade is still likely to be with the United States. Last year, even of articles paying duty, the exports from the United States into Canada were valued at $29,000,000 as against $24,000,000 from Great Britain; and in comparing the articles imported from the two countries, it is evident that the changes in the tariff cannot seriously decrease American trade with Canada. Most of the items in the American list which overtop those in the English list are heavy goods—metals, minerals, such as coal and oil, lumber, carriages and wagons, musical instruments and other goods in which, the proximity of the United States to Canada gives great advantage in the export trade over Great Britain.
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> The Fielding-Cartwright tariff, while it does make better terms all round for England, is one that cannot materially reduce the American trade.

The party who wrote that article—and I suppose it ought to have some force because the hon. gentleman's (Sir Oliver Mowat's) photo is printed with it—understands evidently the trade of this country as it exists with the United States. I go further, and say that any one who has paid attention to the trade relations of Great Britain and Canada, and the trade relations between the United States and Canada, will come to this conclusion, as figures show, that the National Policy tariff made no material difference or any distinction between the one country and the other, nor did it impose a heavier import duty comparatively on English goods, than on United States goods. I took the trouble some time ago to take the imports, free and dutiable, from Great Britain in 1878, while we had what was termed a revenue tariff (what was known as the Cartwright tariff) and the tariff of 1895. I have not made the calculation since, but you will find, while the duties are heavier, that the relative duty paid between the two countries there is only a fraction of one per cent against one country in favour of the other, and that is against the United States. I mention that fact because we hear the declaration made so often that the late tariff always discriminated against British goods. This article puts the question beyond a doubt on that point, calling attention to the fact of the different classes of goods that go from one country to the other.

Now, looking at the provisions of this tariff, one cannot but come to the conclusion, after the changes which have been made since its first introduction—and they are just as numerous as the items in the tariff, whether they were clerical errors or not, I am not prepared to say—but you can come to no other conclusion than that the tariff as it is presented to us to-day is as complete and palpable a violation of all the principles which were laid down by the gentlemen now in power, when they were seeking the suffrages of the people, as it possibly could be. They justify it upon this ground, that the circumstances of the country are such that they would not be justified in interfering with the vested rights of the people and those who had invested their money in these industries. That is a question we have discussed for years and years. That is a question which was discussed in the United States. That was the principle involved in Hancock's last address that he issued to the people of the United States, when he was running for the presidency. In conversation with that gentleman when I was on my way to California, he said: "But you could not interfere with vested rights." That was after he had issued his address on the free trade principle. I could not help smiling, and replied: "General, that is the very principle that is laid down by our free traders in Canada. The result of that was to lose you the election." A more mongrel tariff than this never was brought before parliament, and had it been passed as it was introduced, it would have destroyed a large number of industries in this country; but public opinion was so strong that, notwithstanding the solemn declaration made by the premier and those who addressed the electors in different parts of the country, they did not dare to put the principles which they had advocated before the people and on which they had been agitating the country for 16 or 17 years, on the statute-book.

Hon. Mr. MILLS—Which carried the election?

Hon. Sir MACKENZIE BOWELL—Quite true. I thank the hon. gentleman for that interruption—that professions carried the election. If those professions carried the election—

Hon. Mr. MILLS—I am putting a question which you misunderstand.

Hon. Mr. MACKENZIE BOWELL—I know I am dull of apprehension. I shall listen to the hon. gentleman if he has any explanation to make.

Hon. Mr. MILLS—I put this question to the hon. gentleman—"which carried the election"? Was it that unpopular thing which they dared not carry out, or was it that which you were ultimately compelled to adopt?

Hon. Mr. FERGUSON—It did its work in the locality it was intended for.

Hon. Sir MACKENZIE BOWELL—There were other causes which contributed to the defeat, which I shall not discuss just now. What I charge the government with is that the professions and promises which they made prior to the elections in parts of the country where manufacturing enterprises did not exist to any great extent, were not carried out. I say when they announced their policy, and brought down their tariff, it was of such a character that the whole manufacturing industries of the country, together with those who support the principles of protection, brought such pressure to bear that the government had to recede, and they have placed before us now a tariff which, to a very great extent, is just as protective as the old tariff, and for which I am very glad. To go into the clauses of the whole tariff would be altogether too great a task at this moment. We have discussed the question of the preferential trade clause. To my mind it is not a preference to Great Britain alone. I wish it could be. It will have my earnest support, and I think I can say as much for the party to which I belong, and of which I am an humble member. Our desire is to cultivate that trade as much as possible. I have strong feelings on that question; still, remember that I do not want to extend preferential trade to foreign countries where cheap labour exists, and where it does extend virtually if they ever succeed in carrying out their views and adopt a principle which I think will be inimical to the interests of this country. There are only one or two points to which I shall call the attention of the House. The protection which we always contended was given to the farmer and the agricultural industries was denounced in every part of the country as

being an imposition. The farmers were told that it was all humbug, that there was no protection for them at all: that the duty should be wiped out, and they would be infinitely better of. How did the government carry out that promise? They touched nothing. Why did not you carry out your free trade principles? Why did you not adopt a revenue tariff principle, when you came to office and redeemed your pledge to the farmers?

Hon. Mr. SCOTT—We cannot do it at once.

Hon. Sir MACKENZIE BOWELL—You have lowered the duties on wheat, and lowered the duties, to a small extent, upon flour, but you have kept up the duties upon the articles manufactured from wheat and flour. Is that because one member of the cabinet is interested in the manufacture of articles made from flour? Instead of reducing the protection on the article consumed by the people, made from flour, you have made the raw materials cheaper but you have kept that which is consumed by the people at the same rate of duty, and thereby given the biscuit makers and those who make cakes, or who use it for bread or such articles, a higher protection than before. Then you have, in carrying out your theory of free trade, taken the duty off corn, but you keep it upon coal. Now, why should the farmer in this respect be discriminated against and the coal dealer protected? Is it because an election was going on in the province of Nova Scotia, and you dared not interfere with that industry lest it should be the means of losing the local election? Mr. Fielding, the Finance Minister, and others gave as a reason for their violation of their pledges to the people that they desired to keep the duty upon coal until they could see whether they could obtain a concession from the people of the United States. If there was any argument in that, why did they not apply it to corn? If they had said to the United States give us free barley or admit other things raised in this country, which they do not raise to the same advantage in the United States, then we will take off the duty from corn, I could understand their policy.

At six o'clock the Speaker left the Chair.

After Recess.

A QUESTION OF PRIVILEGE.

Hon. Sir MACKENZIE BOWELL—Before continuing the remarks which I intend to make in reference to the Tariff Act, I desire to set myself right and explain a misunderstanding that has occurred between the Whip of the other House and myself, in reference to remarks I made in this House the other day. I do not say that it is the fault of the press, because it is just possible that during the interruptions which were taking place, I may not have made myself as clear as I intended to do. I will read what Mr. Sutherland, the Whip, said in the other House this afternoon when the Orders of the Day were called, and then I will explain what I did say, or intended to say. I am not at this moment in a position to say distinctly that the newspaper reporters did not report me correctly. I have not seen the official report, and I am speaking now of the newspaper reports. Mr. Sutherland said to-day:

> Before the orders of the day are called I wish to make a brief statement with regard to a report in the Ottawa *Citizen* of this morning, in which report the Hon. Sir Mackenzie Bowell is stated to have said:
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> "The whip of the liberal party in the House of Commons had been telling the members of the Senate that if they rejected this measure the government would withdraw the Crow's Nest Pass Railway Bill. What in the world had the one to do with the other? Was it simply an idle threat, used in the hope of influencing members of the Senate who were known to be in favour of the Crow's Nest Pass Railway Bill being passed and who were friends of the Canadian Pacific Railway."
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> I simply wish to state that if the honourable gentleman said what he is here reported to have said, he was misinformed, for I never made such a statement to a senator or to any other person, nor would I be guilty of using a threat to a senator or any other person. I simply wish to make this statement, although it is a matter of indifference to myself personally, but because I think it is only fair to the government and to the public, as well as myself, that I should say that there is no truth whatever in the statement so far as I am concerned, and I am sure the Hon. Sir Mackenzie Bowell would not wish to misrepresent me.

In the latter remarks he is quite correct. Whatever my opinions may be, I never wilfully or intentionally misrepresent any one: and in reference to the threats that were made by members of the government, and by newspapers, in reference to the doleful consequences that were to follow if we dared to

exercise an opinion of our own, I certainly never intended to attribute that remark to Mr. Sutherland. When I mentioned the Whip I intended to say—if I did not say it—that he had intimated to a senator that if we rejected that bill the government or the party would appeal to the Imperial authorities, or to the parliament of England to increase the number of senators in this House. That is what I desired to attribute to Mr. Sutherland; and in conversation with him to-day I made that explanation, and he admits that he did say that.

Hon. Mr. PERLEY—Is not that a threat?

Hon. Sir MACKENZIE BOWELL—I do not say that it is not a threat: I am merely making the explanation. The threat that the Crow's Nest Pass Railway Bill would be withdrawn was uttered publicly on the railway train going from Ottawa to Montreal, and that was made by Mr. Geoffrion, a member of the Cabinet. I did not mention Mr. Geoffrion's name before, because I do not desire, further than to justify the statements I made, to mention any names. I am very much pleased to be enabled to make this explanation with reference to Mr. Sutherland. I repeat that in conversation with Mr. Sutherland I made this explanation, and told him that possibly it might have been from the interruptions that were made at the time while I was speaking, that I may have misled the reporters. That is what I intended to say, and I acquit him of making any such threat; the only threat which I desire to attribute to him was that they were going to have some additional senators appointed.

THE TARIFF BILL.

THIRD READING.

Hon. Sir MACKENZIE BOWELL resumed his speech on Bill (143) "An Act to consolidate and amend the Acts respecting the Duties of Customs." He said:—I may occupy the attention of the House for a very short time longer upon the tariff question. I think when the House rose at 6 o'clock I was referring to the taking of the duty off corn and retaining the duty upon coal, giving the reasons why the ministers adopted that course, as I believe from the expressions they have made use of. They justify the removal of the duty from corn, I think, because they desired to assist a certain class of people who were feeding cattle; and they retained the duty on coal in order to effect a reciprocity with the United States in that particular article. I must leave that for the gentlemen on the treasury benches to explain to the country. The taking of the duty off corn directly interferes with the coarse grain trade, not only of Ontario, but of Quebec. The protection afforded to farmers in this respect led in the western portion of Ontario, particularly in the counties of Essex and Kent, and the Pelee Islands, to the production of corn to an extent that had never been contemplated, while corn was on the free list. But the duty has been retained upon corn so far as affects the distillers. The hon. Secretary of State called attention to the mode by which the revenue might be defrauded by buying United States corn that was claimed to be of Canadian growth. That may or may not be the case; I think the probabilities are that the distillers will buy Canadian corn, which is grown very largely in all sections west of Kingston, and particularly on the southwestern peninsula of Ontario, and the farmers will import the corn from the United States free. Then there is another point that may not have suggested itself to the Controller of Customs or to the Minister of Finance when they adopted this policy. Is there any reason, when you consider the increase in the excise duties, that you should have placed the distiller in an invidious position as compared with the other feeders of cattle? It is known to those who have any practical experience that when the corn is imported and goes into the distillery, there is a certain amount of spirit extracted from the grain, the residue is used in feeding and fattening of cattle for exportation. So that for every 7½ cents that the distiller pays, he has, if my information is correct, about one-third—some distillers say two-thirds—of the value of that corn which is used for feeding purposes, there is a discrimination against him to that extent. The cattle feeder, pure and simple, imports his corn free; he feeds it to his cattle; he fattens them and exports them. The distiller imports his corn; he extracts from it the spirit; he sells the residue to the feeder of cattle, who feeds and fattens his animals for exportation—and there is a discrimination of three to three and a half cents against these cattle feeders, because they feed upon the residue from the distillery. Is there any justice in that? A man who goes

to a distiller and says, "I will purchase what they call the slop from your distillery, and feed a thousand head of cattle' (I believe that is done in some of the distilleries in Toronto, and I do not think I am exaggerating when I say 1,000 head), why should that man have a discrimination to the extent of three and a half cents of the value of the corn imposed upon him, while his neighbour, who feeds his corn after being ground and cracked, uses it for the same purpose, and there is no discrimination against him? It may be said it is because it goes through the distillery. But what is the excise duty? It is $1.90, is it not?

Hon. Mr. CLEMOW—$1.90 I think.

Hon. Sir MACKENZIE BOWELL—If it is $1.90 and he extracts three gallons of spirits from a bushel of corn—and I believe that is about the amount in the distillation—he pays $1.90 upon each gallon that is extracted from the corn, and then because he uses the balance in feeding, he is taxed for it in addition. If the government had applied a little practical knowlege to the working of the tariff, and to the effect of placing corn upon the free list and taxing the distiller, they might have easily avoided any frauds, and they would not have done an injustice to that industry in the country. If they had said, as 7½ cents is to the bushel, so is three gallons of spirits to the duty required, and then put it on the spirit, letting the corn remain where it is, the result would have been the same, the revenue would have been protected and the injustice to which I have referred, would not have been committed. There is no difficulty in arriving at a decision as to the proper proportions. That came under my observation when I was Minister of Customs. The starch manufacturers imported very large quantities of corn from the United States for the purpose of manufacturing into stock. They exported the article and they received a drawback of a certain proportion of the duty which they had paid upon the corn, and upon investigation we found that about five cents out of the seven and a half cents was expended in manufacturing starch; or, in other words, the glutinous matter, which constituted the properties of the starch, amounted to about five cents, the residue, two and one-half cents, was sold to the farmers and the people about the towns and cities where the factories were, and consumed by cattle and pigs, so that when we paid them the drawback we paid them only five-sevenths of the amount which they had paid, because the balance went into competition with the coarse grains of the country. The same principle might have been applied to the distilleries and the revenue protected in the manner in which I have pointed out. There is also another point in connection with that to which it is not necessary for me to refer, beyond the mere statement of the fact that the protection given to the corn growers in Canada has resulted in the production of a quantity almost sufficient for the purposes of the country, and had it gone on for a few years more, we would have raised all that we want in this country, of corn, just as good in quality if not superior to that which is produced in the United States. We are told that this industry cannot flourish in Canada. That is a mistake. I have seen corn in the south-western peninsula of Ontario superior to any I have seen in the states of Ohio, Illinois and Iowa, and I paid a good deal of attention, so far as I could while travelling by railway, to ascertain the quality of the corn, the extent to which it is grown and the quantities produced, and I hesitate not to say—and I venture the assertion that those who have been in the south-western portion of Canada, west of Toronto, will confirm the statement, that I make—that corn can be grown just as well and, at the present moment considering the price of grain and the price of wheat, more profitably to the farmer than any other crop. That is a bold statement, but I have it on the best authority—and as to the quality of the corn and the quantity which can be produced per acre, that we could in a few years be completely independent of the western states for that particular article. I know in my county that the duty on corn helped materially, the market price which the farmers received for their coarse grain, and for that reason I regret exceedingly that the government should have listened to a few interested cattle feeders, who have been, to use a not very elegant expression, howling for years for free corn. Those men are agriculturists and pretend to be, and perhaps are, farmers, but their whole time is devoted to the fattening of cattle rather than the cultivation of the soil, and on the pretense of being farmers they have induced the government to take this step.

I have not stated the case as strongly as I should have stated it. I find that two-thirds of the corn imported by the distillers is fed to the cattle, which would be five cents distinct discrimination against that class of feeders. I have under my hand a statement with reference to the English market for bacon, and the product of the hog in the English market, and it states distinctly—and it is a fact known to every one who has paid the slightest attention to that particular branch of trade—that Canadian bacon, Canadian hams and Canadian pork sent in a cured state to England—and I can safely say that there is no class of people in the whole world so fastidious in their taste as the English are—that our bacon, fed upon the product of our own farms, is a much finer quality of meat than bacon produced in the United States, and the result is that it brings from a half penny to a penny, and sometimes three half pence a pound more than United States cured meat. Multiply that by the millions of pounds that have been manufactured and cured in this country and sent to Europe during the existence of the protection upon the products of the hog—a protection which has kept the United States product out of this country—and you find that you have by this change inflicted enormous injury, pecuniarily speaking, upon the producers of those articles of food. But they say "Oh, we have not taken the duty off the other agricultural products; we keep that on in order to protect the farmer"——

Hon. Mr. McCALLUM—Hear, hear.

Hon. Sir MACKENZIE BOWELL—"But we have relieved you (the agriculturists of this country) from that enormous burden of the iron duty which has been weighing you down for years. You are to get your nails a little cheaper; you are to get everything that is produced by the manufacturer and which you desire to use upon your farm, at a lower rate because we have lowered the duties on iron." They have lowered the duties on iron it is true, but they have taxed the farmer, for whom they have expressed so much solicitude in the past, an additional amount in the way of bounties to the iron producer and the iron manufacturer, or, in other words, they tell them "We have removed the duties from iron and thereby relieved you of that taxation, but we put our hands into your other pocket and we take an equal amount, although you cannot know it, in order to pay the bounties to the iron producers." I did not find fault with the system of bounties, but I was looking at the debates a couple of days ago, and my eye happened to strike a speech made by the hon. Secretary of State, and the expressions were something like this:

> Is it possible that we are never to stop this mad career of folly in paying bounties upon iron?

And yet we find the hon. gentleman sitting here to-day with a proposition before this House to increase the bounties in order to remunerate the iron producers on account of lowering the duty upon the very articles which they produce. That is another evidence of that extreme mad folly which characterizes some people when they are uttering sentences rather for effect than from any fixed idea or fixed principle. I compliment the hon. gentleman upon his conversion upon this particular point. He shakes his head.

Hon. Mr. SCOTT—No conversion.

Hon. Sir MACKENZIE BOWELL—And yet he accepts it. A man of high honour, a man who held strong political views upon the fiscal policy of the country, and more particularly a question so important as that of free trade and protection, would never sit in a cabinet and allow himself to become a defender of that which, while advocating, he is obliged to say he disapproves in principle. There is not a statesman of any standing in England, who, being a free trader, would ever think of remaining in a cabinet that was advocating and placing upon the statute book a protective policy; and when a man who aspires to the dignity of an adviser of His Excellency goes to him and says "True, Your Excellency, I am a free trader in my heart, and in my conscience, and from principle, but for expediency's sake and to retain my position, I will swallow all the convictions I ever had and remain here as your adviser, and do that which my conscience tells me I should not do." I do not claim too much virtue politically, any more than anybody else, but I do not hesitate to say that if I were placed in a position of that kind I should leave the cabinet. When overtures were made to me some time

ago—I am not going to tell any particular secret just now—at a certain political crisis in my life, I might have adopted a policy which if I had consulted my own individual interests would have kept me in power some time longer, but I said no alliance of that kind will ever be made with me unless it is upon the principle of protection, which I have believed from my boyhood up, to be right and just; and as long as I am in political life I shall adhere to protection or go out of power. That is the position my hon. friend should take, and that is the position to which we desire to raise the standard of political statesmanship and rectitude in this country, and which every man should aspire to. We should have principles and act upon them. They may be wrong. The views I hold upon this question may be and are denounced to be heretical and not such as should govern a country. I differ from that. It may be my stupidity; it may be my ignorance of political economy, but conviction, the result of study, the result of watching the practical operations of the different tariffs in different countries, has led me to that conclusion, and until I see differently I shall adhere to that policy. I would not find fault with my hon. friend if he came forward and said, "Yes, I held those views at a certain period of my life, but I have changed them. I believe from experience and what I have seen that they should not be continued." That would be an honest, frank confession. I do not pretend to say for a moment that all the views which I held as a young man, I still hold to-day. There were many views which I held in reference to the governing of the country, and in reference to race, religion and creed, that I would not think of advocating to-day, and I say it frankly. If my hon. friend would do the same thing, we would respect him; but he says, "I am a free trader, I believe we are rushing on in a mad career in continuing this system of bounties on iron, taking the money out of the pockets of the unfortunate consumers who know nothing about it; and handing it over to a privileged class, but I hold to this place, now that I am here, and I will stick to it notwithstanding what my views may be. I do it upon the principle of expediency. That is, we cannot jump the fence all at once. That is, we have to crawl up and tumble over on the other side. I pity this country when it has to be governed upon such principles. I should like to ask the hon. Minister of Justice for what reason is binder twine kept among the dutiable articles until a certain period? Is it because a political friend bought the whole output of the Kingston Penitentiary, and to give him an opportunity of selling it at an enhanced price which, of course, they say will be exacted from the consumer as long as the duty remains on it? Did they forget the interest of the poor farmer who was suffering from having to pay a few cents upon a hundred pounds of binder twine in order that Mr. Hobbs, of London, a strong political partizan of the party in power, should have an opportunity of putting a few more cents into his pocket. I cannot conceive any other reason than that.

Hon. Mr. MILLS—Should Hobbs be cheated because he is a Liberal?

Hon Sir MACKENZIE BOWELL—No, he should not be cheated because he is a Liberal. I speak of keeping on the duty for the purpose of assisting a Liberal for a certain time, and making all others suffer. In the selling of this binder twine to Mr. Hobbs, why did not the free trade government at the time say to Mr. Hobbs: "In buying this you will have to compete with all the other binder twine makers, not only in Canada, but upon the continent." Then they would have treated him fairly. It would be, I admit, a dishonest act to have said to Mr. Hobbs, "Here are so many hundred thousand tons of binder twine that we want to sell; and should he have purchased it under a protective tariff and, the government, then, immediately after selling it, takes the duty off and make him lose by it—I quite agree that that would be a dishonest thing; but supposing that this had been an independent manufacturing establishment, instead of a government manufacturing establishment, do you suppose the government would have taken the individual manufacturer into consideration any more in the question of binder twine than other manufacturers where they have reduced the duty? Not a bit of it. And then we have the statement that has been made so often, that the national binder twine combination of the United States controls the output of the United States and also of Canada. Supposing that is true, it would not make a particle of difference to them. They can establish

just such prices as they like until they get a competing establishment in this country. The charge is that the national binder twine combination of the United States combine, not only to keep up the price in the United States, but that they bought up all the twine of the manufacturing industries in this country, and, having control of that, they control the price; and it makes not a particle of difference to that Yankee institution whether it is made free or whether there is a high duty, because they can put the price just as they please until we have competing establishments. That is the only reason why the late Sir John Thompson, and the late government, adopted the principle of manufacturing binder twine in Kingston penitentiary; I suppose that was the reason which induced my hon. friend (Sir Oliver Mowat) who sits opposite me to establish a like industry in the central prison in Toronto I quite approve of that policy, and I know in my advocacy of it I called attention to the policy of the Ontario government in utilizing criminal labour in order to produce an article which could be furnished cheaper to the farmers of the country, than coming from individual establishments, and I think it was a very wise policy. So much for the binder twine. I have already called attention to the question of flour and wheat, the duty on which has been slightly lowered, but the product of these two articles has been kept precisely as it was. I can readily understand why the bounty upon pig iron was kept on when we know that some of the followers of the Liberal party in the lower House have large sums invested in the production of pig iron, particularly in the province of Ontario. I never forgot a remark made by a Liberal gentleman in London when I was there last summer. When I was discussing this very important question with him, I said, "I know you are a Liberal but you have been, so far as I know, all your life a protectionist. What are you going to do when the question of taking the duty off iron, and particularly pig iron, comes up?" He said, "Oh, not the slightest danger. Do you suppose I, who have got two hundred and fifty thousand dollars invested in that industry, am going to allow my party to take that duty off?" They took off the duty and raised the bounty, and the bounty is infinitely better to the producers than the higher duty, because for every ton of pig iron they produce they are sure of so much money put in their pockets. On the other hand, on account of the over production of this article in the United States, and more particularly in North Carolina at the present time, where iron ore, coal and flux are found together, and where they can produce pig iron cheaper than it has ever been produced in England, Germany or Belgium. I can easily understand why the manufacturer would prefer a bounty, which he is sure of and can put in his pocket, to any protection you can give him. Cottons are not much reduced and I am very glad of it. In going through the whole of this tariff, where you find there is scarcely any reduction made, you can trace it to interests belonging to the Liberal party. You may think I am speaking not only at random but very boldly on this question. My long connection with the Customs Department brought me in contact with manufacturers of every description, and the men who invested their money in these enterprises. Take the woollen industry on the contrary, and two-thirds of them—I am safe in saying more than two-thirds—in the whole Dominion are Conservatives, and they have been struck straight under the belt. The result may be that half the establishments, before many years roll around, will be out of existence. Such are the principles which seem to have guided the framers of this tariff, and I cannot look upon it in any way other than as an insidious device and scheme to upr ot ultimately the principle of protection in this country, and deceive the people who are to live under it under the guise of protecting the investments for the time being, and at the same time hold out the bait of preferential trade to other portions of the world which is not as a whole understood by everyone who reads it. In short the whole principle of the tariff, to my mind is nothing more or less than a fraud upon the face of it.

Hon. Mr. MILLS—I have listened with some interest to my hon. friend and what puzzles me more than anything else is to know that he should have made this complaining speech, beginning some time this afternoon, and ending now at nine o'clock, about a tariff with which he so cordially agrees.

Hon. Sir MACKENZIE BOWELL—Partially.

Hon. Mr. MILLS—My hon. friend has said that this is a highly protective tariff; but he does not complain of it on that account; that he congratulates the government for having adopted this protective tariff, and yet his speech from beginning to end is a complaint against the government in respect of the tariff. My hon. friend has said that the policy of the government consists of planks stolen from the platform of my hon. friend and his colleagues.

Hon. Sir MACKENZIE BOWELL—That is the bounty principle.

Hon. Mr. MILLS—If that were so, I would say that it was a very foolish act, for if they have taken anything from the tariff of my hon. friend, they have stolen what is of very little use. They consist of very poor timber. They will break with those who trust themselves to them, and I think that the sooner the government, if they have adopted any portion of the trade policy of my hon. friend, can abandon that portion and act upon a policy that they can with greater confidence rely upon, it will be so much the better for the country. My hon. friend is not quite satisfied with the tariff after all.

Hon. Sir MACKENZIE BOWELL—That is correct.

Hon. Mr. MILLS—I was quite sure that I would say something with which my hon. friend would agree, and I am pleased that he is not satisfied, for if my hon. friend, knowing his extreme protectionist views, had been satisfied with the tariff, I would have come to the conclusion that that tariff had very little merit in it from my standpoint. I do not pretend that this tariff is all that I could desire to see it. In so far as the government have gone, they have gone in the right direction. The step which they have taken has been taken at a period when the business of the country was much depressed, when there was a great deal of distress, and when it was not in the public interest to create any very serious disturbance in the public mind, and what would have been possible if the country had been in a highly properous condition, and trade had been flourishing, you cannot expect to accomplish under circumstances that are altogether different. Now, in my opinion, we have taken a step in the right direction, and it will be the business of the administration and the business of the representatives of the people who sit behind them, and who seek to support the course which they have taken, and to which the entire party, for a long series of years, have stood pledged, to see that each favourable opportunity, as it is presented, is utilized to carry forward those principles of public policy in respect to taxation which in my opinion are in the public interests. My hon. friend says that the Secretary of State is all wrong. The Secretary of State holds views which, from an academic standpoint, are thoroughly free trade, and because this tariff is not in every particular based on free trade lines, then the hon. leader of the opposition claims that my hon. friend is politically an immoral man, because he has not gone further—that he has acted upon the principle of expediency, and that the principle of expediency ought not to govern the conduct of public men. Now, I do not agree with my hon. friend, I do not admit the soundness of the doctrine which he has laid down. We have very high authority for the doctrine of expediency as distinguished from mere abstract propositions. I remember on one occasion it was said to a disciple of our Lord, "Does your Master pay tribute to the Temple," and he said, "Certainly, my Master pays tribute," but when our Lord questioned him on the subject he asked was it sons of the household who paid tribute, or was it strangers. They said strangers. Then said he, "the children of the household ought to be free." "I am entitled on principle to be relieved from taxation, but nevertheless lest we offend, we will pay." Now that was the doctrine of expediency, and I think the doctrine of expediency, when properly applied, is always a proper doctrine to recognize, and the man would not govern long, and would not be fit to govern a country long, who failed to recognize the principle of expediency as applied to the affairs of government. Now let me take another case, a secular one. Long ago, before the principles of free trade were adopted in England, Lord Lansdowne, in a careful speech in the House of Lords, set forth those doctrines and principles which he had learned from Adam Smith. He stated what he considered sound principles of taxation and economy, but at the same time, while these were his views, he stated that the circumstances of the

nation were such that it would be impossible to press those views for immediate adoption, and the principles set forth by Lord Lansdowne on that occasion, were quoted in one of the most celebrated speeches ever made in the United States Congress, by Daniel Webster in 1824. Any one who knows the circumstances under which free trade was adopted in England,—the bread riots, the scarcity of food, the distressed condition of the poorer population, especially in the cities,—knows that it was a state of social distress approaching very nearly to a revolution that made it possible to introduce the principles of free trade, and no one in this country, looking at the straitened circumstances of our people, the low prices for all products, the stagnation of business, the burdens incurred for public enterprises that have not proved profitable, and the high rate of taxation to which the people of this country have been subjected, in order to meet those liabilities, knows right well that it is well nigh impossible for the government under existing circumstances to go as far as the principles to which they subscribe, and which under other circumstances might have been, in a larger degree, adopted—I say it was impossible for them to go much further than they have gone. Now, the question of the tariff is, in this country, largely made an academic question, under existing circumstances, because when you look at the debt of the country, the amount of money that it is necessary to raise every year to meet the interest on that debt, the cost of government, and the various other purposes for which public revenues are necessary, it is impossible to do otherwise than to impose a very considerable measure of taxation, and so far as I know, there is no public man, of any prominence upon the Liberal side of politics, that has ever proposed that you shall abandon customs duties, and indirect taxes, and depend upon direct taxation as a means of revenue. I say that has never been proposed, no one has argued in favour of that position. My hon. friend opposite sometimes, and some of those who are associated with him confuse direct taxation and free trade; but I say they are not identical. I may be, and I am, in principle a free trader, but I had never supposed that it was in the public interest to depend upon direct taxes instead of customs duties for the purposes of revenue. There are many reasons I think in favour of the system of indirect taxation. In the first place you are paying your taxes in the way most convenient for you. You are paying the taxes when you are purchasing articles imported into the country. You pay at every season of the year. The amount of money that is constantly coming into the public treasury, is an amount that is not drawing a large sum of money from circulation. It is paid day by day and month by month as circumstances call for it, and the cost of collection is less than a direct tax would be. Supposing you were to impose a direct tax, how often in the year are you to collect? Once a year would produce a financial crisis every time you attempted to collect. If you collect it frequently, look at the enormous cost of collection and look at the very great inconvenience to which you subject the population, who are called upon to pay taxes, when you want it, and when they are not quite ready. When you examine the whole question, you will see that the indirect tax, if wisely imposed, is the cheapest form of taxation. It costs less to collect it, and produces the least friction. That is a wholly distinct question from the question of protection. If I wish to collect taxes upon imports—if I am looking solely to the question of revenue, I impose a tax on articles which will diffuse that burden over the population, as nearly as may be, in proportion to their ability to pay. I impose that tax in such a way that I will take from the pockets of the population only what goes in the public treasury. I can very easily suggest taxation which if you were to impose it on the community, would cause them to pay manyfold a larger sum, than the government receive. That tax is an incidental tax that goes to somebody else. It is not adding one dollar of wealth to the country; all that you have done is take from one without compensation a portion of his fortune and you have made it the property of another. That does not add to the wealth of the country, I am very sure. Then you have the third question which I mentioned at the outset, and that is the question of distress and disturbance. You do not give to the man who is suffering from disease just the same diet and the same regime that you do to a man who is in perfect health, and when a community have for a long period of years been subjected to a policy which is highly artificial and which has disturbed abnormally the production and

possession of wealth, you cannot get rid of it in an hour. There are times, there are circumstances, when you can go very much further in making a change, than you can in others, and I say the circumstances existing at this moment considering the large liabilities that existed in the case of some of those manufacturing establishments—when you consider the extent to which the banking institutions of the country have been carrying many of those establishments, it was in the highest degree inexpedient to adopt a financial policy at the time whatever might be its merits in the abstract—it would be highly inexpedient to adopt a policy that would produce serious disturbance and create serious distrust. You might produce a financial crisis that would lay in ruins a great many institutions of the country, just simply on the ground of distrust. Now, I am not saying one word in favour of the principle of protection. I say in all these things I am not advocating protection. I am discussing these matters on broad grounds of state policy, and I am not giving you economic reasons which relate to the production of wealth, but economic reasons which relate to the security and confidence which the population ought to have in the condition of things, if you are not to produce very serious disturbance; and yet, because my hon. friend the Secretary of State has taken these matters into consideration and has allowed them to govern him for the time being, to enable him to reach the advanced point at which he now stands—a point of observation—until the more favoured opportunity arrives for going, with the public sanction and consent, a step further, my hon. friend thinks that he is all wrong. I do not think so. I do not think that what my hon. friend has done and what the government have done, is open to the objection which the hon. gentleman has pressed upon them in this regard. I do not think the course which the government have taken, if they were to come forward and declare this tariff as a finality, as the perfection of wisdom—as all the country ought ever to expect, with which they ought, for all time, to be contented—they would satisfy the just expectations or the real wishes of their friends; but no one has said that any minister has taken that position, and it seems to me that, under the circumstances, the course taken, was the one suggested by prudence and what the public interest requires under the circumstances. Then, my hon. friend says, if I do not misunderstand him, that we were very anxious at one time to discriminate against the mother country and to establish more extensive trade relations with our neighbours.

Hon. Sir MACKENZIE BOWELL—No, I did not put it in that way. I did not say you were anxious to do it. What I said was, you were prepared to accept reciprocal relations with the United States, even if it discriminated against England. That was the declaration of Sir Richard Cartwright and others of the party.

Hon. Mr. MILLS—That would depend upon the circumstances of the country, whether it would be in the interest of England or not. I apprehend if you had round the whole border of the continent of America, say a 15 per cent or 20 per cent tariff, that the British government and people, the commercial classes of England, would prefer it even though there was absolute free trade between Canada and the United States—they would prefer it to absolute free trade with Canada, and a high protective tariff against them in the United States. I think that is perfectly certain and my hon. friend will see that whether what he has stated now as a proposition is an objectionable and an unpatriotic one or not, would depend altogether on the manner in which it was carried out. For myself I have never favoured unrestricted reciprocity with our neighbours in the sense of absolute free trade with them and high taxation against the mother country, and I have spoken many times upon the subject, and I think my hon. friend will not find any such propositon.

Hon. Sir MACKENZIE BOWELL—I do not think I accused you of it.

Hon. Mr. MILLS—No, and I am perfectly sure my hon. friend could not. Then the hon. gentleman will remember some two or three years ago—perhaps four—a resolution was proposed from our side in the House of Commons, declaring in favour of more favoured trade relations with the mother country, and declaring that the liberal manner in which the mother country deals with the people of Canada entitles them to the favourable consideration of the people of this country. Now, the government have

proposed in this schedule, schedule D, attached to this tariff, certain reciprocal trade arrangements that apply specially in the first instance to the trade between Canada and the mother country. I listened to the debates in the other chamber and I suppose the views put forward there fairly represent the views of my hon. friend and that while they are ready to concede reciprocal trade relations to the mother country, it is not an unconditional arrangement, but unless the mother country were to concede something specially to this country, unless they not only give us reasonable and generous treatment, but unless they hit somebody else, discriminate against some other country, we would not be satisfied.

Hon. Sir MACKENZIE BOWELL—You do not apply that to me?

Hon. Mr. MILLS—I understand my hon. friend wants the government of Great Britain to discriminate against others, in order to entitle that government to receive special considerations at the hands of the Canadian people.

Hon. Sir MACKENZIE BOWELL—I will frankly say that I would like to do that, but I would give them preferential trade, even if they gave us nothing at all. I stated that in my remarks on the address in reply to the speech from the throne, but I would take the other if I could get it.

Hon. Mr. MILLS—I am very glad to hear my hon. friend say that, but he has come much nearer to our view than any members of his party of the other House.

Hon. Sir MACKENZIE BOWELL—I am not responsible for what they may think.

Hon. Mr. MILLS—I am simply getting a declaration from him to see how near he comes to our view, and in that declaration he will see we have not stolen any plank from the platform of the Conservative party. Now, that is a matter of very considerable importance. I am not, at this hour of the evening going into a discussion upon the question of law connected with that proposition. Whether the German treaty and the Belgium treaty bind us, or whether they do not bind us is a complex and difficult question of constitutional law, that would require much more time, if fully discussed, than I feel warranted in claiming at your hands here to-night: but let me say this; that the United States in all the arrangements which they have made with other countries, have never admitted they were bound by the most favoured-nation treaty stipulation to concede to those with whom such stipulations had been entered into the same rights and privileges commercially, that they concede to those countries with whom they had special reciprocal relations. Favoured-nation clauses similar in terms to those treaties now in controversy have been discussed between the government of Germany and the United States and on these occasions the United States have maintained the principle of public law as I have stated it, and the governments of Belgium and of Germany have both ultimately conceded the attention of the United States, and it does seem to me that when they have yielded that proposition and accepted the construction of public law for which the United States authorities have contended in respect to two treaties, almost precisely the same as these two, and as the provision of those two treaties which are in question, that it will be extremely difficult for Germany or Belgium to maintain that their treaty arrangements with the government of Great Britain ought to be construed and ought to be understood differently from the treaty arrangement with the government of the United States. When one of the commercial treaties with France was under discussion in parliament, the attention of the ministry was called to the discrimination of Portugal in favour of France, but a minister replied that that was under a special arrangement with France, and so did not violate the most favoured-nation treaty with Great Britain. Having said this, I need not go into a general discussion of the subject. I am perfectly aware that the Crown is the only medium of communication between the United Kingdom or the British empire and foreign countries. The Crown, in making treaty stipulations, enters into an agreement on behalf of the United Kingdom and on behalf of the British empire, as the case may be, and in these treaty arrangements the Crown is advised by the ministers, who are the paramount authority in the executive government of the empire. But you have this point to consider—in no case does the treaty operate under the government of Great Britain as a law. In every case a treaty is simply a com-

pact between the sovereign authority of the United Kingdom and the sovereign authority with whom that treaty has been made. So no treaty has ever been held to interfere with the private rights of any party, whether he be a subject or a foreigner. No treaty has ever taken away any personal right from any party, and wherever a treaty stipulation has had the effect of altering any part of the law, it is inoperative until it is sanctioned by Parliament. Take, for instance, the various decisions that have been given in which the question of the convention between the United States and Great Britain has risen in reference to trade marks. Now, under the convention, the party who has his trade mark registered in one country is entitled to have that trade mark registered in the other. The English statute says that he must make application within four months. There are a few cases in which application has been made after the four months had expired, and in every instance the courts have said there is an engagement —there is a compact between England and a foreign state, it is the duty of the government to see that that compact is obeyed, but we have nothing to do with that; we have simply to interpret the law, and the law of the land says that unless application is made within four months the parties are not entitled to register. And so we will find that where the Crown undertakes to speak, the Crown in speaking for the United Kingdom subjects its advisers to the censure of parliament, but may not require the assent of parliament. If there is no alteration in the law required to give effect to the treaty, the assent of parliament is not necessary to the validation of what is done ; but the censure of parliament may turn out the government, and Mr. Gladstone mentioned a few years ago, that during the whole period of his life, and for some years before, there never had been a treaty entered into that had been successfully moved against in the House of Commons. That only goes to show with what care the ministers study the House of Commons and keep themselves in touch with the majority, and while that rule is perfectly proper so far as the United Kingdom is concerned, the rule, it seems to me and I humbly submit to the consideration of the House, does not apply when we are making a commercial treaty in which a dependency having a parliamentary government is interested. The Crown is advised by men who deal with the foreign relations, who have an exclusive right to advise the Crown with regard to those foreign relations. Our law does not operate nor can we pass a law which will operate more than a marine league from our shore, but when the imperial officer of Her Majesty deals with foreign relations, and in dealing with them, incidentally turns to a colony, which has self government, and imposes treaty stipulations without the authority of that province, and ties its hands, so that it cannot thereafter legislate, his acts do violence to the imperial constitution. Now, when the Crown in Council do that in England ministers risk the censure of parliament; and when the Crown acts for us, ministers are beyond our censure ; we cannot touch them, and so the very principle and spirit of our whole constitutional system requires, that when dealing with foreign relations, if they turn towards the colony, and invade its authority, and the exercise of that authority overrides and limits the power of the colony, we ought to be heard, we ought to be consulted, otherwise our rights as British subjects would be a delusion. We will be playing at parliamentary government, while everything we did would be simply done by sufferance, or, as a matter of forbearance. Now I am not putting forward any claim to the idea that we have any power to negotiate, or that the negotiation or compact does not bind the mother country, but I am pointing out that the constitutional doctrine which applies to them cannot in these matters apply to us. Let me say no rule is better settled than this, that the Crown in Council is subordinate to the Crown in parliament: so it may be asked, how can the Crown in Council tie the hands of the Crown in parliament? You cannot go further than this, that the Crown is a part of both and the Crown in parliament may say that I have already been advised and have on that advice entered into a compact which cannot be disregarded without dishonour; so I am bound and the parliament having acquiesced in what was done is also morally bound not to exercise the supreme authority of the state for the purpose of repudiation. But that does not apply to a colony having colonial self government. We never had the opportunity of opposing it. We have no power to censure: our authority does not extend beyond our own borders, and if I say again there is

an attempt to invade that by the exercise of imperial authority, then we ought, in that case, to be consulted, and whatever view the imperial government may take of the effect of those two treaties upon the government and people of this country, that fact must have very great weight and it seems to me if denunciation is necessary—if notice and denunciation is necessary—notice and denunciation are pretty sure to be had. I shall not further trespass on the indulgence of the House.

Hon. Mr. FERGUSON—I intended, just before my hon. friend from Bothwell (Mr. Mills) rose to say a few words on one or two features of this tariff and in doing so now I shall not reply particularly to the remarks which have just fallen from the hon. gentleman. He has no doubt given this subject of preferential trade very great consideration, and I do not pretend to have given it such careful attention as he has, or to be as well informed on it as he is. However, as that is a prominent feature of this tariff, I may be permitted to say a few words as to what I conceive to be our position at this time with regard to that question. From the observations addressed to the House to-day by the hon. leader of the Senate, I have understood, if I heard him correctly, that up to the present time the British government have not signified their approval of the proposition contained in this tariff regarding preferential trade, or that they had not signified their disapproval of the treaty, or, in other words so far as the question stands since it was brought up in this tariff, there has been no expression in one way or the other by the British government upon it. Therefore, this question stands now exactly as it stood before this tariff was launched upon the parliament of Canada. How did it stand at that time? We had a very long and a very thorough discussion of this question in this chamber in 1894. An assemblage of statesmen from all parts of the empire held a conference here at that time. I was here at the opening of the conference, and that conference was attended by very able men from every important colony of the empire and it was also attended by a representative of the British government in the person of Lord Jersey. This subject of preferential trade was very fully discussed at that convention, resolutions were adopted and a report was made. One resolution, a very strong one, was carried unanimously in favour of preferential trade and urging the abrogation of these commercial treaties by which England had tied our hands with regard to preference within the empire itself. There was a report from Lord Jersey to the British government which I have now before me. In that report there were conclusions arrived at, which conclusions I take from the statement which my hon. friend the leader of the House made to us to-day are still binding and still in existence—at least our government has no intimation that the British government has changed its position which it occupied at the close of that conference in 1894. Based upon that report which Lord Jersey made to his government at the close of that conference, there is a circular despatch bearing date 28th June, 1895, not quite two years old—a despatch that was sent to all the governors of all the colonies, and which contains the deliberate views of the British government as they existed at that time, and as to which I infer from what the hon. Secretary of State has said there has been no change up to the present moment. These three conlusions will be found in this circular. First, I may say, the Marquis of Ripon in this despatch which I have before me announced as the policy of the British government, that they were not prepared to seek for the abrogation of the commercial treaties with Belgium and Germany and the favoured-nations clauses in other treaties. That was one decision that was arrived at. In section 40 of this despatch of the Marquis of Ripon I find the following words: "The general effect of these stipulations"—that is one of the German and Belgium treaties and the favoured-nations clauses which are all discussed, in regard to import duties as understood by Her Majesty's government are stated in a note on page five of Lord Jersey's report as follows:—

> As they do not prevent differential treatment by the United Kingdom in favour of the British Colonies.
>
> Secondly, they do not prevent differential treatment by British colonies in favour of each other.
>
> Thirdly, they do prevent differential treatment by British Colonies in favour of the United Kingdom.

Now, my view of it is that if the preferential clause of the tariff that we have before us means anything, it means a preference in

favour of England, but in this despatch of the Marquis of Ripon it is clearly laid down as the third proposition that these commercial treaties now in existence do prevent preferential treatment by the British Colonies in favour of the United Kingdom. Then I find in another part of the same despatch that the Marquis of Ripon says, after referring to the imperial legislation which had removed restrictions on some Australian colonies which interfered with any arrangements of a differential nature that they might wish to establish between themselves or between any of the colonies and the empire, and while he explains this clause had been removed, he goes to say in clause 34 of this despatch:

> While, however, parliament has thus removed all legislative restriction on the colonies, so far as the imperial legislation is concerned, it will be necessary in order that Her Majesty's government may be in a position to give effect to their responsibility for the international obligations of the empire and for the protection of its general interests, that any bill passed by a colonial legislature providing for the imposition of differential duties should be reserved for the signification of Her Majesty's pleasure so as to allow full opportunity for its consideration from these points of view.

It follows on, section 35:

> For this reason, and in order to prevent inconvenience, it will be desirable, if such duties are included in a general tariff bill, that a proviso should be added that they are not to come into force until Her Majesty's pleasure has been signified.

These instructions which were sent to all the governments are, as far as we know at this moment, in force. They are the instructions that are in existence now, by the information that we have to-day received from my hon. friend. That being so, when the government of Canada introduced this tariff now before us, and which contains this provision for perferential duties, they introduced a provision which the Governor General of Canada was, by express instructions, forbidden to give the royal assent to unless it contained a suspending clause and was reserved for the signification of Her Majesty's pleasure regarding it. That was the position of affairs. There could be no other position than that, as far as this parliament is concerned. Members of the government appear to ignore all that. They talk in parliament, and their friends talk all over the country, and even to some extent in England, the press took up the idea, that they were all powerful in this matter and that they meant to do what they professed to do, that is, give preference to Great Britain in trade.

Hon. Mr. SCOTT—It is not based on preference.

Hon. Mr. FERGUSON—The Finance Minister came down with an amendment which provided that this preference which at first it was plain was only to reach England, and afterwards New South Wales or any country that had as low a tariff on an average as the tariff we are now adopting in Canada—that the application of this tariff should be made to other countries which had treaty rights with the empire. When this amendment was put in the tariff by the Finance Minister, he completely conceded the position which had been taken by the Conservative party in the country and in parliament with regard to this question, and the view which I have presented with regard to the instruction to the Governor General were entirely admitted to have full force and effect. I am sorry to say that I think the proposals of our government have been a leap in the dark from the information we have from my hon. friend the Minister of Justice. When they brought down the tariff without the amendment subsequently attached to it, and even after that when they attached the amendment to it, they were still groping in the dark with regard to that subject, and I am sorry to say that, in my humble opinion, the government in pursuing the course which they did in regard to this matter, have injured rather than advanced the subject of preferential trade within the empire. There is another matter to which I wish to refer, that is, the combines clause of the tariff. I look upon that provision in the tariff as a very bad piece of legislation indeed. I had heard that the hon. leader of the House would have consented to a proposition made to him in the Senate and would deal with this question of combines in another way than by attaching it to the tariff, where it does not properly belong. I look upon it as a very bad piece of legislation in many respects. The hon. Secretary of State, when the hon. leader of the opposition asked him to-day to give an explanation of this combine clause, at once made an

explanation which was the strongest possible argument against the clause. He commenced to deal at once with the immense sugar trusts there are in the United States. I asked him across the floor whether, from the fact of giving this illustration, this combine clause was intended to give us a remedy against the American sugar trusts. He said he did not mean that, but gave it as an illustration. I look upon this clause in relation to the very point he illustrated it with, as a very dangerous proposition. It is proposed that if the government shall have information that if one or two or three mannfactories in any particular line of industry in Canada should be found to have entered into any combine for the purpose of unduly enhancing prices, then the Governor in Council shall cause an examination or inquiry to be made, and if he finds these facts to be established, they will take off or reduce the duty. Suppose some of the sugar refiners of Canada were found to have transgressed against this law and an inquiry is set on foot and the government have information that the combine would come under the provisions of this law, what is the remedy? The remedy is to take off the duty, a remedy which, while it would be a punishment to them, would be a premium and a reward to the sugar trust of the United States, and because it would punish the Canadian manufacturers by allowing a foreign trust to come in and take possession of our markets. What is true of sugar, is true of other things as well. That is one strong point against the combines clause of the tariff—that the remedy which it proposed, even if it is a remedy, would be a punishment on our own people and a great reward and advantage to combines in the same lines of business in other countries But there is another bad feature in this clause, and that is that it will punish the innocent with the guilty. It may be found that one or two or three persons engaged in some industry that is very general in Canada, have transgressed this law. My hon. friends institute an inquiry, and the charge is found to be substantiated. As soon as that is done the duty is reduced or taken off and the consequences will fall, not on the offender alone, but also on the manufacturers all over the country who are not in that combine and who are working legitimately in their business. The effect of this clause, if it is put into operation, will be to punish the innocent for the sins of the guilty. There is another view of it, and that is that the government, in conferring any such power as this on itself, is invading the judicial functions which do not belong to them at all and which they never should possess. Under our system we have a judiciary for settling judicial questions, and if you put a stringent law against combines in the Criminal Code, the judiciary of the country will be called upon to deal with violations of that law as they are called upon to deal with transgression of the other laws of our country. But the gentlemen in the government take power to themselves to become the judges in this matter. They name a judge who makes a summary inquiry. It is not provided that there shall be an open inquiry with evidence and all that; nothing of that kind is proposed, but they name a judge who makes a summary inquiry, and they find one or two or three manufacturers in some particular line have entered into a combine, and then the government is clothed with judicial functions, to impose penalties which I say the government should never possess. I will put an authority before my hon. friend the Minister of Justice, an authority for whom he has great respect, as I have. I quote the Hon. Edward Blake on this question. He says:

> Now, sir, the general notion that the executive the legislative and the judicial departments of government ought to be so far as practicable separate and apart, is one held by many of the most eminent constitutionalists as a fundamental principle. There can be no doubt that the absolute union of these departments is neither more nor less than absolute despotism. Unite in one hand, I care not whether it be the hand of an autocrat or the hand of a council, the power of legislation, the power of adjudication and the power of administration and you have the most absolute despot that is conceivable. The separation of these departments the degree to which without over weakening or over complicating the action of the machine, you can separate them, mark the degree to which, in this aspect of a constitutional question, you have attained perfection.

Yet in opposition to this great authority and his opinions, which are the opinions of eminent authorities all over the world, my hon. friend in this combines clause, confers on the government of this country legislative, judicial and administrative functions. I am astonished that such a provision as this should be placed on the statute-book of our country; for, just as Hon. Edward Blake says, it leads to the establishment of a despotism. I shall be glad, indeed, if it turns out that this combines clause does not lead to something worse than that. My

hon. friend the leader of the House says he does not believe it will be implemented at all; it is only put in the tariff for spectacular purposes.

Hon. Sir OLIVER MOWAT—I did not say that.

Hon. Sir MACKENZIE BOWELL—I said that.

Hon. Mr. FERGUSON—My hon. friend the Minister of Justice said he thought there would be very little need for it; that the very fact of its being there would keep people afraid, and render it unnecessary to put it into practical operation in very many cases. My hon. friend the leader of the opposition went further and said he believed it was never intended to be implemented, and was only put there for the purpose of humbugging the people and making them believe that the government were very earnest and zealous in the interests of the people. I hope my hon. friend the leader of the opposition is right, for there are very grave suspicions abroad in Canada that this clause has not been put there for a purpose of this kind, but to enable the government to exercise power and authority over the manufacturers which the government should not possess. I shall be very glad, indeed, if it is found that my hon. friend the leader of the opposition is right—that the intentions of the government were, as he thinks they are, to put it there just for the sake of effect, and to make the people believe that they are very much against combinations in trade, and not intending to put it into practical operation. I am satisfied if an attempt were made to put it in practical operation the effect would be bad in every respect. My hon. friend from Bothwell (Mr. Mills), who I do not see, is not in his seat at this moment, entered into a long defence of the practice of expediency in politics. Whether my hon. friend is right or wrong, it is not necessary for me to consider just now, because I did not understand my hon. friend the leader of the opposition, to have charged the government with the comparatively small offence of expediency in connection with their tariff policy. I understood him to go a good deal further than that and charge these gentlemen with something which was not very honest with regard to their announcements of policy within the last few years. He charged them with advocating a certain policy in one part of the country and a totally different policy in another part of the country—with announcing policies on the trade question when they were in opposition which they have not paid any attention to in practice since they came into power. That was the charge, and, therefore, it was unnecessary for the hon. gentleman to enter into the long disquisition which he gave us in defence of expediency in politics. Whether he was right or wrong in that I am not going to discuss, but I want to put two or three matters of evidence before the House in regard to what the policy of the Liberal party has been on the trade question. The first evidence that I shall submit is an extract from the platform of the Ottawa convention in Ottawa in 1893. The following is a fair extract from that policy:

> We denounce the principles of protection as radically unsound and unjust to the masses of the people and we declare our conviction that any tariff changes based on that principle must fail to afford any substantial relief from the burdens under which the country labours.
>
> This issue we unhesitatingly accept and upon it we await with the fullest confidence the verdict of the electors of Canada.

Only four years ago the Liberal party met in solemn convention, with my hon. friend the leader of the Senate as president, and adopted a set of resolutions, one of which was a declaration that the principle of protection was radically wrong and that any tariff whatever based on that principle would afford no relief for what they regarded as the unfortunate circumstances of the country. The party from that time forward up to the elections declared that that platform was their bible. From every platform they said: "No matter what Mr. Davies or Mr. Laurier or Sir Oliver Mowat may have said somewhere else, they do not speak for the party; the party spoke for itself at this great convention and that was the policy decided upon and that is the policy to which the Liberal party adheres." They came into power a year ago and, as far as it was possible to get political support, they got it on the strength of that platform. We have their tariff before us, and I ask the hon. leader of the House himself if he will venture the assertion before the country that the tariff is not based on the principle

of protection. It is undoubtedly a protective tariff, and this government from first to last, in framing the tariff, has respected the principle of protection When they sent the Minister of Finance and the Controllers around this country consulting the manufacturers, what was that but recognizing the principle of protection. They consulted all these different interests to find out what would suit them and made the tariff, as they believed, to give them all the help that it was possible to afford in the carrying on of their business without going too far in the matter of protection. In fact, take the tariff as a whole, although there are instances in it in which they have almost despoiled and ruined industries—take it as a whole the principle of protection underlies it, and in adopting the tariff we are not charging them with the offence of expediency, but charging them with violating their most solemn declarations made to the people before the elections. My hon. friend from Bothwell (Mr. Mills) said "we found a state of things existing in this country; interests had grown up under this system of protection and we found that we could not make very radical changes." This was my hon. friend's doctrine, that it was not expedient to adopt free trade. My hon. friend ignored the fact that when the Liberal convention made this platform at Ottawa, when they were going round this country making speeches, some of which I shall quote from presently, the state of things existing in Canada was not essentially different from what it is at the present time. In fact, the conditions were altogether similar to what we have to-day. The industries of the country had developed almost as much then as they have now, and therefore there was no difference in the situation which presented itself when these gentlemen were making their promises from the situation to-day when they are violating them. The hon. premier of the country spoke at Newmarket in September, 1893, shortly after the convention at Ottawa, and denounced the system of protection. Then, he spoke at Victoria, the city represented in this House by my hon. friend opposite (Mr. McInnes) and in the course of his speech said:

If the Liberals were successful they would cut off the head of protection at once and trample on its body.

Hon. Sir Richard said:

Our policy from first to last has been to destroy this villainous protective system by free trade, revenue tariff, or continental free trade.

And again:

Sir, they demand our policy. Well, sir, they shall have our policy, and here I believe I speak for my hon. friends beside me. Our policy is death to protection and war to the knife to corruption.

No Drummond Railway deals to be thought of then! We have death to protection in this tariff before us, and death to corruption in the Drummond Counties Railway deal with a vengeance, Sir Richard continued:

Sir, we strike and we will strike for liberty and freedom from this system of protective taxation, and I tell the hon. gentlemen that we will not rest until the slavery that they have imposed upon us has became a thing of the past, and until Canadians are as free as Canadians ought to be, free to make the most they can of the opportunities God has given them.

And again:

There is no Canadian manufacturer who need be afraid to face the competition of the world. Our policy is death to protection. There are two lessons which I think the Reformers of Canada should learn. One is presented for our example and warning in the fate that has befallen the Democratic party in the United States. It shows to all who choose to read the signs of the times that when a party places itself at the head of a great popular movement, if that party tenders the people a stone instead of bread, it is half-hearted in the prosecution of the great aim it sets before it, and will be deservedly swept out of power by the very people who would have sustained and advanced it.

At Pembroke in 1890 he said:

I say our protective system was a huge mistake in so far as it was honest at all and in so far as it was not honest, it was a huge scheme of robbery.

A small ring and clique of combiners and protected manufacturers, who, as I have told you, have been permitted for years past to make a prey and plunder of the people of Canada.

And at Meaford in 1890 he said:

I stand by the declaration I have made, that protection is nothing more or less than deliberate legalized and organized robbery, and more than that if you do not stamp it out it is the very high road to political slavery and industrial slavery afterwards.

Those were the expressions of Sir Richard Cartwright at that time. Here is what Mr. Davies said at Middleton in September, 1893:

The convention of the Liberal party which was held at Ottawa during the present summer has emphasized more clearly than ever the differences between the policy of the Liberal party and that of the government. In ordinary times the differ-

ences between the two political parties are frequently these between the ins and the outs, but there come times when little party issues disappear, and the great historical parties of the country divide upon some vital issue which affects not only the present but the future interests of the people. To-day the people of Canada stand face to face with such an issue, and the next contest is to be one between free trade and protection. * * * * The policy of the Liberal party is the reform of the tariff by the elimination from it of every vestige of protection. In our convention platform we denounced the protective system as unfair, unjust and burdensome.

I am in a position to know, and I do know, that that speech of Mr. Davies was not reported exactly at the time, but after his return to Charlottetown it was written out by Mr. Davies in his office and furnished as a carefully prepared statement of what he said at Middleton. The speech from which I am giving this extract was not of that nature in which he might be led into making random statements from the excitement of a public meeting. It was the deliberate preparation of the hon. gentleman and supplied to the Halifax paper in which it appeared.

Hon. Mr. PROWSE—What paper?

Hon. Mr. FERGUSON—The Halifax *Chronicle*, September, 1893. I come now to 1895, when the Hon. Mr. Laurier took part in an election in the city of Montreal. He addressed a meeting in Windsor Hall at the very end of the year, when he was assisting in the election of James McShane against our colleague, Sir William Hingston. He said:

There are two articles which are raw material of every manufacturer.

That is just what my hon. friend the hon. leader of the opposition pointed out to-day in his remarks:

And those articles are coal and iron, and are they free? If you have a revenue tariff the object will be to develop the country and all raw materials should be free under such a tariff.

This was a direct bid for the support of the manufacturers in Montreal on the policy that coal was to be made free by the Liberal party if they got into power. This was only a few months before the general election. This tariff which we have with a duty on coal was introduced, and even with the duty as it stands to-day is a fitting answer to this promise which the hon. leader of the government made in Montreal only a few months before the election—that if his party came into power the raw material of the manufacturers, these articles of coal and iron, were to be admitted free. I do not intend to pursue these observations any further. All I have to say is that the Conservative party have no reason to be dissatisfied with the course which the government have pursued with regard to this tariff, upon the whole. The greatest compliment and the greatest flattery you can pay to a person is to imitate him, and they have so far imitated the Conservative party that they have paid the highest possible compliment to them. How they are going to settle accounts with their own friends who believed they were fighting for free trade or a revenue tariff is another question. These people have asked for bread and have received a stone. That is a matter of reckoning between the hon. gentlemen and their supporters in the country. As far as the provision in the tariff with reference to combines is concerned, certainly I do not endorse the tariff. What I find fault with in the tariff is that it is strongly protective in spots, while in other respects it goes to almost the other extreme. It does not adhere to any correct principle in its general features; I have that very strong fault to find with it. We might take stronger ground by dwelling upon the instances—and there are not a few—in which this tariff has injured the manufactures of the country. We might make more political capital by dwelling on these features, but we have to acknowledge the fact, which is apparent on the face of it, that this is essentially a protective tariff and that the Liberal party, by adopting this tariff, have not only fallen into the error that Sir Richard pointed out, and the same mistake which the Democratic party fell into in the United States, but they have gone further than the Democratic party in adopting the policy of their opponents. The preferential clause in the tariff I feel has been ill advised. It has been taken as a leap in the dark. Hon. gentlemen are forced to acknowledge that, and that they had no authoritative information when they dealt with it, and they are without information at the present time. The preferential clause has been a leap in the dark, and the combines clause in the tariff is bad legislation in every way you look at it. It opens the door—I do not say my hon. friend the leader of the House

would be guilty of anything of the kind, I am not insinuating anything like that—but possibly there are members of this government who might not be above, through their heelers and party friends, intimating to manufacturers in this country that if they do not do certain things which the government and their friends require of them, this punishment under the combines clause may be visited upon them. It puts a dangerous power in the hands of the government. It bestows upon them the power of being judges, legislators and administrators of the law, which power they should not possess. I look upon it as a dangerous clause from beginning to end, and I am sorry my hon. friend did not see his way to remove that from the tariff and place it where it should be, in the other statutes of the Dominion.

Hon. Mr. PERLEY—After all the great guns have been discharged I do not know that it is a miss for me to claim the indulgence of the House for a few minutes. I would not have done so had it not been for a little article which appeared in the *Journal* reflecting upon the members of the Senate who voted against the government on the railway bill. So far as I am concerned, I have made it a point since I have had a seat in this chamber, to be a very good listener. I never crave indulgence from this House to make long speeches. I have contented myself with listening to remarks made by other hon. gentlemen, and when they have got through I have considered the whole matter and voted as I thought right. I might say, in regard to that article which reflected upon the senators who gave a party vote, as they say, as far as I am concerned I deny it in toto. I do not find much fault with the *Journal* which published that statement, but I regret that that opinion was expressed by the hon. leader of the House and his associates at the opening of the debate. It was hardly fair to stigmatize any man who voted against them and who might have been formerly a Conservative or may be now a Conservative, as a partisan who had given his vote on party lines.

Hon. Sir OLIVER MOWAT—I did not charge that.

Hon. Mr. PERLEY—Yes, at the commencement of the debate.

Hon. Sir OLIVER MOWAT—No, I stigmatized nobody and have not done so yet.

Hon. Mr. PERLEY—It has been stated publicly, and it has been stated on the floor of this House, and it is to that statement that I take exception, and for that reason I offer a few remarks this evening. When I was appointed to this Senate I did not seek the position. The seat was offered to me and I declined it. I felt that a seat in this body was a very responsible and honourable position for a man to occupy, and I had only had a short experience in the Commons at that time. However, I was prevailed upon to accept, and when I did accept the seat I felt the full responsibility of the position I was about to occupy as a senator. I felt that we were an independent branch of parliament, and whatever our opinions might be on political questions, it was our duty to give a fair and impartial vote in the interests of the country whose servants we were. From that day to this I have endeavoured to discharge that duty in an honourable and creditable manner. I felt it was my duty, as a man, to do that which was right and honourable, and I felt that, as a member of this body, I must do that which was right and honourable for the dignity of this honourable House. And I have done that on all occasions. It is in the memory of hon. gentlemen that when the late Sir John Macdonald—who had the respect of every public man—introduced a measure in the other House respecting the building of the Harvey and Salisbury branch, I joined the Reformers and voted against the government, and helped to defeat the bill. It is well known that when the Insolvency Bill was before the Senate in charge of the hon. gentleman who is now leader of the opposition, we told him that we would not support the measure, and the result was when he found his Conservative friends were opposed to it he withdrew the bill. Even down to the election of a messenger, I have always taken an independent, straightforward course, and acted upon my own judgment. When journals or parliamentarians undertake to say that I voted on party lines, they say that which is false, whether the statement is made in ignorance or maliciously, I do not care what way they put it. As far as I am concerned, I am in favour of protection. I believe it is the policy best calculated to advance the gen-

eral interests of Canada, and I always supported that policy when I was in New Brunswick. I was a straight protectionist there, and since I have been in the North-west, I have remained a protectionist still. I am as much a protectionist to-day as I ever was in my life. But ever since the question of protection has come before the country, the party at present in power have been decrying that policy. They have been saying all sorts of things against it. In the North-west they have been running down that policy from the very day I went there till the present time. They have been calling it a ruinous policy, and they attributed every misfortune which a man had in life to the National Policy or the Canadian Pacific Railway. Even a leading member of the government of that country said he would refuse to encourage immigration to this country as long as the National Policy was on the statute-book. The present government occupy a different position from that occupied by the late government, because the Conservative party never ran down the country and never complained or found fault with it, and never blamed the National Policy for bad crops and never condemned the Canadian Pacific Railway in unmeasured terms. But now the opposition are in power they will not do as they did before. Therefore, I think the country is now in the beginning of an improved era, and its prospects are better than ever before. During the last election I felt some little hesitancy about taking any part in it: but when that convention, which has been referred to, was held here in the Russell House, and when I saw senators occupying a position in this independent branch in parliament taking part in that political affair I ventured to do the same thing. I took an active part in the last election in the North-west Territories, in the riding where I live, and I have to say that the party for whom I was working was defeated by a tremendous majority. The other candidate was elected by over a thousand majority. I attended a public meeting addressed by the Hon. Mr. Laurier, in which he denounced protection in unmeasured terms as a piece of high-handed robbery. He said if he were in power he would support free trade as they had it in England. These are the very words he used. He denounced protection in language which I shall not undertake to repeat here, and other members of his party and at present in the House of Commons described the National Policy as the national poultice drawing the money out of the people's pockets. The member representing the Reform party from East Assiniboia in the other House denounced protection all through the riding in unmeasured terms. He told them he was in favour of free implements, and in favour of a reduction on the various articles the farmer required, and he was decidedly opposed to increasing the burdens of the people. His declaration of policy was received with tremendous applause and carried every place he addressed. The people had been educated up to this point, "We must have tariff for revenue only; we must not increase the burdens of the people; we must reduce the national debt, or at least not increase it." Upon that policy that gentleman was elected to the House of Commons. When I came home to my town, and found the country had been carried by such an overwhelming majority in favour of the policy of the present government, I made up my mind that I would not set up my opinion against the majority of the people. I said to myself: "The free trade party have carried the day; they have declared for a different policy, and I am not going to set up my opinion against them; and, although I do not believe in that policy, and if the government will introduce a policy of tariff for revenue only, or free trade—I do not care what it is so long as they do not increase the burdens of the people, and will give us freer goods—I shall support that government." That is the policy I came down this session to support; and that is the policy which I announced to the people I would support, although I do not believe in it. I said, "I will bow to the will of the majority, and the majority in the North-west should they endorse that policy." But what do I find? In place of carrying out that policy, they have done the very reverse; and, if ever there was an indorsement of the policy of the late government in regard to the question of trade, the hon. gentlemen on the other side have endorsed it. It is a hundred times stronger than if the Conservatives had come into power and introduced this bill. I am not going to discuss the merits of protection and free trade. These measures have been discussed in both Houses. The Drummond County Railway Bill is the first

question that has come before us on which we could pronounce. We cannot amend the tariff, but we could vote on the railway deal because it was a proposition to increase the burdens of the people and the taxation of the country: and so far as the Intercolonial Railway Extension Bill is concerned, I voted upon my own conscientious convictions. Party had nothing to do with my stand on that question. I do not care a snap who rules the country; I do not expect any favours of the government, and all I care for is the good of the people, and I advocate the policy which I think will be best for the country, no matter who introduces it. I intended to support the government if they introduced a policy which would be for the benefit of the people, but they have not done so. Why should they complain if I voted last night against a measure which was directly opposed to the principles which they declared before the people they would adopt? It is very unfair to denounce a man who, like myself, came down to support the policy the hon. gentlemen opposite had promised to put into force. If they had introduced such a policy they would have had no stronger supporter than myself; but when they did not do so, I made up my mind to oppose them. I remember very well, at the time of Confederation in New Brunswick, that the Intercolonial Railway was a great factor in the election. There were two routes spoken of, the valley of the St. John River and the North Shore route. The gentleman advocating the North Shore route carried the day, and the road was built by a route it should never have taken. If it had gone by the valley of the St. John River, it would have been a trunk line to Montreal; but it was taken round by a route where there was no traffic, and nothing for it to do, and it has been run at a loss, and will never be any use. That railway is run at reduced rates. If I have a carcass of beef to ship out in the North-west, I have to pay the Canadian Pacific Railway charges, which are based on commercial transactions. But I have been told that on this Intercolonial Railway they carry coal and lumber at very cheap rates of transportation, and that the haul was too great, or the charge too little. If the road had been built by the route where it should have gone, it would have been a paying institution; but if you increase the length of it now, you are increasing opposition to private enterprise, and I do not think it is a good thing. With reference to the matter of binder twine, the government would have better continued it as they had binder twine made by prison labour. A railway is a great institution, and it is hard to keep it running. They all declare a very small dividend, and to my mind it is not in the interests of the country to increase the expenditure in lengthening the Intercolonial Railway. If we were given an opportunity to vote on the question, I would vote a thousand times over to sell it to the Grand Trunk Railway Company, and have two competing lines to the maritime provinces, rather than to allow the government to come in and build a competing line. I say it is neither fair nor just. I think it is an unjustifiable expenditure of money, and I was bound to vote against it. I am not ashamed of my vote. I think it was a good one, based upon the principle the government themselves laid down, that it was wrong to increase the burdens of the people by voting away public money in an extravagant manner. They promised us cheap coal oil, binder twine and barbed wire. In looking over the list in this bill I find they have taxed the raw material, but are going to allow the barbed wire to come in free. That is a policy I cannot understand. In regard to binder twine they have done the same thing. They tax the raw material and let the manufactured article in free. The people have been educated up to this matter in the North-west Territories for a number of years, and I may say now that they are a greatly disappointed people: they feel that the Government have not carried out their pledges. I would like some hon. gentleman on the government side to tell me one pledge they have carried out. I do not agree with the hon. leader of the Opposition, who says he is satisfied the tariff is a good one. I am dissatisfied with it because they have not carried out their promises in framing it, and we cannot ascertain now which is the best tariff. I am dissatisfied because they deceived the people; and if we vote against them now it is because they have not carried out their promises and they are not entitled to support. The 25 per cent reduction in the tariff is a matter that is very amusing to me. The hon. gentleman says they passed a resolution which has brought great fame to the country, and more fame to the Premier of Canada: that is the

preferential trade clause. I cannot understand how England can give them any credit for it at all. It is explained to us that on all articles on which they want England to come under the preferential clause, they raise the duty to such an extent that the reduction under the preferential clause will simply bring it down to where it now is. Where there is any advantage to England in that is something I cannot see at all. I am very much astonished at that. I did not rise to-night to make a speech, because I am satisfied to listen; but I rose in my place to say that, although I believe in the principle of protection, I came down to Ottawa to support the government if they introduced a free trade policy or revenue tariff, as I had told my friends I would. If the government will make a reduction in the tariff, I will not offer any factious opposition, because so many people in the country have endorsed the policy of free trade which the government advocated before the election. But I am sorry to say that I cannot support the government now, because they have not kept their promises. And if there is anything for which the Liberal party should be denounced, it is the deception they are practising on the people of this country. The temperance people are being deceived. I heard the promises made by the Prime Minister and his associates to the temperance delegation in the railway committee room. The *Witness* has said that they made no promises, outside of the promise made in the Speech from the Throne; but I heard the Prime Minister state there, emphatically and in unmistakable language, that he would this session prepare legislation to provide for taking a vote of the people on the question, and that if it was carried he would pass a prohibitory law. They have deceived the prohibition party of the country, and as such they are deserving of condemnation, because it is wrong to deceive the people. And they are going to add on to the plebiscite the question of taxation, in order to divert public attention from the true issue of prohibition. I only have to say now, that so long as I am here I intend to give a straight vote on the merits of measures as they are presented. I took particular interest in this Intercolonial Railway question: I went to the House of Commons, to the Senators' Gallery, when it was under discussion in the other chamber, and sat the whole evening through. I listened to the speech of the Minister of Railways from start to finish. I have a great regard for him, he being a countryman of mine. I also listened to the address in reply, and I have listened to the arguments in this House: and if I had no opinions of my own, if I had no knowledge of my own, if there were no pledges being violated, I would, upon the arguments I heard advanced for and against that measure, decide that it was a bad measure, and feel justified in voting against it.

Hon. Sir OLIVER MOWAT—There are a few observations which I think I ought to make on the subject before the House. With reference to the speech of my hon. friend who has just sat down, I am glad to have his expression of independence of party bias, and I have no doubt that what he has stated is his honest conviction and his honest intention. He has remarked, as other gentlemen on that side of the House have remarked, upon what is done by the tariff in favour of preferential trade with England. He has told us, as other gentlemen have told us, that what we have done amounts to nothing whatever, that it is of no use to England, and that it is astonishing it should be acceptable there. Well, it is certainly astonishing that all England should regard what we have done as a great advance, if there is nothing in it. Every party and class of the people there has taken that view, and it seems most extraordinary that that view should be taken there, if it amounts to nothing.

Hon. Mr. FERGUSON—Is the reference to my remarks?

Hon. Mr. SCOTT—No.

Hon. Sir OLIVER MOWAT—I was particularly referring to the remarks of the hon. gentleman from Wolseley. I do not remember exactly what my hon. friend who has just interrupted me said upon that point. Most intelligent people will think there must be some mistake on the part of those who take such a view of what we have done in the tariff as to make out that it gives no advantage to England and is not worth anything. My hon. friends on the opposite side are extremely concerned about the consistency of the Liberal party and the Liberal leaders. Our reputation appears to be very dear to them, and they extremely regret

that we have been inconsistent, even if the inconsistency is in their own direction. They lament and mourn because we have adopted some views of theirs, as they say. That ought to be a matter of rejoicing instead of mourning, if the fact were as they have stated. Without entering into the details of the changes we have made, we certainly have made very great changes. They say this is their system, but we certainly have made enormous changes in their system: and, while we have not abolished the duties, while we retain some vestige of protection, the general effect of the changes we have made is certainly in favour of free trade. Free traders do not say that the tariff as we are to have it now is just what they would desire. I do not know that any member of the government will say, on a matter on which there may naturally be considerable difference of opinion, that the tariff is just what he might have preferred. But we are free traders; we believe free trade is the true principle; we think it is to be regretted that a different system has been introduced into this country, and we can only move in what we regard as the right direction; we cannot have free trade absolutely. Our tariff goes in the right direction; I do not think it can be denied—it certainly cannot be denied with effect—that there is a great deal of leaning towards free trade in the tariff which we have prepared. Extracts have been read from what is reported to have been said by various speakers amongst the Liberal leaders in favour of free trade; but no man in a speech discusses the whole subject. These speeches from which sentences have been read to us may or may not have been a full discussion of the whole subject. But when we spoke of free trade, no man imagined we were not to have a revenue tariff. We cannot have a revenue tariff without duties. No sensible person has ever imagined that we could have perfect free trade in this country. We must have a revenue tariff at all events; and yet the expressions which have been read here would imply that the speakers meant to say we should have no duties at all, and that the trade was to be perfectly free. That could not have been their meaning; nor could any one have so understood them. It is only lately that I have had to do with federal politics. When I was urged to enter federal politics some fifteen months ago, I wrote a letter to the Liberal leader, Sir Wilfred Laurier now, stating what I considered to be his views and what were my own views on that subject; and that letter was quoted in all the newspapers in the province, and was accepted by Liberal newspapers as containing all that Liberals meant by free trade, and what their general politics were on that subject. I stated there that I was a free trader; that I, in common with Sir Wilfred Laurier himself, to whom my letter was addressed, believed it was a misfortune that a protective system had ever been introduced here; but that it had been introduced eighteen years ago; that the people had stood by it for eighteen years; that special interests had arisen on the faith of the system which the people had adopted and had sanctioned so long; and I thought it unjust that protection should be suddenly abolished, that the interests arising in this way should be wholly disregarded; and I expressed my satisfaction at learning that my leader saw his way to give the country a large measure of free trade, without unnecessarily injuring these parties who had built up an industry, perhaps at considerable expense, upon the faith of the policy which the country had adopted, unhappily adopted, as I believed, but still had adopted. Statesmen must look at things as they are. It is not statesmanship to ignore actual facts. We had to consider that these interests had arisen. We had to consider that for eighteen years that policy had been upheld by the people, and we had to modify our tariff from what we would like with reference to those circumstances; and that is what we have done. Without pursuing that matter any further, let me just say a word upon the clause in the tariff which is before the House now with respect to combines as they are called. That there have been most injurious combinations of persons engaged in one trade or another, I suppose nobody denies.

Hon. Mr. PROWSE— In Canada?

Hon. Sir OLIVER MOWAT—Yes, in Canada, and also in the United States, and we have legislated about the matter; we have legislated in order to prevent the wrong in years past, and to make it punishable: but neither in the States nor here has any means yet been found to prevent those combinations. They are bad things;

nobody can deny that they are bad things—that is to say there may be combinations which are bad. The clause in the bill describes and defines the combinations which we want to prevent as those which "unduly enhance" the price of goods, and "unduly promote the advantage of the manufacturer to the prejudice of the consumer." A combination which does that is certainly a bad thing, and it is most desirable to prevent it. No method yet adopted has remedied it. My hon. friend says we ought to provide some punishment for it, and some punishment that the courts can enforce, and that they need not come before parliament at all. We have laws on the statute-books now, but they are evaded. The object of the clause is not punishment in that way. But it occurred to some of us who were studying this question that if persons who were engaged in these combinations knew that the effect of their success would be, or might be that the duty on which they relied, and which enabled them to form those combinations, might, by an Order in Council, be reduced or abolished altogether, that would be much more effectual—and it was well worth the experiment—than any punishment which could be inflicted by the courts. My hon. friend (Mr. Ferguson), in his very clear and forcible speech—as all his speeches are clear and forcible—spoke of the combinations which this article of the bill dealt with, as being combinations of two or three or four people. I do not think my hon. friend ever suggested the number four. He spoke of two or three. Where a multitude of people engaged in a trade my hon. friend thought the bill was intended to attack a combination of two or three in that great multitude. That is not the purpose of it at all. Such a purpose would be open to all the observations my hon. friend made in reference to it. But the object is different from that. My hon. friend says that a judicial function is by this clause imposed upon the government. My hon. friend is quite wrong. The judicial work is to be performed by a judge.

Hon. Mr. FERGUSON—Not all of it.

Hon. Sir OLIVER MOWAT—The whole of the judicial part. The object of the clause is not a punishment of the offenders: it is the protection of the consumers. It is providing for reducing the duty and thereby preventing the evil that arises from a combination taking an injurious advantage of the duty. What the clause has in view is to prevent the evil, the mere punishment is nothing. We want to prevent the evil from occurring, and mere punishment does not amount to anything for this purpose. All experience shows it is nothing. It accomplished nothing in the States, and it accomplishes nothing here. This is a new experiment we are trying. Where the evil cannot be met by existing laws it is for the legislature to say "How can we change that and prevent the evil that is going on." This provision occurred to us, and when it was announced it was received with universal favour throughout the whole Dominion in the first instance, though afterwards it was attacked. But I think even now it is regarded by the Conservative party throughout the country, as well as the Liberal party, as a most desirable provision, and one which will have a good effect and will accomplish its purpose better than any previous laws which were provided for it. What the judge has to do is to take evidence and then decide whether such trust, combination, association or agreement to unduly enhance the price of the article, to unduly promote the manufacturer's interest at the expense of the consumer—to decide whether a trust, combination, association or agreement with that object exists. That is the judicial work. But then the injurious combination may be proved to exist, and yet it may be an inexpedient thing in the public interest for the duty to be reduced or abolished. A judge would not be a proper tribunal for determining whether the duty should be reduced or abolished. There is no legal principle upon which he could decide a matter of that sort. Then, again, take the case which my hon. friend put several times about there being only a combination of two or three of a great multitude in the trade, there should be no reduction there and there would be no occasion for it. It is where there is a combination embracing nearly all in the trade perhaps; and that is where it is effectual. If only two or three of many combine there is no practical harm done, and it is necessary to have some authority to determine whether the combination is broad enough and important enough to have this remedy applied and whether it is or is not a case in which more evil than good might not arise

from executive interference. This is not a judicial power but a political power and nothing else. You must trust the government of the day with a large amount of power in a great variety of things, and such a matter as this among the rest. The government is responsible to parliament and responsible to the country, and in such a case as this there in no danger of any unreasonable exercise of this power. The leader of the opposition has said that he thinks the clause will do no harm. He does not feel at all alarmed, though my hon. friend from Marshfield (Mr. Ferguson) seems alarmed, lest a bad use should be made of the power by the government of the day. If you give no power to a government that they may abuse, then you give them no power at all, and we need not have a government. We must run the risk if risk there is. The people choose the government of the day and on them rests the responsibility of choosing persons who will not abuse their powers. But in this case the power cannot be abused. I am satisfied the clause is well worth the experiment. I believe the effect of it will be to prevent some of the combinations which otherwise would take place. There certainly will be secret combinations. Heretofore there have been openly avowed combinations, but probably we shall not have any such combinations hereafter, by reason of this clause. The clause does not abolish previous provisions of the law in reference to the punishment of combinations, but this is a different matter altogether. I am glad to know that there is no idea of striking out the clause, for it is an experiment of great importance which I think will have the effect intended and which has for its object the removal of a great evil.

Hon. Mr. PROWSE—I wish to make one or two observations on the clause now under the consideration of the House. It appears to me this is a provision in the bill that is really at the present time unnecessary. I do not consider, from all that I have heard and read, that there are any injurious combinations in Canada to-day. I believe that where there is a combination as a general thing among manufacturers in this country, it is only brought about from absolute necessity and to prevent bankruptcy. I know an industry that was flourishing apparently some few years ago: I refer to the grey cotton industry, and I know too that they had a sort of combine that they would not sell their cotton below a certain price. And what was the cause of it? The cause was that they were manufacturing a lot of cotton that they could not find a market for, and the different factories were cutting prices at such a rate that it became a question of the survival of the fittest. They therefore found it necessary to come to an arrangement, and what was it? That they would put their prices at such a figure as would secure them five per cent profit a year. Is that an injurious combination? Nothing of the kind. What was the result of that combination between the cotton manufacturers? They held together for a few months, and one weaker than the rest said: "I have got a lot of cotton and cannot find a market, and unless you allow me to put it on the market at a low price I must go bankrupt, and then it will go on the market and sell at a low figure. You must either let me sell it cheaply or advance me money on it, or buy it from me." One after another these mills were allowed to sell out a lot of cotton at a cheap rate, and finally a syndicate was formed to buy up the cotton mills and a lot of money lost. It will be time enough to make provision for this when it is demonstrated that there is an injury. I look upon this clause as placing a dangerous power in the hands of the government, I care not how honest they may be: and when we find a party going to the country with the declaration of a certain policy, and then coming into power and going quite contrary to their declaration previous to their election, we have a right to suspect the honesty of their intention in reference to public questions. It is placing in the hands of the government of the day, I do not care whether it is Grit or Tory, a power which the government should not have. What is the fact? We meet in session here every six months, and are in session from three to five months, and if there is any injurious combination in the country it is only going to exist four or five months until parliament can provide a remedy. It is a matter which should be discussed openly before parliament, and parliament is the power which should deal with it. The government introduce their tariff and give their reasons for the changes in the tariff, and I submit it is parliamnt only that should take the final act in reference to the fixing of the duties upon imported articles or the protection of the public in that regard. I wish to make one other

remark bearing upon this same question. It has been stated—whether it is true or not I cannot say—that to a large extent there is a great deal of corruption carried on during elections in Canada, to the disgrace of Canada, I must say. In the little province from which I come in years gone by we knew nothing of that kind—but we know there are large amounts of money, election funds collected or supplied by men of means to both political parties at the present day. I have been told—I do not know whether it is true or not, but I will give the House the benefit of what I have heard—that there are certain large contributors to election funds who have contributed to both political parties during the last election. Is that true? If that is true the parliament of Canada is getting into a dangerous position, and what is the combine resolution going to do? It is going to place in the hands of the government of the day the power to say to an industry in this country: "If you do not supply us with the necessary funds to carry the election we will declare you a combine." I say the industries of the country should never be placed in that position by the government of the day, or any other party, and for that reason I think we are justified in asking the government to take that dangerous clause out of the bill before us. It is placing the manufacturers of this country in the hands of the government, which should not be done. It should be at the disposal and at the will and disposition and decision of the people's representatives when they meet in parliament every year.

The motion was agreed to and the bill was read the second and third times and passed.

The Senate adjourned.

THE SENATE.

Ottawa, Friday, 25th June, 1897.

The SPEAKER took the Chair at Eleven o'clock, a.m.

Prayers and routine proceedings.

INLAND REVENUE ACT AMENDMENT BILL.

SECOND AND THIRD READINGS.

Hon. Mr. SCOTT moved the second reading of Bill (144) "An Act further to amend the Inland Revenue Act." He said: The principal object of this bill is for the purpose of imposing increased duties on spirit. The duties at present are $1.50 on certain classes of spirit and that duty has been increased to $1.90, and a corresponding increase takes place in duties on a scale which has been in operation for some time. On spirit now dutiable at $1.52 the duty hereafter will be $1.92, and on spirit now at a duty of $1.53 the rate hereafter will be $1.93. There are some details of the bill which are more departmental than laying down any new principle. For instance, the amount of spirit that may at present be exported is limited to 50 gallons. This change will permit of the export of quantities of not less than thirty gallons; the penalty for distilling without a license is increased from imprisonment for six months to imprisonment for twelve months at the discretion of the judge. There is a change in the clause with regard to the law relating to the brewing of beer for private use. The clause is as follows:—

Utensils used by any person solely for the purpose of brewing beer for the use of himself and his family, and not for sale, are exempt from the provisions of this Act.

The new portion of the clause is as follows:—

Provided due notice of the possession thereof and of his intention of using them for the above mentioned purpose is given to the nearest collector of Inland Revenue or to the Department of Inland Revenue at Ottawa; and beer so brewed shall not be liable to any duty under this Act, nor shall any license be required by any person so brewing for his own and his family's use.

The motion was agreed to and the bill was read the second and third times and passed.

EXPORT DUTIES BILL.

SECOND AND THIRD READINGS.

Hon. Mr. SCOTT moved the second reading of Bill (145), "An Act respecting export duties. "He said: As hon. gentlemen are aware, we have from time to time had on our statute-book a law which authorized the Governor in Council under certain circumstances, consequent upon the imposition of higher duties on similar articles in the United States, to place an export duty on certain articles that are defined. This bill proposes to enlarge the number of articles. At the time the Act was put in force before, pulp wood had not attained such an import-

ant position in the trade of the country as it has now. The quantity of pulp wood in the United States is rapidly diminishing, while Canada has a large supply, and it therefore has become important that we should add spruce to the list of wood on which an export duty may be placed.

Hon. Mr. MACDONALD (B C.)—Will the hon. gentleman explain why ores are to be subject to an export duty?

Hon. Mr. SCOTT—The reason is this: I understand, as probably the hon. gentleman knows, that the mines in the southern Kootenay are largely owned and controlled by citizens of the United States, and ore from that section has been going out of the country up to the present time, and we are advised that it was proposed to put up a smelter at Northwood, south of the boundary line, a few miles from Rossland. It would be a monstrous proposition that we should permit the ores mined in this country to be taken out of Canada and smelted in the United States, and this bill gives the government power, by Order in Council, to put an export duty on ores.

Hon. Mr. MACDONALD (B.C.)—After the ores have been treated to a certain extent, I suppose they may be exported? The United States is our principal market for those ores. Unless that was permitted it would kill the whole trade of the country.

Hon. Mr. BOLDUC—I suppose the hon. Secretary of State is aware that contracts for pulp wood are generally made in June or July, and for a whole year. The wood has to be cut at a certain season and hauled to the stations in the winter and shipped to the United States. If the proclamation should stop the exportation of this pulp wood without warning, it would be a very serious matter for those who have made contracts, and I hope the government will see that warning is given to the exporters so that they may not be exposed to serious loss. In several cases this pulp wood is removed in clearing land, and if the government could see their way to exempting such pulp wood from the export duty, they might make a proviso to exempt farmers, who cut pulp wood in clearing their land, from the operations of the Act.

Hon. Mr. SCOTT—It would be exceedingly difficult to make regulations to apply locally. However desirable the object might be, it would be open to grave suspicion. In reference to the first point which the hon. gentleman raised, he is correct in the view which he takes. It would be exceedingly improper to issue a proclamation when contracts are being made, and no proclamation will be issued during the present year. Ample warning will be given so that parties will not make their contracts in ignorance of what the regulations are to be. I think an announcement was made in another place that there will be no interference with contracts during the present year.

Hon. Mr. WOOD—While I have had occasion to oppose the policy of the government on another measure which they introduced, it affords me great pleasure to give them my hearty support as far as this measure goes. I have several times advocated in this Chamber, and in the other House, an export duty on logs and pulpwood. I believe it is for the interest of the country that such a duty should be imposed, and I am very glad, indeed, that the government have adopted that policy. I hope the power which they are taking here will be exercised at an early date. I would have preferred to see the limit $5 per 1,000 ft., instead of $3, but $3 is better than nothing. With regard to the second clause of the bill, that relating to the export duties on ores and minerals, I desire to say that I have for many years favoured in theory the imposition of an export duty on our mineral ores. I believe that these great resources, at some future time, will be a source of enormous benefit to the country, and, in my opinion, they should be so husbanded as to develop, simultaneously with the mining of the ores, the establishment of such industries as are necessary to convert those ores into articles of commerce. I have never thought the country derived much benefit from the mere mining of those ores and the export of them in their raw state to foreign countries. Even if it retarded, to some extent, for a few years, the development of mining industries, I believe it would be of immense advantage to the country to retain these valuable ores in our own possession until such industries were established as would convert them into articles for our own use and for the commerce of our own country. I merely wish to say that the policy and principle involved in this measure meets with my hearty approval and support.

Hon. Sir MACKENZIE BOWELL—Does the hon. gentleman intend to refer the bill to a Committee of the Whole?

Hon. Mr. SCOTT—No, I do not; it has not been usual in our House.

Hon. Sir MACKENZIE BOWELL—I am quite willing to facilitate the passing of this measure as far as possible. If it had been advisable, we could have referred the tariff to a committee and discussed every item. However, not having power to change a clause of the bill respecting taxation, that right has also been conceded. I shall not repeat the expression of opinion just uttered by the hon. member from Westmorland (Mr. Wood), but I am fully in accord with every sentiment he has expressed. Another opportunity presents itself to congratulate my hon. friends opposite on a still further conversion to the policy of the late government. What the Secretary of State a short time ago denounced as the "mad career" on which we were rushing, he now advocates. I congratulate him, and I hope that he and his government will continue to improve in their principles, and soon get fully in line with the old government.

Hon. Mr. MACDONALD (B.C.)—It is never too late to mend.

Hon. Sir MACKENZIE BOWELL—No. "While the lamp holds out to burn the vilest sinner may return." What I wish to call attention to is subsection "c" of the second clause:

(c.) On ores which contain copper, or any metal other than nickel or lead, when exported from Canada, an export duty not exceeding fifteen per cent on the value of the said ores;

(c.) On lead ores, and on lead and silver ores, when exported from Canada to a country which imposes an import duty on lead in bars or in the form of pig lead in excess of the import duty on lead contained in lead ores or in lead and silver ores,—an export duty on the lead contained in the ores so exported from Canada, to an amount per pound equivalent to such excess.

Why, I ask, is there a different principle embodied in the bills, as far as it affects lead ores, and lead and silver ores, from that which is contained in the subsections to nickel ore in matte and other ores? If it be desirable that nickel and other ores, which we have in abundance in this country, should be smelted and refined in Canada, why is an exception made in the case of lead and lead and silver ores? They are found, I understand, in immense quantities, particularly near the border; is it not just as much in the interest of Canada that we should smelt and refine these ores in our own country as to permit them to be exported without any export duty being imposed upon them, to a country that would not relieve us from import duty on lead in bars, etc. I remember reading a few days ago a discussion on this question in the House of Commons, and I was somewhat surprised to see the argument advanced by the late Minister of Finance in favour of an exception in these ores. If there is any principle involved in the imposition of an export duty on ores, of different kinds, I cannot understand why it should not be extended to all ores. I thought the answer given by the hon. the Minister of Railways and Canals at the time was unanswerable. He said, if you permit these ores to be exported free, the Americans would at once erect smelters just across the line and thereby deprive Canada of that industry which we hope to build up by the imposition of this export duty. I can only come to one conclusion. It seems to me—I do not like to say it because it is a reflection perhaps upon the whole of us—that where our personal interest is brought into contact with what it is proposed to do, we are very apt to take a different line. Now, upon the broad principle of imposing an export duty on these articles, I should like to see it imposed upon all, irrespective of what any other country may do.

Hon. Mr. SCOTT—The immediate impulse that is given to this bill arose from a number of telegrams received by the government from several towns in southern Kootenay, intimating that the principal owners of the mines being Americans were about to erect a smelter at Northwood, just two or three miles outside of Canada and it was going to ruin that section by drawing away the population. It was done so openly that it created a great agitation and we were requested to state what our policy was likely to be, as the owners of two of the principal mines were about erecting a smelter, and unless we put an export duty on the ore they would commence the erection of a building at Northwood and it would probably be too late. An intimation was given that the government would submit for the consideration of parliament the propriety of

putting an export duty on the ore. With reference to sub-clause "c," as I am advised, the United States is the principal market for lead, a better market than any other country, and that is the reason for this discriminating duty.

Hon. Mr. McINNES (B.C.)—The proposed amendment to the tariff of the United States, increases the duty on lead ores from one and a quarter to one and a half cents, and I think that would be a justification for the government putting an export duty on lead ores as a greater inducement for smelters to be established in that region that produces such large quantities of lead. I do not know why the United States is such a large consumer of lead. I do not know why that should be one of the principal countries to which our Canadian lead is shipped. I do not think they consume it at home. I rather think they must manufacture it and ship it to foreign countries. I am speaking in ignorance of the facts. I have been unable to ascertain what superior inducements are held out to ship lead away to the United States rather than to other foreign countries. If the hon. Secretary of State can enlighten us on the subject I shall be under an obligation to him.

Hon. Mr. SCOTT—I am unable to give any other reason than that the price is a shade higher than it is in Europe.

Hon. Mr. FERGUSON.—I understand subsection "c" in this way: under the United States tariff a higher duty is imposed on bar or pig lead than on lead in the ore, with a view to encourage smelting in the United States, and the object of this subclause is to give the government of Canada power to impose a duty on the export of the ore that would be equal to the discrimination that the United States make in favour of ore as against lead in pig, and place smelting in Canada in the same position as it occupies in the United States. The clause is a good one, if I understand it rightly. My understanding is that it provides that the government of Canada may put an export duty on ore shipped from Canada to the United States that shall be equal to the excess which the United States tariff imposes upon lead in the bar over lead in the ore.

Hon. Sir MACKENZIE BOWELL—I have only recently cast my eye over this clause, and while the interpretation put upon it by the hon. gentleman is correct to a certain extent, does it not go further? Does not this prevent the imposition of an export duty upon the lead ores in case of a foreign country not imposing a duty which is higher than that on lead in bars? It says the Governor General may by proclamation impose a duty on lead ores, and lead and silver ores to a country which imposes an import duty on lead in bars, or in the form of pig lead in excess of the import duty on lead contained in lead ores or in lead and silver ores. Suppose the foreign country does not impose a duty on lead in bars, &c. in excess of a certain amount, then you have no power under this clause to impose an export duty at all.

Hon. Mr. SCOTT—Not if they have any duty on the lead.

Hon. Sir MACKENZIE BOWELL—That is in violation of the principle which is involved in the two preceding paragraphs "a" and "b" and the whole bill, or in other words, it prevents the government from imposing an export duty only under certain circumstances. What I should like to see done is to take the power—which I hope it will be done—and impose the export duty on these qualities of ore, in order to accomplish the object which you have in view in imposing an export duty on nickel and other ores—that is, the establishment of refineries in this country. What the hon. the Secretary of State says in reference to the exportation of lead is quite true. Lead ores in the past have been exported from British Columbia exclusively to the United States. Why? Because we have had no refineries of any consequence in this country; but as the hon. gentleman from New Westminster (Mr. McInnes) properly says, the United States is not an exclusive market for the consumption of lead. It is manufactured into pig lead, then sheet lead, and then into the form in which it is used in Japan and China for the packing of teas. That is the great market the United States has for lead. If an export duty is imposed upon that particular quality of ore in this country, and we can establish an industry, we will find labour for a large number of artizans, and keep the capital within our own country and find a market in those foreign countries for the output. That is my idea. I am sorry the government

have not treated these ores in the same manner that they have the nickel ores. The question was brought under my notice when Minister of Customs very often, I had then all the figures and facts to show the expense of those manufactures and also the markets for them. I assure the hon. gentleman that he is in error in supposing that the United States is the sole market for the output of these refineries. They take our raw material, do the work, find employment for their own people, take the profits, and send the products to foreign countries. That is what I should like to see transferred to our own side of the line.

Hon. Mr. MACDONALD (B.C.)—Before putting on any export duty, the government should send an expert to that country. They have no agent there now, and they should be careful to see what the operation of the export duty would be before imposing it.

Hon. Mr. SCOTT—On reading the paragraph, I am inclined to think that its operation is wider than the interpretation placed upon it by my hon. friend. Owing to the punctuation, it does not read correctly. There would be the power to impose an export duty first on lead ores, then on lead and silver ores, when exported from the country, so I am inclined to think the power would be given under this clause absolutely to place a duty as much on lead ores as on nickel, otherwise why should the "lead ores" be repeated?

Hon. Sir MACKENZIE BOWELL—You can get lead ore without having quantities of silver in it, and you can find galena with large quantities of silver. That is the reason they are separated.

Hon. Mr. MILLS—Does the qualifying paragraph there refer to both subjects, or is it only a qualification of one of the preceding sections?

Hon. Mr. SCOTT—I do not know. I am not sufficiently familiar with it.

Hon. Mr. POWER—I think the qualification is to both.

The bill was read the second time.

Hon. Mr. SCOTT moved the third reading of the bill.

Hon. Sir MACKENZIE BOWELL—If it were not so late in the session, I should ask the government to reconsider clause "c," but I should rather see it go through as it is than obstruct its passage by any amendment. I hope the government will, between now and next session, ascertain if they can apply the principle of placing an export duty on all those ores.

Hon. Mr. SCOTT—I shall draw the attention of my colleagues to the suggestion of the hon. gentleman.

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

PETROLEUM INSPECTION BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (139) "An Act further to amend the Petroleum Inspection Act." He said: This bill contains only three clauses. The first clause refers to the flash test. By the law on the statute-book, the fire test is 275 degrees Fahrenheit. In 1894 the flash was fixed at 290 degrees. The change makes it 270 degrees Fahrenheit.

Hon. Mr. AIKINS—Why the change?

Hon. Mr. SCOTT—I suppose the experts in the department, from the improved quality of the oil or some other good reason, allow the change. It gives of course, a better field for our Canadian oil. I have no doubt that is the reason.

Hon. Sir MACKENZIE BOWELL—I think the hon. gentleman is in error. It must be for the other reason. The reason why the flash test was raised formerly was to protect the people in this country against the use of a dangerous article, and to prevent an inferior article from coming into the country. I understand now that you have lowered it. That would admit United States oil at a lower test, and consequently make a greater competition with our own, and permit a dangerous oil to be used.

Hon. Mr. SCOTT—I may be wrong. I have no information from the experts. I presume they have found that the flash test proposed was sufficiently high, and therefore recommend it. Of course it is determined by the experts of the department, and it is by them the suggestion is made. Clause two relates to the importation

of petroleum in tank cars and tank ships. Petroleum can now be imported at such points as the Governor in Council may designate. I think oil was not permitted to be imported before in tank ships; it had been imported in tank cars. There has been a considerable demand in the maritime provinces to admit tank ships, but they are only to be allowed to enter at points to be designated.

Hon. Mr. McKAY—Is it intended to increase the number of places where tank cars can be filled?

Hon. Mr. SCOTT—Yes, I think that is one of the objects of the bill, because it is permissive in this bill.

Hon. Sir MACKENZIE BOWELL—I did not understand what the explanation was for the change. What was the former Act?

Hon. Mr. SCOTT—Tank cars were allowed to come in, but tank ships were not, and there was considerable agitation, particularly in the maritime provinces, for this amendment; it would allow them to get cheaper oil if it was allowed to come into the country in tank ships. This will allow the government, by Order in Council, to designate ports where tank ships may be admitted.

Hon. Sir MACKENZIE BOWELL—Why does the government ask for a power of that kind? If there is any advantage to the consumer and to the trade of the country to import petroleum in tank ships, why should not the people along Lake Ontario, or any other portion of Canada, have the right to import in tank ships as well as parties in the maritime provinces? Why the distinction? This is an indirect blow at the policy of protection, so far as the oil industry is concerned. There is no question about that; but why give an advantage to Halifax, say, or to any other maritime port, over Toronto, Kingston or Hamilton? If there is an advantage to be derived from this change, why should not the whole country get it? Why should there be sectional legislation?

Hon. Mr. SCOTT—Those points in Ontario are more accessible by rail. I do not know why "ships" would not include a schooner fitted up with tanks.

Hon. Sir MACKENZIE BOWELL—I do not see that it would.

Hon. Mr. SCOTT—I said the demand came principally from the maritime provinces. I did not say that it was limited to them at all, because the law is general for the whole Dominion. I supposed it was there the demand would be greater. To my mind, the points on the north shore of Lake Ontario and Lake Erie are so accessible by rail that there was no complaint there.

Hon. Sir MACKENZIE BOWELL—Still the hon. gentleman has not answered the question I put: Why does the government take the right to say where it should be admitted? Why not say that oil can be imported in tank vessels without taking the power to themselves to say that a tank vessel can go to one port but not to another?

Hon. Mr. SCOTT—The reason is obvious, because it must be most carefully inspected and tested. We must have an expert at that particular place and we could not have experts at all points. The late government followed out that same principle. Tank cars are not allowed to be admitted at any town, but only at certain places.

Hon. Sir MACKENZIE BOWELL—Where there are inspectors.

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—There are inspectors at Toronto and Hamilton.

Hon. Mr. AIKINS—I suppose after being inspected, it might be conveyed to any other place?

Hon. Mr. SCOTT—Yes, it is only the first entry.

Hon. Mr. AIKINS—I suppose the reason why tank vessels are mentioned is because the western country is supplied with tank cars.

Hon. Mr. MACDONALD (P.E.I.)—The whole bill is objectionable. The first clause of the bill reduces the test of the oil from the standard fixed some years ago and brings it back to what it was originally. It was found, when a lower standard was in force, that the oil brought into various parts of the Dominion from the United States was of a very inferior quality. It was not only very objectionable for use in houses and places in which it was used, but it was

a dangerous oil and that was the reason why the test was increased up to the standard now in use. If we are going to bring it back to the old standard, we are taking a retrograde step and bringing in what was objected to throughout the whole Dominion years ago. Therefore I object to the legislation intended in this first clause of the bill, reducing the standard by which the oil is to be tested, because it will admit a very inferior quality of oil. With respect to the second clause of the bill, which admits the importation of oil in tank ships or tank cars, I think that also is objectionable. We know it is only the Standard Oil Company and the large companies engaged in that business in the United States that have those tanks for the purpose of sending their oil to various distributing points, and this legislation is taking the business of carrying oil out of the hands of our own people who have vessels in which they can carry it in barrels. This legislation is throwing the trade into the hands of those who have the tank ships to carry the oil. Another objection to this is that the very fact of our reducing the standard of oil will be that the oil brought in those oil tank vessels will be of very inferior quality—not only objectionable for use, but dangerous. In many places there will be objections to its being landed on the public wharfs. It would be a very difficult matter to get oil of that standard landed at any wharf in Charlottetown, because it has been objected to before, and protests have been made by the residents of the city against oil of a low standard being allowed to land there while the low test was in force and there was a demand made to have the test raised. Since it has been raised the oil from Canadian oil refineries has been found very satisfactory indeed. If this bill goes into force it will take the whole matter out of its present satisfactory condition and bring it back to that unsatisfactory state in which it was formerly.

Hon. Mr. AIKINS—Before the law is changed with regard to the flash test, this House should be thoroughly satisfied that it is in the public interest. It is well known that prior to the increase of the flash test, explosions frequently took place, and there were fires and loss of life. Of late years that has not been the case, simply because the flash test has been raised. Reducing the flash test is not in the public interest and should not be approved by this House.

Hon. Mr. FERGUSON—I think this bill is a mistake. The amendment proposed in the first and second clauses, at all events, are such. As my hon. friend has just remarked, the lowering of the test should be very seriously considered before we permit it. The other provision is simply for the purpose of assisting the Standard Oil Company of the United States. My hon. friends in the government yesterday gave us to understand the earnest solicitude they feel for the consumers and their anxiety to protect them against trusts, and they ask us to clothe them with extraordinary power to prevent Canadian combines by which prices can be enhanced. This provision is simply to give the greatest trust in the world an advantage they do not now possess in our markets. Even supposing the advantage that is proposed to be given to them is one that might be unobjectionable in other respects, still if my hon. friend the leader of the House carries out the provisions contained in the combines clause of the bill of yesterday, he should use the powers of legislation to punish such people. Instead of that he is giving them a great advantage. I understand advantage has already been taken of the reduction of the tariff on oil, and I suppose the further provision contained in this bill is in favour of the Standard Oil Company; that they are making arrangements to come into Canada and that in a very short time, from the communication I have heard of, they will be in possession of our entire market and we will have this gigantic trust, that dominates so extensively all over the world, in full blast in Canada without any competition whatever. It is a serious matter, and we should consider it carefully before going one step in the way of giving this trust power to dominate in the market of Canada as they are very likely to do. I may say further that, from my own experience as a consumer, the quality of the United States oil that is put on our market in the lower provinces within the last year or two is very low. There has been a great deal said about the superiority of the United States oil in years past, but I am sure, as far as my experience goes, and I find it is the general experience, in my part of the Dominion anyway, that a very inferior quality of oil from the United States is now being brought into

consumption there and I do not think we should go further in the direction of encouraging the importation and consumption of such oil in this country than we have gone. There has been a reduction in the duty which has taken away part of the protection that the Imperial Oil Company has had. Whatever the Imperial Oil Company may have done in the past, within the last two or three years they have not abused the protection they enjoyed under our own tariff. They have made a most laudable effort to put a good quality of oil on the market at a reasonable price. The great improvement there has been in the quality of their products and the prices at which they have supplied the oil within the last two or three years, should have stayed the hands of parliament from doing anything to break down that business by the competition which we have and which I may say the world has in oil. The tendency of the reduction of the duty and the provisions of this bill is to give the Standard Oil Company an opportunity of dominating our market altogether and shutting off all competition in the production of oil.

Hon. Mr. REESOR—Ever since the Standard Oil Company have had control of the markets in the United States, oil has been sold to the consumer, from that time down to the present, cheaper than ever before.

Hon. Mr. FERGUSON—A combine must be a very good thing, then.

Hon. Mr. REESOR—It may be said that after a little while they will raise the price. We must find a way to meet it in that case, but certainly they have sold oil at a very low figure and if they had been refused the privilege of shipping in tanks in the United States they could not have sold at such a low price. That is what all the smaller dealers complain of, that they have been allowed to ship in tanks. Well, others were allowed to ship in tanks if they chose to do so. A company with a large capital and the best machinery, can produce goods better than they can be made in the case of ordinary establishments, and that is clear when we consider the matter of agricultural implements. The establishments for the manufacture of agricultural implements are now confined to two or three firms in Ontario, and for a while they charged big prices. Now the prices are lower than they ever were. It is the same with regard to railways. and dangerous legislation.

We had a branch railway running north from Toronto. I have had to pay for shipping a few head of cattle on that short railway up to a farm in Markham, a distance of twelve miles from the junction, as much as I had to pay from Montreal to that point. The two roads are combined now and you can get as cheap a rate now from Montreal to Markham as you could get previously from the Junction up to Markham. This great trust company in the United States has continued to sell at low prices. They are said to be selling the petroleum in Detroit at five cents a gallon. I do not expect they can continue to do that, but they have done so for some time now. They are selling petroleum lower than it was considered possible to sell it, but of course they have the monopoly of the United States and have the control of the trade there. At the present time English dealers buy from them because they can sell it cheaper than it is sold for in any other quarter. There is another matter to consider in this connection, and that is, if they are not allowed to ship oil in tanks the freight up to Manitoba will continue to be higher and the reduction of a few cents a gallon will not be felt at all. It is the freight that keeps the rate high, but let them send it up in tanks as far as they can, and they will deliver it in Manitoba at such a low rate that it will be used, and I cannot see for the life of me why we should prevent it. I know that we have used United States oil for years. We have never been able to get the Canadian oil so well refined. We can get it ten cents a gallon cheaper, but those who have to use the lights would rather pay ten cents more for a gallon of good oil. Another reason is because there is never an explosion unless a man puts a can of oil over the fire. There is practically no danger. I think the inspection should be performed in such a manner as to give sufficient protection whether the oil comes in tanks or otherwise.

Hon. Mr. PRIMROSE—I am sorry that I was not able to hear clearly the remarks of the last speaker. I do not wish to recapitulate the remarks of the hon. gentleman from Marshfield (Mr. Ferguson) or the hon. member from Charlottetown (Mr. Macdonald), but I wish to place myself on

record as being thoroughly in accord with their arguments, and to say that I consider this proposed legislation unnecessary, unsafe

Hon. Mr. MILLS—I am not a little surprised at the arguments addressed by my hon. friend opposite (Mr. Ferguson) and the hon. gentleman who has just spoken and the hon. member from Prince Edward Island (Mr. Macdonald). It seems to me that when these regulations were adopted relating to the carrying of oil in tanks, the government desired to give to the Canadian oil refiners an amount of protection against their United States competitors, that they were not disposed to state the specific rate of duty set out in the tariff legislation. There were two ways in which protection was given, one by the duty imposed, and the other by the impediment put in the way of transportation.

Hon. Sir MACKENZIE BOWELL—That is right.

Hon. Mr. MILLS—Of course there can be no question with regard to that, and the duty by way of impediments imposed upon the transportation were, in case of places at a long distance from the place of the oil production, a higher charge than the mere duty that was imposed. It does not seem to me that this was a frank way of dealing with the matter. We are seeking to extend commerce. We profess to favour trade, and yet when, in an article largely consumed by the people of this country, a trade, springs up, then government and parliament deliberately put impediments in the way of that trade—impediments greater than they had the courage to state in their tariff legislation. My hon. friend from Marshfield is in favour of the continuance of these impediments. The government propose by this Act, if not wholly to remove them, greatly to lessen them. There have been complaints by the people of the maritime provinces, and those complaints have been confined not to particular localities; they have been almost universal, and so far as the public sentiment has been concerned, so far as I can gather that from the expressions of opinion in the other chamber and in the press, the views put forward by my hon. friend opposite and by the two hon. gentlemen who have spoken on this side of the House are not views in harmony with the opinions which the people themselves entertain. They are the opinions of those hon. gentlemen who have spoken in this chamber upon the subject.

Hon. Mr. PROWSE—How are they not representative opinions?

Hon. Mr. MILLS—The hon. gentleman asks, how are they not representative opinions? Because they are not the opinions expressed by any hon. gentleman of any shade of politics in the House of Commons?

Hon. Mr. PRIMROSE—They are the practical opinions of practical men, who know the difficulties and dangers which will accrue from the adoption of this legislation.

Hon. Mr. MILLS—Let me say to my hon. friend that when a large number of the people of the maritime provinces deliberately undertake to obtain the oil from across the border, which enters into consumption so largely, and upon which they pay no duty, they do not attach the same risk to the importation of the oil as the hon. gentleman has done. They are ready to take the risk, they have taken the risk, and while, as one hon. gentleman said some time ago in the other House, they subscribe in the daytime to the opinions which my hon. friend has expressed, at night they entertain different opinions, and they manage to take in the United States oil, with all the attendant dangers of which my hon. friend has spoken.

Hon. Sir MACKENZIE BOWELL—They are free traders by night.

Hon. Mr. MILLS—Yes, and the less light they have, the more thorough are their convictions in that way. My hon. friend has complained of the removal of this protection which the Canadian oil refiners have. I suppose Canadian oil refiners have stated their views to the Minister of Finance, and, so far as I can learn, that is the arrangement that the government propose to submit to parliament. If they make no complaint on their own behalf, I do not see that my hon. friend, who lives one thousand miles away from them, should make a complaint for them.

Hon. Sir MACKENZIE BOWELL—Are you speaking by the book, when you say that?

Hon. Mr. MILLS—I know what their opinions are and the opinions they expressed

to me. I know nothing about what they expressed to the government.

Hon. Sir MACKENZIE BOWELL—Did they express satisfaction?

Hon. Mr. MILLS—No; I am speaking of the rate of duty, and this is a matter of transportation, and the question I have to consider in connection with this proposal is, how does it affect the facilities for transportation? You impose what duties you please, you state how high they shall be, but once you have done that, you have disposed of the question as to protection, and now you have another and different question—the question of transportation, and surely no hon. gentleman can pretend to say that the privilege of importing in cars or in tank vessels does not necessitate the carriage of the oil at a lower rate and does not enable those who wish to bring it into the country to pay the duty upon it and furnish it to the consumer at a lower figure than they could do if you put serious impediments in the way of transportation. The government have asked here that they may designate places, and so on. I understand that the importation of oil, no matter how it may be carried, is attended with some risk, and so far as that provision is concerned I understand it to be simply a police regulation. I know all along the border, even in the district where the oil is produced, an immense amount of smuggling goes on and people take the risk of forfeiting the article which they are undertaking to bring in rather than pay the duty which is imposed, and if you, in addition to that, put impediments in the way of transportation you cannot increase the revenue. You cannot get at the population of consumers, and what class of the community is it that you are undertaking to legislate for on the line that my hon. friend opposite has mentioned? In every case there can be no doubt that the public are benefited this way. Take for instance the importations from the State of Maine. The Standard Oil Company send their oil in tank vessels, and you import it across the border. How can you prevent smuggling in that event if you insist upon carriage as it is now being done under the law apart from this amendment? You cannot do it. You lose an immense amount of revenue, and in undertaking to serve the parties you are doing the public revenue of the country a very serious injury.

Hon. Mr. SCOTT—Perhaps the hon. gentleman will allow me to make an explanation before we go further, as I have received more light on the subject. The difference is that the 290 is the fire test and 270 is the flash test. I am advised by the Deputy Minister that in copying the transcript into the statute they put by some mistake the flash test at 290 instead of the fire test, and they thought the simplest way to correct it was to substitute 270 for 290.

Hon. Sir MACKENZIE BOWELL—What is the difference between the two?

Hon. Mr. SCOTT—There is a difference of 20 degrees between the fire and flash test. One is in the background and the other is the burning of the oil on the top.

Hon. Mr. AIKINS—There is no change with regard to the flash test?

Hon. Mr. SCOTT—No. "Petroleum designated and known as high test petroleum may be sold in Canada for illuminating purposes under such resolutions as to gravity as are established by the Department of Inland Revenue, provided the flash test is not less than 290 degrees." They put flash test there instead of fire test. They have been breaking the law because they have not followed out the law.

Hon. Sir MACKENZIE BOWELL—What is the difference between the flash test and the fire test?

Hon. Mr. SCOTT—Twenty degrees.

Hon. Sir MACKENZIE BOWELL—And you want to make the fire and flash tests the same?

Hon. Mr. SCOTT—No. The statute provided that the flash test should not be lower than 290 degrees, and it should have read "provided the fire test is not under 290."

Hon. Mr. SULLIVAN—Does that mean the degree at which it will explode?

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—How will it read with your amendment?

Hon. Mr. SCOTT—I will read section 4 in the statute:

Petroleum designated and known as high test petroleum may be sold for use in Canada for illuminating purposes under such regulations as to

gravity as are established by the Department of Inland Revenue, provided the flash test is not less than 290 degrees.

It will then read 270. The figures 270 will go in place of 290.

Hon. Sir MACKENZIE BOWELL—Then there is no provision for a fire test?

Hon. Mr. SCOTT—No. The fire test is 290. They have been using the flash test. I suppose it is a more convenient way.

Hon. Mr. FERGUSON—Then we are to understand that this provision of 290 for a flash test in the law, as it has existed for some years, has been a mistake?

Hon. Mr. SCOTT—Yes.

Hon. Mr. FERGUSON—And has been deliberately ignored?

Hon. Mr. SCOTT—Yes. It has not been followed by the department.

Hon. Sir MACKENZIE BOWELL—I understood there was a difference between the fire test and the flash test.

Hon. Mr. SCOTT—Twenty degrees.

Hon. Sir MACKENZIE BOWELL—Then why is the fire test reduced to twenty degrees?

Hon. Mr. SCOTT—It is not reduced.

Hon. Sir MACKENZIE BOWELL—It is reduced. You are substituting by this clause 270 for 290, and the Secretary of State says it should have read fire test instead of flash test. You say there is a difference between the fire and the flash test of twenty degrees. You are reducing the fire test to 270.

Hon. Mr. SCOTT—No, we are applying it to the flash test and making it 270.

Hon. Sir MACKENZIE BOWELL—Which is the more dangerous?

Hon. Mr. MILLS—They are the same.

Hon. Mr. SCOTT—The provision is for the flash test. It says "Provided the flash test is not under 290." They intended at the time to use the words "fire test," and that was to be 290, and the simpler way is to leave the flash test as the test and put it at 270.

Hon. Sir MACKENZIE BOWELL—You are making the test of the oil at 270 for both?

Hon. Mr. SCOTT—No, only for the flash test.

Hon. Sir MACKENZIE BOWELL—You are making no provision for the fire test?

Hon. Mr. SCOTT—They will not use it.

Hon. Mr. MILLS—270 flash test and 290 fire test produce the same result. If you have fire tests you have 290 and if you have flash tests you make it 270. The flash test being the most convenient they adopt it.

Hon. Mr. POWER—The section in the Revised Statutes, chap. 102, the place of which was taken by this section in the Act of 1894, says "flash test." Section 4 reads:

> If it will stand a fire test of 275 degrees Fahrenheit thermometer, or if when heated in an open cup to a temperature of 250 degrees by Fahrenheit thermometer it does not emit a vapour that will flash.

This is simply going back to the fire test in the original Act, and the Secretary of State explains that it was owing to a printer's error the word "flash" was inserted instead of "fire," and now they think they will leave it to flash and put it 20 degrees lower. The hon. gentleman makes it now 270 degrees fire test.

Hon. Mr. SCOTT—No, flash test; 270 flash test is a great deal higher than 270 fire test.

Hon. Mr. DICKEY—The objection is only a flash in the pan.

Hon. Mr. POWER—This measure comes up as a departmental measure. In the Revised Statutes passed in 1886 the fire test was 275 degrees. In the Act of 1890 it was fixed at 280, and now it is fixed at 290.

Hon. Mr. MACDONALD (B.C.)—Strike out the 290.

Hon. Mr. POWER—Yes, it is 270 flash test. There have been some remarks made on another portion of the bill on which I may be allowed to say a word or two. In 1894 it will be remembered the law was altered by hon. gentlemen opposite. Previous to that time the duty on petroleum had been seven and one-half cents a gallon and petroleum was not to be allowed to be imported in tank cars. At that time the price of petroleum in Canada, in places not very remote from the United States border, was out of all proportion to the prices of petro-

leum in the United States, and the consequence was, as would naturally be expected, there was a great deal of smuggling. In 1894 the government reduced the duty from seven and one-half cents a gallon to six cents a gallon, and they also made this regulation :

Notwithstanding anything in this section contained the Governor in Council may designate places at which petroleum may be imported in tank cars under regulations established jointly by the Department of Customs and Inland Revenue, but all petroleum so imported shall before being removed for consumption be put in packages, inspected, and made in accordance with the requirement of section seven of this Act.

The effect of allowing the petroleum to be brought in in tank cars was very considerable, because a consumer had formerly to pay for the cask, and the cask, which contained forty or fifty gallons, would add something to the cost. There was a considerable reduction in the practical duty on the oil when it was allowed to be imported in tank cars. Naturally the people in the lower provinces did not see why they should not have the same privilege of having petroleum imported in tanks which w s enjoyed by the people of the other provinces, and I presume the same thing might apply to people on the shores of the great lakes in the upper provinces and it seems to be only fair. The government now have simply gone a little further in the direction in which the late government went in 1894. The government at that time took one and one half cents a gallon off the duty and allowed the introduction of petroleum in tank cars. Now, the government take off another cent of the duty and allow the petroleum to be imported in tank vessels as well as tank cars. As a matter of fact, I do not think the present tariff is any more liberal than the tariff of 1894 was, or not much more liberal, because the price of petroleum in the United States has diminished since. Here is a necessity which is used by the poorer classes all over the country, and at the present time the reduced duty of five cents a gallon is, at the prices at which the oil is sold in the United States, 100 per cent. Why should that enormous duty be increased by difficulties and expenses in the way of getting the oil into the country? I think that the idea of trying to increase the duty, which is now 100 per cent on a necessary of life, and a necessity consumed chiefly by the poorer classes, is something that cannot be defended at all, and I trust there may not be any disposition on the part of this House to reject this measure.

Hon. Mr. DICKEY—Hear, hear.

Hon. Mr. POWER—And further, in the interests of the revenue, it is a great deal better that the obstacles in the way of bringing large quantities of petroleum into this country should be removed. The hon. gentleman from Bothwell (Mr. Mills) said if we put up this tremendous duty, and put all the difficulties we can in the way of importing United States oil, it will be smuggled in in large quantities. It is smuggled into the province from which I come in large quantities. We use the United States oil there and the same thing happens in the border counties in the province of Quebec, and we have the evidence of the hon. gentleman from Bothwell that it is that way in Ontario. We have every object in passing this measure, which is not nearly as liberal as it might have been. I had hoped to see the duty reduced to three cents a gallon on petroleum, which would be quite enough.

Hon. Sir MACKENZIE BOWELL—Before this lucid explanation was made as to the tests, the objection was not taken by the hon. gentleman from Prince Edward Island as much to the introduction of the article in tank cars, as to reducing the test of the oil, thereby creating a greater danger from accidents.

Hon. Mr. AIKINS—The Secretary of State so considered it.

Hon. Mr. SCOTT—No.

Hon. Sir MACKENZIE BOWELL—He was in the same position that I was, he did not understand it. The explanation has been given that it required 290 for a fire test, and that 270 of a flash was equal to 290 of a fire test. That removed the objection which the hon. gentleman sitting behind the Secretary of State (Mr. Power) made to to the bill just now. The hon. gentleman from Bothwell (Mr. Mills) argued strongly in favour of the permission for transportation by tank cars in order that the oil might be delivered to the consumer at a lower rate than that which would have to be charged if it came in casks on the railway. The argument was inferentially a condemnation of the late government because they had not

gone further. When the hon. gentleman's friends were in power, during the Mackenzie administration, they were not then permitted to import United States oil into Canada in tank cars at all; that concession was made by the late government, in addition to the reduction of the duty. The speech made and the arguments adduced in favour of the bill before the House by the hon. gentleman for King's (Mr. Reesor) was a splendid argument in favour of trusts. I should like to have heard him make that speech while the combines clause was under consideration. Had we moved to strike it out I am quite sure he should have voted with us after his remarks. He told us that through those trusts oil was sold in Detroit at as low a price as five cents a gallon. To complete his statement he ought to have told us that Detroit is just opposite the Canadian oil producing section of the country, and that this great trust put down the prices so low as to enable people in that section of the country to purchase it, pay the duty, and bring it into Canada; but I venture this assertion, that at no place in the United States, in the interior, away from the border, and at such a distance that the Imperial Oil Company of Canada cannot compete, can you get oil at five cents. What we have to fear is that once you so amend the law, as to allow the American Standard Oil Company combination to get into Canada, and thereby crush out the native industry, you will find the price of oil in Canada will be precisely the same as it is in the interior towns of the United States. I remember distinctly when this question was under discussion some years ago. At that time I had all the prices within fifty miles from the border, and the further you went from the competing point, the higher the price at which the oil that was furnished by the Standard Oil Company of the United States was placed upon the market. I make this prediction, that just as soon as that Oil Company get control of the oil wells of Canada, up will go the price. I am quite sure it will be the case, for the reasons which I have given. From the explanations which have been made in reference to the question of the test, there will be no objection to this clause. The senior member for Halifax (Mr. Power) was not justified in appealing to the House against the rejection of this bill. No one intimated a desire to have it rejected. What they wished to understand was what was the real meaning and intention of it, and what the effect of it would be, and if the lowering of the test would have the effect of making it more dangerous, they would desire to amend it.

Hon. Mr. SULLIVAN—Are these experiments made in the department, or does the department take the experiments of others?

Hon. Mr. SCOTT—They are made under instructions at the various points where the oil is inspected.

Hon. Mr. SULLIVAN—But the government have a regular laboratory, and make those experiments themselves?

Hon. Mr. SCOTT—Yes.

Hon. Mr. SULLIVAN—If you looked into the effect of carrying the oil in these ships, would it not be found that probably some dangerous gases would escape? If oil were allowed to remain long in a vessel with agitation, would not benzine and some of these inflammable gases be generated?

Hon. Mr. PRIMROSE—Before we leave this matter, I wish to say in the best possible good humour that it seems to me my hon. friend from Bothwell endeavours to pose in this chamber as being the sole exponent of representative opinion. I gathered that from the remarks he made in reference to the opinions expressed by other hon. gentlemen present, and in supporting his position he cited what appeared in the papers. I have seen utterances in the press which I am sure, from my knowledge of the hon. gentleman, he would not agree with, as being representative of public opinion.

The motion was agreed to and the bill was read the second time.

The House resolved itself into Committee of the Whole on the said bill.

(In the Committee.)

On clause 2.

Hon. Mr. MACDONALD (P.E.I.)—I know there are sections in which it is considered very objectionable to have petroleum imported in tank ships, and I think where that is the case, where there are objections on the part of the municipality or of the residents, and the municipality desires to

make regulations for the purpose of enforcing the objections of the citizens against the importation in tanks, could there not be some arrangement made in this bill whereby the municipalities may regulate that? In the city of Charlottetown the landing of petroleum even in casks on the public wharf is very objectionable, and many citizens have protested against its being landed on the wharf in the city at all, because the buildings in the town run down to the bank from which these wharfs start, and the fact of several thousand barrels of petroleum being put on the wharf and remaining on the wharf sometimes for several weeks in the summer heat is a source of very great danger to the people living in the vicinity. If the bill permitted the city council to make such regulations respecting the landing of that petroleum as would prevent its being landed on the front of the wharf, it might remove that objection. It is very much more objectionable to have it brought into the city in tank ships than in barrels, because there is the danger of an explosion when it is being removed from the ships and put in barrels along side of the wharfs. I think it is a highly objectionable part of the bill. I do not wish to object to the bill as a whole, but I think people in different sections should have the priivlege of making regulations. It certainly is not acceptable to the province from which I come.

Hon. Mr. CLEMOW—It is not compulsory at all. Section 3 provides for it and I think it is perfectly safe. The government have to give their consent.

Hon. Mr. SCOTT—If it is the wish of the people of Charlottetown not to allow tank ships to land at their docks it will not be done. It is simply according to the wish of the people, whether they desire tank cars or tank ships to discharge their load at the different places. When it is imported it will come in ships, and it will be subject to inspection at certain points, and it must be transferred to barrels at those points; but as a rule the desire has been to allow as many points as possible to be designated for the tank cars. It has been a pretty universal desire. The oil that comes in the tank cars from Petrolea is inspected, as it can be inspected where it is loaded on the car; but with regard to oil that comes in from a foreign country, an inspection must be made before it is transferred to barrels. Of course if the people of any town or city do not desire that the town should be included among the places to be designated, the department would not certainly put it in operation in those particular places.

Hon. Mr. WOOD—I might say, as representing one point of view from which people in the maritime provinces look at this question, that at the present time the United States oil which is imported into the maritime provinces is brought down in coasting vessels, little schooners that are running between the ports of the United States and the ports of the maritime provinces. These vessels bring this oil down: it furnishes them a little freight, and the desire there is to retain that business. If this bill is adopted it may—and I have no doubt it will—effect a change in the method of transporting oil so far as the maritime provinces are concerned. The United States company owing these tank steamers will, two or three times a year, send a steamer down with a large quantity of this oil, unload it in some large distributing centre, such as St. John or Halifax, and have it barrelled there. I understand that that is the way this business is carried on where the oil is transported in tanks. The coasting vessels which are principally owned in the maritime provinces, will, therefore, lose the business which they have heretofore enjoyed of carrying this oil, and I believe the general feeling among the people of the maritime provinces is that they would prefer to have the matter stand as it is now, and to have the oil imported as it has been in their own coasting vessels. However, while this is my own view, and I believe the view of the majority of the people in the maritime provinces, I do not intend to vote against the adoption of the bill. If the government take the responsibility of making the change, I do not propose to object.

Hon. Mr. POWER—I do not think, as a rule, the oil is brought to large places in these coasting schooners. If tank steamers came to Halifax or St. John, it would not interfere with carrying the oil to the smaller places by the schooners; because after the oil is brought to Halifax or St. John, it will have to be brought by rail or schooner to the smaller places.

Hon. Mr. WOOD—The difficulty is this: that the United States oil is under the control of a large combine, and where they have the power of shipping it in their own tank steamers, they have the power to so arrange the freights that they control the whole of the transportation. That is the difficulty, and if we once give them that power they will no doubt use it, and use it in such a way as to entirely prevent the shipping of oil by schooners.

Hon. Mr. MACDONALD (P.E.I.)—Up to the present time I believe all the oil which has been imported to Halifax has been imported there in barrels by schooners and not in tank vessels.

Hon. Mr. POWER—I thought it came largely in steamers.

Hon. Mr. MACDONALD (P.E.I.)—Steamers are not allowed to carry petroleum.

Hon. Mr. WOOD—I think the hon. gentleman from Halifax is wrong. So far as my experience goes the oil that comes down to the maritime provinces comes all together.

Hon. Mr. PRIMROSE—I am entirely in accord with the hon. gentleman from Westmorland (Mr. Wood). I know that is the case in Pictou and all the ports in the neighbourhood of Pictou—that that oil has been brought there in schooners, as the hon. gentleman says, and not otherwise.

Hon. Mr. PROWSE—I am not particulary opposed to the bill that is before the House. I may say that during the late election contest the great question before the people in my section of the country was the fearful, terrible tax upon the people in reference to kerosene oil, and the people were led to believe they were going to get the kerosene oil free of duty. Whatever action the government has taken in that direction I approve of, because it is carrying out their promises; but it is a very small step, and I was struck with the remark of the hon. gentleman from Halifax (Mr. Power) when he said that the duty now, after all these promises, was still 100 per cent.

Hon. Mr. POWER—About that.

Hon. Mr. PROWSE—That is a very high rate of duty to place on anything, unless it is intended to be prohibitive. Owing to the lower price of oil now, the five cents is just as high a duty as the six cents was formerly. In reference to the question of bringing in oil in tank vessels, although there may be an objection, as has been stated by the hon. gentleman from Charlottetown (Mr. Macdonald) on account of the annoyance and the danger of these tank vessels coming into a place like Charlottetown, still I think the advantages to the whole province will counterbalance, and more than counterbalance, the injury and annoyance to the residents of Charlottetown in that regard. I take it that there will be proper safeguards, that they will protect the city from any conflagration that might take place owing to the oil coming in tank vessels; because Charlottetown will be the distributing point for this oil for all the rest of the province, and if we have to depend upon this oil coming into Halifax or St. John, and have to get it from there, we may just as well import it in the old way from the United States, or from Ontario, as we have been doing in the past. By having this oil in tank vessels we will encourage an important industry in the manufacture of barrels, instead of paying a high price for those manufactured in the United States. In that regard I think the change is in the right direction. I had intended to say something as to the test, but the explanation of the hon. Secretary of State has satisfied my mind fully on that. There is no change made in the test: I was inclined to deprecate the idea of reducing the test, more particularly on account of the greater danger that will be caused by using tank vessels; but in that regard it is quite satisfactory, and I think the people of the lower provinces will be pleased that they are getting such a reduction in the oil, and on the other hand they will be displeased because it is not a very much greater reduction than it is.

Hon. Mr. SULLIVAN, from the committee, reported the bill without amendment.

Hon. Mr. SCOTT moved the third reading of the bill.

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

The Senate adjourned.

SECOND SITTING.

The Speaker took the Chair at Three o'clock.

Routine proceedings.

THE COMMITTEE ON RAILWAYS.

MOTION.

Hon. Mr. VIDAL—I presume the House is generally aware of the difficulties which have arisen in our Committee on Railways and Canals. The question has arisen in the minds of some members as to the constitutional right to meet at all on account of a certain formality having been neglected of adjourning to a specific day or authorizing the chairman of the committee to call a meeting. This irregularity having taken place, I assumed it to be my duty, as chairman of the committee, which is in existence as long as this session lasts and which I could not conceive had the power to commit suicide, having had referred to it certain bills to be reported to the House, there was no other way I could conceive how they could be summoned except at my call as chairman. I, therefore, undertook to call the committee, and the committee met, but some members considered it unconstitutional and contrary to rule. Without desiring to discuss that question, it has occurred to me, in order to facilitate the business of the House, to propose to the Senate a motion which I trust I shall be allowed to make even without notice. I move:

That the Standing Committee on Railways, Telegraphs and Harbours be and is hereby instructed to meet to-morrow morning at 10 o'clock to consider and report upon the several bills which have been referred to that committee on which there has been no report hitherto made to the Senate.

Hon. Mr. McCALLUM—I think that motion requires notice. If the hon. gentleman wishes to discuss it I have no objection if he will let it stand as a notice until to-morrow.

Hon. Mr. VIDAL—I do not consider it to be a motion of that nature requiring notice. It involves no particular assertion of a new principle, but is simply to meet an accidental emergency which has arisen, and to ask the House to use its power to obviate delay at this late period of the session. The delay would result in defeating some of the measures before the committee.

Hon. Sir MACKENZIE BOWELL—I always supposed that every standing committee had the right to meet whenever they thought proper on the call of the chair, or by a motion made by the committee itself. When the committee meets, the practice has been to adjourn to a certain day, and if there is no adjournment specifying the day, then it has always been the practice, so far as my experience goes, for the chairman, in a case of emergency, if there is any business to be brought before it, to call the committee. What necessity is there for taking that power out of the hands of the chairman of the committee, or that this House should direct them to do that which they have the power to do themselves? It seems to me it would be establishing a vicious principle in the future, because an objection might be taken at some other time. It would be interfering with the rights of the committee, and the gentleman who presides over it for the time being. I have stated my impression from a somewhat extended practice. I think those of equally long experience in public affairs will concur in my view.

Hon. Mr. VIDAL—My own view entirely coincides with the view expressed by the hon. gentleman, but quite a considerable number of the members of the committee took the opposite view and contended that I had no authority to call the committee. They based this claim upon some remarks which were found in May and Bourinot touching on the question, not on any specific rule of the House. The authority read by the law clerk contained the statement which led some members of the committee to think that our position was entirely irregular. I maintain that, as chairman, it was my duty to call the committee together; otherwise the committee could never meet if they had adjourned without specifying a day at the last meeting or specifically authorized the chairman to call a meeting. It struck me to be an absurd objection. It was perfectly clear to my mind what our position was, and as the leader of the opposition has stated, it has been the uniform practice of both Houses that the chairman of a committee can call a meeting of the committee at any time. Our experience this morning justifies my proposing this motion. Almost the entire time of the committee this morning was taken up in discussing whether we were legally constituted or not. I wish to save the time of the committee, because there is a good deal of business to be attended to, and the efficiency of the committee would be promoted by adopting the motion before the House.

Hon. Mr. BELLEROSE—I should think the committee has not only the right to meet, but it is in duty bound to meet. What is a committee? It is a part of the House appointed to consider such questions as are referred to them, so that when the House refers a question to them they are bound to take it into consideration and report their opinion upon it. A reference has been made in this House to two or three bills. The committee has not obeyed the order of the House. Suppose the House were prorogued to-morrow that legislation would not be completed. Why? Because that committee has not met and attended to its duty. I have been in this House twenty years and have attended those committees every session, and on many occasions our committees adjourned without specifying a time to meet again. It never entered anybody's mind that the chairman of the committee had not the right to call a meeting of that committee. I can see nothing in any authority to show that a different practice prevails in England. If there were such a practice it would be contrary to common sense.

Hon. Sir OLIVER MOWAT—I have no doubt that the view expressed by the leader of the opposition and my hon. friend near me (Mr. Vidal) is the correct one. I have no doubt the chairman is entitled to call together a committee of this kind. Several hon. gentlemen have mentioned the long experience they have had in parliament, and how invariable the practice has been in that way. Reason and common sense support it. I have had a long experience, too, though not in this House. The rules of the Ontario assembly are adopted from the rules here, and my experience there quite concurs with what has been mentioned as the experience in parliament. I do not think it admits of serious argument that the chairman is entitled to this right.

Hon. Mr. McCALLUM—The question was brought up this morning. It arose as to whether we were sitting legally or not. As explained by Bourinot and May, it appeared to me we were not. The duties of the chairman are to preside over the meetings, to put all questions, and to maintain order, but he should consult the committee as to when he is to call them together. He is not to be a dictator, because he is in the chair. I am not prepared now, off-hand, to discuss this question whether we were legally constituted or not, but I take my right to object to that motion being put without due notice. Let it stand as a notice, and we can discuss it to-morrow.

Hon. Mr. SCOTT—It is a question of privilege.

Hon. Mr. VIDAL—Will my hon. friend from Monck (Mr. McCallum) point out the rule which requires notice? Because I contend this motion does not require a notice. It is a matter of our own domestic management.

Hon. Mr. POWER—The suggestion made by the hon. Secretary of State covers the ground, that this is a question of privilege—a question of the privilege of the House and its committee. A question of privilege is always in order, and the hon. gentleman has a right to move his motion without notice. As to the rule, I quite concur in the view expressed by the hon. leader of the opposition and the leader of the government—that our uniform practice, for the last twenty years at any rate, has been in that direction.

Hon. Mr. McCALLUM—I do not want it to go to the world, or to be admitted that we have been all session acting illegally in the Committee on Railways and Canals. The hon. gentleman seems to have made up his mind that we have been acting illegally. I want the committee to be properly constituted. He wants me to point out the rule: in order to be able to do so I ask him to let this stand as a motion. Then we can see who is right. The hon. gentleman admits he has been acting wrongly during the whole session; otherwise why ask this power now? Give us time to discuss it, because, as I understood this morning, from authorities read by the law clerk of the Senate, we have been acting illegally. I want to see whether we have been or not. The hon. gentleman gives up the case, but I want time to see whether the committee is acting in a legal manner. I insist that notice of the motion be given. Of course if the hon. gentleman is determined to go on, as he did before, and call a meeting without consulting the committee at all, he can do so.

Hon. Mr. McINNES (B.C.)—I was present in the committee to-day. The objection taken was not that the chairman had the right and that it was his duty to call a

meeting, but that at the previous meeting, by a resolution of the committee, it should have been postponed to a certain day or at the call of the chair. There were no such minutes as that recorded, and that is the point on which my hon. friend from Monck and others took exception, and I must say that the authorities quoted by the law clerk sustain that contention. There is where the whole point is.

Hon. Mr. VIDAL—I do not think so.

Hon. Mr. McINNES (B.C.)—The point taken was that in order to give the chairman the power of calling the committee together when he saw fit, the minutes of the previous meeting ought to show that it was left to his discretion to do so. That formality had been neglected at the previous meeting.

Hon. Mr. McCALLUM—And all the meetings this year.

Hon. Mr. McINNES (B.C.)—That was the point at issue to-day.

Hon. Sir MACKENZIE BOWELL—Was the question put to the Law Clerk, what would be the effect of the adjournment of the Committee without instructions as to future meetings? Would that kill the Committee? Could they never meet again?

Hon. Mr. McINNES (B.C.)—I think that point did come up. Then they would have to come to the Senate and get fresh orders from the Senate. I am not contending this, but merely mentioning what took place in the committee.

Hon. Mr. MILLS—The chairman, where a committee have not decided upon calling a meeting at a specified time, undoubtedly has the right to call the committee together. What is the committee? It is a committee of this House constituted for the purpose of carrying into effect the orders of the House. There were referred to this committee several bills relating to the incorporation of railway companies or the amendment of charters. Those are all before the committee. The committee may adjourn from time to time, but it must never adjourn in such a way as to fail to discharge the duty the House has imposed on it. It must not act in contempt of the House. Supposing the committee had agreed upon a day for adjournment, and that day had been fixed at some period late in the session, the chairman may find that the amount of business is such that it requires earlier action, and undoubtedly the chairman would have a right to call the committee together at an earlier period, because the decision of the committee must always be taken to be subordinate to obedience to the House. The committee exists for the purpose of carrying into effect the decision and instruction of the House, and it cannot even adjourn for a longer period, or fix its sittings so remote as to make it impossible to carry into effect the instructions that the House has given it. The chairman undoubtedly had the right to call a meeting of the committee. When the chairman ruled that he had that right, I do not think the question was before the committee to discuss the propriety of his decision. If the committee wish to appeal they may do so without discussion, just as in this House we may appeal from the chair, and the decision of the majority of course will be the decision of the committee for the time being, but there is no rule better settled than this, that the committee acts under the rules which govern this House and are subordinate to the House, and there can be no question whatever that the action of the chairman was perfectly regular and that the meeting of the committee was a regular meeting as long as there was a quorum present.

Hon. Mr. McCALLUM—If he was acting legally why does he want this power now?

Hon. Mr. VIDAL—I have already replied to that. I have shown to the House that my object in making this motion is to enable the committee, when it meets, to attend to the business committed to it and not have the whole time of the committee taken up in discussing this question, which may rightly enough be discussed here, but, as has been said by the hon. gentleman from Bothwell, should not be discussed in the committee. It would be an appeal to this House, where the matter might be brought up. I felt, as chairman, that the committee required to have a decision that I had called the meeting in a regular and proper manner. Almost the whole time that the committee was in session was taken up with discussing

the question of order to the neglect of duties which the House had committed to us. By making an order of that character, once we do meet there need be no discussion of this matter of the right or the wrong of the act of the chairman.

Hon. Mr. PROWSE—I rise to a question of order. How many times can a member speak on a question?

Hon. Mr. McCALLUM—The hon. gentleman from Sarnia (Mr. Vidal), says that the rules which govern the Senate govern the Commons. There is no doubt about that. I want to act legally, and when my hon. friend says or rules so and so, he rules as the committee will allow him, just as you, Mr. Speaker, rule as the Senate allows you. The chairman of the committee thinks he is monarch of all he surveys, and I am opposed to that. I want to go along regularly, and I ask that this matter be postponed until to-morrow, until we can get a proper decision on it. If the House decides against me, I have nothing more to say.

Hon. Mr. MACDONALD (P.E.I.)—Having been present for some time in the Railway Committee, and having heard the authorities—May and Bourinot—quoted as to the powers of the Commons under the particular circumstances which occurred at the previous meeting, I came to the conclusion that the stand taken by the hon. member for Monck (Mr. McCallum) is the correct one, and that this matter should be deferred until to-morrow, when there will be further time to look into it and look up the authorities. The rule laid down by May and Bourinot, which governs this case, is applicable under the circumstances in which the committee rose the day previous, and I believe myself it is necessary, under the rule, to have the authority of the Senate before the committee can meet again.

Hon. Mr. SCOTT—In the beginning of the session we appoint no less than ten standing committees. After these committees are appointed they exist until the House rises. They are always ready to be called together by a majority of the committee or by the chairman of the committee. I venture to say in no case has the proposition to which the hon. gentleman from Monck has referred been made that a committee should adjourn to a particular day. Some of those committees meet at long intervals. Take the Committee on Internal Economy. It meets only two or three times in the session and only when the chairman calls them together. So it is with the Debates and Reporting Committee, the Banking Committee, and all others. They are standing committees, always supposed to be ready for work whenever the House directs work to be sent to them. When the House sends work to them they are supposed to go into operation at once.

Hon. Mr. BELLEROSE—The rules of the committee are the rules of the House, and what are the rules of the House? According to those rules the bills then before the committee would be rejected. Why? Because there was no adjournment of the committee, and if there was no adjournment of the committee the bill would be lost and could come up no more, but this does not prevent the committee meeting next day and complying with the orders of the House to take into consideration the other bills on the list. The very argument made by the hon. gentleman shows that the chairman was right so far as meetings of the House are concerned, that he ought to have refused to take into consideration the bill upon which there had been no adjournment of the debate and declare that the bill was out of the jurisdiction of the committee then, and that he had to ask the committee to go on with the next item. According to the rules of the House that would have been the case.

Hon. Mr. McCALLUM—I am very glad to hear from the hon. gentleman from De Lanaudière (Mr. Bellerose) that the meeting of the committee should be governed by the rules of the Senate. Does not the Speaker, in adjourning the House, announce when we meet again? What I complain of is that the rules are not carried out as they should be. The chairman of the committee finds the rules were not complied with, and he applies to the House for authority for the committee to meet. He acknowledges that he was wrong, and that he had been acting illegally all session when he asks now for the authority of the House. He did not ask the authority of the committee, and now invokes the rules of the Senate. I want time until to-morrow to discuss this question, and I renew my objection.

Hon. Mr. PROWSE—Is all this discussion on the question of order I raised a while ago? There are two points of order. The first is, how many times is a member allowed to address the House on one motion? The hon. gentleman from Sarnia moved a resolution without suspending any rules. The hon gentleman from Monck takes objection to it, and there is no necessity for discussion. A decision is all that is required on those two points, and we need not waste time discussing the matter at all.

Hon. Mr. VIDAL—I contend that it is a matter of privilege.

The Hon. the SPEAKER—The point of order raised by the hon. member for Prince Edward Island (Mr. Prowse), should not be ruled on by me to-day. Before ruling on the matter, the Senate should come to an understanding as to the number of times a member should be allowed to speak on any motion. There is no doubt the discussions are frequently irregular, and members speak more than once, contrary to the rules of the House; but this irregularity has been so often allowed and the rule has been departed from so constantly, that I should not like to take it upon myself to decide to-day that a member cannot speak more than once on a resolution, and as long as the Senate does not require that the rule shall be strictly observed. As to the second point of order, whether this motion is necessary or not, in my opinion it is not necessary, because I am entirely of the opinion that the chairman of the committee has a perfect right to call the committee together as often as necessary, when work is sent to the committee. Even to-day I believe the hon. member from Sarnia could, by his motion, ask for an immediate order of the House to have what he wants by his motion granted. I do not believe that a motion of that kind requires notice. The House has a right to exercise that power without notice at all.

The motion was agreed to.

BILL INTRODUCED.

Bill (148) "An Act to authorize the raising by way of loan of certain sums of money for the public service."—(Mr. Scott).

JUDGES OF THE PROVINCIAL COURTS BILL.

SECOND READING.

Hon. Sir OLIVER MOWAT moved the second reading of Bill (140) "An Act further to amend the Act respecting the Judges of Provincial Courts." He said:—This bill contains two clauses, one of them relating to the province of Manitoba and the other to the district of Quebec. The occasion for the bill, so far as it relates to Manitoba, is this: the present law of the Dominion provides for the payment of five judges in Manitoba. The number of judges is a matter which is determined by the local legislature, and in the present case the local legislature has added one to the number of judges. The history of the matter may be stated for the information of this honourable House. By section four of the 33rd chapter of the Revised Statutes of Manitoba, it is provided that the Lieutenant Governor in Council may alter the judicial divisions and establish new county courts. Then, by section eight it is provided that there shall be one county court judge for each county court division or judicial district, and the same judge may exercise or continue to exercise jurisdiction in two or more such divisions until a judge is appointed specially for that particular division. Then there are the Dominion statutes. By the second section of chapter 36 of 58 and 59 Vic., "An Act further to amend the Act respecting Judges of Provincial Courts," provision is made for the salaries of five county court judges of Manitoba, that being the number then in existence, and still in existence until the Order in Council was passed under legislative authority, as I have mentioned, for the addition of a sixth judge. Amongst other provisions of the statute of Manitoba, section 10 provides that more than one county court judge may be appointed for any judicial district or county court division in the province, if it be deemed necessary, and in such case the judge appointed shall have jurisdiction therein, the judge last appointed to be known as the junior judge. The action of the Lieutenant-Governor in Council arose in part from an application by one of the judges, who represented that he had more than was possible for him to do—that he had given the matter a fair trial, and that it was quite impossible for him to get

through the business. The letter is addressed to the Attorney General of Manitoba. This is what the judge said:

WINNIPEG, 10th September, 1896.

DEAR ATTORNEY GENERAL,—You will recollect that soon after the passing of the amendment to the County Courts Act, extending the jurisdiction of the court, I expressed to you my apprehension that I would not be able to meet the work thereby imposed. Now after a fair and severe trial, I must in justice to myself as well as the suitors in the court, again formally call your attention to the fact, and respectfully urge your serious consideration of the necessity of ensuring the appointment of a puisne judge.

It is needless for me to specify particulars as I have been informed your attention has been frequently called by the members of the profession to the amount of work cast upon me, and I might add it has been only through the kindest indulgence of the profession that I have been able thus far to cope with the same, although not satisfactorily.

Trusting that this may receive your most careful, earnest consideration, I am, etc.,

Sd. D. M. WALKER.

That was communicated by the Attorney General, who was then Mr. Sifton, on the 12th September to the premier of the Dominion. This is the letter:

WINNIPEG, 12th September, 1896.

Hon. WILFRED LAURIER,
House of Commons,
Ottawa, Ontario.

DEAR MR. LAURIER,—I have the honour to inclose herewith a copy of a letter received by me yesterday from Judge Walker, the senior judge of the County Courts in the Eastern Judicial District.

In my opinion it is necessary in the interests of the proper administration of justice in this Province that an additional county judge should be appointed for the Eastern Judicial District. I may say that I have brought this matter before my colleagues and they all concur heartily in the opinion which I express.

Yours faithfully,

CLIFFORD SIFTON.

The question has sometimes arisen how far parliament is bound to act upon local legislation adding new judges. On this subject Sir John Macdonald stated this:

It is very difficult indeed for the federal parliament to decide when a wish is expressed by the legislature of any province that it should be disregarded.

The constitution, organisation and maintenance of the courts are left to the provincial legislatures. The cost and responsibility for the administration of justice are thrown upon the different provinces, etc.

So that when a provincial legislature passes an Act declaring that an additional number of judges is required, for the due administration of justice, it is incurring a great responsibility for the Federal parliament and government to say: You do not want them.

Sir Alexander Campbell spoke to the same effect on another occasion. If any one desires to see what he said, I may refer him to the Senate Debates for 1880, at page 460. I may mention also that in 1894, at the request of Mr. Daly, Sir John Thompson appointed Mr. Carter Locke, Queen's Counsel for the fifth judicial division of Manitoba before the law was amended providing for the appointment. We propose to place the sixth judge, thus declared to be necessary by the legislature which has the right to deal with the matter, on the same footing as the other five judges in regard to salary. Then, with regard to the district of Quebec, the law as it stands now provides that the local judge of the district of Quebec should receive $2,000 per annum. It was understood at the time that that sum was agreed to—I am told it was understood in the House—that in case of a future appointment the judge should have only $1,000. A very eminent lawyer, eminent for his knowledge of maritime law, was the judge at the time, and held no other office, and whose services could not be obtained, I believe, for a less sum than $2,000. It was thought his case might be made an exception; therefore, two thousand dollars was provided for. We propose to provide that the salary for the future shall be one thousand dollars so long as the parliament leaves it at that sum. That appears all the more reasonable, because the appointment has been of one who is a judge already, additional work being imposed upon him; but there is not the same reason for giving him two thousand dollars that there was where the Admiralty judge had no other judicial office. I do not know that the bill requires any other observations than those which I have made. I move the second reading.

Hon. Sir MACKENZIE BOWELL—Might I ask whether the six county court judges in Manitoba have not already been appointed, or whether there are only five and this provides for an additional one.

Hon. Sir OLIVER MOWAT—The six judges have been appointed.

Hon. Sir MACKENZIE BOWELL—This bill is to confirm the appointment?

Hon. Sir OLIVER MOWAT—No, the appointment has been made and legislation is not required to confirm it. The British North America Act provides that the judges shall be appointed by the Governor General. A judge is not appointed by parliament. It is in pursuance of the British North America Act that the appointment has been made and all that I come here for is to provide the salary, because that is all parliament has to do under the British North America Act with respect to judges.

Hon. Sir MACKENZIE BOWELL—Perhaps I do not understand it. I understand the provisions of the British North America Act. If I recollect aright only two thousand dollars was voted in the estimates during the last session of parliament. The Solicitor General stated that it was for the purpose of providing for another judge in Manitoba, and that it must be considered temporary until an Act of parliament had been passed not to appoint, but to provide the salary for this extra judge.

Hon. Sir OLIVER MOWAT—That is right.

Hon. Sir MACKENZIE BOWELL—In order to make the salary permanent under the law rather than to have to vote it every session—that I take to be the object of the bill.

Hon. Sir OLIVER MOWAT—That is right.

Hon. Sir MACKENZIE BOWELL—The sixth judge was appointed, and he will be paid out of the last appropriations, and this is to provide for the future payment as long as he is there, and the sixth judge I understand is Mr Prendergast.

Hon. Sir OLIVER MOWAT—He is.

Hon. Mr. FERGUSON—My hon. friend in introducing this bill has explained its contents. As far as I have been able to hear him, I observe that the changes which the bill proposes to make in the law are to provide a permanent salary for an additional judge in Manitoba, and to increase the salaries of all the judges from $2,400 to $2,500 per annum.

Hon. Sir MACKENZIE BOWELL—That is after three years' service.

Hon. Mr. FERGUSON—Yes. After three years' service. Under the present state of the law, they receive $2,400, starting with $2,000, but this amendment provides that they shall start with a salary of $2,000, and shall, at the expiration of three years, receive a salary of $2,500, or one hundred dollars in addition. The other provision refers to a local judge in the district of Quebec. These are the changes as I understand them. My hon. friend I think is beginning now where he ought to have begun in September last, when, as we all remember from previous discussion, the sum of $2,000 was placed in the estimates for the appointment of a judge. This statutory provision is required and necessary under our system in all cases. Circumstances have arisen, which have been fully discussed in this House, which warrant our challenging the propriety of this vote. It is perhaps wholly unavoidable to refer somewhat to a previous discussion, but so far as that discussion contained statements of fact or presentation of a defence of charges, I suppose we have unavoidably to refer to it. The charges made against Judge Prendergast are that he had taken part in an election contest shortly before his appointment, and that from evidence which was disclosed in an election investigation it transpired that he had entered into a bargain to pay a man for carrying voters to the polls—a bargain that was fully consummated after the election—and that he had promised a man an office. I am not going into these matters further than to say that a defence was set up for this judge in reference to one of these charges, and a statement was read to the House by my hon. friend the Minister of Justice, which purported to be extracts from the evidence taken in the case. I have looked over that statement since it was submitted to the House by my hon. friend, and I am sorry to say that they are not true extracts from the evidence. I have here a certified copy of the evidence in full, and I have compared these extracts which were made and furnished to my hon. friend the Minister of Justice, and I find that they only purport to be extracts relating to one of the charges, that of promising a man an office, and I submit they are not fair extracts. They do not claim to be a full statement of the evidence. That was perhaps impossible to make in a communication of that kind, but I submit the whole of the evidence

ought to have been sent to my hon. friend, and then he would be in a position to say whether he was submitting to the House a fair statement or not. I have the evidence in full, and I can easily show my hon. friend that the extracts submitted by Judge Prendergast in this case are not correct extracts from the evidence. The other charge is far the more important one, because in that case the motives of the act are not inquired into; the simple act of hiring a man to drive voters on an election day, and the paying him for it, or causing him to be paid, is a corrupt offence, and the motives are not to be inquired into. The bare fact being proved, it is an offence under the Election Act. In view of the fact that these charges have come out in the public press, and been formulated in this House, the judge did not take the course he should have taken. When this offence transpired on the 29th of April in the election court of Manitoba before Hon. Justice Killam, the court was adjourned with the understanding, expressed by the counsel for the petitioners, that Mr. Prendergast would be put upon the stand to answer these charges and explain them. Thirty-six days transpired before the counsel agreed to ask the court to meet again, and when the court met Mr. Howell, the lawyer for the petitioners, admitted that in consequence of this evidence which had been given, he would not ask, or could not ask, that the petition should be maintained, and consented to its being overruled and dismissed. It may be that Judge Prendergast can make a perfect defence, but for his own sake it was most unfortunate that he did not go on the stand and tell the truth, according to his knowledge, about these charges that were preferred against him. They were very serious charges, affecting the integrity and character of a judge. It is very much to be regretted that he did not take that course. He did not take it, however, and then, when he was requested to make a statement and a defence, he should have put a complete copy of the evidence at least into the hands of my hon. friend the Minister of Justice.

Hon. Sir OLIVER MOWAT—He did send me a copy of the evidence.

Hon. Mr. FERGUSON—That must have been subsequent to the day it was discussed in this House. My hon. friend gave us to understand that he had not received a copy of the evidence that day.

Hon. Sir OLIVER MOWAT—You must have misunderstood what I said, because I had a copy of the evidence then.

Hon. Mr. FERGUSON—That is on one charge.

Hon. Sir OLIVER MOWAT—Yes.

Hon. Mr. FERGUSON—Only one.

Hon. Sir OLIVER MOWAT—Yes, and I had to go on that day, because my hon. friend urged it so strongly, but I have since then received the evidence in the Roy charge.

Hon. Mr FERGUSON—I understand my hon. friend to say that he had in his possession, when the matter was discussed in this House, a certified copy of the complete evidence in the case of Berthiaume?

Hon. Sir OLIVER MOWAT—Yes.

Hon. Mr. FERGUSON—But he was not then in possession, or is not yet in possession of the evidence relating to Roy?

Hon. Sir OLIVER MOWAT—I was not then in possession of it, but I am now.

Hon. Mr. FERGUSON—All I have to say is that if my hon. friend was in possession of the evidence in full, and a certified copy of the evidence in the Berthiaume charge in that case, he must have drawn the inference from that evidence that Prendergast had promised this man an office to secure his vote. I am sorry that my hon. friend did not compare the certified copy of the evidence with Mr. Prendergast's own statement, because he would have found that the judge's summary was materially wrong. Not only does he omit the crucial point in that evidence, but he imports into it some statements that are not to be found in the certified copy.

Hon. Sir OLIVER MOWAT—I should like to know what those statements are.

Hon. Mr. FERGUSON—There is one statement that I will just refer to in which he says that he was employed as poll clerk on election day by the returning officer, Mr. Paradis. The evidence, if my hon. friend will look it over, will show that Mr. Prendergast employed him, and spoke to him and procured the appointment.

Hon. Sir OLIVER MOWAT—Did the evidence of Berthiaume not say that he was appointed by the returning officer.

Hon. Mr. FERGUSON—He said that in the first instance, but when he was asked further on as to who got the appointment for him, he said Mr. Prendergast.

Hon. Sir OLIVER MOWAT—Yes.

Hon. Mr. FERGUSON—That is entirely omitted and I mention that to show how unfair the extract is, inasmuch as it does not show who secured the appointment for him. It matters little, in point of fact, who was the party under whose employment he was that day; it was the man who hired him and got the position for him. That is the chief point in it, and that is entirely left out. The other charge has not been replied to at all. There is no statement furnished this House with regard to it, and there was no reply. My hon. friend says he is now in possession of the evidence. I should be very sorry to do anything that would be regarded as unfair in this matter. As it stands at this moment, a most unfavourable impression exists with regard to Judge Prendergast's position in the public mind. There is a provision in the law by which an inquiry can be made into the conduct of a judge, and the grounds for this inquiry are very broad, for it sums it up by saying: "any other cause." I should be sorry to take any strong course in this case if my hon. friend can assure me that he will look at that clause in the Act and have a proper inquiry made into this matter. If my hon. friend will assure me that he will do so, I shall withdraw my opposition to the bill.

Hon. Sir OLIVER MOWAT—What is the clause that my hon. friend refers to?

Hon. Mr. FERGUSON—It is in the County Court Act of 1882. My hon. friend will find it in the Revised Statutes, and the hon. Secretary of State read extracts from it the other day. It is chapter 138, Revised Statutes of 1886.

Hon. Mr. SCOTT—It is the authority of the Governor in Council to deal with County Court Judges.

Hon. Mr. FERGUSON—I submit that in view of the law providing for such an inquiry as this, and in view of all that has transpired, it is necessary that this inquiry should take place, and if such an inquiry cannot be granted, I feel disposed to move an amendment to this bill striking out the clause which refers to the appointment of an additional judge in Manitoba until the matter can be properly settled.

Hon. Sir OLIVER MOWAT—I ought to consider the statements on both sides more thoroughly than I have been able to do so far, before coming to a decision to take any action. I mean to do my duty in this matter whatever it is, whether it is a disagreeable duty or not, but my hon. friend knows my mode of proceeding, that I act cautiously. Therefore, I am not prepared to say, without a more full consideration than I have given to the statements on both sides, whether a commission should issue or not. If it is proper that a commission should issue on these facts, I will see that one does issue, but I am not prepared to say that at this moment.

Hon. Mr. FERGUSON—I might ask my hon. friend whether he would, at a later period to-day or to morrow, be able to give an answer upon that point, because in that event we could defer until to-morrow any action which we propose taking.

Hon. Sir OLIVER MOWAT—It is perfectly impossible to give this case consideration while the House is sitting. I am overwhelmned now with work, and I cannot undertake to look into the matter before the session closes. I wish I could, but I cannot do it.

Hon. Mr. FERGUSON—There is nothing, under the circumstances, for this House to do but just to take the course which we consider to be right in this matter.

Hon. Sir MACKENZIE BOWELL—I was going to suggest to my hon. friend on the other side, that he should consent to the second reading of the bill, and that the third reading should not take place until to-morrow. That would not, of course, prevent discussion on the third reading. The motion to go into committee can be made to-morrow and if, under the circumstances, it is considered in the interest of the country that this bill should not pass, then the motion could be made for the three months hoist, or we can allow it to go into com-

mittee, strike out the first clause and then report the bill as amended. I can readily understand the difficulties the hon. Minister of Justice has just now, and I think that every one who has had experience as the head of a department, more particularly during the sitting of parliament, will realize that his time is fully occupied, especially at the close of a session when so much business is thrust upon him all at one time; but he might take the twelve or fourteen or twenty hours we shall have at our disposal to consider this matter, and after that he might be able to give some answer that will satisfy my hon. friend that the matter will receive the fullest possible consideration and that an investigation will take place into the conduct of the judge, should the certified evidence be of such a character as to justify it.

Hon. Sir OLIVER MOWAT—I think my hon. friend is quite right; he may move the six months' hoist at the third reading.

Hon. Sir MACKENZIE BOWELL—I do not think my hon. friend desires to kill the whole bill. He is in favour of the increase in the salary of the judge to whom the second clause applies. I had forgotten at the moment, but I remember the circumstances after attention had been called to it. There is no reason why the additional $100 should not be added to the judge's salary.

Hon. Sir OLIVER MOWAT—My hon. friend can move in committee to strike out the clause as to the Manitoba judge if he pleases. It does not require my consent.

Hon. Sir MACKENZIE BOWELL—I was pointing out what I thought the best course to pursue—to let the second reading take place, giving my hon. friend time to look into the matter until to-morrow and then, if my hon. friend from Marshfield (Mr. Ferguson) did not receive satisfactory assurance as to what would be done in the matter, he could take whatever course he thought proper.

Hon. Mr. FERGUSON—I am quite willing to allow the bill to be read the second time and go to the Committee of the Whole House to-morrow, and then my hon. friend will have time to consider the matter.

Hon. Mr. POWER—It strikes me that the hon leader of the opposition and the hon. gentleman from Marshfield are under some misapprehension as to the effects of this bill.

Hon. Sir MACKENZIE BOWELL—Not at all.

Hon. Mr. POWER—Then I am surprised at the action taken by the hon. the leader of the opposition. This has been treated as a case of misbehaviour on the part of a judge. What are the facts? The facts are that at a period not later than the month of February, when an election took place in the province of Manitoba, Mr. Prendergast, who was not then a judge, and was not appointed for nearly three months after, is alleged to have taken some part in the election. How that can be misbehaviour on the part of a judge which would bring him under the provisions of the Act, chapter 138 of the Revised Statutes, is something I cannot understand. The provision reads:

> Every judge of a county court in any province of Canada shall, subject to the provisions of this Act, hold office during good behaviour as a judge.

It does not refer to the time before he was appointed.

> A judge of the county court may be relieved from office by the Governor General in Council for misbehaviour, incapacity, or inability to perform his duties properly.

It does not mean that if a judge, before he went on the bench, happened to be a pretty active politician, that that is misbehaviour for which he could be removed. That would be extreme. We have very few judges throughout the Dominion who have not taken an active part in politics. What are the offences that Judge Prendergast is supposed to have committed two months and a half before he was appointed a judge? One was that a man who came to him, and alleged that he was going to vote for the Liberal candidate, stated that at the last election he had voted Conservative, but this time was going to vote Liberal, and asked Judge Prendergast, a somewhat influential man, if he would use his influence to get him a position, and after some time Judge Prendergast said he would. I do not think that that is a serious offence. There is no moral guilt involved in it. There is nothing discreditable about that. Any member of this House is liable to do the same. It is a reasonable and proper thing to do. The other offence is that Mr. Prendergast, on the 16th of February or thereabouts, two months

and a half before he was appointed a judge, paid a carter five dollars for conveying voters to the polls. I am quite aware that that is a violation of the law for preventing corrupt practices at elections, but there is no moral guilt about that. If a carter drove voters to the polls on election day, five dollars was not an unreasonable sum to pay. I may say that in the county from which I come, Halifax, it is found that it is necessary that cabs and carters should be employed on election day, and in some cases arrangements have been made between the two parties that the mere conveying of a voter to the poll shall not be regarded as a corrupt practice.

Hon. Sir MACKENZIE BOWELL—The law says it is.

Hon. Mr. POWER—Five dollars is not an unreasonable sum to pay for a day's work, and that is the offence with which Judge Prendergast is charged. How these two comparatively minor offences, if they are offences at all, can be held in any way to affect Judge Prendergast's position is something that I cannot understand. There are very few judges on the bench in Canada who have not, at one time or other, before they were appointed to the bench, committed acts which were of much more serious consequence than those alleged against Judge Prendergast.

The motion was agreed to and the bill was read the second time.

COLD STORAGE ON STEAMSHIPS BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (141) "An Act respecting cold storage on steamships from Canada to the United Kingdom and in certain cities in Canada." He said:—For some time past the Minister of Agriculture has been giving very close attention to the methods by which perishable products of Canada can be placed in the markets of Great Britain. We have in the past enjoyed a very limited trade in what may be called perishable products, in butter, eggs, dressed meat and fruits. Very limited quantities have gone from Canada, although great quantities are consumed in Great Britain. One hundred and eighteen million dollars worth of dressed meat was consumed in England last year, of which Canada furnished less than four per cent. Of butter, the importations were $74,000,000, and Canada furnished $1,500,000. It increased about $1,000,000 last year by the improved methods which had been adopted. Of eggs, in 1896 $20,000,000 worth were imported of which Canada sent only half a million. Of raw fruit the importations averaged $15,000,000 to $23,000,000, and Canada has furnished about one-tenth, which was almost exclusively apples. The United States government have recently appropriated a considerable sum of money to test the matter of placing butter on the English market. We know that Australia has for some time past been forwarding dressed meat to the British market through cold storage, and contracts have been made with the various steamship companies in Canada for the placing in vessels of what might be called cold storage departments, and contracts were made with the Elder-Dempster Company for a weekly sailing from Montreal to Avonmore. I have here the contracts but they have not been printed. A contract was also made with the Donaldson line, Montreal to Glasgow, for one steamer. With the Allan line a contract was made for one steamer from Montreal to Glasgow. Arrangements were made for three steamships by the Thompson line from Montreal to London. The Allan line from Montreal to London three steamships fortnightly, and the Torrance line two steamships from Montreal to Liverpool, and with the H. A. Allan Company, two steamships from Montreal to Liverpool.

Hon. Mr. FERGUSON—They are all from Montreal?

Hon. Mr. SCOTT—They are all Montreal firms.

Hon. Mr. FERGUSON—The point of departure is Montreal in each case.

Hon. Mr. SCOTT—Montreal or Quebec. There seems to be a port of call at Prince Edward Island, because I see the bill authorizes a payment of 5 per cent on the sum for three years for the consideration of cold storage accommodation at Charlottetown to the extent of $20,000. I have not had the opportunity of carefully going through the various contracts, but I presume that arrangements must be made for

calling at Charlottetown. The terms of the agreement are for the carriage of butter, cheese, and other perishable products in cold storage at a temperature of 30 to 35 degrees for butter, and about 34 for cheese and fruit; each steamship to have cold storage capacity of 10,000 cubic feet; estimated cost of putting in the storage arrangements, per steamship, $10,000; and the rate for above freight ordinarily charged will be 10 shillings per ton on butter and cheese, and the same charge for an equivalent space for the other products—10 shillings per ton in addition to current rates for freight. The agreement is to stand for three years, and the payment of storage to the companies is distributed over those three years. The estimate was $10,000, and the government agreed to pay one-half, but the payment of that is to be distributed over the three years, 1897, 1898 and 1899. In the products fresh creamery butter is always to have the preference, supposing the steamers have not the space to take all that is offered, and the Minister of Agriculture is allowed to send forward at any time two cargoes to be known as trial shipments which are also to have the preference. This bill proposes to confirm those agreements. In addition to that, authority is asked from parliament to pay five per cent on sums to be expended on cold storage appliances in Quebec, Halifax, St. John, Toronto and Charlottetown. The amounts are not to exceed $40,000 in the cost of each place in Quebec, Halifax and St. John, and not to exceed $50,000 in the case of Toronto, and not to exceed $20,000 in the case of Charlottetown. The five per cent guarantee on the outlay will extend over the three years, during which this trial is to be made. It will be observed that in an important article, of which there is a large consumption in England—that is cheese—where it can be preserved without the temperature being reduced to 34 or 35, as in the case of butter, we have practically captured the British market and of the amount of cheese which is imported into Great Britain, Canada has furnished more than one-half. Formerly the United States furnished a large amount, but our cheese is very much preferred, and has cut the United States cheese out of the market, as we have more than half the trade in cheese outside of Great Britain.

Hon. Mr. PROWSE—Can the hon. gentleman give us any information in regard to the result of any shipments which have been made in cold storage at this season, especially in regard to chilled meats and butter?

Hon. Mr. SCOTT—I think the experiments are only going on now. Professor Robertson is going now to superintend the shipments which are being made.

Hon. Mr. FERGUSON—It is a great pity that my hon. friend had not arranged to have the copies of this contract in the hands of hon. gentlemen.

Hon. Mr. SCOTT—This is just what the House of Commons had.

Hon. Mr. FERGUSON—I notice that in the first clause of the bill reference is made to contracts which have been entered into with certain companies under the authority of an Order in Council dated the 4th day of May, 1897, and that "these contracts are hereby sanctioned and confirmed." Therefore, although the bill is apparently, on the face of it, a very simple one, it is a very important one. Are we, by adopting this bill, sanctioning and confirming contracts which we have had no opportunity whatever of considering? I cannot, just from the glance I have had within the last five minutes over the provisions of this contract, ascertain exactly what they amount to; but my impression is that these contracts are altogether from the port of Montreal to some ports of Great Britain—London, Liverpool, Glasgow and other ports.

Hon. Mr. SCOTT—From Montreal and Quebec.

Hon. Mr. FERGUSON—I notice a provision in one of them for calling at Quebec, but, so far as I have been able to glance over them—of course I may not be correct in that—I cannot observe any provision for calls being made at any other points. This scheme should be made sufficiently comprehensive to include calls or departures from the ports of the lower provinces. My hon. friend thinks that that must be the case. I hope he is right.

Hon. Mr. SCOTT—I have not had time to read the contract.

Hon. Mr. FERGUSON—My hon friend infers that such is the case from the second section of the bill which relates to a bonus of five per cent of the amount that the gov-

ernment are instructed under this law to give for three years to any company or companies that may establish cold storage premises and refrigerating plant at different points, including Toronto, Quebec, Hallfax, St. John and Charlottetown, with specific amounts which will be guaranteed for the different places in proportion to the size and importance of the trade which is likely to arise or offer at these different points. That is all right, but it seems to me there will be very little benefit in the bonus that is given to cold storage at such points as Halifax, St. John and Charlottetown, unless there are some departures of steamers arranged for from these points. It is possible this may be in these contracts, but my hon. friend is not able to assure the House that such departures are provided for, and I have not been able to see it. Under the circumstances, we should not proceed very far with the bill after the ground, as it were, has been broken; we might put off the further consideration of it for a short time in order that an opportunity may be given to hon. members to examine into these contracts and know what they are voting for. On the general principle of the bill, I congratulate my hon. friend the Secretary of State and the government on their having adopted very faithfully in this respect, as well as in many others, the policy of their predecessors. This matter was brought almost to the point of completion under the late administration. The Minister of Agriculture met with a certain amount of success under the administration of my hon. friend the leader of the opposition in this House, and other Conservative administrations. Particularly under the administration of my hon. friend (Sir Mackenzie Bowell) this matter had been advanced to a very satisfactory point, and the policy of the late government was to perfect, as far as possible, a system of cold storage in order to give the producers of perishable products in our country all the advantage that such producers in other countries derive from the improved and modern methods of transportation by cold storage. Possibly we may find that full provision is made in this bill for the different parts of the country, and that these contracts are in every respect such contracts as we ought to approve of. It is possible we may find all that to be the case, but even if we should not agree in the details, we are very glad to be able to congratulate the members of the government on their having adopted the policy of the Conservative party on this very important question, which is one that lies at the very foundation of the prosperity of the farmers of Canada. I should like to reserve for myself the right to speak further upon this bill, after an opportunity has been given of examining the provisions of these contracts, and I would suggest to my hon. friend that the matter should lie over until we have a better opportunity of examining it.

Hon. Mr. SCOTT—We might read the bill the second time to-day and refer it to Committee of the Whole to-morrow.

Hon. Sir MACKENZIE BOWELL—I desire to enter a protest against this mode of procedure. This is a principle which I believe every one who takes an interest in the welfare of the agricultural community will readily adopt, and vote for almost any sum that may be asked in order to accomplish the object in view, which is the placing upon the British markets of articles which may be considered perishable—to export them in the condition in which they will bring the highest possible price. But is it fair to ask us to confirm a number of contracts involving the expenditure of large sums of money, without even knowing what they contain? Even the hon. the Secretary of State, who moved the second reading of the bill, when asked for an explanation, stated that he had not read the contracts, and did not know what they were.

Hon. Mr. SCOTT—I gave a synopsis of them.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman could not give a synopsis intelligently without reading the contracts. The hon. gentleman may possess powers which other people do not.

Hon. Mr. SCOTT—I knew what the basis was.

Hon. Sir MACKENZIE BOWELL—That is more than we knew. He said he had not read the contracts, and consequently could not answer the question asked by the hon. gentleman from Marshfield. I am fully in accord—and I am sure every man who has the welfare of the country at heart will be in accord—with the principle in-

volved in these contracts. It is something that has received the attention, not only of the late administration, but of the administration before it; and I know arrangements were made for carrying it out nearly, if not quite, as extensively as this bill proposes. Shipments were made some years ago; but the facilities for taking the articles to the English market in a state in which they could be properly placed before the consumer were not of such a character as to justify its continuance. The present government have taken up the question, and I believe that they have not only arrived at a decision, but have entered into contracts which I hope will accomplish the object we all have in view. But I must again protest against this mode of asking the Senate to confirm contracts and solemnly pass an opinion upon a question which involves the expenditure of a large amount of money, without giving us at least 24 hours to examine the contracts and the documents. If I should be here next session, I notify hon. gentlemen opposite that if measures of this character come down at this late stage of the session I shall endeavour to delay the House until members of the House can ascertain really what they were voting for.

Hon. Mr. SCOTT—When contracts of that kind are brought down in the House of Commons in connection with bills, it is usual to print them, and I supposed they had been printed. I sent to Mr. Botterell to know where they were, and he could not give any account of them. Then I sent over to the Clerk of the House of Commons, and I found that the printing committee had never ordered that they should be printed. The contracts are all alike, though in different forms. The terms of each contract correspond. If they had even printed one copy, we would have had all the details before us, but the House of Commons did not think it of sufficient importance to order the printing of them.

Hon. Sir MACKENZIE BOWELL—It was only laid before the Commons on the 17th of the month.

Hon. Mr. MACDONALD (P.E.I.)—I am pleased to hear that the government have taken the matter of cold storage in hand and introduced a bill, provided the terms of the contract to which it refers are such as would meet the approval and the requirements of the people generally in the Dominion of Canada. It is a matter that is of very great importance, as has been stated, to every section of the Dominion. It is of very great importance to the little province from which I come, in which there is produced now a very large quantity of butter and cheese and various other articles which can profitably be sent to the old country if there is a proper system of cold storage introduced, and if the steamers call at Charlottetown for the purpose of taking the articles which are preserved there. But if they have to be sent to any other port from the port of Charlottetown without being in cold storage during the time they are being conveyed to the steamer at some other port, it will be of very little benefit to the people of Prince Edward Island. I trust, therefore, that the arrangements are such that these steamers will call at certain fixed periods at Charlottetown, for the purpose of taking from there the products of the province which are intended to be preserved by cold storage to their destination. It appears that this system of cold storage at present is rather an expensive one; but in comparison with many other inventions, this is an invention which is still almost in its infancy, and may be improved upon and perfected beyond what it is now at a very early period. And in connection with that I may refer to an article in the *Citizen* of yesterday morning, in which it is stated as follows:

> Dr. H. B. Evans, an English physician and chemist of good standing, now residing in Picton, Ontario, has written to the Minister of Agriculture here in reference to the cold storage system, that he is prepared so to fit up a ship to go across the Atlantic with a sample process of preserving meat at a cost of $1,000 as against $10,000 as estimated by experts. If this be true, it opens an illimitable trade in dead meat between the colonies and Great Britain that it is almost impossible to estimate. He claims all he wants is a clean well-ventilated "between-decks," without any elaborate and expensive machinery, whilst time and distance is of no account. It might be applied to Australia as well as Canada with equal results. South Australia has offered an immense bonus to a man who shall land a cargo of meat in Great Britain in good marketable condition. So has New Zealand and Tasmania. Dr. Evans, like most men and inventors, is not a capitalist, and seeks aid from such to carry out the enterprise.

If there is anything in this such as the doctor claims it is a most important

matter for Canada, and not only for the Dominion, but for all other parts of Her Majesty's possessions in which articles are produced, which may be forwarded to Great Britain or to their best market by means of cold storage. There is no doubt that the system of cold storage which is now in vogue will be perfected in a short time, and rendered much more cheaply available than it is at present. It is within my own recollection, and not more perhaps than 20 years ago, when a gentleman from our own province invented and patented a system of cold storage, which was found to be very efficient and very effective; but at that time it was so expensive that, although patented in Canada, it was never put in use here. I believe one or two companies were formed in the United States, where the patents were secured, and the companies were organized with a capital of something like $1,000,000, but it cost such a very large sum to put the system into practical operation that it did not pay the inventor or those who embarked their money in it. It was used also at that time for the purpose of preserving fish which were brought in a fresh state from the Baie St. George to the United States market; and it was subject to the same objection there, that it was too expensive. From that time up to the present there has been a very great advance made in the method of cold storage, and in comparison with what it cost at that period the cost is now moderate and reasonable; and it is quite likely that in the course of a few years further advances in science will reduce the cost in proportion, perhaps, to what it has been reduced in the past. If that should be the case, it will be a great boon to the Dominion, and no part of Canada will benefit more than the maritime provinces, which produce so many articles that can be exported in cold storage to the markets of Great Britain.

Hon. Mr. AIKINS—I should like to ask if any provision is made for the handling of the goods in the old country after they arrive there?

Hon. Mr. SCOTT—Yes, Prof. Robertson is on his way over there now to meet the first shipment and make provision for its distribution on arrival there—practically to introduce the system.

Hon. Mr. FERGUSON—I have gone over the contracts, and I can find no provision of that kind.

Hon. Mr. SCOTT—I will inquire tomorrow, and see what provision is made.

The motion was agreed to and the bill was read the second time.

The Senate adjourned.

THE SENATE.

Ottawa, Saturday, 26th June, 1897.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

MONTREAL AND SOUTHERN COUNTIES RAILWAY CO.

REPORTED FROM COMMITTEE.

Hon. Mr. VIDAL, from the Committee on Railways, Telegraphs and Harbours, reported Bill (110) "An Act to incorporate the Montreal and Southern Railway Company," without amendments.

Hon. Mr. DEBOUCHERVLLE moved the suspension of the rule.

Hon. Mr. POWER—I object to suspending the rule.

The bill was allowed to stand for third reading on Monday.

INTERCOLONIAL RAILWAY EXTENSION.

MOTION.

Hon. Mr. MILLER rose to move:

That a Special Committee of the Senate be appointed to inquire into the expenditure of the subsidies granted by the Parliament of Canada to the Drummond County Railway Company, in the province of Quebec; the present financial position of the said company, its liabilities of every description, whether matured or accruing; the condition and classification of the said railway, as well as its equipment, and also, all other matters and things relating to the said subjects or any of them, as well as all other matters and things relating to the said railway; with power to send for papers, persons and records, and to report from time to time, and that the said committee consist of the

Honourable Sir Mackenzie Bowell, Messieurs Ferguson, Power, Scott, Macdonald (P.E.I.), De Boucherville, Primrose, Cox, Landry, Prowse, Wood, Thibaudeau (de la Vallière), and the mover.

He said: In making this motion I have very little indeed to say to the House, and I think it will not be necessary for me to make any very extended remarks. The important action of this House in relation to the bill for the extension of the Intercolonial Railway into Montreal a day or two ago placed that question in a very peculiar, if not extraordinary, position. It is said that, with a view to checkmate the action of this House on that occasion, it is the intention of the government to take some other steps which will have the effect of carrying out the policy indicated in that bill, although possibly not in precisely the same way. Now, the action of this House on the bill for the extension of the Intercolonial Railway to Montreal was based upon two grounds: first, that the bargain was an improvident one from a business point of view; secondly, that it was clouded with suspicions of corruption on the part of those connected with the Drummond County Railway. For my own part, I am not in a position to say and have not the information necessary to form a judgment as to the wisdom of the contract with the Grand Trunk Railway Co. and the Drummond County Railway Co. from a business point of view, and it was therefore desirable that further action in relation to that proposed work should be postponed, at least for another year, until such information could be submitted to parliament. In the second place, with regard to the charges of corruption indicated in the public press, I am also without a tittle of evidence as to the truth of those charges. Still they are so very grave that I think it is due to all concerned that there should be a public investigation in connection with them. In fact, I think it follows, as a logical consequence of our action the other day, that we should proceed at once to make such an investigation. I shall give, not in my own words, but in an extract from a leading journal of the province of Quebec, the Montreal *Star*, a statement which will put these views very clearly before the House, and upon which I think the propriety of an investigation is clearly indicated. This paper says:

The rental is equal to three per cent per annum on $7,000,000, which sum may fairly be taken as the amount of public money to be sunk in the enterprise.

Critics of the transaction say:

That there has been no great public demand for this great undertaking, and that it offers no material public advantage.

That suppose the extension of the Intercolonial to be desirable, the route is neither the shortest nor the best available.

That the Drummond County Railway is of inferior construction, and the price agreed upon exorbitant. That whereas the total outlay of the company on the road would be between $600,000 and $700,000, the Government is paying for it $2,200,000 and that it has actually been offered for sale, lock, stock and barrel within the last two years for $400,000. The general impression is that the line has cost the proprietors very little money indeed. The company claims to have a paid-up capital of $400,000, but it is a common practice in companies of this sort for the shareholders to pay up only the ten per cent of the capital which is necessary to obtain a charter, and there is no reason to believe this one to be an exception. The total cost of construction, according to the Government reports, is put down at $1,366,485, but it is altogether probable that this amount includes the paid up capital of $400,000, which was most likely accepted by the contractors for the building of the road in the form of stock according to a practice that is not usual. The total cost of the ninety miles of railway constructed, omitting this paid up capital, which we assume had an existence only on paper, was probably $966,485, made up as follows: Subsidies paid, about $700,000; floating debt due the Eastern Townships Bank, $221,692; ten per cent on the nominal paid up capital, $40,000. The amount of subsidies voted is as follows: Dominion, $297,920; Quebec, $549,000; Nicolet & St. Leonard, $15,000, and on account of these about $700,000 has been actually paid. As to the reported offer of sale for $400,000, it is alleged that one gentleman had an option of purchase at little more than this figure, and actually negotiated with a well-known firm of financiers in London for the issue of bonds on the strength of this option.

Now here is a statement of fact which I think demands a public investigation in this House before any further proceedings are taken by parliament towards the extension of the Intercolonial Railway, from Levis to Montreal through such a scheme as that in the bill that we rejected a day or two ago. The article in the Montreal *Star* continues:

The critics further say:

That the agreement was entered into before any official reports had been made upon the property, and that the order in council authorizing the deal was actually passed before the government had been in power a month. That on the strength of this agreement, a bank in this province discounted notes for a large amount, the proceeds of which were applied partly to paying the Liberal expenses in the Quebec provincial elections, partly the Liberal expenses in the Dominion by-elections,

partly to paying the deposits in the contestation of Conservative seats, and partly to subsidizing heavily certain Liberal newspapers.

I think all hon. gentlemen will agree that these grave charges demand an investigation by a committee of this House, and it is with a view of having such an investigation before any further steps are taken by the government or parliament to carry out the proposed scheme of railway extension, that I now move for this committee. I would say that I have been requested to add two names to the committee, and, if the House will permit me to do so,—of course, I cannot make an amendment of this kind without the permission of the House—I would add the names of Mr. McInnes (B.C.) and Mr. Clemow to the committee.

Hon. Sir OLIVER MOWAT—I am in favour of inquiring into the affairs of this railway company, inasmuch as charges have been made in this House and elsewhere in regard to the proceedings of that company, and I think it is desirable that those charges should be investigated. But it is impossible for us to investigate them this session. It is a well-known rule that prorogation ends the powers of committees and after the prorogation it would not be desirable to keep twelve or fourteen members here in Ottawa for a month, or whatever term should be required for that investigation even if we had the legal power to do so; but we have not. My own opinion is, that it is undesirable to enter upon this investigation when we have not time to go on with it, when the time before prorogation is so short that it may be possible at night or some other hour to examine only a witness or two who may be strong partisans, hostile men, the inquiry then standing over for six or seven months. That would be unfair, and I am sure my hon. friend and the House would not wish to do anything unfair in the matter. It is eminently the duty of the Senate, not only to be fair in all matters, but to seem fair. Our peculiar constitution adds special strength to that course being taken. My hon. friend does not claim to any personal knowledge in regard to any of these matters that are to be inquired into. He disclaimed that. He said he knew nothing about them, but he read an extract from a newspaper. It will never do for this House to lay down the rule that a committee must be appointed to investigate every charge that a newspaper may make. Such is not the rule now, and I hope never may be the rule. I appeal to my hon. friend that no useful work could be done by the committee this session. There is every probability that no work could be done this session, and it is perfectly certain that but a small amount of work, if any, could be done, and that no good would be accomplished by the appointment of a committee now. If one or two hostile witnesses were to be examined here, you must give notice of it to the parties whom it affects, of course. It is not intended, I presume, to go on with an examination in an *ex parte* manner. The examination would have no weight with the country, and ought to have no weight with the country, if that course were taken. I am sure the intention is that those interested in taking a different view from my hon. friend himself in regard to the charges should have the fullest opportunity to meet the charges made against them—should have full notice and be at liberty to appear before the committee, either personally or by counsel, as such persons may desire. The business of the House and of parliament will probably be closed next Monday. We will probably be engaged all day next Monday. We shall have a morning session and an afternoon session. The committee could not commence acting, even if it were the early part of the session, without at least a day's notice. The committee, if appointed now, might meet on Monday, not before, to make arrangements and give notice. There is no time for all this. I do not know what object my hon. friend would suggest as demanding haste. If this motion should be made next session, I would suggest that action should be taken early in the session, when the Senate has little to do, and when there can be a thorough investigation. I would use what influence I possess to have the investigation of that character. I hope my hon. friend will not press the motion. It is quite clear that the matter cannot be fairly dealt with under the motion; and I assume that my hon. friend does not wish to do anything unfairly. If we were settling the terms of the motion, I would suggest some changes in the expression of it, though I do not know that there is any use doing that now if the motion is to be withdrawn, as I hope it will. For instance, after asking that the committee should inquire into the expenditure of

subsidies and the present financial condition of the company, its liabilities of every description whether matured or accruing the condition and classification of the said railway, as well as its equipment, the motion enumerates all branches of the inquiry that any one could think of. I do not object to the following words: "And also all other matters and things relating to the said subject, or any of them," but the next line should be struck out if all these subjects are to be investigated. There should not be the following words: "As well as all other matters and things relating to the said railway." That might embrace matters with which we have no concern. The committee should confine this investigation to matters with which the public are concerned.

Hon. Mr. MILLER—You could add the words: "Of public concern."

Hon. Sir OLIVER MOWAT—Then, again, I would strongly urge that when this motion is made next session we should endeavour to come to some mutual arrangement about who should compose the committee. It is really a judicial work on which the committee is to enter. Any one who desires a fair result, as I hope we all do, must see the importance of the committee preserving a judicial character. The committee are, in fact, judges. They ought not to lean in favour of one side or the other: they ought not to desire the success of one side more than the other. The large majority in this House, unfortunately, are the opponents of the present government and are against this railway, and have rejected the bargain we had made with the railway company. Therefore, I am not quixotic enough to imagine that the House would agree to anything else than having a majority on the committee. But it would be a fair thing that the two sides should be equally represented on this committee. I cannot expect the House perhaps to agree to that, though it would be a very reasonable thing to do. It would give great confidence to the public in the proceedings of the committee and the report they might come to after hearing the evidence, but if that is too much to expect, then there ought to be not more than a majority of one or, at the most, two—one, I think, ought to be enough. Then I think we ought to sit down and see whether this committee is the most satisfactory which we could agree to on both sides. I do not think the public would consider it so, constituted as it is. I do not care to discuss names here, because my brother senators are all men for whom I have respect, but there are some changes that would appear to me we might make with advantage, and I would not at all despair of coming to a conclusion satisfactory to us both if, before the motion is made next session, my hon. friend would sit down with me and consider who best should form this committee. These observations I make with reference to next session, when we will have plenty of time for the investigation. I wish we had time enough now. In many respects it would be desirable if we had time, but we have not. We either cannot enter on an investigation at all now or only a small part of the work could be done, and that part would consist merely of the examination of one or two hostile witnesses, by which no good could be accomplished. A party good might be accomplished, but the House does not desire to take a party view. It might answer a party purpose if one or two hostile witnesses were examined and their evidence spread over the country, and not answered. The statements they might make, there would be no opportunity of having examined. The reasons for withdrawing the motion seem to me of the strongest possible kind. There are constitutional difficulties in the way of a measure of this kind in the Senate, but I am not urging those, because what I want is that there should be a thorough investigation, under the circumstances, which everybody will see is advantageous and which may have a result which will be satisfactory to the country.

Hon. Mr. WOOD—I desire to say that, so far as I am personally concerned, I feel that there is a great deal of force in the objection which the hon. the leader of the House has offered to this investigation being undertaken at the present time, and that is the impossibility, unless we keep the two Houses of Parliament here for some weeks to come, of carrying on this investigation satisfactorily to ourselves and to the public and reach a decision which would generally give satisfaction. It appears to me, too, that the position of this question has very materially changed since the consideration of the measure was before this House a few days ago—that is, the measure involving the

agreement which had been entered into between the government and the Grand Trunk Co. and the Drummond County Railway Co. The defeat of that measure in this House has put an end to that agreement.

Hon. Sir OLIVER MOWAT—Hear, hear.

Hon. Mr. WOOD—The proposal now, as I gather by the few remarks made by the hon. leader of this House the other day, and from what was said in the other House, (I think it was last evening when this matter was up there for discussion) is merely to ask a sum of money for the present year to make an experiment, the object of which I understand to be to endeavour to show, as far as it is possible in that way, whether the proposition of the government to extend the Intercolonial Railway to Montreal is a wise and good policy or not. That I understand from the government to be the object of placing this proposed sum in the estimates for this year. It is, as it were, a means of getting further information to enable us to form a judgment on that point. There are other questions, of course, involved, as to whether the amount they propose to pay is larger than they should pay or not, and whether this mode of extending the Intercolonial Railway into Montreal is the best mode of accomplishing that object or not. Those are questions which would properly come up for consideration after we had decided upon the general question of the policy of extending that road to Montreal. It appears to me, therefore, that there are some weighty reasons why it is not important that this investigation, if an investigation is to be had, should be at once. If the original agreement, as submitted to us to-day, is hereafter proposed to be carried out I have not any hesitation in saying that an investigation of this kind should be held before that agreement is entered into. But there is the further objection which the hon. leader of the House has mentioned to-day, that at this stage of the session it is practically, without great inconvenience to all the members of parliament, impossible to enter upon an investigation which will necessarily be lengthy to be satisfactory. That is a reasonable objection, and for my own part—and I am speaking only for myself as an independent, I hope, member of this Senate—I would join the hon. leader of the House in urging upon the mover of this motion not to press it this session.

Hon. Mr. FERGUSON—There is no doubt, as my hon. friend from Westmorland (Mr. Wood) remarked, a considerable amount of force in what the hon. leader of the House has said as to the inconvenience of entering into such a very long inquiry as this would necessarily be, in a thorough manner at such an advanced period of the session. We who have had any experience in parliamentary affairs know that this inquiry would necessarily, to be of value at all, have to be a thorough one, and would occupy a very considerable amount of time, and there is no doubt in the world that in the present state of the public business, the prorogation being now pretty nearly in sight, it would be inconvenient for this House, and perhaps not desirable for a number of reasons, that this inquiry should be undertaken at the present moment. But we have to consider, in connection with that, whether steps are not proposed to be taken which would complicate the question in such a way as would make the inquiry next session very much like the position of locking the stable after the horses have been stolen. We have to look at that. If I am correctly advised, there are now under consideration in another place some three distinct propositions, which will have a very considerable effect upon the merits of this question. There is a proposition to vote $157,500 to lease these particular lines of railway for nine months. The amount set forth in that item is, I think, precisely the same amount as was in the bill which we rejected the other day, for the same period of time. Then, I understand, there is another provision in the estimates under consideration in another place, for appropriating $100,000 to purchase rolling stock for the Intercolonial Railway.

Hon. Sir MACKENZIE BOWELL—No, for this portion of the road.

Hon. Mr. FERGUSON—That makes it stronger. I was under the impression that it was simply to purchase rolling stock for the Intercolonial Railway, but my hon. friend, the leader of the opposition, tells me that it is intended to invest $100,000 for the use of these roads that they propose to rent.

Hon. Sir OLIVER MOWAT—It is for both purposes.

Hon. Sir MACKENZIE BOWELL—It is to enable them to do the extra work in case they lease.

Hon. Sir OLIVER MOWAT—And also we intend to purchase rolling stock for the Intercolonial Railway. It is required this year, as in past years.

Hon. Mr. FERGUSON—A portion of this item, at least, if not all of it, is to be used in purchasing rolling stock for the purpose of carrying out the proposed rental of these roads, the Drummond County Railway and that portion of the Grand Trunk Railway which the government proposed to acquire under the bill rejected in this House a few days ago. Then, in addition to that, there is a proposition for voting a subsidy to that 42½ miles of the Drummond County Railway not yet constructed, a subsidy which will probably result in an expenditure of four or five or six thousand dollars a mile for that road. As far as that is concerned—I speak merely my own opinion and have not heard that of other gentlemen—I do not think there would be any very serious objection to it. That is a portion of the country which has no railway, and for local purposes there is no question that that district has the same claim on this parliament for railways that other parts of the country have, and the expenditure of that money, when it is being done precisely in the same way as it has been done in promoting the construction of railways in other parts of the country, would not be open to objection even at the present moment and under the present circumstances; but the proposal to lease these two lines of railway and to commit the country to the policy which was laid down in all its details in the measure which was before us the other day just at this particular time, is, I think, a very serious step. At the end of nine months, should it be found that the experiment was not a successful one, and the government were to tell us the results were not satisfactory, and they were not prepared to carry out the plan, the rolling stock which will probably be acquired from the Drummond County Railway—I take it that it is highly probable the intention is to purchase the rolling stock at present owned by the Drummond County Railway Co.—however, whether purchased in that way or in any other way, it affects the question in the same respect, the government would be buying rolling stock which they might not at all require, and to that extent, at least, they would be committed to a policy of extending the railway in some way from Lévis to Montreal. I do not think there is any necessity for such hurry with regard to this matter. Too much haste has been the trouble from the beginning. If there had been less haste, in the first instance, in launching this scheme before the country, and perhaps a little more hurry in bringing it down to this House at an earlier period of the session, there might have been a much better understanding arrived at than exists to-day. Feeling, as I do, the inconvenience that would result to the members of this House and the difficulty of making a complete and thorough investigation at this time, I would join with the hon. gentlemen who have spoken in asking my hon. friend to allow the motion to stand over at the present time, to be taken up very early next session, if this matter should be allowed to remain in statu quo until then. There would not, as far as I myself feel, be the slightest objection to voting a subsidy to the unconstructed portion on the Drummond County Railway, for the reason I have already given, but I do not think this House should be called upon, or that the government of the country should commit itself, as it would be committing itself, to the policy of extending the Intercolonial Railway into Montreal over this particular line of railway in the way indicated, without further consideration, and without having this investigation, which appears to be now required, gone into before a committee. Apart from the reasons that I have already given, I think it very likely, although I am not a railway man and know very little about the operation of railways, that if the government entered upon the leasing of those two lines, they would find it necessary to enter into arrangements of a permanent nature; that there would be expenditures which would require them to exercise the power of using the Governor General's warrants, or some such means as that, to meet the expenditure. I feel sure whatever way the expenditure would be met, the government would be confronted with practical difficulties in the way of leasing and using these railways by a simple rental which would complicate the question and give them trouble, and seriously compli-

cate the matter when it would finally come up before parliament. While I agree with my hon. friend who has moved the resolution, that such an inquiry as he has asked for is necessary, and while I shall be prepared to support his motion should a policy that I cannot agree with be persisted in by the government with regard to it, I feel that it is not wise to adopt any childish tactics either one side or the other. We should approach this question seriously, and while I would not feel disposed to press this inquiry if the government would take a reasonable course and not attempt to force their entire policy upon us, yet, if that course is not adopted, in the public interest the country will expect that we should not commit ourselves to any course that would fasten the policy of extending the Intercolonial Railway over these roads into Montreal, which would involve an increased expenditure beyond the rental, and which would be almost sure, in the end, in the practical carrying out of it, to involve large expenditures besides these which I have indicated. The views which I now express are mine. Others may not agree with me, but these are my views in regard to it.

Hon. Sir OLIVER MOWAT—There is no intention of committing the country to a permanent arrangement by what has been proposed in the other House. On the contrary, the intention is to make such a temporary agreement as shall not have that effect. We earnestly mean to make a mere experiment. There has been no negotiation with the company and it may be impossible for us to come to any agreement. There has not been time for any negotiation, but the intention of the government is that it shall be a mere experiment; the agreement shall be such as will make it of that character, and will not render necessary the adoption of any permanent agreement.

Hon. Mr. MACDONALD (P.E.I.)—It is perhaps just as well that the majority of the members of the House should express their views on the question. The motion which the hon. member from Richmond (Mr. Miller) has made has been amply vindicated by the statement which the hon. leader of the government has made respecting it. We are now in a very different position from that which we occupied when that subject was under discussion in the first place. The present proposal is that a new arrangement should be made. No arrangement has yet been made concerning the Drummond County Railway.

Hon. Mr. McCALLUM—No agreement.

Hon. Mr. MACDONALD (P.E.I.)—No agreement exists, but it is proposed that a temporary arrangement should be made for the purpose of trying the experiment of running the Intercolonial Railway into Montreal for a period of nine months. It is proposed to vote for that purpose an amount equivalent to the rate that those roads were to cost the government under the arrangement first talked of. I may just as well express my opinion now, as at any other time, respecting that. I am decidedly opposed to that policy for many reasons, on account of the cost that it would entail upon the country. Let us look for one moment at the amount of money that is necessary to carry out the experiment. In the first place, it is proposed that the sum of $157,500 should be voted for the purpose of making that arrangement for nine months. Then, there is an additional sum of $100,000 to be paid for the purchase of rolling stock, either from the Drummond County Railway or some other company, for the use of the Intercolonial Railway. Then, besides that, it is proposed to give a subsidy for the construction of the 42½ miles of road additional required to carry the Drummond County Railway to the Chaudière or towards Quebec. That subsidy, at $5,000 a mile, would amount to $212,500.

Hon. Mr. SCOTT—$2,200 per mile.

Hon. Mr. MACDONALD (P.E.I.)—Even at $2,200 per mile, it would amount to somewhere about $135,000 or $150,000. The whole thing, reckoning at the smallest figure, would amount to $400,000 or $450,000. I am not prepared to go in for any such expenditure as that for the purpose of experiment, and I believe if it ever becomes necessary to continue the Intercolonial Railway into Montreal, we can do it on very much better terms than by entering into an experiment for that purpose, involving an expenditure of some $400,000, which if it happens not to be a success, must be thrown away in the experiment. Therefore, I wish to let the government know that I, as one member of the House—

and disposed at the same time to give the government my support for every measure that I consider fair and advantageous for the benefit of the country—would be opposed to that arrangement. I do not forget that the province from which I come has a claim upon the Dominion government far beyond that which any other province can set forth—a claim for the construction of railway accommodation for the people of Prince Edward Island, for furnishing the branches necessary to finish the Prince Edward Island Railway. We have a legal and equitable claim upon the government of the Dominion of Canada to finish that railway and to give the people of Prince Edward Island the accommodation which they have required ever since they went into confederation and which they have had a right to expect from that time up to the present, and until the Dominion government take that into consideration and treat the province from which I come with that justice and equity to which we are entitled, I shall raise my voice against any extravagant expenditure for the purpose of giving railway accommodations that are not asked for to any other province in this broad Dominion.

Hon. Mr. PROWSE—I wish to take exception to some remarks which have been made more than once in this House where we are described as partisans.

Hon. Mr. PERLEY—Hear, hear.

Hon. Mr. PROWSE—It is said that a large majority here is opposed to the government. I for one, speaking for myself, do not feel at all in that position. I felt disposed from the first time I took a seat in this chamber, to give the government of the day the benefit of every doubt and to interfere as little as possible with their financial arrangements, but when a measure is proposed, which I believe in my heart to be contrary to the best interests of this country, I feel called upon to oppose it, whether it comes from the government or from the opposition. In regard to this question of the extension of the Intercolonial Railway to Montreal, it must be borne in mind that when the Intercolonial Railway was constructed over thirty years ago, it was never anticipated that that road was going to be a paying concern. It was part and parcel of the terms of confederation, and the confederation of these provinces could never have been accomplished without the building and completion of that railway up to Quebec, just the same as the Canadian Pacific Railway was part and parcel of the terms by which British Columbia was taken into the union. A great deal has been said about the great cost and the continued expenditure and cost to this country of the Intercolonial Railway. I admit all that. It is costing the country a great deal, but the people of the country are getting the benefit of it, and I do not know that any province of the Dominion is getting more benefit from it than Ontario. Before confederation Nova Scotia, Prince Edward Island and New Brunswick imported the principal part of their supplies and goods from the mother country. To-day, the large proportion comes from the large manufacturers of Ontario, and all that the western section of the country takes from us, is simply the coal that we produce, and not a great deal of it. The greater part of the coal consumed in Ontario comes still, I believe, from the United States; so that we may look upon the Intercolonial Railway just as we look upon our highways, as a public necessity, and we cannot expect it to pay just now. It may become in the future a self-sustaining institution. We are getting no direct benefit from the large expenditures we have made upon the Canadian Pacific Railway. We are getting no direct benefit in returns from the large amount, the millions upon millions of money spent upon the canals of this Dominion, nor from the large expenditures that have been made upon other railways throughout the Dominion, and why should we run such a terrible risk of losing more money upon the Intercolonial Railway by trying this experiment of extending the line into Montreal? Are not the railways already connecting Quebec with Montreal able to do the work required of them? If not, if the requirements of the country demand additional railway accommodation, there might be some reason for extending the Intercolonial Railway, or building some other road up to Montreal; but I believe the Grand Trunk Railway and the Canadian Pacific Railway, and that great highway the St. Lawrence, are quite sufficient to carry all that traffic from Montreal down to the lower provinces and all the traffic from the lower provinces up to Montreal for very many years to come. Then we have the great

public highway, the St. Lawrence. We have the Canadian Pacific Railway and we have the Grand Trunk Railway, all supplying the wants of the country in this direction, and can we expect by building a competing line, spending millions of money to bring the Intercolonial Railway into Montreal, that we are not only going to get back enough to repay the extra cost to the country, but to reduce the yearly expenditure and the yearly loss upon the working of the Intercolonial Railway? It is an unreasonable thing to expect, and consequently I am opposed to extending the line in that direction. In reference to the new proposition that has been made, it is even a more objectionable one than the original proposition. And why? Because I cannot think it possible that you could get any fair and reasonable results from such an experiment. What is the experiment? A provisional contract has been entered into between the government, the Grand Trunk Railway Co. and the Drummond County Railway Co. I believe the Drummond County Railway Company and the Grand Trunk Company are anxious for the fulfilment of that contract, that it should be made binding by parliament. That bill has been defeated by this House, and the experiment is to be entered into to see if this contract is going to be a success or not. And why is the Grand Trunk Railway Company so very anxious to make it a success? Because it wants the contract already partially entered into, accomplished. And the result is going to be, when you undertake this experiment, that all the influence of the Grand Trunk Railway will be thrown in favour of the trade of the Intercolonial Railway.

Hon. Mr. FERGUSON—For nine months.

Hon. Mr. PROWSE—Yes for nine months, to make it appear that it is going to be a success in the future. Is the Grand Trunk Railway Company going to do that after the contract expires? No, the Grand Trunk Railway will turn around and be a strong competitor with the Dominion government, and compete with the Intercolonial Railway, and the experience and special training of the managers of the Grand Trunk Railway, or the managers of any other railway, will be sufficient to get the best trade in spite of all that the government or the Intercolonial Railway can do. The experiment, in place of being a fair test of the success of the scheme, will be quite the reverse. It will be misleading. I anticipate that if this experiment is proceeded with, it will be made to appear a grand success, that all the loss on the Intercolonial Railway is going to be wiped out, and that it is a grand bargain for the government; but when the experiment is over, and when you come into competition with the Grand Trunk Railway as well as the Canadian Pacific Railway, you will find that it will be adding yearly to the losses that are already incurred by running the Intercolonial Railway. I do think the proposition which has been made by the hon. member from Marshfield (Mr. Ferguson) is a very fair and reasonable one. It is too late in the session—it is very late I admit—to go into an investigation such as is asked for, but if the government is determined to go on with this business this session—and I do not see any necessity for it, as we have done without this extension until now and can do without it for some time yet—if they insist on going on with it, I think it is the duty of this House to proceed with the investigation. We are the servants of the people, and the members of the House of Commons are the servants of the people, and I do not see why parliament should be prorogued in a day or two If we are the servants of the people we should remain here as long as the interests of the country require us, and if this experiment is going to cost half a million of money, it will be time well spent to stay here a month and make this investigation before we commit the country to an unnecessary expenditure. After the investigation is made, after every information which can be had is obtained, then if it is found on examination to be a profitable arrangement and for the benefit of the country, I take it the Senate will offer no further opposition to the scheme proposed; but until then I think we should be very careful, and not consent to a measure of this kind without a very full investigation.

Hon. Mr. SCOTT—While the hon. gentleman was speaking I sent for a volume of the statutes to ascertain what has been usual in reference to the management and administration of the Intercolonial Railway, and I find that year by year parliament has voted very readily any sums of money that were asked by the government who were respon-

sible for the running of the Intercolonial Railway, and we have never challenged their rights to build additions and branches, and constructions of one kind or another. We have added year by year to their rolling stock. Challenges have been thrown out that it was highly improper that a government should ask to expend one hundred thousand dollars, but I find that in 1892 we voted increased accommodation at Halifax, $152,000, rolling stock, $20,000, extension along the river St. John, $14,000, additional accommodation at St. John, $121-000, sums aggregating half a million dollars and in another year, 1894, just the same charges, rolling stock, improvement on the road, and so on. The first item was $20,-000 of rolling stock. In 1894 there was an item of $10,000 for rolling stock, besides other increased accommodation.

Hon. Mr. MILLER—Are the cases analogous?

Hon. Mr. SCOTT—I think they are. I think the administration of the Intercolonial Railway has been conducted in that way ever since it was constructed. The hon. gentleman smiles. It is quite true this House does not think the government should be trusted with the expenditure of that small sum of money for the extension, but we are asking for a less sum this year for expenditure on the Intercolonial Railway than is usual for the parliament to vote each year. I simply give these figures as an illustration. No such feeling was exhibited when the government asked leave to build branches of the Intercolonial Railway, or to extend it, whether it was a branch west or south or north. No one hesitated about authorizing the government to carry the road from Point Lévis to Rivière du Loup, and I find that in 1894 the amount voted by parliament was $464,375. When we find that year by year the administration has asked parliament for those large sums and they have freely granted them without any criticisms, it does seem to be dealing out a different policy towards the present administration to that which has been usual in the past. The government have very frequently said they think it is in the interest of the country to try this experiment. Those agreements which were read are not at an end. This House declined to accept them. At the end of nine months we may all be in a very much better position to say whether an agreement, either on grounds somewhat similar or on a different basis, will be in the interest of the people of Canada. Surely the money cannot be lost. The money voted for rolling stock cannot certainly be lost, because the Intercolonial Railway, with its 1,200 miles of track, is constantly requiring renewals, and money has been granted for that purpose. I think, in view of these facts, and considering the comparatively small sum the government is asking this year, it would seem a little more reasonable to trust to the government which has at present charge of the administration of affairs, and allow them at least the same degree of latitude as has been allowed to governments in the past.

Hon. Mr. DEBOUCHERVILLE—Is there not a statement from the manager of the road of the quantity of rolling stock required?

Hon. Mr. SCOTT—I have no doubt, in all those cases the management of the road submit their proposals to the government and ask for such rolling stock as they may think necessary for the year.

Hon. Mr. PRIMROSE—I rise for the purpose of endorsing the remarks which have fallen from my hon. friend from Prince Edward Island (Mr. Prowse) in reference to the charge that has been made more than once in the Senate, that the disposition of the members in this House was to approach the consideration of this subject from a party standpoint. I repudiate that utterly, and I cannot help coming to the conclusion, dictated by my own judgment and by the information which I have been able to gather regarding this matter, that the measure is one which should not receive our support. The circumstances connected with the initiation of the scheme under consideration were questionable, those connected with its promotion as exemplified in the mode and time of its presentation to parliament are equally so, and the discussion which has taken place in this House has led me, and the majority of the members of this House, to the conclusion that it is also unsound at the core. Being thus objectionable in almost all its salient features, this honourable House did by it according to its desserts and cast it out as a piece of improper and

undesirable legislation, thus teaching to the Canadian people its appreciation of the sacred trust committed to it by that people, and its desire and ability to discharge that trust aright in promoting all pure and righteous legislation that tends to further the prosperity and well-being of Canada, and rejecting, as it has repeatedly done in the past irrespective altogether of party influence or bias, all such proposed legislation as to it appears unworthy in its aim or pernicious in its tendency. This and this alone, if I judge rightly, is the standard of action which this honourable House always places before it for its rigid observance entirely uninfluenced by any threats or attempted intimidation emanate whence they may and which members of this honourable House can easily allow to "pass by them as the idle wind which they regard not."

Hon. Mr. POIRIER—As I do not, for one—and I am sure the majority of this House does not—wish to play the part of an obstructionist in this matter, I must admit that I consider the proposal of a trial for nine months or a year an acceptable one to the Senate. So far we have performed what we thought our duty, irrespective of political party. I, for one, would have given the very identical vote I gave had the proposal been made by the Conservative party. We have had precedents in this House where projects like this—and perhaps not so serious as this, and not so objectionable—have been rejected by a Conservative majority of this House when propounded by a Conservative government. And I should think that this ought to be an answer to the charges—because they are almost charges—that are made. But surely if we, the majority, who have voted one way are guilty, those who belonged to the Liberal party are equally guilty, for they have voted, to a man, on the other side of the question; and, therefore, I think that the matter should be left as it is. I, for one, will support the testing of this proposal for nine months. Furthermore, I think the government should have proceeded in that way at first, and not come here and asked us to saddle such a heavy burden upon the country without a previous trial. Besides the $157,000 for the nine months trial of this matter, there is another item which might be objectionable, and which in my opinion is objectionable: that is the item of $100,000 for buying rolling stock. Whence is that rolling stock to come? If I am assured by the leader of the government in this House that the rolling stock is not to be bought from the Drummond County Company, I shall also willingly vote for that item, because the objectionable features about it will disappear: but if it is to buy the old rolling stock of the Drummond Company, I am decidedly opposed to it. I have before me, in the last report of the Minister of Railways and Canals, a list of the rolling stock of the company. It might be interesting to the hon. members of this House to know what that stock comprises. Here it is in its entirety: Number of engines, five; number of sleeping cars, none; number of palace or drawing room cars, none; number of first-class cars, one. And I may here remark that that one first-class car is about equal to a second class car on the Intercolonial Railway if at all to be compared with it. Number of second-class and emigrant cars, two. They are like cattle cars on the Intercolonial Railway very likely. Number of baggage, mail and express cars, one; number of cattle and box freight cars, nine; number of platform cars, twenty; number of hopper and dumping cars, none. That rolling stock no doubt has rolled for very many years. It has not been inspected. There was no possibility of exchanging the first-class cars; there was only one. It must be, therefore, in a very bad condition, and I for one would emphatically be opposed to one dollar of the public money being applied to buying second-hand or third-hand stock. If it is to be new rolling stock, there is not the same objection to it. There may be an application for it, because the Intercolonial Railway may be in need of it. Before I resume my seat I would ask the hon. leader of the House what is the intention of the government in this matter? I should like to be assured that no part of the rolling stock of the Drummond County Railway will be bought. That rolling stock may be good enough for the Drummond County Railway as it stands, but it will certainly not be suitable for the road when it is made part of the trunk line from Montreal to Halifax and St. John. With reference to the proposition of my hon. friend from Richmond (Mr. Miller), I think the objections made to it by the hon. leader of the Senate are to the point. The position of the Senate now is one of a powerful body

in this legislature, performing an important and conscientious duty, which is not a pleasant one. If we were to precipitate matters, we would not improve the financial condition of the country, or our own position towards the country. I would ask my hon. friend to allow himself to be prevailed upon to withdraw his motion, and let the experiment be tried for nine months. In the meantime, some of us will have occasion to cool down, if it is necessary, and see how things have worked; and perhaps, acting according to the British spirit, give the benefit of the doubt to those that are simply accused, but are certainly not proven guilty.

Hon. Mr. PERLEY—I may say here that I voted on Wednesday night against the purchase of the Drummond County Railway and the extension of the Intercolonial Railway to Montreal, on the ground that I am opposed to that principle entirely, and on the ground, also, that I did not think the deal they were making was a good one. After having listened to the discussion and thought the matter over, when they want to connect the Intercolonial Railway with a railway that has such an inferior rolling stock on it as the Drummond County Railway, it convinces me that the extension could not conduce in any way to the business, freight or traffic of the Intercolonial Railway, and I am more strongly opposed than ever to the deal. Apart from that, I am also opposed to the inquiry, because I think the inquiry spoken of in the motion before the House is premature. Nothing has been done which we want to inquire into. We cannot inquire into wrong-doings until some wrongs have boen perpetrated. It is only so far a matter of newspaper talk. If the government proceed now to make this experiment, which is an undesirable one, they cannot, in justice to themselves, make an experiment which would add any light or information by associating themselves with a railway of such a character as the Drummond Railway, particularly as there must be money expended in completing the construction of the road. I think the better plan would be for the government—and I am not their adviser in any way—to make a proper inquiry during the next 9 months, and have a survey made, and the proper papers brought down to parliament next session, showing the true condition of things, and what might be reasonably expected. That would be very much better than to ask us to sustain them in a vote of $150,000 now to make an experiment when they have nothing to make an experiment with which would be creditable to themselves, or to the country, or satisfactory in the end. I think the experiment is an unjust and unfair one; and does not bear any degree of intelligence on the face of it, and I will oppose it because I do not think it would be a just and proper expenditure of public money, and because I am not in favour of the government owning railways. If the government would introduce a scheme to sell the Intercolonial Railway to the Grand Trunk and make a rival line competing with the Canadian Pacific Railway I would vote for it. There would then be two gigantic concerns competing for traffic, and the country would receive the benefit. But I think it is monstrous for the government, after subsidizing the Grand Trunk Railway and Canadian Pacific Railway, to build a rival line themselves, and it is not on party grounds that I am opposed to it, because if the government had been composed of angels I would have voted against it.

Hon. Mr. SULLIVAN—I only wish to say a few words with reference to this vote. I consider that this is an unprecedented occasion in the history of this country. I have not heard or read of any such occasion occurring before. Stripped of all subterfuge, it is a conflict between this House and the House of Commons, and, therefore, I think we should approach this matter with the greatest degree of caution and honesty. I am not in any way in favour of restricting the dignity of this House, or interfering with its action in any way. I incline to share the opinion which has been given by the hon. gentleman from Westmorland (Mr. Wood) who reviewed this matter thoroughly and satisfactorily, and who delivered, in my opinion, a most convincing speech on that question. If his views were to prevail, and if the hon. leader of this House were given an opportunity to postpone this matter, it would benefit the country, and would not at all interfere with our dignity. The hon. gentleman from Richmond (Mr. Miller) may know of some dishonesty in the matter, but I do not know of it, and no party trammel will bind me to do what is wrong. I would consider myself as doing wrong if I voted for the motion of the hon.

gentleman. He has not taken the trouble to give us any information which he may have; if he has any information I wish he would state it, and if anything dishonourable or dishonest has been done, I for one shall oppose anything further being done in connection with the railway deal. However, I do not think it would offend the dignity of this House, or that the public interest would suffer, if we were to agree a little with the majority in the popular chamber. It would be acceptable to all parties if we would at least try to give way a little, and make things as agreeable as possible. But if I were anxious to get parties into trouble, I think I should let them steal before warning them not to steal. I therefore think that this motion is very inopportune, and shall vote against it.

Hon. Mr. MILLS—It seems to me that the discussion is beside the motion before us. We have had a discussion upon a bill that was rejected in this House a few evenings ago. We have had a discussion with regard to a proposition which, I understand, has been introduced into the House of Commons, and is not yet before us; but we have had very little discussion with regard to the motion submitted by the hon. gentleman from Richmond to-day. I agree with the leader of the House that a motion of this sort having been made, an inquiry ought to be had; but I think that inquiry ought to be in the body which, under the constitution, is entitled to make that inquiry. And it seems to me that this House is going a very long way outside its constitutional functions and duties to undertake to inquire into the expenditure of public moneys, and the regulation of that expenditure. We have had, of late years, on several occasions very wide departures from what is the well known and settled English practice. Usually inquiries of this kind in this country have been by the House of Commons. That is the uniform rule in the United Kingdom. A few years ago charges were made, with regard to the expenditure of public moneys, in the House of Commons, and a committee called for, and, instead of the committee being granted, a commission was appointed by the Crown for the purpose of inquiring into certain expenditures, alleged to have been improperly and irregularly made, and in which a minister of the Crown was charged with being interested. All these matters were inquired into by the commission issued by the Crown, upon the advice of the then government. I regarded that as an irregular and unconstitutional proceeding. I think that the Crown has, under the statute, the right to make inquiry in certain cases, a right to inquire into the conduct of its officers, and a right to see whether they are properly discharging their duties or not. But it was never intended that the Crown should appoint a committee upon the advice of ministers to inquire into the regularity of the conduct of those ministers themselves. That information which was necessary to them in order to enable them to advise the Crown was information that was already, without inquiry, in their possession, and the expenditure of money itself was an expenditure of money voted by the House of Commons, and over which the House of Commons had exclusive control. This body, I believe, a few years ago, upon a motion by my hon. friend who has made this motion to-day, appointed a committee to make investigation; and that committee went even further than it is proposed the committee in this case should go. It inquired not merely into the expenditure of money and of subsidies voted by the parliament of Canada, but inquired into the subsidies voted by a local legislature; and, if I remember rightly, the prime minister of the province of Quebec was summoned before this committee to answer for his conduct in respect to the expenditure of money entrusted to him by the legislature of Quebec, and to which body alone he was constitutionally responsible. I ask the attention of hon. gentlemen to the first part of this resolution. The motion reads:

> That a special committee of the Senate be appointed to inquire into the expenditure of the subsidies granted by the parliament of Canada.

I ask hon. gentlemen is this House constitutionally competent to make that inquiry? And I say without hesitation that it is not; that it is no part of its function, and that you cannot legally summon a party before you, or undertake to punish him for contempt of your summons, if you call him for any such purpose. Look at what was done in England in the case of the inquiry into the financial expenditure of India in 1871. Mr. Gladstone proposed a joint committee of the two Houses for the purpose of making that inquiry. Mr. Disraeli, then a member of the House of Commons, pointed out that such an inquiry ought to be made

by a committee of the House of Commons alone, because the House of Lords ought not to be a party to inquire into jointly the expenditure of public moneys, even in India, because the financial condition of India might be one which ultimately would indirectly affect the financial condition of the mother country. But while Mr. Gladstone conceded the proposition that the House of Lords could not appoint a committee, nor could any of the peers be members of a committee to inquire into the expenditure of money of the mother country, he contended that they might be appointed on a committee to inquire into the finances of India, because the finances were charged upon the people of India, and the House of Commons had no more special control over that than had members of the second chamber. When that question was discussed in the House of Lords, Lord Lyveden and the Duke of Argyle took exactly the same position as was taken in the House of Commons by Mr. Gladstone. Here are two great leaders, men who were thoroughly conversant with English parliamentary law and practice, Mr. Disraeli on the one side and Mr. Gladstone on the other, and they both admitted that with regard to the expenditure of moneys of the United Kingdom the House of Commons alone had charge, and the House of Commons alone could make inquiry. Hon. gentlemen will see that that is the necessary outcome of the exclusive jurisdiction of the House of Commons over questions of supply. It is the House of Commons which votes the public money. We have the power to reject or to acquiesce in their expenditures. But the question whether those expenditures have been regularly or irregularly made, whether the money has been used for the purpose for which it was voted, or misapplied to other purposes is a matter with which the House of Commons alone are charged. We are barred by the fact that we are precluded from initiating appropriations, and so, not being able to initiate or to control them, we cannot follow them and see how they are used. That is a part of the function of the other chamber. While I think this inquiry ought to be made, I think it should be made by the body which is authorized to make it by the constitution, and most assuredly it is not by this House or by any committee of this House. In the case to which I have referred, there were two great leaders in the House of Commons, and two very prominent members of the House of Lords, men of long experience, men of great parliamentary distinction, Lord Lyveden and the Duke of Argyle, all four of whom entirely agreed in the proposition that with regard to the expenditure of public moneys the House of Lords cannot charge a committee to make an inquiry. That being so, I think it is perfectly obvious that the motion before us, though I think it is a proper one, and one which ought to be made, should be made in the House of Commons and not elsewhere, by the majority of the House that control the public finances and are responsible to the people of the country for the use which they make of the public moneys.

Hon. Mr. BERNIER—I should like to ask a question of the hon. gentleman who has just spoken. Is it not the privilege of this House to make an inquiry upon any subject upon which it is called to vote, so as to post itself on all circumstances and to give an intelligent vote?

Hon. Mr. MILLS—I have just pointed out to the hon. gentleman a subject upon which I think they are not entitled to make an investigation

Hon. Sir MACKENZIE BOWELL—I think the House will concur in the opinion which I expressed that this motion, as proposed by the hon. gentleman from Richmond, was couched in language which is courteous, and in a manner altogether unobjectionable. I was glad the Minister of Justice made the statement that he was in favour of the investigation, though he thought that the investigation could not be concluded during the present session; but the reasons which he gave were objectionable in their character and in the manner in which he placed them before the House. In the first place, he found fault with the composition of the committee, inferring or insinuating that there were on that committee members who would not do justice in the premises, but would be actuated, guided and controlled by party feelings.

Hon. Sir OLIVER MOWAT—I did not mean to say that.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman spoke of the committee,

and spoke of the partisan witnesses, and the partisan character of the Senate as constituted at the present moment.

Hon. Sir OLIVER MOWAT—I do not think I said that. I do not think I said partisan.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman said the witnesses who would be subpœnaed to give evidence would be of a violent partisan character.

Hon. Sir OLIVER MOWAT—I said that they might be.

Hon. Sir MACKENZIE BOWELL—Well, they might be. I will change the expression—that they might be of a violent partisan character. I do not think it requires a very great degree of penetration to understand what was meant by that expression, and I give the hon. gentleman the fullest possible credit for his attempt at showing the difference between "there would be" and "there might be;" because he followed it up by adding that one or two of these witnesses might be examined who might be of a violent partisan character, that their evidence would go to the people, and it would be unfair and unjust to those who were accused, because parliament in all probability would be prorogued immediately after these partisan witnesses had given their evidence. That might or might not occur, and could only occur if the government took the position that this question was not of sufficient importance to keep parliament in session until after the investigation had taken place. To that mode of argument I decidedly object. The hon. gentleman also said that this committee ought to be of a judicial character.

Hon. Sir OLIVER MOWAT—Hear, hear.

Hon. Sir MACKENZIE BOWELL—What does that mean? Are we to infer from that language that because the gentlemen who are to form that committee, or a majority of them, do not hold political views in accord with his own, therefore they could not be judicial in any decision to which they would come, in a matter affecting the character and reputation of those who might differ from them; or perhaps who were in accord with them in their political view or political sentiments? I have heard it intimated that one of the ministers in the House of Commons, in discussing this matter last night, intimated that if this investigation took place, some of the members of the opposition party would be implicated. For one I say that I care not who the man is that is implicated in any transaction of a boodling character, you shall have not only my consent but you shall have all the energy that I can infuse into the investigation to expose it. It is quite time that this kind of charge should cease in Canada, and it is time that our public men should be in such a position as not to be exposed to charges such as appear in the extracts from newspapers which have been read by my hon. friend from Richmond. If they do that which they should not do, let them be exposed and punished and driven into private life, as many of them have been in the past. I shall refer to this in a few moments after having made some remarks in reference to the position taken by the hon. member from Bothwell. I think I can show that the action of this Senate did more to expose boodling operations and the misapplication of public moneys for improper purposes than ever the House of Commons did since I have been a member of it, and that is since confederation, and I should hope that they will continue it as long as they have any power or any voice in the matter. The hon. gentleman said it was unfortunate that the majority in this House are opposed to the government. I think it is exceedingly fortunate for the country. It is a matter of opinion, and a difference of opinion which I hope the hon. gentleman will allow me to indulge in. I fully concur with him that unless the House was kept in session for five or six weeks it would be utterly impossible to do justice to this subject, and that a proper investigation could not by any possibility take place. I further state that, on behalf of myself and those with whom I act in this House, I believe they are just as capable of coming to an equitable decision upon a question of this kind as those who differ from us in politics. My hon. friend behind me (Mr. Sullivan) puts the question in a nutshell: is this a conflict between the representatives direct of the people in the House of Commons and this House? The House of Commons came to a decision, by a majority, that a certain policy was in the interests of the country, and affirmed as a justification for their stand that they represent the people,

and therefore their will should be paramount in the administration of public affairs in this country. The hon. member for Bothwell (Mr. Mills) says that the appropriation must be made by parliament. I have always been under the impression that the Senate was just as much a part of the parliament of Canada as the House of Commons is, and it is a new theory to lay down that because the House of Commons, being the representative of the people and the only ones who can initiate appropriations—though the Senate has a right to reject the Supply Bill, and thereby express its opinion on the expenditure of money that it has no right whatever to make any investigation or to inquire into the manner in which that money has been expended. This House took exception to the terms proposed for the extension of the Intercolonial Railway to Montreal for two or three reasons. One was pointed out by the hon. gentleman from Prince Edward Island, that he was opposed to this expenditure altogether, not deeming it necessary, believing that the objects which the government had in view can be accomplished without the expenditure of so much money, and that the money might better be expended in those sections of the Dominion which have not the railway accommodation to which he contends they are entitled. Other members took exception to it because they thought it an improvident and improper bargain to make under the circumstances imposing an additional debt on the country which was not justifiable and from which no adequate return could be made to the revenue. Those were the different positions. The House of Commons took exception to that, and tried not only to destroy the influence of this House, but to set it at defiance by adopting another mode of obtaining money for the accomplishment of the same purpose. There is where the conflict arises. In looking at the debate in the House of Commons last night and the declaration of the leader of the House to-day, I find there is some little conflict. The hon. Minister of Justice stated that this appropriation which they are asking for is only of a tentative character and to try for a short time whether the policy of the government was right or wrong. The hon. gentleman from Charlottetown put the question very fairly that nine months of the receipts and expenditures connected with the running of the railway would be no test upon which any government could come to a decision as to what their policy should be in regard to making a permanent arrangement in the future. Any one who knows anything of business will know that. In order to show that some members of the government who advocate this policy in the House of Commons do not look upon it in the light the Minister of Justice does, perhaps it is just as well that I should read a portion of the utterances of the Minister of Railways and Canals on this subject. He lays down the principle distinctly, that they and they alone have the right to deal with a question of this kind, and that any interference with their policy is an infringement of their rights as the representatives of the people. More than that, he makes the statement that this policy, to use his own expression, has come to stay, and they intend to carry it out. In order that I may not misrepresent Mr. Blair, I will read what he said:

> While we are not pretending to dispute the right of any other branch of parliament to take any view of the subject that may seem best to it with regard to the condition upon which we hope to carry out the arrangement, we do insist upon the right of the people of the country and upon the right of this House to put us in possession of the funds to enable us to put the plan into, at all events, experimental operations. I have no doubt in my own mind, and I may say that the government had no doubt whatever as to the ultimate success of this policy. It is a policy that is bound to be adopted. The Intercolonial Railway is bound to find its terminus in the city of Montreal. That is fixed and determined and nothing is going to stay or alter that policy.

With this declaration, that nothing is going to stay or alter that policy, I cannot conceive for the life of me why the Senate should be asked to approve or disapprove of any proposition that they make to this House. Then the hon. gentleman says further:

> This idea that the arrangement which we propose with the Grand Trunk Railway and the Drummond County Railway was a job will have been fully exploded by the investigation which is going to take place in the other chamber.

He recognized in that declaration the right of the Senate to make an investigation, and it must be the wish, not only of every parliamentarian, but of every public man, that if an investigation is made, based upon the charges which have been published in the newspapers, no evidence can be produced to implicate any man in wrong-doing. I am sure that every public man in

the country would be delighted to know that there is no truth in the charges which have been made. But denials were made just as strongly and vigorously and vehemently when the Senate entered upon the Baie des Chaleurs investigation, and had it not been for the courage and perseverance of some members of this House, the exposure of rascalities and the misappropriations of public money on that occasion would never have taken place, because they failed to do it in the House of Commons for many and various reasons. If I were to adopt the same argument that my hon. friend opposite adopted, I should say at once that any committee appointed in the House of Commons would be of such a partisan character, the government having such a large majority there, that no good result would follow from the investigation. Now that is the inference which every one must draw from the remarks of the Minister of Justice as applicable to this House, and if applicable to this House, composed as it is of gentlemen independent of party and independent of constituencies, surely the desire to hide and becloud an investigation by a partisan committee, whose members have to go back to their constituents and who have an ardent desire to cover up any little piccadilloes of those they support, would be much stronger than in this House. Mr. Blair continues :

> We invite the investigation ; we do more than invite it, we defy it. We challenge those hon. gentlemen who have been building their opposition and their obstruction to this measure upon the ground that it has its base in jobbery—we defy them to proceed with their investigation and unearth the transactions that have taken place in connection with the Drummond County Railway from its inception and their dealings with this government.

That is from the beginning of the construction of the road until the present time and the subsidies which have been given by the two governments to aid in its construction. He continues :

> We have nothing to fear from any such investigation.

That is the policy of the government (to lease the Drummond County Railway and the portion of the Grand Trunk Railway necessary to get into Montreal) that has come here to stay, and if they cannot do it by the measure first proposed and which was rejected by the Senate, they will do it by placing a sufficient sum in the estimates to enable them to frustrate the action of the Senate on this subject. My view is confirmed by the following language :

> And it will take more than the opposition which has so far developed to it to occasion any permanent delay.

In order that he may not be misunderstood, he was a little more explicit as he warmed up to his subject. Mr. Blair, concluded with the declaration that the government were absolutely committed to this policy and would persist in it to the end. The proper deduction to be drawn from that last declaration would be that, being committed to it, they will persist to the end, and if they cannot obtain it by one means, they will obtain it by the mode I have suggested and go to the people and ask them whether they approve of it or not. In another portion of this speech the hon. gentleman says the action of the representatives of the people should not be frustrated. In that I am fully in accord with him, and had this question been submitted to the people at the last election and had the people given a verdict upon the question, no matter what we as an independent body—they having furnished the money in order to carry it out—might think of the proposition, it would be a grave question whether we should interfere with them. I can only repeat what I have already said on that subject, that this question was not submitted to the people, and the Senate has no right to assume that the people approved of it simply because the ministry of the day were supported at the late election by the people upon issues altogether different and apart from this. I shall not waste the time of the House by referring to the speech of that genial member of the cabinet, Mr. Tarte. Hon. gentlemen can read it at their leisure when it is published. I will not refer to it further than to say this : he charges, in the most explicit manner, the majority in the Senate with having entered into a conspiracy with a man named Armstrong, who seems to haunt the dreams and the day life in fact of some of the ministers of the day. I can speak for myself, and with every degree of safety for those who vote for me on this question, that we had no more to do with Armstrong in considering this question than with Mr. Tarte himself, and if Mr. Armstrong and Mr. Tarte

have any quarrel, we will let them fight it out. He also says that those newspapers which condemn the Drummond County deal are subsidised, and that Mr. Armstrong has given them a large amount of railway stock. That may or may not be; it is a matter between themselves. It is a matter that could be brought out very fairly when the investigation takes place, but I have a better opinion of the standing of the gentlemen who control the press of Montreal than to believe for a moment that they could be influenced by any action on the part of Mr. Armstrong. It is absurd to say that the Montreal *Gazette* and the Montreal *Star*, with the great influence which they possess, with the character they have as public journalists, would take a lot of stock in a bridge or a railway which, like many others, may never pay one cent of dividend, and that such considerations influenced them in discussing a question of such vital interest to the people of the country. It is a little too absurd, and I resent it, as an old newspaper man, as being unfair and discourteous. I can only account for it by saying that the Minister of Public Works, who is a news paper man himself, is judging other people by himself, and measuring their corn in his own half bushel. The Secretary of State, as is his wont on all occasions, tried to draw a herring across the trail, to lead off the scent, while he read us something in the appropriations in reference to the purchase of rolling stock for the Intercolonial Railway. He was very virtuous in saying that they did not oppose such appropriations when they were in opposition. I am not aware that any one opposed the purchasing of rolling stock required to carry the traffic on the Intercolonial Railway, and as the business increases, just so in proportion must the rolling stock be increased, and just in proportion as it wears out and becomes useless, must it be replaced. But Mr. Blair said distinctly, in his statement in the House of Commons, that the purpose for which this $100,000 was to be applied was the purchasing of rolling stock for the Intercolonial Railway and the running of the Drummond Counties Railway and the Grand Trunk Railway when they got it in their possession. I paid particular attention to that part of his speech asking for an appropriation for additional rolling stock necessary for the Intercolonial Railway to accommodate increased traffic and increased business; if that was the reason for it, the government would be quite justified in making the appropriation, whether the amount was $100,000 or $200,000. What my hon. friend objected to was that any portion of that money should be applied to the purchase of the rolling stock of the Drummond County Railway. Now, if they lease the road and run it for six months, they must of necessity have additional rolling stock, unless we are to come to this conclusion, that the Intercolonial Railway at the present time has more stock than is required for the business of the road. If the Intercolonial Railway is not properly stocked—and the very fact that a portion of this appropriation to be voted is for the purpose of buying additional stock for that road is an evidence that it is not—the balance will have to be used for the nine months' extension. What necessity, let me ask the Minister of Justice in all seriousness, is there for asking for an appropriation to run any of those roads for nine months? We are now in the month of June, very near the end of it. Under the conditions of that contract, had it been confirmed and ratified by the Senate, it would not have been ready even to put an engine upon it, either for freight or passengers, until late in the fall, and is it to be supposed that, with the negotiations which would have to take place in the raising of money in order to complete that road —the forty odd miles—and to put the other road in the condition they say it must be put to bring it up to the standard of the Intercolonial Railway, that that could be done within the next nine months? Is it as a basis to enable the Drummond County Railway directors, managers and manipulators to raise money to go on with the work that the $157,000 and the $6,400 per mile is to be paid to this company for the purpose of completing this road—for you must remember that the appropriation is $3,200 with the right to increase it to $6,400 under certain contingencies and under certain circumstances. I should be very much mistaken, and the country will be very much mistaken, if you do not find that when this subsidy is voted, they will get the full amount instead of the smaller amount, particularly as they say the road will cost over $15,000 per mile, an estimate which is very doubtful, if the road is properly built and the enterprise properly managed. I should like to ask my hon.

friend opposite, and this is merely for information, whether the government have made any advances to this company, or whether they are aware that negotiations for the raising of money have been entered into between the company and the banks, and money advanced on the strength of an Order in Council which was passed on the 20th March last? If there has been, then the advance was made on the assumption that parliament would confirm the agreement into which the government has entered, and parliament not having confirmed that agreement, it puts them in the financial difficulty in which the company find themselves, and it is necessary—at least so those who entered into the bargain I have no doubt think—that a scheme should be devised by which they can be relieved. I do not desire to enter into the other questions which have been raised during this discussion, but I want to say one word in reference to the statement made across the House in regard to the action of the late government, more particularly in connection with the New Glasgow branch. There is this to be borne in mind, this purchasing of rolling stock, this building of branches of the Intercolonial Railway, whether it was the eastern extension or the New Glasgow branch or bridges —they were all brought before parliament. The initiation of the appropriations was made in the House of Commons and confirmed by the House of Commons and by the Senate, before a dollar was spent, or a contract was entered into with any person, so that there is no analogy whatever between those cases and the present one. The constitutional proposition laid down by the hon. gentleman from Bothwell (Mr. Mills) is theoretically, perhaps, correct, and that only to a certain extent. Either the Senate is part and parcel of the parliament of Canada, with certain rights and privileges, or it is not. If it is merely the recorder and approver of the action of the House of Commons, then the sooner it is abolished the better. It is an independent body, irrespective of the popular will, as is the House of Lords in England, and we know that the action of the House of Lords when they have thrown out bills from the House of Commons has been afterwards approved by the people. On the other hand, when the Lords have found that the action of the Commons was not too precipitate, that they were not advancing democratically too fast, as shown by the verdict of the people, they have yielded, and I have no doubt if the people of Canada expressed an opinion on any great subject, whether it was a question of policy or the expenditure of money which they would have to pay, that this House would yield at once. Beyond that I do not intend to go further than to say that, as an integral branch of the parliament of Canada, the Senate have as good a right to inquire into and investigate the expenditure of money which they have voted as the other branch itself. Past experience has proved the advantages arising from a policy of that kind, and instead of belittling the powers and narrowing the functions of the Senate, we should try rather to extend the powers of this chamber and show that we are of some use as a legislative and revising body in the body politic of this country. It has been charged in the past, as it is at the present, that the Senate has never done anything but approve the action of the House of Commons while a certain party was in power. That statement has been sufficiently answered by the hon. gentleman who spoke a few moments before me, as it has been in the past, and I hope the members of the Senate will, in approaching a subject of so much importance as this, pursue the same course precisely as they did in the investigation of the Baie des Chaleurs matter, and show the world that they can act impartially no matter what their political predilections may be. I frankly confess I do not think that a committee should be appointed at the present time, unless parliament is prepared to sit for five or six weeks longer to accomplish the object that the hon. hon. gentleman from Richmond had in moving the resolution for a committee of investigation. I must dissent from the position taken by the hon. leader of the House, that the committee should in any way be considered a political one, or that any reflection should be cast on those who compose it. I have sufficient confidence in the members of the House to believe that if a wrong is shown, whether it be perpetrated by a Liberal or a Conservative, the Liberal members of the committee will be just as ready to report to the House not only the evidence, but their own conviction of the wrong, if a wrong is done, as if they were Conservatives. I would feel just as safe, if my own reputation were at stake, in the hands of hon.

gentlemen opposite, as I would in the hands of those who act with me in all questions affecting the management, control and government of the country, and I hope that every member of the Senate will in the future look at this subject from the same standpoint. It is for the hon. member for Richmond (Mr. Miller) to state what he thinks best to do under the circumstances. If he thinks it is better to go on, I shall stop here until next fall, if need be, to assist in the work of this investigation, and endeavour if possible to do justice to all parties who may come before the committee.

Hon. Sir OLIVER MOWAT—My hon. friend has asked one or two questions which I shall answer. The hon. leader of the opposition asked whether advances have actually been made by the government to the company, either upon a former agreement or upon any agreement now in contemplation. I have to say, in reply, that not one dollar has been so advanced, nor has there been any promise of one dollar. The hon. member asks whether the company have not made arrangements with some bank upon the faith of this agreement. I can say nothing on that subject. I do not know of the arrangement, if any has been made. It has been stated, and I suppose truly stated, that the company has commenced the work of construction on the 42½ miles of section, but as to that I have no information beyond what other hon. members have. The hon. gentleman read extracts from the speech of the Minister of Railways in the other House in which Mr. Blair stated, with considerable emphasis, his opinion that this policy was going to stay, but the meaning of the whole of that is very obvious. The minister and his colleagues have confidence that this is a very good bargain, and that as the country get more and more information they will be all the more satisfied that it is a good bargain, and therefore will insist upon its being carried out. The various expressions used by Mr. Blair were merely indications of the great confidence he has of the wisdom of his policy and its practicability and therefore its ultimately receiving favour. When a period of nine months has been spoken of for the experiment, it must be remembered the nine months will begin when the road is opened. According to the original agreement we were not to take possession until the unconstructed part was built and taken over. Of course, in the new bargain the same conditions will be exacted. There may be no new bargain. There have been no negotiations yet on the subject, and we may fail to get a bargain which will be satisfactory for the purpose and for the country; in that case no bargain will be made. In the observations which I made—courteously made I thought, with all respect to the members of the House and the committee—as to the desire of our agreeing on a committee instead of my hon. friend, who made the motion, selecting the members of it, I had in my mind the fact which everyone knows, that some hon. members are more suited for one committee and others for other committees. There are some committees of this House on which I think I should be of service, and others on which I think I should be less useful. I still think it would be a desirable thing, in the common interest, and for the common purpose, that we should agree upon the members forming the committee. As the notice was printed, there were nine of the party of the opposition and four members of the government party. This I understand now is altered, so that there are ten members of the opposition and five members supporting the government.

Hon. Mr. MILLER—It represents the House.

Hon. Sir OLIVER MOWAT—The members of this House are not elected by the people. The Senate has come to what it is by circumstances which I need not further allude to, but I do not think it is a fair way to take the House, as it is constituted now, and say that all committees shall be constituted that way, and especially committees of a judicial character.

Hon. Sir MACKENZIE BOWELL—I fully concur in the hon. gentleman's opinion, provided this is a political committee for political purposes. If not, the argument has no force.

Hon. Sir OLIVER MOWAT—Quite the other way: it is a judicial committee. If it were a strictly political committee, I would expect the committee to have the proportions which prevail in the House, but as it is not a political committee I urge it should be differently constituted. There should not be such a large preponderance of the members on the other side of this House.

I intend to go on in this matter in the most friendly spirit possible, and I have no doubt whatever that next session we shall agree to the terms of the motion, when it is made, as to the composition of the committee, and then as to the work to be done, and I hope my hon. friend will yield to that.

Hon. Mr. MILLER—With regard to the request of the leader of the House that I should withdraw my motion, I may say to him at once that I do not feel myself in a position to do so. It has been stated in some journals of this country that I have acted on my own responsibility in bringing this motion before the House. I wish to give that statement a flat contradiction. I was requested by members of the House to make this motion, and I was approached by other leading members of the House, after the motion was made, with a request that I would not withdraw it, but that I would push this investigation along. Therefore, I am not in a position to withdraw the motion—at all events until I have had time to consult with the hon. gentlemen at whose request I have acted. I should, therefore, say that at the present time although I shall not press the motion to a division to-night, I shall ask that it be postponed until Monday, when I will have an opportunity of seeing those gentlemen with whom I have been in consultation with regard to the motion, and coming to a conclusion with them. I was surprised to find the unanimity that prevailed amongst the hon. gentlemen who spoke to me with regard to the desire, the necessity, in fact the logical necessity, after our action the other night, of having an investigation of the charges which were current in the press with regard to the Drummond County Railway. Several members, in fact, every gentleman who spoke to me on the subject, expressed a willingness to stay here for another month, if it should be necessary to occupy that time in having a satisfactory and exhaustive investigation into these charges. I do not intend to make another speech on the question, but some extraordinary ideas have been propounded from a source I did not expect them from in this House, with regard to the power of the Senate to deal with a question of this kind. The hon. member from Bothwell (Mr. Mills) who has the reputation of being a great constitutional lawyer—and I have no doubt he deserves the reputation—tells us that we have no power to deal with a question of this kind, and as he always has precedents at his command, he cited some musty precedent from the journals of the House of Lords to sustain his position. I desire to tell my hon. friend that these precedents have no application whatever to the question he was discussing—not any more application than the precedent of the celebrated papers duty bill which he cited on another occasion in this House not long ago, and which had no bearing and was not a precedent at all in support of his views, but was, in fact, in direct contradiction of those views. I may say further that when I want to find out what the powers of this House are, I do not go for precedents to the House of Lords. We have a rule which says that when in matters of practice our rules are silent, we are to follow the precedents and practice of the House of Lords, but when I desire to know what are the powers, privileges and rights of this body, I do not go for precedents to the House of Lords, because the House of Lords is an institution of long growth. Its character has been moulded by centuries of precedent down to the present day, and within the last quarter of a century at any rate—at any rate within the last century—the power and influence of the House of Lords has been greatly modified by precedent. But I tell my hon. friend where I go when I want to find out what the powers and privileges of this House are. This House was created by the British North America Act, and the rights powers and privileges of the Senate are defined in that Act. I am sure my hon. friend heard of that Act before. I doubt if many people have studied it more closely than he has himself. In that Act there is a clause which was certainly placed there after due deliberation—I assume that, because after it was passed it required amendment and it was amended at the instigation of the Minister of Justice—I mean the 18th clause, which was replaced by the Imperial parliament some years afterwards in consequence of the necessity of an amendment in it. What does that section say about the privileges, powers and immunities of this House? Clause 18 says:

> 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 by the members thereof.

Now, here are the powers, privileges and immunities of the House clearly defined. We have, under that section, all the powers, privileges and immunities of the House of Commons, excepting where they are restricted by express reservation. We have express restrictions to the effect that we cannot initiate a money vote; we cannot amend money bills, but we can reject them, and therefore, apart from these two exceptions, we have the same powers, privileges and immunities that exist in the House of Commons to-day. Otherwise, would it not be absurd to suppose for a moment that this House, clothed with power to concur in money votes, had not the power to investigate as to a misappropriation afterwards of those money votes? Would any one suppose a constitution to be framed with such an idea in it? I am sorry that my hon. friend represents a class in this House who, whenever it clashes with their party interests, are prepared to abandon all its privileges. To-day it may be the fiscal policy; to-morrow the Franchise Act—you will be told that it is a matter of domestic economy of the House of Commons, and that we have nothing to do with it. I hope this House will never surrender the privileges which it possesses herein under the constitution, because if it did, it would be better to sweep it out of existence immediately. I do not intend to follow the hon. gentlemen who have spoken on the question of the merits of the bill we were discussing the other evening. I think these arguments are somewhat irrelevant to the matter before the House, but I do contend that the Senate has power to institute such an investigation as contemplated in the motion I have placed on the order paper, and having assumed the responsibilities of putting it there, and being satisfied that the exigencies of the public service at the present time demand that this investigation should take place, because it may possibly prevent the government from committing the country to a policy which will entail an expenditure which we are now told will be $7,000,000,—perhaps a much larger sum—I think if by any investigation we can make at the present day, even though we should be kept here three or four weeks doing so, the country has the right to expect that sacrifice from us and it would be our duty as members of this House to willingly consent to that course. Therefore, I desire to say that I am willing that this motion shall stand over until Monday, and after consultation with my friends with whom I am acting, I shall be prepared to say whether or not I shall proceed with it. My action will then possibly depend upon circumstances which may develop themselves between now and then, because circumstances are developing themselves in another place with regard to the policy of the government on this question every hour of the day. Therefore, I move that the motion stand adjourned until Monday.

Hon. Mr. DICKEY—I should suggest to my hon. friend to move the adjournment of the debate.

Hon. Mr. MILLER—If that course would be more acceptable to the House I move that the debate be adjourned.

The motion was agreed to.

BILL INTRODUCED.

Bill (149) "An Act to provide for Bounties on Iron and Steel made in Canada."—(Mr. Scott).

COLD STORAGE BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (141), "An Act respecting Cold Storage on Steamships from Canada to the United Kingdom and in certain Cities in Canada."

(In the Committee.)

Hon. Mr. SCOTT—We discussed this measure very fully when it was up for the second reading. There was some information, however, which was not then available, which I promised the House to obtain before the bill went to the next stage. It will be noticed that the agreements ratified refer to those vessels which sail from the St. Lawrence. With respect to the maritime provinces, I am advised by the Minister of Agriculture that agreements have been entered into, but will not be ratified in time for parliament to act on them. Mr. Fisher has entered into negotiations for the purpose

of procuring the service of a steamship to run direct from Prince Edward Island to England proposing to have cold storage in the summer. He was asked by the people down at Prince Edward Island to make it independent of the service between St. John and Halifax and England. He therefore entered into communication with the Elder-Dempster Company in Montreal, with whom he was discussing other cold storage arrangements. He had hoped up to a week or two ago that they would put on such a vessel, and the only reason they did not do so was that the probable amount of freight offering on the island did not seem to justify it. He also had a communication with Carvell Bros., of Prince Edward Island, who had suggested that they might be able to do it: and it was only Thursday he received an official letter from them saying that they could not do anything. Mr. Hugill, of the Furness Company, in Halifax, had also suggested that they might do something of this kind, but in consequence of the representations from the people in Prince Edward Island, Mr. Fisher thought they preferred having an independent vessel, and therefore, as long as there was a possibility of such independent vessel being provided, he did not encourage Mr. Hugill's proposals. The Minister still has the subject under consideration, hoping that he will be able to accomplish something to provide cold storage communication between Charlottetown and Halifax which would temporarily secure some accommodation. If not, possibly arrangements might be made for cold storage vessels to connect with Charlottetown, Halifax and St. John, which would be better than not having a vessel direct from Charlottetown. I am advised by Mr. Fisher that Mr. Hugill might do something of the kind. They might possibly be able to make some arrangement by which they would carry the storage articles from Halifax or St. John, but when the negotiations were under way the minister thought that he would be able to perfect some arrangement by which Charlottetown would be provided with cold storage accommodation running directly from Charlottetown to Liverpool or some other British port. It stands in that position at the present time. The minister has not been able to make any arrangement there, fearing the parties would not provide enough freight. If the hon. gentleman who represents Prince Edward Island will make some suggestion, I have no doubt the minister will be glad to consider it. Prince Edward Island, in proportion to area and population, would probably be able to furnish a larger amount of perishable products than any other part of Canada, and I think Mr. Fisher quite appreciates that.

Hon. Mr. FERGUSON—I regret very much to find that this matter stands in the position which the hon. gentleman informs us that it stands, not only in regard to Prince Edward Island but also in regard to St. John and Halifax.

Hon. Mr. SCOTT—I have explained, as far as St. John and Halifax are concerned, that the arrangements are completed, although the agreement is not signed.

Hon. Mr. FERGUSON—They are far from being in as satisfactory a state at St. John and Halifax as they ought to be, compared to Montreal. There are two clauses in this bill, one of which relates to cold storage on steamers, and the other to cold storage premises at the principal points, Toronto, Montreal, St. John, Halifax and Charlottetown, and they depend upon each other for success. You cannot call cold storage premises at any point into existence unless cold storage ships are provided for a term of years. At Montreal it is all right. They provide for a three years' contract for those steamers, and the consequence will be that from all points from which Montreal can be served as the shipping point, cold storage will come into existence, because there is not only a bonus, but the assurance that it will extend for a period of three years, and that shipping facilities with cold storage connected with it will continue for three years. The position in which St. John, Halifax and Charlottetown will stand when this bill is passed will be this, there will be no contract—the government will not be in a position to make a contract extending beyond one year, and it is not likely in any one of those three ports companies will be got to undertake the expense of providing cold storage premises unless they have the assurance that they will be put in permanent connection, for a period of years, as in Montreal, with cold storage steamers which will carry perishable products to the markets to which they are ultimately destined to go. As it stands now, my hon. friend may be able to make

arrangements with steamers with cold storage apartments at St. John and Halifax, but I fear very much that the want of contracts based upon a period of years will stand in the way of cold storage premises being provided either at Halifax or St. John.

Hon. Mr. SCOTT—No, that is all arranged. They have agreed to put on the three steamers from St. John and Halifax, and two more if necessary.

Hon. Mr. FERGUSON—Why was not a contract made ?

Hon. Mr. SCOTT—There has not been time. They have faith enough in the government carrying it on and they will go on. It will go into operation immediately.

Hon. Mr. FERGUSON—Perhaps I am wrong. The point I make is this, that the companies that propose to rent cold storage premises in Halifax and St. John will not have that assurance which they ought to have and which they have in Montreal, that this contract will extend for a period of years, and consequently there will be a difficulty in getting capitalists to erect premises.

Hon. Mr. SCOTT—The agreement with the steamship companies is made for three years, and with the assurance that the government will ratify it next session.

Hon. Mr. FERGUSON—There are no contracts attached to this bill, or being ratified and confirmed by it, excepting those relating to the port of Montreal. As far as Charlottetown is concerned, I fear that the lack of an arrangement such as has been made in this bill for the port of Montreal will be fatal to the erection of cold storage premises there. I know a little about it, and those who subscribed stock for the erection of cold storage premises in Charlottetown did so on the understanding that a contract for a boat to call there for three years would be made, and further that a bonus would be provided by the government of Canada. That bonus is provided in the second clause of this bill ; but I fear it will be perfectly useless, because capitalists will not erect cold storage premises in Charlottetown unless they also know that facilities for transporting the perishable products from these premises to the markets they are ultimately designed to go to is also assured. Hon. gentlemen know very well that, after articles of this kind have once been placed in cold storage, they perish very rapidly when exposed to transportation in the ordinary way, and that unless you have cold storage continuously from the refrigerator to the market you might as well not have it at all. The point I am making—and I wish to call the attention of the hon. gentleman to it—is that I doubt whether the government can make the contract for three years without the sanction of parliament.

Hon. Mr. SCOTT—They would sanction it at the next session.

Hon. Mr. FERGUSON—But we are dealing with the question now, and I think it is very much to be regretted that the government did not exercise diligence and act with more promptness in this matter, and have the whole matter completed, so that one bill would have assured this very important service with the lower provinces at the same time as they are dealing with the port of Montreal. I know I am speaking of a subject which, with the people of my own province, is second in importance to nothing discussed in this House. The people have their minds upon it: they know the progress that has been made, and $20,000 has been subscribed : but the subscriptions have been given with the understanding that they were to have a guarantee of a three years' service to take the products away, and with that assurance the subscribers were prepared to go on, and I fear that if the government are not able to make a contract for a term of years my province will be deprived of all the advantages arising from this movement on the part of the government, which is very creditable to them as far as they have gone, and which I regret very much they have not made general. The late government took very great care in dealing with matters of this kind that the smaller outlying provinces were treated better than the great centres, which were able to take care of themselves. I regret very much that the House is going to rise and leave the cold storage in such a way that: as far as Prince Edward Island and Charlottetown are concerned, it is put over for another year.

Hon. Mr. SCOTT—I do not propose to discuss what the preceding Minister of Agri-

culture or the present one has done. No one could be more anxious to push it forward than Mr. Fisher. But he was dealing with matters he could not control. If he could not get steamers to take it at the high rate we are offering, he could do nothing. He corresponded with all parties with whom he supposed we would make an agreement. The government bonus was offered, and every possible inducement was held out to them; but the argument with regard to Charlottetown was that they could not get freight enough to make it pay. He thought he would have succeeded in it, and correspondence took place with shipowners, but finally they declined to enter into any arrangement. I suggested to him whether it would not be possible to have a vessel fitted up with cold storage that would connect with Charlottetown and Halifax. That would not be as satisfactory as the other plan, but it would meet the exigencies of the case in the meantime. So far as the service between Halifax and St. John is concerned, that is completed. It has not been completed in time to have it ratified by parliament, but the parties have sufficient confidence that it will be carried out, and the contracts with them are of an equally binding character with those laid on the table; but they cannot be ratified this year, because they have not been able to lay them on the table. They would not enter into a final agreement until they saw they were able to carry it out.

Hon. Mr. FERGUSON—Would not it be possible to insert a provision in the bill authorizing the government to enter into contracts for three years with steamers from these ports?

Hon. Mr. SCOTT—I asked Mr. Fisher, and he said no. I think it is the Furness Co. that took the contract. They had no hesitation in closing the matter. I made that suggestion to him, and he thought it was quite unnecessary.

Hon. Mr. FERGUSON—I cannot speak for Halifax or St. John, but I am quite sure that for Charlottetown it is very necessary; and if my hon. friend could amend the bill by adding a clause that would empower the government to make contracts for the other port, I think it would be very desirable.

Hon. Mr. SCOTT—If we can get such contracts we will make them.

Hon. Mr. MACDONALD (P.E.I.)—There are a number of steamers calling at the ports there, and I think there would be no difficulty in making a contract with them.

Hon. Mr. SCOTT—That might be done this year, and next year we might get a steamer direct. I spoke to the minister about it, and I said that Prince Edward Island would be able to send to market, in proportion to population, a much larger quantity of products than any other part of Canada. He was most anxious about it, because he takes a very great personal interest in it, wholly apart from the political situation, and is most anxious to have it carried out.

Hon. Mr. FERGUSON—I hope the hon. Secretary of State will call the attention of the minister to this point that, without a contract for three years, the cold storage premises will not be erected in Charlottetown, because it was on that understanding the shares were subscribed to the company.

Hon. Mr. SCOTT—If the minister is able to make public the fact that he has made arrangements with a local vessel leaving Charlottetown and connecting with the vessels from Halifax and St. John, I think that would be sufficient to justify them in making the contracts.

Hon. Mr. CLEMOW—I should like to know why Ottawa is not included in this? I do not see why Ottawa should be left out. There are a great number of creameries in this neighbourhood.

Hon. Mr. PROWSE—There is no danger of Ottawa.

Hon. Mr. CLEMOW—On every occasion we are victimized—this Washington of the north. A very large part of the products of the creameries must find their way to the markets, and Ottawa should have the same privileges as the rest.

Hon. Mr. SCOTT—There are twenty or thirty other places where they are asking cold storage, and the products would be taken up in refrigerator cars. Toronto is the only point in Ontario where arrangements have been made.

Hon. Mr. CLEMOW—Why should Toronto be the only place?

Hon. Mr. COX, from the committee, reported the bill without amendment.

The bill was then read the third time and passed.

CATARACT POWER COMPANY'S BILL.

MOTION WITHDRAWN.

Hon. Mr. POWER—There is a notice under my name on the order paper, that I will move:

That the thirteenth and seventieth rules of the Senate be suspended as far as regards the Bill entitled: "An Act incorporating the Cataract Power Company of Hamilton, Limited."

When I put that notice on the paper it was with the expectation that that bill would be reported from the Committee on Railways, Telegraphs and Harbours at to-day's meeting, and it was with a view of securing the passage of the bill through this House, if the committee so reported. The committee have met, and have failed to deal with the bill. I understand there is not to be any further meeting of the committee, and I therefore ask that this notice be dropped.

Hon. Mr. McCALLUM—I am very glad my hon. friend has dropped the motion, because it was out of order.

Hon. Mr. SCOTT—In order that the promoter of the bill should get the fee in the House of Commons, they require to have some evidence that it has been brought to this chamber, and the chairman of the committee should make some statement in reference to it, otherwise they would not have any evidence of what became of the bill.

Hon. Mr. McINNES (B.C.)—There are other bills in the same position.

The notice was allowed to be dropped.

DISMISSALS.

INQUIRY.

Hon. Sir MACKENZIE BOWELL—Might I ask the hon. Secretary of State whether it is likely we will have that report moved for by Mr. Kirchhoffer in reference to dismissals?

Hon. Mr. SCOTT—The hon. gentleman from Brandon said I could bring on part of it, and I have brought all I could get, and will now lay it on the table.

Hon. Sir MACKENZIE BOWELL—Perhaps you will have it complete next session.

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman promised to have a full and elaborate report next session.

Hon. Mr. SCOTT—I will do the best I can.

Hon. Sir MACKENZIE BOWELL—It will be understood that the clerk will refer it to the Printing Committee next session.

The Senate adjourned.

THE SENATE.

Ottawa, Monday, 28th June, 1897.

The SPEAKER took the Chair at Eleven o'clock a.m.

Prayers and routine proceedings.

MONTREAL AND SOUTHERN COUNTIES RAILWAY CO'S BILL.

THIRD READING.

Hon. Mr. DEBOUCHERVILLE moved the third reading of Bill (110) "An Act to incorporate the Montreal and Southern Counties Railway Company."

Hon. Mr. POWER—This bill is one which I do not think that we should pass. Hon. gentlemen remember during all the years that I have been on the Railway Committee that we have never passed a bill of this character in this form. The objections to the bill are many. I am not going to detain the House by discussing them now, but I will call attention to some of them. In the first place, this is a local measure. I do not think that by any straining of the constitution it can be held to be a Dominion measure. This is a bill to incorporate a company to build tramways in a section of the province of Quebec, and consequently it is a bill which should not have come here. Then the notice was insufficient, and a great many parties were interested who apparent-

ly did not receive sufficient notice. The chairman of the committee received a telegram from the mayor of St. Hyacinthe indicating that he was opposed to the passing of the bill, and that there were grave doubts as to the wisdom of passing it. The company under this bill take power to carry their line all over the most populous portion of the province of Quebec. They ask power to go into thirteen counties lying to the south and southeast of the River St. Lawrence, and there is no protection whatever to the companies which now have rights in that district. There is nothing in the bill to indicate where the line is to begin, or which way it is to go, or where it is to end. That is contrary to the uniform practice of this House. Every bill should indicate where the railway is to begin, the direction in which it is to run, and where it is to terminate. There is nothing of that sort in this bill. Further, there is no protection whatever for the rights of municipalities. In every case where we have allowed companies to erect even telegraph poles, we have inserted provisions to protect the interests of the municipalities. In this bill it proposes to give power to erect trolley lines anywhere the company pleases over these thirteen counties: there is not a single provision to safeguard the interests of the municipalities. That, I think, is a most serious objection to the bill and one which, of itself, should condemn it. Then hon. gentlemen will see that on account of the indefiniteness of this bill the promoters of it, after it becomes law, will be in a position to dictate to a certain extent terms to the companies which now have railway lines in that section of the country. It is only necessary to threaten to parallel the line of a railway and the owners of the railway may be induced to pay a ransom. The hon. gentleman from Sorel waited here for a whole week, I believe, for the purpose of opposing this bill in the Railway Committee and was at last obliged, by stress of business, to go away, and he probably will be here this afternoon, but is not here now, to express his views on the subject.

Hon. Mr. DEBOUCHERVILLE—Who is that gentleman?

Hon. Mr. POWER—The Hon. Mr. Forget. I do not propose to say anything more except just to make one last remark. It is a matter of common observation that the most objectionable private bills generally reach us in the last days of the session.

Hon. Mr. CLEMOW—Public bills too.

Hon. Mr. POWER—Perhaps public bills too, but at any rate that is the case with private bills, and if the Railway Committee had not felt that amending this bill would have meant its defeat, it would certainly have been amended in several important particulars. Now that the bill has come before us, I think it is a mischievous one in itself, because it will establish a very bad precedent such as we have not now on our statute-book. It is the duty of this House to postpone it, and I, therefore, move that this bill be not read the third time now but that it be read a third time this day three months.

Hon. Mr. DEBOUCHERVILLE—The hon. gentleman who opposes this bill says, in the first instance, that the notices were not given properly. The Committee on Standing Orders, to whom this bill was referred, reported that the House might dispense with the rules, and that suggestion was adopted by the House. The hon. gentleman says that the hon. member from Sorel, who has been remaining here for months, is obliged to absent himself. The hon. member from Sorel is the senator from Montreal who opposed this bill because he thought it would give them a right to go into the city of Montreal, which they do not ask. They did ask that right at first, but this clause was thrown out by the House of Commons. The hon. gentleman says that this bill ought to be purely a local bill, but by clause eleven it comes under The Railway Act, by which it is provided that if a railway crosses or touches a federal railway, then it comes under the federal law. The hon. gentleman says this bill does not describe, or does not say where it will start from and where it will end. If he reads the fourth clause he will see that it starts from the northern limit or north-west limit of the county of Chambly, and of course it must start from a bridge. If it were not known whether there was anything in the railway subsidies permitting or assisting the construction of the bridge at Longueuil, it might be different, because there would have to be two bridges, but as this is not the case, there is only one road remaining—

that is the Grand Trunk Railway. There is not a great distance between the two, only about three miles. Then it is said that the road shall end in or near the city of Sherbrooke. That is enough to show where it starts from and where it goes. The hon. gentleman says that the bill should indicate the different places it will pass through. Hon. gentlemen in this House know that in giving a charter for a road we generally say the railway starts from such a place and ends such a place, naming the particular cities it will pass. But this is not a steam railway. It is an electric railway, and its cars, if asked to stop, will stop in a hundred places, nay more, will stop at every man's house. This cannot be done with a steam railway. Therefore, if we had to mention every place where it is going to stop it would be impossible. We would have to name every house by which it passed. I think I have answered about all the objections of the hon. gentleman.

Hon. Mr. POWER—What about protecting the rights of municipalities?

Hon. Mr. DEBOUCHERVILLE—It is well known that these electric railways generally pass on the public road and it cannot use the public road if the municipalities object. This bill has passed through the committee and is on the paper for third reading to-day.

Hon. Mr. MACDONALD (P.E.I.)—Entertaining the opinions I do respecting this bill, I must support the motion of the hon. gentleman from Halifax. This road, as stated, starts from the northern limit of the county of Chambly and ends somewhere near Sherbrooke. I believe that, according to the evidence that was given before the committee, it is about one hundred and ten miles long, whereas the distance between these two points is somewhere about half of that, as I have been given to understand. I do not say so of my own knowledge, but merely from what I have heard from others. This bill states that it is a railway for the general benefit of Canada, and that, therefore, it will be entitled to a considerable subsidy from the government if it is carried out. It is not an ordinary railroad, but an electric road, and I am not aware that we have up to the present time declared other electric roads, of any extent at any rate, to be works for the general benefit of Canada, and where they pass only through a limited section of one province I do not see that the people of the Dominion should be taxed to incorporate or bonus a local road of that kind. The bill sets out that the capital stock is to be $500,000 and that the company may issue bonds, debentures or other securities to the extent of $20,000 a mile on its railway and branches in proportion as the road is constructed. I do not think these are at all prudent precautions to be taken respecting a railroad of this kind, nor do I think it is a road that should be bonused by the Dominion and governed by the rules relating to steam railways. For these, and for other reasons which I could enumerate, if it were desirable to go into the matter fully and take up the time of the House in discussing it at very great length, I am opposed to the bill and will support the motion of the hon. gentleman from Halifax.

Hon. Mr. McCALLUM—At first blush, before hearing the explanations on the bill, I felt opposed to it, but now, as I understand the matter, I intend to vote against the motion of the hon. gentleman from Halifax. I understand the intention is to allow the farmers to go to market with the products of their farms, and I do not see that it is going to interfere with anything. My hon. friend talks about subsidy, but when the question comes up the company would have to satisfy me pretty well before I would support such a claim. I would oppose them on the question of subsidy, but that is not before us now. If the people desire a railway built in order to obtain access to the markets, I say that we should not stop it at all. After considering the whole question, I do not think we should throw out this bill, now that it has passed through committee.

Hon. Mr. CLEMOW—I opposed the bill in committee and I oppose it now, on the ground that sufficient notice was not given to these parties who will be seriously affected by the passing of the bill. That is one very serious objection, to my mind at any rate. In all cases of this kind the people interested should have due notice. Our rules are explicit on that point. It is true the Standing Orders Committee reported in favour of the suspension of the rules, but still it was open to the Committee on Railways, Telegraphs and Harbours to inquire

into that and they did inquire, and I think the conclusion was that there was not sufficient notice given. There were other things not mentioned in that bill which are very important. I refer to the matter of electric poles. In all charters granted hitherto there have been express conditions as to their powers with respect to the location of poles on the highway. In this bill there is no limitation, and they can erect poles twenty, thirty or fifty feet high anywhere they like, and there is no power in this Act whereby they are limited in any way.

Hon. Mr. DEBOUCHERVILLE—Is not that provided in the Railway Act?

Hon. Mr. CLEMOW—No, it does not provide with respect to electric roads at all. I have always thought there should be a general act for electric roads, and then we would know what we were doing, but all roads we have chartered in the past have contained these provisions. I think hon. gentlemen will find that if these people are allowed to erect trolley poles fifty feet in height, it will be very objectionable to the community. The bonding of that road at $20,000 a mile is extreme and out of all proportion to its cost. I happen to know something about the cost of electric roads, and I say that the figure of $20,000 a mile, in a country like that where the land damages will not be very great, is excessive. I am told they can go through farms as they like. This roaming charter gives them that privilege, and if you are going to allow this company to bond its property at $20,000 a mile, I think it will not be safe. Then on this question of the farmers getting to market, the farmers have now, I believe, communication with a good many roads and this road will take the business away from the other roads. Is that in the general interest of the country? These roads have been subsidized and are running, and now you are going to place this road in competition with them. The people interested have not had notice of it. I believe several gentlemen have already expressed their dissent from the passage of this bill, and we will have more I think. The mayor of St. Hyacinthe sent in a telegram and other parties have objected. These people should have had sufficient notice in order to give them the information that it was intended to pass such a bill. That is the reason why I support the motion of the hon. gentleman from Halifax.

Hon. Mr. DEBOUCHERVILLE—My hon. friend forgets that an electric railway and a steam railway are two different things.

Hon. Mr. CLEMOW—I know that.

Hon. Mr. DEBOUCHERVILLE.—An electric railway car can stop at every man's house; the hon. gentleman knows it would be impossible for a steam railway to do that. Would not it be a great advantage, if it were possible in Upper Canada, to have an electric railway on every road in the country? Of course I know it is impossible to expect that, but it would be an ideal state of affairs if we could have an electric railway at every man's door. We have not that. The hon. gentleman from Prince Edward Island says we have not given those powers to every electric railway. There are not many other electric railways that I know of which go into the country and which cross or connect with the steam railways; but this one must pass over certain railways. It will have to pass over the Grand Trunk Railway, and the Chambly, and the Vermont Central; and the 11th clause says that the Railway Act shall apply in every case. As to the erection of poles, they will either erect the poles on the farms or on the public roads. The public road belongs to the municipality, and the farms belong to the proprietors. What danger is there in erecting poles fifty feet high? It is not in a city. If it were in a city I could understand it. In the country, if a farmer will allow them to erect a pole five feet in diameter it does not matter; there is no danger to anybody; but you are refusing this great advantage, if you vote against this bill, to all the farms in twelve or thirteen counties, and on what ground? On the demand in a telegram sent by the mayor of St. Hyacinthe. It has been stated, here and elsewhere, that it might hurt a road called the United Counties Railway. This United Counties Railway is a very near relative of the Drummond County Railway, a road of the same sort. Should we deprive the farmers of these counties of such a great advantage as having an electric railway, merely for the pleasure of listening to a telegram? Are we to be stopped by the absence of the hon. gentleman from Sorel (Mr. Forget), who could be here if he liked? Is there any danger, because they take the right of borrowing $20,000 per mile, of capitalists

advancing that sum to them? This is not an immense undertaking like the Canadian Pacific Railway or the Grand Trunk Railway; it is merely a common electric railway which will probably not be completed for many years. It will be constructed as the advantages of it are better known.

The Senate divided on the motion, which was rejected by the following vote:—

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Hon. Mr. MILLS—I do not object to the bill on the grounds which have been stated, but it has always seemed to me that projects of this sort, lying wholly within a province, should not come here for incorporation. There have been so many bills of this sort carried through parliament to which that objection might be taken, that I thought in this case it was not proper for me to make a distinction between this and other measures on that ground, but looking at those provisions of the British North American Act which give jurisdiction over certain work and undertakings to the local legislatures—subsections A, B, and C of subsection 10 of section 92, when read together it is clear that measures of this sort were never intended to come before the Parliament of Canada.

Hon. Sir OLIVER MOWAT—I had some hesitation in voting, for the reasons which my hon. friend has stated, though ultimately I came to the conclusion that I should vote for the bill. What strikes me as particularly objectionable in this bill, and a great many other bills, is that the works mentioned here are declared by parliament to be for the benefit of the Dominion, when so declaring is really a perversion of the provision of the constitution for the purpose. It was intended by the British North America Act that local matters should be disposed of by the provincial legislatures. Then, naturally, it occurred to those concerned in preparing the Act that a question might arise in regard to a particular work whether it was really for the common interest or not, and how is that to be disposed of? It was thought not to be desirable that the question should go to court, and therefore our parliament itself received authority to declare when a work was a matter of common interest, but parliament ought to exercise this authority in a judicial spirit—they ought not to do it merely to get over a technical difficulty. That is very often done. My attention was called to it very much, when in another position and viewing things from another standpoint. I think both Houses of parliament ought to consider whether it is proper to put that statement into a bill in unless there is solid ground for it, and whether it is proper to insert it in regard to local matters which in the spirit of the constitution ought to be disposed of by the local legislature.

Hon. Mr. MACDONALD (P.E.I.)—I am very glad that this point has been brought out by the hon. Minister of Justice and the hon. member for Bothwell. We are now, under this bill, putting a different class of railroads into the same category as the steam railroads of the country, and I have been unable, up to the present time, to find any precedent for an electric road being declared by legislation to be a work for the general benefit of Canada when it only goes through a very limited section of one province and does not touch any other province directly or indirectly. This road is brought within the jurisdiction of this parliament merely because it happens to cross the track of the Grand Trunk Railway or some other road in that section. It is very objectionable, indeed, to initiate this new principle in our legislation.

Hon. Mr. McINNES (B.C.)—I would ask the hon. gentleman if the Montreal Belt Line Bill which we passed last session was not declared to be in the public interest of the Dominion?

Hon. Mr. McCALLUM—As for the electric railways, if science advances in the future as it has advanced in the past, we will soon have all our railways run by electricity, and do away with steam entirely, and I do not see why we should stop this railway from being built, giving the farmers of that section of the country the advantage of it. They say this interferes with other railways.

Hon. Mr. McKAY—As long as it does not tap the Welland Canal it is all right.

Hon. Mr. McCALLUM—The hon. gentleman has the same interest in the Welland Canal that I have. I have just the same interest in that canal as the other five millions of the people of Canada. If the hon. gentleman will look into the canal matter when it comes up again, I think I shall have his support to preserve the navigation.

Hon. Mr. PROWSE—As there appears to be a general discussion on the bill before it passes, I might make one remark in reference to bills of this kind. I quite agree with those who object to the great bonding privilege connected with this enterprise, and I think the time has come in the history of Canada, when this privilege should be curtailed to a very great extent. It appears to me that these enterprises are started by mere penniless speculators, who, in the first instance, come to parliament and get a charter and ask for extraordinary bonding privileges. They float their bonds, then they come to the Dominion government and get subsidies, and to the local government and municipalities and get subsidies, and they are in a position to control a large amount of the stock without putting one dollar of their own money into it. That is all wrong. We should not grant charters to men of straw. They should be men of means who would put their own money into it and would see that the enterprise is conducted on business principles. If we go on in this way, granting almost unlimited powers to such corporations to issue bonds and sell them in foreign countries, where they do not know the circumstances, we deceive the public and injure the reputation of our own country.

The motion was agreed to and the bill was read the third time and passed on a division.

INTERCOLONIAL RAILWAY EXTENSION.

THE DEBATE CONTINUED.

The Order of the Day having been called:

Resuming the adjourned Debate on the motion of the Honourable Mr. Miller, that a Special Committee of the Senate be appointed to inquire into the expenditure of the subsidies granted by the parliament of Canada to the Drummond County Railway Company, in the Province of Quebec; the present financial position of the said company, its liabilities of every description, whether matured or accruing; the condition and classification of the said railway, as well as its equipment, and also, all other matters and things relating to the said subjects or any of them, as well as all other matters and things relating to the said railway; with power to send for papers, persons and records, and to report from time to time, and that the said committee consist of the Honourable Sir Mackenzie Bowell, Messieurs Ferguson, Power, Scott, Macdonald (P.E.I.) McInnes (New Westminster), De Boucherville, Primrose, Cox, Clemow, Landry, Prowse, Wood, Thibaudeau (de la Vallière), and the mover.

Hon. Mr. MILLER said:—I moved the adjournment of the debate at the last sitting of the House in order to give hon. gentlemen an opportunity of speaking on it who might desire to do so. I have nothing further to say myself on the subject than that events have occurred in another place since the last meeting of this House which compel me to press this motion. I believe it is in the interest of the country that this investigation should be granted, and that it should proceed at once. I believe that it will not occupy as long a time as many hon. gentlemen fear. I think before a couple of weeks we could get to the conclusion of the investigation. Therefore I cannot comply with the request which has been made to withdraw the motion. I must take the sense of the House upon it.

Hon. Sir MACKENZIE BOWELL—I wish to say a word in justification of the course which the hon. member from Richmond is pursuing. On Friday or Saturday, when the hon. leader of the government in this House intimated a desire that this question should be postponed, I was somewhat inclined to agree with him, for the reasons which he then advanced, and that was the difficulty in proceeding with a question of this kind at such a late period of the session: but after what took place in the House of Commons and what has been stated in the public press representing the

hon. gentlemen opposite, there is the best possible justification for the course which the hon. gentleman from Richmond has pursued, in persisting in moving his resolution. I notice in the Montreal *Herald*, which is the mouthpiece of the government in the province of Quebec, and if report be correct, is owned principally by one of the parties interested in this railway deal, an article, in which the following language is used :

If the Senate, by a non-partizan vote, had postponed the bill for further consideration, had made amendments to it, or had deemed itself justified in asking for an investigation into charges of wrongdoing, which senators and others have hinted at, then the country might have withheld judgment on its action.

I admit there is a good deal of force in the remark in the first part of the argument. If information had been given to the House as to the details of the bargain, and the government had waited until they received the report of their engineers to justify the bargain into which they had entered, there might be some force in those remarks. What I desire to call attention to is what follows :

Having the power to convey an impression to the country that the new government has been guilty of jobbery, it conveyed the impression without daring to crystallize the innuendo into an official inquiry. Having the power to embarrass the administration in respect to an important matter of public concern, on which immediate action is imperative, it embarrassed it when it might by amending the measure, have made it possible for the necessary legislation to be passed at this session. The Senate in times past has not been chary about appointing committees of investigation. In 1891 it went out of its way to order an inquiry into matters concerning the government of this province. Why does it hesitate now ?

I was not in the Senate then, but they did not appoint a committee for that purpose. That matter was investigated in the railway committee, to which certain bills had been referred, and they proceeded with the inquiry with the result which is well known in this country. The *Herald's* article continues :

Why does it hesitate now ? It pretends that it believes that there has been wrong-doing in connection with the Drummond County arrangement. Why does it not investigate the matter ? Is it because it knows that to investigate would be to destroy the fabric of suspicion that it has sought to weave and to remove every objection to the ratification of the contract.

I do not hesitate to say for myself, and I believe I speak for those with whom I act, that if that would be the result of the investigation, it would be a source of gratification to every public man in Canada to know that no improper expenditure of public money had been made in connection with this or any other undertaking. The course that the Senate is pursuing is not followed because they desire to make political capital, but to put a stop to what they believe has existed in the past, that is, the misappropriation of money, no matter by whom or by what party. So much for the Montreal *Herald*. Then we have the *Toronto Globe* of Saturday, which comes out with an advertising head, about what we would call in printers' phraseology "a six line pica heading." It says :

Storm signals. Down. A peaceful atmosphere at Ottawa and the Drummond Railway fight postponed. No investigation wanted.

Whether that last sentence, "No investigation wanted," is intended for Mr. Tarte, I know not, nor should I have known, had I not read in the article the following :

There is an atmosphere of peace and amity around the parliament buildings to-day, strangely in contrast with the air of excitement observable earlier in the week. It seems to be agreed that the session is to be closed up as early as possible, that the Senate will not again display bad temper, and that if there is to be a row over the Drummond County Railway, it shall be held over until next year. This understanding is believed to be the more acceptable to the Conservatives because of the very evident desire of the Liberals to have the question of the disposal of the subsidies granted to the Drummond County Railway investigated. It is not forgotten that a number of prominent Conservatives were rather intimately connected with the road at the time it secured the Dominion subsidy. If the Senate Committee should be appointed to look into the question next session the discovery may be made that the thing was loaded up wrong way and that instead of Liberals being involved in improper proceedings, some of the most prominent Conservatives in parliament will be driven from public life by the anticipated revelations. The peaceful fashion in which the Senate is at work to-day and the lamb-like air of the Opposition in the Commons can be accounted for in no other way than by the supposition that a hint of what may happen has reached the party leader. It would be a most ludicrous ending to the war talk of the Tory senators and the hints that corruption was attendant on the Intercolonial extension, to discover that the corruption was Tory corruption and the culprits leaders in the Tory party.

I have only to repeat what I said a few moments ago, that if there are those connected with the Tory party, as they are designated by the correspondent of the

Toronto *Globe*, guilty of wrong doing, the sooner we know it the better, and I hesitate not to say more, that if there are those belonging to the party with which I have acted who are in the position indicated by this article, the sooner they are driven from public life the better it will be for the country, and infinitely better for the party to which they have attached themselves. With these statements and the efforts made to intimidate those who desire to do what they believe to be right in the matter, there should not be any delay in the appointment of the committee. I have one more remark to make, and that is in reference to the position which I occupy in this House, and the interpretation which has been put upon it by the leaders of the party as expressed through their newspaper organs. I know my hon. friend the leader of the government in the Senate said the other day that he did not think we should take notice of all newspaper articles. I quite agree with him upon that point, but there are occasions in our political lives, and there are events and utterances which are made by those who lead a party, and by those who direct to a certain extent its policy and its course upon public matters as expressed through the press, of which we must take notice. The *Globe* on a former occasion in its leading article, double-leaded, says :

> It is to be presumed that the plan has the approval of Sir Charles Tupper, and Messrs. Foster and Haggart, and Sir Mackenzie Bowell has been chosen to lead the attack in the Senate. The point need not be dwelt upon.

And then it winds up by saying that "Sir Mackenzie Bowell knows best what consorts best with his own respect." I trust I do. I wish to say, as far as I am concerned, and as far as I know the views of the other senators who have taken action in this matter, that they have done so wholly and solely on their own responsibility, and not at the dictation of Sir Charles Tupper or Mr. Foster, or Mr. Haggart. For myself, I have never interchanged an opinion with either of them on this question, and with only one, Sir Charles Tupper, have I even passed the time of day since I have been in the city. As to what comports with my own self respect, I propose to be the judge of that. I acknowledge no leader in the House of Commons at present, more particularly the gentleman who is now leading the opposition in the House of Commons. I wish to be distinctly and positively understood on this question, that whatever I do on this or any other matter will be from a sense of what I conceive to be my duty as a public man ; and while I shall not, at least intentionally, lose my personal self-respect, I shall at the same time not forget the duty which I owe to my country in exposing any wrong-doing which I believe to exist in connection with the Drummond County Railway or any other matter.

Hon. Sir OLIVER MOWAT—Since my hon. friend has determined to go on with his motion, and my hon. friend opposite concurs with him, I, for one, shall not vote against it. I take it for granted, also, that I need not say anything again in regard to the composition of the committee, because I perceive that what I said before did not receive the concurrence of my hon. friend from Richmond. I should like to have my hon. friend from Bothwell added to this committee.

Hon. Mr. MILLER—I have no objection

Hon. Mr. SCOTT—This is a very unusual proceeding to be instituted. I am not aware of any precedent for it. It is peculiarly a fishing committee, to endeavour to find out something that will damage political opponents. The practice of Parliament in the past has been not to notice newspaper reports, or to be governed by street reports, but to hold any senator or any member of the House of Commons, responsible for any position he may take on a charge of this kind. Otherwise, I suppose both Houses of Parliament would be pretty well occupied with making inquiries into various charges against one side or the other. We know very well that newspaper men write under very severe tension, and that they write exaggerated articles, and if gentlemen in public life were to notice newspaper articles, their time would be pretty well occupied. And therefore, the rule in the past has prevailed—and it is the rule more particularly in the House of Commons—that if a charge of political corruption or any other charge is to be laid, some gentleman in parliament rises and makes the statement on his responsibility, and the investigation is

ordered. That is the way that several commissions of inquiry have been inaugurated. I need not remind hon. gentlemen that in that most important investigation, the Pacific scandal, the Hon. Mr. Huntington had to take the responsibility of making the statements, and stating that he was prepared to go before the committee and prove them. In the present case there is not an hon. gentleman who even states that he believes those reports. I have not heard a single member rise and say he placed any confidence in them. At the time of the Pacific scandal there were ugly rumours reflecting on the honour and character and integrity of the members of the government. Articles appeared day by day in all the papers all over the country reflecting on the members of the government. These papers were dissatisfied with their policy, and were making various charges. Surely in laying a charge of this kind somebody ought to be responsible for it, and we should not act on mere newspaper reports. Therefore, I say it is a very extraordinary step to be taken, and no one can doubt that it is intended that this committee shall be a political machine to damage the present administration. And yet you propose to try the government by a jury of nine to four. That is practically what it amounts to. I have been on juries of that kind in this House before on several occasions. One of the first we had was an attempt on the part of this House to condemn the government, of which I was then a member, because they saw proper to make Fort William the terminus of the Canadian Pacific Railway on Lake Superior. It was declared to be a blunder and a mistake, and that we should have gone to Port Arthur. A committee of this House was solemnly chosen, and they sat for months and months, and proved to their satisfaction that Port Arthur was the proper place for the outlet of the Canadian Pacific Railway, and that Fort William should not have been chosen. They made a report to the country, and yet we find to-day they were wrong in their conclusions. Fort William is the outlet of the Canadian Pacific Railway, and Port Arthur has been entirely abandoned, notwithstanding members of this House declared Port Arthur was the proper outlet. They did it because they were going to damage the government by it.

Hon. Sir MACKENZIE BOWELL—Oh, no.

Hon. Mr. SCOTT—That was the attempt, and there was a reflection on the late Alexander Mackenzie, who is now so much lauded as a far-seeing statesman and an honest man and one who had the interests of his country at heart. At that time he was said to be a traitor to the people of Canada, that he did not possess that perception necessary for a minister leading the government of this country, and all manner of unfriendly criticisms were hurled at him. Yet to-day, when political feeling has passed away, it is found that the verdict would be the other way. I am not opposing any investigation in this case. On the contrary, I am quite ready to go into it. I know nothing, nor have I heard anything to justify the formation of this committee. Hon. gentlemen who are moving in this matter have their judgments based entirely upon newspaper reports in papers that are unfriendly to the administration. That is where the charge comes from. It is a very unfortunate precedent. It is a precedent of course that only prevails where one side is so very much stronger than the other that the minority are completely overruled. That is practically the position we are in to-day; no one can deny it. It is all very well to put on an air of indignation and be so exclusively pure that the honour and credit of the government must not even be touched upon by the public press of the country without inquiry being made into the facts. Of course, hon. gentlemen, this committee can do what it thinks proper This committee can begin its inquiry, and I hope they will push it to the end. I appeal to the committee that in this inquiry at all events ample time shall be given for a full investigation, and that all parties who desire to be heard before that committee will be heard.

Hon. Sir MACKENZIE BOWELL—I should like to ask the hon. gentleman one question. Is he not rather at fault in his memory, when he speaks of the great opposition being given to Fort William as the eastern terminus of the Canadian Pacific Railway, and declaring that the terminus should be Port Arthur?

Hon. Mr. SCOTT—No. Port Arthur was the port which the committee held to be the proper place, and as soon as the change of government took place, this government voted some millions of money to make a harbour. They tried to make a harbour there and failed.

Hon. Sir MACKENZIE BOWELL—I would suggest to the hon. gentleman not to lose his temper.

Hon. Mr. SCOTT—I am not losing my temper.

Hon. Sir MACKENZIE BOWELL—The great objection made to the terminus of the Canadian Pacific Railway was not to Fort William, but to what was termed the town plot, some miles above Fort William. I have a distinct recollection of taking part in that discussion. The objection was to running up a narrow river to what they termed the town plot where the famous Neebbing hotel was built. The objection was not to Fort William. The contention was that had Fort William been selected, which was just round the corner of the river, the objection would not have been so great.

Hon. Mr. SCOTT—Not at all.

Hon Sir MACKENZIE BOWELL—It is only a matter of recollection between the hon. gentleman and myself, and there need be no difficulty in settling that point. We can turn up the record and it will be seen which is correct.

Hon. Mr. MILLER—I was going to suggest that if the name of the Hon. Mr. Mills is added to the committee, I should like also to have that of Mr. McCallum added.

Hon. Mr. CLEMOW—The hon. Secretary of State says this is an extraordinary motion to make. It may be an extraordinary motion but it is in response to an extraordinary proposition submitted to this House. A few days ago a proposition was placed before us within a few hours of the closing of the session—a proposition of the most important nature ever submitted to this House or any other parliament—and we are told now, because we desire that further and more complete information should be obtained respecting this matter, that we are doing what we should not do. How is it possible for gentlemen to enter into an arrangement of this kind with such short notice? I was very glad to hear the hon. leader of the House say that this matter would be settled upon purely business and commercial principles. I wish it had been so. I wish the government had taken the same method of obtaining information as commercial men would have pursued had they undertaken a matter of such gigantic proportions as the measure now under consideration. What would commercial far-seeing men have done under circumstances of this kind? They would have taken, in the first instance, an opportunity of ascertaining the amount of business that had been carried on between these two centres for some years past. Then they would have come to a determination whether a shorter line could be had. They would also have taken into consideration the amount of business that belonged properly to the Intercolonial Railway and found out by actual calculation whether that would be sufficient to support this additional line of railway between Lévis and Montreal. I am not pretending to say that this line should not be extended to Montreal, but I want to know, in the first instance, whether it is going to be a paying or losing speculation, and I contend, from the information we have before us at the present time, that it is utterly impossible for any man to come to a conclusion one way or the other, and I think that would be the true business line to have proceeded on. If commercial men had the same undertaking in their hands, they would proceed in that way. But in place of that, the government of this country propose a scheme by which we would be bound for ninety-nine years, making no provision for a break in the arrangements. Changes will take place, I have no doubt, and are taking place every day, that may very seriously affect the carrying out of this proposition. The commerce of the country is undergoing great changes, and I think it is a mistake to enter into an arrangement for ninety-nine years. I do not recollect a similar arrangement being entered into, and yet when the Senate ask for time to investigate and inquire, their acts are characterized in all manner of ways, and it is said they are acting from political and improper motives. For my part, I repel insinuations of that kind. I am, and I have always been, inclined to listen to any argument that is brought under our consideration since my advent to the Senate, and I have not been influenced one way or the other by political considerations. Hon. gentlemen in the Senate have just as much right, on a question of this sort, a purely business matter, to express their own opinion as the Commons have. It is true we differ. Is not that reasonable? Is not that logical? Are we to assume, because the Commons agree to this measure,

that we must holus bolus acquiesce in it? If that is so, we are of no further use to the country, and the sooner we are disposed of the better. We are capable of forming an independent opinion of this project. It is a purely commercial matter, and I think I am quite capable of finding out whether this bargain, or pretended bargain, is to be of advantage to the country. This important bill has come down to us very late in the session. I have always opposed the practice of bringing measures down to us at the close of the session, and I think we should make up our minds that we will not consider bills that are of such an important character, unless we are given an opportunity to study them and make necessary inquiries. In the present case we have not been given that opportunity.

Hon. Mr. POWER—There is no such bill before the House.

Hon. Mr. CLEMOW—But it was before the House, and, therefore, I think we have a right to discuss it on this motion. If it had not been for the action of this House, the bill would have passed and the people of this country would have been bound for ninety-nine years to a most improvident contract. Therefore, I think the Senate has done a service to the country in throwing out the bill, and you will find, before the next session of parliament, that the whole country will uphold them. I want time to examine into this matter. My hon. friend from Richmond has moved for a committee, it is true. I think the committee is needed, and if the government had taken the proper course in the first instance, they would have adopted the means we are taking now. But no, they would not do that. They try in some other legerdemain way to get over the difficulty. We want full time to inquire into it. If it is inadvisable, after all the circumstances are known, after the country has been given an opportunity to understand it, then we will be in a position to judge of its merits and demerits. The hon. leader of the government said there was no intention to spend any money this year. If that is the case——

Hon. Sir OLIVER MOWAT—I did not say that.

Hon. Mr. CLEMOW—It will take some time to put the road in proper condition. All I want to know, as a commercial man, is whether, when this road is built, it is going to be a paying road or going to increase the expenditure on the Intercolonial Railway. Those are points I want to know. I desire a full inquiry before being in a position to judge. Whether the measure be Grit or Conservative, I want the full facts established for the satisfaction of the Senate and for the satisfaction of the people of this country. When that is done we will be in a position to judge, and we are not in a position to do so at the present time. At least I am not. I may be very ignorant and obtuse. I cannot understand those questions as well as other gentlemen, but still those are my views and my ideas, and I am not afraid to express them. I am not influenced by political or other improper motives, I am merely advocating what I consider in the interest of the great masses of the country. That is the course I have taken in the past and the course I intend to take in the future.

Hon. Mr. MILLS—This, I think, is a very important matter, and I say to-day what I said when the hon. member for Richmond first introduced this motion, that it is a matter, after what has been said, that ought to be investigated; but it ought to be investigated by that body which, under our constitution, has the power to investigate it, and to whom that power has been committed by the constitution. One extraordinary thing about the whole affair is this: hon. gentlemen are constantly asserting that they are not actuated by any political consideration. I do not know that they have been so charged.

Hon. Sir MACKENZIE BOWELL—Oh, yes.

Hon. Mr. POWER—Not here.

Hon. Mr. MILLS—Certainly not in this House.

Hon. Sir MACKENZIE BOWELL—Yes, in this House, by inference.

Hon. Mr. MILLS—Yet it is a very extraordinary thing that hon. gentlemen should constantly reiterate this statement and insist upon a committee after they have defeated the bill. What was the proposition made by the government? To grant an appropriation for railway purposes, to acquire

certain lines so as to extend the Intercolonial Railway from Quebec to Montreal. That was the proposition embodied in the bill that came up to this House. The vast majority of the House rejected that bill; and now it is dead. After rejecting the bill, hon. gentlemen propose an investigation to see whether they were right or wrong in what they did. If hon. gentlemen wanted an investigation in this matter, that bill ought to have been kept alive and they should have proposed the postponement of the bill until after the investigation, but that is not what they proposed. After the whole matter is dead, they propose an investigation. I say again, what I said before, that questions of finance are not directly under the supervision of this House. We do not make the appropriations. Hon. gentlemen know right well that when His Excellency will take his seat on the Throne, and the Speaker of the House of Commons appears at our Bar, the appropriation bill will be presented by the Speaker of the House of Commons. That bill, when carried through the House of Commans comes here. It is passed by this House, and this House does not present it to His Excellency for His Excellency's sanction as they do any other bill, and why not? Because the appropriation of public money is the sole act of the House of Commons. The money is under their supervision. They speak for the people, and state for what purpose that money shall be applied, and after they have made that appropriation, it is the business of the House of Commons to see that the advisers of the Crown apply that money in accordance with the Supply Bill. They are entitled to make an inquiry, but I should like to know on what grounds this House has any jurisdiction in the matter whatever. I called the attention of the House, when the subject was under discussion before, to the opinions of two of the greatest parliamentary leaders who ever sat in the House of Commons, Mr. Gladstone and Mr. Disraeli, and in discussing the India Bill they both admitted that inquiries into the financial transactions of the United Kingdom were not matters which could be made by the House of Lords, nor could the members of the House of Lords be members of a committee by which such inquiry was made. That is the view taken in the United Kingdom, and Mr. Gladstone maintained that the proposition he had made did not come under that rule, because the moneys as to the expenditure of which they were to make inquiry, were moneys voted by the government of India, and not by the parliament of the United Kingdom. They were not expenditures of the United Kingdom, and so under the statutes, both the House of Commons and the House of Lords had an equal right to make inquiry. The hon. gentleman from Richmond (Mr. Miller), who made this motion, told the House that those were old musty precedents; that they had no application to this House; that this House is governed by the provisions of the British North America Act; and that we enjoy in this House exactly the same rights, privileges and immunities as are enjoyed by the House of Commons in England. As far as our power stands, that is true. If the hon. gentleman's contention is right, this House would have a right to amend a money bill. In the British North America Act it is stated that financial legislation shall be initiated in the other House. There is not a single provision in the British North America Act with regard to supply beyond that, but we were given a constitution similar in principle—it is expressed in the preamble that that was the intention—to that of the United Kingdom, and we look to the constitutional usages of the United Kingdom to see what our powers are, and our powers with regard to financial matters, are in this respect exactly the same as they are in the House of Lords. There never has been a demand made by the House of Lords that they may even initiate a money bill. There has never been a demand that they may amend a money bill. The law of England, as to these things, is a matter of usage, and those usages and functions are, as they are settled by the constitution, as much a part of the law for our guidance, as are those contained in the Act itself. It is a maxim of law that the law itself is abrogated by usage. A few years ago, when it was proposed to establish life peerages, when Baron Parke was made a life peer, the House of Lords took exception. It was shown clearly that that was anciently a prerogative of the Crown, but Lord Lyndhurst, in rejecting the proposition, said it was wholly contrary and irreconcilable to the usages which had long existed, and the prerogative having remained in abeyance, although strictly it was still law, it was not a law that could be complied with in consequence of the

usage which had grown up, and he points out this difference: he says, that if the Crown chose to make one hundred peers a day, the Crown would have the power to make those hundred peers, it would be strictly legal, but it would be a most unconstitutional proceeding, because it would practically swamp and render useless the second chamber of the British parliament. I admit that a great portion of this resolution might come within our jurisdiction, and it has been admitted over and over again in England that the House of Lords may inquire into matters where questions of finance may be incidentally involved, but that they have no power to inquire into a direct question of public expenditure and that is the objection I make, and the objectionable words stand in the first sentence of this resolution. I should like to see this House maintain its usefulness in our constitutional system. I should like to see it preserve its dignity and make some effort to obtain public confidence, but if the House undertakes to set itself up against the House of Commons, and to claim powers that belong to the House of Commons, and that are incident to the special power which, is possessed by the other House, and the other House alone, then I say that the Senate is entering upon a conflict out of which it cannot come with strength and dignity. This House is undertaking to usurp the functions that belong to the people's House. The people's House must vote public moneys. These public moneys are an appropriation put into the custody of the Crown, controlled by the advisers of the Crown. Those advisers have the right to appoint commissioners to inquire into the conduct of the subordinate officers, and to see whether the law has been complied with in carrying it into effect, if such a commission is necessary in their opinion. But this House has no jurisdiction in the matter whatever. That appropriation is the appropriation of the House of Commons, and the expenditure of that appropriation is under their jurisdiction and the ministers are responsible to them if they have misapplied the money. They have the right to inquire, and it is their duty to inquire, but it is not the right or duty of this House to make any such inquiry whatever, and I trust hon. gentlemen will not proceed in a course which certainly cannot lead to the advantage of this House, but on the contrary, will be a source of serious detriment to it. I am astonished, I must say, at the leader of the opposition suddenly acquiring such great confidence in in an inquiry by this House. It was proposed some time ago that an inquiry should be had by the House of Commons into a charge made specifically against a minister of the Crown with regard to the expenditure of money that had been appropriated by the House of Commons and placed at the disposal of the Crown, and that hon. gentleman voted against an inquiry by the House —an inquiry by the only body, under the constitution, that had the authority to make that inquiry and he put it into the hands of a commission. Does the hon. gentleman ask for a commission to-day? He has not the same confidence in a commission to-day that he had when that inquiry was proposed. Not at all. The hon. gentleman is in favour of an inquiry by this House. I very much regret that the Senate propose to undertake an investigation in this House when it belongs wholly to another chamber. If we can maintain our own rights we shall do well, but if we undertake to invade the rights of others, we are likely in the end to find that our constitutional powers are diminished.

Hon. Mr. FERGUSON—The hon. gentleman who has just spoken is no doubt very justly regarded as an eminent authority on constitutional matters, and when my hon. friend is in a thoroughly judicial mind we listen to his utterances with a great deal of respect and deference, and are generally disposed to accept his views, but on this question my hon. friend is rather acting the part of a special pleader than discussing the matter in a very judicial frame of mind. He comes to the conclusion, and asserts with great positiveness and emphasis, that the Senate of Canada has no power or right to inquire into any financial transactions or the expenditure of money whatever.

Hon. Mr. MILLS—I did not say that.

Hon. Mr. FERGUSON—I think the hon. gentleman took that ground.

Hon. Mr. MILLS—I said we could not inquire directly into a special appropriation. There may be an expenditure of money incident to the construction of a railway, in the manner of its construction, which might properly be investigated by the Senate, but that is not what is proposed here.

Hon. Mr. FERGUSON—Yes, exactly.

Hon. Mr. MILLS—It is an inquiry into the subsidies granted by the parliament of Canada to the Drummond County Railway.

Hon. Mr. FERGUSON—And other things.

Hon. Mr. MILLS—There is a direct proposition to inquire into the expenditure of the subsidy granted to the railway company.

Hon. Mr. FERGUSON—You cannot interpret the whole resolution by reading a small fragment of a sentence. The motion says:

The present financial position of the said company, its liabilities of every description whether matured or accruing, the condition and extension of the said railway as well as its equipment, &c.

It is not confined to this. This is merely incidental to the general scope of the inquiry that is proposed. In Bourinot, on pages 471 and 472, after discussing the question of a supply bill, the author goes on to say:

As an illustration of the desire of the Senate to keep closely within their constitutional functions, we may refer to the fact that that House has declined to appoint a committee to examine and report on the public accounts, on the ground that while the Senate could properly appoint a committee for a specific purpose—that is, to inquire into particular items of expenditure—they could not nominate a committee like that of the Commons to deal with the general accounts and expenditures of the Dominion.

They have the power to inquire into any specific item in the expenditures of the country, but they have not the right to deal with the general expenditures of the Dominion:

A subject is within the jurisdiction of the lower House where all expenditures are initiated. It is legitimate, however, for the Senate to institute inquiries, by their own committees, into certain matters or questions which involve the expenditure of public money. But the committee should not report recommending the payment of a specific sum of money, but should confine themselves to a general expression of opinion on the subject referred to them.

There can be no question, therefore, where Bourinot stands with regard to such a matter as that which we are now considering, and what the views are in regard to it. I turn to May, and I find in the tenth edition of May, on page 541, he speaks of the power of the House of Lords. My hon. friend has been very strong in the statement that we have only the powers in regard to this matter that the House of Lords possesses. He may be right and he may be wrong. But certainly, in taking that position, he cannot dispute our having the powers of the House of Lords:

The Lords may also express their opinion upon the public expenditure or method of taxation and to financial administration, both in debate and by legislation, and they investigate those matters by the select committees. Nor do the Commons, as formerly, attempt to exclude the Lords from inquiries of this nature by not transmitting to them reports and papers relating to taxation, or by declining to permit the attendance of a member to give evidence on this subject before a select committee of the Lords.

Here we have these two eminent authorities in the most express manner against the contention of my hon. friend from Bothwell.

Hon. Mr. MILLS—No, not against—they are precisely the same.

Hon. Mr. FERGUSON—If they are not diametrically opposite to the view my hon. friend has submitted, I fail to understand the import of the English language. My hon. friend has instanced another case, the inquiry into the financial state of India, where the House of Commons declined to come forward and appoint a general committee with the House of Lords to enter into these inquiries. That is altogether a different matter. The House of Commons, we know, has always been very jealous of its privileges, and in all ages it has gone perhaps further than the House of Lords would allow that it had a right to go in excluding the Lords from giving an opinion on the administration of the public moneys. That is the position the House of Commons took in 1871. They were jealous of their rights, as I think the House of Lords and this Senate of Canada should be jealous of their rights. They ought to assert all the powers they possess under the constitution. I have the authority under my hand, and while I lean to the view expressed by the members of the House of Commons in declining to have a general committee with the House of Lords to inquire into the financial administration of India, they do not dispute that the House of Lords had a right to make such inquiry on their own account. The following is from Todd's Parliamentary Government in England:

In 1871 Mr. Gladstone claimed for the House of Lords an equal right with the House of Commons

to inquire into the finance and financial administration of India, and though he abandoned his purpose for a joint committee of both Houses on the subject because it did not meet with general acquiescence with the House of Commons, yet he protested against any attempt to narrow the deliberative functions of the Lords except on grounds of broad constitutional principle. And subsequently the Duke of Argyll declared that "should any suggestion emanate from the Commons Committee of which the Government or the House of Lords might doubt the propriety, it would be their Lordships' duty to institute a full inquiry before pressing any measure founded upon it."

Hon. Mr. MILLS—Mr. Gladstone contended that the House of Lords had the same jurisdiction as the House of Commons with regard to India finances, but both Mr. Gladstone and Disraeli and every one who discussed the question admitted that, so far as the expenditure of the United Kingdom was concerned, the House of Lords could not compose a committee to make an inquiry, nor could they be members of a joint committee.

Hon. Mr. FERGUSON—It is not necessary for us to discuss that question at any length, because we have no such difficulty in Canadian policies, and therefore it has nothing to do with the question we are discussing at the present moment. We are not asking for a joint committee. If we did, very likely the House of Commons would not agree, but we are not proposing anything of that kind. I am very well pleased to find that my hon. friend admits the force and correctness of what I have said as to the conduct and duty of the House of Lords with regard to the administration of the revenues of the Colonies or of India. As far as that is concerned, he is quite prepared to admit, and has admitted, that Mr. Disraeli and Mr. Gladstone and the others whom he has named quite sanctioned and approved of the claim on the part of the House of Lords to enter into an examination of these affairs.

Hon. Mr. MILLS—Oh no.

Hon. Mr. FERGUSON—I am sorry I can not understand my hon. friend the way he wishes.

Hon. Mr. MILLS—The hon. gentleman proposes to inquire into the expenditure of the moneys voted by the parliament of this country for the public purposes of this country, and those cases which I refer to show that, so far as the appropriations of the treasury of England are concerned, the House of Lords has not a right to direct an inquiry.

Hon. Mr. FERGUSON—As against that view I will read again to the House the opinion of May which I read a moment or two ago, and my hon. friend may or may not accept him as the highest authority, but I think the House will accept May as a high authority.

Hon. Mr. MILLS—I accept May, but not your comments.

Hon. Mr. FERGUSON—I will read it without comments. I think it strong enough to carry conviction without the necessity of any comments:

The Lords may also express their opinion upon the public expenditure or method of taxation and to financial administration, both in debate and by legislation, and they investigate those matters by the select committees. Nor do the Commons as formerly attempt to exclude the Lords from inquiries of this nature, by not transmitting to them reports and papers relating to taxation, or by declining to permit the attendance of a member to give evidence on this subject before a select committee of the Lords.

Hon. Mr. PRIMROSE—That, then, is May vs. Mills.

Hon. Mr. FERGUSON—The hon. gentleman may put it that way if he likes. I have submitted these authorities, and I think they will be admitted as strong authorities in the minds of hon. gentlemen in this House. Notwithstanding all the deference we have for the views and experience of the hon. gentleman from Bothwell, we will nevertheless come to the conclusion that we are quite safe in this chamber in following such eminent authorities as May and Bourinot. As a committee is to be struck, and I observe that my name is suggested as one of that committee, it is not perhaps the best thing in the world that I should discuss, at any great length at all events or very minutely, the matters that it is proposed to investigate. I may say this much, however, that notwithstanding the observations that have fallen from hon. gentlemen in this House and also in another House, I take it that the main object of this committee will be to inquire into the financial standing of a particular railway with which it is proposed that the government of Canada shall enter into a partnership, or something nearly like a partnership. I assume that that is the

main object of the inquiry that is proposed to be made, and if it should incidentally come out in the work of that committee and appear that all the public men of Canada who have anything to do with the enterprise in one way or another have conducted themselves honourably, no one will be more delighted than I shall be, and I may say hon. gentlemen in this House will feel the same. But if information should come out of a different character, which we must all hope will not be the case, it cannot possibly be helped. My hon. friend from Bothwell takes the ground that we are proceeding wrong end foremost in this question. We have defeated the bill that was sent up to us, and now we propose to investigate with regard to the subject of that bill. It might or might not have been proper and necessary, if the suggestion had been made when this bill came before us, to have a committee of inquiry such as is now asked for. It might or might not have been necessary, in order to arrive at a proper conclusion as to whether that bill should be passed or rejected, to have a commission of this kind. In the estimation of many hon. members there were bold, leading features on the face of the bill—that is which could be ascertained and discovered by an ordinary examination such as members of this House could give to it—which called for its rejection. It had been prepared and brought before the country with a great deal of haste, without being canvassed by people either at public meetings or through the press in any way or to any extent, and it had been delayed and not brought before this House until a very late period of the session, and I think the general opinion of this country is—and that opinion extends to a very large number of people even among those who support the Liberal party in Canada—that there are things in connection with the bill which are objectionable, indeed the hon. gentleman sitting opposite me (Mr. Cox) who is as good an authority on commercial matters, as any gentleman in Canada, admitted in the course of the debate that there was one very important feature in the bill of which he did not approve and which he thought should be amended in this House, but we were told by the government that amendments to the bill were impossible. It is not necessary for me to discuss, notwithstanding what my hon. friend from Bothwell has said, whether we were right or wrong in rejecting the bill, or whether we did right or wrong in not having a committee of investigation before the bill was rejected. Apart altogether from the charges of corruption which have been made in connection with the Drummond County Railway, which I hope are not well founded, and which are not the principal objects to be reached by this Committee, we have at the present moment this question coming before us in another shape. We have the statement made in a rather definite manner by the ministers that that plan was going to be accomplished. They were not to be put off the track by any impediments which might be thrown in their way, in this or in any other quarter, and that this plan was going to be carried out, and in the fulfilment of this threat we have some seven different measures, I believe, undergoing consideration in the House of Commons at the present time. One of these is to subsidize the unbuilt portion of the Drummond County Railway, as to which, as I said before and I have no hesitation in saying again, there can be no further reasonable objection. There is another proposition to vote a sum of money, $100,000, to purchase rolling stock which would only be necessary, as I take it, or the greater part of which would only be necessary in the event of the permanent acquisition of the Drummond County Railway, and getting running powers over the Grand Trunk Rail way. In addition to that there is a proposition to vote a sum of money sufficient for the rental of the Drummond County Railway, and portions of the Grand Trunk Railway which were included in the measure before us a few days ago, the rent of these roads and the bridge and everything else, for nine months. We have this action on the part of the government, although it is not, in proportion, nearly so alarming in the public mind as the proposition to enter into a permanent arrangement for a century to come, involving a payment of enormous annuities to these companies, but we have the fact stated by the Minister of Railways that the rental of this road, with the other steps that are taken, are with a view to carry out that deal and which I suppose implies the bill in its entirety. From these statements it becomes a question whether we ought not, in the public interest, to get every possible information about this Drummond County Railway. I think that that is all the more necessary from this

fact, that two sets of figures, with regard to the probable earnings or advantages to arise to Canada from the proposed acquisition or renting of the Drummond County Railway and the Grand Trunk Railway were submitted to parliament. In the House of Commons, the hon. Minister of Railways put certain statements of information based, as he said, upon the authority of the chief engineer of railways, Mr. Schreiber, in which he asserted that there was to be an increase in the tonnage carried over that railway of 500,000 tons a year, and in the same statement he also put before the House of Commons information, on the same authority, that there would be an increase of 632,000 in the number of passengers that would be carried. The statement submitted by my hon. friend, the leader of the House, was very different from that. It shows that in place of 500,000 additional tonnage to be carried by the railway, the additional tonnage to be carried dropped to about 200,000 tons.

Hon. Mr. SCOTT—No, 320,000 and something.

Hon. Sir OLIVER MOWAT—I did not mention the number.

Hon. Mr. SCOTT—1,698,000.

Hon. Mr. FERGUSON—At all events, the estimate fell and both these estimates were alleged to have been made on the authority of the chief engineer of railways, Mr. Schreiber.

Hon. Mr. SCOTT—There was one from Mr. Pottinger in addition.

Hon. Mr. FERGUSON—The fact nevertheless remains, explain it as you will, that when the hon. Minister of Railways came down to the House of Commons with this bill, and when he was asked to give reliable information to that House as to what the increased earnings of the Intercolonial Railway would be under the plan which he was proposing, the information which he gave, and which he stated in his place in parliament was made on the authority of the chief engineer of railways, Mr. Schreiber, that he estimated there would be over 500,000 tons of freight carried in addition to what had been carried in the past, and that there would be an increase of 630,000 in the number of passengers. When the matter came before the House my hon. friend the leader of the House submitted a statement signed by both Mr. Schreiber and Mr. Pottinger, which differed materially from that. It differed in the matter of carrying passengers, and very much in the freight. In the one the alleged increase in the passengers to be carried was 630,000 while in the other it was 230,000.

Hon. Mr. SCOTT—228,000.

Hon. Mr. FERGUSON—My hon. friend is giving me the exact figures. The Minister of Railways went before the House of Commons supplying them with what he said was thoroughly reliable information, based on the authority of the chief engineer of railways, that there would be an increase in passengers to be carried over that road in the first year of 630,000; my hon. friend the Secretary of State on the same authority, Mr. Schreiber, Mr. Pottinger's name added, submitted that the increase would only be 228,000. In view of this serious discrepancy I think we have a right to know more about this Drummond County Railway ——

Hon. Mr. POWER—We are all agreed about that.

Hon. Mr. FERGUSON—and all the transactions connected with the railway before we are a party to committing the country to any very large expenditure in connection with it. As far as I am concerned—and I think I am speaking the sentiments of my friends as well—the principal object in view in this inquiry is to find out the facts of the case. In view of the discrepancy between the information which was supplied the House of Commons and that which has been supplied the Senate, we want to get the best possible information in order that we may not be making a leap in the dark with regard to it. I think hon. gentlemen will say this much, that there has been no intemperate discussion in this House upon this question. I know that on Saturday last the remarks of hon. gentlemen were studiously moderate on both sides. There were no immoderate statements made here which could excite gentlemen in any other place, or provoke any retaliatory expressions. That such expressions have been made in other places is very unfortunate, but that should not influence our action in the slightest degree. I think we should approach this question carefully, and it is a matter for the

government seriously to consider whether this whole matter should not lie over till another session, and then we could take it up. What is the need for hurry?

Hon. Mr. POWER—Oh, we will stay here and finish it.

Hon. Mr. FERGUSON—I cannot say that I speak for my hon. friend who has made this motion, but I conceive that there is no public interest which would be imperilled if the propositions of my hon. friend and the government with regard to acquiring this railway and buying rolling stock were allowed to lie over till next session, and my hon. friends might take advantage of the intervening period to prepare a far better measure. Although I have not a great amount of confidence in my hon. friends as a ministry, I think if they take time they may be able to submit a measure which will meet the approval of all parties. My hon. friend, the leader of the House, has great experience in public affairs, and is always noted for the care with which he deals with public matters, and I think we might appeal to him for a reasonable amount of delay in order that this matter might be brought before the House in a proper form, and if it were still desirable that the Intercolonial Railway should get into Montreal, they might be able to initiate a scheme which would meet with the approval of the House.

Hon. Mr. MACDONALD (P.E.I.)—Would the hon. gentleman explain to the House whether he means the delay of the committee or the appropriation for the road?

Hon. Mr. FERGUSON—I am referring to the delay of the appropriation for the road. I cannot speak for my hon. friend from Richmond, but if that delay were given, I think there would be probably no necessity for holding this parliament together for a month or more for the purpose of making an inquiry at the present time. I hope hon. gentlemen have fairly understood my remarks. I am not suggesting that my hon. friend should drop his motion by any means, for I am quite agreed with him that if parliament is asked to pledge itself to a partnership with the Drummond County Railway and vote certain sums of money for the purpose of consummating that partnership, it is necessary for us, in view of the difference in information submitted to the House of Commons and to this House, and in view of the agitation all over Canada with regard to the merits of the question, and the fact that it has not been well considered, the government not having taken the time necessary for the consideration of the matter this year—whether under all the circumstances it would not be necessary and better in the public interest that these contentious votes should be allowed to drop for the present, and if they are brought up another session and an inquiry is made, it can be undertaken at the beginning of the session, when they could take time to consider it. I am, therefore, favourable to the appointment of a committee. I do not see how any other step can be taken by this House, unless it be that the action of the government which necessitates the appointment of that committee would be such as would warrant us in letting it stand for the present.

Hon. Mr. POWER moved the adjournment of the debate.

The motion was agreed to.

CIVIL SERVICE SUPERANNUATION BILL.

FIRST READING.

A message was received from the House of Commons with Bill (136) "An Act further to amend the Civil Service Superannuation Act."

The bill was read the first time.

Hon. Mr. SCOTT—This is a bill authorizing the government to pay any officials, who have been dismissed from the service, what they have deposited with interest. I move the second reading of the bill presently.

Hon. Mr. MILLER—I oppose any suspension of the rules in regard to any measure the government may bring down.

Hon. Mr. SCOTT—Then I move that the bill be read the second time at the next sitting of the House.

The motion was agreed to.

The Senate adjourned.

SECOND SITTING.

The SPEAKER took the Chair at Three o'clock.

Routine proceedings.

THE CATARACT POWER COMPANY'S BILL.

BILL WITHDRAWN.

Hon. Mr. VIDAL moved that the petitioners for the passage of Bill (124) intituled "An Act to incorporate the Cataract Power Company," be permitted to withdraw the said bill. He said:—It is not any fault of the promoters or petitioners for this bill that the bill has not been reported to the House. It has been postponed from time to time and for want of a quorum it could not be proceeded with. The only opportunity they have to apply to the House of Commons to have the money refunded, which has not been expended on the bill, depends on our allowing the bill to be withdrawn.

The motion was agreed to and the bill was withdrawn.

THE INTERCOLONIAL RAILWAY EXTENSION.

DEBATE CONCLUDED.

The order of the day being called,

Resuming the adjourned debate on the motion of the Hon. Mr. Miller, that a special committee of the Senate be appointed to inquire into the expenditure of the subsidies granted by the parliament of Canada to the Drummond County Railway Company, in the province of Quebec; the present financial position of the said company, its liabilities of every description, whether matured or accruing; the condition and classification of the said railway, as well as its equipment, and also, all other matters and things relating to the said subjects or any of them, as well as all other matters and things relating to the said railway; with power to send for papers, persons and records, and to report from time to time, and that the said committee consist of the Hon. Sir Mackenzie Bowell, Messrs. Ferguson, Power, Scott, Macdonald (P.E.I.), McInnes (New Westminster), De Boucherville, Primrose, Cox, Clemow, Landry, Prowse, Wood, Thibaudeau (de la Vallière), and the mover.

Hon. Mr. POWER said: I do not propose to make a speech on this subject. I propose simply to make a few observations, of, I hope, a very moderate character. What is the position of the Senate at the present time? No doubt the relations at present between the Senate and House of Commons are somewhat strained. It may be that language has been used in both places which was a little stronger or warmer than could have been desired. This subject is one which should be discussed in the calmest and best tempered way. The Senate should not desire to do anything which would place it in a false position before the country, and I think that where political action is governed in any degree by temper or passion, mistakes are very likely to be made. I regret, consequently, that there has been to-day a certain exhibition of something other than calm and deliberate argument and consideration of the question before us. There was a bill before the Senate which had passed the other House. That bill contains a portion of the government policy with respect to railway extension in this country. It set out an agreement for doing part of the work which the government thought ought to be done. The bill with respect to the other portion of the government policy is not yet before this House. At first blush, does it not seem that the government of the country, who are responsible to the people, are the parties whose policy in connection with the expenditure of the finances of the country should govern, and above all, when that policy is endorsed by a large majority of the other chamber, does it not seem that that matter was one which was peculiarly for the government, and for the other House of parliament? However, I am not going to insist on that point, I only mention that en passant. The Senate exercised its undoubted right—I mean its legal right. I think the hon gentleman from Bothwell showed that, according to parliamentary practice, although we might have an absolute right, we were departing from the procedure and functions which govern parliament. Without going into the authority I should like to call the attention of the House to the fact that at page 471 Bourinot lays down the general principle. He says:

Since 1870 no attempt has been made in the Senate to throw out a tax or money bill. The principle appears to be well uuderstood and acknowledged on all sides that the upper chamber has no right to make any material amendment in such a bill but should confine itself to mere verbal or literal corrections. Without abandoning their abstract claim to reject a money or tax bill, when they feel they are warranted by the public necessities in resorting to so extreme and hazard-

ous a measure. The senators are now practically guided by the same principle which obtains with the House of Lords and acquiesce in all those measures of taxation and supply which the majority in the House of Commons have sent up to them for their assent as a co-ordinate branch of the legislature. The Commons, on the other hand, acknowledge the constitutional right of the Senate to be consulted on all matters of public quality.

Then at page 591 I find the following language, and this was referred to by the hon. gentleman from Bothwell :

In the speech with which the Governor General opens and closes every session of parliament he recognizes the constitutional privileges of the House of Commons with respect to the estimates and supply ; for he addresses its members only with respect to these matters.

Then he goes on to state that the Supply Bill can only be presented for the assent of the sovereign by the Speaker of the House of Commons. On the following page you find the same principle laid down, and all our reading is to the same effect, that the House of Commons is the chamber which has to deal with money matters. However, we acted on our strict legal right, although we are not acting according to the practice under the British constitution, and threw out this bill. What is the result? That this measure, which would have obliged the country to pay a certain rental for 99 years, is not operative. There is an end to that agreement, and that agreement cannot become law until it has received the assent of this House. The agreement itself contains that provision, and if the Senate is not satisfied next session, or the year after, that the measure is not one which should pass, the Senate can prevent it from passing. It cannot become law without being submitted to us. As I hav· said, if there are objectionable features in the bill—I did not myself observe any of any consequence—if these are not removed we have it always in our power to prevent that measure becoming law. The hon. gentleman from Bothwell was right also in contending that, as we had thrown out the bill, there was nothing before us to justify the appointment of the committee. According to strict practice there should have been some formal charge stated in the House, but even though, as in the present case, the charges which are made by persons who do not pledge their standing or their veracity to the truth of these charges, still, as these charges have been made, and as suspicion has to a certain extent, I presume, been sowed in the public mind, it is necessary, in the interests of the persons who govern the country and of those who are connected with the Drummond County Railway, that there should be an inquiry. I have not heard any dissent from that position in this House. Then the hon. gentleman from Bothwell (Mr. Mills), recognizes the fact that the inquiry was necessary, but took the ground that that inquiry should more properly take place in the other chamber. I think that, strictly speaking, the hon. gentleman is right, but I do not think he went so far as to state positively his opinion that there should not be an inquiry by this House. The hon. leader of the government assented most readily and cheerfully to the proposition that there should be an inquiry, and he urged that that inquiry should be of the most thorough character. No one has objected to an inquiry : we are all agreed upon that point. As I have said, the hon. gentleman from Bothwell took the ground that there should be an inquiry in the House of Commons. I think, myself, that probably that is the more proper place—in fact, I am satisfied it is, but if it was apparent that no inquiry was to be made by the House of Commons, then the Senate would not only be justified, but it would be the duty of the Senate to make an inquiry, and if the House of Commons were not prepared to make the inquiry, we should not be going beyond our duty in doing it. Such inquiries have been made in the Senate. I cannot say that the result has always been most satisfactory, looked at from the public point of view, not a party point of view. There was a case given by the Secretary of State before one o'clock. As I say, we have all agreed that there should be an inquiry, and a thorough inquiry, and the only question which was to be considered was when that inquiry should be made. On Saturday last the sentiment of this House, as far as I could gather, was that the inquiry had better be postponed until next session. The bill could not pass without our concurrence ; we would have ample time at our disposition. The inquiry could be made without any inconvenience to the members of this House or of the other House, while if the inquiry is to take place now, it means just this, that when the usual business of parliament is about at an end, we begin an inquiry which may extend very

possibly over six weeks or two months, and the members of both Houses are to be kept here attending to this work. I had hoped myself, as I suppose other hon. gentlemen had, to spend the months of July and August at home, and naturally I feel somewhat disappointed that that is not to be the case, but one has to accept the situation and suffer for his country. I have this feeling that, as regards this House, if a certain number of Liberals are suffering for their country, a much larger number of Conservatives have to suffer with them.

Hon. Sir MACKENZIE BOWELL—That is a consolation.

Hon. Mr. POWER—It is, that we should have companions in misery. As I say, the consensus of opinion on Saturday appeared to be that, as a matter of convenience, in fact in every way, it was more desirable that this inquiry should be postponed until next session. Sunday intervened, and Sunday is a day when one would suppose the sentiment of love to our fellows would be strengthened and increased, and a peaceful sentiment would be much stronger in the minds of hon. gentlemen than it was on Saturday when the discussion had been going on, but it is regrettable to state that, after passing over the Sunday, hon. gentlemen came here on Monday morning with sentiments much more bellicose than on Saturday.

Hon. Sir MACKENZIE BOWELL—Moral: do not read Grit papers.

Hon. Mr. POWER—The hon. leader of the opposition has, to a certain extent, shown that it would have been better for him to have attended to his prayers yesterday than to have read the papers.

Hon. Sir MACKENZIE BOWELL—I quite agree with the hon. gentleman.

Hon. Mr. POWER—That is what we find. What are the reasons for this change. Something was said about an item which appeared in the estimates, but that item was in the estimates on Saturday. It was known that that item was to be in the estimates on Saturday as well as to-day, so it is not the appearance of that item of $157,500 which has made the change. As far as I could gather from the speech made by the hon. leader of the opposition, the reasons for the change were two: one that the hon. Minister of Railways had said something in another place who indicated an intention on the part of the House of Commons to persist in putting this item in the estimates. That was about the substance of it; another reason which operated most with the hon. gentleman was an article which he read from the Toronto *Globe*. It strikes me that that was not a sufficient reason for such a body as the Senate changing its opinion on an important question. The *Globe*, as every hon. gentleman knows, has, as far as my recollection extends, never been friendly to the Senate, and has, in fact, never failed to take every reasonable opportunity of making an attack on the Senate. The *Globe* is taking its old policy. In 1878 I felt myself called upon to write two letters to the *Globe* in reply to attacks on the Senate.

Hon. Mr. MILLER—And very able letters they were too.

Hon. Mr. POWER—I am glad my hon. friend appreciated them. I felt it was my duty to do it, but to-day I do not think it is my duty to take notice of its utterances, because the *Globe* is something like Ephraim, "joined to its idols" and it is just as well to let it be.

Hon. Sir MACKENZIE BOWELL—The Hon. George Brown made the most powerful speeches in favour of an appointed Senate, I know my hon. friend opposite took a different view.

Hon Sir OLIVER MOWAT—I was in favour of an elective instead of an appointed Senate.

Hon. Mr. POWER—There is another circumstance, the *Globe* does not claim to be the organ of the government. The *Globe* has said on several occasions that it is not the organ of the Liberal party, and, to say the least, it is not at all a dignified proceeding on the part of this House to be governed in its actions, on a solemn occasion like this, by what happens to appear in a newspaper belonging to the other party. I cannot conceive, if a great constitutional difficulty arose between the House of Lords and the House of Commons, the leaders in the House of Lords basing their proposed action upon a question of this kind upon what had appeared in the newspapers of the day before or

two days before. We ought to do what we think on the whole is right, and follow the course which we believe to be convenient without regard to what is said in other places, or what is written in party newspapers. Anything that has been said in the *Globe* or the Montreal *Herald*—although I did not think there was anything out of the way in what the *Herald* said—anything that may have been stated in the newspapers or in another place does not change the position. The position is exactly the same to-day as it was on Saturday; consequently, although I presume the decision of the majority is final, I regret that that decision should have been arrived at, but anything I could say would not change that decision. It is only right to put the thing as a matter of business, and point out why, as a matter of opinion, we would have done better to have adhered to the conclusions at which the House had apparently arrived on Saturday. The hon. gentleman from Marshfield held out the olive branch and felt that possibly even yet if the government would consent to withdraw the item in the estimates which concerned the extension of the Intercolonial Railway, the Senate might consent to postpone the committee until next session. Hon. gentlemen who are so vigorous and resolute in defending the rights and privileges of this House must expect that the other House will be pretty resolute in defending the privileges of that House. We have no right to expect it, and this House would be going altogether out of its constitutional position if it undertook to dictate to the House of Commons what items should be put in the estimates. If there was any item in the estimates which interfered directly with the rights and privileges of this House, it would be a different thing. For instance if the House of Commons struck out the provision for the indemnity of senators from the Supply Bill, then the Senate might have some ground for undertaking to give advice as to what was to be in the Supply Bill, but we have no right whatever to undertake to tell the representatives of the people what items they are to put in the Supply Bill. When the Supply Bill comes up here, then it will be our right to discuss it and if we think fit, reject it; but I do not think that we have any right whatever at this stage to persist, or to undertake to dictate to the other chamber and to the government what items are to be in the Supply Bill. I can only add that, as this investigation is to take place, and it apparently is to take place forthwith, I trust, as was stated by the hon. leader of this House, that the investigation shall be of the most thorough and searching character. I heard a rumour to-day, which I trust is not well founded, that an hon. gentleman who is now a member of this House and who would very probably be an important witness before this committee, is about taking ship for Europe, so that it will be necessary for this committee to move very rapidly when it is appointed and to see that no one who would be in a position to give important evidence gets out of the jurisdiction of the Speaker's warrant. I have nothing further to say on the matter.

Hon. Mr. PRIMROSE—I wish to take exception both to the words which were used and to the manner of using those words of the hon. Secretary of State. The hon. leader of the opposition admonished him, so to speak, not to get into a passion, as he was discussing these matters, but that admonition seemed to fall on dull ears in a measure, because I did not observe any very marked change in the method of the address of the hon. Secretary of State. At first I could scarcely believe that I had heard the hon. gentleman correctly, until I had asked the question of some of my fellow senators who were opposite him, and therefore in a position to hear more correctly than I, that he had characterized this committee as a fishing committee, and that the investigation which they would hold would in all human probability be a purely political investigation. Now, I wish on my own behalf, personally, to repudiate utterly either and both of these charges, and I think that I may very fairly take upon me to repudiate them also on behalf of my colleagues, who have been named to act on this committee. After all, there was a certain appropriateness in the simile which the hon. Secretary of State used in referring to this committee. He called them a fishing committee. I am something of a fisherman myself; I have spent some happy hours fishing, and I have realized an experience which I think is very common to fishermen, and that is that they do not always know the manner of fish that they are going to take when they let their lines down. Some of them may be the choicest

fish of the water: others of them may be like Pharaoh's lean kine, "evil, exceedingly evil." It was appropriate for the Secretary of State to characterize the members of this committee as a fishing committee, because, if my opinion is worth anything, I gather very decidedly that there is a strong consensus of opinion throughout the Dominion of Canada that this transaction is something of a fishy transaction—that is from what has been presented. I speak now without any personal feeling whatever, but from what I have seen in the newspapers and heard, and apart from any political bias, this transaction might, without any great unrighteousness, be characterized as a fishy transaction. Apart from that altogether, I think the style and the language of the hon. Secretary of State were very far, in my estimation at least, beneath the plane of a person occupying the high and responsible and honourable position of Secretary of State for the Dominion of Canada. Whilst he was speaking, and under the admonition of my hon. friend, the leader of the opposition, I could not but call to mind an old classic which I repeated to myself, "and have celestial minds such anger." It appears so.

Hon. Sir MACKENZIE BOWELL—Terrestrial.

Hon. Mr. PRIMROSE—I do not know if that was low enough, but I cannot understand the need for the anger. The hon. gentleman professes, as do his colleagues, that they are perfectly willing to have this investigation go on at once and sift it to the bottom, and yet witness the style of the Secretary of State in addressing the Senate this morning. He was so angry that his words rolled together. I have this much to say in regard to the matter; I wish on my own behalf decidedly and most emphatically to repudiate the charges of the Secretary of State, as I was appointed on this committee without any desire of my own and without any knowledge of it. I wish to state that any business ability I may have, or any mental power I may possess, is perfectly at the service of my country in this matter, irrespective of political bias or influence in any degree whatever. I shall not be influenced in that way in regard to this matter. The hon. gentleman from Halifax (Mr. Power) takes the position, and takes it very strongly, that the policy of the government should govern, supported as it is by a large majority in the other chamber. If the hon. gentleman can make me well assured of the fact that that large majority were perfectly unanimous in support of this measure, then I could see some force in this argument, but I am constrained to believe that there was very far from being unanimity amongst those who support the government.

Hon. Mr. POWER—The vote on this particular question was about two to one.

Hon. Mr. PRIMROSE—I am aware of that. Can not the hon. gentleman imagine a man voting with his party and against his own conviction?

Hon. Mr. POWER—Some Conservatives voted for it too.

Hon. Mr. PRIMROSE—I suppose some Conservatives are no better than Liberals. I absolutely demur to the position taken by the hon. member from Halifax (Mr. Power), that it is the duty of the Senate to pass bills coming up to this honourable House from the lower chamber, making provision for an expenditure of money, even though they may most conscientiously disapprove of the provisions they contain. The quotations given this morning by the hon. gentleman from Marshfield, I think clearly demonstrated that, and it was just a case of May and Bourinot against the authorities on the government side of the House.

Hon. Mr. POWER—But I cited Bourinot.

Hon. Mr. PRIMROSE—I do not think the arguments which the hon. gentleman cited from Bourinot had the cogency of those cited by my hon. friend from Marshfield. He takes the position also that it is unbecoming and unsuitable, ultra vires in fact, for this House to dictate to the House of Commons what items are to be in the Supply Bill. Does not the hon. gentleman recognize a difference between the position I have described in this House of bills coming to the Senate with money appropriations in them, and the position which he talks of when he says we dictate to the House of Commons what items are in the Supply Bill? To my mind, there is a great difference. I have become possessed of some information contained in a telegram which I desire to submit to this House for their

information. Some hon. gentlemen may not be aware of the fact which this telegram states. It is a telegram which may be considered, in a certain sense, official as coming to one of our local papers. It is to the *Courier du Canada*. It is a special from St. Hyacinthe, and is as follows:

At 10 o'clock this morning fire broke out in the office of the Drummond County Railway. All the inside of the office has been destroyed and also several account books the property of Mr. Fee; loss under $1,500.

This, hon. gentlemen, is purely an accident, but none the less regrettable.

Hon. Sir MACKENZIE BOWELL—Under the circumstances.

Hon. Mr. COX—It appears to me neither necessary nor desirable to prolong the discussion. So far as I understand the feeling of this House, all are agreed as to the desirability of proceeding at once with the investigation, and personally I should like to see it proceeded with at once.

The motion was agreed to.

JUDGES OF PROVINCIAL COURTS BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (140) "An Act further to amend the Act respecting the Judges of Provincial Courts."

(In the Committee).

Hon. Mr. FERGUSON—When this bill was read the second time, it was understood in the House that an opportunity would be allowed my hon. friend, the leader of the Senate, to consider the suggestion to institute an inquiry into the conduct of Judge Prendergast. Perhaps my hon. friend is in a position to make a statement regarding it.

Hon. Sir OLIVER MOWAT—The early adjournment of the House on Saturday enabled me to look into the matter and into the various points suggested during the discussion. The desire of my hon. friend was that steps should be taken under the Revised Statute, chapter 138, section 2, for bringing this matter before the Governor in Council with a view to the removal of the judge for the reasons mentioned. The first thing that I looked into was whether the case as stated comes within that authority, and I am not prepared to say that it does. I am not prepared to say that the statute embraces offences committed before the party was made a judge—that the purpose of it is not confined to cases where the misbehaviour—that is the word in the statute, "misbehaviour"—took place after the judge's appointment. If that is the proper construction—if the statute does not apply to an offence committed before the appointment, then the course would be an address from the two Houses to the Governor General, asking him to remove the judge. Originally, we all know, the removal of a judge was a matter for the mere discretion of the Crown—that was the law and the practice until the Act of settlement in 1700, which provided that no judge could be removed except on an address of the two Houses. The statute did not limit at all the causes for his removal. The Houses were left to their own sense of what was just and proper and necessary as to the reason why they desired the removal of a judge. Our statute is for the Governor in Council to act without any action on the part of the two Houses. It is quite intelligible why there should be a limited authority where the Governor is acting without an address of the two Houses of parliament, and an unlimited authority where he is acting on the address of the two Houses of parliament In the one case, where he has to act without the action of the two Houses, his authority is limited to certain specified particulars, very wide particulars but still to certain particulars, while in cases for which the proper remedy is an address of the two Houses there is no restriction at all. The effect of that will have to be thoroughly considered. Then, if any further proceedings are taken in this matter, several other things would have to be considered. Of course it is quite clear that action for a judge's removal is not to be taken for every violation of the law which had taken place before the judge's appointment. There are many violations of law which common sense indicates would be quite out of the question as grounds for his removal. He may have assaulted somebody, or published a libel about somebody; he may have bought a lottery ticket, for that is a violation of the law. He may have allowed a nuisance on his property under circumstances which made it a criminal offence to do so; but these would certainly not be grounds

for his removal, and where is the line to be drawn? It is very difficult to draw it; it is very difficult to know, when you go back of the appointment, what acts in a man's previous life would have the effect of justifying his removal. In Mr. Todd's book he lays this down as a definition:

> Constitutional usage forbids either House of parliament from entertaining any question which commissioners with the jurisdiction of the court of law should determine, or from instituting investigations into the conduct of the judiciary except in extreme cases of gross misconduct or preversion of the law. That might require the intervention of parliament to obtain the removal of a corrupt or incompetent judge.

These observations are used with reference to the conduct of a judge after his appointment, but of course they apply *a fortiori* to offences previous to his appointment. I have studied more closely than I did before what the evidence is of the two offences with which the Judge Prendergast is charged. One is testified to by one Berthiaume, and I think, when my hon. friend investigates that case, taking the evidence just as the witness gave it, he will see that it is defective in this respect, it does not say that the promise to help him was in order to induce him to vote. He does not state that. It does not appear from the conversation any reference was made to the election or to voting, and I daresay when my hon. friend observes that, he will see that there is not much to be made on the evidence as it stands now. Then, in the other case, there is the evidence of the cabman Roy that he had been employed during an election for a day in bringing voters to the poll. Of course that is illegal, but whether a single instance of employing a man to bring voters to the poll and paying five dollars is such a serious matter as to cause the removal of a judge is worthy of my hon. friend's further consideration. This matter of paying for bringing voters to the poll has not always been considered an objectionable thing. It was practised by everybody until quite a recent period. I think the first English statute on the subject was in 1854. Until that time it was a perfectly legal thing to do. Then in 1854 it was rendered illegal in some cases but not in others, and it was not until 1883 that in England it was forbidden in all cases. In England it is not called a corrupt act, and by our own Canadian statute it is not called a corrupt act. It is called an illegal or unlawful act. We know it is unfortunately a very common thing, notwithstanding the law. It is not so common as it once was, because it has to be done with a certain amount of secrecy. But still it is very common, as I am afraid we all know. I am afraid there are county court judges, and superior court judges too, who in their political days have been charged with some violation of the political law in this respect as well as in other respects. It does not prevent their being good faithful and true judges.

Hon. Mr. DEBOUCHERVILLE—Would the judge be disqualified if he was proved to have committed the offence?

Hon. Sir OLIVER MOWAT—From being a judge do you mean?

Hon. Mr. DEBOUCHERVILLE—From holding any office under the Crown?

Hon. Sir OLIVER MOWAT—The Manitoba law does not govern us in this matter. I rather think there is some provision in the Manitoba Act. But this is an officer of the Dominion government and appointed by them, and therefore the law of Manitoba does not govern. I am suggesting all these things for further consideration. They occurred to my mind, and I thought they might assist any hon. gentleman to come to a conclusion as to what should be done and as to the proper course to pursue. Most members of this House, probably were politicians and party men before they became senators, and a good many of my friends disclaim being party men now, and I am very glad to accept that disclaimer. In this House we should not be party men, so far as it is possible to be otherwise. But there was a time when we were all party men, if we are not party men now, and I doubt very much whether some of my hon. friends can say that they were not guilty of similar violations, or perhaps they did something in their time which would not be legal now. Perhaps the same thing can be said of ministers of the Crown on both sides. I mention all these things to be considered when we are taking into account how heinous it is for a man to be proved—assuming it is proved—to have been guilty of one act of paying a cabman $5 for a day's work in drawing voters to the polls. Judge Prendergast does not admit that the statement of Roy gives an accurate account of what took

place. I am considering the case just as if it were not contradicted. I think it is fair to so regard it, because Judge Prendergast had an opportunity o appearing before the judge and disputing these allegations, but he did not think it necessary to do so. It is quite fair, therefore, to assume that Roy's statements are true. I should be glad if hon. gentlemen would consider what course has been adopted with regard to county court judges who have been known to have taken part in election matters. Take the case of Judge Fitzgerald—he was found guilty, at an election court, of corrupt practice in getting an alien to vote, a man who knew he had no right to vote, and this occurred under the law of Ontario, which expressly declares that an act of that kind is corrupt. That happened two or three years ago, and notwithstanding that he was appointed. I do not say anything against that. Though he was carried away, as many men are in elections, to do things he should not have done, I think he has proved a very good judge, and it would not be right to move that he should be deprived of his office. I would not think of doing so. I believe my hon. friend does not intend to press the objection he made the other day. It would be satisfactory to the House generally to know that if Mr. Prendergast is left on the bench, there is every reason to believe and know that we are leaving there a very able man and a very active judge. The day after he was sworn in, he took his seat in the court and was addressed by two members of the bar on behalf of the bar, both gentlemen who addressed him being prominent Conservatives, and one of the men who addressed him is perhaps the first man in the Manitoba bar. They spoke of his ability, courtesy and integrity, and in fact attributed to him the possession of all the qualifications necessary to make a good judge.

Hon. Mr. FERGUSON—Who were those gentlemen?

Hon. Sir OLIVER MOWAT—Mr. Munson was one, and Mr. Bertrand the other.

Hon. Mr. DEBOUCHERVILLE—Is he a lawyer?

Hon. Sir OLIVER MOWAT—Yes. And this is the newspaper account published next day of what took place:

His Hon. Judge Prendergast took his seat in the county court for the first time this morning, having been sworn in on Saturday. As the senior member of the bar present in court and on behalf of the bar Mr. Munson, Q.C., stated that he desired to express the great pleasure with which the appointment of his honour had been received, not only by the bar, but by the community at large. It was satisfactory also to think that the position had been filled by a member of the Manitoba bar. The increased jurisdiction in the county court demanded an increased responsibility in the position of a judge. One thing was certain that all suitors alike would receive at the hands of his honour that same courteous treatment that his honour had been noted for when at the bar, and he sincerely hoped he would be spared for many years to fill the new position to which he had been appointed.

Mr. Theo. Bertrand followed in a speech in French in which he stated how glad Mr. Prendergast's friends were to hear of his appointment. He spoke very highly of the known courtesy, integrity and ability of his honour and that there was but one opinion that his honour would make a good judge.

His honour replied to Mr. Munson in English and Mr. Bertrand in French. He thanked them both for their remarks and the kindly expressions they had uttered; he was well aware of the onerous duties of the office of a judge and however unworthy he might be to fill it he would endeavour to do so with satisfaction to the members of the bar and the community at large. He hoped that the pleasant relations which had existed between himself and the other members of the bar while at the bar might be always continued.

Hon Mr. DEBOUCHERVILLE—Bertrand was the candidate who was defeated in the election by Mr. Lauzon.

Hon. Sir OLIVER MOWAT—This Bertrand, I am told, is a Conservative. It cannot be the same person. The other was a Liberal.

Hon. Mr. BERNIER—There are two Mr. Bertrands. The candidate was Mr. S. A. D. Bertrand: the other, Mr. T. O. Bertrand, is an attorney.

Hon. Sir OLIVER MOWAT—That is it. The Mr. Bertrand named is, as I have said, a Conservative. I think it fair to add a word or two in regard to the judge's career and qualifications. He is a man of education. He was educated at the Quebec seminary and Laval University, where he graduated in arts and law with high honours. He settled in Manitoba in 1881 and has been there for sixteen years. He has been six times elected to the Manitoba legislature. He was president of the St. Jean Baptiste Society of Manitoba from 1885 to 1896. He was for three successive years elected unanimously as mayor of St. Boniface, and

was a member of the provincial Board of Education for six years, until its abolition in 1890; and for the last ten years he has been a member of the Council of the University of Manitoba, which office he still holds. If he is to remain a judge, I am sure it will be a satisfaction to my hon. friend to know that there is every reas n to believe he is an able and cultured man, well known to the people and acceptable to them. I am glad to believe that my hon. friend does not intend to press his objection to the clause.

Hon. Mr. FERGUSON—I am very much pleased to hear my hon. friend say these things about Mr. Prendergast, and read some complimentary things that were said to him and about him on the occasion of his being sworn in. It is gratifying to find that he is not altogether fitted out with a pair of horns, and that there are some who esteem him—at all events that he has friends who esteem him, and that he is not in all respects an unfit man to be appointed to that position. I have listened very carefully to the remarks which my hon. friend the Minister of Justice has made, and I think I would not be inclined to agree with him as to the power of the government in dealing with a judge in such a case as this. Under our Act of 1882, the Governor General in Council has very extensive powers, and considering the words "any other cause" in that section, it could be made to apply to such cases as the one we have now under consideration.

Hon Sir OLIVER MOWAT—The words are incapacity or inability to perform his duties properly, on account of old age, ill-health or any other cause.

Hon Mr. FERGUSON—I think it is a little wider than that, and that the word "incapacity" is scarcely connected with it in the way which my hon. friend thinks it is. However, I am not going to press that matter further that to say this, that while it may be true that that Act only contemplated an investigation into the conduct of a judge after his appointment, while that certainly appears on the face of it to be the meaning and intention of the Act, my hon. friend will not deny, I think, that if the consequences of an illegal act committed before his elevation should come home afterwards by a transaction, such as might be done in this case, or by a trial which might result in his disqualification, which I do not think would strictly legally apply to such an office under the Dominion government, but to an appointment under the Crown as represented by the Governor of Manitoba—but even if he were subject, as he might be should this offence be brought home to him, to fine or imprisonment, after his elevation to the bench, although the offence were committed before it, a very serious case would arise which would probably call for action on the part of the Governor General in Council. It is not necessary that I should again discuss this matter. It has perhaps received all the discussion in this House that it ought to receive. I am still of opinion that the actions of Mr. Prendergast were of a very questionable character, and that it is a very great misfortune for the administration of justice that these things should have been connected with his name just at the very time we may say when he was being elevated to the bench. There is a difference between that case and the case of Judge Fitzgerald. I do not remember very closely all the matters in connection with Judge Fitzgerald, but I think, whatever it was that occurred in his case, it was something that happened very many years ago, and the consequences of a prosecution could not possibly be brought home to him at the time he was appointed to the bench. That is correct at all events as far as the date of the offence. It was an offence that had happened so long ago, if it were one at all, that the man might fairly be held to have lived it down, and as the legal consequences could not be brought home to him, it could not be urged against his appointment. In this case the strong feature about it is that the time had not elapsed which would support a prosecution in bringing the charge home to Judge Prendergast, and the consequences might follow. However, I am not going to object any further to the course which my hon. friend proposes to pursue. He has not, as I understand it, come exactly to the conclusion that the Act does not meet such a case. At all events, he is in a judicial frame of mind upon the subject, and that being so, I am disposed to leave the matter in the hands of my hon. friend with the wish that he may in the future do a little better than he has done in the past. This bill involves an increase of $100 in the

salaries of all the judges of Manitoba. The estimates only provide for the $2,400 to each.

Hon. Sir MACKENZIE BOWELL—That is after three years' service.

Hon. Sir OLIVER MOWAT—That is a printer's error. I did not observe it until the matter came here, and it was not observed by my hon. friend who had charge of the bill in the other House. I propose to bring in a short bill to make that $2,400. I would move this as an amendment now, but I think it is a matter which we have no jurisdiction to amend.

Hon. Sir MACKENZIE BOWELL—I do not think it is too much.

Hon. Mr FERGUSON—No, I do not think it is.

Hon. Sir OLIVER MOWAT—No, but I could not justify giving the Manitoba judges $2,500 and the judges of the other provinces $2,400 ; but if I can prevail to make them all $2,500 I would agree to it.

Hon. Sir MACKENZIE BOWELL—I have always thought, considering the position of our judges and the way they have to live, that their salaries are too small : I am speaking as the salaries simply, and have no reference to Mr. Prendergast.

Hon. Mr. BAIRD, from the committee, reported the bill without amendment.

PUBLIC SERVICE LOAN BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of bill (148) "An Act to authorize the raising, by way of loan, of certain sums of money for the public service." He said :—The bill now before us authorizes the Governor in Council to raise, by way of loan, the sum of $15,000,000. The necessity for it arises from the fact that the borrowing power is reduced lower to-day than it has been for very many years. In 1888, which was the last occasion when parliament was asked to authorize the Governor in Council to borrow, the amount of the borrowing powers that had then not been exhausted was $26,000,000, and authority was asked at that time to raise, by way of loan, $25,000,000, so that the borrowing power at that time was over $50,000,000. Since that time there have been a number of loans made. In 1888, a loan was made for $21,-500,000 ; in 1892, $18,000,000 ; in 1894, $10,950,000. In addition to that, the Savings Banks deposits increased $5,669,000. So that at present the borrowing power is reduced to $8,000,000. Of course, the Governor in Council taking power to borrow money, it does not follow that the money will be borrowed except as necessity arises.

Hon. Sir MACKENZIE BOWELL—No trouble about spending it.

Hon. Mr. SCOTT—There are outstanding now temporary loans about $5,000,000, and two or three millions of that was outstanding at the time the government assumed office, and the balance of it is due to the present government. Then the capital appropriations in the estimates this year, chiefly for the finishing of the canals, which it was understood were to be completed within the next eighteen months to the fourteen feet, would be $7,154,000, Crow's Nest Pass, $4,300,000. Those were the immediate items the necessities of which required this bill. With this $15,000,-000 it would leave the borrowing powers at the present moment $20,613,000 as the $8,613,000 is the exact amount which the Governor in Council is now authorized to borrow.

The motion was agreed to.

Hon. Mr SCOTT—I move that the bill be read the third time to-morrow. It is not usual to refer money bills to a committee.

Hon. Sir MACKENZIE BOWELL—I would like to be postively sure on that point. Are there any money bills not referred to the Committee of the Whole?

Hon. Mr. SCOTT—No, no money bill.

Hon. Sir MACKENZIE BOWELL—Yes ; when you introduce the estimates you dispense with all rules, you move that the rules be rescinded for the time being, that course has been adopted by all governments for the reason that the Senate has no power other than to reject, and that extreme step has not been taken or suggested in the past ; but I know of no rule which says that money bills shall not go to Committee of the Whole, because it is there that the discussions can freely

take place. We are very loose in discussing questions here. The object of the Committee of the Whole is to enable an interchange of opinion, either in debating or in conversational tone.

Hon. Mr. MILLS—You cannot amend the bill. What do you go to committee for?

Hon. Sir MACKENZIE BOWELL—That is quite true, but that does not prevent discussion with a view to other action, if such be deemed advisable.

Hon. Mr. POWER—We have never gone into Committee on the Supply Bill.

Hon. Sir MACKENZIE BOWELL—But this is not the Supply Bill. It is a bill to authorize the borrowing of $15,000,000.

Hon. Mr. MILLS—You cannot alter it.

Hon. Sir OLIVER MOWAT—It is certainly a money bill.

Hon. Mr. POWER—I suppose it can be discussed at length at the third reading, as it contains only one clause.

The motion was agreed to.

IRON AND STEEL BOUNTIES BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of bill (145) "An Act to provide for bounties on iron and steel made in Canada."

Hon. Mr. PROWSE—I wish to call the attention of the government to the first clause. It appears that the manufacturers of iron have been struck hard by the present government in the great reduction of duties upon iron manufactures of all kinds, and they are to be compensated to some extent for the losses which they will sustain, and in order that they may be able to carry on their business it is proposed now to give them a bounty for the manufacture of iron in Canada. It is a pity—and I wish to call the attention of the government to the fact—that they have not made it positive in place of leaving it optional with the government whether they shall be paid or not. It says:

> The Governor in Council may authorize the payment of the following bounties.

and it leaves the manufacturers in doubt as to what course the government will take in regard to these bounties. It is very desirable that they should know for certain before they make arrangements to carry on their business, that they are assured to a certain extent of getting the bounties mentioned in the bill. The way the bill is worded they are not by any means certain of it. They may make large preparations, and the government has the power to withhold any bounties.

Hon. Mr. PRIMROSE—I wish to reassert the position which I took in regard to this matter the other day, that these proposed bounties do not counterbalance the change in the duties. I read from a paper published in our country that the managers of the Nova Scotia Steel Co. in New Glasgow, to which reference has been made in the House as a very large industry, have concluded to reduce the salaries paid by them ten per cent. That indicates that the managers of the concern, who know what is for its interests and otherwise, regard the operation of this change as prejudicial to them to the extent that they are called upon to reduce the wages ten per cent.

Hon. Mr. SCOTT—The words used here are the words used upon all occasions. In the Act of 1894 to provide for the payment of bounties on iron and steel manufactures, it says:

> The government may authorize the payment of $2 per ton on all pig iron, &c.

Those are the words that are ordinarily used. They are the parliamentary phrase, I take it, and I think there can be no doubt about it. It would be highly improper to give authority, unless it was intended to exercise the authority, where the Act was specified to define what can be done. To the extent of that, I presume the government will be bound. It would be a departure from well recognized principles if the government were to exercise any discretion at all on that point. There was some discussion in the other chamber as to whether it would apply on iron made for export. I do not know what the conclusion of the House of Commons was, but I recollect there was a debate on that part of it, but the Finance Minister, in moving the resolutions in the other chamber, gave an estimate of the quantity of steel ingots and pig iron that would be manufactured and made now in Canada, and he estimated the

amount paid for that would be $45,000. On another class of iron he estimates that the bounty would be $13,500. Of pig iron manufactured from ore, which is the largest quantity, he estimated there would be $175,000 paid, making a total charge on the revenue of $233,500 and you will observe the bill says :

> The said bounties shall be applicable only to steel ingots, puddled iron bars and pig iron made in Canada prior to the 23rd day of April, 1902.

That limits it to five years. In the other Act it was limited to a period between March, 1894, and March, 1899, both days included, a period of five years from the date of commencing operations. This Act follows on that line and proposes that the bounty shall be paid for a period of five years.

Hon. Sir MACKENZIE BOWELL—There is a marked distinction and difference between the provisions of this bill and that which stands upon the statute-book at the present moment. First, it is an increase of the bounty. Secondly, it provides for the payment of $3 per ton for all pig iron manufactured from Canadian ore, and $2 per ton for that which is manufactured from foreign ore. Under the old law and regulations the bounty could only be paid upon pig iron and ingots manufactured from Canadian ore ; so that it will be seen that the principle is extended to that of foreign ore, allowing the manufacturer of pig iron to import from any foreign country the raw material—that is the ore—manufacture and smelt into pig iron, and then pay him a bounty upon that portion of the pig iron produced from the ore.

Hon. Mr. SCOTT—But the old Act contemplated foreign ingredients—"such other ingredients as are necessary."

Hon. Sir MACKENZIE BOWELL—Yes ; but it was confined exclusively to the product of the Canadian mines. I desire the hon. Secretary of State should understand my position. I am not now complaining of the extension of the principle. I know that a difficulty arose under the old regulations in paying the bounty, because the bounty was claimed by the manufacturers when they mixed Nova Scotia with Spanish ores, or other ores which were imported. My own view is to a great extent in accord with the provisions of this Act. Under the old Acts if they mixed ores, which it is necessary to do in order to produce a certain kind and quality of pig iron, the bounty could not be paid. My recollection leads me to this conclusion at the present moment, that we passed an Order in Council—I know I recommended it, but I cannot say positively whether it was passed—allowing the mixture of foreign ores with the Canadian ores, but only paying the bounty proportionate to the amount of pig that was made from the Canadian ore, and that I think should have been the principle adopted. But as my hon. friend and the government do not base the principles involved in this resolution upon the question of protection, I suppose my hon. friend from Bothwell (Mr. Mills) will justify it upon the principle of expediency ; perhaps that might be correct from their standpoint, but the principle of paying a bounty upon iron manufactured from foreign ore may not be correct. I cannot understand why it should be restricted to the output of iron furnaces, which is consumed in Canada. As I have read this bill hastily just now, I think they have omitted that clause which appeared in the original bill as presented to parliament. I am glad that in this matter, as in very many others, the hon. gentlemen have changed their opinion. I suppose an open confession is good for the soul. I hope my hon. friend will be enabled to give us a reason why he has changed his opinions from those which he expressed so strongly in 1890 when the proposition was made by the late government to grant bounties. The hon. Secretary of State, then leading the opposition in this House, said in discussing the question :

> It has not proved sufficient. So we enter upon the mad career of paying the manufacturers for making iron in this country taxing people in order that an establishment existing in one province may make money. This bill preposes to again increase it to $2 : not only that but to tie up the hands of parliament, so that this large bounty shall continue to the year 1897.

I could quote half a dozen sentences of that kind, but I do not deem it necessary to do so. I merely wish to call the attention of the House to the expression of opinions but a few years ago of the hon. Secretary of State, and to ask him, for the benefit of those who hold the same opinions that he

did, for the reasons why he has changed his opinions expressed so late as 1894. I will not waste the time of the House by quoting from his remarks, but I want to give the opinion of what I may consider high authorities upon the principle of bounties generally. Sir Richard Cartwright, now the leader of the government in the lower House, when the question of bounties came up in 1894, only two or three years ago, opposed the extension of the principle by the late government in language of this character:

> The concluding paragraph here is especially objectionable.

That is the same paragraph that is in this clause, which binds parliament for five years.

> The concluding paragraph here is especially objectionable. Nothing can be more opposed to all sound principles than an attempt to tie the hands of parliament for a period of ten years. For myself I utterly refuse to be bound by it, and I say so expressly for the benefit of those manufacturers that I for one will utterly refuse to be bound by any such proposition. I do not recognize the authority of this parliament to tie the hands of our successors for any definite term of years.

Then my hon. friend who sits before me just now (Mr. Mills) had very strong principles upon economic questions of this kind, and he gave utterance to the following language:

> It seems to me that the government in making this proposition has confused two things that are wholly different. The government is entering into a contract from which the public receive some benefit or advantage in return for some service rendered, and may ask parliament to make a contract or engagement that will be binding for a certain period of time, but as a matter of policy where there is no contract between the government and the party, where there is no service rendered by the party to the state for which a consideration is being given, the government have no power and this parliament has no authority whatever to fix a time. There is nothing better settled than that one parliament cannot bind its successors, nor make a matter of public policy an engagement that will pledge the public faith. I could in half an hour turn up a dozen cases in which ministers in England have expressly laid it down that such an experiment to pledge parliament is a most unconstitutional proceeding.

This is so well put from the hon. gentleman's standpoint that I will, even at the risk of being a little tedious, read a little more:

> You have no authority whatever to put the party in the position of saying, "The public faith is pledged to us." No rule is better settled than that one parliament cannot bind another parliament, or make any engagement which will interfere with its authority. Here is a question of public policy. It is open to every man in this country to invest his money in whatever he pleases. It may be a farming operation, or it may be a manufacturing operation; but you cannot tie the hands of parliament by enabling him to say, "I am carrying on a private business in milling or manufacturing, and you cannot alter your legislation, because it will be a breach of faith with one in carrying on important private business." The whole thing is monstrous, and I hope the government will not persist in a declaration of that sort. There is no contract between those parties and the government, there is no service being rendered; and that being so, I hope the hon. minister will agree to abandon the proposition.

I should like to ask my hon. friend if he has changed his opinion upon these questions?

Hon. Mr. MILLS—No.

Hon. Sir MACKENZIE BOWELL—Then he may make another quotation from Holy Writ to prove that expediency is justifiable. The justification in this case would be that there are different people governing the country. I congratulate the country on the advance which the Liberal party are rapidly making.

Hon. Mr. MILLS—Advancé—that is Irish.

Hon. Sir MACKENZIE BOWELL—If the hon. gentleman would let me finish my sentence, it might not be Irish. I was going to say I congratulate the government on the advance which they are rapidly making to the principles and policy of those whom they denounced so vehemently a year or two ago, in this as in other matters. I hope they will go on advancing, reforming and improving. It may be, however—and perhaps there is some force in what the hon. gentleman from Prince Edward Island has said—that this government in this proposition are only pledging in part, for the five years, during the existing of parliament, and therefore they are not inconsistent in the course they have pursued as indicated by the extracts which I have read. That kind of sophistry I have no doubt may possibly be indulged in; I do not think it was indulged in by my hon. friend from Bothwell. But if the principle is applicable to, and if it is enforced in its application to a parliament, it has just as much application to a session of a parliament, because there is no guarantee—although I know my hon. friends expect it—that they will remain in power

for five years, nor is there any guarantee that there may not be a change in the opinions of the House of Commons and the Senate in reference to bounties, before the five years expire. But under the conditions of this law they are morally bound to carry out the guarantee which is given to the investors of money for five years from the passage of this Act.

Hon. Mr. MILLS—Does the hon. gentleman contend that every government now, supposing there were a change of government, would be bound to give effect to that?

Hon. Sir MACKENZIE BOWELL—I say they would be morally bound. I do not say that an incoming government might not repeal it: they have full power to repeal it, and the parliament would have full power to repeal it, but I say it would be a gross injustice to men who have invested their money in that enterprise, for any parliament or class of politicians to change the law until the expiration of that time.

Hon. Mr. MILLS—Supposing it became clear that it was for the public interest to make a change, does the hon. gentleman say that contracts of that sort, entered into by governments relating solely to public policy, and not to the service to be performed by the other party, are binding upon the country, and that they should submit?

Hon. Sir MACKENZIE BOWELL—I say nothing of the kind.

Hon. Mr. MILLS—I think the hon. gentleman did.

Hon. Sir MACKENZIE BOWELL—I say that if it was found in the interest of public policy and in the interest of the country, that this clause should be repealed two years hence, after men had invested a large sum of money in it, parliament would not only be justified, but equitably they would be bound to indemnify those who had invested money under the law. I consider that to be a moral and equitable obligation devolving upon the government. I can understand this proposition very well coming within that category, because, under the law as it stands, it is only two dollars that is given for the production of iron, but this goes further, and must therefore injure the investors of money in this enterprise to a greater extent. It gives them three dollars, and it gives them two dollars for the production of an article for which, under the old law, they could not receive one cent. So that this does not stand in the position of a total repeal. I do not propose to discuss constitutional questions, but I know that to common sense men, who have any regard for the rights of investors of money under a promise of the government, they should be indemnified if such promise be violated.

Hon. Mr. MILLS—Supposing the parliament should declare that a certain rate of taxation should exist for five years, and parties invest under that, would a new government not be morally bound to adhere to that rate of taxation?

Hon. Sir MACKENZIE BOWELL—I do not think it is worth while discussing suppositious questions of that kind. There is no tariff ever placed on the statute-book of which I have any knowledge—perhaps my hon. friend can correct me if I am wrong—in which there has been any declaration in the clauses continuing a tax of that kind any length of time.

Hon. Mr. MILLS—Where is the difference?

Hon. Sir MACKENZIE BOWELL—There is this difference: when a tax is placed upon the statute-book every one knows that that is subject to a change at any moment, and if an investor puts money in any enterprise, or buys goods with that tariff upon the statute-book, he knows he runs the risk at the next session of Parliament of having that tax raised or decreased, but in this case he enters into an arrangement in which he invests his money with the positive declaration on the part of parliament that that shall continue for five years. The hon. gentleman shakes his head. It says it shall continue for five years, and if my hon. friend can see no distinction between the two——

Hon. Mr. MILLS—Supposing it said one hundred years?

Hon. Sir MACKENZIE BOWELL—The hon. gentleman may suppose until doomsday. I do not propose answering all his suppositions. I will let him put his case as he pleases when he rises. I want to hear my hon. friend justify the vote he is about

giving, because if he acquiesces in it without a vote being taken, he is just as responsible as if he voted for it. It might be well to call for a vote and place the hon. gentleman in the position of voting against the government. I congratulate my hon. friend, the Secretary of State, on his conversion and hope he will continue to improve, and he will be a good politician by and by.

Hon. Mr. SCOTT—There is no conversion, I hold the same views now as then, only we are under artificial conditions created by the late government. It should not require any explanation. We are taking away from the manufacturers a large amount of protection. The protection they previously had was four dollars. They had two dollars a ton bounty. We are cutting it down to a dollar and a half and two dollars.

Hon. Sir MACKENZIE BOWELL—Apply that principle to the proposition of my hon. friend from Bothwell.

Hon. Mr. SCOTT—We are in this position: under Acts of parliament which have been revived from year to year, industries have sprung up, and large bodies of men have interests invested; many claim that we should say to the eight or ten thousand people whose interests are involved: "You had no right to be in this business, you should have gone into some other."

Hon. Sir MACKENZIE BOWELL—I did not say so.

Hon. Mr. SCOTT—In that event we would be liable to be condemned even by our own friends. The hon. gentleman says there was an assurance given to capitalists to go into this industry. Acts of parliament were passed upon it. We have to recognize that. That is just one of the fearful effects of protection, that once you fasten it on the country there is no getting away from it. When Sir Robert Peel, in 1841, turned from one side to the other, being a protectionist to a free trader, did he sweep away the tariff at once? He did nothing of the kind. He took many years to do it. We have in this House taken away, on the average, about one dollar of the protection they had. Supposing we had done more, would not the hon. gentleman be the first one—and properly so—to condemn the government for not recognizing a condition of things for which we were not responsible? Our views are unchanged. If we were creating this for the first time, then we would be open to the censure and ridicule the hon. gentleman proposes to heap upon us. But we certainly would be liable to severe censure if we refused to recognize the conditions under which those industries were brought into existence, and supported by the people of the country for so many years. If we entirely ignored that and proposed to abolish all protection, I think we would be liable to severe condemnation. There is no man in this country who would be so unfair, no matter how extreme a view he might take of the folly of protection, as to reject this proposition. I think we would not be justified in sweeping away industries which have grown up, and it is for that reason the government feel bound to bring in the bill now before us. We have modified it, and the world knows our views. Men have to rearrange their business and to recognize that a period is coming when protection, we hope, will be swept away. It will take a long time to do it. We cannot do it by a single Act of parliament. It would be monstrous if we were to do it. My views are not changed on the subject, but I have to recognize present conditions and act accordingly.

Hon. Sir MACKENZIE BOWELL—There is just this difference between the arguments—if I may so term them—of my hon. friend and the facts. He refers to Sir Robert Peel. Sir Robert Peel reduced the duties until they were wiped out, but my hon. friend has increased the duties.

Hon. Mr. SCOTT—We have reduced the customs duties.

Hon. Sir MACKENZIE BOWELL—You have done that which you condemned vehemently when in opposition; you have reduced the customs duty, but you more than compensate by the bounty duty, which you said was robbery of the farmers.

Hon. Mr. SCOTT—No.

Hon. Sir MACKENZIE BOWELL—I say you have reduced the customs duty, but you have more than compensated the manufacturers by the bounty which you have given.

Hon. Mr. SCOTT—We have not.

Hon. Sir MACKENZIE BOWELL—You have given them two dollars bounty on pig iron manufactured from foreign ore, on which they received not a cent under the old Act; therefore you have not acted upon the policy of Sir Robert Peel, nor of Mr. Reid who introduced the free trade theory in New South Wales a year or two ago, by gradually reducing duties. There would be some force in the hon. gentleman's arguments if he had continued the bounty and taken a certain amount of that protection from them with the ultimate intention of depriving them of the whole. But what have they done? They have decreased the customs duty, which enables the agricultural implement manufacturer to obtain his raw material cheaper than he did under the old law; but they have not reduced the duty upon the manufactured article, which they said was robbing the farmer, and they have compensated the pig iron manufacturer by increasing the bounty. Now everybody knows that a dollar bounty to the producer is better than a dollar protection.

Hon. Mr. MILLS—It is a less charge on the public.

Hon. Sir MACKENZIE BOWELL—Is it a less charge on the public? The argument of my hon. friend who is constantly interrupting me, is this, that you are putting your hand into the pockets of people who do not use iron at all, to keep up this industry. You have extended that principle. I am not finding fault with it: I am only complimenting the hon. gentleman, but I do hope when he rises to make an explanation in the future, he will make it so plain that it is understandable, and so that it may not be considered fallaceous and absurd; or make it in such a manner as to leave the impression on the minds of those who hear him that his hearers know nothing of what he is talking about. I find that my hon. friend proposed, when the late government introduced a bill to continue bounties upon iron that he suggested a bounty upon exports of wheat. Why has he not carried that out? I do not object to it, although he does not now consider it necessary to do it for the benefit of the farmers for whom he expressed so much solicitude when in opposition, and whom he has forgotten since his advent to office.

Hon. Mr. MACDONALD (P.E.I.)—I am glad the government have agreed to increase the bounty, and in that manner offset, to some extent, the reduction they have made in the duty on imports of those materials. These industries are very important in the maritime provinces, especially the province of Nova Scotia. We all know that there are large numbers of persons engaged in the production of iron and steel at New Glasgow and several other places in that province, and the fact of these persons being engaged in that business puts a large amount of money in circulation. I believe it is asserted, and has been proved, that 80 per cent of the whole amount expended in the production of iron and steel, is expended in labour, and in that way is a benefit to a great number of persons. We find in the section in which this business is carried on that towns which a short time ago were but small villages are increasing rapidly in extent and population, and that the people who live there are in very comfortable circumstances financially, because they have had steady employment and good wages, and it is gratifying to find that the government is keeping up this bounty, enabling the industry to be carried on better than it was before. It is true that, owing to the reduction in duty, the persons employed in these manufactures of iron and steel have given their employés notice that there would be a reduction of 10 per cent made in their wages; it is possible that, after this bill passes, they may not enforce that reduction and that they may still pay the former rate of wages. The fact of this money being circulated in that province, and so many persons being engaged in that manufacture, makes a large and convenient market for the agricultural production of our province, and although many years ago, when the reciprocity treaty was in force, we were able to export very large quantities of our products to the United States, still since that treaty has been abrogated and various industries have sprung up in the neighbouring province, we find there a market which is almost sufficient for the productions of our province, not entirely in Nova Scotia but there has been also a very large portion of our productions marketed in Newfoundland. The mines at Sydney, Cape Breton and other places have a great number of small vessels employed in carrying coal from those mines to our province, where there is no coal. It

enables them to get return freights from Prince Edward Island to the mines. When they go back they carry our hay, pork, beef and vegetables of all kinds, and many things that the miners require, preserved fruits, for the production of which there is an establishment in the island. It is of great importance to certain of these industries that they should know in what position the export duties are to stand under this bill. There is a certain kind of iron made, called charcoal iron, for which there is a great demand for export, and which brings a much higher price abroad than it commands in Canada, and it is essential that those people should know whether they are to receive the bounty on exports of that kind of iron. This bill should go further than it does and declare that this bounty should be paid on iron exported as well as on that which is used for consumption in Canada.

Hon. Mr. SCOTT—I am unable to give a positive answer to my hon. friend. The clause provides that the Governor in Council may make regulations to carry out the intention of the Act. There is no restriction whatever in the Act, so far as the export goes; nor, from a hasty reading of the Act of 1894, do I find there is any mention of the export. I am not aware whether any premium was put on ore exported.

Hon. Sir MACKENZIE BOWELL—We never inquired what became of it.

Hon. Mr. SCOTT—I am quite unable to say what the policy of the government would be on that subject. It follows simply the same lines as the Act of 1894 did, leaving it to the Governor in Council to make regulations.

Hon. Sir MACKENZIE BOWELL—I think we may fairly infer, from the reading of this bill, that the bounty is payable on all pig iron manufactured in Canada in the proportions stated. I come to that conclusion from reading the debate in the House of Commons, where I think it was Mr. Foster, who called attention to what he thought were restrictions contained in the original proposition to prevent a bounty being paid upon exports, and Mr. Fielding, the Minister of Finance, said he would consider the question if it were laid over. This bill, I take to be the result of that consultation, because there is no restriction in it.

Hon. Mr. SCOTT—No restriction. I notice when the other bill was introduced it did not go to committee. It was read the three times at once. A message was brought from the House of Common the last day and the bill passed through all its stages under a suspension of the rules. It did not go to a committee.

The motion was agreed to and the bill was read the second time.

CIVIL SERVICE SUPERANNUATION ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (136) "An Act further to amend the Civil Service Superannuation Act." He said:—This is a very short bill and applies only to persons who have been in the Civil Service and have been dismissed. The object of the bill is to enable the Governor in Council, under a recommendation from the Treasury Board, to pay to parties dismissed from the service the moneys they had paid towards the superannuation fund before the dismissal, and interest thereon not exceeding five per cent per annum. It was felt the government had not power to pay back those moneys unless there was other than a political reason for dismissal. It would be highly unfair that they should be deprived of the money and the interest upon it. This bill is to enable the government to recoup their advances to the superannuation fund.

Hon. Sir MACKENZIE BOWELL—I do not fully understand the meaning of the last expression of the hon. gentleman when he said that for purposes other than for political reasons. Are we to understand that if an officer is dismissed for political reasons he is to be deprived of the advantages which would accrue from the passage of this bill?

Hon. Mr. SCOTT—No, it is to enable the government to repay him his money.

Hon. Sir MACKENZIE BOWELL—My hon. friend said dismissal for other than political reasons.

Hon. Mr. SCOTT—If a person is dismissed for crime, the practice of the government has been not to repay him the amount of his contribution to the superannuation fund.

Hon. Sir MACKENZIE BOWELL—I am aware of that fact. If an officer is dismissed for misbehaviour he would not be entitled to anything, but the reason I asked for information was from the expression of the hon. gentleman when he said it was in cases of dismissals for other than political reasons, that they wanted the power to repay them.

Hon. Mr. SCOTT—The hon. gentleman misunderstood me. It is quite the reverse.

Hon. Sir MACKENZIE BOWELL—Is not the word "dismissed" a rather harsh term under the circumstances? Is it proposed, that if an officer is removed under the provisions of the Civil Service Act, which provides for cases where an office is abolished for the purpose of effecting efficiency and economy in the service that this Act is to apply?

Hon. Mr. SCOTT—It does not apply; he would not be entitled to receive the money.

Hon. Sir MACKENZIE BOWELL—I cannot understand what the word "dismissed" means? What are to be the reasons for dismissal? If a man is to be dismissed for fraud, he should receive no benefit. That is quite right. If he is to be dismissed because of the abolition of his office, what then?

Hon. Mr. SCOTT—He gets his superannuation, or the amount that he has advanced, repaid with five per cent interest. The law provides for that. This bill does apply in cases of that kind.

Hon. Sir MACKENZIE BOWELL—I beg the hon. gentleman's pardon. There is no such provision in the law. There is no provision in the law for paying an officer who is dismissed. If he is removed to effect efficiency in the service, or on account of the abolition of office, before he has served the time which justifies the putting him on the superannuation list, he can be superannuated, not otherwise. I understand the object of the government is this, that where they are removing so many officers who do not come within the meaning of the superannuation law, that they shall be entitled to be paid back a certain amount of money from the superannuation fund. The law makes this provision, that if it is necessary for the purpose of effecting a saving, promoting the efficiency of the service, to remove a man who is totally unfit for the position, though he may not have served the full term of years, you can add to the number of years which he has served, and that entitled him to superannuation. That is provided for. The practice has been, although there is no law for it, that if an officer is serving the country and you want to abolish the office and he is not entitled to superannuation, you can give him a gratuity; as a rule gratuities are recommended to parliament. This bill, as I understand it, is to give power to the government, without the intervention of parliament, to give a gratuity to a man whom they have dismissed or removed from office. Would it not be better if you said "any person dismissed or removed" you might remove a man for certain causes, which does not come within the meaning of the Act, and then you take power to grant the gratuity. I do not like the word "dismissed."

Hon. Mr. POWER—Section 11 of the Civil Service Superannuation Act says that if any person to whom this Act applies is removed from office in consequence of the abolition of the office for the purpose of improving the organization of the department to which he belongs, or is removed or retired from office to promote efficiency or economy in the public service, the Governor in Council may grant him such a gratuity as will fairly compensate him. The man who is dismissed for any other reason is not entitled apparently to any allowance, and this bill empowers the government to repay the amount contributed under the superannuation fund, with interest, to persons dismissed for offensive partisanship. I presume that is the English of it. If the hon. gentleman does not think such a payment should be made, we should throw out the bill.

Hon. Sir MACKENZIE BOWELL—In the first place, I do not think any one should be dismissed for the cause the hon. gentleman mentioned, unless it is a case of a very aggravated character. You had better put in the words "dismissed for partisan conduct": then the public would understand what it means.

Hon. Mr. MACDONALD (P.E.I.)—Would not those parties be entitled to their superannuation allowance although they were dismissed? Those persons whom it is

proposed to benefit under this bill have not committed any fraud, so far as we know. They are persons, I believe, who have taken an active part in the elections and voted for the government which was defeated at the polls. Now, it is within my recollection, at the time responsible government was granted to the provinces, that this question came up in the legislatures of the different provinces—at any rate in some of them—as to whether the new government coming in should have the right which they claim of dismissing those who were office holders under the former government because they had voted against the Reform government which came in. If my memory is right, a despatch was received from the hon. Secretary of State setting forth that, as these people had committed no offence known to the law, having only voted in favour of the government they were serving, as it was their duty to do, that therefore they should not be dismissed. Now, that principle is being reversed, and because people have voted for the government which was defeated at the polls, they are dismissed from office.

Hon. Mr. POWER—I am surprised that the hon. gentleman should make such a statement. There has not been a single instance given of a man being dismissed for simply voting.

Hon. Mr. MACDONALD (P.E.I.)—There are instances—not a single instance, but several within my own knowledge and recollection and I can name the parties here if necessary.

Hon. Mr. MILLER—You could name them by dozens if it was necessary.

Hon. Mr. MACDONALD (P.E.I.)—I could name dozens from common report, but I could name some of my own knowledge.

Hon. Mr. MILLER—We will hear of them next session probably.

Hon. Mr. POWER—We have heard enough of them this session.

Hon. Mr. MACDONALD (P.E.I.)—If there was no other charge against them but that of being active partisans, and if they were entitled to their superannuation under the Superannuation Act, why should they now be sent off and merely refunded the money they had paid into that fund which should entitle them to certain moneys for life? I do not see that there is any justice or fair play in taking that course. If they were entitled, before losing office, to superannuation then they should receive it.

Hon. Sir OLIVER MOWAT—The bill repeals no part of the existing law. It takes away from no one any right which he has now. But it is found in the cases of some of those persons dismissed for political partizanship that the minister did not feel at liberty to say that they should have the superannuation allowance, and that was all that the present law provided for.

Hon. Sir MACKENZIE BOWELL—You could not, under the present law, grant the superannuation allowance unless the party had served ten years.

Hon. Sir OLIVER MOWAT—I am speaking of those who, if the Governor in Council chose, would be entitled to superannuation. The minister does not think, under the circumstances, that the dismissed officials should get that advantage, but is willing that they should be repaid what they contributed to the superannuation fund, with interest. We could not do that under the law as it stands now, so we ask this power in order to do something for the men to whom I have referred. With regard to persons having been dismissed merely for voting, that was never intended. No minister ever intended to dismiss any one for merely voting. If it has been done, it was done contrary to our policy and intention.

Hon. Mr. OWENS—The leader of the government has informed us what the government do not intend to do, but will he inform us what the government intend to do in the case of employés of over ten years standing? Take the case of a foreman, or a lockmaster, who had been contributing to the superannuation fund for twenty-nine years; he and others in a similar position on the canals have been dismissed. Since that date, also, the collector on the same canal has been dismissed. Now, those gentlemen have not been political partizans—have not taken part in elections further than voting. The hon. gentleman from Halifax (Mr. Power) says that not one official has been dismissed for simply voting; what action do

the government intend to take in cases of that kind? Do they intend to pay those men the amount they are entitled to under the Superannuation Act, or do they intend to take advantage of this measure to refund them simply what they have paid into the superannuation fund with interest at five per cent?

Hon. Mr. MACDONALD (P.E.I.)—They have committed no offence against the law.

Hon. Sir OLIVER MOWAT—I have merely stated the general policy adopted, and the general intention of the government with regard to these matters.

Hon. Mr. OWENS—The government have stated what they did not intend to do in certain cases. I am asking what they intend to do in special cases such as I have mentioned. I am sure the House would like clearly to have that information before them before adopting this bill.

Hon. Sir OLIVER MOWAT—I am afraid I cannot give my hon. friend any information on that point beyond what he has.

Hon. Mr. PROWSE—In case any one of those parties is dissatisfied and declines to take the money which he has paid into the superannuation fund, with interest on it, and desires to sue the government, are the government willing to allow an opportunity of testing the matter in the courts?

Hon. Sir OLIVER MOWAT—I do not think there is anything to contest in the courts. The statute does not give an absolute right to the superannuation allowance. It only gives power to the Governor in Council to grant it, but it is generally granted, under ordinary circumstances, as a matter of course, not because the party is intitled to it as a matter of law, but because the Governor in Council, exercising the power he has, chooses to give the superannuation allowance.

Hon. Mr. PROWSE—But surely there is some principle on which the government act. If the man has committed no fault or offence, surely no government would deny him the right that the law gives? In that case the government could not possibly deny him the right, and I think he would be entitled to have the matter fairly tested to see if there has been any just or sufficient cause for his dismissal. The hon. gentleman from Stadacona (Mr. Landry), for instance, has cited several cases where people had been dismissed who had not even voted, merely on the complaint of Mr. Choquette, or a member of the Local House. If that is to be the case, we do not know where this matter will stop. We know that one of the officials of this House, the door keeper, demanded the dismissal of the deputy ministers. If that principle is going to prevail, what is to be done? Surely if the government take that course they ought to have some consideration.

Hon. Sir MACKENZIE BOWELL—The Minister of Justice is quite right. There is no power given to the government. While superannuation is permissive, the rule has been always to grant it unless there has been cause not to do it. If a man has not behaved himself and the government dismiss him, the power is given to the Governor in Council to reduce the number of years on which the superannuation should be made. I can scarcely conceive it possible, in the cases stated by the hon. gentleman from Argenteuil (Mr. Owens), that superannuation should be withheld from that lockmaster. There is no crime charged against the man. Unfortunately for himself and his family, he happened to be a Conservative, but we are assured that he was not a violent partizan. He had served twenty-nine years as lockmaster, and yet he has been dismissed without the slightest consideration. I should think any one having any regard at all for right would place that man upon the superannuation list. There may be this difficulty: he may not be of sufficient age to be superannuated, and then unless they have the plea that it is done for the sake of efficiency and the improvement of the service, the government cannot, under the law, put him on the superannuation list, and hence they should have come to parliament to ask for an appropriation to pay him back his money with interest. Is this man sixty years of age?

Hon. Mr. OWENS—No.

Hon. Sir MACKENZIE BOWELL—Then I can understand where the difficulty arises. It is a gross, palpable injustice. I know a case in Manitoba which, to my mind, is exceedingly hard: that of a man with a

family of seven or eight children. Because he went into a political meeting at the local elections and defended himself against a charge of disloyalty, he is denounced by the present Attorney General of Manitoba and the gentleman who represents that constituency as a violent partisan, and has been turned out on the world. Those of his religious creed had been attacked as disloyal, and when his name was mentioned he rose in defence of himself as being of that creed, and gave as a proof of his loyalty that he went to Manitoba with Lord Wolseley to assist in putting down the rebellion, and was in the service of the government for a long time, he was dismissed as a violent partizan. He used to represent a constituency in Manitoba for several years in the local legislature. He was a strong politician, I suppose. He was accused of having left his office as sub-collector of customs to attend political meetings, and put the United States collector in charge of his office during his absence. The United States collector made an affidavit that the statement was absolutely untrue, and that this man had always attended to his own business. That charge having failed, the next charge was that he went to a political meeting, and his own statement is, that he having been attacked, and those belonging to his faith attacked as disloyal, he arose and defended himself. That is his explanation. I have read all the correspondence which has taken place between him and the Controller and can find no other evidence, yet that man is deprived of his office without a single cent gratuity. He is not put on the superannuation list. He cannot be, because he has not been long enough in the office, and he is thrown out on the world with a family of seven or eight children. I intend to bring the matter up next session and ask for papers.

Hon. Mr. SCOTT—What is his name?

Hon. Sir MACKENZIE BOWELL—He is the sub-collector at Gretna. His name is Tennant. I made the appointment myself. The man is well fitted for the office. He is an educated man who does his work well, and to the satisfaction of the country. I would suggest, in order that there may be more positiveness about this bill, when we go into committee to add a few remarks to make its provisions clear, and not leave it so much to the option of the government of the day to punish officials. It leaves the discretion with them to say whether a dismissed servant should have the full amount, or a certain amount of that which he has contributed to the superannuation fund. This should be so amended as to compel the payment of a certain sum except where dismissed for misconduct.

Hon. Mr. MACDONALD (P.E.I.)—Another clause should be added to the bill to provide that where persons have been a sufficient time in the Civil Service to entitle them to superannuation, the government should have the power and right to pay them the superannuation to which they were entitled, if they have only been guilty of a political offence.

Hon. Sir OLIVER MOWAT—I think my hon. friend, in making that suggestion as an amendment to the bill, did not remember for the moment what House he was in. The bill affects the revenue and we have no power to amend.

Hon. Sir MACKENZIE BOWELL—Then I should be inclined to reject the bill altogether.

Hon. Sir OLIVER MOWAT—That would be against the interest of those persons who have been dismissed. I know that some hard cases have occurred. I feel sorry for them and should be glad to see them remedied.

Hon. Sir MACKENZIE BOWELL—They can be remedied if the hon. gentleman puts down his foot and says, justice must be done. I cannot conceive it possible, that he is a man of so little influence in the government that he could not do it. Let him prove the sincerity of his sorrow by seeing that justice is done.

The motion was agreed to and the bill was read the second time.

The Senate adjourned.

THE SENATE.

Ottawa, Tuesday, 29th June, 1897.

The SPEAKER took the Chair at Eleven o'clock a.m.

Prayers and routine proceedings.

THIRD READINGS.

Bill (148) "An Act to authorize the raising by way of loan, of certain sums of money for the public service."—(Mr. Scott.)

Bill (149) "An Act to provide for Bounties on Iron and Steel made in Canada."—(Mr. Scott.)

Bill (140) "An Act further to amend the Act respecting Judges of Provincial Courts."—(Sir Oliver Mowat.)

A QUESTION OF PRIVILEGE.

Hon. Mr. POWER—As the Orders of the Day are disposed of, I may be allowed to do what I have never done in the House before: that is, to call attention to a paragraph in a newspaper. In the *Citizen* this morning, I find the following paragraph in what purports to be a summary of the report of our proceedings yesterday afternoon:

> If the Senate was going to investigate, said Senator Power, the sooner it got to work the the better, for he had heard that one public man likely to be required (probably meaning Mr. Tarte) was about to sail soon for Europe.

I do not wish to have any misapprehension on that subject. I was not dreaming of the hon. Minister of Public Works; the gentleman whom I had in my mind was a gentleman who was a member of the late administration, whose connection with railway subsidies was known to be of a very interesting character. I may say, since I made those observations, I have learned that that gentleman who, it was understood, was to sail for England on Saturday has determined to accelerate his departure and sail from New York to-morrow, leaving this city to-day.

An Hon. MEMBER—What is the name?

Hon. Mr. POWER—It is not necessary to give the name, and I refrain from giving it.

Hon. Mr. DEVER—We ought to have it.

Hon. Mr. POWER—There is another circumstance to which I would bring the attention of the leader of the opposition. The *Citizen* newspaper is regarded as being the organ of the Conservative party in this city. It has never stated it was not the organ, as the *Globe* has done with reference to the Liberal party, and it is generally assumed to be the organ of the Conservative party in this city. Now, in this morning's *Citizen* there is an article under the heading "The Job explained" which I take to be a gross contempt of parliament. It is very well known, hon. gentlemen, that if a matter which is before a county court is discussed in the press and conclusions drawn about it and language used calculated in any way to influence the mind of the judge or the minds of the public or the jurors, if there are any, that that is a contempt of court which can be punished by the judge; and here we have a matter before the high court of parliament, and have a newspaper undertaking to prejudge the case and to tell what the evidence will show when no one knows what the evidence is going to show. I do not ask that any summary steps should be taken by this House for the purpose of enforcing its authority and protecting its dignity, but hon. gentlemen opposite should see that their organs are not guilty of contempt of this House. Hon. gentlemen appear to be—and properly so—very anxious respecting the privileges and dignity of the Senate; to my mind, nothing is a more gross infringement of our privileges and dignity than the publication of this article respecting the investigation going on before a committee of this House.

Hon. Mr. FERGUSON—You did not read the statement.

Hon. Mr. POWER—I did not propose to read the whole article.

Hon. Mr. FERGUSON—I have not read it.

Hon. Sir MACKENZIE BOWELL—I should like to know why my hon. friend called my attention to this article?

Hon. Mr. POWER—The hon. gentleman is particularly fond of calling the attention of this House to newspaper articles.

Hon. Sir MACKENZIE BOWELL—When I do that I generally gave the

reasons for doing so, and I would like the hon. gentleman to understand that the custodian of the honour of this House is the leader of the House, and not myself. If the rules of the House had been infringed, if a contempt of the Senate exists in this article, it is the duty of the leader of the House to take cognizance of it and to bring the party to punishment if he deems it worthy of punishment. If I occupied my hon. friend's position, and I thought that the dignity of the House had been infringed —if there had been a gross infringement of the rules and privilege of the House, I should not hesitate a moment to take cognizance of it and bring the party to punishment. Not being in that position, it does not fall upon me to take action, any more than it does on the hon. gentleman who has spoken. If the statements made by the senior member for Halifax (Mr. Power) be correct—and I presume they are correct or he would not have made the statement—that some person who is well known to have had something to do with railway subsidies, and, as he insinuates, not very creditably, is about leaving the country, his duty was to have called the attention of the committee to that fact this morning so that he could have been served with a subpœna, and detained here in order to obtain from him such information as the hon. gentleman intimates he could give in connection with this and other matters with which he has been connected. I am not aware of any member of the late administration who occupies the position that the hon. gentleman says he does, more particularly in reference to the investigation going on at present. If he is going away for the purpose of evading a summons——

Hon. Mr. POWER—I did not say that he was.

Hon. Sir MACKENZIE BOWELL—No, but the hon. member intimated it. The hon. gentleman said distinctly that there was a member of the late administration who had been connected with these railway subsidies, and that he was about going to England, and that he had facilitated his movements by arranging to leave to-morrow. That would imply that this gentleman, whoever is meant, is going to leave the country for the purpose of evading the service of a summons and giving evidence, or it means nothing. That is the language the hon. gentleman used, and I repeat, that if he had done his duty this morning before the committee, he would have given that information to us in order that a summons might have been issued forthwith to detain him in this country, for the purpose of divulging any secrets that he may have, or for the purpose of extracting from him an admission of any misconduct on his part. It is extremely unfair that while he speaks of a newspaper being guilty of contempt of this House, he at the same time throws out insinuations against a gentleman—we do not know who it is, or who he means—leaving the impression upon the House, and when reported to the world, leaving the impression upon the public mind, that some member of the late administration is culpable in connection with this railway deal, and that he is leaving the country for the purpose of preventing the truth being elicited from him in connection with it. It certainly bears no other construction. If my hon. friend has any other construction to put upon it I should like to hear him give it. In all cases I think the hon. gentleman will give me credit for this, that if I have called attention to newspaper articles, I have given my reasons for it, and I have either given them a flat contradiction, or made an explanation as to why I brought the matter up. The hon. gentleman might just as well have called attention to an article in the *Citizen* in which Mr. Bertrand, one of the proprietors of *La Presse* gives the lie—that is the Anglo Saxon word he uses—direct to a Minister, Mr. Tarte, who charges him ——

Hon. Mr. POWER—That has nothing to do with this House.

Hon. Sir MACKENZIE BOWELL—No, but it has to do with this investigation. He might just as well have referred to the other article in which Mr. Bertrand gives the lie direct to the statement made by the minister that he had an interest in the bridge scheme in connection with the South Shore Railway.

Hon. Mr. POWER—The hon. gentleman from Marshfield (Mr. Ferguson) and the hon. leader of the opposition appear to be anxious to know the language used in this article.

Hon. Sir MACKENZIE BOWELL—I was not anxious. I read it this morning.

Hon. Mr. POWER—The whole article is of the character I indicated, but I wish, in order that there may be no mistake about the matter and in order that the hon. gentlemen may feel that my language has been perfectly justified, to read the last two sentences in the article. They read as follows :—

In the light of the above facts is any investigation needed, and what is it needed for ? Are not the facts themselves damning proof of a gigantic act of public robbery ?

Is not that prejudging the case ?

Hon. Sir MACKENZIE BOWELL—That is very strong language.

Hon. Mr. POWER—Yes, it is very strong language. I had hoped the hon. gentleman would have expressed his intentions that his organ should not use such language as that in the future with respect to the matter which is before the committee.

Hon. Sir MACKENZIE BOWELL—If I had any control of the newspapers I might.

Hon. Mr. MACDONALD (P.E.I.)—The senior member for Halifax (Mr. Power) should give us further information as to the identity of the member of the government he refers to who is leaving for England to evade the investigation. It is a matter that may reflect upon people who should not be reflected upon in this way at all, and it is only right and just that the name should be given, and not render liable to suspicion those who may not deserve to have any such reflection cast upon them. The only parties whose names I have seen in the papers as about to depart to Great Britain are members of the present government. I am sure he did not intend to reflect on any of those ; there is no reason to reflect on one of them at any rate, the member from Prince Edward Island, who is about to leave immediately. He cannot be subject to any charge of this kind, and it could not have been intended for him. It would be only right that the hon. member should name the party for whom it was intended.

Hon. Mr. POWER—There is nothing before the House.

CIVIL SERVICE SUPERANNUATION ACT AMENDMENT BILL.

THIRD READING.

Hon. Mr. SCOTT moved the third reading of bill (136) "An Act to further amend the Civil Service Superannuation Act."

Hon. Sir MACKENZIE BOWELL—I do not propose making any objection to the bill further than to point out the right of the Senate to amend this bill if it is thought proper to do so. I have taken some trouble during the recess to make inquiry from the best parliamentarians that we have upon this subject, and there is no doubt whatever, that we have the right to change and amend bills of this character, so long as we do not make any proposition by which a tax would be levied upon the people. We have the right to say how, and why, the money should be paid, and we can direct the manner in which it is to be paid other than that which is provided for in the bill. In looking at Todd and Bourinot, I find there is not a question that in a bill of this kind, we have an absolute right to change its wording so long as we keep within the limits I have already indicated. There is another point to which I wish to call the attention of the Senate. It was argued yesterday that it was not necessary to go into committee upon the bill. Now, the authorities lay down this rule, that any bill, whether it be the Supply Bill or any other, which comes from the House of Commons, should receive not only its three readings, but should be referred to committee, particularly public bills. I think you will find that laid down very clearly, but as Bourinot has said, and very properly, we have fallen into the habit of not sending bills of a certain character to a committee of the Whole House, but it is an improper procedure. In all cases, all bills, no matter of what character, should go to a committee and for this reason, that though you may not have the power to change any clause affecting a money grant, you can discuss in the committee the propriety of making the grant, and you might point out reasons which would induce the government to change it, while if you adhere strictly to the rules of the House you can speak but once. The object of the committee is in order that you can discuss calmly, and in a conversational manner across the floor of the House, the different clauses. I am also informed that this system of reading a bill at length at the table is obsolete. It was the practice a great many years ago in the Imperial parliament, and though in this House very often short bills are read at table by the clerk, it is not practised in the Imperial parliament at the

present day. It has been done I know in the House of Commons, as well as in this House, but not so often as here. It is a very rare occurrence in the House of Commons. That practice Bourinot describes as obsolete, and one which should not be followed, because it prevents due discussion and consideration of the question before the House. I bring this under the notice of the House, more particularly, in order that if the question should arise next session the Speaker may have an opportunity of looking into and making himself acquainted with the authorities—if he is not already acquainted with them—so that in case a point of order on that question should be raised, he may be in a better position to give a matured decision. The House will understand that I have not made these remarks in a captious spirit, but in order that we should get into a correct mode of procedure. The moment we depart from it, as we have done in this House, we discuss questions nearly all the time as if we were in committee, which I think is highly objectionable.

Hon. Mr. SCOTT—I fully appreciate the object of the hon. gentleman in bringing this matter under the notice of the Senate. I spoke from my experience in the Senate, but of course I pointed out that bills of this character had in the past invariably been read the first, second and third times and not referred to committee. In twenty-five years I have never known a supply bill to be treated in any other way in this House.

Hon. Sir MACKENZIE BOWELL—I do not think it ever has been in the Senate.

Hon. Mr. SCOTT—Not in my recollection, nor any of that class of bills, such as loan bills, bounty bills, &c.

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

THE BOUNTIES ON IRON.

INQUIRY.

Hon. Sir MACKENZIE BOWELL—It may be a little out of order, but perhaps the hon. gentleman will allow me to ask a question about the bill relating to the bounties on iron. Did he make any inquiry as to the payment of bounties on iron exported?

Hon. Mr. SCOTT—No, I have had no opportunity.

Hon. Sir MACKENZIE BOWELL—I have been looking at the bill as introduced in the House of Commons, and I find that there was a special clause giving power to the Governor in Council to impose an export duty upon all pig iron exported equal to the amount of the bounty which you pay. That being struck out, I presume the government intends, in order to encourage the industry, to pay the bounty on all pig iron.

Hon. Mr. SCOTT—I noticed the same myself, and it was from that fact that I suggested yesterday that probably it was intended to pay it indiscriminately. That is what I thought. I could not explain the dropping of the clause in any other way.

THE SUPPLY BILL.

FIRST READING.

A message was received from the House of Commons with Bill (150) "An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the public service for the financial years ending respectively 30th June, 1897, and 30th June, 1898, and for other purposes relating to the public service."

The bill was read the first time.

Hon. Mr. SCOTT moved that the bill be read the second time at the next sitting of the House.

Hon. Sir MACKENZIE BOWELL—I notice that this is only for $26,000,000 odd—where is the balance? We shall be very much pleased to know that this is the total amount. Might I ask, before we discuss this question, whether it is the intention of the government to bring down the Crow's Nest Pass Bill and the bill before the other House for subsidies to railways; and also, to my mind, the very important bill diverting some $300,000 of the educational fund to the Manitoba Legislature, or, in other words, relieving this government of the responsibility of dispensing that money of which they are the custodians, for educational purposes in Manitoba. I do not know that that would interfere with this, and I shall not object to the Supply Bill.

Hon. Sir OLIVER MOWAT—It is intended to pass the Crow's Nest Pass Bill

and bring it to this House. It will probably be here to-day. The same with regard to the Railway Subsidies Bill. With reference to the Educational Fund Bill, I shall be able to answer probably when we meet this afternoon. I have had no recent conversation about it. The Minister of Railways yesterday made a statement about another matter as to which this House has taken considerable interest. I dare say hon. gentleman have seen it, but I read it now for the purpose of endorsing it as government leader of the Senate.

Hon. Sir MACKENZIE BOWELL—Is that in the *Citizen*?

Hon. Sir OLIVER MOWAT—Yes. The statement has reference to the vote for $100,000 for purchasing rolling stock for the Intercolonial Railway. Mr. Blair said:

> Since the item passed the committee he had gone over the matter again, and as the original programme for a 99 years' lease had fallen through, and the estimate of $100,000 was based on that proposal, according to the estimate furnished him by his officers he had concluded to reduce the vote for additional rolling stock by $50,000, making the vote $50,000. He assured the House that no portion of the money would be used in purchasing the rolling stock of the Drummond County railway.

Representing the government here, I endorse that statement. I should like to say further, though it is only repeating in substance what I said a few days ago, with regard to the $157,500 asked for the rental of the two pieces of road belonging respectively to the Grand Trunk Railway Company and the Drummond County Railway Company, that this amount is only wanted for a tentative purpose, to ascertain by experiment the effect of nine months operating the road as part of the Intercolonial Railway, and with a view to be in a situation to consider more satisfactorily a permanent connection with Montreal by some means, whether those spoken of heretofore or some other. The purpose, therefore, of what is to be done is temporary only, and is not to be of such a character as to bind the action of parliament next session. Parliament next session will be entirely free to accept or reject the or any other proposal that may be made by the government. Hon. gentlemen will remember that I made a statement to that effect before, but I repeat it after having had several interviews with my colleagues on the subject. They understand the matter just as I stated it before, and as I state it now; and if any expressions have fallen from any of them which may seem to have indicated anything different, those expressions are not to be taken as conveying anything different from what I state now and what I stated before. With regard to the committee which has been appointed, I hold the same views that I expressed before. I think it important that the matters which we have been talking about should be thoroughly investigated. They have indeed been brought forward in newspapers, and I quite admit that we are not to investigate everything that newspapers may state, but there are circumstances connected with this particular matter which make it quite proper that an investigation should take place, and as soon as it can be done, effectually and consistently with considerations which ought to weigh with us in such a matter. The object of the investigation I cannot but think would be accomplished quite as effectually if we go into it thoroughly next session instead of going into it now at the end of the present session when members are tired, when they want to get home, when a long session has already been had and while the weather is quite unsuitable for remaining longer here, on a work of that kind. I am sorry for that delay. I should be glad if we could investigate it now as efficiently, but I still think we cannot do it, and that nothing would be lost to either side, politically speaking, or lost to individuals either, if we should take up the matter early next session instead of attempting to take it up now. I thought it due to the Senate that I should make these observations, so that there could be no mistake with regard to my position or the position of the government generally. We do not object to the investigation—in fact we shall be glad of an investigation in order to remove doubts, so far as we are concerned, and so far as others are concerned too. We all consider, and I am quite sure a great many members of this House who are not supporters of the government consider, that the work could be as effectually done and accomplish every purpose if we take it up early next session instead of going on with it now.

Hon. Sir MACKENZIE BOWELL—After the statement made by the Minister of Justice in reference to the action of the government in asking for this appropriation, and the purposes for which it is to be ap-

plied, I may say, on behalf of the gentlemen who are quite anxious to have this whole matter thoroughly investigated, that they to a certain extent, agree with the opinions which have been expressed by the hon. gentleman, that the investigation can be much better held at the beginning of another session than at the present moment, when it would be necessary to keep the members of both Houses here for probably five or six weeks. I must, at the same time, frankly admit, that many of us—I am among the number—think it was somewhat cool on the part of the government in asking parliament to make an appropriation to rent the Drummond County Railway line and a portion of the Grand Trunk Railway, even if it be for only nine months, after the decision of this House in reference to the policy involved therein. Whether the policy of extending the road to Montreal be advisable or not, is not a question that I desire to discuss now. The principal reason that induced the Senate to reject the Drummond County Railway bill was, that they thought the bargain an improvident one, and that they were placing too much money in the hands of private speculators at the expense of the country. Now that the hon. gentleman has given us distinctly to understand that no portion of the Drummond County Railway property will be purchased, out of the amount of money which they have asked for the purpose of acquiring additional rolling stock. I take it for granted that the $50,000 is to be applied, more particularly as it is charged to capital, to the purchase of additional rolling stock for the Intercolonial Railway proper, and it is to meet the requirements of that road owing to increased traffic.

Hon. Sir OLIVER MOWAT—My hon. friend does not mean that it should not be used for the other bit of road too, that is to Montreal?

Hon. Sir MACKENZIE BOWELL—No, but it cannot be for the purpose of replacing rolling stock which is worn out, because in all cas s of that kind the amount should be charged, and has been charged in the past, to the current expenses of the road. It is only when additional rolling stock, engines, cars, &c., are added to the stock already on hand that it is permissible to charge it to capital account. Now, there was a strong feeling in the minds of many members of this House, having taken the view of the action of government that I have already expressed, to take the full responsibility of stopping the Supply Bill if it contained any sum for the purpose of securing that road. I recognize, and so do all those with whom I act, the grave responsibility that would devolve on those who would take so extreme a measure, and it would only be justifiable under circumstances in which the government of the day had set at defiance the will of one branch of parliament. But with the explanation which has been given by the hon. leader of the government, I can safely say that no attempt of that kind will be made, and that while those of us who take the view that I have expressed in reference to this whole scheme, will allow the Supply Bill to pass without a division, it is understood distinctly that it is done under a solemn protest against any act which may be taken under the authority implied or acquired by the passage of the Supply Bill to pledge the House or the country through, parliament to any action in connection with the acquisition of the Drummond County Railway, or with a view to making the temporary arrangement to which they have referred, a permanent one. We may safely accept the assurance of the hon. gentleman, but at the same time I must add my own opinion and that, I think, of those for whom I speak, as being in accord with the leader of the government when he says that this is a matter, from the length to which it has gone, that should be, in the interest of the country and of the government, and of those who are connected with railways, thoroughly and fully investigated. And that unless circumstances transpire which would justify another course, I think I can say to the minister that at the beginning of another session of Parliament steps will be taken similar to those which have been taken already, to have a thorough and full investigation into all matters connected with the Drummond Counties Railway matter; first, with the object of ascertaining what the road has cost, so that if the government desire to purchase they will not be paying too much for it, and to see whether there has been any improper conduct on the part of those connected with it, in order that the political atmosphere may be purified to as great an extent as possible. I have consulted with my friends who have taken the

matter of the investigation in hand, and I can predict that the matter will not go any further at the present session, for the reasons given by the hon. Minister of Justice.

BILL INTRODUCED.

Bill (146) "An Act to authorize a subsidy for a railway through Crow's Nest Pass."—(Hon. Mr. Scott.)

The Senate adjourned.

Second Sitting.

The SPEAKER took the Chair at Three o'clock.

Routine proceedings.

THE SUPPLY BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (150) "An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the public service, for the financial years ending respectively the 30th June, 1897, and the 30th June, 1898, and for other purposes relating to the public service."

He said: The Supply Bill now before the House asks for a vote altogether of $26,552,226. Of that amount $19,860,530.85 is chargeable to what is called the consolidated fund, the balance amounting to $6,691,696, is chargeable to capital account.

Hon. Sir MACKENZIE BOWELL—How much do you make it altogether?

Hon. Mr. SCOTT—$19,860,530.85 is the amount contained in the Supply Bill that is chargeable to the consolidatad revenue fund and the amount authorized by statute, is $19,320,700.27, making altogether the charges on the year, wholly irrespective of capital account, $39,181,231.12. Then, as I explained before, the amount, chargeable to capital, which has been voted this year is $6,691,696. In addition to that there is an annual charge that is made which is known as the sum authorized for the redemption of public debts, which amounts this year to $108,879.68. The two items together, representing the amount chargeable to capital which is being voted in the Supply Bill, make a total of $6,800,575.68. Probably the most intelligent way of getting at it would be by a comparison with last year's expenditure, because of course unless hon. gentlemen had before them the estimates that are voted by statute, the Supply Bill does not really give you very much information. What are known as the main estimates last year—that is including what is provided by statute and what is provided for by the annual vote—amounted to $39,698,000. This year it is $38,111,000. Supplementary estimates last year, $510,897; supplementary estimates this year, $1,655,215, and the further supplementary estimates this year are $157,800, making a total vote chargeable to consolidated fund account last year $40,539,822; this year $39,824,378.62 The amount chargeable to capital last year in the main estimates was $5,832,102; this year, $6,594,575. Supplementary estimates last year, chargeable to capital account, $460,518; supplementary estimates chargeable to capital account, this year, $305,000. The grand total, adding the items chargeable to capital account and the items chargeable to consolidated account, last year, $46,132,442; this year, $46,124,954.32. On looking over the estimates, I find there has been struck out altogether since they were submitted to parliament, the sum of $92,447. This includes $50,000 for purchase of rolling stock for the Intercolonial extension to Montreal, struck out last evening, and several post office items which were struck out during last evening also.

Hon. Mr. McINNES (B C.)—What was that $50,000?

Hon. Mr. SCOTT—In connection with the Intercolonial Railway stock. If hon. gentlemen had the items before them they could see what was struck out. The principal items struck out were what I have given the House. The post office items struck out in the House of Commons were New Brunswick, St. Martin's Custom House, $5,000. At page 4 of the supplementary estimates, 97A, there was an item struck out, Quebec Military Building improvements, repairs, &c., $7,500. The total items struck out amount to ninety odd thousand dollars, as I have stated. There was an item struck out on page 2 of the supplementary esti-

mates, 97A, "Civil government, amount required to enable certain increases of salary payable under the Civil Service Act accruing on the 1st of January, 1897, which were temporarily suspended to continue during the year 1897." The amount struck out altogether, not voted in Schedule A, the supplementary estimates for the current year, was $6,000. In Schedule B, that is the main estimates, the amount not voted and struck out of the estimates as they went through committee was $92,447.50.

Hon. Mr. FERGUSON—Before the motion is put I think we might spend a few minutes very profitably in looking at these figures which we are called upon to assent to in the motion now before the House. Our friends in the government have been in power for about a year and it has been their good fortune to have to vote two sets of estimates during that period, and the manner in which they have discharged this duty can now be compared with their professions upon these matters before they assumed the reins of power. I have some very interesting information on this point in my hands. I find now, by the statement which my hon. friend the Secretary of State has made to us, that the estimates for the fiscal year which is now about ended or will end in two or three days, amount to over $46,180,000.

Hon. Mr. SCOTT—That is including capital.

Hon. Mr. FERGUSON—Including capital expenditure and that for this year it is nearly the same amount including capital expenditure; it is a little less on consolidated fund and a little more on capital account. I take it, however, that capital account for the present year does not include the railway subsidies.

Hon. Mr. SCOTT—No. The comparisons do not include railway subsidies.

Hon. Mr. FERGUSON—The bill before the House does not include the railway subsidies and the comparison is scarcely fair, as we have the estimates before the House, comparing them with the same votes of last year, but a complete comparison of the two years' operations including the railway subsidies that are voted this year shows that the expenditure of this year on capital account is very much larger than last year and these figures also, as explained by my hon. friend, the Secretary of State, do not include the very large amount that we are called upon to vote for the Crow's Nest Pass Railway. That also has to be taken into consideration and to be added to the obligations or the burdens that we are in this parliament imposing on the country. However, my object in making these observations is not so much to institute comparisons between the estimates of this year and the estimates of last year as to compare the financial operations, the estimates of the two years together, judging and reviewing the whole two years at length with the professions and promises that the gentlemen in the present government made when they were in opposition. There was a convention held in Ottawa in 1893 at which my hon. friend the Minister of Justice presided, and they solemnly came to this resolution amongst others:

> We cannot but view with alarm the large increase of the public debt, and the controllable 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 strict economy in the administration of the government of the country.

The figures that my hon. friend has just submitted to the House as the estimates for the fiscal year, showing over forty-six millions dollars voted, without including the railway subsidies which amount to some millions more, and without including nearly four million dollars for the Crow's Nest Pass, show how beautifully our friends in the government are carrying out their promises when in opposition. This resolution was not merely the speech of some one gentleman of the party, but it was the solemn deliverance of the party as a whole, comprising at that convention I think every gentleman who is now in the Liberal administration, and they were all bound by it. I pass now to quote some individual opinions of members, individual promises made by members of the government upon this subject. The premier, Sir Wilfred Laurier, speaking in Toronto in 1894 on the 23rd August, used these words:

> Has the expenditure gone down? No, it has gone up. It went up two, three, five, ten millions and more until it is now $38,000,000. And the Conservatives do not shrink from it, but swallow it all. If we come into power we will follow the example of Mr. Mackenzie, and I say that although we may not be able to bring the expenditures back

to what they were we can reduce the amount two, yea, three million dollars a year. (Applause.)

I quote these speeches to show that it is not merely in one place, not merely a slip of the tongue on the part of the hon. gentleman, but that this was a matter that he was promising in nearly all his public speeches and promising on behalf of his party. The same gentleman, Sir Wilfred Laurier, speaking in Brantford the same year, spoke as follows:

Do you imagine there is any justification for this increase of expenditure? The Conservatives tell us that there is a justification. The population has increased they say. Oh! yes, it has increased 9 per cent, but the expenditure has increased 100 per cent. There can be no justification for such an expenditure (the increased debt) when as has been stated the great bulk is a corrupt expenditure. Moreover, they tell us that if we were in power we could not retrench and economize. But, I do not believe that it will be a very difficult task. (Hear, hear). It would not be a very difficult task to the extent of one, two, three, and Mr. Mills told his constituents a few days ago that it was possible to retrench to the extent of four millions a year.

Sir Richard Cartwright made a speech very much later than that, in February, 1896, addressing the House on the estimates which the Conservative party brought down. This is what he said in the other House on that occasion:

I say it is a disgrace and a shame to the government that have been entrusted with our affairs that they come down to us and ask for an expenditure of $38,300,000 a year for federal purposes. Sir, the thing is utterly unjustificable!

If I am not mistaken Sir Richard Cartwright is a prominent member of this administration which has brought down these immensely swollen estimates including subsidies to railways, Crow's Nest Pass Railway, &c., amounting to over fifty millions of dollars, which would be nearly, if not altogether, sixty millions of dollars, had not this House clipped its wings in the matter of the Drummond County Railway deal. Then another gentleman in this government, Sir Louis Davies, in Februaay, 1896, made these remarks in the House of Commons:

Now, what is the policy of the Liberal party? Summed up in a few words, it is to reduce the expenditure of the country to the lowest possible point consistent with an efficient service. You tell us that that cannot be done. We have spent hour after hour on this side, going into details and showing how it can be done. In reply to challenges which came from the other side, gentlemen on this side undertook the labour of pointing out the particular departments of the service in which money can be saved and those are all upon record.

It is a pity that these hon. gentlemen lost the result of all these researches when they got into the government. In some unaccountable way they lost every memorandum and lost the secret which they knew so well while they were in opposition. He continues:

We are ready to go to the country with that statement on which we pledge ourselves that very large and important reductions can be made in the expenditure of the country without impairing the efficient administration of its affairs.

Now, last year when the Liberal government brought down their estimates in the September session, they were criticised for bringing down estimates in excess of those of former years instead of carrying out their promises of reduction and for that the Finance Minister and Sir Louis Davies made explanations. Sir Louis Davies spoke in the House of Commons only as late as September last, the substance of his explanations was this, these estimates we have brought down now are not our estimates; they were prepared for us by the government which preceded us; we had not time to go into the details of the administration to find out what should be put in practice now, but at the conclusion of another session, when we have time to prepare our estimates we can. He says:

That the facts are serious, disgraceful I acknowledge but every atom of responsibility is chargeable upon the hon. gentlemen for the reckless manner in which they managed the finances * * * * The people are willing to wait for the development of my hon. friend's policy which will take place next session and they will judge the Finance Minister by the policy which he then proposes.

The Minister of Marine and Fisheries asked the public to suspend criticism until they had an opportunity of going into the affairs of the country—until they had an opportunity of bringing down estimates of their own and when that was done they were prepared to stand or fall by the result. The result is in the figures which have been brought before the House this afternoon, partially, by the Secretary of State, but we will have the whole of them before we rise. The Minister of Finance also made some explanations on the 5th of October last:

We had to say in the beginning that we accepted the estimates of the hon. gentleman opposite with

a full and clear understanding that we had not an opportunity of inquiring elaborately into the details of the organization of public affairs; but that our hope and expectation was that we would be able to make some reductions in the expenditure. I have a strong hope that before the end of the fiscal year we may be able to effect some changes in fulfilment of our promises in that direction to show the public that we are able to effect economies which have been spoken of by hon. gentlemen opposite. But it will not be until this first year is completed and until we have paid the debts of hon. gentlemen opposite and entered upon a new year for which we shall prepare the estimates ourselves and have full and complete control of them that we shall be in a position to make comparisons. I have not the slightest doubt that when that time comes a comparison of the records of the Liberal party and the Conservative party will show that the Liberal party is one of economy.

We have these declarations by these hon. gentlemen; we have their assurances on the public platform and in parliament when in opposition that their policy was one of retrenchment—that such an expenditure as $38,000,000 a year was disgraceful. We have their promise at the close of last session that when they came to frame estimates of their own for which they would be responsible that we would see there would be a new era, and that there would be large economies in the administration of public affairs. We have arrived at the time when we can judge their promises and their performances as well, and I say we stand faced by propositions propounded by the present government unheard of in Canada for their volume and extent. For a government that made such strong professions of economy when in opposition, having renewed those promises last year that when they came to frame estimates of their own they would have some regard for their professions, we find estimates submitted to us larger and more extravagant than ever submitted to parliament before except one of the years when the great Canadian Pacific Railway had to be built. Certainly with that single exception we have the estimates swollen beyond comparison with any ever before submitted to the people of Canada. I feel that we would not be doing our duty if we did not, in discussing these estimates, realize what we are doing. It is not the place of this House to change these estimates; we need not discuss that, but it is our duty, as representing the people, to put on record our opinions of the state of things which exist at this moment. The action of this House has saved the country from one very large expenditure indeed, and probably other expenditures which were in contemplation, which have not reached this House. The fact that they have not been put on the statute-book may have arisen from the halt which this House called in connection with the enormous burden proposed to be put on the country in connection with the extension of the Intercolonial Railway to Montreal, but even without that, putting all that aside, we have in the estimates submitted to us, in the estimates that we know are on their way to us, one for the Crow's Nest Pass Railway which is coming to us, and the railway subsidies—we have in all these very large and extravagant estimates and I submit that the gentlemen composing the present administration have a very serious responsibility attached tc them and will have something serious to answer for before the people of this country.

Hon. Mr. MACDONALD (P.E.I.)—I regret that it is so near the close of the session that we have not had a fair opportunity of examining the various amounts that are proposed to be expended under this bill. Had we further time to go into it thoroughly, there are many amounts in it that senators could urge various strong objections to. The total expenditure, as proposed under this bill, and as stated by the hon. Secretary of State, comes to a very large sum indeed—a sum I believe which has never been exceeded in the history of the Dominion excepting on two occasions, one during the suppression of the rebellion in the North-west, and one during the time parliament was assisting the construction of the Canadian Pacific Railway. It is not to be wondered at that we feel that the expenditures of the country are being increased at a rate that is not warranted by the circumstances of the Dominion. That view has been drilled into the people of the country in the last fifteen years by those who were in opposition during that period. They have impressed upon the people of the Dominion at every gathering where they could get the people together, that the debt of this country when it amounted to two hundred and forty millions of dollars was greater than the resources of the country could bear—was more than we were warranted in endeavouring to pay taxes to meet, and they were continually finding fault with the government then in power for the expendi-

ture which they had made. When they got into power, what course did they pursue? They have not only emulated the expenditures of the former government with which they had found fault, but have surpassed them, and voted a larger sum than has been voted for many years past for the public service. There are very many items included in that expenditure which I myself do not approve of, but not having seen the details of this bill, the bill not having yet been laid on our table so that we could see the various items, we have to take it as a whole and cannot criticise the different items in it, because we only know it from hearsay or from the debates in another place.

Hon. Mr. SCOTT—They were all in the estimates which were distributed long ago.

Hon. Mr. MACDONALD (P.E.I.)—It is true that these amounts were in the estimates, but one of those estimates has never been submitted to this House. There have been three or four estimates submitted to the House of Commons, but one has never come to us. Besides the amounts which are included in the appropriation bill before us, I understand there is another bill to come here in which a large amount of money is being voted as subsidies to various railways throughout different sections of the country. Some of those railways the people have never asked for; there has been no petition before parliament or before the railway committee asking for any grant from the government of the Dominion in support of those railways, and even when the question was asked in the other House as to where some of those railways began and where they ended the information was not authentic. No member of the government, or of the House, was able to tell the exact termini of those roads. There was a general appropriation for a railway across the country. This is not the way in which we should vote away the hard-earned taxes of the people. We should be more careful than to grant subsidies in this way to every railway that is asked for throughout the country. I know in the province from which I come we have been for years asking for certain railway accommodation in order to complete the line of railway which runs throughout the greater part of the Island. There are sections of that province which are fifty miles from the nearest point on the railway, and when our people have paid their share of the taxes of the Dominion, they feel that they have a right to expect that their claim for railway accommodation should be acceded to, and that the Dominion would assist in completing the government road which extends throughout the greater part of the province. They have claims which no other province can set up, because they have a claim for a large amount due them by the Dominion on account of railroads that have been undertaken and canals that have been built or are being built throughout the Dominion by which our province benefits to no extent whatever. And when the province of Prince Edward Island went into confederation a part of the agreement then set forth was that the public works of the Dominion amounted to a certain sum of money and upon that claim the debt of Prince Edward Island was fixed, and we find now that the expenditure for canals and for railways throughout the larger provinces of the Dominion amounts to a very much larger sum than was at that time estimated would be required to complete the railway and canal systems of the Dominion. Therefore the province from which I come has a claim which no other province can set up on that account, because it was a part of the terms under which we became a member of confederation. I fear that if we go on as we are doing at present, increasing the expenditure of the Dominion year by year and granting such subsidies as are now proposed to railways, many of which will be of no great public utility, we will be increasing the debt of the Dominion at a rate which we cannot justify, nor will the people of the Dominion be satisfied that their representatives should go on increasing it in such a ratio as we are doing.

Hon. Sir MACKENZIE BOWELL—I do not think it is necessary to discuss this question at any great length particularly after the remarks which have been made by my hon. friend on my right (Mr. Ferguson,) though we have good cause to complain that within two or three hours of prorogation we should have not only the supply bill, that very often comes down at a late period, but also a bill also involving the expenditure of three or four millions of dollars for subsidies to railways, because of the terms and conditions on which these subsidies are to be paid, will in all probability amount to seven millions of dollars. In addition to these

we have the Crow's Nest Pass railway scheme involving an expenditure of over three and a half millions of dollars. Then we have another bill which has come to us—the Civil Service Superannuation Bill, a very prolific subject, although the bill is not a long one. In addition we have a bill for the re-organization of the Post Office Department. Let me ask, in all sincerity, if the ministers think they are treating this House with respect in asking the Senate to swallow down all those bills in one gulp, without even making a wry face? Former governments were bad enough in this respect, I admit, but this government was to reform all these abuses.

Hon. Mr. SCOTT—We are following your bad example.

Hon. Sir MACKENZIE BOWELL—And very apt pupils you are. You have become so much worse than the late government that the people will never recognize you in your present clothing, especially when they contemplate what you looked like formerly. It may be said that these bills though of an important character, have been thoroughly discussed in the lower House. I admit that, but if we are to have any voice in the legislation of this country, it is quite time that the ministers should learn that they must bring down important bills at an earlier period than this, or expect to have the House sit three or four days until we can thoroughly discuss them I throw out that hint as to what may be expected in the future, as, considering the youth of my hon. friend opposite (Sir Oliver Mowat) and my own, we will be able to discuss questions of this kind for many years to come—at least I hope so. After all, my hon. friend (Mr. Ferguson) has exposed in such a clear manner the extravagance of the economists that it is unnecessary to repeat his arguments. I had a little table prepared on that subject. Of course the figures would have to be varied a little from the speech made by the hon. Secretary of State, but taking the estimates as they were brought down, we find that the hon. gentlemen opposite have in one year's duration in office, including two years' expenditure, run up $116,000,000—not a bad showing I confess, and the people, when they come to understand it, will reach the same conclusion. They say they are not responsible for the estimates of last year—that is true to a certain extent, but not wholly. The excess over the estimates of the old government is very large, and although not a member of the government, or responsible for those estimates, the criticisms that were made upon them were unfair, because the new government took the sheets—as I understand their argument before the country—that were sent from each department to the Privy Council, and exhibited them to the world as being the estimates that were proposed to lay before parliament. Any one who has had experience of the government knows that the departments make estimates beyond what are presented to parliament, and that they are cut down to what is supposed to be absolutely necessary; consequently the sheets from which these gentlemen made their estimates do not represent what is fair and honest to their opponents. The only estimates that they should consider are those which they laid before parliament. Take the figures presented to parliament for the year 1896-97—I am giving the statement from the estimates as they were laid before the House; they amount to $46,608,000, and for this year, including everything, they amount to about $47,744,000, and there must be added to that the liability of the Crow's Nest Pass Railway, amounting to $3,630,000; the railway subsidies amounting to $3,520,000, with a provision that they can be doubled in case any road costs $15,000 per mile. Now we were told when we were discussing the railway question the other day that no railway in Canada has been built for as small a sum as $15,000 a mile, ergo you may double the $3,520,000. The hon. gentleman no doubt will say that a large number of these revotes are appropriations made by the late government. Admitting that to be correct, they denounced the policy of granting subsidies to railways. They said it was vicious in principle, that it was a bribe to the people. Coming in as reformers, they had the opportunity, if these subsidies had lapsed, to have struck them out of the estimates. But instead of doing that they revote the whole, and add another million dollars to the sums which had been voted before. Then there was the Drummond County Railway deal, which, had this House not defeated it, would have added another seven million dollars. And they have also added the five million dollars for the fast line, making a

total of $117,023,464. I will accept the reductions made by my hon. friend to strike out a million and a half—millions do not amount to much in the minds of the Liberal government—I would not mind taking a couple of millions off, and then you will have an addition to the debt of the country and an actual expenditure in the country for two years of over one hundred and fifteen millions. If you take an estimate of the value of that five hundred thousand dollars a year, which is tantamount to five million dollars, you will find capitalized that is an addition to the debt of about eighteen million dollars. I do not find fault with the addition to the debt which is being incurred in connection with the fast line, but I may ask why the hon. gentleman who sits opposite me, the Secretary of State, who contended so earnestly a short time ago that none of these contracts should be entered into unless they were laid before the Senate, has not asked us to consider them. This is a question in which the whole country has taken a very deep interest, and if the government can succeed in establishing the fast line upon the basis that the debates led us to suppose the contract provides, I think the country will be well served, and it will be money well expended. It is very problematical, however—it is experimental. The new vessels are not of the character of those which have been plying the ocean. They may be better. They may succeed. Whether they will be able to succeed in obtaining money for the purpose of establishing that line is a question that is in the future. I have noticed that the first brokers who took it up, men who stand high in their profession and business in London, have had to abandon it—perhaps I am misinformed in that respect—and that the attempt to float this scheme has been transferred to another establishment, or another banking institution, who are brokers. Perhaps my hon. friend, the Secretary of State, could tell us whether that is correct. If it is not correct I shall be so much better pleased.

Hon Mr. SCOTT—I did not catch the point of that.

Hon. Sir MACKENZIE BOWELL—I understand the brokers, into whose hands the scheme for raising the money for the construction of the steamers for the fast line was placed, have given it up—have failed—and has been transferred to another broking firm. If that be true it indicates a difficulty in raising the money, and the probability of failure. I would not be at all surprised that a scheme of that kind should fail in England at the present moment and for many years. We know that the Allan Line, the Dominion Line, the Beaver Line and every line of steamships plying between England and Canada would try their utmost to destroy an enterprise of that kind, because it would come in competition with them in the carrying trade; nor is the influence which is brought to bear upon the money market in England confined to Canadian interests. It will be a competing line to the Cunard and the White Star Lines, and all lines plying between England and this continent; consequently you must expect that difficulties will be thrown in the way of any firm in England which undertakes the establishment of a fast line, or "greyhound" line, as it is termed, between England and Canada. All their interests will be affected directly pecuniarily by it, and hence that is one reason, and a very powerful reason, why the terms offered to establish this line of steamers would have to be much larger than under other circumstances. I know my hon. friends, the government, have reduced that subsidy by $250,000 per annum, from what was offered by the late government, and then there was a difficulty in getting it established. I sincerely hope, in the interests of the country, and in the interest of the trade, that Canada will be placed in as favourable position in her passenger traffic between Canada and Europe as any of the United States lines, and therefore it is with some degree of anxiety that every public man must watch the result of the new contract. There are many items in the tariff that I think we might fairly criticise with advantage to the country. I would like to ask my hon. friend what he thinks the result of what is termed the vigorous immigration policy is to be. There is a large amount—I think it is double if not more—asked in the estimates for immigration.

Hon. Mr. SCOTT—No, I think it is less than $200,000, which has been about the normal sum voted for the last few years.

Hon. Sir MACKENZIE BOWELL—It is very nearly double. I suppose the hon. gentleman has watched with no little degree of anxiety the result of sending the agents of the government to Ireland. We know that Mr. Devlin, who was a member of the Lower House, was selected. He resigned his seat and was appointed as immigrant agent to that country. We know, from the Irish newspapers, that instead of his having the effect that was anticipated, and which he boasted would be the result of his mission, has utterly failed. He told the electors at Aylmer, after his appointment, that he was going home to Ireland to point out the advantages which Canada presented to the over population of that country, and as the late government had neglected his country men and his co-religionists, he was going over to do away with the evil influence of the horrid Tory government which had prevented his co-religionists in Ireland from coming to this country. My hon. friend says he does not read the newspapers as much as he thinks I do. I will, therefore, read him a few extracts from Irish newspapers to show the effect that the sending of this gentleman to Ireland has had upon that class he was supposed to be able to influence and bring here to settle in the country. I would like to also call the hon. gentleman's attention to the fact that Mr. Devlin has been writing letters to the newspapers, commending the government that appointed him. Whether that would be considered, under the circumstances, offensive partisanship, I am not prepared to say it is; but if they put the same interpretation upon his letters that they have put upon utterances of their political opponents, they should have recalled him long ago; and if they had recalled him, perhaps we would have been saved the mortification of having our country described as it has been by newspapers in different sections of Ireland. If my hon. friend has not read of them, I have one or two extracts which I shall read for his special edification, and I am sure after he has heard them, and ascertained the papers from which they are clipped, he will come to the conclusion that his vigorous immigration policy has resulted simply in a useless expenditure of money in sending a gentleman to Ireland to bring out immigrants. The Dublin *Nation* says:

Our effort to protect our poorer countrymen against the effects of the scheme which Mr. Devlin and his colleague, Mr. O'Kelly, have been landed on our shores to work out, there is really nothing in the letter save idle declamation relative to the condition of Canada as a whole, which has no bearing on the point which is of moment. We are not now concerned with the question as to the extent of the political freedom enjoyed by the people of the Dominion, although we can hardly advise Mr. Devlin to seek a declaration upon this point from the Catholics of Manitoba. Neither do we need to be informed that there are portions of the country which are not covered with ice and snow for nine months out of the twelve. The question upon which we want to be informed, and upon which we invite him to place a definite statement before the Irish public, is as to the nature of the so-called 'mission' which has brought him to Ireland.

We have already been informed, as we have told our readers, that one object of Mr. Devlin and Mr. O'Kelly's visit is to promote Irish emigration to the generally ice-bound and always dreary and inhospitable plains of Manitoba.

Then further on it says:

Writing in this regard it is worth while pointing out that the tariff referred to by the *Daily News* is that lately proposed by Mr. Laurier, who seeks to weaken the old protective system of Canada by admitting English manufactured goods at a rate of duty now one-eighth and intended to become eventually one-fourth less than that levied on other foreign manufactures. Mr. Laurier is a French-Canadian. He should be a Catholic, and he ought to be a patriot, yet we find him on one hand sacrificing the interests and denying the rights of religion, and on the other boasting in the Canadian House of Commons that he is a "Britisher"! Mr. Devlin talks of the freedom of Canada, but there are some despotisms more congenial than that liberty which he invites our people to enjoy in the wilds of Manitoba.

The Kilkenny *Journal* not to be outdone by the Dublin *Nation*, holds forth as follows:

To warn the Irish people against this sinister design of driving them to a place that is worse than Connaught, and a little bit better than hell. The name of the Canadian commissioner has rather an immediate connection with the latter place. Our correspondent properly points out the fact that the climate is most inhospitable, and the people who go there from Ireland will have the happy alternative of starving if they do not freeze.

This is the country where my hon. friend behind me (Mr. Perley) lives; he does not look much like a starved animal. To show how wide this feeling extends over the whole of Ireland, we have another paper, the *Journal*, speaking as follows:

If our people must leave our shores let them seek some clime where they can exist, and some people amongst whom they can live. * * * We are told that Ireland is being drained of her population by "A Million a Decade." Unfortunately the tale

is too true, but then many of our exiled fellow countrymen were forced to leave their homes and their native land were afforded a chance of gaining a livelihood in some friendly sphere.

Then the Munster *News*, published in another province, holds forth as follows:

As a matter of fact, transportation to Siberia would be preferable to the lot of unfortunate Irishmen who may be entrapped into this Manitoban scheme. The country is not alone without the least prospects from an agricultural or industrial point of view, but the majority of the inhabitants are rampant and intolerant Protestants, and Catholics find the greatest difficulty in practising their religion, being as often as six months without hearing Mass. The clergy, and all who are concerned in the fate of poor Catholic emigrants, are asked to use their influence to prevent such an atrocity of our religion and our people, as is about to be attempted by the Freemasons who manipulate the Canadian government.

I do not know whether the hon. Secretary of State is a Freemason or not.

Hon. Mr. POWER—Will the hon. gentleman excuse me if I say one word? Does not the hon. gentleman feel that it is not a patriotic thing to do, giving publicity to these libels on our country?

Hon. Sir MACKENZIE BOWELL—Yes I do, and I should consider it a greater shame, a greater disgrace, and a much greater load of sin upon our shoulders, had I been the party to send such emigration agents to Ireland, because that has been the cause of all these utterances in these papers. I have another short extract. The *Nation* evidently becomes fearful that its Kilkenny and Munster confrères would carry off the palm in denunciation of Canada, hence it returns to the fight and belches forth after the following style:

Canada has no practical history unless the lives of the individual hunters, squatters, cut throats, brigands, blackguards, and the rest of the motley crew which throng to a new country, could be regarded as history. Celts can afford to be a trifle exacting when history is in demand. Our own is certainly a very troubled one, but it is old enough, not alone to be respectable, but to entitle us to hold our heads pretty high.

Hon. Mr. SULLIVAN—Are those editorials?

Hon. Sir MACKENZIE BOWELL—They are editorials from the paper from which they have been clipped, and they are recommendations which have been given to the Irish people not to come to this country. The hon. gentleman from Kingston, as an Irishman, will recognize no doubt the untruth of all these statements, and so will those who have been listening to them. I apologize for reading them, but I do it to show the effect of what has been termed a vigorous immigration policy—as the result of sending demagogues and men who had not the confidence of these people among an excitable class of our countrymen, preventing them from coming to a country where every one knows there is a home for all of them, and a good one at that; where they can obtain for themselves and their wives and families a comfortable sustenance. Yet these gentlemen who were the most blatent when they were in Canada, denouncing the late government for what they had done, and in defending what they termed the rights of their co-religionists, have gone all over Ireland for the purpose of inducing them to come to this country. The result is just what I have read to you. There are plenty of other instances to which attention could be called in connection with the administration of the affairs of the country, which seems particularly, in this branch of the public service, to find places and offices and emoluments for a lot of hangers-on of the government, instead of spending it in a manner which would be an advantage to the country. I say more, that the policy of the government in the appointment of a dozen or fifteen officers in the North-west, and sending men to the old country, is a system that was exploded years and years ago. It has all been tried before, and proved an utter failure, and I can see no reasons for the course they have adopted, other than to find places for those who aided them in getting into power. I am not going to waste time now, as we have these very important bills to deal with, therefore I will not pursue this subject further at this period of the session, but I think the country will learn, before five years roll around, what an economical reform government means when they have the resources of the country to dispose of among their friends.

Hon. Mr. SULLIVAN—I only wish to make a remark with regard to the last expressions which have been used by the hon. leader of the opposition, and it is simply an explanation. I do not differ from him as to his opinions about encouraging immigration to this country—whether it is

good or not I am not prepared to say. We have not given the subject the investigation which its importance deserves, but it has been the practice in this country for some years, and in sending this young gentleman to Ireland they could not have selected a more eloquent man nor a more enthusiastic man, nor a man more desirous of helping this country and of helping his own country than Mr. Devlin. With regard to what has been written about him by the press in the old country, it just shows how easy it is to excite animosity in Ireland, how ripe that country is for differences of any kind. I am told on the best authority—and that is the reason why I rise on this question—that those letters have been written in this country——

Hon. Mr. SCOTT—Written in Ottawa.

Hon. Mr. SULLIVAN—That men who have been bitter enemies of this young man have sent these letters and information to the old country, and I would be very wanting in generosity and charity if I did not, on this occasion, rise to defend this gentleman, because I think he would have done it for me if the occasion arose. There are questions that rise beyond politics and this is one of them. I am sorry that the press of Ireland should have been so sensitive and so easily impressed as to publish such articles. There is no doubt, whatever, in my mind that all this bad feeling has come from this country and has been excited by men who live here and who ought to be the friends of this gentleman. This is one of the causes which have made Ireland what it is to-day, and I am glad that the occasion presents itself to me to express my opinion of the gentleman who has been sent to Ireland as an agent there. No one could have better fulfilled the duties than Mr. Devlin. He was met by the hostility, not of the Irish people, or of the press, but of opponents in this country, and if he has suffered he has suffered unjustly as might have been the case with any of us.

Hon. Sir MACKENZIE BOWELL—I know nothing about any information that have been sent from this country.

Hon. Mr. SULLIVAN—No, but I do.

Hon. Sir MACKENZIE BOWELL—I was not dealing with letters sent from this country. I dealt simply with the editorials in the Irish press. Whether they were misled by parties in this country or not, I cannot say.

Hon. Mr. SULLIVAN—They have been.

Hon. Sir MACKENZIE BOWELL—I have taken the newspapers containing articles inflaming the minds of their readers against this country and denouncing the country in terms which my hon. friend knows, as well as I do, are not correct. Had Mr. Devlin not been sent there, these editorials would not have appeared, whoever instigated them.

Hon. Mr. SULLIVAN—It was through animosity.

Hon. Sir MACKENZIE BOWELL—The editors of the papers could have had no animosity against Devlin. They did not know him. They might have been inflamed from some other cause ; I do not know.

Hon. M. SCOTT—I am glad that the hon. gentleman (Mr. Sullivan) has spoken as he has done to-day, and the friends of Mr. Devlin will be grateful to him. These articles have all been traced up. They were inspired by letters written in Canada by political opponents of Mr. Devlin.

Hon. Sir MACKENZIE BOWELL—But the fact remains that the articles were published.

Hon. Mr. SCOTT—Those editorials were due to letters sent from Canada, written in order to induce editorials in the papers. They came from such a source that it was quite natural the Irish editors would have been deceived. I do not care now to disclose the source of them, but it is very well known where they came from by those who will take the trouble to inquire. The writing is known.

Hon. Sir MACKENZIE BOWELL—Supposing what the hon. gentleman says is true—I am not going to deny it because I know nothing about it—the effect is the same upon the readers of the papers, no matter how the articles were inspired.

Hon. Mr. POWER—I understand the logical position of my hon. friend to be this : if you send a Liberal emigration agent to Ireland, some one here will send abominable letters about him, and the Irish press will

publish articles unfavourable to him, therefore you must not send a Liberal agent, you must send a Conservative agent. That is the logical result of the hon. gentleman's statement.

Hon. Sir MACKENZIE BOWELL—I have no doubt that would be the correct result, although I dispute the hon. gentleman's argument, or the correctness of his deductions from what I have said.

Hon. Mr. SCOTT—A question was asked me by the hon. leader of the opposition in reference to the brokers who were first employed in connection with the fast line; I am not able to give him any information, as I am not aware of the fact that there has been any failure. I have not heard of any. As far as I have understood, it was considered that it was going to be a financial success. The hon. gentleman spoke also about the contracts not being brought down to this House. We had for many years a statute in force which required that contracts of this kind, extending over a long period of years, should be brought down to the Senate as well as the House of Commons. But almost the last act of the hon. gentleman's government the first session of 1896 was to introduce and to place on the statute-book a bill which dispensed with the necessity of producing these contracts before the Senate:

> The Governor in Council may enter into a contract for a term not exceeding ten years with any company for the purpose of a fast steamship line for the sum of $750,000 etc., provided such contract shall not be binding on Canada until it has been laid on the table of the House of Common and approved by that House.

I had been asking to have that contract brought down to the Senate, and I was referred to the statute passed by the late government, which I thought was rather unfortunate, more particularly as for the last twenty-five years those contracts have been laid before the Senate. As to the matter of immigration, I have turned up the vote in the present year and find it is $175,000. It is in excess of what was voted last year, but the normal vote for a great many years has been $200,000,

Hon. Sir MACKENZIE BOWELL—Then according to the hon. gentleman's statement it is less this year.

Hon. Mr. SCOTT—It is more than it was last year and perhaps the year before, but I took the average for a number of years. If you go back eight or ten years, you will find it was between $180,000 and $200,000, and sometimes it went over that. That was the average vote. I quite agree that there is a difficulty in reference to the immigration question, particularly now as they are more prosperous on the other side of the Atlantic, perhaps, than we are. As to the matter of bringing down measures at a late period of the session, I quite agree with all that has been said. I have complained of it myself in former years. Turning up the journals, I find on the last day, when the House was being prorogued, we received the usual supply bill, and this House had to dispose of it. I can only express my regret that these measures are brought here at this late period, and I hope there will be an improvement in the future, and that this House will receive those bills at an earlier period in order that they may be fairly discussed.

The motion was agreed to, and the bill was read the second and third times, and passed.

CROW'S NEST PASS RAILWAY SUBSIDY BILL.

SECOND AND THIRD READINGS.

Hon. Mr. SCOTT moved the second reading of Bill (146) "An Act to authorize a subsidy for a railway through the Crow's Nest Pass. He said:—For the last eight or ten years public attention has been directed to the district called Southern Kootenay, and to the development of the mines in that section of British Columbia. The country immediately contiguous, the state of Washington, was the first to send out miners to work the mines in British Columbia, and the centre of operation was Spokane. Spokane has grown rapidly under the advantages it has derived from being the centre of the mining industry located in the Kootenay district. A railway was built from Spokane up to the boundary and extended on to Nelson, which was the principal town in Southern Kootenay. The mines were chiefly developed by United States capital. Up to about eighteen months ago the mines in that country were almost entirely in the hands of United States

capitalists, and claims were taken up by United States citizens. It had a very great effect upon Spokane, which ten years ago had rather been set back by a land boom that burst. However, in the last five or six years it has been making material progress, due almost entirely to the wealth that came from the Kootenay district in British Columbia. The trade of that country has gone almost exclusively to the state of Washington. About eighteen months ago our predecessors had under consideration the propriety of subsidizing a railway through what is known as the Crow's Nest Pass, in order to recover, if possible, a part of the trade that had gone south, and negotiations took place, but they resulted in nothing. The legislature of British Columbia had chartered a railway as far back as 1888, and had largely subsidized that road, giving it a subsidy of 20,000 acres per mile, a portion of the subsidy lying in a district which is known to contain large deposits of coal. Yet with all that assistance, and with the fact that it was intended to penetrate a very rich district, they were unable to float the scheme. In January last, as I am advised, some gentlemen, who were also interested in the Canadian Pacific Railway, acquired stock in the road which was then known as the British Columbia Southern, and proposals were made to the present government to construct a line if a sufficient subsidy were granted. As for very many years there had been great complaints against the tolls charged by the Canadian Pacific Railway Company, and it had been urged that it was due to the high tolls prevailing in the North-west that the country had not been developed to a greater degree, and allegations were made from time to time that the settlers there were charged more than they were south of the line, the government thought it was a favourable opportunity if the Canadian Pacific Railway Company were willing to revise their tolls and to offer substantial advantages to the people of the North-west, to entertain the matter of a subsidy. For some three months negotiations passed between the members of the government and the company, to ascertain what deductions they were ready to submit to. It resulted in the bill which is now submitted to this House for its approval. It will be seen that the reductions of freight rates contemplated in this bill are of a very important character. I believe an examination had been made into the tolls charged by the company, and it was found that they really were not in excess of the tolls charged by the Northern Pacific, or the Great Northern, or the Union Pacific, while they were felt to be a heavy burden on the settlers in the North-west, and under the charter granted to the Canadian Pacific Railway Company in 1881, it became one of the terms of the contract that the tolls were not subject to the ratification of parliament. A contract was made by which those tolls should not be reduced until they reached a sum exceeding ten per cent on the capital actually expended in the construction of the line. That was their position. The government, however, regarded it as extremely important that this rich country should be penetrated by a railway, more particularly as it was said to contain coal, and that this coal would be a very valuable element in the development of the mines in Southern Kootenay. I am told at the present time that coke costs about sixteen dollars per ton, whereas if access were had to the mines just west of the Crow's Nest Pass that coke could be delivered at the mines for about $5 a ton. So that there is a very wide margin, enabling mines that are considered very lean and poor to be worked. As hon. gentlemen will see, the company agreed also that this railway and all the lines belonging to the company in British Columbia that are south of the main line should come under the operation of the Railway Act. They were not under the operation of the Railway Act before, because the C.P.R. charter protected them from any intrusion by the Railway Committee or the parliament of Canada. The company consented, however, that all their lines, south of the main line in British Columbia—and also the steamboat lines on the lakes should come under the operation of the Railway Committee or any commission that may be appointed hereafter to supervise them or control them. The agreement embodied in this paper gives the government, or gives the railway commission if such should be appointed hereafter, control over all freights from other parts of Canada in the east that go over the Canadian Pacific Railway line and are intended for what is known as the Crow's Nest Pass line. The rates on all freights that originate on that railway and that are intended for other parts of Canada going over the Canadian

Pacific Railway line are also subject to the control of the Governor in Council and the commission, when appointed, in reference to the rates. Special articles are mentioned as to which it is agreed that the tariff going west shall be reduced according to a scale which is given in the bill. Then, again, on grain coming out of the North-west, there is to be a reduction, when the Act goes into operation, of three cents per 100 pounds. The rate now from Winnipeg, 17 cents per 100 pounds, will be reduced to 14 cents. Taking last year's crop, the reduction would amount to nearly $400,000, which the company are virtually giving up by this bill. In that one item alone of grain and flour going east they are relinquishing in the neighbourhood of $400,000 a year.

Hon. Mr. PERLEY—I would like to ask the hon. gentleman if that is in consideration of the bonus of $11,000 per mile which the government are giving them?

Hon. Mr. SCOTT—That was one of the elements in the consideration.

Hon. Mr. WOOD—Is that at three cents per 100 pounds or a cent and a half.

Hon. Mr. SCOTT—Three cents per 100 pounds on grain and flour coming east.

Hon. Mr. PERLEY—That is $400,000 on that item alone?

Hon. Mr. SCOTT—Yes. On a bushel of wheat the present rate would be $10\frac{6}{10}$. The reduced rate would be $6\frac{4}{10}$, so that it amounts to a very considerable item. That is a very large item which goes directly to the farmers of Manitoba and the North-west.

Hon. Mr. PERLEY—Do I understand the hon. gentleman to say now that they would not have given $11,000 a mile subsidy if it had not been for this reduction?

Hon. Mr. SCOTT—Oh, no. The negotiations occupied at least a month or six weeks. The company were pressed. They represented that it was a very serious matter and required a great deal of consideration, and the bill before the House now is a compromise. The government asked reductions on a number of other items. The bill now is the result of the agreement between the company and the government.

Hon. Mr. PERLEY—You say the saving of $400,000 a year is on wheat?

Hon. Mr. SCOTT—On the crop of last year on grain and flour coming east, the saving would have amounted to that sum. I have not made any calculation of what the reduction would be on the articles named in the bill going into the country. But take the item of green and fresh fruits, the reduction is $33\frac{1}{3}$ per cent on the present rates.

Hon. Mr. PERLEY—What would that likely amount to?

Hon. Mr. SCOTT—I cannot tell, because I understand those rates change from time to time. The rates were not as high as the company were authorized to charge, and that reduction is taken on the lower scale of rates, so it will make a very marked reduction in the charge.

Hon. Mr. PERLEY—What is the whole amount of the concession that the Canadian Pacific Railway Company are supposed to be giving? You say $400,000 on wheat and flour: what is the additional concession?

Hon. Mr. SCOTT—I cannot tell; I have no means of telling. It is spread over a great many articles which are mentioned in the bill. Some of those articles were very low before.

Hon Mr. PERLEY—You would require to have an estimate on these articles.

Hon. Mr. SCOTT—There was no estimate that I have been able to arrive at in reference to these articles, but it must amount to a very considerable sum.

Hon. Mr. PERLEY—When does this reduction first take place? It says on the 1st September, 1898.

Hon. Mr. SCOTT—On the articles going west the reduction takes place on the first January next. On the other it takes place one-half in one year and the other half in the second year—that is a cent and a half on 100 pounds on the first September, 1898, and the additional cent and a half on the first September, 1899.

Hon. Mr. PERLEY—There will be no reduction this year?

Hon. Mr. SCOTT—No, it will not begin until the first September next year. I have

placed on the table a plan showing the line of railway. It extends from Lethbridge through to Nelson. A portion of it is to be built before the end of next year—that portion of it down to the lake shown on the plan, and the other portion of it will be built the following year to Nelson.

Hon. Mr. WOOD—Has the hon. gentleman the length of the British Columbia Southern Railway?

Hon. Mr. SCOTT—The whole distance to the British Columbia boundary is 113 miles, and in British Columbia 217 miles—330 miles altogether.

Hon. Mr. WOOD—Does the plan cover the route of the British Columbia Southern Railway?

Hon. Mr. SCOTT—Yes, it follows it closely. In addition to the very large concessions that the Company have agreed to make, there is also this important one: just west of the pass there is supposed to be a rich coal district. It is said the area of the coal lands is 250,000 acres. Of that I cannot speak positively. It was feared at one time that if those lands fell into the hands of a company there might be a monopoly of the coal. The Canadian Pacific Railway Company were themselves anxious to avoid the possibility of those lands being possessed by a monopoly. What they desired was the development of the country. So they have agreed that in their arrangement with the British Columbia Southern, a portion amounting to 50,000 acres of the average value of the coal lands in that section should be transferred by the Crown in British Columbia to the Crown at Ottawa in order to be a check on anything like a monopoly or an excess of prices in the charge for coal. The bill provides that the charge shall not exceed $2 per ton on the car, and as the Crown has the control of the rates, hon. gentlemen will probably appreciate best the low prices at which coal will be delivered at the important points where it is now sold at so high a figure. The effect will be to encourage largely the development of mines that cannot now be worked—lean mines that it would not pay to develop under present circumstances. The fact of their being able to get coal and coke at so low a rate, will so stimulate those mines that hundreds of mines which to-day are abandoned will spring into life and be of great value to the country.

Hon. Mr. WOOD—Can the hon. gentleman give us any idea of the cost of this railway?

Hon Mr. SCOTT—No, I cannot. Its estimated cost is $25,000 to $30,000 a mile. Some parts of it of course will cost more, as it is through a very rough country.

Hon. Mr. WOOD—Can the hon. gentleman say how much of it is difficult construction and how much is prairie?

Hon. Mr. SCOTT—The 113 miles will be through a country that is not so difficult. The longer distance, from Crow's Nest through to the Lake and on to Nelson, will be in a very expensive country as you will see by the map. It has to wind in and out according to the topography of the country. The British Columbia Southern had a right to a subsidy of 20,000 acres per mile. A good deal of that land has timber on it, and one of the conditions is that the timber land and the land fit for agricultural purposes must be disposed of at such prices as the government will approve of, so that practically the British Columbia Southern Company are deprived of any opportunity to exact extreme prices—that is, they must put it on the market at reasonable rates approved by the governments of British Columbia and Canada.

Hon. Mr. WOOD—I am sorry the hon. gentleman could not give us an estimate of the cost of building the road. I think we should have had that, and I suppose the government, before entering ino a contract of this kind, would have a careful estimate from a competent engineer of the cost of building the road. I do not see how they arrived at an estimate of the subsidy they were justified in paying unless they had some idea of what the road would cost when completed. The subsidy of $11,000 a mile will amount to $3,630,000, and, if I understood the hon. gentleman's remarks correctly, the Canadian Pacific Railway Company will be entitled to some 4,000,000 acres of timber land which they get from the British Columbia government.

Hon. Mr. SCOTT—No, those lands belong to the British Columbia Southern and the Canadian Pacific Railway Company, or some of its stockholders, have acquired an option on the charter, but not on all the adjuncts of the charter, as I understand.

Hon. Mr. WOOD—It certainly was stated that the British Columbia Southern transferred to the Canadian Pacific Railway Company all the lands that they acquired from the British Columbia government except the coal lands, which were estimated at 250,000 acres, and 50,000 acres of these are to be transferred to the Canadian Pacific Railway Company, and by them to the government, so that if I have made the calculation right, there would be about 4,000,000 acres (exclusive of this 250,000) of timber and other lands which the Canadian Pacific Railway Company will be entitled to when this road is completed. I should like to know if I am right as to that.

Hon. Mr. SCOTT—The lands in British Columbia, when acquired by purchasers, do not include the precious metals, and the only lands that are really valuable for any purpose are the coal lands. The other lands are only valuable so far as there is timber on them. Other hon. gentlemen can speak more authoritatively than I can on that subject. The bill provides that the land shall be sold on such conditions as may be imposed by the government, so no excessive charge can be made. The lands in British Columbia that we give the Canadian Pacific Railway Company in the twenty mile belt, have not any special value. As a rule they are not fit for agricultural purposes.

Hon. Sir MACKENZIE BOWELL—That twenty mile belt was not given to the Canadian Pacific Railway Company; it was given to the Canadian Government.

Hon. Mr. SCOTT—It was set apart as a reserve for the building of the railway. The government have never been able to realize much out of the lands in British Columbia. The highest price I have ever known any lands to be sold for was $5 per acre. I do not think any special value was attached to those lands.

Hon. Mr. WOOD—I can hardly understand how that can possibly be if there is good timber on the land.

Hon. Mr. SCOTT—There is very little timber on it.

Hon. Mr. WOOD—The point that occurs to me is this—perhaps the hon. gentleman can tell me whether I am right or not—the subsidy amounts to $3,630,000, and besides that the Canadian Pacific Railway Company acquire, exclusive of the coal lands, some 4,000,000 acres of lands which are supposed to be timber lands. I should incline to the opinion, if we attach any value at all to the lands, that these two amounts, the subsidy and the value of these lands, would build the entire railway. No doubt the concessions in the freight rates are very important, and possibly they are sufficient to offset the whole amount of the subsidy paid by the Dominion government. The point that I am trying to get at is what the views of the government are; what is the basis on which they entered into this arrangement?

Hon. Mr. SCOTT—For the last eight or ten years, since this land grant was donated by the British Columbia legislature, the holders have been trying to float the enterprise, and yet, with all that land grant they were unable to accomplish anything. Last January some parties interested in the Canadian Pacific Railway bought some of the stock, but until then they found it impossible to float the scheme. It has been offered over and over again in the financial world and nobody would take it up.

Hon. Mr. WOOD—Can the hon. gentleman say who built the railway that runs south to Spokane?

Hon. Mr. SCOTT—It was Austin Corbin, the capitalist, of New York.

Hon. Mr. WOOD—Was any bonus given?

Hon. Mr. SCOTT—No, that is a road running directly south to the boundary, and that is extended to Nelson.

Hon. Mr. WOOD—That was built as a commercial enterprise?

Hon. Mr. SCOTT—Yes. I do not think they got anything from the State of Washington. That road has been doing a very paying business and has been carrying off the whole trade of that section to Spokane. If the hon. gentleman will look at subsection (*h*) he will find that provision is made there for the lands:

(*h*) That if the company or any other company with whom it shall have any arrangement on the subject shall, by constructing the said railway or any part of it, as stipulated for in the said agreement, become entitled to and shall get any land as a subsidy from the government of British Columbia, then such lands, excepting therefrom those which in the opinion of the Director of the Geological Survey of Canada (expressed in writing) are coal-bearing lands, shall be disposed of by the com-

pany or by such other company to the public according to regulations and at prices not exceeding these prescribed from time to time by the Governor in Council, having regard to the then existing provincial regulations applicable thereto ; the expression " lands " including all mineral and timber thereon which shall be disposed of as aforesaid, either with or without the land, as the Governor in Council may direct.

So it is practically under the control of the Governor in Council.

Hon. Mr. WOOD—That very clause that the hon. gentleman has just now read is one that impressed upon my mind the idea that this 4,000,000 acres of land must be valuable, otherwise it would be unnecessary to have any restriction upon them.

Hon. Mr. SCOTT—It was put as a precaution that the company could not hold them and prevent purchasers going in if it was thought desirable to buy.

Hon. Mr. WOOD—That must be based on the idea that there is some considerable value in these lands. I really think the government, in entering upon an enterprise of this kind, should ascertain whether there was any value in these lands, and also what the cost of constructing a railway in that section of the country would amount to. Otherwise it is very difficult for members of this House, or anybody who has not had an opportunity to investigate for himself, to judge of the merits of an arrangement of this kind. If these lands have any value—if they are worth even one dollar per acre, hon. gentlemen will perceive that the whole subsidy is ample to build that road, even if it is an expensive road to build.

Hon. Mr. SCOTT—There are a number of roads in British Columbia that have similar subsidies, and I have yet to learn that any of them have been able to use their lands. Land is abundant there.

Hon. Sir MACKENZIE BOWELL—I do not understand that the minerals in this land granted as a subsidy have been reserved by the Crown.

Hon. Mr. SCOTT—Yes, all the lands in British Columbia.

Hon. Sir MACKENZIE BOWELL—If all the minerals have been reserved by the Crown, there is no value in the coal lands. There are small areas, in portions of the country which are very well wooded with good timber, but there is no great quantity of land after you leave Pincher Creek until you strike the Crow's Nest Pass through to the Columbia except when you reach the lower Kootenay. There is some good land at Carnbroke, where Col. Baker has his ranch, and where there is an industrial school. There is very little timber land in that portion of the country. The reason I speak so positively about it is, I rode on horse-back from Fort McLeod to the Columbia through the Crow's Nest Pass for my own personal instruction, and to ascertain what there was there. If I understand this bargain with the Canadian Pacific Railway Company, they have secured the charter of the British Columbia Southern Railway Company. They paid them so much conditionally, that they were to have 5,000 acres of coal land only, for their own use and purposes so as to prevent —a very wise precaution on the part of the Canadian Pacific Railway Company—there being extortionate rates charged to them or to others, and to prevent a monopoly. The government in making their bargain with the Canadian Pacific Railway Company, if I understand it correctly, exacted in addition to other conditions, 50,000 acres of the coal lands. If I have arrived at a correct conclusion from reading the debates, if the Canadian Pacific Railway Company do not secure those 50,000 acres of land from the British Columbia Southern Railway Company, who hold the charter, then the government is not to pay any of the subsidy. Is that the case ?

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—Then that land will have to be procured.

Hon. Mr. SCOTT—That is part of the conditions, that they acquire from the British Columbia Southern Company the 50,000 acres. The 50,000 acres are now in the Crown, represented by British Columbia, and will remain there until the lands are earned.

Hon. Sir MACKENZIE BOWELL—If I understand, it is in this position : the Canadian Pacific Railway Company have made a bargain with the British Columbia Southern County Railway Company for their charter. They have a certain time, after the passage of this bill, to complete that bargain. If the British Columbia

Southern Railway Company refuse to make a concession in the bargain which the Canadian Pacific Railway Company has made with them, then the bargain between the British Columbia Southern and the Canadian Pacific Railway fails; and it follows that, notwithstanding any expenditure that the Canadian Pacific Railway Company may have made, the government is not bound—and, as I understood Mr. Blair to say, he made it part of the contract that they should not receive any portion of the government subsidy. Is that the fact?

Hon. Mr. SCOTT—That is the condition, that they are to hand over 50,000 acres to the government.

Hon. Sir MACKENZIE BOWELL—I am not going to oppose this scheme. I think it is improvident. I think you are paying too much, but at the same time my principal reason for not objecting to it is that it is an undertaking which may, and probably will, prove profitable to the company, because if it proves profitable to the company it will be beneficial to the country, and we can afford to be liberal in order to retain within our own country the trade of that section of the Dominion, whatever it may be, rather than let it go to the United States; therefore, from a national point of view I am quite willing, speaking for myself, and I think it is the interests of this country that we should deal liberally with those who undertake enterprises of this kind. If that land were such as my hon. friend from Westmorland (Mr. Wood) intimates it is, the subsidies would be enormous, and if the lands are as valuable from a mineral standpoint, as we hope they are, then it will be an enormous subsidy, but even if it is an enormous subsidy, if we can drain the trade of that section and of the United States south of the line through Canada, we will reap an ample reward for the expenditure, and from a national standpoint, I am quite willing to give my support to a scheme of this kind, although, I repeat, I think you are paying a little too much for the whistle.

Hon. Mr. MACDONALD (P.E.I.)—If this road is such a one as is likely to pay from its inception, as many believe, I think the government should have built it as a government undertaking, from first to last. We are granting a pretty liberal subsidy, and it is stated in the public press that the Canadian Pacific Railway Company were going on with the construction of that road before there was any grant by the government. It was only the other day I saw a statement made in the Montreal *Witness* to the effect that the government subsidy was not necessary to secure the construction of the road. That is confirmed by the fact that at the last meeting of the shareholders the directors declared that they had determined to construct the line as a profitable undertaking. The article I refer too is as follows:

> That the government subsidy was not necessary to secure the construction of the road is proved by the fact that at the last meeting of the shareholders the directors declared that they had determined to construct the line as a profitable undertaking. The company had already begun operations to that end, and shortly afterward bought the material for the road. When those opposed to the Canadian Pacific Railway Company's taking possession of the only pass through the Rockies south of the pass already possessed by the company, raised a protest, they were told that the company could not be restrained, as their charter empowered them to construct branch lines anywhere in the North-west. So it came to this, that the government was then being urged to grant, and has now granted, a subsidy of three and a third million dollars to a company to build a road which the company had already declared its intention of building. The Canadian Pacific Company evidently regard the road as one which would pay, and those who urged its construction declared it would be commercially profitable from the date of its completion. Moreover, the company had already possession of a charter for the construction of that portion of the line in British Columbia which carried with it enormous grants of valuable coal areas.

Now, that is the opinion of a newspaper which has been supporting the government, and which is still supporting the government. The construction of that road may possibly, and probably will, be a benefit to British Columbia, and to that portion west, but it will be of no benefit whatever to this section of the Dominion. The principal mining industries in the neighbourhood of Rossland, in British Columbia, are in the hands of citizens of the United States, and it is in that way going to benefit those who are located there more than it will benefit Canadians, because there are very few Canadian interests in the vicinity of Rossland. I consider, myself, that the grant given by the government to this road for the purpose of extending the line, has been a very extravagant one, and that the proposition made by the late government to bonus the road to the extent of $5,000 a

mile and to lend the company $20,000 a mile for the purpose of construction, would have been a much better one for the country. With the interests that are now being developed in British Columbia, if that course had been persisted in, there is no doubt that the road would have been constructed by the Canadian Pacific Railway Company, and the Dominion would have saved a large amount of money.

The motion was agreed to and the bill was read the second time.

Hon. Mr. SCOTT moved the third reading of the bill.

Hon. Mr. FERGUSON—It might not be amiss to put on record at this stage the recorded opinion of a very prominent minister of the government with regard to the Crow's Nest Pass Railway: I refer to Sir Richard Cartwright. He said:

> Why, he asked, should we be called upon to tax the ratepayers of Canada $108,000 for the development of some valuable coal mine, whether it belongs to the British Columbia government or to some private individuals? What justification is there for heaping on this overburdened people expenditures for enterprises of the merits of which we know nothing at all, and which, if they be one-quarter as valuable or one-tenth as valuable as they have been represented by the hon. gentleman, ought to be able to pay their own way? I object to the whole system, for the matter of that. But particularly, it seems to me, that going into the wilderness in this fashion on the vague statement that there are valuable coal mines in which, even though they are as valuable as they are represented, the people of Canada have no interest, is something worse than throwing away our money. The pratical result of all this is that these gentlemen whom the hon. gentleman has just named, these capitalists, as I believe some of them are, not content with having got very cheaply, an extremely valuable deposit, must needs come to the parliament of Canada and demand that the ratepayers be obliged to contribute $108,000 for the purpose of making their individual fortunes.

I do not know what the $108,000 refers to.

Hon. Sir MACKENZIE BOWELL—It refers to the bonus of $3,200 per mile, offered by the late government, amounting to $180,000.

Hon. Mr. FERGUSON—Sir Richard Cartwright came to the conclusion that the government should leave the affair severely alone. I have just read this as another illustration of the extraordinary swallowing capacity of the gentlemen comprising the present government. I do not oppose this bill. I agree with the hon. leader of the opposition that the bargain might have been a better one in the interests of Canada, but I think, as I have thought for some years, that it is the duty of the government of Canada to open up that valuable mining, and to some extent grazing, country of Southern British Columbia and on that account I am not opposed to the bill.

Hon. Sir MACKENZIE BOWELL—This is the age of conversions.

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

RAILWAY SUBSIDIES BILL.

FIRST, SECOND AND THIRD READINGS.

A message was received from the House of Commons with Bill (151) "An Act to authorize the granting of subsidies in aid of the construction of the lines of railway therein mentioned."

The bill was read the first time.

Hon. Mr. SCOTT moved the second reading of the bill. He said:—This is known as the Railway Subsidies Bill. The only material point about it is in reference to the grading of the subsidy where the cost of construction is in excess of $15,000 a mile. I might say here that the larger number—nearly all of the railways that are being aided by this bill, have already been before parliament, and subsidies voted to them. They have not been built, and probably a great many of them will never be built. In answer to the observations made by the hon. member from Prince Edward Island in which he said that petitions had not been presented to parliament, the practice in the past has been, I believe, that the railway companies apply always to the Minister of Railways, and he submitted the list of applications to the Governor in Council, and the selection was there made of those that would be submitted to parliament for the approval of subsidies. The last Subsidy Bill was submitted in 1894. It embraced sixty railways. This is in one respect more modest, as the number is less than fifty—some forty odd railways.

Hon. Mr. WOOD—I should like to ask one or two questions of the hon. gentleman

in regard to this proposed grading of subsidies, about this $3,200 per mile—what the government include in the cost of construction?

Hon. Mr. SCOTT—In the past, in special cases where the country was known to be very difficult to build a road in, subsidies to the amount of $6,400 have been given, and it was thought that it would be fairer to grade the amount where it was over $15,000 per mile. Perhaps in one case the road might cost $20,000 per mile and another $25,000, and in those cases they would receive the same subsidy of $6,400. It was considered the experiment should be tried to grade them. Attention was called to the fact in the House of Commons that where a road was built into a town or city it might enable a road, which otherwise might not be entitled to $6,400, to obtain that subsidy, and so an amendment was made, in this bill, that it should not include the cost of equipping the railway, nor the cost of terminals of the railway in any city or incorporated town; so that it would only apply on the ordinary line, and not be due to causes which would of course increase the cost of all railways—that is the entry into towns. The practice has been to give to bridges fifteen per cent of the cost. There is no statute on the subject, but it has been a settled practice that railway bridges, as a rule, receive that subsidy. I do not know of any case where it was refused. It is here provided that where the bridge forms part of the railway line, and the cost of the bridge does not exceed $25,000, it counts in as part of the line. Where the cost is greater than that, it is entitled to the usual bonus of fifteen per cent on the cost.

Hon. Mr. WOOD—Do I understand that these clauses are added in the bill?

Hon. Mr. SCOTT—These amendments are made in the bill.

Hon. Mr. WOOD—We have not seen them here.

Hon. Mr. SCOTT—No, they were made in the House of Commons this morning.

Hon. Mr. WOOD—Those amendments do certainly remove what appeared to me to be the chief objection to that feature of the bill. There is only one other question which I would like to ask the hon. gentleman, and that is with regard to town and municipal grants. Do the government deduct them in estimating——

Hon. Mr. SCOTT—Oh no, they have never been deducted in the past.

Hon. Sir MACKENZIE BOWELL—Has that bill been circulated?

Hon. Mr. SCOTT—No, it has only been printed. This bill and the Supply Bill have never been printed as a rule.

Hon. Sir MACKENZIE BOWELL—Oh, yes.

Hon. Mr. POWER—These subsidies are set out in the minutes of the House of Commons. The resolutions are set out in the minutes of the House of Commons.

Hon. Sir MACKENZIE BOWELL—There is another very important point to which the hon. gentleman has not called attention.

Hon. Mr. POWER—They were only made in the House of Commons this morning.

Hon. Sir MACKENZIE BOWELL—I understand that. I was going to point out that though they may be in the minutes of the House of Commons, we do not see the amendments and consequently cannot speak intelligently upon them. If the hon. gentleman who has just spoken had seen the amendment, he would have been saved the trouble of asking the question.

Hon. Mr. SCOTT—I must apologize of course. The practice has been an objectionable one, and I shall do my best to have it changed. If you look over the journals you will see that in former sessions the House of Commons has sent down a number of bills on the last day when it was impossible for us to give them proper consideration. We have often protested, and I think we will insist another year that this shall not be allowed to continue. It is not justifiable. I can only throw myself on the kindness of the House on the present occasion and apologize for what I think is an improper treatment of this House.

Hon. Mr. WOOD—We are not in a position to consider those bills intelligently without having them before us a little earlier, and having some time to give thought

and attention to them. If I have correctly understood the amendments which the hon. gentleman has just read, they certainly do remove the objection which I had to the bill as it stood before. It was objectionable as it first came in.

Hon. Mr. FERGUSON—May I ask the hon. gentleman in charge of this bill how the cost of the railways which exceed $15,000 is to be ascertained?

Hon. Mr. SCOTT—The government engineer is to inquire into it.

Hon. Mr. FERGUSON—Is that in the bill?

Hon. Mr. SCOTT—Yes, I think it is. The actual cost has to be ascertained.

Hon. Mr. MACDONALD (P.E.I.)—I should like to ask the hon. Secretary of State if there is a provision in this bill which I have seen referred to as being a very desirable one to put into bills of this nature, providing that if the government require at any time to take over one of these railroads, the subsidy which was paid by the government would be taken into consideration in payment for the road? Is there such a provision in this bill?

Hon. Mr. SCOTT—No, I think not. I have never known that to be in a bill.

Hon. Mr. MACDONALD (P.E.I.)—It would be a very proper precaution to take, I think, in granting bonuses of this kind to railroads. Not having seen a copy of the bill, and knowing very little about it, I should like to ascertain whether there is a vote there of $114,270 for the Pontiac Pacific Junction Railway Company for 85 miles of road.

Hon. Mr. SCOTT—Yes, I think that is in.

Hon. Mr. MACDONALD (P.E.I.)—And is there a vote to the Grand Trunk for a subsidy towards the building of the enlargement of the Victoria bridge at Montreal—fifteen per cent on the amount expended, $300,000.

Hon. Mr. SCOTT—Yes, that is in.

Hon. Mr. MACDONALD (P.E.I.)—We have these explanations in a round about way, and a good deal of information which it would be desirable for us to have, we have to take on trust, not having a copy of the bill before us and knowing nothing of the various amounts it is proposed to grant under this bill. On some other occasions similar bills have been brought down very late in the session, and these objections were taken against them. I thought with a change in the administration that all these little matters, which those in opposition had occasion to find fault with in other years, would have been amended, but it is the same now as it was before. I had occasion once, when I was present near the close of the session before, to urge the same objection against votes of this kind, and I believe one or two of us here present on that occasion voted against the bill altogether, and I hope this will be the last time that similar bills will come in at such a late period of the session.

Hon. Sir MACKENZIE BOWELL—Before the motion is carried, I want to put on record my protest against the further subsidizing of railways in the manner in which they are presented to us here to-night. In the past, hon. gentlemen opposite could find no language strong enough to denounce the policy of subsidizing railways in different parts of the country; now, they are proposing to extend that principle. I was in hopes, after reading a very able article a few months ago in the columns of the leading organ of the gentlemen who now rule the destinies of this country, that the system, as it has been in vogue for a number of years, was going to cease. The bad effects that it pointed out, if correct, which have justified the present government in putting a stop to these subsidies, until the revenues of the country at least, would have warranted further expenditure. When the late government first adopted the system of subsidizing railways, it was out of surplus revenues, and it is well known that in countries where there is self-government, the principle is that just as soon as the revenues of the country exceed the annual requirements, the taxation should be reduced. In England we know that is done almost every year, but their system of levying taxes is so different from that which prevails in this country, that that system could not well be adopted in Canada, because it would be disarranging the whole tariff regulations and the whole fiscal policy of

the country. In England, where you have an income tax and various other means of raising money, you can easily take a penny off the income tax or add a penny to it, and thereby increase or diminish the revenue some millions a year. Instead of the government acting upon the principle which they had laid down for so many years, that it was vicious in principle to continue a practice of this kind, they are not only satisfied with adopting the policy of the old government, but they have duplicated it by taking the power to themselves to increase the subsidy to any of these railways just one hundred per cent. Why should we have adopted that course, particularly when we know that for two or three years past, there has been a falling off of the revenue, and a deficit, with a prospect of a deficit this year, and perhaps for one or two years to come, and we can only supply that deficit by borrowing, thereby increasing the public debt and the annual interest which we have to pay, which will either have to be raised by direct taxation, or by indirect taxation or by borrowing money. I was sincerely in hopes—because I have had my doubts of the propriety of continuing a system of this kind for a long time—that the organ of the party to which I refer was speaking the sentiments of the government, but unfortunately the organ has changed as rapidly as the government has, and we have now before us a system which gives the Minister of Railways and Canals and his colleagues the power to increase by one hundred per cent the subsidies to all these railways whenever an opportunity presents itself. Does any body suppose for a moment that there is a single railway to be subsidised today, that will not get $6,400 instead of $3,200?

Hon. Mr. SCOTT—Oh, yes.

Hon. Sir MACKENZIE BOWELL—The original basis upon which the $3,200 was given, was that it was then calculated that that amount would purchase the rails for the railing of all these roads. At that time the rails were from twenty-five to thirty or thirty-three and a third, and in some cases forty per cent dearer than they are at present. So you not only rail the road for the $3,200, but you add to that by direct subsidy for the grading and so on, and now you double it. I hope this is going to cease, unless under the new economic arrangements of our tariff you are going to get an immense surplus. Then you can spend it, and I do not know that you can spend it in a better way. But what I object to in this bill more than anything else is the placing in the hands of any party—and more particularly an unscrupulous party, if there be any such thing in the person of the Minister of Railways—the power to hold out to railway builders or speculators the inducement of $6,400 a mile under certain circumstances. It has been declared in this House over and over again within the last few days that there is no road that does not cost $15,000 and more per mile. If that is so, they will get the increased subsidy. The question put by the hon. gentleman from Prince Edward Island (Mr. Macdonald) was a very pertinent one, and more particularly in the light of events which have occurred in connection with railways. The government have tried to purchase the Drummond County Railway, which has been subsidized by the Dominion government, by the local government, and by municipalities to the extent of six or seven thousand per mile all through—some six thousand odd dollars per mile. Now we are going to add $3,200 per mile to the regular subsidy granted to the company that is to build the balance of that road of some forty two miles. The subsidy will be doubled in that case beyond a doubt. The question asked by the hon. member from Prince Edward Island, supposing the experiment that you are to try with the $157,500, that you have taken for the purpose should prove to be of such a character as to justify your buying that road, are you then going to give them the full value of the road, or will you deduct this additional subsidy which you are now giving the company? If you decide hereafter to purchase, and can induce parliament to purchase, you are assisting the same gentlemen to the tune of $6,400 per mile to complete the road to the Chaudière, and then you turn round and pay them at the rate of $17,000 per mile for the road that you have helped to build. It is about time the whole of us went into railway building, if we can get the government to purchase roads from us at that rate, or, in other words, get the government to pay about $17,000 per mile for a road which cost the promoters six or seven thousand dollars at most. If we had time, I certainly

would move to add a clause to the bill, making two provisions, one that in case of a purchase of any road by the government, whether for a branch of the Intercolonial Railway or any other purpose, the amount of subsidy granted by the government should be deducted from the purchase money. I would go further—I call the attention of the hon. Minister of Justice to this point, that we grant a large subsidy for the construction of a road: we afterwards find that the road, so far as its paying properties are concerned, is useless, and it fails. There is no redress at all. You cannot take it. I think the government should be enabled, under those circumstances, to take possession of the road and, if necessary, to sell it and recoup themselves for the amount of money which has been expended upon it. I have heard no explanation on these railway subsidies yet, nor have I read of any in the lower House, or the reasons which induced them to take the Baie des Chaleurs road to experiment with at the expense of the country, and whatever reasons there may be for it I should like to understand what authority the government has to take any railway under its control, run it at the expense of the country and lose a lot of money without the sanction and authority of parliament. I am not aware that the government has one tittle ofauthority by law to take possession of any railway and run it for the advantage of the people who live along the road, at the expense of the country. If they have, perhaps the Minister of Justice could inform us of it; and if they have not, they should inform the House, if they have not already informed the country, the reasons why they take that in hand, and by what authority it was done, and whether they have asked an indemnification from parliament for spending the public money without the authority of parliament. It is a very grave question. I may have overlooked the debates in the House of Commons, and consequently may be speaking not by the book, but I have failed to hear or to read of any explanations why the government did what I have indicated they have done. We know that they did take it in hand at a time when it was thought it was going to pass into the hands of the Quebec government. They might better have left it to the Quebec government to operate. As I understand, it proved a failure and caused a large loss to the revenue of the country, and then they gave it up. What is being done with the road now I do not know. I make these remarks to place myself upon record as opposed to the principle of the distributing of subsidies in the reckless manner we have been in the past indulging in, and more particularly against that clause which duplicates the amount to be paid, leaving it to the discretion of the Minister of Railways and his colleagues to say whether they shall advance it or not. If there has been corruption in the past, we are placing it in the hands of the government to perpetuate that system, and to increase it to an enormous extent.

Hon. Mr. SCOTT—There is a point in connection with the extra subsidy to which I should have called the attention of the House:

> Any company receiving a subsidy in excess of $3,200 shall be bound to carry Her Majesty's mail free of charge for a period of ten years.

That applies to all railways where the subsidy is more than $3,200. It was not supposed that it was going to increase the amount at all.

Hon. Sir MACKENZIE BOWELL—Of course that is no security where the road fails to run, as happened with the Baie des Chaleurs Railway, and I think one railway in the county of Albert, N.B.

Hon. Mr. SCOTT—If they earn more than $3,200 they are bound to carry the mails free for ten years.

Hon. Sir MACKENZIE BOWELL—If you purchase that Drummond County Railway will the subsidy be refunded?

Hon. Mr. SCOTT—Oh yes, I announced that. There is no mistake about it. It was announced in the House of Commons. We would not be likely to overlook that.

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

POST OFFICE ACT AMENDMENT BILL.

FIRST, SECOND AND THIRD READINGS.

A message was received from the House of Commons with Bill (129), "An Act further to amend the Post Office Act."

The bill was read the first time.

Hon. Mr. SCOTT moved the second reading of the bill.

Hon. Mr. FERGUSON—Where is this bill? Can we see it?

Hon. Mr. SCOTT—The bill is limited to placing the mail clerks under one superintendent. The mail clerks are now under the inspector of each locality, and it was thought that considerable improvement could be made in the service if they, instead of running short routes, ran longer routes under the direction of the chief inspector. It is recommended by Mr. Sweetman, the head of the branch. It was at his suggestion entirely that the bill was introduced. There is no principle involved in the bill. It is simply placing the mail clerks under one chief, who has been in the department for the last thirty years, and who thinks both economy and efficiency will be secured if the control is removed from the local inspector to one general inspector who will define the longer routes. As it is at present, the mail clerk enters upon the car, and he goes perhaps fifty or sixty miles. He might just as well finish the route to some terminal point, one hundred or one hundred and twenty-five miles, instead of having a change. The bill does not disturb any other portion of the administration of that department than the mail clerks, placing them under one chief, and it is recommended by the gentleman who has been for the last thirty years in charge of that department.

Hon. Mr. POWER—I may mention that the bill is not now in the form in which it was printed. There was a clause in the bill which authorized the Postmaster General to make contracts, and that met with considerable opposition in the House of Commons, and was omitted from the bill. As it comes now, the bill met with the unanimous approval of the House of Commons.

Hon. Mr. FERGUSON—Then the bill, as I have it in my hand, is not the bill now introduced?

Hon. Mr. POWER—No, the objectionable clause has been struck out.

Hon. Mr. CLEMOW—It may be a very good bill, but we know nothing about it. I did not understand from the hon. Secretary of State what the advantages are going to be. Is it going to curtail the expense in any way?

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—No, it will not.

Hon. Mr. SCOTT—At present a mail clerk runs thirty or forty miles, according to the instructions of the local inspector under whom the clerks are supposed to be. Under this bill he may have to run a hundred miles, according to the instructions of the general inspector, and that will be his particular beat, and he will distribute the letters over that whole line. At present they are limited to local divisions, and when a man reaches the end of his division, somebody else has to come into the car and take up the work of distributing the letters, and that requires two or three servants where the work might be done by one.

Hon. Sir MACKENZIE BOWELL—Would you kindly repeat that last statement?

Hon. Mr. SCOTT—At present, as I am advised, the railway mail clerks are under the control of the local inspector, and it is proposed in this bill to place them under the control of one officer, who can direct them to extend their beat say for a hundred miles instead of fifty miles, and in that way it is believed a less number of officials will be able to perform the work in a more satisfactory manner than at present.

Hon. Mr. MACDONALD (P.E.I.)—I do not agree with the view taken of this measure by the hon. Secretary of State. It seems absurd for any gentleman to state that the route of a mail clerk may be extended by another officer. There is no province in which a railway mail clerk, who is under the control of the inspector of that province, can have a longer route than he can reasonably be expected to run over and return in one day, and I can see, therefore, no object in appointing a superintendent of railway mail clerks. The postmaster of the particular province in which these mail clerks are stationed is the proper officer to have control of them. The postmaster at St. John, or some great mail centre, from which these mail clerks are sent out, is the proper officer to have sole control under the post office inspector of

that division, and there is no reason in the world why the post office inspectors of the different divisions should not continue to do as they have done in the past, to regulate the mail clerks who may now run from the province of Quebec right through to Vancouver and back again under the control of the different inspectors that are over the route from one province of the Dominion to the other. I mean to say that there is no economy at all in the appointment of new officers as proposed under this bill. It will not lessen the pay of the mail clerks if they get mileage. They will travel more miles and their cost to the country will be increased without any advantage to the public service. I understood, until I heard the hon. Secretary of State explain the bill, that this bill contemplated the appointment of several superintendents. I gathered from what the hon. Secretary of State said in his remarks that it only contemplated the appointment of one superintendent for the whole Dominion. How is that going to be regulated?

Hon. Mr. SCOTT—Oh there will be others. I will read the report of Mr. Sweetman.

Hon. Mr. MACDONALD (P.E.I.)—If we had the bill before us we could gather from it what was intended: but a bill comes up at the last hours of the session, and it is only laid on the desk of the Minister who is leading the House. We cannot be expected to know what the provisions of such a bill may be, or to deal with it in such an intelligent manner as we might be expected to deal with it if we had the bill before us and had studied its provisions.

Hon. Sir MACKENZIE BOWELL—If the hon. Secretary of State said there was only one superintendent to be appointed—

Hon. Mr. SCOTT—Oh no, I think there are nine superintendents over the whole Dominion.

Hon. Sir MACKENZIE BOWELL—Yes. The bill is for the purpose of reorganizing the department under different heads. They are to appoint a controller who is to be the head of the whole mail service, and then in addition to that they are to have superintendents in different provinces and in different parts of the provinces, who communicate directly with the controller, and the operations of that branch of the service are to be carried on from the central point here. They have adopted, so far as I can ascertain, the system which prevails in the United States at the present moment.

Hon. Mr. SCOTT—And in England, so I am told.

Hon. Sir MACKENZIE BOWELL—Perhaps so, but I know in the United States everything is operated from Washington. It is therefore a centralization of the whole system under one management in Ottawa. I feel quite confident, from the limited study I have been able to give this bill, that the system is not a bad one; I think it will work very well. I do not, however, believe that it is going to be an economical system, unless they can so reform the service as to dispense with a number of officers. In the other House the Postmaster General said:

> I am going to appoint from the experienced officers in the service a controller. We will have to increase his salary, but the office will be at headquarters here, at the department. They will appoint a certain number of superintendents also among the mail service.

Supposing it is eight or nine, as the hon. Secretary of State says, they will have to increase their salaries, because they are holding a superior position, being like a foreman in an establishment to guide and direct the others. What I would like to know is, who is to fill the position vacated by the controller and by the superintendents? If there be additional appointments, then certainly you have to adopt some other system by which you will carry out your idea of economy.

Hon. Mr. POWER—The old system of inspectors, as far as regards the mail service, is to be discontinued. The local post office inspectors are not to deal with the mail service in the future. That I believe is the feeling of all the practical men in the Post Office Department—the postmasters and inspectors and the officers here at Ottawa. I do not know what is to be done with respect to the chief controller, but I know that in the provinces the intention is that, other things being equal, the government take the senior mail clerk.

Hon. Sir MACKENZIE BOWELL—They may or may not.

Hon. Mr. POWER—I am only speaking of what has been actually intimated to the officers in my own province. The senior mail clerk is taken, provided he is qualified, and made deputy or local head of the mail service, and there is no increase to the staff. It is not proposed that there shall be any increase to the staff in Nova Scotia ; whether the controller is to be an additional officer or not I do not know, but the local superintendents are not, I understand. This is introducing the system which exists in the United States and which the permanent officers of the department think is the better system.

Hon. Mr. MACDONALD (P.E.I.)—No.

Hon. Mr. POWER—As I understand it, the bill, as we have it now, met with no opposition in the House of Commons. There was opposition to a clause which undertook to authorize the Postmaster General to make contracts without asking for tenders for the carriage of the mails. That clause was dropped by the Postmaster General, and the bill was then allowed to pass.

Hon. Sir MACKENZIE BOWELL—Could the hon. gentleman tell me whether the position vacated by the officer who is appointed controller is to be filled or not? I understand the gentleman has already been selected from the service in Toronto, and from what I can learn he is a very good officer. But if his position in Toronto is to be filled, it is one addition to the staff. Are the places of the superintendents who are selected from the mail service to be filled?

Hon. Mr. POWER—No.

Hon. Sir MACKENZIE BOWELL—Then that is an evidence that there are too many in the service now, because they perform certain duties. I am only discussing the economic part. I asked my hon. friend the former Postmaster General, from London (Sir John Carling), his opinion as to this bill, and he thinks it is a good thing that an organization will be effected under this bill by which you can direct from headquarters the operations all over the county, without that friction which arises from the constant bickerings which take place in the different sections. If the Postmaster General can carry out the provisions of that bill without adding to the staff, then I think he will have effected a good reform.

Hon. Mr. MACDONALD (P.E.I.)—But it must be the duty of the Postmaster General now to direct all these officers of the department. It is just taking a certain duty away from the Postmaster General, and appointing other officers to assist in carrying it out.

Hon. Mr. COX—I am authorized by the Postmaster General to say that there will be no new appointments at all, and there will be a very substantial saving under this bill, besides much greater efficiency in the service.

Hon. Mr. SULLIVAN—I think that is all it is for, to create greater efficiency. The main provisions of the bill are in operation at the present time, and are working very well, and I do not think it is intended to cause any increase in the civil service whatever.

Hon. Mr. CLEMOW—Does not the inspector now control all these subordinate inspectors?

Hon. Mr. SCOTT—No.

Hon. Mr. CLEMOW—I think it is his duty to control them. He is a very efficient man, and I have great confidence in him. I think he is the man before all others who would perform that duty remarkably well. That duty might rest in his hands altogether.

Hon. Sir MACKENZIE BOWELL—I hope the Minister of Justice will inform the Postmaster General that if he brings down an important bill of this kind at so late period, next session, that we will throw it out.

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

CIVIL SERVICE ACT AMENDMENT BILL.

FIRST, SECOND AND THIRD READINGS.

A message was received from the House of Commons with Bill (130) "An Act further to amend the Civil Service Act."

The bill was read the first time.

Hon. Mr. SCOTT moved the second reading of the bill. He said:—The bill reads:

1. The paragraph substituted by section one of chapter fifteen of the statutes of 1895, for para-

graph (*b*) of section ten of The Civil Service Act, chapter seventeen of the Revised Statutes, is hereby repealed and the following substituted therefor:—

"*b*. No person shall be appointed to any place in the first or inside departmental division of the Civil Service—other than that of a deputy head, or controller of railway mail service or superintendent of railway mail service, or other officer or employee transferred from the outside service to the railway mail service branch—on probation or otherwise, whose age exceeds thirty-five years, or who has not attained the full age of fifteen years, in the case of a porter, messenger, or sorter, or the full age of eighteen years, in other cases."

2. Schedule B to the said Act is hereby amended by inserting before the words "railway mail clerks," the following words:—

"Controller of the rail mail service, salary not exceeding $2,500;

"Superintendents of railway mail service, salary not exceeding $1,500;"

2. The said schedule B is hereby further amended by inserting, under the sub-heading "clerks in city post office," between the words "letter-carriers" and "messengers" the words "Sorters and Stampers."

Mr. Mulock says that as the Civil Service Act now stands, there is no medium grade between $400 and $1,100, and he wants to provide that men who are simply engaged in sorting and stamping letters might be paid at a grade between those two, according to what they are now. The clause providing for the second class clerks has been repealed, and there are no second class clerks now. There is no provision made for officers who might earn a sum between $400 and $1,100, and what he says is there are a number of persons appointed from time to time as sorters and stampers, and it seems unreasonable to give them $1,100.

Hon. Sir MACKENZIE BOWELL—Does the hon. gentleman tell us there is no power in the Postmaster General or the government to regulate the salaries between $400 and $1,100?

Hon. Mr. SCOTT—No, the second class clerk is abolished.

Hon. Sir MACKENZIE BOWELL—But a man is appointed third class clerk at $400, and under the system he receives his $50 increment every year until he reaches $1,000. Are these a different class, or are these men appointed to do work, who have passed no examination? Who are they?

Hon. Mr. SCOTT—Sorters and stampers, who do no other work but sort and stamp. There are a large number of them, and they are appointed from time to time, and the Postmaster General was quite anxious they should be classed.

Hon. Sir MACKENZIE BOWELL—Are they subject to examination?

Hon. Mr. SCOTT—I think not.

Hon. Sir MACKENZIE BOWELL—I think they are. Do I understand that this is to give power to the Post master General for the raising of a man's salary who gets only $400 at present? The Secretary of State does not seem to understand that because that is what he implied.

Hon. Mr. COX—It classifies the sorters, stampers and letter carriers all together.

Hon. Mr. SULLIVAN—Do they pass the examinations?

Hon. Mr. COX—Yes.

Hon. Sir MACKENZIE BOWELL—What is the maximum salary they are to be paid, or does this bill give any further power to increase it?

Hon. Mr. COX—$600.

Hon. Mr. MACDONALD (P.E.I.)—I do not see that we require to make any change in the present law under those circumstances. If those persons now enter the service and their salary can go up to $600, why should a man, whose duty is only mechanical, stamping letters or anything of that kind, go on having his salary increased and be promoted from third class clerk and so on to a first class clerk, when his work can be performed by any person who receives an ordinary day's pay, and who is not really of any higher qualification than a day labourer? I think there is a very great injustice in the provisions of the Civil Service Act as it has been administered for some time past, and we can go into any of the departmental offices here and find persons receiving a salary over $1,000 whose work is merely clerk's work, mechanical work, which might be done by a young man or by an old man who would be very glad to get that work to perform for one-third of the salary some of these people are receiving. On the other hand, there may be persons who are qualified to fill a much higher office receiving only the salary that a

third class clerk is entitled to. These are discrepencies, if I may so term them, in the Civil Service administration, which I think might very well be remedied. I cannot see that there is any benefit, or any beneficial reformation whatever in the bill which is now before us. This is a bill which comes to this House at a time when we have no opportunity of considering its terms properly, or going into its merits; and it is one which, to my mind, it is our duty to oppose at this stage of the session. It would be the duty of every member who stands up for the dignity of the Senate to oppose such a bill.

Hon. Mr. SCOTT—The bill is just to accomplish what it proposes. The present Civil Service Act, which I hold in my hand, is amended by inserting after the words "clerks of the post office" the words "sorters and stampers." It is to bring the sorters and stampers under this clause.

Hon. Mr. SULLIVAN—But a sorter is a higher official than a stamper, because he has to look at the letter, and see where it is going.

Hon. Mr. SCOTT—But the letter carrier must do the same thing.

The motion was agreed to and the bill was read the second and third time and passed.

THE PROROGATION.

Hon. Sir OLIVER MOWAT—I may inform the House that the business before us is now completed and arrangements have been made that prorogation should take place to-night at eight o'clock.

Hon Sir MACKENZIE BOWELL—I think the hon. gentleman should have thanked the House for the assiduity with which we have attended to the public business. We will promise him, if we are all here next session, to give just as much attention to the business brought before us. If the hon. gentleman thinks we have not paid sufficient attention during the present session, we will promise him to pay little more attention next session. Possibly there may have been some hard expressions; I never use any myself, but the hon. gentleman who sits opposite me (Sir O. Mowat) often loses his temper, and says that which, upon reflection and in sober moments, he regrets exceedingly, and I would suggest to him the propriety—being about his own age, perhaps a little older, or little whiter—and the necessity of trying to cultivate a feeling of good-will between himself and those who differ from him, and if he will only cultivate those lamb-like propensities which characterize the hon. gentleman, particularly when discussing with one like myself, who has no temper at all, never exhibits any, always mild on every occasion, and fearful of expressing any opinion—if he adopts that lamb-like manner we will get along well next session. This is the end of the session. Perhaps some of us have said harsh things in speaking of each other, but as we are about to part we will try and forget them, and study to be a little more amiable in our dispositions in the future, providing the hon. gentleman does not rile us, and if he does, on occasions of that kind he must expect to get a Roland for an Oliver, and if the Olive is not too green, we will try to digest it in the best possible manner.

Hon. Sir OLIVER MOWAT—I am glad to know that my hon. friend regrets any hard words that he used during the session, and means not to do the same sort of thing in future sessions. I have done my best to have the proceedings of this House conducted with amity and good feeling, and I think to a large extent I have succeeded in that. I do not think any assembly such as this is has ever manifested less bad feeling than the Senate has done during this session. Occasionally some things passed which were not of the most pleasant character, but you cannot expect to be entirely free from that sort of thing in such an assembly, and those occasions were very few. I do not think any of us will leave here with any enmity towards one another. I think we shall all leave here friends, with our friendship strengthened, and if we had any uncomfortable feeling, I think the tendency has been for it to pass away. Next session we hope to have a bill of fare that even hon. gentlemen opposite will be obliged to accept without saying one word against it.

Hon. Mr. CLEMOW—May I ask what has become of that committee that was appointed to investigate matters connected with the Intercolonial Railway and Drummond County Railway Bill? I received a

notice to attend to-morrow morning, at half-past ten. Are we dissolved? Am I obliged to obey that summons for to-morrow morning?

Hon. Sir MACKENZIE BOWELL—I think the Minister of Justice will tell you that once parliament is prorogued that dissolves the committee, and of course the government take the responsibility.

It being six o'clock the Speaker left the chair.

After Recess.

7.30 P.M.

His Honour the Speaker informed the House that he had received the following communication :—

GOVERNOR GENERAL'S OFFICE,
OTTAWA, 29th June, 1897.

SIR,—I have the honour to inform you that His Excellency the Governor General will proceed to the Senate Chamber to prorogue the session of the Dominion Parliament on Tuesday, the 29th instant, at 8 o'clock P.M.

I have the honour to be, sir,
Your obedient servant,

DAVID ERSKINE,
Governor General's Secretary.

The Honourable
The Speaker of the Senate,
&c., &c., &c.

The House adjourned during pleasure.

After some time the House was resumed.

His Excellency the Right Honourable Sir John Campbell Hamilton Gordon, Earl of Aberdeen ; Viscount Formartine, Baron Haddo, Methlic, Tarves and Kellie, in the Peerage of Scotland ; Viscount Gordon of Aberdeen, County of Aberdeen, in the Peerage of the United Kingdom ; Baronet of Nova Scotia, Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George, &c., &c., Governor General of Canada, being seated in the Chair 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's pleasure 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 severally, as follow :—

An Act to confirm an Agreement made between the Canadian Pacific Railway Company and the Hull Electric Company.

An Act to incorporate the National Life Assurance Company of Canada.

An Act respecting the Ontario Accident Insurance Company.

An Act to incorporate Les Cisterciens Réformés.

An Act to confer on the Commissioner of Patents certain powers for the relief of the Mycenian Marble Company of Canada, Limited.

An Act respecting the Sun Life Assurance Company of Canada.

An Act to incorporate the Continental Heat and Light Company.

An Act to incorporate the Maritime Milling Company.

An Act respecting the Langenburg and Southern Railway Company.

An Act respecting the James Bay Railway Company.

An Act respecting the St. Lawrence and Adirondack Railway Company.

An Act respecting the North American Life Assurance Company.

An Act further to amend the law respecting Building Societies and Loan and Savings Companies.

An Act respecting the Lake Manitoba Railway and Canal Company.

An Act to incorporate the Minden and Muskoka Railway Company.

An Act respecting the Canada Southern Railway Company.

An Act respecting the Témiscouata Railway Company.

An Act to incorporate the Kaslo and Lardo-Duncan Railway Company.

An Act respecting the Great North-west Central Railway Company.

An Act respecting La Banque du Peuple.

An Act respecting the Manitoba and South-eastern Railway Company.

An Act respecting the Ottawa and Gatineau Railway Company.

An Act to incorporate the Columbia River Bridge Company.

An Act respecting the Richelieu and Lake Memphremagog Railway Company.

An Act to incorporate the Dominion Portland Cement Company.

An Act respecting the Canadian Fire Insurance Company.

An Act respecting the Lindsay, Haliburton and Mattawa Railway Company.

An Act respecting Forged or Unauthorized Indorsements of Bills.

An Act to incorporate the Canadian Securities Company of Montreal.

An Act to incorporate the Medicine Hat Railway and Coal Company.

An Act respecting the Central Counties Railway Company.

An Act to incorporate the Manitoba and Pacific Railway Company.

An Act respecting the Ottawa Gas Company.

An Act to incorporate the Mining, Development and Advisory Corporation of British America, Limited.

An Act to incorporate the British Yukon Mining, Trading and Transportation Company.

An Act further to amend the Steamboat Inspection Act.

An Act further to amend the Patent Act.

An Act respecting the Voters' List of 1897.

An Act to amend the Land Titles Act, 1894.

An Act to provide for the Registration of Cheese Factories and Creameries, and the branding of Dairy Products, and to prohibit Misrepresentation as to the dates of Manufacture of such Products.

An Act to amend the Act respecting the Protection of Navigable Waters.

An Act relating to the Canadian Investment and Agency Company, Limited.

An Act further to amend the Fisheries Act.

An Act respecting the Dominion Safe Deposit, Warehousing and Loan Company (Limited), and to change the name of the company to the Dominion Safe Deposit and Trusts Company (Limited).

An Act to incorporate La Mutuelle Générale Canadienne.

An Act respecting the Quebec, Montmorency and Charlevoix Railway Company.

An Act respecting the Montreal Bridge Company.

An Act respecting the Quebec Bridge Company.

An Act respecting the Great Northern Railway Company.

An Act to amend the Acts relating to the Red Deer Valley Railway and Coal Company.

An Act respecting Interest.

An Act to amend the Companies Act.

An Act respecting the Great Eastern Railway Company.

An Act respecting the Departments of Customs and Inland Revenue.

An Act further to amend the Act respecting the Senate and House of Commons.

An Act further to amend the Acts respecting the North-west Territories.

An Act to incorporate the Hudson's Bay and Yukon Railway and Navigation Company.

An Act respecting the Columbia and Kootenay Railway and Navigation Company.

An Act respecting the Trail Creek and Columbia Railway Company.

An Act respecting the Trans-Canadian Railway Company, and to change the name of the company to the Trans-Canada Railway Company.

An Act respecting the British Columbia Southern Railway Company.

An Act respecting the American Bank Note Company (Foreign).

An Act respecting the Supreme Court of Ontario and the judges thereof.

A Act respecting trials by jury in certain cases in the North-west Territories.

An Act to restrict the importation and employment of aliens.

An Act to consolidate and amend the Acts respecting the duties of customs.

An Act further to amend the Inland Revenue Act.

An Act respecting Export Duties.

An Act further to amend the Petroleum Inspection Act.

An Act respecting the Yukon Mining and Transportation Company (Foreign).

An Act respecting Cold Storage on Steamships from Canada to the United Kingdom and in certain Cities in Canada.

An Act to incorporate the Montreal and Southern Counties Railway Company.

An Act to amend "An Act respecting certain Savings Banks in the Province of Quebec."

An Act further to amend the Dominion Lands Act.

An Act further to amend the Act respecting the Judges of Provincial Courts.

An Act to authorize the raising by way of loan, of certain sums of money for the Public Service.

An Act to provide for Bounties on Iron and Steel made in Canada.

An Act further to amend the Civil Service Superannuation Act.

An Act to authorize a subsidy for a railway through the Crow's Nest Pass.

An Act to authorize the granting of subsidies in aid of the construction of the lines of railways therein mentioned.

An Act further to amend the Post Office Act.

An Act further to amend the Civil Service Act.

To these bills the Royal Assent was pronounced by the Clerk of the Senate in the words following :—

In Her Majesty's name, His Excellency the Governor General doth assent to these bills.

Then the Honourable the Speaker of the House of Commons addressed His Excellency the Governor General as follows :—

MAY IT PLEASE YOUR EXCELLENCY :

The Commons of Canada have voted certain supplies required to enable the government to defray the expenses of the public service.

In the name of the Commons, I present to Your Excellency the following bill :—

"'An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Public Service, for the financial years ending respectively the 30th June, 1897, and the 30th June, 1898, and for other purposes relating to the Public Service.'

To which bill I humbly request Your Excellency's assent.

To this bill the Clerk of the Senate, by His Excellency's command, did thereupon say :

In Her Majesty's name, His Excellency the Governor General thanks Her Loyal Subjects, accepts their benevolence, and assents to this bill.

After which His Excellency the Governor General was pleased to close the Second Session of the Eighth Parliament of the Dominion with the following Speech :—

Honourable Gentlemen of the Senate :

Gentlemen of the House of Commons :

In relieving you from further attendance in parliament, I desire to thank you for the assiduity with which you have discharged the duties of a

fatiguing session, and I congratulate you on the very important legislation which has been the outcome of your deliberations.

The revision of the tariff, which occupied a large part of the session, has been completed in a manner which, I trust, will prove effective in promoting the trade and commerce of the Dominion. It is gratifying to know that this measure has been recognized as one of Imperial importance, and that it has already had a marked effect in strengthening the bonds which unite Canada to the motherland.

The arrangements for establishing a fast steamship line of the highest class between Great Britain and Canada, with the co-operation and assistance of the Imperial and Canadian governments, encourage me to hope that at no distant day we shall see the accomplishment of that very important project.

I am pleased to observe that you have made provision for extending substantial aid to various important railway enterprises, which are designed to develop the vast mineral wealth of Canada, and to improve the facilities for transportation and travel.

The bill to provide an effective system of cold storage on land and sea will promote the interests of our agriculturists by affording means for the transportation of perishable food products and placing them in the best condition in the great markets of the world.

Gentlemen of the House of Commons,

I thank you for the liberal provision which you have made for the public services.

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

The session now closing will be memorable not only on account of the important measures which have been passed, but also because it has been held during the year of Her Majesty's Diamond Jubilee, in which the people of all parts of the empire united in celebrating the sixtieth anniversary of the reign of Her Magesty Queen Victoria. The splendid demonstrations which have taken place throughout the Queen's Dominions testify at once the loyalty and affection of the people towards their sovereign and the unity of the British Empire. I know that you rejoice with me that Canada has worthily performed her part in these great events.

In now taking leave of you, I desire to express my best wishes for your personal happiness and my earnest hope that the work of the session may prove useful in advancing the prosperity of the people whom you represent.

Then the Honourable the Speaker of the Senate said:

Honourable Gentlemen of the Senate, and
Gentlemen of the House of Commons,

It is His Excellency the Governor General's will and pleasure that this parliament be prorogued until Wednesday, the eleventh day of August next, to be here holden, and this parliament is accordingly prorogued until Wednesday, the eleventh day of August next.

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., Adjourn ; Adjd., Adjourned ; Amt., Amendment ; Amts., Amendments ; Amalg., Amalgamation ; B., Bill ; B.C., British Columbia ; Can., Canada or Canadian ; Com., Committee ; Co., Company ; Consd., Consider ; Consdn., Consideration ; Cor., Correspondence ; Dept., Department ; Gov., Government ; His Ex., His Excellency the Governor General ; H. of C., House of Commons ; Incorp., Incorporation ; Inq., Inquiry ; Man., Manitoba ; Mess., Message ; M., Motion ; *m.*, moved ; N.B., New Brunswick ; N.W.T., North-west Territories ; N.S., Nova Scotia ; Ont., Ontario ; Parlt., Parliament ; P.E.I., Prince Edward Island ; P.O., Post Office ; Ques., Question ; Rep., Report ; Ret., Return ; Ry., Railway ; Sel., Select ; Withdn., Withdrawn.

PART II.—SUBJECTS.